

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
APRIL 12, 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 Bailey moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, April 5, 1994. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Eagle Scout - James Bricker**

The County Administrator presented correspondence addressed to James Bricker congratulating him upon his achievement of receiving the rank of Eagle Scout.

The Commissioners agreed to sign and forward the letter.

3) **Grants**

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

Homeless Prevention

- o In the amount of \$9,000. The Program, administered by the Department of Social Services provides a one-time loan to single and family households at risk of eviction due to nonpayment of rent or mortgage.

Walden/Sierra - Battered Spouse

- o Crisis Shelter for Homeless Women in the amount of \$82,360. The program provides safe accommodations, board, counseling, referral to community resources, housing and employment assistance to enable homeless women to obtain more permanent living arrangements and become self-sufficient.
- o Rape Crisis/Sexual Assault Program in the amount of \$74,735 The program provides services to victims of rape and sexual assault including crisis and ongoing counseling and assistance with the medical and court systems.

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

3) Appointments

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

<u>Lexington Park Task Force</u>	<u>Terms to Expire</u>
Bruce Bunker	No term
Mike O'Brien	No term
Dan Simpson	No term
<u>Marcey House Board</u>	
Carol Kalmus	12/31/94/97

**4) Response Letter
Transferable Development Rights**

The County Administrator presented a response letter to correspondence dated March 30 from Norris Jay Hanks relative to Transferable Development Rights. The return letter advises that his proposal has been forwarded to the Department of Planning and Zoning for consideration during the update of the Comprehensive Plan.

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

**5) Response Letter
Skydiving Activities**

The County Administrator presented a response letter to correspondence dated March 21 from Eileen Clarke, Administrator, Air Park Sales and Services, relative to skydivers' activities at the St. Mary's County Airport. The return letter advises that the letter has been forwarded to the Airport Commission requesting that her comments be considered during the review of the airport rules and regulations.

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

**6) Response Letter
Transfer Station Fees**

The County Administrator presented a response letter to correspondence dated March 16 from Patsy Mattingly relative to transfer station fees that have been included in the Recommended Budget. The return letter advises of the date, time and place of the public hearings on the budget and states that her comments will be considered during deliberation of the fee proposal prior to final budget approval.

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

**7) Budget Amendment No. 94-71
Department of Public Works**

The County Administrator presented the referenced budget amendment recommended for approval by the Director of Finance with the following justification: Funds needed for the Solid Waste Management Plan. Waste quantity projections update. (\$1,731)

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to the sign the referenced budget amendment as presented. Motion carried.

8) **Budget Hearing Arrangements**

Relative to the April 19 and 26 Public Hearings on the Fiscal Year 1995 Budget to be held at the Leonardtown High School, the County Administrator presented a proposed agenda and seating arrangements.

The Commissioner concurred with the arrangements as presented.

9) **Meeting With Library Board
Proposed Discussion**

Relative to the meeting with the Library Board scheduled for later in the day, the County Administrator presented a discussion paper regarding the Library pay scale.

10) **Maryland Association of Counties
St. Mary's County Exhibit at Summer Conference**

The County Administrator presented a Memorandum dated April 12 to the Commissioners indicated the Commissioners had delayed a decision in the FY '95 Recommended Budget to discontinue the county's exhibit at the MACo Summer Conference. Staff's recommendation to discontinue the exhibit was made on the basis that the \$1,000 spent on the exhibit could be more effectively spent at tourism events.

County Administrator Cox advised that because of MACo's deadline for reservation of space, the Commissioners needed to make a decision.

The Commissioners agreed to fund the exhibit for the MACo Summer Conference in the amount of \$1,000.

**ANNUAL REPORT
RESOURCE CONSERVATION AND DEVELOPMENT BOARD**

Present: Larry Jarboe, Chair

Mr. Jarboe appeared before the Commissioners to present the 1993 Annual Report of the Resource Conservation and Development Board. He reviewed the objectives and goals related to St. Mary's County. The objectives include reduction of soil erosion and water quality degradation (goals: installation of conservation measures at Patuxent River Naval Air Station; assist Environmental Group in volunteer citizen stream monitoring program; complete second-year of no-till drill program); preservation and development of local historical resources (assist in restoration of Newtown Manor); improve tri-county environmental education centers and programs (upgrade environmental education centers and facilities at Navy Base; assist state Envirothon Committee with informational effort to encourage more participation.); improve community facilities (begin dry hydrant installation); promote awareness of environmental issues; and improve RC&D capabilities. Plans for the current year include plans for the development of a grants library.

