

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

OCTOBER 12, 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, October 5, 1993. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) **Resolution No. 93-44
Board of Education Six-Year Capital Improvement Program
Fiscal Years 1995 - 2000**

Also Present: Ed Fitzgerald, Asst. Superintendent for Administration
Brad Clements, Supervisor, Construction

The County Administrator presented the referenced Resolution for the Board of Education's Six-Year Capital Improvement Program for Fiscal Years 1995 - 2000. The Resolution indicates the Commissioners' intention to provide operation funds and services as may become necessary to adequately operate, maintain, and staff public school facilities construction with the use of state funds.

Mr. Fitzgerald advised the Commissioners that the Program is consistent with the School Facilities Master Plan approved earlier by the Board of County Commissioner. He pointed out that in order to maximize state participation revisions have been made to the Great Mills High School Project. In addition the Piney Point Elementary School project has been modified to include renovation of the original portion of the building instead of total demolition and reconstruction.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-44 as presented. Motion carried.

2) **Board of Education
Categorical Transfer (School Facilities Engineer)**

The County Administrator presented a request by the Board of Education for a categorical change to provide funding for the hiring of a School Facilities Services Engineer in the amount of \$40,000 for the balance of Fiscal Year 1994. Funds are available in the Public School's Instructional Salaries account because additional teachers were not required to be hired. Mr. Fitzgerald pointed out that the engineer position was needed in order to have proper supervision for the capital improvement projects.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the categorical transfer for the hiring of the school facilities engineer as requested. Motion carried.

3) **Response Letter
Request for Park and Ride Facility**

The County Administrator presented correspondence addressed to Ms. Levada Mitchell forwarding correspondence from the State Highway Administration regarding a park and ride lot in northern St. Mary's County.

The Commissioners agreed to sign and forward the letter.

4) **1994 Holiday Schedule**

The County Administrator presented the Holiday Schedule for 1994 for approval by the Board of County Commissioners. Mr. Cox noted that because of joint use of buildings, the County follows the state's holiday schedule.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to adopt the 1994 Holiday Schedule as presented. Motion carried.

5) **Southern Maryland Navy Alliance
Request for Matching**

As a follow to last week's meeting, the County Administrator re-presented correspondence addressed to the Southern Maryland Navy Alliance responding to a request by the Alliance for the county's renewed membership of \$25,000 matching funds. The return letter indicates the county's willingness to commit these funds if the Alliance would give assurance of a match from other sources of at least \$50,000.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to sign and forward the letter to the Southern Maryland Navy Alliance as presented. Motion carried.

6) **Personnel
State's Attorney's Office**

The County Administrator presented a memorandum dated October 7 from the Personnel officer stating that the State's Attorney has requested the conversion of the temporary Forfeiture Clerk position to a full time position. State's Attorney Dorsey has also requested the noncompetitive transfer of the individual in the position to the full time Forfeiture Clerk position. The October 7 memorandum indicates that the State's Attorney has stated that the position is producing sufficient revenues to warrant the conversion to full time.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the request for conversion and the noncompetitive transfer of the individual in the position. Motion carried.

7) **Resolution No. 93-46**
Establishment of the Commission on the Environment

As a follow up to the Commissioners' action at last week's meeting, the County Administrator presented the referenced Resolution establishing the Commission on the Environment. The Resolution sets forth the membership, terms, purpose and typical issues.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Resolution No. 93-46 as presented. Motion carried.

8) **Budget Amendment No. 94-25**
County Attorney

The County Administrator presented the referenced Budget Amendment recommended for approval by the Director of Finance with the following justification: To provide funding for additional self-insurance costs (\$17,737).

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign Budget Amendment No. 94-25 as presented. Motion carried.

DEVELOPMENT AND PERMIT PROCESS PROPOSAL

Present: F. Elliott Burch, Jr., Chair, EDC
Aleck Loker, Director, DECD
Bill Mehaffey
Susan Wilkerson, Economic Development Coordinator

As a follow up to last week's discussion the referenced individuals appeared before the Commissioners to present the revised Request for Proposal to hire a consultant to study and make recommendations regarding the county's development and review process. Mr. Burch advised that the changes recommended by the Commissioners at last week's meeting have been incorporated into the RFP.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the Request for Proposal as presented. Motion carried.

