

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
APRIL 11, 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 Brugman, to approve the minutes of Tuesday, April 4 and Thursday, April 6, 1995. Motion carried.

APPROVAL OF BILLS

Commissioner Eagan 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) **Response Letter**
Request for Building Permit Extension

The County Administrator presented correspondence responding to Mr. Hal Cole's letter of March 28 requesting a second extension to his building permit. The return letter explains the time limitations for zoning and building permits and advises that the County's fee refund policy provides a 90% refund of his original permit fee. He could also opt to reapply for a new building permit and apply that amount to the new permit fee.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign the letter as presented.

- 2) **Response Letter (Capt. Dudderar)**
Myrtle Point Task Force

The County Administrator presented correspondence responding to a March 25 letter from Capt. Raymond Dudderar regarding the report and work of the Myrtle Point Task Force. The return letter indicates the Commissioners will consider his comments as they review and discuss the issue.

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

- 3) **Response Letter (Audubon Society)**
Myrtle Point

The County Administrator presented correspondence responding to a March 27 letter from the Southern Maryland Audubon Society regarding the County's acquisition of the 192 acre Myrtle Point peninsula. The return letter indicates the Commissioners will consider the comments as they review and discuss the issue.

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

4) **Budget Amendments**

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

No. 95-31
Personnel

Justification: To provide funding for employees' classification and salary study (\$50,000)

During discussion the Commissioners agreed to change the justification to a management study that would also include classification and salary study. Mr. Cox stated that the Commissioners could have further discussion on what they would like included.

Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the Budget Amendment as amended. Motion carried.

No. 95-34
Department of Public Works

Justification: To change funding designation because of increased state funding for the community college project (\$1,000,000)

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

5) **Southern Maryland Regional Child Care Consortium
Grant Application**

Also Present: Becky Stevens, Community Services Coordinator

Mrs. Stevens appeared before the Commissioners to present a Grant Application for the Southern Maryland Regional Child Care Consortium in the total amount of \$81,458. She stated that the Consortium was created in 1994 to address the child care needs of young children in Charles, Calvert and St. Mary's Counties and in response to the RFP for Child Care and Development Block Grant Funds. She further advised that the Consortium will develop coordinated programs and services in the region for eligible parents which will bridge, supplement or otherwise fulfill the parent's child care needs.

After discussion Commissioner Eagan moved, seconded by Commissioner Chessser, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

6) **Response Letter
Use of Master Electrician License**

The County Administrator presented correspondence addressed to John W. Owens advising that the Electrical Examiners Board has reviewed his proposal as contained in his March 14 letter. The return letter indicates that based on the recommendation of the EEB, the Commissioners do not support changing the current regulations. The EEB suggested that Mr. Owens discuss the circumstance of a shelved Master Electrician performing work for himself and the receipt of a certification with MDIA.

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

7) **Steuart Petroleum Application
Permit to Appropriate and Use Waters of the State**

The County Administrator advised that correspondence dated March 30 was received from Steuart Petroleum Company advising that the company has filed with the Maryland Water Resources Administration an Application for a Permit to Appropriate and Use Waters of the State. Water will be taken from the Piney Point Creek and used for hydrostatic testing of petroleum storage tanks.

Therefore, Mr. Cox presented correspondence addressed to Maryland Water Resources Administration formally requesting a public informational hearing on the referenced application.

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

8) **Tri-County Animal Shelter**

As a follow up to the April 4 public forum, the County Administrator presented correspondence addressed to Charles County Commissioners summarizing the issues raised at the forum with regard to the handling of animals, euthanasia, record keeping, and inattention to duty by staff. The letter advises that a copy of the audio tape has been forwarded to County Administrator Fritz. In addition the letter requests that the Commissioners direct staff to review the concerns expressed and that St. Mary's will assist in any way possible.

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

9) **St. Mary's Women's Center
Request for Additional Funding**

The County Administrator advised that the Women's Center submitted correspondence dated April 4 requesting additional funding allocation in the amount of \$3500 in order to continue the Center's services through the Fiscal Year. Mr. Cox presented a response denying the request indicating that this could set a precedence.

The Commissioners discussed the funding levels for the Center in the past and the fact that funding is proposed to be increased by \$10,000 in Fiscal Year 1996.

