

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS**

August 11, 1992

Present: Carl M. Loffler, Jr., President
W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, August 4, 1992. Motion carried.

APPROVAL OF BILLS

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Check Register as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) METROPOLITAN COMMISSION

As a follow up to last week's decision by the Commissioners, the County Administrator presented correspondence addressed to the Metropolitan Commission approving the positions (Collections Clerk (Part-time), Construction Division Laborer, Electrician, and Operations Secretary/Dispatch) as requested in July 21 correspondence.

The Commissioners agreed to sign and forward the letter.

**2) BUDGET AMENDMENT NO. 92-66
SELF-INSURANCE**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To fund anticipated self-insurance liabilities for Fiscal Year 1992 (\$21,080).

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried four to one with Commissioner Loffler voting against.

**3) SLUDGE UTILIZATION PERMIT APPLICATION
JOSEPH W. VALLANDINGHAM PROPERTY**

The County Administrator presented correspondence from the Maryland Department of Environment forwarding a Sludge Utilization Permit Application for the Joseph W. Vallandingham property. Therefore, Mr. Cox presented the standard correspondence addressed to the Maryland Department of Environment indicating the Commissioners do not request a public hearing but reiterating the Commissioners' reservations.

Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward the letter as presented. Motion carried four to one with Commissioner Jarboe voting against.

County Administrator Cox advised the Commissioners that the Agriculture/Seafood Commission will be conducting a public meeting in the evening some time in September or October.

4) **CORRESPONDENCE TO GENEALOGICAL SOCIETY**

The County Administrator presented correspondence addressed to the St. Mary's Genealogical Society responding to the request for use of the old jail for storage of records. The letter advises that the Commissioners will keep the request under consideration.

The Commissioners agreed to sign and forward the letter as presented.

5) **EMERGENCY FOOD ASSISTANCE PROGRAM**

The County Administrator presented an application for the continuation of the Emergency Food Assistance Program for the period October 1, 1992 through September 30, 1993. The designated Emergency Feeding Organization is the Tri-County Community Action Committee.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Application as presented. Motion carried.

6) **LEONARD HALL JUNIOR NAVAL ACADEMY**

a) Addendum to Lease

The County Administrator presented the Addendum to the lease with the Leonard Hall Junior Naval Academy relative to changes in the method of payment from quarterly payments of \$2,000 equalling \$8,000 annually to ten equal payments of \$800 which will begin in August.

b) Correspondence to Board of Trustees

The County Administrator presented correspondence addressed to the Leonard Hall Board of Trustees acknowledging the Addendum and indicating payment expectations of the Commissioners and addressing the issue of subleasing of the drill hall.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign the Addendum to the Lease and the correspondence. Motion carried.

7) **CORRESPONDENCE OF APPRECIATION**

The County Administrator presented correspondence expressing appreciation to Chris Wilson for his service on the Community College Advisory Board.

The Commissioners agreed to sign and forward the letter as presented. Motion carried.

8) **SENIOR CARE GRANT - FISCAL YEAR 1993
NOTIFICATION OF GRANT AWARD**

The County Administrator presented the referenced Senior Care Grant Notification of Grant Award in the amount of \$83,292 which is a gap-filling service provided by the Health Department, Social Services, and Office on Aging and is administered by the Office on Aging.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

(The following items were presented later in the meeting when Commissioner Bailey was not present.)

9) **BUDGET AMENDMENT NO. 93-7
ST. MARY'S PUBLIC SCHOOLS**

The County Administrator presented a Budget Amendment recommended for approval by the Director of Finance with the following justification: Transfer of excess funds from CIP allocations to cover funding for the relocatable classroom project which has no funding allocation. (\$107,788)

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

10) **SUPERVISOR OF CIVIL ENGINEERING
DEPARTMENT OF PUBLIC WORKS**

The County Administrator presented a memorandum dated August 4 from the Personnel Officer recommending the appointment of George Erichsen to the position of Supervisor of Civil Engineering, Grade 25, Step 4.

Commissioner Jarboe moved, seconded by Commissioner Loffler to approve the selection of Mr. Erichsen as recommended. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Personnel. Motion carried. The Session was held from 9:25 a.m. to 9:45 a.m.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **PUBLIC HEARING - SPECIAL TAXING DISTRICT
MILES DRIVE - MILES SUBDIVISION**

The Commissioners conducted a public hearing to obtain comments on a petition for the establishment of a special taxing district for Miles Drive from the intersection with State Route 235 to the end, a distance of approximately 740 feet in Miles Subdivision in the Sixth Election District. The district includes Parcels 296-298, 352 and 480 as shown on Tax Map 34. The property owners will be assessed at \$205 annually for 20 years.

A public informational meeting was held in accordance with the County's policy for special taxing districts on June 24, and the County has subsequently received a reaffirmation petition from the property owners to go forward with the STD.

Mr. Ichniowski advised that he was looking into having the State participate in the district because of state construction on Rte. 235.

Commissioner Loffler inquired whether there were any comments from the audience.

