

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MAY 2, 1995

Page 205

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

(Commissioner Frances P. Eagan was not present.)

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 25 and Thursday, April 27, 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) **Follow Up Correspondence**
April 25 Business Breakfast

The County Administrator presented correspondence addressed to participants of the April 25 Lexington Park business breakfast addressing some of the major topics discussed at the meeting.

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

2) **Grants**

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

VISTA

- Letter of Support to the Corporation for National and Community Services forwarding the St. Mary's County Alliance for Alcohol and Drug Abuse Prevention VISTA grant renewal for Fiscal Year 1996.
- Application for Federal Assistance in the amount of \$3,000 for the period July 31, 1995 - July 30, 1996 for job travel reimbursement for the VISTA Program, a county-wide project to reduce and prevent alcohol and drug abuse among low income communities

Commissioner Brugman moved, seconded by Commissioner Chesser to approve and sign the Letter of Endorsement and to authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.

Rental Voucher and Rental Certificate Program

Letter of Support addressed to the U. S. Department of Housing and Urban Development in support of the County's Housing Authority's application for Funds for the Rental Voucher and Rental Certificate Programs. The letter of support constitutes compliance with the federal comment requirements.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign the Letter of Support as presented. Motion carried.

Domestic Violence Contract Modification - Walden Sierra

Modification to Domestic Violence Contract by an additional \$1,118 for the period June 30, 1995 to June 29, 1996, which will service an additional 2.81 clients.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Contract Modification as presented. Motion carried.

Family Violence Intervention Project - State's Attorney's Office

Grant Application in the amount of \$30,000 to be used for a Family Violence Intervention Coordinator.

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

Marcey House

Continuation of program grant application to be submitted to the Alcohol & Drug Abuse Administration for Fiscal Year 1996 in the amount of \$212,187, as discussed during the Commissioners' budget work sessions.

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

3) Weatherization Program

The County Administrator advised that the State of Maryland has provided an opportunity for jurisdictions to assume the responsibility for administration and coordination of the Weatherization Assistance Program. The County's Department of Economic & Community Development has prepared correspondence to Community Assistance Administration indicating that the County does not intend to assume the responsibility of this program. The letter designates the Southern Maryland Tri-County Community Action Committee as the local operator of the Weatherization Program.

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

3) Budget Amendments

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

No. 95-40

Public Works

Justification: To provide additional funding for utility relocation costs in Miles Taxing District (\$8,523)

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

No. 95-41

Social Services

Justification: To provide funding for Burial Assistance (\$650)

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

No. 95-42

County Commissioners

Justification: To provide funding for office supplies and related expenses (\$2,500)

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

**5) Redraft of Spalding Response Letter
Rescue Squads/Advanced Life Support Unit**

As a follow up to last week's discussion the County Administrator presented redrafted correspondence to Ms. Shirley Spalding responding to her April 3 letter requesting a clarification of the funding of the rescue squads and Advanced Life Support Unit. The return letter explained the cooperative effort between the hospital and squads for the replenishing of supplies.

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

**6) Response Letter
Animal Shelter**

The County Administrator presented a letter in response to correspondence from Ronald and Judy Wentz regarding the Animal Shelter. The return letter advises that the Commissioners have requested that Charles County, the manager of the Shelter, review the number of concerns that have been raised.

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

**7) Resolution No. 95-18
Safety and Health Program**

The County Administrator advised that a number of county employees have been working on developing an updated safety program addressing a number of liability issues relative to the work place. A Safety and Health Program had been first adopted for County Government in 1984 and the group has recommended an update of the program. The program has been reviewed by all affected agencies and departments and is now recommended for adoption by the Board of County Commissioners.

After discussion Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 95- , to send a letter to County Employees explaining the program and requesting cooperation in supporting the safety and health measures, to send a letter to officials requesting designees, and to send letters of appreciation to the working committee members. Motion carried.

PROCLAMATIONS

The Commissioners issued the following Proclamations:

National Life Insurance Week

Designating the week of May 1 - 5, 1995

Older Americans Month

To representatives of Cedar Lane and the St. Mary's Nursing Center designating the Month of May

Emergency Medical Services Week

Designating May 14-20, 1995

National Day of Prayer

Designating Thursday, May 4, 1995

National Auctioneers' Month

Designating the month of May.

