

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

February 16, 1993

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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, February 9, 1993. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey 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) St. Andrews Landfill Rezoning

The County Administrator reminded the Commissioners of the rezoning application for the referenced landfill project and that a decision has been pending by the Board. Mr. Cox presented a memorandum from Director of Planning and Zoning Grimm indicating that an application for a PUD has been filed and is moving toward hearing. Mr. Cox stated that it is the recommendation of Mr. Grimm and County Attorney Joe Densford that the previous zoning application should be resolved prior to moving forward on the PUD application.

The Commissioners discussed whether or not the applicant should withdraw the previous rezoning application before the County can proceed with action on the PUD application.

After discussion the Commissioners directed the County Administrator to draft correspondence to the applicant inquiring whether he would like the Commissioners to make a decision on the rezoning application or did he wish to withdraw the application prior to action being taken by the county on the PUD application.

2) Impact Fee Study Proposal

As a follow up to previous discussions, the County Administrator requested the Commissioners' decision on proceeding with the Impact Fee Study as proposed by the firm of Resnick Fedder & Silverman in correspondence dated January 5. Mr. Cox pointed out that two significant changes in the County warrant moving forward with the study--state aid reductions and the announcement of the Warminster/Patuxent River consolidation.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to commit \$10,000 to do the Impact Fee Study as presented by the County Administrator, and to direct staff to prepare the appropriate budget amendment. Motion carried.

3) **Tri-County Residential Alternatives for Youth, Inc.
Fiscal Year 1993 Budget**

The County Administrator reminded the Commissioners of a pending decision regarding the Tri-County Residential Alternatives for Youth's request for reconsideration for \$30,000 for the Fiscal Year 1993 budget. He pointed out that during the development of the FY '93 budget, the Commissioners deleted funds for this group and representatives of Tri-County have appeared before the Board to request reinstatement of those funds.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to fund Tri-County Residential Alternatives for Youth, Inc. in the amount of \$30,000 for Fiscal Year 1993. Motion carried.

4) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 93-32
Public Schools

Justification: To provide adequate contingency amount for unanticipated change order request for Piney Point Elementary School Roof System renovation

No. 93-33
Office on Aging

Justification: To provide funding to purchase three micro-computers - \$5,000

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

5) **Draft Policy Memorandum
Privatization of County Functions**

The County Administrator presented a draft memorandum regarding procedures for preparing cost estimates for services under consideration to be performed by private industry on a contractual basis. The memorandum, if approved by the Commissioners, will be forwarded to all departments informing them that from time to time the Commissioners may want to consider privatization of certain county services. Mr. Cox suggested that the Commissioners review the draft memorandum and that he would bring it back next week for discussion and decision.

**PROCLAMATION
FIRST NATIONAL BANK OF ST. MARY'S - 90TH ANNIVERSARY**

Present: Jack Candela
George Ferguson

The Commissioners presented a Proclamation recognizing the First National Bank of St. Mary's upon its 90th Anniversary.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Great Mills Road (Md. Rt. 246) Widening Project
Settlement Sheet, Affidavit of No Encumbrances and Deed**

Mr. Ichniowski presented the referenced documents for the Commissioners' review and consideration relative to the widening of Great Mills Road (Md. Rt. 246). He pointed out that the County will hold the documents until a check is received from the Maryland Department of Transportation.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Settlement Sheet, Affidavit of No Encumbrances and Deed as presented. Motion carried.

2) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Summitt Hill, Section 2

Between Summitt Hill, Inc. and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to May 1, 1994. The Addendum is backed by a Letter of Credit with Bank of Southern Maryland in the amount of \$73,000.

Carmen Woods at Tosca, Parcel "D"

Between Interstate General Company and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to March 1, 1994. The Addendum is backed by a Letter of Credit with Maryland National Bank in the amount of \$10,000.

Heart's Desire

Between Norris Pyles and Board of County Commissioners for St. Mary's County extending the deadline for completion of improvements to February 1, 1994. The Addendum is backed by a Letter of Credit with Old Line National Bank in the amount of \$17,500.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced Addenda to Public Works Agreements as presented. Motion carried.

PUBLIC HEARING

ABANDONMENT OF PORTION OF TALL TIMBERS ROAD

Present: Dan Ichniowski, Director, Public Works
John Castle, Metropolitan Commission
Tall Timbers property owners

The Commissioners conducted a public hearing on a petition filed by property owners for the abandonment of a portion of Tall Timbers Road (County Route 30826) from the intersection with tall Timbers Road to the barricade, a distance of approximately 300 feet, located in the Second Election District.

Mr. Ichniowski advised that he received a request from the Metropolitan Commission to obtain a sewer easement with the road bed in connection with the Tall Timbers Sewer project.

During discussion of the Metropolitan Commission's request for an easement, Mr. Castle advised that the purpose of the easement was to provide service to the Springer property beyond the Bowes property under the sewer project. In response to questions raised concerning the line going through the Bowes property, Mr. Castle indicated the line would be placed on the easement in order to eliminate Mr. Bowes' concern.

