

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MARCH 14, 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 Chesser moved, seconded by Commissioner Jarboe, to approve the minutes of Tuesday, March 7, 1995 and Thursday, March 9, 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) **Office on Aging**

Also Present: Gene Carter, Director

Maryland Office on Aging

Capital Grant Application

The Commissioners discussed the need for an activity center in the Fifth District area similar to the Chancellors Run Center in the Eighth District. Mr. Carter stated that he received a letter from the Maryland Office on Aging indicating that if the county was interested in receiving grant funds for capital projects for Fiscal Year 1997, the county should submit an application. He further pointed out that the Maryland Department of Health and Mental Hygiene may also be seeking applications during that time frame. In addition Mr. Carter referred to the Colton heir's property which the State had returned to the family; however the family allowed the State of Maryland to retain the endowment funds of \$590,000. These funds will be used to establish a foundation to provide funds to support senior housing projects with preference given to St. Mary's County. Mr. Carter stated that funds from these three sources could be used for a center or residential units for the elderly.

After discussion the Commissioners indicated concurrence for Mr. Carter to send a letter to the Maryland Office on Aging indicating the County's intent to file an application for capital assistance.

Outreach Grant Application

Mr. Carter presented a grant application in the amount of \$5,000 to be submitted to the American Massage Therapy Association Foundation for the provision of 15-minute seated massage to the senior citizens at the Garvey Senior Center. He explained that Mr. Robert Hufford has been coming to the Center four hours a week to provide the massage services and has the opportunity to apply for the grant in order for him to continue with this service to the seniors. A condition of the grant is that it has to be made through a public or non-profit organization. The County would be the grant administrator, and there would be no costs to the County.

During discussion of the County's liability, Mr. Huffard agreed to add a rider to his insurance policy holding the County harmless.

After discussion Commissioner Chessser moved, seconded by Commissioner Eagan, to sign the grant application as presented. Motion carried.

2) Appointments - Boards, Committees, Commissions

The County Administrator presented the list of appointments as discussed by the Commissioners in an Executive Session.

Commissioner Brugman moved, seconded by Commissioner Jarboe (for discussion purposes), to make the following appointments with the exception of the Planning Commission and Board of Appeals nominees in order to receive financial disclosures from those individuals. Motion defeated four to one with Commissioners Thompson, Chessser, Eagan, and Jarboe voting against.

Commissioner Jarboe moved, seconded by Commissioner Chessser, to make the following appointments with terms as indicated. Motion carried four to one with Commissioner Brugman voting against.

<u>Economic Development Commission</u>	<u>Terms To Expire</u>
Francine Dove Hawkins	6/30/97
<u>Marcey House Board</u>	
Samuel C.P. Baldwin, Jr.	12/31/97
Florence P. Ballengee	12/31/95/98
<u>Planning Commission</u>	
Frank A. Goldbach	12/31/99
<u>St. Mary's Interagency Children's Committee</u>	
Sharon P. Brown	12/31/97
Jeannine M. Finnacom	12/31/97
Phyllis Leighton	12/31/97
Linda S. Reeves	12/31/97
Connie C. Ross	12/31/97
Becky Stevens	12/31/97
Jayne Sullivan	12/31/97
<u>Southern Maryland Wood Treatment Plant Task Force</u>	
Mary L. Haasch, Ph.D.	NO TERM
<u>Systems Reform Initiative Local Planning Entity</u>	
William Combs	NO TERM
Lorraine Fulton	NO TERM
William J. Marek	NO TERM
Ella May Russell	NO TERM
<u>Zoning Board of Appeals</u>	
Margaret J. Abraham	12/31/95/99
Lawrence E. Rowland (first alternate)	12/31/98/2002

3) Letters of Appreciation

The County Administrator presented letters of appreciation addressed to the Chairs of those Boards that have presented their 1994 Annual Reports and to those individual no longer able to serve on Boards, Committees, or Commissions.