For the sake of discussion Commissioner Brugman moved, seconded by Commissioner Jarboe, to sign and forward the letter as presented. Motion failed by a unanimous vote.

After discussion Commissioner Eagan moved, seconded by Commissioner Brugman, to advance funding in the amount of \$3500 to the Women's Center from the Fiscal Year 1996 budget and that the Center be requested to make more of an effort to pursue fund raising activities. Motion carried.

Budget Amendment No. 95-35

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Budget Amendment No. 95-35 in the amount of \$3500 for the Women's Center. Motion carried.

Later in the meeting County Administrator Cox presented a revised letter to the Women's Center as directed by the Board which was signed by the Commissioners.

10) **St. Mary's Nursing Center
Appointment Of Controller**

The County Administrator presented correspondence addressed to the Chair of the Nursing Center Board approving the recommendation for the appointment of Steven W. Helwig to the Controller position at the St. Mary's Nursing Center and indicating there will be a 90-day probationary period.

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

11) **Personnel
Environmental Planner II Position**

The County Administrator presented a memorandum dated April 11 from the Personnel Office advising that the Director of Planning and Zoning has requested approval to fill the Planner II-Environmental, Grade 19, position recently vacated by the promotion of Sue Vieth to the Planner IV-Environmental, G-21, position. Mr. Grimm is requesting to fill the vacancy from the Planner-IV list of eligible candidates.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the request as submitted. Motion carried.

12) **Memoranda Of Understanding
Naval Air Station**

The County Administrator presented the following Memoranda of Understanding between the Naval Air Station and St. Mary's County:

- In the event of a hazardous material disaster or other emergency incidents
- In the event of a hurricane disaster or other emergency incidents

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

13) **Appointments
Boards, Committees, Commissions**

Commissioner Eagan moved, seconded by Commissioner Brugman, to make the following appointments to Boards, Committees, Commissions with terms as indicated:

<u>Community Health Advisory Committee</u>	<u>Term to Expire</u>
Jeffrey Lloyd	No Term
<u>Ethics Commission</u>	
George K. Abell (Alternate)	6/30/97/2000
<u>Library Board of Trustees</u>	
Henry S. Bonner	12/31/2000

KINGSTON CREEK DREDGING PROJECT

Present: Ed Russell, property owner, Big Kingston Creek
George Aud, former County Commissioner
Judge Clarke Raley, property owner, Big Kingston Creek
other interested citizens
Mr. and Mrs. Les Shaw, Little Kingston Creek
Jay McGrath, Engineer, Department of Public Works

The referenced property owners of Big Kingston Creek and other interested citizens appeared before the Commissioners to request the County to provide the necessary dredging and repairs to Big Kingston Creek. Mr. Russell gave the history of the area in question stating that in 1968 the County Engineer surveyed the property and 11 property owners signed a Deed conveying the property to the County; however, the deed had been lost. He stated that the deed was intended to be recorded because the plat showing the property to be conveyed to the County was recorded. Dredging was done in 1970 by the Maryland Department of Natural Resources, and subsequent maintenance dredging was done when the creek closed up.

Mr. Russell advised that the channel is closing up and some of the bulkhead timbers need to be replaced. The Department of Public Works conducted a feasibility study in August of 1992 and the estimated cost of the dredging and repair project was approximately \$45,000. The Department of Natural Resources has recommended a 50-50 (state/local) matching grant and indicated that the creek had limited benefits to the general boating public. Mr. Russell advised that people other than Kingston Creek residents do use the creek and that it is used as a safe harbor when storms come into the area. He stated that the property owners believe the County should provide the local share in accordance with the agreement with the 11 property owners who signed the deed conveying the property to the County. Former Commissioner Aud, Judge Raley, and Mr. Claude Clarke spoke to the need for the dredging project and requested the County to provide the 50% match with DNR.

Mrs. Shaw, Little Kingston Creek, pointed out that Little Kingston Creek was in need of dredging

During discussion the following points were made:

- That special taxing districts have been established for other dredging projects
- That the County would need to research why the deed was not recorded
- That a precedent would be set if the county funded the project
- Whether there was a right-of-way to the county-owned property

In response to an inquiry from the Commissioners Mr. McGrath explained that DNR will provide 100% funding for those projects that directly benefit the general boating public and the channel must have direct landward access, public dock, or main entrance channel. Kingston Creek has been deemed to be more private and DNR would only provide a 50% grant.