The public hearing was closed. The record will remain open for ten days and Mr. Ichniowski will return to the Board in two week for a decision.

EMERGENCY MANAGEMENT AGENCY ANNUAL REPORT

Present: Paul Wible, Director, EMA

Mr. Wible presented the 1992 Annual Report for the Emergency Management Agency. He reviewed the Internal Activities, number of incidents in the County, calls (fire, rescue squads, Maryland State Police, Sheriff's Office, and Animal Control).

In conclusion the Commissioners thanked Mr. Wible for his report and expressed appreciation to the EMA staff for their accomplishments.

A copy of the report is on file in the Commissioners' Office.

ST. MARY'S COUNTY WOMEN'S CENTER

Present: Susan Borneman, Executive Director
Carol Marcy
Darlene Connelly

The referenced individuals appeared before the Commissioners to present an update of the activities of the St. Mary's Women's Center. Mrs. Borneman reported on the following services and projects of the Women's Center:

- o Legal referrals including pro bono or reduced fee services
- o Information and referral services to appropriate agencies.
- o Financial and education counseling.
- o Advocacy
- o Workshops
- o Primary focus in recent years has been domestic violence.
- o Establishment of a crisis fund for purchase of medications, baby formula, food for clients in need.
- o Follow up services to clients.
- o Works with Helping Hands, Social Services, HOPE, and other agencies and organizations.

Ms. Marcy advised that a needs survey was conducted with potential clients and women in the County and the results showed that domestic violence was seen as the primary importance; second importance was the need for a women's shelter; and third was to provide educational and career workshops for women going back to work or changing careers.

In conclusion the Commissioners thanked the Women's Center representatives for the report and requested to be kept informed.

WICOMICO SHORES AGREEMENT

Present: Al Lacer, Attorney, Wicomico, Inc.
Herb Redmond, D.H. Steffens
David Jenkins, "
L. K. Farrell, Wicomico, Inc.
Joe Mitchell, Director, DECD

Representatives of Wicomico, Inc. appeared before the Commissioners to explain the background of their recent decision to withdraw from requesting EDU's at Wicomico Shores.

Mr. Lacer advised that he had presented an Agreement to the Metropolitan Commission dated October 1992 and signed by his clients transferring Wicomico, Inc.'s involvement in the water facility at Wicomico Shores to MetComm.

Mr. Lacer pointed out the following issues:

- o That two events occurred which resulted in Wicomico Inc. withdrawing the request for EDU's
 - (1) That the Metropolitan Commission did not feel that Wicomico, Inc. could be involved at less than the previously established 211 EDU's. Because of changes in the County's Ordinance and because of wetlands and critical area criteria, the developer was unable to provide 211 lots. Wicomico, Inc. had requested to reduce the number of EDU's to 145. MetComm had indicated that Wicomico had to be "in for all 211 or be out completely."

the Metropolitan Commission, his client opted out, and had the October 12, 1992 Agreement taken off the table.

(2) MDE issued an Order for Wicomico, Inc. to bring the plant into compliance; and Wicomico was issued a civil fine and given 30 days to come up with short and long term compliance. The cost of hiring a consultant and cost of repairs has created expenses that had not been anticipated. Wicomico, Inc. is not in a position to turn the water system plant over to the Metropolitan Commission free of charge.

- o That the Metropolitan Commission had agreed to work with MDE regarding compliance of the plant
- o That he believed there was a break down in the County Commissioner appointed task force that had been established to assist in resolving the problems at Wicomico Shores. He suggested that it be re-established to accomplish what needs to be done.

By way of site plans, Mr. Redmond explained the location of the lots and demonstrated the reasons for reducing the EDU request to approximately 145.

During discussion the Commissioners raised certain points including the following:

- o Commissioners Thompson and Jarboe indicated that Wicomico, Inc. should have been aware of changes in the Ordinance, wetlands and critical areas two years ago when they had made the commitment for 211 EDU's.
- o Commissioner Loffler expressed concern that there may have been a breach regarding completion of the agreement and that there should be research of the record. He further stated that the County was not a party to the EDU portion of the October 1992 Agreement, only the road portion.
- o Commissioner Jarboe questioned whether other properties including the commercial area could be used toward the 211 EDU's.
- o Commissioner Bailey indicated that Wicomico had committed to the 211 and should see if it was possible to keep to that commitment. He also suggested that the Commissioners should meet with both groups (MetComm and Wicomico, Inc.) to hear both sides of the situation.

In conclusion the Commissioners requested that a meeting be arranged with the Metropolitan Commission to respond to the issues that have been raised.

ST. MARY'S COUNTY WELLNESS COMMITTEE

Present: Becky Stevens
Jean Dean
Mary Novotny
Judith Spalding

The referenced individuals appeared before the Commissioners to explain the re-establishment of county government's wellness program and to request the Board's support. Mrs. Stevens explained the purpose of the committee is to promote wellness activities and provide wellness education among the county employees. She reported that studies indicate that employee participation in well-coordinated health education and activity programs reduces absenteeism and increases productivity.

