

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
JANUARY 25, 1994

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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 Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, January 11, 1994. Motion carried. (There was no January 18 meeting due to inclement weather.)

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Community Development Block Grant
Tulagi Place Redevelopment Plan**

Also Present: Aleck Loker, Director, DECD
Tara Clifford, Housing and Community Development
Vivian Marsh, Department of State Planning
Charles Wade, Director of Finance

Mr. Loker advised that the Commissioners had previously submitted an application to the State for the referenced Community Development Block Grant project for the redevelopment of Tulagi Place and the surrounding area. If the grant is approved, the State will provide \$100,000 planning money, which would require a \$50,000 local match. Director of Planning and Zoning Grimm has indicated that he may have a source of funds for that match. In addition, the State has suggested that the County enter into a partnership with the State for immediate interim improvements to the area (parking lot, landscaping, improved lighting) at a cost of approximately \$300,000, requiring a \$150,000 match from the County. The cost to the County for demolition of Felix Johnson is estimated at \$75,000. Mr. Loker indicated that the total request for commitment from the County is \$275,000 (less the \$50,000 grant through DPZ).

Mr. Loker went on to explain the specifics of the project (acquisition of the Skipjack Hotel and adjacent properties; demolition of the Felix Johnson Center, development of a Master Plan, and the interim improvements).

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to make a commitment in the amount of \$225,000 for the referenced Community Development Grant project and to direct staff to determine a source of funds and prepare the appropriate budget amendment. Motion carried.

2) **Budget Amendments**

The County Administrator presented the following budget amendments recommended for approval by the Director of Finance with justification as indicated:

No. 94-43

Animal Control

Also Present: Paul Wible, Director, EMA

To provide additional funds for purchase of heavy duty cargo vans and independent cages for the animal warden. (\$16,000)

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

No. 94-45

Sheriff's Department

To transfer funds to support the cost of three Process Servers and one Security Systems Operator at \$10 per hour for hours of service. In addition, funds are included for maintenance of vehicles, gasoline, shift differential pay for qualifying shifts, maintenance of equipment and medical expenses for Inmate (Total \$105,116)

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

No. 94-44

Finance

Justification: For temporary service person to replace Jannette Cameron while on maternity leave (\$5,000)

(The referenced Budget Amendment No. 94-44 was presented later in the day when Commissioner Loffler was not present.)

Commissioners Bailey, Jarboe, Lancaster, and Thompson agreed to approve Budget Amendment No. 94-44 and to authorize Commissioner President Loffler to sign the document as presented. Motion carried.

(Later in the meeting County Administrator Cox left the meeting to attend the Commission on Environment meeting. Director of Finance Charles Wade presented the following items on behalf of the County Administrator.)

2) **Franzen Response**

Mr. Wade presented correspondence in response to a November 30, 1993 from John Pleisse regarding the zoning classification of Marvin Franzen's property located at the intersection of Md. Rte. 235 and Rue Purchase Road. The return letter advises that the Commissioners had considered the matter on previous occasions, do not see reasons to reconsider at this time, and that Mr. Franzen should explore other courses of action available to him, such as the rezoning process.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to sign and forward the letter as presented. Motion carried four to one with Commissioner Bailey voting against.

3) **State's Attorney's Office
Reclassification Requests**

As a follow up to previous discussions, Mr. Wade presented a memorandum dated January 10 from the Personnel Officer advising that the State's Attorney has requested that the reclassification requests be considered during the FY '95 budget deliberations. State's Attorney Dorsey is rewriting job descriptions and developing an organizational chart which will be submitted during the budget process.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to consider the reclassification requests from the State's Attorney's Office during the Fiscal Year 1995 budget process. Motion carried.

4) **Eagle Scout Award**

The County Administrator presented correspondence addressed to Steve Williams congratulating him on achieving the rank of Eagle Scout.

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

5) **Liability Insurance
Skydiving Operation - St. Mary's County Airport**

Mr. Wade presented a memorandum dated January 12 from County Attorney Densford advising that liability insurance coverage to the County for skydiving operations at the Airport through Local Government Insurance Trust (LGIT) expired on January 15 as provided for in the settlement agreement. This coverage was provided by LGIT at no cost to the county while the county was rewriting its rules and regulations. LGIT has agreed to extend the coverage on a month-to-month basis at a cost of \$5,000 per month. The regulations are in draft form and are due to be ready for final adoption in approximately two months. Mr. Wade noted that the rules and regulations will require the Skydiving operation to have liability insurance coverage.

After considerable discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to obtain liability insurance from LGIT on a month-to-month basis at a cost of \$5,000 per month, said insurance to provide protection to the county relative to the skydiving operation at the St. Mary's County Airport. Motion carried.