OFFICE ON AGING

Present: Gene Carter, Director
Jennie Page

1) **Transportation Section 8 Technical Study Grant Agreement**

Mr. Carter presented the Section 8 Technical Study Grant Agreement with the Mass Transit Administration for the transportation program in the amount of \$50,000, which requires a \$5,000 match from the County for Fiscal Year 1995.

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

2) **Senior Care Program Grant Application**

Mr. Carter presented the Annual Application for Funds for the Senior Care Program to be submitted to the Maryland Office on Aging in the amount of \$91,459. No local match is required. The program serves approximately 130 of the county's most frail and economically disadvantaged citizens.

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

3) **Fiscal Year 1996 Budget Request Clarification**

Mr. Carter stated his department submitted two budgets--one, at level funding and the other at \$25,000 less (a 7% reduction) of what OOA is currently receiving. He stated that the 7% reduced budget is the one he would like to the Commissioners to consider in that it allows for a number of organizational changes in his department and shifted certain program expenditures to grant funding. He requested that as the Commissioners deliberate on the development of the final budget that the Board consider his requests.

4) **OOA Positions - Transportation Program**

Mr. Carter reminded the Commissioners of the issue relative to the two MTA positions (driver - Grade 10; and dispatcher - Grade 11) to support the transportation program for the remainder of the fiscal year. He stated that OOA has the funds from MTA but cannot spend it

until the issue is resolved. Mr. Carter requested that in the interim the Commissioners designate the positions as temporary and at a later date consider whether to hire as a county grant position or on a contract.

The Commissioners agreed to discuss the issue on Thursday, May 4.

EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Chessser, to meet in Executive Session to discuss matters of Litigation (Parcel of Record and another legal matter), as provided for in Article 24, Section 4-210(a)8. Motion carried.

Parcel of Record

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chessser
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
Jon R. Grimm, Director, Planning and Zoning
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1

Time Held: 10:35 a.m. - 10:45 p.m.

Action: County staff discussed the referenced legal matter with the Commissioners and received direction on how to proceed.

Litigation

Present: Commissioner Barbara R. Thompson, President
Commissioner D. Christian Brugman
Commissioner Paul W. Chessser
Commissioner Lawrence D. Jarboe
Edward V. Cox, County Administrator
Joseph R. Densford, County Attorney
Dan Ichniowski, Director, DPW
Judith A. Spalding, Recording Secretary

Authority: Article 24, Section 4-210(a)1

Time Held: 10:45 a.m. - 11:01 a.m.

Action: Mr. Ichniowski briefed the Commissioners on a certain legal matter

COUNTY COMMISSIONERS' TIME

Nursing Center Elevators

Commissioner Jarboe advised that he has learned that there are problems with the elevators at the Nursing Center and inquired as to what can be done to correct the problem. Commissioner Thompson responded that the Department of Public Works has forwarded correspondence to a maintenance company requesting a review of the elevators and to submit a report and a cost proposal to make necessary corrections.

Termination of Animal Shelter Employee

Commissioner Jarboe stated he was contacted about an individual whose employment was recently terminated at the Animal Shelter. He stated that when she appeared before the Commissioners on January 31 she indicated she was representing the Animal Welfare League and not the Shelter, and he requested a copy of the minutes of that date to see if her comment had been included.

Meat Processing Plant

Commissioner Chesser advised that he went on a tour with the Economic Development, Planning and Zoning representatives and others of meat processing plans in Pennsylvania and Maryland. He indicated that he was impressed with what he had seen, stating that the plants were clean and efficient. He suggested that the Commissioners look into the possibility of locating a site in St. Mary's County

COUNTY ATTORNEY'S EMPLOYMENT CONTRACT

Commissioner Thompson read a prepared statement announcing that the Commissioners will not be renewing the employment contract of County Attorney Joseph R. Densford upon its expiration on June 30, 1995. The position will be filled by a competitive hiring process.

**CAREER NET PLAN
JOB TRAINING PARTNERSHIP ACT**

Present: Mary Podmostko, Executive Director
Jack Candella, Chair, So. Md. Private Industry Council

The referenced individuals appeared before the Commissioners to explain the proposal to combine and integrate various employment services under the Southern Maryland Career Net Plan. Ms. Podmostko reviewed the purpose of the Plan which documents the commitment of local officials and businesses for the creation of one-stop career centers in Southern Maryland. She highlighted the background of the Plan stating that the Department of Labor awarded a grant to Maryland to reengineer the way work force investment services are organized and delivered. Ms. Podmostko reported that there will be six one-stop centers for Southern Maryland, the first two will be established in the first year at the Employment Office in Leonardtown and the Career Center at Charles County Community College in LaPlata.