Mr. James W. Miles (who resides at the first house) stated that he would support the district for the roads, but was concerned about the accumulation of water during a rain storm, which created a health as well as a safety problem. Mr. Ichniowski indicated that stormwater management will be addressed with the project.

Hearing no other public comment, the public hearing was closed. The record will remain open for ten days.

2) **ROAD RESOLUTION NO. R92
ROAD NAME CHANGE**

The Commissioners conducted a public hearing on July 28 on a request to change the name of a portion of County Route 3099, Sugar Hole Road, from Maryland Route 470 to the end of the paved surface, to Old Trappe Lane. Mr. Ichniowski presented the referenced Road Resolution approving the road name change as requested.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Road Resolution No. R92- as presented. Motion carried.

3) **ORDINANCE NO. 92-20
ROOF TOP CIRCLE SPECIAL TAXING DISTRICT.**

The Commissioners conducted a public hearing on July 28 on a petition to establish a Special Taxing District for the improvement to Roof Top Circle, from the intersection with County Oak Road to the intersection of Alison Circle, a distance of approximately 635 feet in the Golden Beach Subdivision. Therefore, Mr. Ichniowski presented Ordinance No. 92-20 establishing the Special Taxing District as requested.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and sign Ordinance No. 92-20 establishing the Roof Top Circle Special Taxing District. Motion carried.

4) **ACCEPTANCE OF DEED
HUNTING QUARTER DRIVE**

Mr. Ichniowski presented a Deed dated December 10, 1991 between Alva V. Watson and Thomas B. Watts and Board of County Commissioners of St. Mary's County accepting Hunting Quarter Drive, in Hunting Quarter Subdivision, Second Election District, into the County's Highway Maintenance System.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to accept and authorize Commissioner Loffler to sign the Deed as presented. Motion carried.

(Commissioner Bailey left meeting at 10:15 a.m.)

**PUBLIC HEARING
PROPERTY TAX PAYMENT DEFERRAL FOR ELDERLY OR DISABLED HOMEOWNERS**

Present: Mary Pat Pope, Administrative Officer
James Spence, Assessments and Taxation

Present in Audience: Mary Whetstine, George Smith, Doug Ritchie

The Commissioners conducted a public hearing on a proposal for the establishment of a program for residential property tax payment deferral for elderly or disabled homeowners.

The notice of public hearing was properly advertised in The Enterprise on July 31 and August 5.

Mrs. Pope reviewed the draft ordinance establishing the referenced program and highlighted eligibility requirements and terms and conditions.

Issues raised by the Commissioners and audience included:

- Whether a mortgage company would be in favor of the program; (this would be between the mortgage company and the individual)
- Whether it was possible for an individual to use both the property tax payment deferral program as well as the homeowner's tax credit program.
- Whether the \$25,000 income limitation should apply if an individual receives an inheritance one year.
- Whether there should be a built-in increase over the \$25,000 limitation to be indexed with cost-of-living figures.
- Payment of taxes by individual receiving the property through inheritance and may be "cash poor."
- Regarding payment of taxes for someone who enters a nursing home and places assets in a trust.
- The fact that a lien is placed on the property and how the banking industry would address this.

Hearing no other comments the public hearing was closed. The records will remain open for ten days with a decision by the Commissioners to be scheduled in two weeks.

**ETHICS COMMISSION
PRESENTATION OF DRAFT ETHICS ORDINANCE**

Present: Charles Mander, Chairman
Serita McFarling
Richard Portee
George Smith
Joseph Densford, County Attorney

The referenced members of the Ethics Commission appeared before the Commissioners to present proposed amendments to the St. Mary's County Ethics Ordinance. Mr. Mander pointed out that some changes were as a result of concerns expressed by the State Ethics Commission regarding "honoraria" and others are the result of requests for advisory opinions.

Discussion ensued regarding an amendment to Section 6 - Financial Disclosure (F.2.b.) requiring names and addresses of partners or shareholders of a business entity doing business with the county. Commissioner Loffler questioned the legality of the requirement and why the information would be needed from an ethical standpoint. Mrs. McFarling responded that if it is not legal then it would be removed from the Ordinance, but explained that it was necessary to avoid the appearance of conflict. Mr. Densford agreed to research the legality of the requirement to disclosure partners or shareholders. Commissioner Loffler indicated he may not have a problem if confidential information was given to the Ethics Commission upon request and to be kept confidential.

Another issue raised by Commissioner Loffler was the proposed amendment to Section 5 - Conflicts of Interest (C.4.) which removes volunteer members of boards and commissions who serve without compensation or paid nominal sums from the requirement of outside employment restrictions. He stated that it was important to know of any possible financial conflict these members might have particularly those on decision-making boards--Planning Commission and Board of Appeals. Commissioner Jarboe suggested that the phrase "or who are paid only nominal sums" be deleted, and that those volunteers that serve without compensation or are reimbursed for actual expenses be exempted from that provision.

Mr. Mander advised that the Ethics Commission will review the areas of the proposed Ordinance questioned by the Commissioners; review the law as to legality of the requirement for disclosure of partners or shareholders; send it to the State for comments, and return to the Commissioners with an amended document and to request the scheduling of a public hearing.