In conclusion the Commissioners agreed to get additional information and a legal opinion regarding the deed.

OFFICE OF COMMUNITY SERVICES COMPREHENSIVE ALCOHOL AND DRUG ABUSE PREVENTION PROGRAM GRANT APPLICATION

Present: Walt Biscoe, Coordinator, Alliance for Alcohol Drug Abuse Prevention
Judy Pedersen, Public Information Specialist
VISTA Team

The referenced individuals appeared before the Commissioners to present a grant application in the total amount of \$132,556 (local in-kind share - \$51,224) for the Comprehensive Alcohol and Drug Abuse Prevention Program for Fiscal Year 1996. Mr. Biscoe explained that the primary focus of the grant, a federal program that comes through the State, is for prevention through community based programs, summer activities, and special neighborhood projects.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Application as presented.

**NAVAL AIR WARFARE CENTER
RESTORATION ADVISORY BOARD**

Present: Capt. Elmer Standridge, Commander, NAS
Tom Russell, Director, Environmental Health

The referenced individuals appeared before the Commissioners to explain the purpose of the Restoration Advisory Board and to provide an update of the various hazardous waste sites. The program was established in 1980 to identify, assess, characterize and clean-up the effects of past waste disposal operations at the Naval Air Station and is funded by the Defense Environmental Restoration Account.

Capt. Standridge explained the role of each of the components of the Restoration Advisory Board (RAB) (the Navy, the Community and the regulatory agencies (Environmental Protection Agency, Maryland Department of Environment, and the St. Mary's County Health Department). He stated that he is co-chair, and that the Navy provides environmental technical support, administrative support to RAB, and ensures timely feedback to community comments. The RAB community members provide comments and feedback regarding priorities and specific site restoration options, and serve as liaison with the community. The regulatory agencies monitor the progress of the program and provide technical information, assistance, and guidance.

Included in the presentation was a list of the 32 Installation Restoration Program sites as a result of the initial survey; however, some of the sites may not require any clean up.

In conclusion Capt. Standridge and Mr. Russell advised they would keep the Commissioners informed on the status of the project.

**LEONARDTOWN CHARTER REPEAL REVIEW SUBCOMMITTEE
(DISINCORPORATION OF LEONARDTOWN)**

Present: Robin Guyther, Town Manager
Kennedy Abell, Chair, Subcommittee
Marjorie Aud
Charles Breck
Kirk Sterling

The referenced individuals appeared before the Commissioners to discuss the issues relative to the potential disincorporation of the Town of Leonardtown. Mr. Abell advised that there has been discussion that a petition was being circulated to put this issue before the voters and that the Town Council voted to put the issue before the voters on May 2. However, after a ruling by the Town attorney, the Council rescinded the date for the vote and formed a committee to research the issue.

Mr. Abell presented a list of questions for consideration by the Board of County Commissioners including street light charges, maintenance of roads, snow removal, assignment of county and state police, and the responsibility for the Town's debt (\$1.6M). Mr. Abell advised that not all information is available regarding the possible disincorporation and requested the Commissioners to respond to the questions within 30 days pointing out that the subcommittee would like to respond to the citizens of Town the benefits of remaining incorporated.

In conclusion the Commissioners agreed to work with the Town on this issue.

LOCAL GOVERNMENT INSURANCE TRUST

Present: Larry Bradley, Director
Joe Suchinsky, County Accountant

Mr. Bradley appeared before the Commissioners to introduce himself to the Board and to provide an overview of the services provided by the Local Government Insurance Trust. He stated that LGIT is formed by governments throughout the State of Maryland and is sponsored by Maryland Association of Counties and the Maryland Municipal League. Mr. Bradley made the following points relative to LGIT

- St. Mary's County is a charter member since its establishment in 1987.
- The major focus of LGIT is the Risk Management Program
- \$34M has been saved in insurance premiums
- St. Mary's participates in the following programs: primary liability insurance, excess liability insurance, and property insurance.
- LGIT is looking to add a Workmen's Compensation Program

In closing Mr. Bradley stated he would keep the Commissioners informed as to LGIT's programs.

