

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
SEPTEMBER 20, 1994

Page 323

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, September 6, 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) **Telecommuting Site Proposals**
Letter of Recommendation

As a follow up to the presentation by the Site Selection Committee on September 6, the County Administrator presented correspondence addressed to Dr. Sine, President, Charles County Community College. The letter advises that of the nine sites submitted two have been selected for final consideration as recommended by the Committee: the Walter R. Blair building in Leonardtown and the Millison Development Corporation storefront in San Souci shopping center.

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

2) **Eagle Scout Award**
Brad Sullivan

The County Administrator presented correspondence addressed to Brad Sullivan congratulating him upon his award of the rank of Eagle Scout.

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

3) **Grants**

The County Administrator presented the following grant documents for the Commissioners' review and consideration:

Job Training Partnership Act (JTPA)
"One Stop Shop" Career Center Proposal

Correspondence addressed to the Governor's Work Force Investment Board indicating the Commissioners' support of the "one Stop Shop" Career Center concept grant proposal.

County Administrator Cox advised that authorization for Commissioner Loffler to sign the letter was given by a majority of the Board last week and official endorsement by the Board is needed.

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

Coastal Zone Management Grant Extension

Contract Modification #1 providing an extension to the contract to December 31, 1994 in order to give time to complete two essential work products which could not be accomplished by the current completion date of September 30, 1994.

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

Vista Transportation Grant

Notification of Grant Award in the amount of \$2,000 for the continuation of the VISTA transportation grant to be submitted to the Corp for National and Community Service.

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

**4) Memorandum of Understanding
Modified Retrospective Health Insurance**

Also Present: Charles Wade, Director of Finance
Ed Fitzgerald, Assistant Superintendent of Schools
Elaine Kramer, Director, Budget and Finance (Public Schools)

Relative to Memoranda of Understanding regarding the Board of Education's Modified Retrospective Health Insurance, the County Administrator presented a memorandum from the Director of Finance with the following attachments:

Attachment A - Proposed MOU by county staff which would commit the County Commissioners to any call on Board of Education (approximate maximum of \$335,000) for retrospective insurance for Fiscal Year 1995. This MOU would place the burden of the call on the County Commissioners and any refund would go to the County Commissioners (less amounts paid by grants).

Attachment B - Proposed MOU by public school staff which would place 10% of the call on employees and would share refunds with employees, revolving funds and grants.

Discussion ensued regarding the advantages and disadvantages of each version including risks and costs.

After discussion Commissioner Jarboe moved, seconded by Commissioner Bailey, to approve the Attachment A Memorandum of Understanding as recommended by county staff. Motion defeated three to two with Commissioners Loffler, Lancaster and Thompson voting against.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to accept the Attachment B Memorandum of Understanding as recommended by public school staff. Motion carried.

5) **Workers' Compensation
Request for Exception to Personnel Policy**

The County Administrator presented a memorandum dated September 20 from the Personnel Officer requesting an exception to Chapter 25 of the St. Mary's County Manual of Personnel Policies and Procedures to allow up to eight weeks of Workers Compensation Leave for Deputy Robert Wayne Delozier and two weeks for Deputy Mickey Bailey.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve the Workers Compensation Leave as requested. Motion carried.

6) **Budget Amendments**

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

No. 95-6
Sheriff's Department

To transfer funds from the Corrections budget to the Law Enforcement Budget to fill the vacancy created by the retirement of Lt. Stanley J. Williams. This action will fund the entry level cost of a Deputy Sheriff, effective September 22, 1994 and retain the Lieutenant Rank Vacancy for assignment in Law Enforcement (\$36,252).

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

No. 95-7
Public Schools - Capital Project

To provide funds to cover bids over allocated budget for the Leonardtown High School Science Lab Modifications (\$61,148)

No. 95-8
Public Schools - Capital Project

To provide funds to cover bids over allocated budget for the Chopticon High School Science Lab Modifications (\$43,516).

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and sign Budget Amendments 95-7 and 95-8 as presented. Motion carried.

