

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS  
OCTOBER 19, 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 Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, October 12, 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) **Southern Maryland Cooperative Purchasing Committee  
Life Insurance Bid**

The County Administrator presented correspondence from the Southern Maryland Cooperative Purchasing Committee dated October 4 requesting St. Mary's County's participation in the bid process for a life insurance package for county governments and public schools of the three Southern Maryland counties.

**Commissioner Thompson moved, seconded by Commissioner Lancaster, that St. Mary's County participate in the cooperative bid process as requested. Motion carried.**

2) **Grants**

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

- o Office on Aging - Interim Title II Grants for Fiscal Year 1994 in the total amount of \$86,857.
- o Office of Community Services - Adolescent Pregnancy and Parenting Program for Fiscal Year 1994 in the amount of \$2,000.

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

3) **Eagle Scout Award - Michael Colson**

The County Administrator presented correspondence addressed to Mr. Michael Colson congratulating him for achieving the rank of Eagle Scout.

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

4) **Sewage Sludge Utilization Permit Applications**

The County Administrator presented correspondence from the Maryland Department of Environment forwarding sewage sludge utilization permit applications for the following properties: Carbone (SM32), Ridgell (SM27), and Morris (SM26). The return correspondence from the Commissioners advises that the County will not exercise its right to request a public informational meeting/hearing, but expresses the Commissioners ongoing concerns over safety and land record notification.

Commissioner Jarboe advised that individuals in the community had expressed concern to him regarding the application of sludge throughout the County and he suggested that the Commissioners exercise their right to hold a public hearing.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson to request a public hearing on the referenced applications. Motion carried.**

Later in the meeting Mr. Cox presented a copy of the Environment Article, Section 9-234 which outlines the requirements for requesting a public hearing or a public meeting. The County can request a public hearing for marginal land and a public meeting for other than marginal land. The referenced applications are for other than marginal land.

Mr. Cox indicated that he will make the necessary arrangements for a public meeting on the referenced sewage sludge utilization permit applications.

5) **Budget Amendments**

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

**No. 94-27**

**Department of Planning and Zoning**

To provide funds for Planning and Zoning Study approved by Commissioners on October 12, 1993 (\$15,000)

**No. 94-28**

**County Commissioners**

To provide funds to balance account and pay for future publications (\$1,000)

**No. 94-29**

**Social Services**

To provide funds for burial assistance (\$650)

**No. 94-30**

**Economic & Community Development**

To provide matching funds for Navy Alliance approved by County Commissioners on October 12, 1993.

**Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the referenced Budget Amendments as presented. Motion carried.**

**No. 94-26**

**County Attorney**

(Commissioner Loffler did not participate and Commissioner Lancaster presided over the meeting.)

To provide funds for preparation of Airport Rules and Regulations (\$50,000)

**Commissioner Jarboe moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Vice-President Lancaster, to sign the Budget Amendments as presented. Motion carried.**

## **ROAD TOURS/PUBLIC INFORMATIONAL MEETINGS**

Commissioner Jarboe suggested that the Commissioners consider having public information meetings on the first Tuesday of the month and that they be held at one of the four Commissioner Districts each month. He indicated that these meetings include discussions on the development of the budget and projects in the area.

Commissioner Loffler stated he would not be in favor of replacing the monthly public forum held at the State Office Building, but would agree to have those meetings in addition to the public forum.

Commissioner Thompson pointed out that general budget discussions should remain at the regular monthly public forum in Leonardtown; however, she had no objection to other areas with specific items or to solicit concerns.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to direct the County Administrator to develop a program for the first Tuesday of the month.**

**Commissioner Thompson moved, seconded by Commissioner Lancaster, to amend the motion to have the meetings on a Tuesday other than the first Tuesday. Three Commissioners voted in favor with Commissioners Bailey and Jarboe voting against.**