LEGISLATIVE STATUS BOND AUTHORIZATION

The County Administrator advised the Commissioners that the bond authorization bill (HB 144) was defeated in the Senate. He stated that the proposal was submitted to the legislators as part of the County's legislative package and was a subject of the county's public hearing. The bond bill addressed the space needs of the county as well as other capital projects (roads, schools, landfill, airport and community college), and would have provided authority for not only this fiscal year but subsequent fiscal years. County Administrator Cox pointed out that no objections had been raised during the legislative process. He further pointed out that the bill had been amended by Senator Dyson by deleting the judicial center (space needs) but the amendment was not approved by the House and had to go to Conference Committee, which also disapproved the amendment. It went back to the House unamended, was approved, and then back to the Senate. Senator Dyson asked for senatorial courtesy to defeat the bill, and it was defeated.

In conclusion Mr. Cox recommended that because of the impact on the county's overall planning process for capital needs, the Commissioners meet with the Legislators regarding this issue. Commissioner Thompson referred to the breakfast meeting scheduled with the legislators on April 18 and indicated this could be discussed at that time.

TRAFFIC SIGNALIZATION STATE HIGHWAY ADMINISTRATION

Present: Ed Meehan, Administrator, SHA
Michael Lynhart, Traffic Engineer

At the request of the Commissioners the referenced SHA representatives appeared before the Commissioners to discuss the mechanisms used in determining what type of traffic signalizations to be used at various intersections. By way of overhead slides Messrs. Meehan and Lynhart explained the fuel consumption and emissions output increases resulting from signalization, and anticipated accident experience with full and partial signal control. Specific locations addressed were Oaks Coskey Swamp Road and Route 5 and the intersection in Clements (Route 234 and 242). Mr. Meehan displayed a map of the county and advised that SHA was looking at ways to provide better flow of traffic on Route 235 including the possibility of a service road concept.

During the presentation, Mr. Meehan stated that as intersections come to be and require signalization or improvements, SHA will work with County staff in looking at options in arriving at the best solution.

In addition SHA officials presented a video on "roundabouts," which SHA is proposing for the intersection at Routes 234 and 242. Mr. Meehan explained that this device is used in different areas of the country and in England and is most successful with the "yield at entry" rule.

In conclusion the Commissioners and SHA officials agreed to work cooperatively in arriving at solutions for traffic signalization in the County.

WICOMICO ADVISORY BOARD - ANNUAL REPORT

Present: James Banagan, Chair
Phil Rollins, Director, Recreation and Parks
Bob Bowes, Complex Manager

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report for the Wicomico Advisory Board. Mr. Banagan reviewed the operations of the Wicomico Golf Course for 1994, the focus for 1995, issues and challenges, and statistical information (comparisons from 1991 through 1994), and financial statement annual comparisons for 1991 through 1994.

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

RECREATION AND PARKS MUSEUMS - ANNUAL REPORT

Present: Roy Dyson, Chair,
Kim Cullins, Vice-Chair
Board Members (Louanne Bailey, James Banagan, Viola Gardner
Robert Kopel, Grace Schaefer, Fred Wallace)
Phil Rollins, Director, R&P
Michael Humphries, Chief, Museum Division

The referenced individuals appeared before the Commissioners to present the 1994 Annual Report of the St. Clement's Island-Potomac River Museum and the Piney Point Lighthouse Museum and Park. Senator Dyson spoke to the many volunteer hours that have made the museums so successful and recognized the Friends of the Museum. He pointed out that the St. Clements Museum has been nationally accredited. During the presentation Senator Dyson reported on the various activities of the Museum including the May 8 dedication of the Underwater Park, Museum Volunteer of the Year, and the 20th anniversary of the museum to be celebrated in July. With regard to the school tours to the Island, Mr. Humphries noted that the Friends of the Museum have agreed to provide funding for the transportation of students to the island in the fall of 1995.

ST. MARY'S TECHNOLOGY COUNCIL

Present: Larry Schadegg, President
Aleck Loker, Director

Mr. Schadegg appeared before the Commissioners to brief the Commissioners on the St. Mary's Technology Council stating it was established in 1991 and comprised of 70 members (companies and individuals). The objective of the Council is to broaden the economic base of Southern Maryland through the expansion of technologically oriented enterprises. Action Teams include Higher Education, K-12 Education, Communications, Incubation, and Membership. Activities include the Higher Education Center, Science and Technology Education Enrichment Program (STEEP), Resource Book, and a Newsletter. Mr. Schadegg explained the future context of the Council includes a vision for the County in 2005, what needs to be accomplished to get there, areas the Council can assist, and how to communicate this vision.

