

**ST. MARY'S COUNTY**  
**BOARD OF COUNTY COMMISSIONERS**  
**FEBRUARY 7, 1995**

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Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

**CALL TO ORDER**

The meeting was called to order at 9:00 a.m.

**APPROVAL OF MINUTES**

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of Tuesday, January 31, 1995, including the Planning and Zoning portion relative to amendments to the Comprehensive Water and Sewer Plan; and further to approve the minutes of Thursday, January 26, 1995. Motion carried.

**APPROVAL OF BILLS**

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

**COUNTY ADMINISTRATOR ITEMS**

Present: Edward V. Cox, County Administrator

1) **Elected School Board Task Force  
Transportation Grants - Fiscal Year 1996**

As a continuation of discussion regarding the composition and responsibilities of an Elected School Board Task Force the County Administrator inquired whether the Board was prepared to act on the proposal he had previously submitted. Discussion ensued relative to the composition and whether to have a representative of the Board of Education as well as the Superintendent of Schools.

Later in the meeting in preparation for the February 13 meeting with the Legislators, the Commissioners reviewed and discussed the Elected School Board Task Force proposal prepared by the County Administrator.

**After discussion Commissioner Brugman moved, seconded by Commissioner Eagan, to accept the Elected School Board Task Force proposal with the deletion of the Superintendent of Schools in the composition and further to discuss the schedule with the Legislators. Motion carried.**

2) **School Bus Requirements  
Fiscal Year 1996**

The County Administrator presented a memorandum dated February 2 from the Director of Finance requesting approval to replace three school buses due to age, and add two buses because of increased enrollments for the next school year. Funding requirement for the replacement buses is \$6,300 and \$53,680 for the new buses for a total of \$56,980. The request is made now so that the buses will be delivered in time for the fall school opening.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the request. Motion carried.**

3) **Resolution No. 95-06  
Boards, Committees, Commissions**

As a follow up to previous discussion the County Administrator presented a proposed Resolution revising Resolution No. 88-03 relative to the Board, Committee, and Commission appointment process. He stated that the draft Resolution incorporates the suggestions of the Commissioners.

During review of the draft Resolution Commissioner Jarboe suggested that No. 13 on the draft be revised to delete the words "take place in executive session."

**After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and sign Resolution No. 95-06 - Boards Committees, Commissions.. Motion carried.**

4) **Budget Amendments**

The County Administrator present the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

**No. 95-20**  
**Public Works**

Justification: Funds needed in the Solid Waste Plan for additional consultant services (\$3,000)

**No. 95-21**  
**Emergency Management Agency**

Justification: Transfer of funds for payment of telephone invoices for Fiscal Year 1995 (transfer due to miscalculation when funds were divided between EMA and 911) (\$3,000)

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Budget Amendments as presented. Motion carried.**

Relative to the consultant for the Solid Waste Plan, Commissioner Jarboe indicated that there should be a review with the Solid Waste Advisory Committee prior to contracting for their services in the future. In addition Commissioner Thompson expressed concern relative to the quality of the consultant's work on the Plan.

5) **Recycling Coordinator Position**

The County Administrator presented a memorandum dated January 31, 1995 from the Director of the Department of Public Works relative to a candidate for the Recycling Coordinator position as an entry level engineer who had declined the position. The memorandum indicates that the Commissioners had expressed an interest in filling the position with an applicant that is other than an engineer and therefore submitted a new position description for the Recycling Coordinator position.

During discussion Commissioner Jarboe indicated that he had prepared an *Americorps* Grant Application through the Southern Maryland Resource and Conservation Board for a recycling coordinator.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize the advertisement of the Recycling Coordinator position as recommended. Motion carried.**

6) **Amendment to Grant Agreement  
Small Cities Community Development Block Grant  
Sewer Connections/Replacement of Failed Wells Loans**

On behalf of the Department of Economic & Community Development the County Administrator presented an Amendment to the referenced Small Cities Community Development Block Grant which will provide funds for sewer connections and replacement of failed wells loans for 50 homeowners in the communities of Ridge, Tall Timbers, and St. George Island. The amendment changes the completion date to December 31, 1995.