7) **Sludge Utilization Permit Application**

The County Administrator presented three standard letters addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the following sewage sludge utilization permit applications:

Jacob Stoltfus property forwarded by MDE correspondence of September 12, 1994;

Modifications for the Norris, Gatton, Guy, Burroughs, Hills, Keatley, Knott, Cryer, Fletcher, Copper, Wolfe, Lloyd and Burroughs properties forwarded by MDE correspondence of August 30, 1994.

Modifications for the Knott, Boice, and Woodburn properties forwarded by MDE correspondence of September 1, 1994.

The reason for the referenced modifications was the addition of listed sludge sources to existing utilization permits.

The letters reiterated the Commissioners' ongoing concerns over environmental safety and land records notification.

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

9) **Yost Property/St. George Island**

As a follow up and correction to the County's August 30 letter, the County Administrator presented correspondence addressed to the St. George Island Improvement Association regarding a proposed change to Attachment B of Resolution No. W/S92-01 for Parcel 96 (C. W. Yost). The letter advises that the August 30 letter should have requested the Association's comments on the Director of Planning and Zoning's recommendation to indicate one existing dwelling unit where it currently indicates zero existing dwelling units.

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

10) **Appointments
Boards, Committees, Commissions**

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

Commission on Aging

Terms to Expire

Dana Davis

6/30/97

Council on Children and Youth

Kathleen Glaser

12/31/94/97

11) **Clearinghouse Project No. MD940822-0821
Draft Environmental Impact Statement
Base Realignment - Patuxent River Naval Air Station**

Also Present: Mary Pat Pope, Administrative Officer

Relative to the referenced clearinghouse project, Ms. Pope presented correspondence addressed to Mr. Roland E. English, III, Chief, Maryland State Clearinghouse for Intergovernmental Assistance. The letter advises that the County has reviewed the Draft Environmental Impact State (DEIS) and has determined that it is consistent with the county's plans, programs, and objectives. However, the return letter notes various corrections to the information contained in the DEIS regarding population projections and classifications regarding St. Mary's County Land Use and Public Works.

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

**COMMENDATION
JUNE HALL (VISTA PROGRAM)**

The Commissioners presented the referenced Commendation to June Hall recognizing her contributions as a VISTA worker.

ST. MARY'S COUNTY FAIR BOARD

Present: John Richards, President
Elwood Cusic
Joe Ridgell, Pet Show Chair

The referenced individuals appeared before the Commissioners to extend an invitation to the St. Mary's County Fair to be held from September 22 - September 25, 1994. Mr. Richards described the various activities scheduled for the fair and gave each Commissioner a tee shirt.

Mr. Ridgell distributed a flyer announcing the pet show scheduled for Saturday, September 24 following the parade.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) **Federal Aviation Administration Grant Application
Federal Aviation Administration Grant
(St. Mary's County Airport Property Acquisition)**

Mr. Ichniowski requested official affirmation for Commissioner President Loffler to sign the FAA Grant application in the amount of \$383,100 for acquisition of property as a result of court condemnation procedures. He advised that because of the deadline for submission of the referenced FAA Grant Application, and because the Commissioners did not meet on September 13, he had contacted a majority of the Commissioners to get authorization for Commissioner Loffler to sign the application.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to affirm authorization for Commissioner Loffler to sign the FAA Grant Application. Motion carried.

In addition Mr. Ichniowski indicated that he anticipates receiving the grant award documents later this week and requested the Commissioners' authorization for Commissioner Loffler to sign the documents contingent upon review and recommendation of the Department of Public Works and review by the County Attorney for assurances and certifications.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the grant award documents as requested by the Director of Public Works. Motion carried.

- 3) **Special Taxing District
Russell Road Informational Meeting**

Mr. Ichniowski advised that there will be a public informational meeting this date at 7 p.m. regarding the establishment of a special taxing district for the construction of Russell Road in Valley Lee. The meeting will be held at the Piney Point Elementary School.