After his presentation, Mr. Jarboe reported that he has filed for the office of County Commissioner and inquired whether there was a conflict by being on the RC&D Board. The Commissioners indicated they had no objection; however, the County Administrator would check into it.

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

**ANNUAL REPORT
SOUTHERN MARYLAND WOOD TREATMENT PLANT TASK FORCE**

Present: Ralph Guenther, Chair
Joe Anderson

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Southern Maryland Wood Treatment Plan. Mr. Guenther reviewed the purpose of the group and history of the wood treatment plant site. During presentation of the activities of the past year, Mr. Guenther reviewed the eight alternatives methods and associated costs of remediation as contained in the Focused Feasibility Study from "Do nothing" to excavation and treating the soil biologically.

Relative to future challenges, Mr. Guenther referred to the lack of leadership by EPA and indicated that EPA needs to be more active in seeking out remediation alternatives for study and pursuing required testing without reminders from the community.

Plans for the coming year include decisions leading up to a selection of the technology to deal with the site; followed by design of the remediation method. Mobilization and remediation will probably not occur until Fall of 1995.

Included in the report were the following recommendations to the Commissioners:

To accept only a remediation scheme that will not require severe land use restrictions.

To only accept a remediation scheme which does not risk environmental contamination during the cleanup process.

To only accept a remediation scheme which assures the DNAPL will not migrate.

Mr. Guenther stated that until release of information on the cleanup levels that can be achieved by bioremediation and the impact to the community, the Task Force will not make a recommendation for a specific technology.

After discussion of the remediation methods, the Commissioners thanked the Task Force members for their work and efforts in this project.

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

**OFFICE OF COMMUNITY SERVICES
GRANT APPLICATIONS**

Present: Cynthia Brown, Director, OCS
Joe Dick, Director, Alliance for Alcohol and Drug Abuse Prevention
Walt Biscoe, Coordinator, "
Capt. Greg Copado, Sheriff's Department
VISTA Workers

The referenced individuals appeared before the Commissioners to present the following Grant Applications for the Commissioners' review and approval:

Comprehensive Alcohol and Drug Abuse Prevention for Fiscal Year 1995

In the amount of \$81,332, to support the various prevention programs in St. Mary's County.

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

Drug Control and System Improvement Grant

In the amount of \$10,000 for the Summer of Safety Serve and Learn Camps project.

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

**OFFICE ON AGING
ADULT DAY CARE BUDGET AND GRANT
MEMORANDUM OF UNDERSTANDING**

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Commissioners to present a Memorandum of Understanding between the Medical Care Policy Administration and St. Mary's County Office on Aging for the Fiscal Year Adult Day Care Funding Agreement at a maximum amount of \$84,091.

Mr. Carter discussed the status of the day care centers stating that because of inclement weather, the centers were closed approximately ten days, which will result in an operational loss. He pointed out that there are funds in reserve to cover this loss. He advised that within the next month the participants at St. Andrews will be moved to the center at the Regional Park and the Oakville participants will move to the St. Andrews Church location. The Oakley site participants will remain in the Seventh District.

In response to an inquiry from Commissioner Lancaster, Mr. Carter advised that the participants at the Church of the Ascension would like to stay at that location and not move to the Regional Park. He stated that he would be discussing this issue and the cost with Rev. Harding.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Memorandum of Understanding as presented. Motion carried.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Property Disposition (St. Mary's Press), as provided in Article 24, Section 4-210(a)11. Motion carried.

Property Disposition - St. Mary's Press

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
Mary Pat Pope, Administrative Officer
Joe Mitchell, Attorney, Metropolitan Commission
Judith A. Spalding, Recording Secretary

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

Time Held: 11:50 a.m. - 12:10 p.m.

Action Taken: The Commissioners discussed the Metropolitan Commission's response to the county's proposal and requested the County Administrator to develop recommendations.

