

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

March 9, 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, March 2, 1993. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) 1993 Legislative Package - Status Sheet

For the Commissioners' information the County Administrator distributed an updated status sheet on the County's 1993 Legislative Package items.

**2) Cooperative Reimbursement Agreement Application
Circuit Court**

The County Administrator presented the referenced Cooperative Reimbursement Agreement Application in the total amount of \$52,583 (\$32,718 - Department of Human Resources; \$19,865 - local) for the period July 1, 1993 - June 30, 1994. The grant will allow the courts to increase the number of days the Master and supporting staff would be serving the county.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Agreement as presented. Motion carried.

**3) Board of Education
Grant Awards**

The County Administrator presented correspondence dated February 24 from the Superintendent of Schools requesting approval of new grant awards that had been received but not included in the Approved Operating Budget for FY '93. Therefore, Mr. Cox presented a response to the Board of Education approving inclusion of the grant awards as requested.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to sign and forward the letter as presented. 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. 93-37

Planning and Zoning

Justification: To correct error made in account number to be increased on Budget Amendment No. 93-34 which was to cover shortfall in Office Maintenance of Equipment account for remainder of year. (\$1,500)

No. 93-38

St. Mary's County Public Schools

Fiscal Year 1993 Supplemental Projects (\$286,987)

No. 93-39

County Attorney

To fund anticipated self-insurance expenses (\$4,793)

No. 93-40

Social Services

To provide funding for burial assistance (\$820)

Discussion ensued regarding Budget Amendment No. 93-38 - St. Mary's Public Schools and the fact that one of the capital projects was furniture and equipment for the new Hollywood Elementary School and the project had a surplus. The Commissioners agreed to defer action on No. 93-38 until after discussing it with the Board of Education.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign Budget Amendment Nos. 93-37, 93-39, and 93-40 as presented. Motion carried.

5) **Community College Oversight Committee**

The County Administrator presented a memorandum to the Board advising that staff met with representatives of the Community College and the Board of the Community College for St. Mary's. He reported that duties and responsibilities were defined and assigned; timelines were developed with critical path dates established; and financial requirements were clarified. County Administrator Cox indicated that the group recommended that an oversight committee be formed to see the community college project through to completion through the multi-layered approval process. Therefore, Mr. Cox requested the Commissioners' approval of an Oversight Committee comprised of: Elizabeth Dufresne, George Bailey, Edward Fitzgerald, Charlotte Young, and Elaine Ryan.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the establishment of the Oversight Committee as recommended. Motion carried.

6) **Appointments
Boards, Committees, Commissions**

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

<u>Mental Health, Substance Abuse and Victims Advisory Council</u>	<u>Terms to Expire</u>
Michael A. Harper	06/30/97
Renee Howard	NO TERM
 <u>Recreation and Parks Board</u>	
Carole Montague-Bd/Rep.	12/31/94/98
 <u>St. Clement's Island Potomac River Museum Board</u>	
Louanne A. Bailey	12/31/94/98

7) Appreciation Letters

The County Administrator presented letters of appreciation to those individuals no longer able to serve on Boards, Committees and Commissions and to the Chairperson of Boards for presentation of annual reports.

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

**8) Southern Maryland Higher Education Facility
Board of Governors**

The County Administrator presented the following items of correspondence for the Commissioners' consideration and approval:

- o To Lawrence Schadegg, President, St. Mary's Technology Council advising that the Commissioners have reviewed the submitted by-laws and offering comments. The letter further states that the Commissioners are not yet prepared to review the submitted list of nominees.
- o To Governor Schaefer (to be signed by Commissioner Loffler and Mr. Schadegg and to be forwarded by Mr. Schadegg) forwarding the proposed by-laws and requesting the State's review and concurrence.

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

COUNTY COMMISSIONER TIME

**Economic Development Commission Subcommittee
Planning and Zoning Permit Process**

Commissioner Loffler advised that in a conversation with the Chairman of the Economic Development Commission, Mr. Burch suggested that the EDC form a subcommittee to work with the Director of Planning and Zoning to assist in improving the information flow from the Department of Planning and Zoning to the business community in a constructive manner. Commissioner Jarboe suggested that the subcommittee look at the entire permit process as it relates to individual citizens as well as businesses.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the establishment of an EDC Subcommittee. Motion carried.