**The motion on the main motion as amended was unanimously passed.**

## **PROCLAMATIONS**

The Commissioners presented the following Proclamations

### **Community Services Day**

Present: Becky Stevens

Designating Saturday, October 23, 1993 as Community Services Day

### **Cystic Fibrosis Awareness Month**

Present: Jane Rupprecht

Designating November as Cystic Fibrosis Awareness Month

## **ALLIANCE FOR ALCOHOL/DRUG ABUSE PREVENTION HIGHWAY SAFETY GRANT**

Present: Joe Dick, Director, Alliance

Mr. Dick appeared before the Commissioners to present the Highway Safety Project Agreement in the amount of \$35,000 for the St. Mary's County Comprehensive Highway Safety Program. The grant is for the period October 1, 1993 through September 30, 1994.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Highway Safety Project Agreement as presented. Motion carried.**

## **INNOVATIVE AND ALTERNATIVE SEWAGE DISPOSAL SYSTEMS**

Present: Tom Russell, Director, Environmental Health  
Sheryl Skrabacz, Sanitarian

Mr. Russell appeared before the Commissioners to present a status report on the use of Innovative and Alternative Sewage Disposal Systems in the County. He presented a handout setting forth I & A funding for the years 1989 through 1993 which totals \$190,493.

During discussion of the success of the mound systems, Mr. Russell advised that sand mound systems using a test rate of 60 minutes have now been included as conventional technology, and a number of lots have now been rendered usable. He further informed the Commissioners that Charles and St. Mary's Counties are the most active for I & A systems.

Ms. Skrabacz explained that the I & A systems are used for properties with failing septic systems or with no indoor plumbing. To date in 1993 there have been 23 projects recommended for I & A funding, and the field has been narrowed down to five properties. She reviewed with the Commissioners the list of 1993 I & A systems by category: marginal mounds (17); nutrient reduction (3); constructed wetlands (2); and low pressure dosage (1).

In response to an inquiry from County Administrator Cox as to what controls the amount of money available for the mound system, Mr. Russell advised that funds come from the Chesapeake Bay Clean-Up monies. In prior years funds had also come from the Maryland Department of Environment. Mr. Russell informed the Commissioners that it appears that there will be no funding available next year for I & A systems.

In conclusion Commissioner Loffler pointed out the importance of Mr. Russell's office in the economic development of the county and suggested that he return to the Commissioners at a later date to discuss ways of getting information out in the community regarding the availability of I & A systems.

(Commissioners Bailey and Lancaster left the meeting - 10:50 a.m.)

#### **DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

##### **1) Development Documents**

Mr. Ichniowski presented the following documents for the Commissioners review and consideration.

#### **Public Works Agreements/Addenda to Public Works Agreement**

**Queen Arbor Subdivision** - Public Works Agreement dated October 1, 1993 between Harry W. Miller and Sons and St. Mary's County guaranteeing completion of Queen Arbor Court by October 1, 1994. The Agreement is backed by a Letter of Credit with the First National Bank of St. Mary's in the amount of \$380,100.

**Johnson Farm Estates, Section 2** - Public Works Agreement dated August 12, 1993 between O'Brien Realty and St. Mary's County guaranteeing completion of Leon Drive, Lupe's Court, and Lori's Court by August 1, 1994. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust Company in the amount of \$254,500.

**Hayden Green** - Addendum to Public Works Agreement between James Dobry and St. Mary's County extending the deadline for completion of improvements to November 1, 1994. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$15,000.

#### **Correspondence Calling Letters of Credit**

**Landings at Piney Point** - To Second National Federal Savings Bank calling Letter of Credit #109892 in the amount of \$424,000 for Public Works Agreement.

**Patuxent River Farms** - To Homestead Insurance company calling Bond No. PO1424 in the amount of \$473,000 for Public Works Agreement.

**Wal-Mart Stores, Inc.** - To CNA National Fire Insurance Company calling Bond No. 700-81-22-1767 in the amount of \$338,000 for Grading Permit #93-13.

**Deeds/Road Resolutions**

**The Moorings at Cedar Cove** - Deed dated September 27 between Jay Laurence Millison and St. Mary's County Commissioners accepting Keel Drive into the County Highway Maintenance System.

