

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

JULY 6, 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 Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, June 29, 1993. Motion carried.

APPROVAL OF BILLS

Because of end of Fiscal Year 1993 reconciliation, there was no Check Register for the Commissioners' approval.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **August 17, 1993 County Commissioners' Meeting**

The County Administrator advised that there are five Tuesdays in August, and in that the Maryland Association of Counties Summer Conference is schedule for the third week of August, he recommended that the Commissioners' cancel the August 17 meeting. He pointed out that the Commissioners are required to meet four times a month.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to cancel the August 17 meeting as recommended. Motion carried.

2) **Naming of Regional Park**

The County Administrator advised that the Recreation and Parks Board has recommended naming the regional park as Chancellor's Run Regional Park.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to name the regional park Chancellor's Run Regional Park as recommended. Motion carried.

3) **Department of Social Services
Child Support Agent Position**

The County Administrator advised that correspondence dated June 24 was received from the Director of the Department of Social Services advising that DSS will have approximately \$8,000 in unexpended funds at the close of Fiscal Year 1993. The savings is as a result of not funding that position because of the difficulties in hiring a qualified individual. The June 24 memorandum requested approval to use the unexpended funds to fund the contractual Child Support Agent position for Fiscal Year 1994. Mr. Cox indicated that the County receives 66% federal reimbursement for child support program expenditures.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to sign and forward a letter to the Director of the Department of Social Services approving the use of the \$8,000 as requested. Motion carried.

**4) Tri-County Council
Request for Additional Funding**

The County Administrator advised that correspondence was received dated May 17 from the Tri-County Council requesting additional funding for: Step Increase - \$6,400; Promotions or Classifications - \$18,101; and Additional Fringe - \$1,960. Mr. Cox indicated that it was staff's recommendation that the Commissioners approve \$2,304, representing St. Mary's County's share for step increases and related fringes.

After discussion Commissioner Thompson moved, seconded by Commissioner Bailey, to sign and forward a letter to Tri-County Council approval the additional allocation of \$2,304 for step increases and related fringes. Motion carried.

5) Small Cities Community Development Block Grant Program

The County Administrator presented correspondence addressed to the Community Development Administration, Maryland Department of Housing and Community Development responding to CDA's request for information regarding the implementation of Small Cities Community Development Block Grants in St. Mary's County. The response letter designates that the county's Department of Economic and Community Development as the authorized body to prepare applications for CDBG funding for the County Commissioners' signatures. The Director of DECD was designated as the official to assure compliance with HUD requirements, and the Community Development Corporation to implement revolving loan programs.

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

**6) Response Letter
Softball Fields - Leonardtown High School**

The County Administrator presented correspondence addressed to Mr. John E. Brown responding to his June 18 letter regarding the operation and maintenance procedures for the softball fields at Leonardtown High School. The return letter gives assurance that the Leonardtown High School softball fields receive the same level of attention by Recreation and Parks as do other schools.

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

**7) Metropolitan Commission
Request for Surplus Vehicle**

The County Administrator presented a memorandum dated June 24 from the Metropolitan Commission requesting three surplus Sheriff's Department vehicles when they become available.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to place the Metropolitan Commission on the list for available surplus vehicles. Motion carried.

**8) Deeds of Conveyance
Properties Sold at Auction**

The County Administrator presented the following deeds for property sold at Homestead Auction on May 29, 1993:

- o Deed dated July, 1993 between Board of County Commissioners of St. Mary's County and Deborah Anne Whalen, Michael Patrick Whalen, and Susan Marie Whalen for Lots 10 and 11, St. Mary's Beach, Sixth District.
- o Deed dated July 1993 between Board of County Commissioners of St. Mary's County and Deborah Anne Whalen, Michael Patrick Whalen, and Susan Marie Whalen for Lot 9, Hollywood Shores, Sixth District
- o Deed dated July 1993 between Board of County Commissioners of St. Mary's County and Deborah Anne Whalen, Michael Patrick Whalen, and Susan Marie Whalen for Lot 17, Scotland Beach Third Subdivision, First Election District.
- o Deed dated July 1993 between Board of County Commissioners of St. Mary's County and David A. Stasch and Cynthia D. Stasch for Lot 12 in St. Mary's Beach, Sixth Election District.