Mr. Wade will determine source of funds and prepare appropriate budget amendment.

(County Administrator Edward V. Cox returned to the meeting - 11:55 a.m.)

6) **Comprehensive Water and Sewer Plan
Semiannual Amendments
Resolution No. W/S 94-02**

As a follow up to the December 27, 1993 public hearing and January 11, 1994 deliberations, the County Administrator presented the referenced Resolution No. W/S 94-02 amending the 1993 Complete Revision of the Comprehensive Water and Sewerage Plan as described in the attachment. County Administrator Cox also presented correspondence addressed to the Maryland Department of the Environment forwarding the Resolution and amended maps.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve and sign the Resolution and letter as presented. Motion carried.

7) **Southern Maryland Telecommuting Center Program Steering Committee**

The County Administrator presented correspondence addressed to the Executive Board of the Tri-County Council nominating Mr. Aleck Loker and Mr. Howard Norfolk to serve on the Steering Committee for the Southern Maryland Telecommuting Center Program.

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

8) **Appointments
Boards, Committees, Commissions**

Commissioner Bailey moved, seconded by Commissioner Thompson, and motion carried, to make the following appointments with terms as indicated:

<u>Agriculture Commission</u>	<u>Terms To Expire</u>
Parren Mike Russell	12/31/96
<u>Space Needs Task Force</u>	
Walter Dorsey	No Term
<u>Wicomico River Commission</u>	
Richard Colliflower	12/31/96
Sidney Moreland	12/31/97
Mary Owens	ex-officio
John W. Cheseldine	12/31/96

9) **House Bill 116
Public Schools - Construction and Capital Improvements - Financing**

The County Administrator advised that the Maryland Association of Counties has requested St. Mary's County to join in support of referenced House Bill 116, which gives counties permissive authority to borrow money for capital projects through the sale of bonds. Since its is permissive and not mandatory, Mr. Cox presented correspondence addressed to MACo expressing the County's support for House Bill 116 and recommended the Commissioners sign and forward the letter.

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

10) **Resolution No. 94-01
Cable Television System
Regulation of Basic Service Tier Rates**

The County Administrator advised that Congress in 1992 through enactment of the Cable Television Consumer Protection and Competition Act has given rate regulation authority to local jurisdictions. In order to enable the County to regulate Basic Service Rates and Charges, a Certification form must be filed with FCC. Therefore, County Administrator Cox presented Resolution No. 94-01 indicating that the County will follow FCC Rate Regulations and authorizing the execution of the proper Certification form.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 94-01 as presented. Motion carried.

(Commissioner Loffler left the meeting - 12:05 p.m., and Commissioner Vice-President Thompson presided over the meeting.)

11) **Rental Allowance Program
Grant Agreement**

On behalf of the Department of Economic and Community Development the County Administrator presented the referenced Rental Allowance Program Grant Agreement for Fiscal year 1994 between the Community Development Administration and St. Mary's County which provides \$53,210 to St. Mary's County to assist low-income families.

Commissioner Lancaster moved, seconded by Commissioner Jarboe to approve and authorize Commissioner Vice-President Thompson to sign the Rental Allowance Grant Agreement as presented. Motion carried.

(Commissioner Loffler returned to the meeting - 12:10 p.m.)

ANIMAL CONTROL PROGRAM

Commissioner Jarboe referred to January 11 memorandum from the Director of Emergency Management Agency relative to Article 27, Section 67 - Care of Mistreated and Neglected Animals. The memorandum addresses difficulties with a certain group regarding the seizure of animals and the law as currently written allows other groups to go on property and confiscate animals. Mr. Wible suggested that the law be amended to add St. Mary's County to the exemption of Section 67, which would require an organization to get authority from the County.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to initiate the process to include St. Mary's County in the exemption. Motion carried.

**OFFICE ON AGING
FEDERAL/STATE GRANT OVERVIEW**

Present: Gene Carter, Director

As a follow up to discussion at the January staff meeting, Mr. Carter appeared before the Commissioners to present an overview of the impact of budget reductions from the state and federal governments. The first handout described the changes from the period 1990 to 1995 in grant funding, changes in personal service costs, and budget profile for Title IIB/Title IIIC-1.

Mr. Carter advised the State has notified the Office on Aging of available excess funds and he presented a memorandum from the State requesting the County to apply. he reported that he has made application for St. Mary's County to be included in receiving a share of the funding.

The third handout listed the impacts of budget reductions on Office on Aging Operations in Fiscal Years 1995 and 1996 and Recommendations to the Commissioners which include:

- o To decide whether to fund certain services to seniors which would otherwise be lost;
- o To develop an alternative compensation plan for grant-funded employees
- o To consider converting essential positions to county-funded positions.

