

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
TUESDAY, JUNE 29, 1993**

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

(Commissioner Barbara R. Thompson was not present.)

CALL TO ORDER

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

APPROVAL OF MINUTES

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, June 22, 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.

**ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION
DEDICATION OF PREVENTION BUS**

The Commissioners attended the dedication of the Prevention Bus that had been donated by the Maryland State Police and will be used by the Alliance for various prevention activities.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Response Letter - John Martin**

The County Administrator presented correspondence addressed to Mr. John Martin responding to his letter regarding flooding on his property in Greenview Knolls. The return letter advised that the Department of Public Works has indicated that the flooding is not due to the expansion of Greenview Knolls Elementary School.

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

2) **Delegation of Erosion and Sediment Control Authority**

The County Administrator presented correspondence addressed to the Maryland Department of Environment responding to June 11 correspondence relative to the delegation of erosion and sediment control authority to St. Mary's County. The return letter indicates that the benefits of local delegation authority are not worth the additional local administrative costs at this time.

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

3) **Clerk of the Court Space Needs**

The County Administrator presented correspondence addressed to Judge Robert C. Murphy, Chief Judge, Court of Appeals in response to May 25 correspondence regarding concerns relative to the limited space of the Clerk of the Court at the County Courthouse. The

return letter indicates the Commissioners' awareness of the Clerk's and other users' space needs and the County is in the process of updating the Office Space Needs Study to determine the best course of action to address the growth needs of the County.

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

4. **1994 Legislative Package**

The County Administrator presented a memorandum addressed to All Agencies, Boards, Committees, Commissions soliciting items for the 1994 Legislative Package. The memorandum included the time schedule for the various activities relative to the Legislative Package.

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

5) **Appointment - Airport Commission**

Commissioner Bailey moved, seconded by Commissioner Lancaster, to reappoint Richard V. Wilson to the Airport Commission for a term to expire June 30, 1996. Motion carried.

6) **Response Letter - Stewart Stone**

The County Administrator presented correspondence addressed to Mr. Stewart Stone in response to his request for grass mowing in the vicinity of his home. The return letter stated that it is a state road and not the county's responsibility, and that the State Highway Administration has been notified.

The Commissioners agreed to sign and forward the letter.

7) **Grants**

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

Chesapeake Bay Implementation Grant

Memorandum of Understanding between the Maryland Department of Environment and St. Mary's County for the Innovative and Alternative Septic System Grant Program in the amount of \$35,000.

Tri-County Community Action

Housing Development Assistance Program

McIntosh Road

Correspondence addressed to Secretary Rogers, Maryland Department of Housing and Community Development requesting approval of the referenced application in the amount of \$10,000.

Walden-Sierra

Runaway and Homeless Youth Program

Application for Federal Assistance in the amount of \$82,040 for the Basic Center Renewal Grant for the period July 1, 1993 through June 30, 1996.

Southern Maryland Private Industry Council

Southern Maryland Wagner-Peyser Labor Exchange Plan

Statement of Concurrence for Program Year 1993

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

8) Board of Education - Fiscal Year 1994 Budget

The County Administrator advised that correspondence dated June 28 was received from the Superintendent of Schools indicating that the Fiscal Year 1994 budget will not be finalized until July and requesting authority to begin expending Fiscal Year 1994 funds. The return letter grants that authority until July 31, 1993.

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

**9) Budget Amendment No. 93-78
Finance Office**

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To restore funds in the Commissioners' Reserve account as a result of legal fees reimbursement (\$60,000).

10) Commendation Letter - Jerry Himmelheber

The County Administrator presented correspondence addressed to Jerry Himmelheber formally expressing appreciation for his valuable contribution of talents throughout his years of service with the St. Mary's County Public School System and wishing him a very happy retirement.

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

11) Leonard Hall School Lease

As a follow up to previous discussions, the County Administrator presented the Lease between the Board of County Commissioners of St. Mary's County and the Leonard Hall Junior Naval Academy regarding the lease of the present school building, Building No. 6 (less the gymnasium, Building No. 3). The lease provides for the use of the gymnasium subject to a separate agreement. The County Administrator indicated the lease has been reviewed and signed by the County Attorney and reviewed and approved by the president of Leonard Hall School.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the Lease Agreement as presented. Motion carried.

DEPARTMENT OF RECREATION AND PARKS

Present: Phil Rollins, Director

1) Governor's Volunteer Recognition Award

Also Present: James Banagan
Hal Bishop
Pete Amole

The Board of County Commissioners presented the Governor's Volunteer Recognition Award to Mr. James Banagan for his active and dedicated service as a volunteer on a number of boards and organizations.

2) Health and Safety Standards for Summer Youth Camps - 1993

Mr. Rollins advised that the State Department of Health and Mental Hygiene requires local jurisdictions to either comply with state regulations for certification of summer camps or to adopt its own regulations. He stated that his department has developed Health and Safety Standards for the Commissioners' approval and which must be submitted to the State.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve the Health and Safety Standards for Summer Youth Camps for 1993. Motion carried.

3) **Memorandum of Understanding
Piney Point Lighthouse**

As a follow up to last week's presentation Mr. Rollins requested the Commissioners' approval of the Memorandum of Understanding between the Department of Natural Resources and Board of County Commissioners of St. Mary's County which will provide a federal grant in the amount of \$41,000 for the restoration and improvements to the Piney Point Lighthouse.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.