ANNUAL REPORT

ST. CLEMENTS ISLAND POTOMAC RIVER MUSEUM BOARD

Present: James Banagan, Past Chairman
Roy Dyson, New President
Robert Arnold
Kim Cullins
Mary Lillian Hewitt
Robert Kopel
Fred Wallace, Friends of the Museum
Phil Rollins, Director, Recreation and Parks
Michael Humphries, Director, St. Clements Museum

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the St. Clements Island Potomac River Museum Board. Mr. Banagan reviewed the establishment of the Board; significant activities (completion of new exhibits, boat trips, cataloging of museum collections, accreditation, grants); and plans for the current year (country store exhibit, development of Lighthouse Museum and Park, search for grants).

Discussion ensued regarding the state's removal of trash receptacle, and the Commissioners suggested that Mr. Rollins check to see if the County can get those receptacles.

A copy of the Report is on file in the Commissioner' Office.

**ANNUAL REPORT
WICOMICO RECREATION COMPLEX ADVISORY COMMITTEE**

Present: James Banagan
Mel Reed
Phil Rollins

The referenced individuals appeared before the Commissioners to present the 1992 Annual Report for the Wicomico Recreation Complex Committee. The report included financial statements for Fiscal Years 1991 and 1992; financial comparisons for Fiscal Years 1991 and 1992 and projections for Fiscal Year 1993; golf course financial comparisons; highlights for the golf course and waterfront operations; fee schedules; and proposed 1993-94 Capital Improvements.

During discussion Mr. Rollins noted that there has been strong interest expressed for additional activities for children and stated that funds from the golf course will be used to update the tennis courts and provide playground equipment. The long range plan is to acquire additional land adjacent to the golf course for future expansion and for a community park.

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

**HUNTER'S RETREAT
MORTGAGE VS. CRITICAL AREA**

Present: Kennedy Abell, Tri-County Federal
John Drury, applicant
Jon Grimm, Director, Planning and Zoning
Joe Densford, County Attorney

Mr. Abell referred to his February 3 correspondence regarding a prospective borrower seeking financing for a new home to be constructed on a lot received from her parents within the Critical Area (Lot 3 of Hunter's Retreat North). Mr. Abell stated that the Critical Area Ordinance states that a lot "may not be conveyed subsequent to any person other than a member of the owner's immediate family except with written assurances filed in the Office of Planning and Zoning." Because of the intrafamily transfer requirement in the Ordinance, the bank would be reluctant to make the loan. Mr. Abell advised that the Deed of Trust conveys the property to the Trustee (lender) and that if there is a foreclosure the property could be sold to someone other than a family member. The question is whether a foreclosure would constitute a change in circumstances in the event of a default.

Mr. Densford in his March 8 memorandum recommended that the Commissioners adopt a policy statement which states that a bona fide foreclosure on lots within the Critical Area created through the intrafamily transfer provision would constitute a change in circumstances and permit an exception to the prohibition against transfers to persons not within the owner's immediate family.

Mr. Grimm indicated that it was his position that there were only three circumstances that would be eligible for a subsequent non-family sale: military transfer, death in the family, and bona fide foreclosure. He pointed out that the Planning Commission would have to make a finding that it is a bona fide foreclosure.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, that the Commissioners consider a bona fide lending institution foreclosure on property in the Critical Area as a change in circumstances in order to allow a transfer of the property. Motion carried.

FISCAL YEAR 1994 BUDGET

Present: Charles Wade, Director of Finance

Mr. Wade presented the following handouts regarding the Fiscal year 1994 Budget: Planning and Zoning and Public Works Budget Trends (FY 89 - FY '94); three budget scenarios (#1 - No tax increase, last year's funding level with four exceptions, and shortfall being distributed throughout each activity; #2 - increase in Income Tax; and #3 - \$.10 increase in property tax); and FY 93-94 Capital Projects with funding sources.