Discussion ensued relative to services provided to the seniors in the county, the availability of senior centers, and the impact of possible reduction of those services. Commissioner Bailey questioned the prudence of closing the Oakley Center (scheduled to close June 30, 1994) pointing out that many of the participants would probably not be willing to go to another center. Mr. Carter pointed out that the Church of Ascension in Lexington Park will be closing once the center at the Regional Park is operational.

Commissioner Loffler indicated that in looking at budgetary considerations, it was important to look at the most effective programs in terms of service to seniors and being the most cost effective. The Commissioners will have to determine the County's level of commitment during the FY '95 budget deliberations. Commissioner Bailey requested that Mr. Carter provide the cost per participant per center.

In conclusion the Commissioners agreed to request the Commission on Aging and Office on Aging to develop information relative to the programs and make recommendations for the Commissioners' consideration during the FY '95 budget process.

**SUPERVISORS OF ELECTIONS
STORAGE OF VOTING MACHINES**

Present:	Karen Abrams, Attorney, Supervisors of Elections	
	Marjorie Aud, Chair	"
	Marie Gardner,	"
	Michael Sirk,	"
	Charles Latham,	"

The referenced individuals appeared before the Commissioners to discuss storage facilities for the voting machines. Currently the machines are located at the storage facility at the Governmental Center property, and the 30 recently acquired machines have been located at the industrial park in Hollywood.

Ms. Abrams indicated that the Supervisors have the following concerns about the industrial park site: the logistics of transporting and maintenance of the machines; climatic conditions; and adequate security. She pointed out, however, that the Supervisors are willing to accept the temporary arrangement on the condition that the County seek a more permanent solution, preferably additional square footage at the Governmental Center facility. The Commissioners indicated that the storage situation will be addressed during the Fiscal Year 1995 budget deliberations.

In addition the Supervisors stated their belief the County should discuss the long-term replacement of the current voting system. Because as the population increases the current voting machines are proving to be more inadequate and expensive to maintain and more costly to accommodate. The Commissioners agreed that the long-term replacement should be studied and requested the Supervisors to develop all related facts and to prepare alternatives and recommendations by March 1994.

**PROCLAMATION
CATHOLIC SCHOOLS WEEK**

The Commissioners presented the referenced Proclamation designating the week of January 30 - February 4, 1994 as Catholic Schools Week in St. Mary's County.

**COMMISSION ON THE ENVIRONMENT
ORIENTATION MEETING**

Present: Thomas L. Greenwell)
 Mervyn E. Hampton)
 Edith A. Hoschar)
 Lawrence J. Pinto)Commission on the Environment Members
 Anthony W. Pitt)
 Lawrence E. Roland)
 Nancy P. Smith)
 Thomas Russell, St. Mary's County Health Department (staff support)
 Margaret Nelson, Recording Secretary

At the request of the County Commissioners the referenced individuals appeared before the Board to be introduced and receive their charge as newly appointed members of the Commission on the Environment. The Commissioners expressed appreciation to the members for volunteering in this important task and gave them the following directions:

- o To represent citizens' points of view
- o To look at the needs and present justifications for those needs
- o To educate the public and assist citizens in understanding specific issues
- o To be a link between the Commissioners with the public and other agencies

In conclusion, the Commissioners suggested that the Commission set its own agenda based upon information and requests presented to them from various channels.

(At this time the Commission adjourned to Room 16 to conduct its first meeting.)

**ST. MARY'S PUBLIC SCHOOLS
YEAR-ROUND EDUCATION PLANNING GRANT**

Present: Ed Fitzgerald, Assistant Superintendent for Administration

Mr. Fitzgerald appeared before the Commissioners to present Year Round Education Proposal Incentive Grant Application. He explained that the grant will provide funding for the development of a plan for the expansion of the St. Mary's Technical Center to a year-round program and tie it in with the high school summer program at Leonardtown High School. The grant is for the period February 14, 1994 through June 30, 1995, during which time Public Schools will be planning and evaluating the program's feasibility and its cost effectiveness. This will allow time to determine the community's interest and whether transitions can be made (air conditioning, transportation, etc.). Mr. Fitzgerald indicated that in order to receive the grant each county is required to fund \$20,000 in Fiscal Year 1995 to support the project.

For the Commissioners' consideration, Mr. Fitzgerald presented correspondence addressed to the Maryland State Department of Education indicating the Commissioners' support of the proposal to study the year-round school concept.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the grant application and to sign the letter to the Department of Education as presented. Motion carried.