THREE OAKS HOMELESS SHELTER

Present: Rona Harding, Chair
Aleck Loker, Director, DECD
Dennis Nicholson, DECD
Rick Baes, architect
Jim Kaiser, Treasurer
John Wells, Project Coordinator
Bill Mehaffey, Project Tom Sawyer
Amy Zatcoff, SMBIA
Dan Ichniowski, Director, DPW

The referenced individuals appeared before the Commissioners to present a status report on the Three Oaks Homeless Shelter project and to request assistance from the Board. Rev. Harding explaining the project stating that the facility will be constructed at the location of four flat tops which will be demolished.

Mr. Baes displayed a model of the facility, which has been designed to accommodate 16 individuals, pointing out bed, kitchen, bathroom, and administrative spaces. Mr. Mehaffey advised that the construction of the project will be done by Project Tom Sawyer, a charitable organization through SMBIA, that provides assistance and coordination in these types of projects.

Mr. Nicholson referred to the development schedule previously provided to the Commissioners which sets forth time line for asbestos removal, demolition, design completion, site plan approval, and completion and occupancy.

In concluding the presentation Rev. Harding advised that the Three Oaks Committee requests the following assistance from the Commissioners:

- o waiver of tipping fees for removal of trash and rubble from site demolition
- o waiver of all permit and inspection costs related to the construction of the facility
- o support of grant application currently under review by the County Attorney.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to waive the tipping fee and building permit fee. Motion carried.

The Commissioners indicated that it was the Commissioners' policy to waive building permit fees only in that certain other fees had overhead built into the fees that are passed on to users. Commissioner Loffler suggested that the Committee submit a request for the waiver of other fees, and the Commissioners could give consideration to funding those fees.

MUNICIPAL SOLID WASTE

Commissioner Thompson referred to draft correspondence prepared by the County Administrator addressed to MDE inquiring as to the availability to St. Mary's County of regulatory authority for the control of FERST compost product. She stated that the letter requests information, some of which the County has in its possession, and pointed out that the compost is not regulated by the State of Maryland. Commissioner Thompson pointed out that the Commissioners received correspondence from MDE stating that compost from FERST is not regulated under HB 1088

Therefore, Commissioner Thompson moved, seconded by Commissioner Loffler that the Board of County Commissioners send a follow up letter to FERST referencing paragraph four of the October 1991 letter, which states that only compost regulated by the State of Maryland is not opposed in St. Mary's County. Since FERST compost is exempt from state regulations under HB 1088, it cannot be brought into St. Mary's County. The motion was defeated three to two with Commissioners Bailey, Jarboe and Lancaster voting against.

Commissioner Jarboe suggested that the Commissioners forward the letter to MDE as prepared by the County Administrator and also consider putting an item in the legislative package that would prohibit compost not controlled by MDE from coming into the County. He recommended that the letter be revised advising that the public meeting on the legislative package is scheduled for October 26 and requesting a response prior to that date.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to sign the letter to the Maryland Department of Environment with the amendment regarding the legislative package public meeting. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Lancaster to direct staff to draft an item for the legislative package regarding the establishment of a mechanism for control of compost and meets requirements similar to sludge application. Motion carried.

SOUP KITCHEN

In recognition of Community Service Day the Commissioners participated in the Soup Kitchen at St. Paul's United Methodist Church.

SUBSTANCE ABUSE TREATMENT BRIEFING

Present: Rick Sampson, ADAA
Ken Henson, Chair, Marcey House
Jerome Fenwick, Chairman-Elect
William Marek, Health Officer
Kathy O'Brien, Director, Walden
Mary Ann Ridgell, "
Terry Sznukowski, Marcey House
Ed Kerns, "
Kathy Dionne, "
Carol Drury, Director, Rehab Services
Jim McCleaf, School Counselor
Joe Dick, Alliance
Walt Biscoe, "

The County Administrator advised that the purpose of the meeting was to discuss the direction of substance abuse treatment in St. Mary's County, funding concerns, and the impact on treatment programs. As an example of funding difficulties in the area of substance abuse treatment, Mr. Cox distributed a handout setting forth Marcey House revenues and expenditures, DHMH funding in comparison to expenditures, and personnel and other operating costs. Because of shortfalls in revenues for Marcey House and the reduction in allocations from the state in past years, the County Administrator inquired whether the state would have additional funding available. The County Commissioners and County Administrator pointed out the county's significant contributions to Marcey House--land, building and in-kind services.

Mr. Sampson explained the reduced funding from federal block grants and that the state is dependent on federal funding. He stated that he recognized the problem with Marcey House funding and pointed out, however, that FY '94 and FY '95 will be a level funding, no additional amounts will be allocated.