Commissioner Brugman moved, seconded by Commissioner Jarboe to sign and forward the letters as presented. Motion carried.

4) **Clearinghouse Project No. MD950223-0166
Potomac River Watershed Project**

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that the project is consistent with the County's plans, programs, or objectives.

Commissioner Eagan moved, seconded by Commissioner Chessser, to accept the County Administrator's recommendation. Motion carried.

5) **St. Mary's Public Schools
Fiscal Year 1995 - Inclusion of Grant**

The County Administrator advised that correspondence dated March 9, 1995 was received from the Superintendent of Schools advising that a grant awards in the total amount of \$39,925 (Conflict Resolution - \$1,000; Eisenhower Mathematics and Science Education Act - \$36,636; and Schools for Success - \$2,289) had been received which had not been included in the Approved Operating Budget for Fiscal Year 1995. The letter requests permission to incorporate this grant award into the '95 budget.

Therefore, County Administrator Cox presented return correspondence approving the inclusion of the grant award into the Fiscal Year 1995 budget.

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

6) **Christmas in April
Request for Waiver of Permit Fees**

The County Administrator presented a memorandum dated March 6 from the Director of Planning and Zoning requesting permit fee waivers for any improvements in the 1995 Christmas in April Program requiring permits. Therefore, Mr. Cox presented correspondence for the Commissioners' signatures granting the waiver of permit fees for the homes involved in the 1995 Christmas in April program.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and sign the letter as presented. Motion carried.

7) **Response Letter
Bernard Johnson**

The County Administrator presented correspondence addressed to Bernard I. Johnson in response to various issues raised in his March 1 letter. The letter advises Mr. Johnson of the March 22 public hearing for the possible renaming of Leonardtown Road. Regarding directional signs to St. Mary's City, the return letter indicates that his correspondence has been forwarded to the State Legislators in Annapolis.

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

8) **Sewage Sludge Permit Application**

The County Administrator presented the standard letter addressed to the Maryland Department of Environment waiving the County's right for a public hearing/meeting on the sewage sludge utilization permit application for the Harvey Zimmerman property, which was forwarded by MDE by correspondence dated February 27. The letter reiterated the County's ongoing concerns over environmental safety and land records notification.

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

9) **Patuxent River Watershed Tributary Team**

The County Administrator presented correspondence addressed to the Chesapeake Bay Coordinator submitting the following nominations for appointment to represent St. Mary's on the Patuxent River Watershed Tributary Team: Alexander Stewart (Agriculture); Barbara R. Thompson (County Government); and Francis J. Russell (waterman).

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

10) **Response Letter
Robert Willey**

The County Administrator presented correspondence addressed to Robert Willey in response to concerns addressed in his March 2 letter suggesting a stronger barrier at the access road for the pumping station for Myrtle Point because of trash dumping and children playing in the area. The return letter indicates that the letter has been forwarded to the Department of Public Works to review the issues.

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

6) **Response Letters
Hanover Run (Myrtle Point) Property**

In response to a letter from Lottie Hasel, Izaak Walter League regarding the Hanover Run Property, the County Administrator presented return correspondence advising that the Recreation and Parks Board task force has been established to conduct a thorough examination of the issue relative to possible acquisition for park land. The task force will be presenting its findings to the Commissioners on March 21.

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

7) **Resolution No. W/S 95-01
1995 Comprehensive Water and Sewerage Plan**

As a follow up to the January 17 public hearing and the January 31 decision meeting, the County Administrator presented the referenced Resolution amending the 1993 Complete Revision of the St. Mary's County Comprehensive Water and Sewerage Plan which shall be known as the 1995 St. Mary's County Comprehensive Water and Sewerage Plan. In addition County Administrator Cox presented correspondence addressed to the Maryland Department of Environment forwarding a copy of the Resolution and related attachments.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and sign Resolution No. W/S 95-01 and to authorize Commissioner Thompson to sign the letter to MDE as presented. Motion carried.