- 4) **Yowaiski Mill Road Construction Project
Acceptance of Deed**

Relative to the referenced road construction project, Mr. Ichniowski presented a Deed dated September 6, 1994 between Phillip W. McQuilkin and Susan P. R. McQuilkin and the Board of County Commissioners of St. Mary's County.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to approve and sign the Deed as presented. Motion carried.

5) **Acceptance of Deed
Road Resolutions
Abell's Run, Section Two**

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

- Deed dated January 6, 1993 between Morgan Associates, Inc. and the Board of County Commissioners of St. Mary's County accepting Rosalind's Drive and Dudley Court into the County Highway Maintenance System.
- Road Resolution No. R94-11 designating Dudley Court as a Stop Street at its intersection with Rosalind's Drive.
- Road Resolution No. R94-12 posting Dudley Court at 25 miles per hour.

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Loffler to sign the Deed and Road Resolutions as presented. Motion carried.

6) **Addenda to Public Works Agreements**

Mr. Ichniowski presented the following Addenda to Public Works Agreements for the Commissioners' review and consideration:

Breton Bay PUD

Pebble Beach Court

Between Cherry Cove Land Development and Board of County Commissioners extending the deadline for 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 \$10,000.

Queen Arbor

Between Harry W. Miller and Sons and Board of County Commissioners extending the deadline for improvements to October 1, 1995. The Addendum is backed by a Letter of Credit with First National Bank of St. Mary's in the amount of \$380,000.

Commissioner Jarboe moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the referenced Addenda as presented. Motion carried.

7) **Community College at St. Mary's Project**

Mr. Ichniowski advised the Commissioners that the Community College Building Committee will be meeting on September 26 and requested whether the Board would like to have a meeting with the Committee or a status report from staff. Commissioner Loffler suggested that after the September 26 meeting if there appears to be any problem areas that the Committee should meet with the County Commissioners. Mr. Ichniowski indicated that a determination would be made at the September 26 meeting.

8) **Endangered Species Act Task Force Status Report**

Mr. Ichniowski advised that the referenced task force has been meeting regarding the Endangered Species Act and has narrowed the issues down to six issues (including incidental taking, roles and responsibilities, funding levels by DNR, environmental reviews, outreach and education) which will be submitted to Department of Natural Resources for possible legislation this year. He stated that at the last meeting he had an opportunity to address the county's experience with the Act (Indian Bridge Road project) and some of the members of the task force had indicated there appeared to be a double standard. Mr. Ichniowski advised that he would keep the Commissioners informed of the progress of the Task Force.

8) **Transportation 2000**

Mr. Ichniowski advised that the General Assembly established a joint Transportation 2000 Committee to address transportation needs in the State. Needs throughout the State will be identified and method and sufficiency state funding distribution will be reviewed. He stated that he has been asked to represent Southern Maryland to discuss the needs of the tri-county area and to express the importance of the gas tax revenue that the counties receive.

9) **Draft Solid Waste Plan**

Mr. Ichniowski distributed copies of the Draft Solid Waste Plan stating that the Public Informational Meeting on the Plan will be held this evening at the Carter State Office Building. He advised that the Plan has been revised to include all the recently discussed comments.

**ENHANCED 911 UNIFORM ADDRESSING SYSTEM TASK FORCE REPORT
(MD. ROUTE 5 - LEONARDTOWN ROAD)**

Present: Paul Wible, Chair
Connie Johnson, Addressing Technician
Mary Duke, Task Force Member
Mary Pat Pope, Administrative Officer

The referenced individuals appeared before the Commissioners to submit the task force's recommendation relative to the issue of reconsidering the naming of Leonardtown Road. Mr. Wible presented a memorandum dated September 19 with the following recommendation:

That the current guidelines be maintained and that new addresses not be assigned to existing residences or businesses until 60 days after the last public hearing (October 25) on road name changes to allow for any petition for the road name changes that were adopted. The Task Force encourages the Commissioners to conclude the process by the end of December.