**Commissioner Eagan moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Thompson to sign the Amendment as presented. Motion carried.**

7) **Patuxent Estuary Demonstration Project  
Phase II Planning Grant**

Also Present: Jon Grimm, Director, Planning and Zoning

As requested by the Board at last week's meeting, Mr. Grimm appeared before the Commissioners to explain the Phase II Planning Grant for the Patuxent Estuary Demonstration Project. He advised that the County is requesting a \$50,000 grant from the Maryland Office of Planning to be matched with \$50,000 of county funds for a two year program of comprehensive implementation and analysis of management strategies to protect the river and its resources. Mr. Grimm described the various tasks listed in the Scope of Work which he noted centers around the collection of scientific data relative to water quality and land management in these areas. The project involves computer modeling, water sampling, and environmental assessments. The project date of completion is December 31, 1995.

During discussion Commissioner Eagan inquired whether Metropolitan Commission staff could be used for the water testing and the County's Information Specialist for preparation of documentation as part of the county's match. Mr. Grimm indicated he would look into this suggestion.

In closing Mr. Grimm requested the Commissioners to approve and sign the Memorandum of Understanding between St. Mary's County and Tri-County Council.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the Memorandum of Understanding between St. Mary's County and Tri-County Council for Phase II of the Patuxent Estuary Demonstration Project: Planning and Coordination Activities. Motion carried.**

8) **St. Mary's County Board of Education  
Request for Categorical Transfer**

The County Administrator advised that by letter dated January 31, 1995 the Superintendent of Schools requested a categorical transfer in the amount of \$40,000 from Other Instructional Costs to Maintenance - Other Contract Services for "Facility Renovation" costs. He, therefore, presented correspondence addressed to the Board of Education approving the categorical transfer for the Commissioners' approval.

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

**ST. MARY'S WOMEN'S CENTER  
ANNUAL REPORT**

Present: Susan Borneman, Executive Director  
Carol Marcy, President  
Sister Anna Marie

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report for the St. Mary's Women's Center. Mrs. Borneman explained the Center's purpose and functions stating that programs and activities include: helping victims of domestic violence, providing trained advocates, assisting low income individuals to obtain legal services, sponsoring workshops and support groups, and offering extensive information and referral services.

Ms. Marcy described the various funding sources of the Women's Center including county government, United Way, private donations, fundraising activities and foundation and corporate grants.

Sister Anna Marie spoke to some of the programs offered by the Center including self-help and volunteer services by professionals in the community.

In closing Mrs. Borneman indicated that the Women's Center is looking toward expanding its services to meet the growing needs of the community.

**AMERICAN CABLE COMPANY**

Present: Phil Spindt, Manager

Mr. Spindt appeared before the Commissioners to present a status report of American Cable's services to the County and to present a check in the amount of \$239,610.48 representing the 5% franchise fee collected by the cable company on behalf of the County. Mr. Spindt reported the following:

- 480 basic subscribers were added in 1994 for a total of 17,176
- two premium channels (STARZ and ENCORE) have been added
- the company has 28 employees with a payroll of \$600,000
- in '95 most schools will be given access to cable
- 96.6% service calls are taken care of within 24 hours; 100% within 36 hours; five days for installation within the 300 foot franchise requirement.

In closing Mr. Spindt indicated that he has expressed willingness to the County Administrator to work with the county in expanding local programming.

**OFFICE ON AGING**

Present: Gene Carter, Director, Office on Aging  
Jennie Page, Chief, Elderly Programs  
Janice Stone, Transportation Manager

1) **Chancellors Run Activity Center**

As a follow up to last week's discussion Mr. Carter indicated that the County Attorney reviewed the proposed Rental Agreement for the use of the Chancellors Run Activity Center who made some minor changes; therefore, Mr. Carter requested the Commissioners' concurrence in the Agreement.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Mr. Carter to proceed with implementation of the renting of the Chancellors Run Activity Center. Motion carried four to one with Commissioner Brugman voting against stating he commended Mr. Carter in this effort, but was concerned about competition with the private sector.

2) **Transportation Grants**

Mr. Carter reviewed the Annual Transportation Program for Fiscal Year 1996 which include: Public Rural Transportation (funded under Section 18 of the Federal Transit Act); Americans with Disabilities Act (ADA) Paratransit Plan (funded under the Federal Transit Act); Statewide Special Transportation Assistance Program (SSTAP) (a state-funded program which provides transportation for elderly and handicapped adults); Adult Day Services Transportation; and Capital Transportation Program (which provides funds for new vehicles and equipment).