Personnel (Boards, Committees, Commissions)

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)1

Time Held: 12:10 p.m. - 1:05 p.m.

Action Taken: The Commissioners reviewed the current status sheet, made nominations, and directed staff to contact the nominees and prepare correspondence for their signatures.

**ANNUAL REPORT
HISTORIC DISTRICT COMMISSION**

Present: David Roberts, Chair
Leonard Kohl, Jr., Vice-Chair
Isabel King
Jean Ridgell
Jon Grimm, Director, DPZ

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Historic District Commission. Mr. Roberts explained that the Commission, originally established in 1975, had been inactive for seven years and was reactivated in 1993 and went on to describe the Commission's purpose, powers and duties. During review of significant activities, Mr. Roberts described the various tasks and projects and what has been accomplished to date.

Mr. Roberts indicated that there were a number of challenges facing the Commission including the selling of historic preservation and convincing property owners of the value of putting their property in an historic district. He indicated that in order to do this, county funding would be needed and indicated the Commission developed a budget request for Fiscal Year 1995 totaling \$8,556 (\$6,250 of which is for a brochure explaining procedures).

During discussion Commissioner Loffler questioned the significance and benefit of preservation to the community. Mr. Roberts indicated that it was important to the culture of the county as well as in preserving our past.

Commissioner Loffler suggested that the Historic District Commission try to get Sotterley included as a local historic district, return to the Commissioners with a "success story," and the Commissioners would then give consideration to the request for promotional funding. County Administrator Cox will assist in coordinating the meeting with the Sotterley Board and the Historic District Commission.

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

**ANNUAL REPORT
PLANNING COMMISSION**

Present: Harry S. Lancaster, Jr., Vice-Chair
John Dixon
Frank Taylor
Jon Grimm, Director, DPZ

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Planning Commission. Mr. Lancaster highlighted the Commission's purpose as set forth in Article 66B, St. Mary's Code of Public Local Laws, and the Zoning Ordinance, and gave a statistical summary relative to construction permits, site plan reviews and decisions, and subdivision review and approvals. The report included charts and statistics regarding land use, subdivision plats, zoning map amendments, transportation, community facilities, consistency requirements, 1993 goals and accomplishments. Projects for 1994 were set forth under the headings of procedural (completion of consultant review of development approval procedures); administrative (revision of the subdivision regulations; preparation of "Customer Assistance Guides;" annual review of Zoning Ordinance); and Planning Projects (four-year review of critical area regulations; Comprehensive Plan Update; preparation of Lexington Park Development District Master Plan; establish cooperative effort among EDC, DPZ, and DECD to improve quality of development proposed in the County).

Discussion ensued relative to the issue of grandfathering projects under the Zoning Ordinance, and the Commissioners indicated that the matter should be revisited.

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

**ANNUAL REPORT
ZONING BOARD OF APPEALS**

Present: Shane Mattingly, Chair
Dick Metz
Charles Mander, Attorney

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report for the Zoning Board of Appeals. Mr. Mattingly reviewed the purpose and functions of the Board of Appeals which is established by state law to hear and decide appeals from Zoning Administrator's decisions; conditional use applications; variances; rulings/interpretations of zoning laws, and appeals to Livability Code decisions. During discussion of problems and challenges, Mr. Mattingly noted the following issues: variances (the board is trying to become more conscientious when reviewing conditional uses and imposing conditions of approval and also needs to be more specific in conditions of approval); after-the-fact approvals (the board has imposed substantial fines); and critical area requirements (the fact that the Critical Area Commission has overturned Board of Appeals' approvals).

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

**ANNUAL REPORT
ELECTRICAL EXAMINERS BOARD**

Present: Arthur Goode, Chair

Mr. Goode appeared before the Commissioners to present the 1993 Annual Report for the Electrical Examiners Board. He reviewed the purpose of the Board and activities of the past year, which include administering and grading Master's and Restricted exams and homeowner's exams; and issued 267 licenses. Plans for 1994 include the update of Homeowners and Master exams from State Uniform Licensing Exam Book to reflect the 1993 Code.

