

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

December 22, 1992

**Present:** Commissioner Robert T. Jarboe, Vice-President  
W. Edward Bailey, Commissioner  
John G. Lancaster, Commissioner  
Barbara R. Thompson, Commissioner  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

(Commissioner Carl M. Loffler, Jr. was not present due to illness.)

(Commissioner Bailey was not present at the beginning of the meeting.)

**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, December 15, 1992. Motion carried.

**APPROVAL OF BILLS**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Vice-President Jarboe to sign the Check Register as presented. Motion carried. (The motion was made later in the meeting when Commissioner Bailey was present.)

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Historic Preservation Grant Application  
Second Phase of Three**

The County Administrator presented the referenced grant application for 1993 funding in the amount of \$18,868 from the Maryland Historical Trust which is due December 31. Funds are proposed to be budgeted in FY '94 for the county's required match, and the County Administrator advised that if the Commissioners decide at a later date to not fund the county's share of the grant, then it could be cancelled.

**After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Jarboe to sign the Historic Preservation Grant Application as submitted. Motion carried.**

2) **Response Correspondence - Route 235 Widening**

The County Administrator presented correspondence to Ms. Esther C. deLashmutt responding to her concerns relative to the proposed improvements to Maryland Route 235. The letter explains the county's plans and purpose of the widening project and indicates that the Commissioners will keep the public informed as it progresses.

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

3) **Clearinghouse Project No. MD921208  
Draft EIS Warfare Center**

The County Administrator presented the referenced clearinghouse project and advised that staff will be developing comments regarding the draft Environmental Impact Statement for review by the Commissioners on January 5. Final comments are due to the Clearinghouse by January 11.

**The Commissioners gave their concurrence to authorize staff to proceed to develop comments.**



4) **Elms Property Lease (Re-signing)**

The County Administrator advised that the referenced lease had been presented to the Board on December 8 to be resigned because the original document had been misplaced at the state level. It has now been returned to be re-signed again because it lacked notarization of certain signatures.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Jarboe to sign the Elms Property Lease as presented. Motion carried.**

5) **Permanent Easement and Agreement  
St. Mary's Industrial Park Sewer System**

The County Administrator presented the referenced Easement and Agreement between St. Mary's County Commissioners and the St. Mary's Metropolitan Commission regarding the installation of the sewer system for the St. Mary's Industrial Park. County-owned land will be needed at two points: for the sewer line and the location of the grinder pump.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Jarboe to sign the Permanent Easement and Agreement as presented. Motion carried.**

6) **Appointments  
Community Development Block Grant Advisory Committee**

Commissioner Thompson moved, seconded by Commissioner Lancaster, and motion carried, to appoint the following individuals with terms as indicated:

	<u>Terms to Expire</u>	
G. Thomas Daugherty		6/30/94
W. McGordon Ferguson		6/30/95/2000
Robert Gant		6/30/95
Michael McCauley		6/30/94

7) **Addenda to Public Works Agreements**

On behalf of the Director of Public Works the County Administrator presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Tosca (Parcel "C" Warwick)

Between Interstate General Company and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to January 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$30,000.

Persimmon Hills

Between Bay Mills Construction Company and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to January 1, 1994. The Addendum is backed by a Bond with International Fidelity Insurance Company in the amount of \$380,000

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice-President Jarboe to sign the Addenda as presented. Motion carried.**

8) **Correspondence Calling Letter of Credit  
Bay Ridge Estates**

The County Administrator presented correspondence addressed to the First National Bank of St. Mary's calling Letter of Credit No. A1-12-31-91 in the amount of \$234,500 for a Public Works Agreement.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Jarboe to sign the letter as presented, to be forwarded if necessary. Motion carried.**



9) **Acceptance of Deeds  
Road Resolutions**

On behalf of the Department of Public Works the County Administrator presented the following Deeds and appropriate Road Resolutions for the Commissioners' review and approval:

**Wildewood - White Oak Parkway**

Deed dated July 11, 1989 between Paragon Builders, Inc. and Board of County Commissioners of St. Mary's County accepting White Oak Parkway into the County Highway Maintenance System.

Road Resolution No. R92-40 - designating White Oak Parkway as a Stop Street as it intersects with Wildewood Parkway.

