

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 6, 1994**

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 Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, August 30, 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) **Buy Recycled Policy**

As a follow up to last week's discussion, the County Administrator presented the County's Buy Recycled Policy for the Commissioners review and consideration. The policy requires the cooperation and involvement of all county departments and indicates that there will be an annual review by the Finance and Public Works Departments to evaluate the effectiveness and efficiency of the program.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve the Buy Recycled Policy as presented and to forward it to all departments. Motion carried.

2) **Response Letter
Neighbor's Trash Dump**

The County Administrator presented correspondence responding to John W. Owens letter of August 22 complaining about the trash accumulated in his neighbor's yard. The return letter advises that the Health Department has been contacted and a letter will be sent to the neighbor requiring his response. Mr. Taylor, the neighbor, has indicated that he is in the process of cleaning up his property.

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

3) **Letter of Appreciation - Business Breakfast**

The County Administrator presented correspondence addressed to Ye Olde Ice Cream Parlor expressing appreciation for organizing the Business Breakfast meeting on August 16.

The Commissioners agreed to sign the letter as presented.

4) **Grants**

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

Runaway and Homeless Youth

On behalf Walden/Sierra Grant Application in the amount of \$187,659 (federal - \$84,040; State - \$87,211; local - \$16,408)

Child Victims of Sexual Assault/Abuse

On behalf Walden/Sierra Grant Application in the amount of \$46,456 to help manage trauma associated with the victimization--crisis and on-going counseling and assistance with medical and court systems.

Local Transportation Planning Assistance Grant Agreement

On behalf of the Department of Planning and Zoning, agreement between St. Mary's County and Office of Planning in the amount of \$32,656.

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

5) **Christmas in April
Waiver of Building Permit Fee**

The County Administrator presented correspondence dated September 2, 1994 advising that the Board of Directors has requested abatement of the building permit fee for the construction of a storage building at the Fairgrounds. In that the Christmas in April is a non-profit organization it meets the requirements of County Resolution No. 75-53.

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

EXECUTIVE SESSION

Commissioner Lancaster moved, seconded by Commissioner Bailey, to meet in Executive Session to discuss a matter of Litigation (CA 91-1398), as provided in Article 24, Section 4-210(a)8. Motion carried.

Litigation -(CA 91-1398 - Potomac River Association Suit)

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
Jon Grimm, Director, DPZ (via speaker phone)
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 9:35 a.m. - 9:53 a.m.

Action Taken: The County Attorney briefed the Commissioners on the referenced legal matter and got direction from the County Commissioners as to how to proceed.

**COMMENDATIONS
PRIDE OF ST. MARY'S LODGE #1120
TEMPLE #782 I.B.P.O.E. OF W.
50TH ANNIVERSARY**

The Commissioners presented Commendations to the referenced organizations for their outstanding community service since 1944.

**PROCLAMATION
FIVE-A-DAY FOR BETTER HEALTH**

The Commissioners presented a Proclamation designating the week of September 11-17, 1994 as Five-A-Day for Better Health and encouraging all to eat their fruits and vegetables each day.

**MOBILE DREDGING AND PUMPING COMPANY
STATUS REPORT ON APPLICATION OF SLUDGE ON FARMLAND**

Present: Mike Realo, Senior Agronomist

Mr. Realo appeared before the Commissioners to present a report relative to the application of sewage sludge on agriculture land in St. Mary's County. He stated that Mobile Dredging has acquired a two-year contract with the Patapsco Plant for 20 permits for the application of the treated sludge to farm land. These are existing permits that are being amended to come under this contract. He stated that Mobile will be applying about 15 tons a day (two truck loads). The product will be stored in a facility in Virginia during inclement weather in the winter months.

During his presentation Mr. Realo explained the process, stating that 85% of the sludge goes on farmland, and that the counties are notified and asked if they would like a public informational meeting/hearing.

In response to an inquiry from Commissioner Jarboe, Mr. Realo advised that his company is required to put up bonding through MDE covering all the permits. They are also required to have environmental liability insurance.

In closing Mr. Realo advised that the Commissioners will be receiving a letter from MDE amending the permits to reflect the contract with Mobile Dredging.