After the presentation Ms. Podmostko presented the Southern Maryland Career Net Plan and requested authorization for the President of the Board to sign the Statement of Concurrence.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Southern Maryland Career Net Plan Statement of Concurrence as presented. Motion carried.

**AFFORDABLE HOUSING DEVELOPMENT
LAUREL GLEN**

Present: Dave Randell, The Heritage Companies
Bowen Arnold, "
Dennis Nicholson, DECD

The referenced representatives of The Heritage Companies appeared before the Commissioners to request approval of a letter to Heritage Rural Housing, Inc. in support of its efforts to develop affordable family housing on Laurel Glen Drive. Mr. Arnold advised that Heritage plans to construct a 126-unit multifamily affordable housing development along Old Rolling Road behind Laurel Glen Shopping Center within the Laurel Glenn PUD. The project will consist of 30 two-bedroom/two bath units and 96 three bedroom/two bath units to be rented to low and moderate income tenants on the Low Income Tax Credit Program, administered by the Maryland Community Development Administration.

After review of the plans and discussion Commissioner Brugman moved, seconded by Commissioner Jarboe to sign the Letter of Support as requested. Motion carried.

MANAGEMENT MEETING

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

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

1) **Special Taxing Districts**

Continuation of Public Hearing
Cloverdale Drive

In order to allow an opportunity to receive additional information from the Director of Public Works, the Commissioners continued the public hearing from April 18 on the establishment of a Special Taxing District for Cloverdale Drive in Cloverdale Acres Subdivision.

As suggested at the April 18 hearing, Mr. Ichniowski advised that the gravel was tested at three locations and was determined to be adequate. He further advised that in response to the question as to whether the base was acceptable, the depth was checked at the three locations and it was determined that the gravel was at least nine inches thick and in some areas even deeper.

Because the gravel was found to be acceptable, Mr. Ichniowski presented a handout setting forth reduced assessment costs based on eight (8%) percent and six (6%) percent interest amortized over a 20-year period.

The hearing was opened to comments from the audience:

Tom Roth inquired as to when the project would start. Mr. Ichniowski responded that it should begin by fall of 1995.

Chrystal Adams stated that she would not be able to afford the assessment and also expressed concern that having the road improved would create a problem with vehicles speeding.

Nick Gibson spoke in favor of the project.

In conclusion the Commissioners advised that the hearing will remain open for ten days after which the Board will make a decision on the taxing district.

Mulberry South Subdivision

Mr. Ichniowski advised that an initial petition with ten of the thirteen property owners' signatures has been received for the establishment of a Special Taxing District for improvements to roads in Mulberry South Subdivision. The public informational meeting has been scheduled for May 17

Rosebank Court

Mr. Ichniowski advised that the public informational meeting was held on the establishment of a special taxing district for Rosebank Court and that a final petition has been received with six of the eight property owners' signatures. He requested authorization to proceed with scheduling a public hearing on May 23. The Commissioners gave their concurrence.

2) **Charles County Community College - Access Permits**

Mr. Ichniowski presented Applications for Maryland State Highway Administration Permits for the Charles County Community College to be located in Leonardtown. One permit is for a public street 750 feet east of Maryland Route 245 and the second permit is for a public street 715 feet north of Maryland Route 5.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the two Access Permits as presented. Motion carried.

3) **Island Creek Federal Navigation Project (Stone Jetty)
Local Cooperation Agreement**

Mr. Ichniowski presented a Local Cooperation Agreement between the Department of Army and St. Mary's County for the construction of a 1200 foot jetty to the south of the Island Creek channel. Total cost of the project is estimated at \$1.53M, 20% of which is to be local funds which will come from the Department of Natural Resources' Waterway Improvement Program. No county funds are involved, but must provide the easements and land which has been done.

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

3) **Development Documents**

Public Works Agreement

Pine Lake Subdivision

Dated March 10, 1995 between Pine Lake Partnership and the Board of County Commissioners for St. Mary's County guaranteeing completion of Weavers Court. The Agreement is backed by a Letter of Credit with Cedar Point Federal Credit Union in the amount of \$133,000.

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

Addendum to Public Works Agreement

Richneck Subdivision, Section 2

Between Ripple Brothers Construction Company and the Board of County Commissioners for St. Mary's County extending the deadline for completion improvements to May 1, 1996. The Addendum is backed by an amended Letter of Credit with First National Bank of St. Mary's in the amount of \$55,600.