During discussion on how to resolve the funding problems, Mr. Sampson suggested that the Commissioners contact their legislative delegation as well as Congressman Hoyer regarding the funding problems. Other options discussed included contacting foundations, other businesses, the Navy, and the establishment of a "Friends of Marcey House" group.

In conclusion the Commissioners thanked Mr. Sampson for coming to the County to explain the state's funding situation.

METROPOLITAN COMMISSION REQUEST TO USE SURPLUS EPA FUNDS

Present: Steve King, Metropolitan Commission
Dennis Nicholson, Deputy Director, DECD
Nancy Hutson, Administrative Officer

The referenced individuals appeared before the Commissioners to explain the availability of surplus EPA funds in the amount of \$110,000 from the Tin Top Hill sewerage project and to request use of the those funds in another sewer connection project. Mr. King explained that when the Facilities Plan was done in 1990 for Tall Timbers and St. George Island and residents along old Rt. 249, residents of St. George's Park and Sheehan Subdivisions requested to be included in the project; however, the State indicated they could not be included in the project because of unavailability of funding.

Mr. King advised that it was the Metropolitan Commission's and DECD's recommendation to use the surplus funds for existing dwellings with low to moderate income residents along Old Route 249. If additional funds remain, residents with the same eligibility requirements in St. George's Park and Sheehan Subdivision would be the next subdivisions in the project. Those residents that do not qualify for funding would have an opportunity to hook up at 100% of the cost.

In conclusion Mr. King indicated that if the Commissioners agree to the use of the surplus EPA funds that the funds remain under the control of MetComm for funding the projects. DECD will assist in identifying households eligible for sewer connections.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster to use the surplus EPA funds to first serve the eligible residents on Old Route 249 and to return with additional figures in order to determine how the remaining funds can be used for eligible residents in St. George Park and Sheehan Subdivision, with the funds to be administered through MetComm. Motion carried.

**RESOLUTION NO. 93-45
ST. MARY'S HOSPITAL BOND ISSUE
DESIGNATION OF AUTHORIZED OFFICERS**

Relative to the recent St. Mary's Hospital Bond sale, the County Administrator presented a Resolution designating the Director of Finance and the County Administrator as Authorized Officers under the Loan Agreement, dated as of June 29, 1982, between County Commissioners of St. Mary's County and St. Mary's Hospital.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign Resolution No. 93-45 as presented. Motion carried.

MARYLAND ASSOCIATION OF COUNTIES WINTER CONFERENCE

The County Administrator presented a memorandum from the Director of Economic & Community Development advising that Calvert County has been selected as the site for the 1993 MACo Winter Conference. St. Mary's County has been requested to sponsor a reception on December 1 during the conference. Mr. Cox advised that there are three refreshment options for the Commissioners to consider for the reception: Host bar (one hour bar serving beer and wine); open bar (one hour open bar); or cash bar (one hour cash bar).

The Commissioners agreed to defer a decision until next week's meeting.

EXECUTIVE SESSIONS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to meet in Executive Sessions to discuss matters of Personnel, as provided in Article 24, Section 4-210(a)1, and Litigation (St. Mary's County Airport), as provided in Article 24, Section 40210(a)8. 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
Jon Grimm, Director, Planning and Zoning
Judith A. Spalding, Recording Secretary

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

Topic: Personnel

Time Held: 3:40 p.m. - 3:43 p.m.

Action Taken: The Commissioners reviewed Mr. Grimm's employment contract and gave their concurrence for the terms and conditions contained in the document.

Litigation

Present: Commissioner W. Edward Bailey
Commissioner Robert T. Jarboe
Commissioner John G. Lancaster
Commissioner Barbara R. Thompson
Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
Dan Ichniowski, Director, DPW
Charles Wade, Director of Finance
David Seeman, Chair, Airport Commission
Glenn Gardiner, "
Richard Wilson, "
Stewart Diana, Piper & Marbury
Bill McHugh, McHugh & Associates
Judith A. Spalding, Recording Secretary

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

Topic: Litigation - The Skydiving Center

Time Held: 3:45 p.m. - 4:40 p.m.

Action Taken: The Commissioners reviewed options for writing of the rules and regulations for the airport which could be subject to litigation and directed staff to prepare appropriate documents.

ADJOURNMENT

The meeting adjourned at 4:40 p.m.

**Minutes Approved by Board of
County Commissioners on 10/19/93**

Judith A. Spalding
Recording Secretary