A copy of the St. Mary's Technology Council is on file in the Commissioners' Office.

**ENHANCED 911 UNIFORM ADDRESSING SYSTEM
LEONARDTOWN ROAD**

Present: Paul Wible, Chair
Connie Johnson, Addressing Technician
Mary Pat Pope, Administrative Officer

As a follow up to the March 22 public hearing the referenced representatives of the Enhanced 911 Uniform Addressing System Task Force appeared before the Commissioners to discuss the possible renaming of **Leonardtown Road**. Mrs. Johnson referred to the tallies and comments from the hearing and subsequent comments during the ten-day open record period.

Commissioner Eagan moved, seconded by Commissioner Brugman, to rename Leonardtown to *Point Lookout Road*. Motion carried.

TRI-COUNTY COUNCIL

Present: Gary Hodge, Director

1) **Southern Maryland Homes Expo**

Mr. Hodge presented each of the Commissioners with a packet of information that had been distributed during the Southern Maryland Homes Expo on March 29 at Warminster, Pennsylvania. He stated that 100 real estate agents/developers attended the Expo as well as other citizens from Southern Maryland to talk to families from the Naval Air Warfare Center in Warminster who will be making decisions about coming to this area.

2) **Meeting with Congressional Delegation**

Mr. Hodge advised that there will be a meeting with Southern Maryland elected officials and the U.S. Congressional delegation on Monday, May 22, from 12 Noon to 3 p.m. at the U. S. Capitol in Washington, D. C. to discuss Southern Maryland issues and priorities which require federal assistance. Tri-County Council will make arrangements for a bus to take officials to the Capitol.

3) **Strategy For Regional Action**

Mr. Hodge requested the Commissioners' consideration for shared funding for the preparation of a *Strategy for Regional Action*. He stated that the Task Force on General Development Plan for Southern Maryland recommended that Tri-County Council facilitate and coordinate the document to develop a platform advocacy for Southern Maryland's priorities which could not be brought to conclusion by a single county. The priorities need to be identified for the next five to ten years as well as a vehicle to look at the next ten to fifteen years for transportation, environment, and major capital investments.

Mr. Hodge advised that the Governor has committed \$50,000 to this strategic effort and the three Southern Maryland counties are being requested to allocated the other \$50,000 (\$16,667 per county).

In response to an inquiry from Commissioner Eagan, Mr. Hodge stated that Tri-County Council carries out the programs as set forth in the Maryland Code and that the strategy action document would be an additional effort requiring the interrelation of consultants, staff support, and business leaders. He pointed out that the investment would be returned to the County within five years.

In conclusion the Commissioners agreed to further discuss the *Strategy for Regional Action* at the Tri-County Council meeting of April 13.

**OFFICE ON AGING
MEDICAL ADULT DAY CARE GRANT PROPOSAL**

Present: Gene Carter, Director, Office on Aging

Mr. Carter appeared before the Commissioners to present a grant proposal for the Medical Adult Day Care Program and to summarize highlights of the program. He explained that the program provides medical care for adults who have a physical or mental functional impairment and who are referred to the program by their physician or other health services provider. Mr. Carter explained there are two day care centers, the Ripple Center and the Weisman Center, and the program operates as an independent fiscal entity. Both centers are approaching licensed capacity, which will create a need for alternative long-term care providers and strategies. Included in the Office on Aging's plans to address these needs are the establishment of a social day care program for the elderly, weekend operation to provide respite for caregivers, and the addition of a "Drop-In" care for persons not regularly enrolled in the day service program.

After discussion Commissioner Chesser moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

EXECUTIVE SESSION

Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in Executive Session to discuss a matter of Litigation, as provided for in Article 24, Section 4-210(a)8. Motion carried.

Litigation - The Skydiving Center

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
Attorneys, Joe Densford, Bill Chen and Stewart Diana (via conference call)
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)8
Time Held: 4:30 p.m. - 5:50 p.m.

Action: Attorneys discussed the referenced legal matter and requested the Board's concurrence on certain issues.

ADJOURNMENT

The meeting adjourned at 5:55 p.m.

**Minutes Approved by Board of
County Commissioners on April 18, 1995
Judith A. Spalding
Recording Secretary**