Commissioner Brugman moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Addendum as presented. Motion carried.

RESOLUTION NO. 95-17

MENTAL HEALTH AUTHORITY OF ST. MARY'S

Present: William Marek, Health Officer
Marilyn Carifi, Director
George Roberson, Chair

The referenced individuals appeared before the Commissioners to present a proposal for the privatization of the Mental Health Authority (formerly the Core Service Agency) and to request the Board's approval through the adoption of a Resolution.

Dr. Marek reviewed the background stating that legislation passed in 1990 provided that the funding that the state provides for mental health services in a community should pass to the local communities so that local mental health boards, established by the local governing body, could make decisions as to how the state money would be disbursed to service providers. He stated that the local board, the Mental Health Authority, was established in 1991, to serve as the Mental Health Core Service Agency and was part of the St. Mary's County Health Department.

Dr. Marek pointed out that the Board of Directors of the Mental Health Authority determined that privatization of the Authority would be in the county's best interest by providing more flexibility in the management and coordination of mental health services and making the services available in a more cost effective manner.

Therefore, Dr. Marek presented a Resolution for the Commissioners' approval acknowledging the establishment of a not-for-profit corporation to replace the Mental Health Authority and setting forth certain conditions.

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and sign Resolution No. 95-17 as presented. Motion carried.

COUNTY ADMINISTRATOR'S POSITION

Present: George Foster, Personnel Officer

As requested by the Commissioners Mr. Foster appeared before the Board to review the specifics relative to filling the position of County Administrator. The Commissioners discussed the pros and cons of appointed versus contract and reviewed the current job description.

After discussion the Commissioners gave their consensus to the following

- That the position was needed
- That there would be no changes to the job description
- That the position would be a two-year contract position; residency requirement as required in the personnel manual; and placing a standard clause in the contract that outside employment would need to be approved by the County Commissioners.
- That the position would be advertised internally and externally (MACo and NACo)
- That the position would be advertised in the Washington Post, Baltimore Sun and Enterprise
- That the salary range to be advertised will be \$59,027 - \$70,402
- That the panel to score applications will consist of the Director of Finance, the Personnel Officer, Commissioner Thompson and one other Commissioner
- That the Interview Panel will consist of the five County Commissioners

In that Commissioner Eagan was not present the Commissioners agreed to allow her an opportunity to review the "Hire Decisions" before taking final action.

COUNTY ATTORNEY'S POSITION

The Commissioners agreed that the "Hire Decisions" that were made for the County Administrator's position be the same for the County Attorney and that the position be advertised at the Base Salary.

7:00 p.m.

PUBLIC FORUM

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

Michael Humphries (St. Clements Museum), Doug Alves (Calvert Marine Museum), Mike Smoleck (Patterson Park), Harriet Stout (Chesapeake Beach Railway Museum), Sarah Patton (St. Mary's City), and Carolyn Laray (Sotterley) - Requested the Commissioners' support of Sotterley's interpretative programs and to promote Sotterley as a tourism attraction.

Fred Wallace - Spoke on behalf of the Friends of the Museum's contributions to the County's museum system and requested the Commissioners' support.

Sal Raspa, Pat White, and Mary Ann Chasen - Questioned the Commissioners' decision to not renew the County Administrator's contract. (Commissioner Thompson stated that the Commissioners would not engage in public discussion of personnel matters.)

Ken Hastings - Inquired as to what the Commissioners' decision was regarding transfer station fees. (Commissioner Thompson advised that the Commissioners will be looking into transfer station fees; however, the FY '96 Recommended Budget only includes an increase in the tipping fees.)

Alan Moore - Inquired as to the county's recycling percentage as well as whether the Recycling Coordinator position has been filled. (Staff will provide the recycling percentage information to Mr. Moore. Regarding the Recycling Coordinator position, the Commissioners advised that the interview process has begun.)

Larry Pinto N- Expressed support of the County's acquisition of Myrtle Point as a low impact park. (Commissioner Thompson advised that the Commissioners will be receiving a report from DECD on May 18, after which a public hearing would be scheduled.)

ADJOURNMENT

The meeting adjourned at 8:10 p.m.

**Minutes Approved by Board of
County Commissioners on 5/19/95**

Judith A. Hoelding
Recording Secretary