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

ANNUAL REPORT - PLUMBING BOARD

Present: Joe Mike Weiland, Plumbing Inspector

Mr. Weiland appeared before the Commissioners to present the 1993 Annual Report for the Plumbing Board. He cited the Board's purpose, number of licenses issued for Master Plumbers (93), Journey Person (23), and Apprentices (24). Plans for the current year include testing of Master and Journey Persons for the County Natural Gasfitters License and regulating LP gas companies working in the County.

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

LIBRARY BOARD OF TRUSTEES - SALARY STRUCTURE

Present: Lynn Redmond, Chair
Mary Ann Chasen
Everlyn Holland
Fred Powledge
Charles Young
Katherine Hurrey, Director, SMRLA
Mary Wood, Head Librarian
Charles Wade, Director of Finance

At the request of the Commissioners, the referenced Library Board members and staff appeared before the Commissioners to discuss the proposed salary scale for the library. By memorandum dated March 29 submitted to the Commissioners in response to the Director of Finance memorandum to the Commissioners, the Library Board explained the method by which the salary scale was developed. Mrs. Redmond advised that the County had a salary study done in 1988 and the library had not been included in that study. The consulting firm of Starkey, Beall and Associates conducted a salary study for the library in 1991 and the proposed pay scale by Starkey was rejected because it was considered too high in comparison to other professional salaries in the county and not in line with median salaries for librarians in the state. Therefore, the library used the county government's pay scale taking into consideration the state's median salaries.

During discussion the Commissioners raised the following issues/concerns:

The number of professionals that are required for the libraries; (Mrs. Hurrey indicated that the numbers as based on recommendations from staff, public need and because of change in technology.)

The source for the criteria/requirements for professional staff; (Mrs. Hurrey stated the criteria was based on comparisons to similar counties and not just in Maryland.)

The proper format for the structure of library staff for each library (grades, requirements, and classification verifications).

Justifications for proposed pay scales (entry level); (Mrs. Hurrey advised that Entry level requires some experience and knowledge).

The proposed pay scale provides for 15 grades and 12 steps (a 57% spread) as opposed to the county's 21 grades and 8 steps (a 45% spread); a 35 hour-week as opposed to the county's 40-hour week; and adds four longevity steps. (Mrs. Hurrey explained that the longevity steps were added to prevent the scale from being obsolete. Mrs. Redmond indicated that the Board would give consideration to a 40-hour work week.)

Whether the County should have a classification/salary study done.

After discussion the Commissioners directed staff to review the library's pay scale in conjunction with the county's pay scale, revise it to a 40-hour work week, reduce the number of steps, include the 3.5% COLA, determine the impact it will have on the FY '95 budget, and return to the Commissioners.

**TRAPP HALL, VALLI VIEW, TRAPP HALL FARMETTES
DEVELOPMENT DOCUMENTS**

Present: Phil Dorsey, Attorney
Dan Ichniowski, Director, Public Works
George Jarboe, Supervisor, Construction and Inspection, DPW

Mr. Dorsey appeared before the Commissioners relative to his request for extensions of Construction Permit (Trapp Hall, Lot 3), Public Works Agreement (Valli View Estates), and Grading Permit (Trapp Hall Farmettes). He indicated that when he wrote his letter of March 29 to the Commissioners requesting an appointment to appeal the decision of the Director of Public Works to not grant the extension, he had been frustrated at not being able to complete the work because of the number of days of inclement weather since November.

He pointed out, however, that most of the work has now been completed, the Department of Public Works has been cooperative in working with him to resolve the issue, and he no longer needs to appeal.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Public Works Fiscal Year 1995 Budget Summary**

For the Commissioners' information Mr. Ichniowski presented the Fiscal Year 1995 Budget Summary for his department. He indicated that Public Works will be meeting with various citizen groups and providing this information.

2) **Road Programs - Fiscal Year 1994**

Mr. Ichniowski presented the following road programs for FY '94 setting forth the roads by Election District, Route Number, Type, and Route Length: Slurry Seal, Surface Treatment and Asphalt Overlay.