8) **Tri-County Commissioners' Meeting
Agenda**

In preparation for this evening's meeting with the three Boards of County Commissioners, County Administrator Cox presented an agenda of topics to be discussed for the Commissioners; information.

6) **Elected School Board Task Force**

For the Commissioners' information, the County Administrator advised that the Elected School Board Task Force had its organizational meeting last night (March 13) and the members were eager to begin their work to develop legislation for an elected school board.

301 TRANSPORTATION STUDY TASK FORCE

Present: John Sine, Chair
Robert Kramer, Facilitator
Heidi Van Luven, Project Manager

The referenced individuals appeared before the Commissioners to brief the Board on the activities and progress of the 301 Transportation Study Task Force. Dr. Sine explained the structure of the task force indicating there are 76 members, which were appointed by the Governor in May of 1993. He reported that the study will not just address how to fix the road, but will also be a multi-modal transportation study, and will also address the impact on the land and environment.

Mr. Kramer explained that the study area encompasses the five counties along the 301 corridor (Calvert, St. Mary's, Charles, Prince George's and Anne Arundel) and noted that the public is being involved throughout the study process. He advised that the Committee has developed a Mission Statement--to *develop recommendations that integrate land use and open space planning, local community design and environmental protection into the transportation planning process.*

Included in the report to the Commissioners were: the Task Force's points of consensus; schedule; public involvement; and the fact that the recommendations to be developed will address transportation system improvements, land use related to the improvements, environmental impacts, and intergovernmental cooperation and coordination. Also included was a "Vision Statement" for the U.S. 301 south corridor for the year 2000 adopted by the Task Force in November 1994.

Ms. Van Luven described the needs identified by Task Force and the options being developed to address those needs.

In conclusion Dr. Sine pointed out that Plan that is developed by the Task Force must be doable, sensible and affordable.

The Commissioners thanked the task force representatives for the presentation and requested to be kept informed of its progress.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Adult Detention Center Expansion Grant Agreement**

Mr. Ichniowski presented a Grant Agreement between the State through the Board of Public Works and the Board of County Commissioners of St. Mary's County in the amount of \$1.1M for the planning, design, construction and equipping of the expansion of the St. Mary's County Detention Center. The project is funded 50.3% by the State and 49.7% by the County, and Mr. Ichniowski advised that the County's share was authorized in the Fiscal Year 1994 Budget. Mr. Ichniowski reviewed the schedule of the project stating that final plans review is scheduled for April/May; project bid - May/June, and construction to begin in August.

After discussion Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and sign the Grant Agreement as presented. Motion carried.

2) **Public Works Agreements**

Mr. Ichniowski presented the following Public Works Agreements for the Commissioners' consideration:

Hickory Hills, Phase 3A
Amber Drive

Dated March 6, 1995 between Liberty Homes Development, Inc. and Board of County Commissioners for St. Mary's County guaranteeing completion of Amber Drive by December 1, 1995. The Agreement is backed by surety in the amount of \$12,400 with Maryland Bank and Trust Company.

Hickory Hills, Parcel "B" Phase 3A

Dated December 21, 1994 between Liberty Homes Development, Inc. and Board of County Commissioners for St. Mary's County guaranteeing completion of Meath Road and Athboy Court by March 1, 1996. The Agreement is backed by surety in the amount of \$302,500 with First National Bank of St. Mary's.

SOLID WASTE ADVISORY COMMITTEE
ANNUAL REPORT

Present: Bill Mattingly, Co-Chair
Melva Abell, "

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report of the Solid Waste Advisory Committee. Mr. Mattingly advised that the group has been focusing on reviewing the Solid Waste Plan in order to make recommendations for changes within the 90-day extension granted by the Maryland Department of Environment. He stated that the Committee has been working on possible amendments to the plan including siting criteria, municipal solid waste facilities and hazardous waste sites.

Relative to recycling, Mr. Mattingly advised that Don Hammett will be chairing the subcommittee on recycling. Emphasis of the subcommittee will be on education. Mr. Mattingly noted there were 17 applicants for the Recycling Coordinator position and that hopefully it will be filled within a few weeks.

