

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**MAY 24, 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 Thompson moved, seconded by Commissioner Lancaster, to approve the minutes of the Commissioners' meeting of Tuesday, May 17, 1994. 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) **Lawsuit against Howard County (Challenge to Legislative Immunity)**

Also Present: Joseph Densford, County Attorney

The County Administrator presented a memorandum dated May 19 from County Attorney Densford indicating that the cigarette vending machine interest has filed suit against Howard County seeking damages against members of the County Council for passing a resolution encouraging local businesses to remove cigarette vending machines from their premises. The vending machine interests withdrew the suit, but have refiled a suit for an injunction against the Resolution, and if successful will sue each county council member again.

Mr. Densford advised that Howard County believes that the suit against the members is a challenge to immunity from suit for legislative activities and have asked each jurisdiction to join them in support of their position in the immunity matter.

After discussion the Commissioners expressed concern about getting involved in this matter and it was the consensus of the Board to not support Howard County in this legal issue.

2) **Regional Park - Fundraising**

Also Present: Phil Rollins, Director, Recreation and Parks

Mr. Rollins presented a memorandum dated May 5 addressed to the Recreation and Parks Board relative to the Recreation Department's efforts to sell advertising space via "billboard" signs on the outfield fences at the Regional Park as a means to generate revenue for the operation of the park. He advised that a number of individuals have expressed concern as to the appropriateness of this effort and the fact that there was not an opportunity for public input. Because of a lack of a quorum during the discussion at its last meeting, the Recreation and Parks Board did not take a formal position, however, the Board indicated that it was not a policy decision but was an administrative decision.

Mr. Rollins inquired whether the Commissioners had questions relative to the billboard effort or if the Board wished to get involved in this matter.

During discussion the Commissioners addressed issues relative to the billboards at the Regional Park including:

- o Signs should be appropriately done and properly maintained.
- o Beer distributors should be allowed to advertise their company, but not specific brands as they are large contributors to county programs and organizations.
- o Question of allowing signs in other parks needs to be addressed.
- o Whether having signs is appropriate for the intended image of the park
- o Disagreement with the statement that it was not a policy decision as it appears to be a shift to a "pay-as-you-go"
- o Concern about the way it was handled

After discussion Commissioner Loffler inquired whether any Commissioner wished to make a motion or if there was concurrence that the project was a project to be administered by the Department of Recreation and Parks.

Commissioner Jarboe moved to take the project back to Recreation and Parks and to have a public hearing on the process of allowing signs at the Regional Park. Motion failed for lack of a second.

It was the consensus of the Commissioners to allow Recreation and Parks to administer the project.

3) **Special Loan Programs**  
**Letter of Local Administration**

The County Administrator presented a memorandum dated May 19 from the Department of Economic and Community Development advising that the Maryland Department of Housing and Community Development has offered the County the option of continuing to directly administer the Special Loan Programs of the Maryland Housing Rehabilitation Program or having the State administer it. The memorandum forwarded a "Letter of Local Administration" for the Commissioners' approval indicating the Commissioners' desire to continue its direct administration.

**Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and to authorize Commissioner Loffler to sign the "Letter of Local Administration" as presented. Motion carried.**

4) **Community College**  
**Joint Rezoning Public Hearing Request**

The County Administrator presented correspondence for the Commissioners' review and signature addressed to the Commissioners of Leonardtown requesting the combining of the Town Planning Commission Hearing and the Town Council Hearing into one hearing relative to the rezoning and conditional use application for the St. Mary's Campus of the Charles County Community College. County Administrator Cox indicated that the project has been delayed because of architect and historic considerations and combining the hearings would help expedite the process.

**Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and sign the letter as presented. Motion carried.**

5) **Hollywood Rescue Squad  
Request for Building Permit Fee Waiver**

The County Administrator advised that the Hollywood Volunteer Rescue Squad has requested the waiver of the building permit fee for the construction of a storage building for use by the rescue squad for storage of emergency equipment. In that the request is in accordance with Resolution No. 75-53, County Administrator Cox presented correspondence addressed to the Hollywood Volunteer Rescue Squad granting the request for wavier of the building permit fee.

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

6) **Addendum to Public Works Agreement  
Breton Bay PUD**

On behalf of the Director of Public Works, the County Administrator presented an Addendum to the Public Works Agreement between Breton Bay Development Associates and the Board of County Commissioners extending the deadline for completion of improvements to August 1, 1994. The Addendum is backed by a Letter of Credit with Signet Bank of Maryland in the amount of \$340,000.