Deed dated September 27 between Jay Laurence Millison and St. Mary's County Commissioners accepting Mainsail Drive into the County Highway Maintenance System.

Road Resolution No. R93-15 posting Mainsail Drive and Keel Drive at 25 miles per hour.

Road Resolution No. R93-16 designating the following as Stop Streets: Mainsail Drive at its intersection with Long Lane; Mainsail Drive at its intersection with Keel Drive.

**Roof Top Circle** - Resolution No. R93-13 posting Roof Top Circle at 25 miles per hour; Resolution No. R93-14 designating Roof Top Circle as a Stop Street at its intersection with County Oak Road.

**Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Public Works Agreements, Addendum to Public Works Agreement, correspondence calling letters of credit (to be forwarded if necessary), Deeds of Acceptance and Road Resolutions as presented. Motion carried.**

(Commissioners Bailey and Lancaster returned to the meeting - 11:02 a.m.)

**2. Stormwater Management Approval Process**

Also Present: George Erichsen, Supervisor, Engineering Services  
Jon Grimm, Director, Planning and Zoning

As requested by Commissioner Thompson, Mr. Ichniowski and Mr. Erichsen appeared before the Commissioners to explain the process for stormwater management approval. Mr. Erichsen presented a handout setting forth the particulars of the process including current regulations as contained in the Zoning Ordinance, Road Ordinance, Subdivision Regulations, and Sediment and Erosion Control Ordinance. Mr. Erichsen also reviewed the design parameters for the two-year and ten-year storm events and control structures for the 100-year storm. Also discussed was the process of handling complaints which Mr. Ichniowski pointed out are handled in accordance with the referenced provisions.

During discussion Mr. Ichniowski pointed out that the State has recently completed its tri-annual review of the stormwater management program, and the state's comments have been forwarded to Public Works and Planning and Zoning for review. He stated that after the review he and Mr. Grimm will return to the Commissioners with recommendations as to whether there will be any changes to the program. In addition Mr. Ichniowski reported that the State will be revising its regulations on stormwater management and he will also report those changes to the Commissioners at a later meeting.

**ST. MARY'S PRESS AUCTION**

The County Administrator presented correspondence from Homestead Auction setting forth questions that prospective buyers have asked regarding the sale of St. Mary's Press located at the Industrial Park. Mr. Cox referred to Question No. 2 regarding environmental concerns at the facility and whether a study would be done. County Administrator Cox recommended that the Commissioners sell the property with the contingency that the County, at its own expense, would guarantee a clean bill of health.

Commissioner Loffler indicated that the County should accept the responsibility, but should have the right to void the sale if the clean up is found to be too costly.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, that the County pay for the environmental study and the County would have the right to void the sale if the clean up is too costly. Motion carried.

**LUNCHEON WITH BALTIMORE GAS AND ELECTRIC REPRESENTATIVES**

The Commissioners departed to attend a luncheon meeting at Olde Breton Inn with representatives of Baltimore Gas and Electric.

**VISIT TO LAUREL RIDGE PROJECT**

The Commissioners visited the Laurel Ridge project located off of Golden Beach Road to look at a variety of Public Works' concerns.

**EXECUTIVE SESSION**

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Litigation (St. Mary's County Airport), as provided in Article 24, Section 4-210 Motion carried.

**Litigation**

Present: 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

(Commissioner Loffler did not participate.)

Authority: Article 24, Section 4-210(a)8  
 Topic: Litigation - St. Mary's County Airport  
 Time Held: 4:40 p.m. - 5:05 p.m.

Action Taken: The Commissioners gave concurrence to the proposal and directed staff to move forward with the implementation of the drafting of the rules, regulations, and standards for the operation of the county airport. The Commissioners emphasized the need for adequate public review prior to the required public hearing.

**ADJOURNMENT**

The meeting adjourned at 5:05 p.m.

Minutes Approved by Board of  
 County Commissioners on 10/26/92

Judith A. Spalding  
 Recording Secretary