Mr. Mattingly presented the Committee's proposed schedule for amendments to the Plan stating that the proposed changes would be submitted to the Commissioners on April 18 and recommending a May 9 public hearing.

In conclusion the Commissioners agreed to the schedule as submitted by the Committee.

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

GREENWELL STATE PARK MASTER PLAN

Present: Charles Carroll Carter, President, Greenwell Foundation
Charles Lehr, Superintendent of Greenwell State Park

Mr. Carter explained the purpose of the meeting was to present and explain the updated Greenwell State Park Master Plan. He explained the funding sources for development of the state park including a proposed \$1M (+/-) from the 1995 Maryland General Assembly and from private donations. During his presentation he pointed out that the property was given to the State by Philip and Mary Wallace Greenwell by Deed in 1971 with the understanding that use would include programs for the disabled. He pointed out that it is a park for all citizens and not just the disabled.

Mr. Carter reviewed the plans for development of the 606 acre property which will be done in three phases; the first phase will include providing sleeping facilities, camping, hiking trails, road improvements and making the manor house accessible.

During his presentation Mr. Carter advised that plans for the park include a swimming pool and suggested that the foundation join with the Commissioners in the construction of the pool for use by the community. He pointed out that the design and structure of the pool would have to be done with respect to the design of other structures in the park. Because the land is already available, costs for the pool would be reduced and operating costs could be met through memberships.

The Commissioners thanked Mr. Carter for his presentation and agreed to consider his suggestion regarding the swimming pool.

**PUBLIC HEARING
WICOMICO SHORES - GOLF COURSE DRIVE EXTENDED**

Present: Dan Ichniowski, Director, DPW

The Commissioners conducted a public hearing on the petition and ordinance for the establishment of a Special Taxing District to construct an extension of Golf Course Drive in the Wicomico Shore Subdivision, Fourth Election District, from Golf Course Drive to Lake Drive North. The annual assessment will be approximately \$339.64 per lot. Mr. Ichniowski explained that out of the 59 property owners, 44 in favor of the taxing district, four opposed, and ten with no response.

During public comment Mr. Rollins, Director, Recreation and Parks expressed concern regarding impact of the project on the golf course operations and suggested that the affected lots not be included in the taxing district. Mr. Rollins stated he would negotiate with the property owners to attempt to acquire those lots. Mr. Ichniowski explained that deplatting those lots would increase the per lot assessment to the other lots.

Mr. Wilson inquired as to the assessments costs. Mr. Ichniowski explained that it would \$340 per lot for road improvements and an additional \$823 for water/sewer improvements.

Mrs. Osterman stated that she has a problem with water coming from the golf course on to her property and inquired whether this project would correct this situation. Mr. Ichniowski agreed to look into this matter in greater detail.

Hearing no further comments, the public hearing was closed. The record will remain open for ten days for additional comments.

COUNTY COMMISSIONERS' TIME

Wicomico Shores Subdivision

Commissioner Thompson suggested that since the other Commissioners were not aware of the background of the Wicomico Shores project that Mr. Ichniowski give the history. Mr. Ichniowski explained the original development, the limited sewage treatment plant and unimproved roads and the fact that some lots had multiple owners, pointing out that the original developer went bankrupt. Because of requests for roads and water/sewer improvements the Commissioners appointed a committee to explore what could be done in Section One, and the first taxing district was established.

Meat Processing Plant

Commissioner Chesser stated that because of the losses sustained by farmers this past year, he is looking into the possibility of a meat processing plant being located in the County. He suggested that the Commissioners give consideration to this proposal. Commissioner Jarboe indicated he was aware of Charles County looking into locating a plant on Route 6 and that this could be a regional project.