Road Resolution No. R92-41 - posting White Oak Parkway at 25 miles per hour.

**Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Jarboe to sign the Deed and Road Resolutions. Motion carried.**

**Head of the Bay Estates**

Deed dated June 30, 1992 between Jean G. Ledford and Bruce W. Ledford and St. Mary's County Commissioners accepting Ledford Way into the County Highway Maintenance System.

Road Resolution R92-38 designating Ledford Drive as a Stop Street as it intersects with Md. Route 242.

Road Resolution R92-39 posting Ledford Drive at 25 miles per hour.

10) **Budget Amendment No. 93-24  
Public Works**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: Funding for Recycling Coordinator - \$9,043 (Pension and Health Insurance).

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

(Commissioner Bailey entered the meeting at 9:40 a.m.)

11) **Pegg Road Property Acquisition  
Resolution No. 92-33**

(Commissioner Lancaster did not participate in this item.)

The County Administrator presented the referenced Resolution directing the Office of Planning and Zoning and the Department of Public Works to take certain actions relating to any future development of a tract of land owned by Mary H. Clyburn, Louis P. Jenkins and Tri-County Federal Savings Bank, a .394-acre portion of which land is being acquired by the Board of County Commissioners in a pending condemnation action, and directing the County Attorney to cause this Resolution to be recorded among the land records of St. Mary's County.

**Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 92-33. Motion carried.**

**EXECUTIVE SESSION**

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Property Acquisition (Higher Education Facility) as provided under Article 24, Section 4-210(a)11. Motion carried.



Property Acquisition

Present: Commissioner Robert T. Jarboe, Vice-President  
Commissioner W. Edward Bailey  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11, Md. Annotated Code

Topic: Property Acquisition - Higher Education Facility site.

Time Held: 9:43 a.m. - 10:15 a.m.

(Joe Densford left the session at 10:00 a.m.)

Action Taken: To present in Open Session the Memorandum of Understanding with the property owner for the higher education facility site, the letter to Governor Schaefer regarding funding commitments and the acquisition of the site and an Information Release announcing the signing of the Memorandum of Understanding.

**HEALTH DEPARTMENT  
AGREEMENTS - MERGING OF PROGRAMS**

Present: Dr. William Marek, Health Officer  
Ed Moseley  
Kathy O'Brien, Director, Walden  
Sue Gelrud, President, Walden  
Elmer Brown  
Frank Sullivan  
Ann Marum

As a follow up to the December 8 meeting, Dr. Marek appeared before the Commissioners to present agreements relative to the merger of the Alcohol Substance abuse programs with Walden/Sierra Corporation and the mental health programs with the Mental Health Authority and Mental Health Services of Southern Maryland, Inc. Dr. Marek advised that the documents have been reviewed by the County Attorney and approved as to legal sufficiency.

In response to an inquiry from Commissioner Thompson regarding the transition period for state employees, Dr. Marek indicated that the 90-day transition period was used instead of the previously mentioned one-year time period. The Attorney General recommended the 90-days as required by the state merit system and noted that the employees are aware of this.

After discussion the Commissioners advised that they would review the two agreements and take action at their January 5 meeting.

**HIGHER EDUCATION FACILITY SITE**

Present: Joe Densford, County Attorney

1) **Memorandum of Understanding**

County Administrator Cox explained the background of the selection of the site for the higher education facility pointing out the hiring of a consultant, the formation of a panel comprised of funding participants, the selection process, and the Governor's announcement that the County had the responsibility to obtain the site.

Therefore, Mr. Densford presented the Memorandum of Understanding between the Board of County Commissioners of St. Mary's County and Alice R. Waldschmitt relating to a 24.8 acre site located in the Sixth Election District on the south side of Airport Road which is being offered to the County at no cost subject to the terms and conditions set forth in said Memorandum of Understanding.



After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Vice-President Jarboe to sign the Memorandum of Understanding as presented.

2) **Correspondence to Governor Schaefer  
Information Release**

The County Administrator presented correspondence addressed to Governor Schaefer which points out the effect of the Naval Air Warfare expansion on the county, funding commitments for the higher education facility, the county's acceptance of the responsibility for obtaining the property, and requesting that the Building Authority Commission be assigned for the planning, design, and construction of the facility.