**INFORMATION RELEASE
VACCINATION CLINIC**

Present: Dr. William Marek, Health Officer

Dr. Marek appeared before the Commissioners to present an Information Release announcing that the Governor has authorized a vaccination clinic to be held on weekends to get children updated on vaccinations for childhood diseases. The free clinic, to be held August 15 and 16 at the Charlotte Hall Veterans Home from 10 to 4 p.m., is for children from 0 to 6 and children entering the sixth grade.

DEPARTMENT OF PLANNING AND ZONING

Present: Jon Grimm, Director

1) ZONING ORDINANCE AMENDMENTS

Because of the lack of adequate time for discussion, the Commissioners agreed to defer decision discussion on the proposed Zoning Ordinance Amendments until August 25 when the full Board will be present.

**2) RESOLUTION NO. 92-21
VESTED RIGHTS**

The Commissioners had conducted a public hearing on July 28 to consider extending the deadline for vesting site plans and subdivision plans from the previously extended deadline of August 1, 1992 to May 1, 1993.

Mr. Grimm presented an updated list of projects that would be affected by the request to extend the vested rights deadline. He pointed out that some projects have been deleted because they have gone to record or have received building permits. He stated that he believed that those projects that have started on work on infrastructures should be given consideration for grandfathering.

Commissioner Loffler indicated that decisions should not only be made because of financial investments as there are other investment costs. He pointed out that the extension had been given to August 1 because of unusual economic times, and he believed that there has been no change in the economy to warrant not granting another extension.

After discussion Commissioner Thompson moved, to accept the Planning Director's recommendation to allow the projects that have begun infrastructure construction to be vested and that others go before the Planning Commission to be decided on a case-by-case basis. Motion failed for lack of a second.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to extend the vested rights to May 1, 1993 for those projects in process, and further to sign Resolution No. 92-21 amending Ordinance No. 90-11 by repealing Ordinance 91-10. Motion carried three to one with Commissioner Thompson voting against.

COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Joan Kozlovsky, Superintendent
Jonathan Nelson, President, Board of Education
Jean Campbell, "
Al Lacer, "
Fred Wallace, "
Chris Servello, student member

1) Procurement Study Status Report

Also Present: Elaine Kramer, Supervisor, Budget/Fiscal

Mrs. Kramer presented a update on the progress of the procurement study. She stated that there were two areas being pursued: capital projects and pricing comparisons. She listed the key dates for the Piney Point Roof project. The request for cost estimates was sent to the A/E and the roofing investigation and report will be available by September 18. The results will be presented to the two Boards for a determination as to how to proceed. Dr. Nelson pointed out that this will be a test case and at the completion the process will be evaluated.

A second element of the study was the comparison of costs of contracts outside the capital projects. The evaluation included the purchase of various goods such as office supplies, and it was determined that there was not a clear differentiation in savings using the county's procurement system.

2) Ingraham Report - Capital Improvement Program

Also Present: Charles Wade, Director of Finance

Mr. Lacer advised that staff and the Board reviewed the Ingraham report and stated that it will serve as a guide for future capital improvement projects.

Mrs. Kozlovsky noted that St. Mary's Public Schools will continue to work with the state in the development of the capital improvement plan in order to ensure accurate state funding and support. She indicated that the Ingraham Report raised budgetary concerns with the County. An analysis will be done and preliminary information will be shared with the Commissioners at the September meeting with additional discussion at the October meeting.

Mr. Wade presented a handout outlining the proposed school construction projects and projected revenues to support those projects for Fiscal Years 1994 through Fiscal Year 2000. He advised that by the year 2000 there would be a cumulative bond issue in the amount of \$41M with a debt service of \$4.1M.

3) Budget Hearing Process

Commissioner Loffler indicated that at the September meeting the two boards will discuss the budget hearing format and process and inquired whether there were any suggestions.

Suggestions included:

Commissioner Loffler - that the format be changed by restricting repetition. He further suggested that any misinformation presented be addressed and clarified. Mr. Lacer, Mrs. Campbell and Commissioner Lancaster indicated that they would not like to restrict people from speaking.

Commissioner Thompson - That information needs to get to the public and recommended using Channel 10.

Mr. Lacer - that the presentations be limited in order to allow more time for citizen's comments.

"ROOTS AND WINGS"

The Commissioners attended the Public Schools presentation on the "Roots and Wings" program, a grant received from the New American Schools Development Corporation.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of litigation. The Sessions were held as follows:

Litigation

Also Present: Joe Densford, County Attorney
Charles Wade, Director of Finance
Dan Ichniowski, Director, Public Works
George Jarboe, Public Works
Carol Gallagher, Procurement Office

(Held from 3:50 p.m. to 4:45 p.m.)

Litigation

Also Present: Joseph Densford, County Attorney
Dan Ichniowski, Director, Public Works

(Held from 4:45 p.m. to 5:05 p.m.)

ADJOURNMENT

The meeting adjourned at 5:05 p.m.

Minutes Approved by Board of
County Commissioners on 8/18/92

Judeck A. Spalding
Recording Secretary