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

9) **Public Works Agreement
Bay Meadows (formerly St. Jerome Farm Estates)**

On behalf of the Director of Public Works the County Administrator presented a Public Works Agreement between W. Paul Bright and James F. Hennon, Jr., and St. Mary's County, Maryland guaranteeing completion of Shipwreck Court, Captains Court, and Mates Court by September 1, 1993. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$171,300.

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

10) **Correspondence Calling Letters of Credit**

The County Administrator presented the following correspondence calling Letters of Credit as follows:

Lot 10, Airport View Drive

To Erie Insurance Company for Construction Permit #CP 6/87 ROW-26 calling Bond No. 090 7860012M in the amount of \$31,100

Lot 10, Section 1, St. Mary's Industrial Park

To Erie Insurance Company for Grading Permit #87-36 calling Bond No. Q90 7860011 M in the amount of \$4,000

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the correspondence calling Letters of Credit as referenced, to be forwarded if necessary. Motion carried.

PERSONNEL MANUAL

Present: Edward V. Cox, County Administrator
Charles Wade, Director of Finance
George Foster, Personnel Officer

The referenced individuals appeared before the Commissioners to present the final outstanding issue--Non Local Travel. Mr. Foster presented a handout setting forth criteria for non-local travel and justification for retaining the current policy.

Discussion ensued regarding mandatory travel, compensation, and travel distance. It was the consensus of the Commissioners that employees be compensated for mandatory travel beyond the 30 miles. A distinction is to be made in the manual between "directed" and "voluntary" travel.

In conclusion Mr. Foster indicated that he will proceed to make the changes to the Manual of Personnel Policies and Procedures as directed by the Board of County Commissioners during the review of the 126 issues. He advised that he will also make a revision to the Family Leave Law in accordance with action taken by Congress and will submit that revision to all department heads for review and comments. The revised Manual will be submitted to the Commissioners at a later date for action.

911 UNIFORM ADDRESSING SYSTEM

Present: Paul Wible, Director, Emergency Management Agency
Debbie Settle, Addressing Technician
Jeff Jackman, Land Use Planner
Mary Pat Pope, Administrative Officer

As a follow up to the June 22 Public Hearing, the referenced individuals appeared before the Commissioners to get direction regarding the implementation of the various documents (ordinance, manual) relative to the Assignment of Road Names and House Numbers for Implementation of the Uniform Addressing System. Issues raised by the Commissioners included survey requirements and smooth transition for name changes.

After discussion the Commissioners directed that staff prepare the appropriate documents for the Commissioners' review and consideration.

CONSIDERATION OF SUSPENSION OF ACCOMMODATIONS TAX

As a follow up to the June 22 public hearing on the consideration of suspension of the 5% Accommodations Tax, the Commissioners commenced discussion.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to suspend the 5% Accommodations Tax until such time that the federal per diem rate is revised to be more fair to St. Mary's County. Motion carried three to two with Commissioners Loffler and Thompson voting against stating they did not believe there was adequate justification to suspend the tax and because of the impact on revenues.

The Commissioners directed staff to prepare appropriate documents including adjustments to the budget.

EXECUTIVE SESSIONS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Litigation (The Skydiving Center), as provided in Article 24, Section 4-210(a)8 and Personnel (Assistant County Attorney Classification Review, State's Attorney's Office Classification Review and Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried.

Litigation

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
Joe Densford, County Attorney
Judith A. Spalding, Recording Secretary

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

Topic: Litigation - The Skydiving Center

Time Held: 10:48 a.m. - 11:02 a.m.

Action Taken: The County Attorney brought the Commissioners up to date with regard to the upcoming meeting regarding The Skydiving Center legal matter.

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
Joseph Densford, County Attorney
Charles Wade, Director of Finance
Ella May Russell, Director, Department of Social Services
Carol Beck, Assistant County Attorney, DSS
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - Assistant County Attorney Classification Review

Time Held: 11:02 a.m. - 11:10 a.m.

Action Taken: The Commissioners reviewed with Department of Social Services representatives the classification of the Assistant County Attorney and indicated they will advise them of their decision.

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
Charles Wade, Director of Finance
George Foster, Personnel Officer
Lee Starkey, Consultant
Judith A. Spalding, Recording Secretary

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

Topic: Personnel - State's Attorney's Office Classification Review

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

(Walter Dorsey, State's Attorney; Michael Stamm, Assistant State's Attorney; Florence Ballengee, Legal Assistant entered the meeting at 11:40 a.m. and left at 12:25 p.m.)