In addition Mr. Cox presented an Information Release regarding the Southern Maryland Higher Education Facility site in St. Mary's County.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented and further approve the distribution of the Information Release. Motion carried.

**COUNTY COMMISSIONER TIME**

Recycling Coordinator Position

Commissioner Thompson noted for the record that when the referenced position was discussed at last week's meeting, she had made the comment that the original motion stated that it should be funded out of tipping fees. Because the budget had already been developed when the position had been approved earlier, funds would have to come from Reserve for FY '93. She suggested that use of tipping fees for the position be taken into consideration during the development of the FY '94 budget.

**EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel (State's Attorney's Office) as provided under Article 24, Section 4-210(a)1 and Litigation (The Sky Diving Center) as provided under Section 4-210(a)8. Motion carried.

Personnel

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

Authority: Article 24, Section 4-210(a)1, Md. Annotated Code

Topic: State's Attorney's Office Personnel

Time Held: 11:00 a.m. - 11:10 a.m.

Action Taken: Reviewed memorandum from County Administrator Cox regarding question of payment for holidays for a temporary position.

Personnel

Present: Commissioner Robert T. Jarboe, Vice-President  
Commissioner W. Edward Bailey  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Walter Dorsey, State's Attorney  
Christy Chesser, Deputy State's Attorney  
Charles Wade, Director of Finance  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1, Md. Annotated Code

Topic: : State's Attorney's Office Personnel



Time Held: 11:10 a.m. to 11:45 a.m.

(Walter Dorsey and Christy Chesser left the session at 11:35 a.m.)

Action Taken: Reviewed proposal from State's Attorney and directed County Administrator to prepare memorandum to State's Attorney regarding filling of vacancy and reclassification of a position.

Litigation

Present: Commissioner Robert T. Jarboe, Vice-President  
Commissioner W. Edward Bailey  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
Charles H. Wade, Director of Finance  
William Chen, Attorney Representing LGIT  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8, Md. Annotated Code

Topic: Litigation (The Sky Diving Center)

Time Held: 11:50 a.m. to 12:43 p.m.

Action Taken: Mr. Chen reviewed with the Commissioners his plans for representing the County in The Sky Diving legal issue.

**DEPARTMENT OF PLANNING AND ZONING**

Present: Jon Grimm, Director  
Peggy Childs, Recording Secretary.

FOREST CONSERVATION ACT DISCUSSION

Mr. Grimm noted that the Planning Commission has approved the minutes of the 11/24/92 joint public hearing and asked that the Commissioners also approve them at some point in the future. The 11/24/92 minutes have been forwarded to the Commissioners under separate cover. Also forwarded under memorandum dated 12/11/92 were written comments received following the public hearing and DPZ's summary position. At their meeting of 12/14/92, the Planning Commission recommended adoption of the FCA with two modifications to the public hearing draft:

(1) Remove the reference to Forest Conservancy District Board and eliminate the requirement for a Forest Management Plan to exempt timber harvesting. The requirements would now be for a Declaration of Intent and a sketch of the approximate area of the timber harvest.

(2) Resource Protection Standards - Modify current Section 49.00 standards to meet, but not exceed, those set in the Forest Conservation Manual. The standard would be reduced from 60% to 50% in the RPD and from 40 to 15% in development areas.

In response to the definition of "family member," which was raised at the public hearing, staff recommends adopting the language of the Zoning Ordinance; i.e., from grandparent to parent to grandchild.

Costs of implementing the regulations are estimated at \$250,000 per year, and the Commissioners discussed what alternatives the County has to adopting the plan, since there is no state funding to provide additional personnel for inspection and review of plans. They also asked whether the local program is more stringent than the State's? Mr. responded in his opinion it is not, but made a commitment that, if in administering the regulations he finds that there are areas more stringent than the State's he will identify them and bring them to the Commissioners' attention so the regulations may be reduced. He confirmed it is not staff's intention to do anything more than what the State requires us to do. He replied he does not know what will happen for sure if the County does not adopt the regulations, but the State could require the County to forward plans for their review and approval until we have adopted our program.