**TELECOMMUTING CENTER SITES
SELECTION COMMITTEE RECOMMENDATIONS**

Present: Aleck Loker, Director, DECD, Telecommuting Selection Committee
Jane Sypher (representing John Sine), "
Linda Schleib (representing Eric Blum), "
Jim Haley, Procurement Officer

The referenced individuals appeared before the Commissioners to present the Committee's recommendations for the selection of a site for a telecommuting center in St. Mary's County as a part of a tri-county demonstration project. Charles County Community College will contract for the sites, acquire the necessary equipment, and operate the sites during the demonstration period, which is expected to be two years.

The Committee developed evaluation criteria and prepared a solicitation for proposed sites and developed a scoring system, with the greater weight given to location and characteristics of the facility. Less weight was given to cost. The nine proposals were reviewed and inspected by the committee, after which were rated according to the scoring system.

Mr. Loker advised that the Committee arrived at two sites that met the necessary criteria: a site in the San Souci shopping center, owned by Millison Development and the Dollar Store in Leonardtown, owned by Walter R. Blair. It was the Committee's recommendation that the Charles County Community College, the potential lessee/operator, make the final selection.

In response to an inquiry from Commissioner Thompson, Mr. Loker advised that data was not available indicating where the potential telecommuting users reside; however, it was the Committee's belief that there are more commuters to Washington D. C. in the northern end of the County than in the Eighth District.

After discussion Commissioner Jarboe moved, seconded by Commissioner Thompson, to accept the recommendation of the Site Committee to submit the two sites to the Charles County Community College for final selection. Motion carried.

Mr. Loker advised that he would prepare a letter to the College for the Commissioners' signatures.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Solid Waste Advisory Committee Report**

As a follow up to the September 1, 1994 Joint Meeting (County Commissioners, Planning Commission, Board of Appeals, Solid Waste Advisory Committee), Mr. Ichniowski advised that the Solid Waste Advisory Committee developed additional items needing clarification and text revisions prior to beginning the public hearing process on the draft Comprehensive Solid Waste Plan. The Committee had previously met on August 25 and had established a position on other areas of the draft Plan.

He stated that the Committee has recommended going forward with an informational meeting on September 20 and a public hearing on October 11.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to go forward as recommended. Motion carried.

2) **Federal Aviation Administration Grant - Amendment No. 1**

Mr. Ichniowski presented the referenced Amendment to the Federal Aviation Administration Grant Agreement relative to the acquisition of land for development at the St. Mary's County Airport. He stated that the grant is currently in the amount of \$158,085 and the amendment reduces that amount to \$58,000 representing the acquisition of four parcels by the County. Because of a Court Order, the amount for the acquisition of a fifth parcel was more than the balance of the current grant amount. The amendment deletes the fifth parcel and a separate grant application will be prepared for that parcel.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign Amendment No. 1 to the Grant Agreement as presented. Motion carried.

3) **Charles County Community College - St. Mary's Campus
Request for Height Variance**

Mr. Ichniowski advised that the height restriction in the Leonardtown Zoning Ordinance was 40 feet; however, the proposed community college building planned at 42 feet 6 inches; the existing building on the site is at 42 feet. Therefore, he presented a application to the Leonardtown Board of Appeals requesting a variance from the 40 feet height limitation.

Commissioner Bailey moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Leonardtown Board of Appeals Application as presented. Motion carried.

4) **Application for State Assistance
Patuxent Beach Road**

Mr. Ichniowski presented an Application to the Department of Natural Resources for improvements to the seawall along Patuxent Beach Road near Town Creek Marina. The seawall is 30 to 40 years old and is deteriorating, and the estimated cost of improvements is approximately \$250,000 - \$300,000. Mr. Ichniowski pointed out that this is not a priority item with the State and the work will probably not be done for three to five years.

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

5) **Wicomico Shores Electric Agreement**

Mr. Ichniowski presented an Easement between the Board of County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative, Inc. for underground distribution service to the irrigation pumps at Wicomico Shores.

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

6) **Easement Agreement
Super 8 Motel - Md. Rte. 235**

Mr. Ichniowski presented the referenced Easement Agreement among Board of County Commissioners of St. Mary's County, Southern Maryland Electric Cooperative, Inc. and Washington Gas Light Company for access across the utility corridor in conjunction with the installation of a gas line for the Super 8 Motel on Md. Rte. 235, south of Town Creek Drive.