**PLANNING COMMISSION
ANNUAL REPORT**

Present: Lanny Lancaster
Joe Anderson
Shelby Guazzo
Frank Taylor

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report of the Planning Commission. Mr. Lancaster reviewed the Commission's accomplishments in 1994 including implementation of streamlining recommendations; adoption of grandfathering provisions; completion of planning commission diagnostic; Lexington Park Planning Task Force began meeting; and Community Character Committee conducted two workshops. Concerns included access control; Dr. Johnson Road safety; and loss of agricultural land. Objectives for 1995 included conclusion of implementation of streamlining recommendations; completion of revisions to DPZ's zoning procedures manual, preparation of Lexington Park Development District master plan; preparation of recommendations for improving community character; and preparation of amendments to zoning ordinance to implement updated comprehensive plan.

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

**ZONING BOARD OF APPEALS
ANNUAL REPORT**

Present: Shane Mattingly, Chair

Mr. Mattingly appeared before the Commissioners to present the 1994 Annual Report of the Zoning Board of Appeals. Mr. Mattingly pointed out that the Board has over the last several years tried to make an effort to make the Board and staff more accommodating to the public in the various processes. He reviewed the accomplishments of the Board and the plans for 1995.

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

**ELECTRICAL EXAMINERS BOARD
ANNUAL REPORT**

Present: Arthur Goode, Chair

Mr. Goode appeared before the Commissioners to present the 1994 Annual Report of the Electrical Examiners Board. Mr. Goode reviewed the activities of the Board performed in 1994 including testing, computerization of license information and participation in state committees and boards.

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

**PLUMBING BOARD
ANNUAL REPORT**

Present: Joe Mike Weiland, Plumbing Inspector

Mr. Weiland appeared before the Commissioners to present the 1994 Annual Report of the Plumbing Board. He reviewed the purpose of the Board, the number of licenses in the County and the number of individuals licensed for natural gas. Plans for the current year include testing and certification; regulating LP gas companies; and possible adoption of the new National Plumbing Code.

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

**MARCEY HOUSE
ANNUAL REPORT**

Present: Larry Harvey, Director
Terry Sznukowski, Counselor
Carol Drury
Wayne Guy
Skip Stewart

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report of the Marcey House Board. Mr. Harvey reviewed the background stating that Marcey House, a 15-bed residential treatment facility, has been operational since 1989. Marcey House strives to rehabilitate the substance abuser stressing responsibility to the individual as well as the community. Mr. Harvey reviewed significant activities of the Board for 1994 including fund raising activities (golf tournament) and the development of a volunteer network. By way of charts Marcey House staff and board members reviewed residence at admission; reasons for discharge; average monthly stay by discharge status; clients by race and sex; and employment at completion of treatment. Problems and challenges include the issue of inadequate funding for Marcey House and plans for the current year include continuing to involve the support of the Commissioners in resolving the Marcey House budget dilemma with Alcohol and Drug Abuse Administration.

In closing the Mr. Harvey advised that the 1995 golf tournament is scheduled for May 19 with a rain date of June 1.

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

EXECUTIVE SESSION

Commissioner Brugman moved, seconded by Commissioner Jarboe, to meet in Executive Session to discuss a matter of Litigation (Amber Meadows and FERST) as provided for in Article 24, Section 4-210(a)8 and Personnel (employment contract), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Litigation (Amber Meadows)

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
Joe Densford, County Attorney
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recording Secretary

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

Time Held: 3:00 p.m. - 3:30 p.m.

Action: The Staff reviewed the particulars of the referenced matter and received direction from the Commissioners.

Litigation - FERST

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
Joe Densford, County Attorney
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 3:30 p.m. - 3:45 p.m.

Action: The County Attorney reviewed the status of the referenced matter and received direction from the Commissioners relative to recent court action.

Personnel

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)1
Time Held: 3:45 p.m. - 4:20 p.m.

Action: The Commissioners discussed an employment contract and agreed to discuss it again at next week's meeting.

ADJOURNMENT

The meeting adjourned at 4:20 p.m.

**Minutes Approved by Board of
County Commissioners on 3/21/95**

Judith A. Spalding
Recording Secretary