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

7) **Budget Amendments**

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

**No. 94-82**

**Department of Planning and Zoning**

To provide funding for replacement of copy machine (\$5,500).

**No. 94-83**

**Department of Planning and Zoning**

To provide funding for microfilm plat files (\$1,000).

**No. 94-84**

**Department of Planning and Zoning**

To provide additional funding for salaries through FY '94 (\$4,000)

**No. 94-85**

**Department of Planning and Zoning**

To provide funding for overhead projector (\$614).

**No. 94-86**

**Department of Planning and Zoning**

To provide funding for membership to American Planning Association (\$212).

**No. 94-87**

**Department of Planning and Zoning**

To provide additional funding for office supplies (\$1,500)

**No. 94-88**

**Department of Planning and Zoning**

To provide additional funding for film for inspectors (\$2,000)

Discussion ensued relative to the proposed renovations to the Department of Planning and Zoning, and Commissioner Jarboe requested that Director of Planning and Zoning Grimm provide details relative to the renovations prior to moving forward with the project.

**Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Budget Amendments as presented. Motion carried. Commissioner Jarboe indicated he approved the budget amendments with the understanding that there would be no expenditure of funds dealing with Planning and Zoning renovations until Mr. Grimm provides the explanation.**

9) **Appointments**

Commisisoner Lancaster moved, seconded by Commissioner Bailey, to make the following appointments:

<u>Community Development Corporation</u>	<u>Term to Expire</u>
Michael McCauley (reappt.)	06/30/99
<u>Housing Authority</u>	
Michael McCauley (reappt.)	06/30/99

**COMMISSION FOR WOMEN - ANNUAL REPORT**

Present: Helen Williams, Chair  
Janice Berry-Chen  
Becky Stevens, Community Services Coordinator

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Commission for Women. Ms. Williams reviewed the Commission's mission, background and activities of the past year including addressing issues related to legislation, domestic violence, women's centers, women's health, community outreach, Maryland Commission for Women, and Women's History/Education. During discussion of plans for the current year, Ms. Chen pointed out that the primary goal for 1994/1995 is to address the need for adequate shelter for domestic violence victims in St. Mary's County.

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

**COMMISSION FOR THE DISABLED  
ANNUAL REPORT**

Present: Cynthia Brown, Chair  
Gene Carter  
Nancy Hutson  
Dennis Nicholson  
Charles Ridgell

The referenced individuals appeared before the Commissioners to present the 1993 Annual Report of the Commission for the Disabled. Mrs. Brown reviewed the Commission's membership, purpose and significant activities of the past year including responding to illegal parking in handicap spaces; addressing ADA legislative issues; and providing educational materials and information. Mrs. Brown noted problems and challenges (which included the need for adequate funding from the County and public relations)

Mr. Ridgell pointed out specific examples to the Commissioners relative to illegal parking at shopping centers and the post office and emphasized the importance of proper enforcement.

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

## PROCLAMATIONS

The Commissioners presented the following Proclamations:

### Safe Boating Week

Designating the week of June 7 - 13, 1994 as Safe Boating Week

### Buckle Up America Week

Designating the week May 23 - 30, 1994 as Buckle Up America Week

## EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Sessions to discuss matters of Personnel (Reclassifications, Health Department, and Consideration of Appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried.

### Personnel (Health Department)

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  
William Marek, County Health Officer  
Charles Wade, Director of Finance  
George Foster, Personnel Officer  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1  
Time Held: 11:15 a.m. - 11:45 a.m..

Action Taken: Dr. Marek presented a request for the Commissioners' consideration relative to a Health Department position. The Commissioners agreed to give consideration to the request.

### Personnel (Reclassifications)

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  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1  
Time Held: 11:45 a.m. - 12:05 p.m.

Action Taken: The Commissioners reviewed the various requests for reconsideration of reclassifications. Based on discussions the Personnel Officer will prepare correspondence for the Commissioners' approval at next week's meeting.

**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: 12:30 p.m. - 1:00 p.m..

Action Taken: The Commissioners reviewed the current status sheet, made nominations and directed staff to contact the nominees and prepare appropriate letters of appointment for the Board's approval.

**LAUREL RIDGE (INFORMATIONAL MEETING BRIEFING)**

Present: Dan Ichniowski, Director

Mr. Ichniowski presented and reviewed a handout outlining the agenda for the public informational meeting scheduled for this evening relative to the completion of Arlington Drive.

**SOUTHERN MARYLAND WOOD TREATMENT PLANT  
STATUS REPORT ON NEW DEVELOPMENT**

Present: Ralph Guenther, Chair

Mr. Guenther appeared before the Commissioners to give a status report on the new development that three of the four monitoring wells at the Southern Maryland Wood Treatment Plant site in Hollywood showed some contamination. He advised that the contamination appeared to be low levels of creosote compounds and pointed out that the level of contamination would not pose a hazard to the community. The implication of the contamination is that the clean up effort by EPA will involve a much larger quantity of soil.

Mr. Guenther pointed out that there was a possibility that the test results may be the result of bad samples, and EPA may take new samples to determine if a problem does exist, but not for several weeks. He stated that the Task Force feels this is unacceptable and requests the Commissioners to request EPA to make the testing a priority item.

Therefore, Mr. Guenther presented correspondence addressed to EPA requesting that immediate sampling and testing be given high priority to determine whether contamination exists outside the containment wall at the site.

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

**FISCAL YEAR 1995 BUDGET**

Present: Edward V. Cox, County Administrator  
Charles Wade, Director of Finance  
Marty Jones, Budget Analyst

As a follow up to last week's discussion relative to the Fiscal Year 1995 Budget and the County's appropriation to the Board of Education, Commissioner Thompson referred to the proposal she offered last week and indicated that she has revised those figures. She stated that last week she had proposed funding the Board of Education an additional \$252,170; however, she has since revisited the numbers and the actual amount of the shortfall to fund the negotiated agreement with steps only for FY '95 is \$397,984. Commissioner Thompson distributed a handout setting forth her proposal for an Alternative No. 4 as well as two alternatives for possible source of funds.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to fund the Board of Education an additional \$252,170 as proposed by Commissioner Thompson at the May 17 Commissioners' meeting.

Commissioner Lancaster moved to amend the motion by increasing the allocation to the Board of Education in the amount of \$655,000 (\$480,000 to come from Lease/Purchase). Motion failed for lack of a second.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to amend the main motion by increasing the allocation in the amount of \$397,984 to the Board of Education to fund the shortfall by taking funds from the Commissioners' Reserve, Fund Balance and Lease/Purchase. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to amend the main motion to state as follows: To fund the Board of Education an additional \$398,000 using the full Lease/Purchase in the amount of \$480,000 with the difference to be added to the Commissioners' Reserve Account. Motion carried with Commissioners Bailey and Jarboe voting against.

The Vote on the Main Motion as amended was three to two with Commissioners Bailey and Jarboe voting against.

#### Commissioners' Commitments

With regard to the list of Commissioners' Commitments as presented by Director of Finance Wade, Commissioner Thompson moved, seconded by Commissioner Lancaster, and motion unanimously carried, to approve the following commitments:

Americorp Grant Match	\$29,646
DECD (MACo)	1,000
Coastal Zone Management Grant Match	7,000
Length of Service Program (Fire/Rescue)	27,000
Cooperative Reimbursement Match	6,250
Leonardtwn Payment in Lieu of Bank Tax	1,220
Walden/Sierra (Domestic Violence)	<u>30,000</u>
Total	\$102,116

#### Recreation and Parks

Commissioner Thompson moved, seconded by Commissioner Lancaster, to include the Recreation Facility Manager as a regular staff position to be funded from the General Fund in the Fiscal Year 1995 Budget (\$70,000). Motion carried three to two with Commissioners Bailey and Jarboe voting against.

#### Fiscal Year 1995 Budget

After staff returned with a summary document setting forth revisions to the FY '95 budget as directed by the referenced actions, Commissioner Thompson moved, seconded by Commissioner Bailey, to direct staff to prepare appropriate Resolution and budget documents for the Commissioners' approval and signatures on May 31. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

**ST. MARY'S PUBLIC SCHOOLS**

Present: Joan Kozlovsky, Superintendent of Schools

Commissioner Loffler referred to April 21 correspondence from Public Schools indicating additional funds have been received for Federal Impact Aid in the amount of \$378,500 and listing recommended uses (Playground safety report recommendations - \$35,000; Installation of PA system at Esperanza - \$30,000; Technology Labs installation completion - \$10,000; elementary social studies adoption - \$51,000; middle school computer labs - \$228,000; telephone in schools - \$20,000; CAD computer/software for facilities office - \$4,500.)

In response to inquiries from the Commissioners, Dr. Kozlovsky explained each of the recommended uses.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the referenced categorical transfers using the additional Impact Aid. Motion carried three to two with Commissioners Bailey and Jarboe voting against.

**ADJOURNMENT**

The meeting adjourned at 3:05 p.m.

Minutes Approved by Board of  
County Commissioners on 5/31/94

*Judith A. Spalding*  
Recording Secretary