

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS
MAY 23, 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, May 16 and Thursday, May 18, 1995. Motion carried.

APPROVAL OF BILLS

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

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) **Aircraft Refinishing Technology, Inc.
Amended Agreement**

Also Present: Joe Densford, County Attorney

Mr. Densford advised that the Commissioners had entered into a Lease and Operating Agreement with Aircraft Refinishing Technology, Inc. (ART, Inc.) for construction of an aircraft refinishing, sale and maintenance business at the St. Mary's County Airport. Patriot National Bank has agreed to loan ART, Inc. \$400,000 for the project upon the condition that the County and ART, Inc. execute an Agreement in the case of default on the loan that the bank be notified by the county so that the bank can cure the Event of Default. Therefore, Mr. Densford presented an Agreement between The Board of County Commissioners of St. Mary's County, Maryland and Aircraft Refinishing Technology, Inc. setting forth the conditions of the loan.

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

2) **Camp Merrylande**

As a follow up to the Commissioners' decision of May 16 to approve the correction of EDU's for Camp Merrylande from nine to ten based on the determination that a burned out unit was not abandoned and that the addition EDU does not intensify the nonconforming use, the County Administrator presented the following documents:

- Letter to Mr. and Mrs. Michael Evans advising of the Commissioners' decision, which is subject to the concurrence of the St. George Island Improvement Association

- