

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

JUNE 15, 1993

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
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, June 8, 1993. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Grants**

The County Administrator presented the following grants for the Commissioners' review and consideration:

o **Office of Community Services**

Also Present: Becky Stevens, Community Services Coordinator

School Age Child Care Center Proposal

In the amount of \$19,056 to provide aids at two school-age child care centers operated by the Department of Recreations and Parks.

Wrap-around Child Care Proposal

In the amount of \$37,983 to pay for child care for children in 1/2 day programs while their parents work or are in school or training.

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

o **Waterway Improvement Grant Applications**

Piney Point Waterfront Area

In the amount of \$60,000 for ongoing development of the Piney Point Waterfront to include bulkhead replacement, correct shore erosion problems, renovate and expand the existing boat ramp, improve the existing watermen's pier, construct a comfort station and improve parking.

Bushwood Wharf

In the amount of \$25,000 for engineering/construction to replace deteriorating bulkhead at Bushwood Wharf.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Waterway Improvement Grant Applications as presented. Motion carried.

o Homeless Services Program Proposal

In the amount of \$161,692 with funds to be distributed as follows:

Hughesville Regional Shelter	-	\$42,521
Mary's Place (Shelter)	-	\$16,000
Department of Social Services	-	\$60,650
Three Oak Shelter	-	\$42,521

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Homeless Services Program Proposal as presented. Motion carried.

2) Response Letter - Community College

The County Administrator presented correspondence addressed to Mr. Tom Tudor responding to his offer of assistance in the development of the community college. The return letter advises him that his letter has been forwarded to the Director of Public Works, the project supervisor.

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

3) Outstanding Economic Impact Fees

The County Administrator advised that in order to help the economic and small home builder, the Commissioners had given an option of delaying payment of the impact fee until the time of occupancy. However, this has proven to be unworkable, and therefore, presented a memorandum dated June 3 from the Director of Planning and Zoning and the County Attorney explaining that there are a large number of economic impact fee agreements in default.

Mr. Cox indicated that after review, the Director of Planning and Zoning, County Attorney, Director of Finance and himself recommend that the Commissioners consider rescinding Resolution No. 91-10, which granted the delay of impact fee until the time of occupancy, and reenacting the requirement for payment of the fee at the time of the issuance of the building permit.

The Commissioners requested that Mr. Grimm appear before the Board to explain the problem.

4) Second Commissioner District Tour

The County Administrator presented the agenda for the Commissioners' Second Commissioner District tour later in the day.

5) Mileage Allowance - Fiscal Year 1994

The County Administrator advised that the Maryland State Department of Personnel has advised the County that the State has increased its reimbursement for travel by privately-owned vehicles from \$.26 per mile to \$.27 per mile, effective July 1, 1993. Mr. Cox stated that the County usually follows the state's policy.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to increase mileage reimbursement to \$.27. Motion carried.

6) **Appointments
Boards, Committees**

<u>BOCA Code Appeals Board</u>	<u>Terms To Expire</u>
R.H. "Pete" Breck - REAPPOINTMENT	06/30/97
Orville G. Lee - REAPPOINTMENT	06/30/98
<u>Commission for Women</u>	
Janet Hanke - REAPPOINTMENT	06/30/97
<u>Commission on Aging</u>	
Norman Breslauer - REAPPOINTMENT	06/30/96
Ralph Butler - REAPPOINTMENT	06/30/96
<u>Board for the Community College at St. Mary's</u>	
Elizabeth Dufresne - REAPPOINTMENT	06/30/98
Thomas A. Mattingly, Sr.	06/30/98
<u>Council on Children and Youth</u>	
Alec Morrison - REAPPOINTMENT	06/30/94
Mary Anne Wood - REAPPOINTMENT	06/30/94
<u>Economic Development Commission</u>	
Kennedy Abell, Jr. - REAPPOINTMENT	06/30/96
Thomas Bell - REAPPOINTMENT	06/30/96
F. Elliott Burch - REAPPOINTMENT	06/30/96
William Curtis - REAPPOINTMENT	06/30/96
Arthur G. Esch - REAPPOINTMENT	06/30/96
<u>Ethics Commission</u>	
Michael K. Gardiner, Sr.	06/30/94/97
<u>Historic District Commission</u>	
John P. Cook	06/30/96
James A. Forrest	06/30/94
Michael Humphries	06/30/95
Isabel S. King	06/30/94
Leonard Kohl	06/30/96
Jean R. Ridgell	06/30/94
David Roberts	06/30/95
<u>Human Relations Commission</u>	
Deloris Bomarc - REAPPOINTMENT	06/30/97
<u>Mental Health, Substance Abuse and Victims Advisory Council</u>	
Lorraine Fulton - REAPPOINTMENT	06/30/98
<u>Mental Health Authority Board</u>	
Barbara A. Fenwick	12/31/94/97
<u>Nursing Center Board</u>	
J. Wilmer Bowles - REAPPOINTMENT	06/30/96
Harold Herndon - REAPPOINTMENT	06/30/96
Ella May Russell - REAPPOINTMENT	06/30/96
<u>Private Industry Council</u>	
Charles E. Newkirk	06/30/96
<u>Social Services Board</u>	
Donald Barber - REAPPOINTMENT	06/30/96
Carletta Cyrus Parmes - REAPPOINTMENT	06/30/96
<u>Tri-County Community Action Committee</u>	
James Delligatti	06/30/96

7) **Letters of Appreciation**

The County Administrator presented letters of appreciation to those individuals who can no longer serve on a Board, Committee or Commission.

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

8) **Correspondence to Board of Education**

The County Administrator presented the following correspondence addressed to the Board of Education for the Commissioners' review and approval:

Requesting a briefing on the proposed early retirement program, including the purpose, authority for the program, costs, and benefits to community.

Advising that it is the Commissioners' intention that the more than \$500,000 of unspent Fiscal Year 1993 funds be returned to the County Treasury.

Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward the letters as presented. Commissioner Lancaster abstained. Motion carried. (Commissioner Jarboe did not sign the letter regarding the early retirement program.)

9) **Budget Amendment No. 93-73
Department of Public Works**

The County Administrator presented the referenced Budget Amendment No. 93-73 recommended for approval by the Director of Finance with the following justification: To purchase hard drive and internal tape backup for computer system (\$665).

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

**COMMUNITY DEVELOPMENT BLOCK GRANT
FISCAL YEAR 1994**

Present: Joseph Mitchell, Director, DECD
Dennis Nicholson, Deputy Director
Nancy Hutson, Housing & Community Development, DECD

The referenced individuals appeared before the Commissioners to present an application for a 1994 Small Cities Community Development Block Grant funding for the revitalization of the old section of Lexington Park into an area to be called the Tulagi Town Center.

Mr. Mitchell described the project stating that the funding would be used to acquire and demolish the boarded up buildings in the area (including the Skipjack Hotel old theater complex, Felix Johnson Center, and several vacant boarded up store fronts), after which low interest loans would be made available to businesses to relocate and revitalize the area. The project would be two fold: to restore the public's health and safety, and to revitalize the shopping center that was constructed in 1950.

During his presentation Mr. Mitchell indicated that the Navy has given a letter of support of the project, and Mrs. Hutson noted that DECD is working with the Department of Public Works, Department of Planning and Zoning, Health Department, Sheriff's Office, Regional Library, Recreation and Parks, Alliance, and private property owners on this project. Local banks have indicated a willingness to work with the County.

After discussion Mr. Mitchell presented the grant application and a Resolution authorizing Commissioner President Loffler to execute the Maryland Small Cities Community Development Block Grant application and other necessary documents.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 93-24 and to approve and authorize Commissioner Loffler to sign the grant application as presented. Motion carried.

**PUBLIC HEARING
REVISED ANIMAL CONTROL ORDINANCE**

Present: Paul Wible, Director, Emergency Management Agency

The Commissioners conducted a public hearing to present the proposed revisions to the St. Mary's County Animal Control Ordinance. The secretary read the Notice of Public Hearing.

The Commissioners opened the hearing for comments from the audience. Areas of discussion included:

Bonnie Wood - Whether vacationers were required to comply with the Ordinance

Jean Torgerson - Criteria for establishing a dog as vicious; whether all dogs start with a clean slate as of July 1 or the record of the animal will apply relative to enforcement of the new provisions; importance of notifying dog owners and the public of the new rules; suggested a \$1,000 fine for a documented third complaint or surrender of the animal.; concerned about who would observe an animal under quarantine; suggested that all appropriate agencies have complete understanding of the new ordinance.

Ann Marie Weiland - Recounted her experience of being attacked by a dog and had been told by the State's Attorney's Office that the leash law was unconstitutional.

Steve Uhler - Indicated that there should not be any new laws for animals.

Edward Zamaitis - Expressed concern for safety with dogs running at large; suggested that penalties for violations should be increased successively.

Terry Fleming - That dogs in areas that have no problems should be allowed to run at large.

Kathy Babins - Questioned the inspection process for the animal warden who owns a commercial kennel. (Inspection will be done by another warden); suggested additional wardens to enforce the leash law.

Ray Etchison - Questioned what initiated the revisions

Patricia Mattingly - Indicated that the proposed laws are fair, but has a problem with Section 219.9 that an animal warden would be "directed" to shoot an animal, and suggested that it be placed under the section regarding vicious animals.

Joe Ridgell - Expressed appreciation to the Commissioners for bringing this matter to the meeting.

Pat O'Donnell - Supported the suggestion that fines be increased; concerned about people bringing dogs to the beach and the water quality.

Betty Ridgell - Concerned about fox hounds running loose.

Kathy DeLozier - Reported that only 75 of the 229 stray animals at the animal shelter have been claimed by owners; inquired as to what steps would need to be taken to have an organization recognized as a group to help enforcement of the laws; clarification of requirement for shelter for horses and clarification of length of rope or chain used to tie an animal; that notices be provided when a citizen takes in an

animal; that improper sanitary conditions be included in the public nuisance section; that the county buy additional traps, that proper training be provided; that animals be shot only when all other options have been exhausted; establishment of a canine board; establishment of fine for not having animal neutered and for not getting dog licensed.

Lisa Miller - Offered assistance of kennel club

Dotty Miscari - Inquired whether fines were for each dog or each family with dogs (fine is for each dog)

Joan Ananiew (Lucky Group) - Presented a proposed spay and neuter ordinance.

Commissioner Thompson - Suggested that under Section 212.9 the word "directed" not be used regarding shooting of an animal running at large.

Commissioner Jarboe - Raised questions regarding quarantine, barking dogs, rabies, and hunting dogs.

After the comments were received the Commissioners closed the hearing and indicated they would give consideration to the Ordinance in two weeks.

HIGHER EDUCATION FACILITY

Present: Edward V. Cox, County Administrator
Dan Ichniowski, Director, Department of Public Works
Charles Wade, Director of Finance

The referenced individuals appeared before the Commissioners to present a status report on the progress of the higher education facility proposed to be located at the Wildewood Technology Park and discussed the following points.

- o A steering committee was appointed by the Commissioners and Technology Council to develop an educational plan and a building operation plan.
- o The Governor is going to issue an Executive Order to establish a Board of Governors to oversee the establishment and operation of the facility. When the Board is appointed the steering committee will cease to exist.
- o A cooperative agreement with the State Department of Governmental Services is being developed in order to prepare for the selection of an architect. A scope of services will be developed after which the design, bidding process and construction will proceed.
- o State grants for the project include: \$262,000 from the Capital Bond Loan Act of 1992; \$400,000 transfer of funds from St. Mary's College to the project; \$2,350,000 from the Capital Bond Loan Act of 1993 (Total: \$3,012,500).
- o The County would be financially responsible for costs over and above the grant amounts. Because it will be a southern Maryland facility, the County Administrator indicated that the costs could be shared by Calvert and Charles Counties.
- o The time schedule for the facility was presented starting with June 18 for advertising for the architect/engineer and concluding with the projected opening in January 1996.

In conclusion Mr. Ichniowski requested the following from the Board of County Commissioners: To approve the county as being the grant recipient, and to authorize Commissioner Loffler to sign the Capital Projects Grant Agreement between the County and the State of Maryland through the Board of Public Works, the Capital Project Grant Application, and the Non-Discrimination Certificate.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to sign the documents as referenced. Four Commissioners voted in favor with Commissioner Thompson abstaining because there was not adequate time to review the documents. Motion carried.

**RESOLUTION NO. 93-25
REFUNDING OF TRANSPORTATION BONDS**

Present: Charles Wade, Director of Finance

Mr. Wade advised that the Maryland General Assembly approved a change to the Maryland Code which allows the Department of Transportation to issue Revenue Bonds which are secured by pledging Highway User Revenues. The MDOT is proposed to do a refunding of past issues for St. Mary's County in the amount of \$3,044,000 with the anticipated value of savings to the County in the amount of \$172,000.

Therefore, Mr. Wade presented Resolution No. 93-25 authorizing St. Mary's County to enter into a Participation Agreement with the Maryland Department of Transportation for the purpose of securing the payment of the principal of and interest on County Transportation Revenue Refunding Bonds to be issued by the MDOT to be designated as "Department of Transportation--County Transportation Revenue Bonds - Refunding Series 1993." He also presented the referenced Participation Agreement to be signed by the President of the Board.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-25, Refunding of Transportation Bonds - Refunding Series 1993, and further to authorize Commissioner Loffler to sign the Participation Agreement as presented.

Commissioner Thompson moved, seconded by Commissioner Loffler, to table the motion in order to allow adequate time for review of the documents. Motion defeated three to two, with Commissioners Bailey, Jarboe and Lancaster voting against the motion.

The previous motion was carried with four Commissioners voting in favor and Commissioner Thompson abstaining.

**RESOLUTION NO. 93 -26
ST. MARY'S COUNTY INCOME TAX**

Present: Charles Wade, Director of Finance

The Board of County Commissioners having conducted a public hearing on June 1, 1993 regarding a proposal to increase the County Income Tax from 50% to 60% to be applied to the State Income Tax, Mr. Wade presented Resolution No. 93-26 for the Commissioners' review and consideration. The Resolution imposes the 60% County Income Tax to be applied to the State Income Tax of the individual to be effective January 1, 1994.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 93-26. Commissioners Bailey and Jarboe voted against the motion. Motion carried three to two.

COUNTY COMMISSIONERS' MEETING AGENDA

Commissioner Thompson suggested that the draft agenda identify those items which will require decision by the Board of County Commissioners in order for the Commissioners to properly prepare for the meeting. The County Administrator will work with Commissioner President Loffler to determine the best method of handling the matter.