Mr. Carter stated that his office has received ADA funds for a part time dispatcher, which is part of the 1995 grant and is expected to continue into 1996. In addition one part time driver will be added using additional grant funding approved by the ADA. He advised that the proposal for 1996 includes two additional buses over and beyond the 1995 budget. If approved by MTA, the County would be obliged to provide \$10,000 matching funds.

Included in the presentation were charts setting forth Adjustment of National ADA Population Information Using Census Data; Total Public and Paratransit Trips (1990-94); Number of Special Transportation Trips by Purpose - Calendar Year 1994; and Projected Transportation Budgets by Program, Fiscal Year 1996.

During discussion Mr. Carter referred to the offer by the Mass Transit Administration to conduct a technical study of the Public transportation needs for St. Mary's County during the next five years. If the County accepts the MTA grant, a \$5,000 match from the County would be required from the County for Fiscal Year 1995.

Discussion ensued relative to the timing of the MTA grant and whether there can be a study of the public transportation program if the County did not apply for the public transportation grant.

The Commissioners agreed to defer a decision until next week, after the Office on Aging's budget presentation scheduled for February 9.

**DEPARTMENT OF PUBLIC WORKS**

Present: Dan Ichniowski, Director

1) **St. Mary's Landfill  
Crossing Agreement**

Mr. Ichniowski presented a Crossing Agreement between Southern Maryland Electric Cooperative, Inc. and St. Mary's County allowing the County to use the parcel designated as SMECO fee simple right of way for the purpose of constructing a sediment control pond at the St. Andrews Sanitary Landfill Area "C" Expansion.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Crossing Agreement as presented. Motion carried.**

2) **St. Mary's County Road Ordinance  
Revision No. R95-01 - Entrances**

Mr. Ichniowski presented a Policy Statement which revises pavement requirements for construction of driveway entrances within the County's right-of-way. He stated that the Statement is being mailed to interested parties in the community to get their comments. After comments are received the Statement will be presented, along with estimated costs, to the Board of County Commissioners for discussion and approval.

3) **Snow Storm Cost Report**

For the Commissioners' information Mr. Ichniowski presented information relative to snow storm costs to date. A total of \$37,158.70 has been spent to date.

4) **Tulagi Place - Memorandum of Understanding**

As a follow up to last week's presentation relative to the Tulagi Place Revitalization Project, Mr. Ichniowski presented a Memorandum of Understanding between the State Highway Administration and St. Mary's County setting forth the State's and County's responsibilities for the Phase IA project.

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign the Memorandum of Understanding as presented. Motion carried.**

5) **Development Documents**

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

**Tosca, Parcel "C"**

Deed dated July 25, 1990 by Interstate General Company and County Commissioners of St. Mary's County accepting Warwick Drive and Warwick Court into the County Highway Maintenance System.

Road Resolution No. R95-01 posting Warwick Drive and Warwick Court at 25 miles per hour

Road Resolution No. 95-02 designation the following as Stop Streets: Warwick Drive as it intersects with Westbury Boulevard; Warwick Court as it intersects with Warwick Drive.

**Cedar Cove**

Addendum to Public Works Agreement between Heritage Manor Homes, Inc. and the Board of County Commissioners extending the deadline for completion to March 1, 1996. The Addendum is backed by a Letter of credit with Maryland Bank and Trust Company in the amount of \$104,000.

**Heard's Estates**

Addendum to Public Works Agreement between Quality Built Homes, Inc. and the Board of County Commissioners extending the deadline for completion to February 1, 1996. The Addendum is backed by a Letter of credit with Washington Savings Bank in the amount of \$38,000.

**Johnson Farm Estates**

Addendum to Public Works Agreement between Family Limited Partnership #8 and Robert E. Mack and the Board of County Commissioners extending the deadline for completion to August 1, 1995. The Addendum is backed by a Letter of credit with Maryland Bank and Trust Company in the reduced amount of \$10,000.