3) **Laurel Ridge (Arlington Drive)**

Mr. Ichniowski presented correspondence dated April 4 from Swarey Builders outlining the status of the completion of Arlington Drive in Laurel Ridge and explaining the relocation of the entrance on Laurel Ridge Drive. Mr. Swarey indicated that in order to relocate the entrance he will need to obtain an amendment to the existing wetlands permit, which may take to the first of August. The current Letter of Credit with the County will expire on July 1, 1994 and therefore requested an extension of the public works agreement. Mr. Ichniowski pointed out that the residents most impacted by the relocation have submitted a letter of agreement.

The Commissioners indicated that Mr. Ichniowski respond favorable to Mr. Swarey and that he assist the developer in getting the State to expedite the amendment to the wetlands permit. Commissioner Loffler requested that Mr. Ichniowski schedule another public meeting to keep the citizens informed of the status of the project.

4) **Easement Agreement
Hollywood Volunteer Rescue Squad**

Mr. Ichniowski presented an Easement Agreement among the Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative and Hollywood Volunteer Rescue Squad granting an easement within the old railroad right-of-way to the Hollywood Volunteer Rescue Squad for the purpose of maintaining a parking area.

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

5) **Addendum to Public Works Agreement
Hayden's Runn**

Mr. Ichniowski presented an Addendum to the Public Works Agreement between Swarey Builders, Inc. and Board of County Commissioners for St. Mary's County extending the deadline for completion to June 1, 1995. The Addendum is backed by a Letter of Credit in the amount of \$409,400 with Maryland Bank and Trust.

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

6) **Space Needs Study**

Mr. Ichniowski advised that the Space Needs Study Task Force has been reviewing each department's submission of needs and has begun to review alternatives to meet those needs. He stated that the committee has suggested meeting with the Town Council and Mayor to explain the information, the process and the alternatives and to get their input. Mr. Ichniowski indicated that a Plan will be developed with recommendations for consideration by the County Commissioners.

7:00 P. M.

**PUBLIC HEARING
UPDATE OF 1993 BOCA NATIONAL BUILDING CODE
1992 CABO ONE AND TWO FAMILY DWELLING CODE
1993 BOCA NATIONAL ENERGY CONSERVATION CODE**

Present: Jon Grimm, Director, Planning and Zoning
Robert Smith, MDIA
Herb Redmond, BOCA Board of Appeals Member
Patrick Mudd, "
Jim Weaver, "

The Commissioners conducted a public hearing to consider the adoption of the 1993 Edition of the BOCA National Building Code, the 1992 Edition of the One and Two Family Dwelling Code, and the 1993 BOCA National Energy Conservation Code.

The hearing was advertised in the March 30 and April 6, 1994 editions of The Enterprise.

Mr. Grimm indicated that Resolution No. 92-31 required a review of proposed changes and public hearings subsequent to consideration of adopting the referenced building codes. He stated that the Commissioners need to make a decision whether to update the referenced building codes to the current codes and whether to consider local amendments.

Mr. Smith reviewed the proposed changes to the One and Two Family Dwelling Code and the Building Code.

Comments from the Commissioners included:

- o Commissioner Loffler indicated that he felt that there was a good building code already in place; expressed concern for the sketch requirement, the basement inspection requirement; and that the fire code addresses the need for detectors and fire walls.
- o Commissioner Bailey suggested that the citizens let the Commissioners know of any problems with the amendments before (and if) it is adopted.
- o Commissioner Jarboe expressed concern relative to additional burdens being placed on builders and requested that those who are affected by it review and comment on it.
- o Commissioner Thompson indicated that building permits would not be tied up because the drawings would not have to be approved.

After the presentation and comments from the Commissioners, the hearing was opened for comments from the public. Comments included:

- o Opposition to the requirement for a sketch drawn to scale for use by the inspectors; (Members of the Building Code Board of Appeals indicated support of the requirement stating it would prevent mistakes in construction after the fact.)
- o The addition of the requirement for inspections of backfill (basements).
- o Mr. Redmond suggested there be implementation of a construction licensing program.

After receiving comments the Commissioners indicated that the record will remain open for ten days and the Board will give consideration to the adoption in approximately two weeks.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

**Minutes Approved by Board of
County Commissioners on 4/19/94
Quark A. Spalding
Recording Secretary**