(The Session continued again at 2:48 p.m. until 4:03 p.m. with the following individuals present: Commissioners Loffler, Bailey, Jarboe, Lancaster, Thompson; County Administrator Edward V. Cox; Director of Finance Charles Wade; Personnel Officer George Foster; and Recording Secretary Judith A. Spalding.)

Action Taken: The Commissioners reviewed the classification requests and the consultant's report and indicated they would advise of their decision at a later date.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building Public Meeting Room.

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
Judith A. Spalding, Recording Secretary

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

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

Time Held: 4:03 p.m. - 4:25 p.m.

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

ADJOURNMENT

The meeting adjourned at 4:25 p.m.

7:00 P. M.

PUBLIC FORUM

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

Paula Coxon - Expressed concern regarding work being done at entrance to Town Creek because of efforts to beautify the area by the Town Creek Garden Club. The Commissioners requested staff to look into the matter.

Mary Ann Chasen - Support Ms. Coxin's concerns regarding the entrance to Town Creek Drive

Pat White - Advised that she had been told that cement was being filled in at the entrance to Town Creek because the area had settled. Commissioner Loffler explained that the area had not been compacted, and the Metropolitan Commission used the bond money to repair it.

Daphne McGuire - Suggested that the Commissioners request that the FERST Landfill case be reheard; inquired as to when Mr. Grimm would respond to the Preservation Coalition's

attorney's letter; suggested that the Planning Commission issue a stop work order until it is determined whether FERST is in compliance with the conditions. Commissioner Loffler advised that the Director of Planning and Zoning has assured the Commissioners that there will be regular inspections and monitoring of the site. Commissioner Thompson indicated that the Department of Public Works was holding up the grading permit until the site plan is resubmitted showing that the buffer area is intact with relation to Cell No. 1.

Melva Abell - Supported Ms. McGuire's concern regarding FERST stating she has been involved with landfill concerns on St. Andrews Church Road

Ken Hastings - Expressed concern regarding the possible depositing of municipal compost at FERST; concern that FERST would be exempt from House Bill 1088; requested the Commissioners to rescind their letter to FERST approving the depositing of municipal solid waste compost at the landfill. Requested a copy of the county's solid waste plan. Commissioner Jarboe responded that the Maryland Department of Agriculture has been charged with the responsibility of developing standards for municipal solid waste compost and Maryland Department of Environment with enforcement. To date no standards have been established.

Minnie Russell - Expressed concern that the Record Room at the Courthouse will be going to microfilm and will be destroying or getting rid of the record books. She explained that there are four microfilm machines for use by attorneys and title searchers, and only one machine for the public. She suggested that the records be retained in Leonardtown (archives) so that they would be available to genealogy buffs. The Commissioners requested the County Administrator to look into this matter.

Marie Thompson - Inquired whether the Commissioners have the authority to tell the State of Maryland that the County will not accept compost trash and inquired why the Commissioners did not rescind the letter to FERST. Commissioner Loffler advised that the County gets authority from the State; however, illegal acts by the state can be dealt with through a process. Commissioner Loffler advised that the Commissioners had voted to rescind the letter, and it failed by a motion of three to two.

Keith McGuire - Expressed concern regarding the unsafe conditions on Route 6 because of increased traffic, no shoulders, and it is a narrow winding road and inquired when it is scheduled for upgrading by the State. He suggested that the Commissioners request the Director of Public Works and the Director of Planning and Zoning to come before the Board each week to give a status report on the FERST Landfill. The Commissioners directed the County Administrator to check on when it will be included in the state's projects.

Robert Thompson - Inquired whether the Pine Hill Run Sewage Treatment Plant was capable of handling the additional waste that will be generated by the anticipated growth of the area (expansion of the Naval Air Warfare Center). Commissioner Loffler explained that the plant was designed for future expansion and the County Administrator pointed out that the navy has reserve capacity.

Brad Ruby - Inquired about the mistake made by a Planning and Zoning staff member and whether it reduces the county's accountability. Commissioner Loffler explained the error regarding the designation of the buffer area in Cell No. 1, that it was corrected, and pointed out that a staff member could not override a Board of Appeal's decision. He also advised that the Planning Commission could not negate the actions of the Board of Appeals.

The Public Forum concluded at 8:40 p.m.

**Minutes Approved by Board of
County Commissioners on 7/13/93**

Judith A. Spalding
Recording Secretary