**Persimmon Hills**

Addendum to Public Works Agreement between Bay Mills Construction Company and the Board of County Commissioners extending the deadline for completion to March 1, 1996. The Addendum is backed by a Letter of credit with International Fidelity Insurance Co. in the amount of \$204,180.

**Pyles Estates**

Addendum to Public Works Agreement between Great Mills Construction Company, Inc. and the Board of County Commissioners extending the deadline for completion to March 1, 1996. The Addendum is backed by a Letter of credit with First National Bank of St. Mary's the amount of \$45,000.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the referenced development documents as presented. Motion carried.**

**COUNTY COMMISSIONERS' TIME**

**Routes 234 and 242 Intersection**

Also Present: Dan Ichniowski, Director, DPW

Commissioner Jarboe referred to a letter from Joan Moore expressing concern about the four-way stop signs that had been installed at the Routes 234 and 242 intersection in Clements. He stated that he has received numerous telephone calls from citizens who have expressed safety concerns about the stops signs.

Mr. Ichniowski suggested that he draft a letter for the Commissioners' signatures to the State Highway Administration indicating that this intersection has one of the highest accident rates in the State and that the stops signs are not a viable solution and requesting consideration for the installation of a traffic light.

Later in the meeting Mr. Ichniowski presented correspondence addressed to Mr. Hal Kassoff, Administrator of the State Highway Administration.

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

**Use of County Facilities**

Commissioner Jarboe requested the County Administrator to provide him with a full report of use of county facilities for certain meetings and how the Open Meetings applies. He referred specifically to the County Employees' meeting held on February 6 wherein a member of the media was denied access.

**Legal Advertising**

Commissioner Jarboe referred to his motions of the past two weeks relative to the possibility of rescinding Resolution No. 91-26 - Legal Advertising in that he believed the Resolution to be discriminatory. He stated that the Procurement Office should look at establishing a competitive process that is fair and to look at best value, best audience, or a combination.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to rescind Resolution No. 91-26 and to develop a new procurement process for advertising effective March 1.**

During discussion of the motion Commissioner Eagan pointed out that March 1 did not allow adequate time to put another system in place of Resolution No. 91-26 and requested that the motion be amended to be effective April 1 or May 1.

County Administrator Cox pointed out that staff has written to the *Enterprise* and *Today* requesting their audited circulation figures which have not yet been received. Information has also been requested from Charles and Calvert Counties as to their advertising requirements.

Commissioner Thompson indicated that she believed that Resolution No. 91-26 should not be rescinded unless there was a process to take its place.

**After discussion Commissioner Jarboe moved, seconded by Commissioner Brugman to amend the motion to change the effective date of the rescission to April 1. Motion carried.**

**A vote was taken on the amended Main Motion - to rescind Resolution No. 91-26 - Legal Advertising and to develop a new procurement process for legal advertising by April 1, 1995. The motion carried three to two with Commissioners Thompson and Chesser voting against.**

#### **MANAGEMENT MEETING**

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

#### **FISCAL YEAR 1996 BUDGET**

#### **DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT**

The Commissioners reviewed the Department of Economic and Community Development's Fiscal Year 1996 Budget Request.

#### **EXECUTIVE SESSIONS**

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Litigation (Parcel of Record) as provided in Article 24, Section 4-210(a)8 and Personnel (Consideration of appointments to Boards, Committees, Commissions), as provided in Article 24, Section 4-210(a)1. Motion carried.

#### **Litigation - Parcel of Record**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Joseph Densford, County Attorney  
Jon Grimm, Director, DPZ  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8

Time Held: 4:30 p.m. - 5:45 p.m.

Action Taken: County staff briefed the Commissioners on the referenced legal matter and concurred in direction proposed by the County Attorney.

**Personnel - Consideration of Appointments to Boards, Committees, Commissions**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
Edward V. Cox, County Administrator  
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8  
Time Held: 5:45 p.m. - 6:05 p.m.

Action Taken: The Commissioners discussed certain nominations and agreed to discuss consideration of appointments on Thursday, February 9.

7:00 P.M.