Mr. Wible stated that addresses will continue to be issue to new construction based on the currently approved road names. The readdressing of existing structures will not be initiated until after the first of the year to allow for any petitions for road name changes. Petitions must meet current policy standards, including having the signatures of at least 51% of property owners before a road name change will be considered and public hearing scheduled.

Discussion ensued regarding the interpretation of "51% of the property owners" and Commissioner Loffler indicated that he did not believe that the 51% had to be on one petition in order to go to public hearing, but 51% of the property owners who wanted the road name changed.

After discussion Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept the Task Force's recommendation. Motion carried.

EXECUTIVE SESSIONS

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matters of Property Disposition (St. Mary's Press Building), as provided in Article 24, Section 4-210(a) 11 and Personnel (State's Attorney's Office), as provided in Article 24, Section 4-210(a)1. Motion carried.

Property Disposition (St. Mary's Press Building)

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
James Haley, Procurement Officer
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)11
Time Held: 11:05 a.m. - 11:20 a.m.

Action Taken: Mr. Haley presented information and recommendations relative to the disposition of the St. Mary's Press facility, and the Commissioners indicated concurrence with the recommendations.

Personnel (State's Attorney)

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
Walter Dorsey, State's Attorney
Christy Chesser, Deputy State's Attorney
Florence Ballangee, Legal Assistant
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1
Time Held: 11:25 a.m. - 12:05 p.m.

Action Taken: The State's Attorney submitted a proposal relative to his personnel. The Commissioners requested that Mr. Dorsey submit the request in writing for consideration by the Board.

**CHANCELLORS RUN ACTIVITY CENTER
PROCLAMATION (ADULT DAY CARE) AND LUNCH**

The Commissioners visited the Chancellors Run Activity Center to issue a Proclamation for National Adult Day Care Week and to have lunch.

**ST. MARY'S PUBLIC SCHOOLS
CAPITAL IMPROVEMENT PROGRAM**

Present: Joan Kozlovsky, Superintendent of Schools
Ed Fitzgerald, Assistant Superintendent of Schools
Elaine Kramer, Director, Budget and Finance (Public Schools)
Brad Clements, Supervisor of School Facilities
Charles Wade, Director of Finance

The referenced representatives of St. Mary's Public Schools appeared before the Commissioners to present the Fiscal Year 1996 - 2001 Capital Improvement Program, which is estimated at a cost of \$99M (the county's share is approximately 50%). By way of a slide presentation Mr. Clements reviewed the details of the Program, specifically the Fiscal Year 1996 projects which include: Great Mills High School Addition/Renovation; Great Mills High School Relocatable Classroom; Spring Ridge Middle School Roof Systemic Renovation; Esperanza Middle School Renovation; Systemic Renovations; Leonardtown High School Science Lab Modifications; Chopticon High School Science Lab Modifications; and PreK Classroom Additions.

During his presentation Mr. Clements described the three factors affecting the overall program cost: new elementary school in Fiscal Year 2001; the number of systemic renovations needed to maintain the infrastructure; and the \$5 increase square footage cost by the State. He pointed out that the Program is designed to address the increased enrollment with additions to existing facilities.

Areas of discussion included class sizes, roof replacements, renovations and new facilities, and funding sources.

The County Administrator will present the Resolution approving the St. Mary's County Public Schools Capital Improvement Program for Fiscal Years 1996 - 2001 for the Commissioners' consideration at next week's meeting.

MYRTLE POINT

Commissioner Thompson stated that each of the Commissioners has been contacted by the Patuxent River Association about the Myrtle Point project regarding the compromise that is being discussed and inquired whether the Commissioners' previously stated position had changed.

After discussion the Commissioners indicated that the previously stated opinion should stand--that the project has been designated as a PUD and the County has no interest in public use of the property.

ADJOURNMENT

The meeting adjourned at 3:20 p.m.

**Minutes Approved by Board of
County Commissioners on 9/22/94**

Judith A. Spalding
Recording Secretary