Mrs. Novotny advised that the Health Department's Health Risk Appraisal Machine is available in Room 16 until 4:00 p.m. today. A questionnaire must be completed and the machine will give each individual a personal health risk assessment.

Mrs. Spalding explained the two new walking trails around the governmental center; one three quarters of a mile and the other one mile. She will prepare maps for distribution at

a later time. She also pointed out that she has had training in taking blood pressures and will be available to take employees' blood pressures upon request.

Mrs. Dean reported that because of her resources through Cooperative Extension she was in charge of the nutrition program of the wellness program. She informed the Commissioners that nutritious snacks are available in Room 16 for them and other county employees after they complete the survey.

In closing Mrs. Stevens advised that the Committee was putting together a budget in the \$300-\$400 range to fund some of the activities and for the purchase of employee incentives. The Employees' Association will be requested to provide half of that amount, and requested the Commissioners to consider funding the other half.

The Commissioners thanked the Committee for providing county employees with an opportunity to participate in healthful activities.

PROCLAMATION FBLA WEEK

Present: Students from Chopticon

The Commissioners presented a Proclamation designating the week of February 14 - 20 as FBLA Week in St. Mary's County.

OFFICE ON AGING SECTION 18 CERTIFICATION

Present: Gene Carter, Director, OOA

Mr. Carter appeared before the Commissioners to present documents relative to the Special Section 13(c) Warranty for Application to the Rural Program for certification. The procedure has changed to a one-time submittal and an annual "Statement of Continued Validity." Mr. Carter, therefore, submitted a letter to be forwarded to the Mass Transit Administration indicating the County has made application to MTA for Section 18 grant for the period July 1, 1992 to June 30, 1993. The letter further states that the terms and conditions of the Special 13(c) Warranty shall apply to the protection of the employees of any employer providing transportation services assisted by this project.

Mr. Carter explained the intent of the certification and that the project only affects two employees and there is little likelihood of these employees being "disadvantaged" due to the project.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the appropriate documents relative to the certification. Motion carried.

COMMISSION FOR DISABLED

Present: Cynthia Brown, Chairperson
Gene Carter
Nancy Hutson
Dennis Nicholson
Phil Rollins

The referenced individuals appeared before the Commissioners to explain the County's Self-Evaluation Plan relative to the Americans with Disabilities Act. Mrs. Brown presented a handout listing by county department deficiencies found, corrective action to be taken, timetable, and reason corrective action is not required. She advised that completed individual department self-evaluation forms have been compiled in a single binder for anyone's review and is available in the Office of Community Services.

During discussion of improvements that have been made and those that are needed to public buildings, Mrs. Hutson stressed the importance of public education regarding ADA requirements.

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The Commissioners thanked the Commission for Disabled for their report and requested to be kept up to date on its programs and activities.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss a matter of Property Acquisition (community college site), as provided in Article 24, Section 4-210(a)11 and Litigation (Skydiving Center), as provided in Article 24, Section 4-210(a)8. Motion carried.

Property Acquisition

Present: W. Edward Bailey, Commissioner
Robert T. Jarboe, Commissioner
John G. Lancaster, Commissioner
Barbara R. Thompson, Commissioner
Edward V. Cox, County Administrator
Mary Pat Pope, Administrative Officer
Charles H. Wade, Jr., Director of Finance
Judith A. Spalding, Recording Secretary

(Commissioner Loffler did not participate.)

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

Topic: Property Acquisition - Community College

Time Held: 2:05 p.m. - 2:55 p.m. and 3:25 p.m. - 4:50 p.m.

Action Taken: Reviewed documentation relative to a site for the community college.

FISCAL YEAR 1994 BUDGET ST. MARY'S COUNTY REVENUES

Present: Charles Wade, Director of Finance

Mr. Wade presented a handout setting forth the county's revenues (FY '92 Actual, FY '93 Budget, FY '93 through 1/93 and FY '94 Budget). He stated that projected revenues for Fiscal Year 1994 are estimated at \$69,166,909 and requested the Commissioners concurrence to use this figure in the development of the FY '94 Budget. The Commissioners gave their concurrence.

In closing County Administrator Cox advised the Commissioners that staff will now start looking at the expenditure side of the budget.

PERSONNEL MANUAL PRESENTATION

The Commissioners attended the second presentation of the proposed changes to the St. Mary's County Manual of Personnel Policies and Procedures at the Carter State Office Building.

EXECUTIVE SESSION

(Authorization for session given earlier in the meeting.)

Litigation

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

(Commissioner Loffler was not present.)

Authority: Article 24, Section 4-210(a)8

Topic: Litigation - Skydiving Center

Time Held: 5:42 p.m. - 6:40 p.m.

Action Taken: Attorney Chen brought the Commissioners up to date relative to The Skydiving Center litigation.

ADJOURNMENT

The meeting adjourned at 6:40 p.m.

Minutes Approved by Board of
County Commissioners on February 23

Judith A. Spalding
Recording Secretary