Commissioner Bailey suggested writing a letter to the State stating that there is no way the County can fund the regulations because of all the other cuts we have had and see what happens, because it is very important to find out whether the State will pay for the program. However, Commissioner Thompson stated she doesn't see what choice we have, since there is an Attorney General's Opinion that local jurisdictions will adopt and implement the regulations, and even though the tone of the Planning Commission's recommendation was solely to comply with the timetable for adoption required by the statute, adoption of the regulations will allow the County to retain control to administer and review our plans locally; the only alternative she sees is to go back to our legislative delegation regarding the fiscal burden to the localities.

Commissioner Jarboe asked how we can go ahead with the program when we don't have a funding source and, after further discussion, the Commissioners directed staff to prepare a letter to DNR reflecting this position for the Commissioners' review prior to the January 5th meeting. Commissioner Thompson stated, however, that the problem she has with sending the letter is that we should have been doing that back in August.

**COMMUNITY COLLEGE ADVISORY BOARD  
CONTRACT FOR PROVISION OF HIGHER EDUCATION SERVICES**

Present: Elizabeth Dufresne, Chairperson, Comm. College Adv. Bd  
George Bailey, Vice-Chair, "  
Gay Boecker, "  
William Curtis, "  
Ed Fitzgerald, "  
Joan Kozlovsky, "  
Fred Wallace, "  
Charlotte Young, "  
John Sine, President, Community College  
Elaine Ryan, Dean, "  
Jane Sypher, Asst. Dean, "

The referenced members of the Community College Advisory Board appeared before the Commissioners to present the Contract for Provision of Higher Education Services between the Board of Trustees of Charles County Community College, and Board of County Commissioners of St. Mary's County .

Mrs. Dufresne reviewed the contract pointing out the amended items and stating that the document had been approved by the Community College Board at its December 3 meeting, but has not been submitted to or approved by the College Board of Trustees.

During the review Mr. Fitzgerald indicated that one of the amendments is a clarification of the role of the Community College Board from an advisory board to one that would have a direct impact on the operation of the college and as an advisor to the Board of County Commissioners.

After discussion the Commissioners agreed to review the document, have the County Attorney review it, and take action at their January 5 meeting, after which the Commissioners would submit it to the Community College Board of Trustees.

**EXECUTIVE SESSION**

**Property Acquisition**

Present: Commissioner Robert T. Jarboe, Vice-President  
Commissioner W. Edward Bailey  
Commissioner John G. Lancaster  
Commissioner Barbara R. Thompson  
Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Joe Mitchell, Director, DECD  
Judith A. Spalding, Recording Secretary  
Community College Board Members: Elizabeth Dufresne (Chair), George Bailey, Gay Boecker, William Curtis, Ed Fitzgerald, Joan Kozlovsky, Albertine Lancaster, Fred Wallace, Charlotte Young, John Sine (Director, Community College), Elaine Ryan (Dean), Jane Sypher (Asst. Dean)

Authority: Article 24, Section 4-210(a)11

Topic: Community College at St. Mary's Site



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Time Held: 2:16 p.m. - 3:05 p.m.

(Albertine Lancaster entered the session at 2:40 p.m.; Joan Kozlovsky left the session at 2:45 pm.)

Action Taken: The Community College Advisory Board will meet and evaluate a proposed site and if necessary other sites as well.

**INFORMATION RELEASE  
SOUTHERN MARYLAND WOOD TREATMENT PLANT  
CONFERENCE CALL**

The County Administrator presented an Information Release announcing that a conference call has been scheduled for January 7 at 1:00 p.m. with EPA, Wood Treatment Plant Task Force and other interested parties.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to distribute the Information Release as presented. Motion carried.

**CORRESPONDENCE TO STATE'S ATTORNEY**

As a follow up to the Executive Session held earlier in the day, the County Administrator presented correspondence addressed to State's Attorney Walter Dorsey authorizing the following:

- o promotion of Attorney Christy Chesser to the new position of Deputy State's Attorney, Grade 26, Step 4 (\$50,582), effective December 21, 1992.
- o initiation of the employment process to fill a vacancy for Assistant State's Attorney at Grade 23.

The letter indicates that the other personnel proposal will be discussed after the selection of the individual to fill the Assistant State's Attorney's position.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. Motion carried.

**ADJOURNMENT**

The meeting adjourned at 3:12 p.m.

Minutes Approved by Board of  
County Commissioners on 1/5/93

*Judith A. Spalding*  
Recording Secretary