Discussion ensued regarding health insurance contributions, and Commissioner Loffler suggested that the County look into rebidding the health insurance package as well as a Preferred Provider Plan.

During discussion of the Capital Project list, Commissioner Loffler requested specific accounting of where funds were spent on asbestos removal in the Board of Education budget. He further requested a listing of improvement items for county government (painting, carpeting, etc.) to determine if any could be deferred for another fiscal year.

After discussion Commissioner Jarboe presented the following motion, seconded by Commissioner Bailey:

To direct staff to prepare the Tentative FY 1994 Budget using the following guidelines:

- o No property tax increase
- o No increase in the piggyback tax
- o Employees' contribution to health insurance remain at 10%
- o All spending units will be funded at last year's level except necessities (e.g., debt service, fuel, etc.)
- o No salary increase (COLA's or step increases)
- o No layoffs in county-funded positions

If the above measures still result in a deficit:

- o Implement a hiring freeze now to produce savings to be applied to the FY '94 budget
- o Implement an across-the-board spending reduction now to produce savings to be applied to the FY '94 budget.

That a supplemental appropriation in mid-FY '94 be considered (if additional revenues or savings are realized) to consider, for example filling vacant positions; and proposals prepared by staff on downsizing, privatization, and the elimination of funding to specific activities also be considered.

Motion carried four to one with Commissioner Lancaster voting against.

Commissioner Loffler noted for the record that he supported the motion, but did not agree with each individual item, stating that the step increases were contractual arrangements for employees.

PROCLAMATION GIRL SCOUT WEEK

The Commissioners presented the referenced Proclamation designating March 7 - 13, 1993 as Girl Scout Week in St. Mary's County.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Personnel (grievance), as provided in Article 24, Section 4-210(e)1. Motion carried.

Personnel

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

Authority: Article 24, Section 4-210(a)1

Topic: Personnel (Grievance)

Time Held: 12:10 p.m. - 12:20 p.m.

Action Taken: The Commissioners received the packet of information regarding the filed grievance for later action.

BOARD OF COUNTY COMMISSIONERS/BOARD OF EDUCATION

Present: Jonathan Nelson, President, Board of Education
Jean Campbell, "
Al Lacer "
Robert Kirkley, "
Fred Wallace, "
Joan Kozlovsky, Superintendent of Schools

1) Board of Education Recognitions

The Board of Education made the following presentations:

- o To middle school principals in recognition of Middle Level Education Week.
- o To instructors and students in recognition of March as Music in Schools Month and March as Art in Schools Month.

2) Fiscal Year 1994 Budget

Also Present: Charles Wade, Director of Finance

Mr. Wade presented to the Board of Education the information that was presented at the March 2 Public Forum regarding the Fiscal year 1994 Budget. The information included revenues, expenses, deficits, problem areas, and alternatives for addressing the problem areas. Discussion ensued regarding the following areas: health care benefits, and payments for social security,

3) Board of Education Budget Advisory Committee

Dr. Kozlovsky advised that the Board's Budget Advisory Committee will be conducting a public informational meeting this evening at the Leonardtown Middle School regarding the status of the FY '94 budget.

**4) Budget Amendment No. 93-38
St. Mary's Public Schools**

Also Present: Ed Fitzgerald, Asst. Superintendent for Adm.

As a follow up to discussion earlier in the meeting, Commissioner Loffler advised that the Commissioners reviewed the referenced Budget Amendment which transfers funds from various capital projects to other capital projects. He questioned the transfer of funds from the new Hollywood Elementary School while the County was going to the bond market to get additional funds for the new school.

Mr. Fitzgerald explained that the reason for including the Hollywood Elementary School in the budget amendment was because of timing. The furniture and equipment for HES needs to be in place for the opening of the school in the fall.

Commissioner Bailey questioned the replacement of the bleachers at Leonardtown High School and whether the Board had gotten a second opinion. Mr. Fitzgerald indicated that the Board of Education hired a consultant who recommended that there be no additional repairs to the bleachers and that they not be used.

The Commissioners will consider the budget amendment at a later meeting.