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

3) **Development Documents**

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

Addendum to Public Works Agreement
Bay Meadows (formerly St. Jerome Farm Estates)

Between W. Paul Bright and James F. Jennon, Jr., President Ridge Valley Construction Co., and St. Mary's County extending the deadline for improvements to September 1, 1995. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$171,000.

Claim Letter
Will's Swamp (Lot 1)

Correspondence to First National Bank of St. Mary's calling the Letter of Credit #A2-01-17-92 in the amount of \$3,000;

Commissioner Thompson moved, seconded by Commissioner Bailey, to approve and authorize Commissioner Loffler to sign the Addendum to the Public Works Agreement and the Claim Letter as presented (the claim letter to be forwarded if necessary). Motion carried.

**ROAD NAMING
ROUTE 5 (HALFWAY HOUSE TO POINT LOOKOUT)**

As a follow up to last week's meeting, Commissioner Loffler referred to the September 2 memorandum from County Administrator Cox regarding the issue of naming Route 5 from Halfway House to Point Lookout Road as "Leonardtwn Road" as part of the Enhanced 911 Uniform Addressing System process. Mrs. McCoy had made a presentation at the August 30 meeting indicating that there was a group of citizens who wished the road to be named "Point Lookout Road "

Commissioner Loffler suggested the Commissioners accept Mr. Cox's recommendation that the issue be referred back to the 911 Task Force, but that the Commissioners be allowed to offer comments to the Task Force. He pointed out that Route 5 is a major artery and to postpone considering renaming this road would make it a more difficult task and more cumbersome to the citizens. He indicated that if it was to be renamed, a public hearing would be required in order to hear all points of view. Commissioner Loffler stated that the Task Force should determine if the road should be reconsidered without interrupting the road naming process.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to refer the issue of considering renaming Route 5 from the Halfway House to Point Lookout to the Enhanced 911 Uniform Addressing System Task Force. Motion carried.

EXECUTIVE SESSION

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel (Sheriff's Department and Employment Contract), as provided in Article 24, Section 4-210(a)1. Motion carried.

Personnel -Sheriff's 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
Sheriff Wayne Pettit
Capt. Copado
Barbara Dotson, Fiscal Analyst
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1
Time Held: 11:25 a.m. - 11:50 a.m.
(Capt. Copado left the meeting at 11:35 a.m.)

Action Taken: The Commissioners discussed with representatives of the Sheriff's Department the details of a recent budget amendment relative to personnel and agreed to take formal action at the next meeting (September 20).

Personnel -Employment Contract

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: 11:50 a.m. - 12:05 p.m.

Action Taken: The Commissioners discussed the details of an employment contract and indicated concurrence for the County Administrator to proceed as recommended.

STAFF MEETING

The Commissioners attended the regular monthly staff meeting at the Carter State Office Building Public Meeting Room.

7:00 P.M.

PUBLIC FORUM

The Commissioners conducted the regularly monthly public forum accepting questions and comments from the audience:

Jennifer Dade (The Enterprise) - Questioned each Commissioner as to his/her opinion regarding the naming of Leonardtown Road. The Commissioners responded that the issue of the name of the road, from Halfway House to Point Lookout, has been referred to the 911 Task Force. None of the Commissioners indicated a preference for the road name.

Alan Moore - Referred to his question of last month about whether the County had met its recycling goal of 15%, that he had been told the County had met its goal; however, he has since learned that it may not have been met. He also pointed out that the actual percentage for the last reporting period was 13.9% and not 14%. (MDE had rounded the numbers off.) Commissioner Loffler indicated that staff believes the County has exceeded the 15% and will receive verification of the number for the period ending June 30 by the end of September. A copy of the report will be sent to Mr. Moore as soon as it becomes available.

Vaughn McCall - (1) Referred to the League of Women Voters *Voters' Guide*, complimented the League on the publication, but stated that it did not include the Commissioners' Districts. He suggested the local newspaper include a supplement with this information. (2) Referred to a past article on page 5 or 6 of the Enterprise about recycling of newspapers. He suggested that recycling was important and that a notice about recycling newspapers should be on the front page.

Minnie Russell - Expressed concern about the safety of children on the pier off of County Wharf Road and requested additional signs be placed cautioning citizens. County Administrator Cox advised that he would contact the Department of Recreation and Parks.

The Public Forum concluded at 7:40 p.m.

Minutes Approved by Board of
County Commissioners on 9/20/94

Judith A. Spaulding
Recording Secretary