REGIONAL SOLID WASTE MANAGEMENT TASK FORCE

Present: Larry Schindel, Chair
 Brenda Sandberg, Tri-County Council
 Members of the Task Force

The referenced individuals appeared before the Commissioners to present the Regional Solid Waste Management Task Force Report. Mr. Schindel presented the Report entitled "Trash Can Realities: Managing the Future Solid Waste Crisis in Southern Maryland" and Ms. Sandberg displayed slides highlighting significant aspects of the report.

The report included analysis of landfill tipping fees, solid waste disposal and reduction, regionalization of solid waste management, solid waste operating costs, flow control, volume-based fees, recycling systems, Recovermat process, waste-to-energy facilities, and short-term and long-term solutions.

In order to accomplish the short and long term goals, Mr. Schindel advised that the Task Force has made the following recommendations:

- o Initiate feasibility and implementation studies of the Task Force recommendations
- o Approve funding in FY '95 budget for a tri-county household hazardous waste collection day
- o Incorporate recommendations into ten-year solid waste plan
- o Encourage purchasing of recycled products
- o Establish a solid waste enterprise fund
- o Set date in Spring of 1994 for a "Buy Recycled Training Program"
- o Establish a long-term Tri-County Solid Waste Management Task Force

In closing Mr. Schindel emphasized the importance of continued cooperation among officials, administrators and staff of the tri-county area in order to implement the recommendations and accomplish the goals of solid waste management.

After discussion of the report, the Commissioners thanked the Task Force members for its presentation.

A copy of the report is on file in the Commissioners' Office.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Snow Removal Costs**

Mr. Ichniowski presented costs that were incurred as a result of the recent snow/ice storms which total to date \$129,213.95. He pointed out that this amount is more than had been budgeted and would be submitting a budget amendment.

2) **Md. State Route 5
Camp Brown Road to Point Lookout**

Mr. Ichniowski presented correspondence addressed to Secretary Brown, Department of Natural Resources and Secretary Lighthizer, Department of Transportation proposing a joint meeting with the Board of County Commissioners on February 22 to discuss improvements on Md. Rte. 5 - Camp Brown Road to Point Lookout.

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

3) **Md. State Route 246
Construction Task Force**

Mr. Ichniowski advised that the referenced road construction project has been awarded, and the State has requested that a task force be established to address any concerns or problems that may arise during the project (detours, how work is progressing). If the Commissioners concur, Mr. Ichniowski stated he would get together with County Administrator Cox to develop a list of names to serve on the task force, which should include representatives from the County, Navy, local business, Chamber of Commerce, residents, and Board of Education.

The Commissioners gave their concurrence.

4) **Development Agreements**

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

Lacey's Run

Public Works Agreement dated July 2, 1993 between Samperton Construction Co., Inc. and St. Mary's County guaranteeing completion of Mill Seat Drive, Newlands Street, and Farmington Court by January 1, 1995. The Agreement is backed by a Letter of Credit with The First National Bank of St. Mary's in the amount of \$558,200.

Potomac Sands

Addendum to Public Works Agreement between Alan C. Borg and Board of County Commissioners extending the deadline for completion of improvements to December 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.

Chestnut Ridge

Deeds (2) between Delmarva Properties, Inc. and Board of County Commissioners of St. Mary's County accepting Chestnut Ridge Drive and Oakway Court into the County's Highway Maintenance System.

Road Resolution No. R93-26 designating the following as Stop Streets: Oakway Court at its intersection with Chestnut Ridge Drive

Road Resolution No. R93-27 posting Chestnut Ridge Drive and Oakway Court at 25 miles per hour.

Landings at Piney Point

Revised Public Works Agreement dated December 15, 1993 between Potomac Land Ltd and St. Mary's County guaranteeing completion of improvements to December 1, 1994. The Agreement is backed by a Letter of Credit with Maryland Bank and Trust in the amount of \$424,000.

Lockes Hill Forest

Correspondence addressed to Tri-County Federal Savings Bank of Waldorf calling Passbook Savings Account #032119076 in the amount of \$35,000 for Public Works Agreement.

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

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss a matter of Property Acquisition (Indian Bridge Road), as provided in Article 24, Section 4-210(a)11. Motion carried.

Property Acquisition

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
Dan Ichniowski, Director, DPW
George Erichsen, Supervisor, Engineering, DPW
Anne Germain, Engineer, DPW
Judith A. Spalding Recording Secretary

Authority: Article 24, Section 4-210(a)11

Topic: Property Acquisition (Indian Bridge Road)

Time Held: 2:50 p.m. - 3:25 p.m.

Action Taken: The Commissioners reviewed the particulars relative to the Indian Bridge Road project, considered the recommendations, agreed to discuss the matter further next week.

ADJOURNMENT

The meeting adjourned at 3:25 p.m.

**Minutes Approved by Board of
County Commissioners on 2/1/94**

Judith A. Spalding
Recording Secretary