**ST. MARY'S COUNTY ECONOMIC UPDATE  
FISCAL YEAR 1996 BUDGET OVERVIEW**

Present: Aleck Loker, Director, DECD  
Charles Wade, Director of Finance

Mr. Loker gave a presentation relative to St. Mary's County's economy. He reviewed national and state economic information; the county's population statistics from 1930 through 1995 (estimate); population and jobs; industries (including salaries/wages) unemployment rates, changes in annual average employment; Navy employment trends, high tech statistics by county; building permits; new construction assessments; home sales and prices; retail tax collections; agriculture land transferred; tobacco crop production; seafood production; site visitations; marketing responses; and top five areas requesting tourism information.

Mr. Wade reviewed revenue projections for Fiscal Year 1996, revenue considerations and budget factors/limitations.

After the presentation the Commissioners accepted questions and comments from the audience.

A copy of the handouts are available in the County Commissioners' Office.

**PUBLIC FORUM**

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

**Vaughn McCall** - Expressed disappointment relative to the County's response to Mrs. Russell relative to the petition process for the renaming of Leonardtown Road (Route 5).

**Margaret Unkle** - Suggested that Route 5 be given a name that would apply to everyone in the county; questioned the rules for getting signatures on a petition; and expressed concern relative to the tax assessment records for identifying residents along Route 5 stating there were many inaccuracies.

**Glenn Gardiner** - Expressed concern with the County's contractor for construction inspections, stating that the County should reconsider its contract with MDIA. Commissioner Chesser pointed out that this is under review.

**Beth McCoy** - Stated that the name "Leonardtwn Road" was not representative of the County and that the renaming should have been included in the upcoming public hearing on road name changes. She stated that a road should be named for its destination and Route 5 should be named "Point Lookout Road." She also questioned the petition process and questioned the requirement for only allowing property owners along Route 5.

**Minnie Russell** - Questioned the process for renaming Route 5 as "Leonardtwn Road," expressed concern relative to the inaccurate tax assessment map records; challenged the number of property owners on Route 5 as presented by the Task Force (1,056) stating she only counted 754; and questioned the validation process of the signatures on the petitions to rename Route 5 to "Point Lookout Road."

**Mark Durkin** - Inquired if there was a reason that the Route 5 could not be changed.

Commissioner Thompson explained the public hearing and stated that there was a process in place for renaming the roads for the Enhanced 911 Uniform Addressing System. She stated that the petition process should follow the parameters set out in the guidelines.

**Dennis Ramey** - Presented a letter dated February 7, 1995 addressing certain concerns relative to the functioning of county government.

**Steve Nystrom** - Expressed disfavor with the *Today* newspaper's *Cheap Shots* column and its disrespect for women and the verbal attacks on the two women Commissioners. He indicated that he believed there was an impression of conflict with two of the Commissioners because they write columns for the paper.

Commissioner Jarboe stated that he submits articles to both local papers regarding local issues, but indicated that he feels that perhaps "Freedom of the Press" went too far in some of the *Today* articles

**Richard Pelz** - Suggested that the new environmental planner in Planning and Zoning have adequate environmental background; suggested that the enforcers of the Zoning Ordinance be knowledgeable of the Ordinance and referred specifically to the definition of agriculture as it relates to aquaculture.

**Pat White** - In response to Mr. Pelz indicated that she had been an Extension Agent and had been on the committee to work on the Comprehensive Plan update. The Committee had indicated that agriculture needed to be diversified and that aquaculture was added. She stated that the University of Maryland and the Department of Agriculture are interested in finding alternatives to tobacco crops.

**Daphne McGuire** - Presented a letter from her husband, Keith McGuire, as a member of the Maryland Saltwater Sportfishermen's Association endorsing the Sierra Club's letter of January 8, 1995 encouraging the County to take appropriate action "to secure the Myrtle Point property for the benefit of the people of St. Mary's County and the environment of the Patuxent River watershed and the State of Maryland."

**Alan Moore** - Inquired about the Recycling Coordinator position and whether the Department of Public Works has issued new recycling goal figures. Commissioner Jarboe stated that the Commissioners at today's meeting approved the advertisement for a Recycling Coordinator without the engineering requirement and further that when the recycling figures become available they will be provided to Mr. Moore.

#### ADJOURNMENT

The meeting adjourned at 8:30 p.m.

Minutes Approved by Board of  
County Commissioners on 2/14/95

Judith A. Spalding  
Recording Secretary