SHERIFF'S DEPARTMENT

Present: Sheriff Wayne Pettit
Barbara Dotson, Fiscal Specialist

1) Annual Report

Sheriff Pettit presented the 1992 Annual Report for the Sheriff's Department, reviewed its mission, goals, and objectives, and highlighted the areas of Law Enforcement (Resources, Criminal Activities, Narcotics Report, Investigations, traffic activities, crime prevention, etc.); Corrections (inmate population, staffing recruiting and retention, detention center programs, visitations, work release, etc.); and the Southern Maryland Criminal Justice Academy.

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

2) Cooperative Reimbursement Agreement Grant Application

Mrs. Dotson presented the referenced grant application in the amount of \$165,871 for continuation of the Child Support Cooperative Reimbursement Agreement from the Department of Human Resources. The grant requires a local match of 34% (\$56,396), with federal participation at 66% (\$109,475).

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) Courthouse Space Allocations

Mr. Ichniowski distributed a handout regarding the courthouse space allocations which included the original plan, changes, problems to resolve, solutions, funding availability, recommended alternatives, courthouse and site parking.

In addition Mr. Ichniowski requested the Commissioners concurrence to proceed with the update of the County Office Master Plan Study at a cost of \$40,000.

The Commissioners discussed the parking situation in Leonardtown, and Commissioner Loffler suggested that the Commissioners meet with the Town Council and Mayor to discuss this matter.

In closing the Commissioners requested Mr. Ichniowski to have the appropriate budget amendment prepared for their consideration relative to the County Office Master Plan Update.

2) Correspondence to Federal Aviation Administration Request for Release of Dedicated Property

Mr. Ichniowski presented correspondence addressed to the Federal Aviation Administration requesting that the area designated as County Property north of the Airport property and labeled "for airport use" be released as dedicated for Airport Use.

The Commissioners indicated they would review the letter and take action next week.

3) **Addendum to Contract of Sale
Addenda to Public Works Agreements**

Mr. Ichniowski presented the following documents for the Commissioners' review and approval:

Addendum to Contract of Sale - Knott

Between Joseph D. Knott and Deborah F. Knott and the Board of County Commissioners of St. Mary's County relative to the Pegg Road Reconstruction Project extending the contingency period for an additional six months.

Addendum to Public Works Agreement - Sycamore Hollow - Wildewood

Between Paragon Builders, Inc. and Board of County Commissioners of St. Mary's County extending the deadline for completion of improvements to September 1, 1993. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$105,000.

Addendum to Public Works Agreement - Sycamore Hollow - Wildewood

Between Paragon Builders, Inc. and Board of County Commissioners of St. Mary's extending the deadline for completion of improvements to November 1, 1993. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$57,000.

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

4) **Deeds - Fairground Property**

Mr. Ichniowski advised that a mix up had occurred concerning the Gott Property, the fairgrounds property and the county's right of way. In order to resolve the problem, the County had in 1992 entered into an agreement to facilitate the transfer of property for the construction of a road to the fairgrounds, and the following deeds have been prepared to effect the transfer.

- o Deed conveying from The Gott Company, Inc. to the Board of County Commissioners "Outlot A"
- o Deed conveying from the Board of County Commissioners to The Gott Company, Inc. "Outlot B"

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the two referenced Deeds. Motion carried.

5) **Policy Statement
Sedimentation Control Ordinance
Grading Permits for Stormwater Management Facilities**

Mr. Ichniowski presented the referenced draft policy statement regarding the Sedimentation Control Ordinance. The draft has been reviewed by various engineering firms and developers, and Mr. Ichniowski presented their comments.

Mr. Ichniowski advised that he would bring the Policy Statement back before the Board for approval at a later date.

PRESENTATION OF MANUAL OF PERSONNEL POLICIES AND PROCEDURES

The Commissioners attended the presentation of the Manual of Personnel Policies and Procedures at the State Office Building.

ADJOURNMENT

The meeting adjourned at 5:15 p.m.

Minutes Approved by Board of
County Commissioners on 3/16/93

Judith A. Spalding
Recording Secretary