4) **Waterway Improvement Grant Application**

Mr. Rollins presented the referenced Waterway Improvement Grant Application for improvements to public landings, piers, and boat ramps.

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

**CHAMBER OF COMMERCE
"WELCOME TO ST. MARY'S COUNTY" SIGNS**

Present: Ann Marum, Director, Chamber of Commerce
George Smith, President
F. Elliott Burch, Jr.
Bill Mattingly
Dan Ichniowski, Director, DPW
Joe Mitchell, Director, DECD

The referenced individuals appeared before the Commissioners to discuss joint participation in the placement of three Welcome signs at the entrances to St. Mary's County on Routes 5, 234, and 4.

Mr. Mattingly presented a budget for the signs for materials and labor totaling \$11,245 per sign and displayed a drawing of the sign, which will be 32 feet long and lighted, and a sample of the brick to be used.

During discussion Chamber members requested the Commissioners' assistance in the following:

- o A commitment of up to \$5,000 per sign (up to \$15,000)
- o A commitment to maintain the sign once it is completed (landscaping)
- o A commitment to pay the utility costs (electric bill)

Mr. Burch noted that the Chamber is in the process of soliciting donations for the sign from local businesses, which could reduce the amount of commitment by the County.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to commit up to \$15,000 for the Welcome signs, maintenance of the sign, and payment of utility costs. Motion carried.

In closing the County Administrator pointed out that the Director of Public Works has been negotiating with State Highway Administration for the location of two of the signs and with a private property owner for the location of the third sign. He further noted that the Director of Finance has indicated that funds for the signs can be appropriated from the Fiscal Year 1994 Budget.

METROPOLITAN COMMISSION - CEDAR COVE MARINA

Present: Steve King, Metropolitan Commission

Mr. King appeared before the Commissioners to advise that there was an oversight when the seven Equivalent Dwelling Units (EDU's) were allocated for Cedar Cove Marina in Tall Timbers in an agreement dated June 9, 1993. He stated that a downstairs apartment, which has been at the site for over twenty years, at the restaurant was omitted for the EDU Allocation.

Therefore, Mr. King presented an Amendment to the Agreement between Cedar Cove Marina, Inc., the St. Mary's County Metropolitan Commission, the Board of County Commissioners for St. Mary's County, and the Department of Environment amending the June 9, 1993 Agreement to provide for eight EDU's instead of seven, the additional EDU to serve the omitted apartment in the Restaurant/Apartment facility.

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

(Commissioner Loffler noted for the record that the Commissioners concurred in making a decision on this matter at today's meeting because of the length of time it had been pending.)

RESOLUTION NO. 93-28 ECONOMIC IMPACT FEE - DELINQUENT PAYMENTS

Present: Edward V. Cox, County Administrator
Joe Densford, County Attorney
Jon Grimm, Director, Planning and Zoning
Charles Wade, Director of Finance

As a follow up to previous discussions regarding delinquent Economic Impact Fee payments, the referenced individuals appeared before the Commissioners to present Resolution No. 93- (Impact Fees - Amendment). The Resolution amends Resolution Nos. 89-21 and 91-10 to provide that in the event Impact Fees on new residential construction are not paid within the time provided in Resolution No. 91-10, there shall be assessed a late charge of three (3%) percent for each delinquent Impact Fee, and interest shall accrue on the delinquent Impact Fee at the rate of one (1%) percent per month from the date of delinquency.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93- 28, to be effective this date, June 29, 1993. Motion carried.

Commissioner Loffler suggested that notification be provided 30 days in advance of the due date of the Impact Fee.

ANIMAL CONTROL ORDINANCE

Present: Paul Wible, Director, EMA

As a follow up to the June 15 public hearing on the proposed revised Animal Control Ordinance, Mr. Wible appeared before the Commissioners to present comments received at the hearing and subsequent written comments. He indicated that he had revised the Ordinance to incorporate suggestions made by the Commissioners and citizens.

During discussion the Commissioners requested that the following issues be addressed appropriately in the Ordinance: authority to shoot an animal at large, barking dogs, specific action regarding quarantine of animals, vicious dogs, reasonable fines, and standards for animal houses and shelters. Mr. Wible pointed out that the Commissioners may want to look at the suggestion made at the public hearing relative to having an organized group help in the enforcement of the regulations.

After discussion the Commissioners indicated they would review the revised Ordinance and give consideration to its adoption at a later meeting.

EXECUTIVE SESSIONS

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to meet in Executive Sessions to discuss matters of Personnel (Assistant State's Attorney) and (Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel

Present: Commissioner Carl M. Loffler, Jr., President
Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Edward V. Cox, County Administrator
Joseph Mattingly, Assistant State's Attorney
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - (Assistant State's Attorney)

Time Held: 11:35 a.m. - 12:05 p.m.

Action Taken : The Commissioners reviewed documentation presented by Mr. Mattingly and advised that they would return to him with a decision.

Personnel

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

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

Topic: Personnel - Consideration of Appointments to Boards, Committees, Commissions

Time Held: 12:05 p.m. - 12:20 p.m.

Action Taken : The Commissioners reviewed the current status sheet, made a nomination and directed staff to prepare letter of appointment for action at next week's meeting.

ADJOURNMENT

The meeting adjourned at 12:20 p.m.

Minutes Approved by Board of
County Commissioners on 7/6/93

Judith A. Spalding
Recording Secretary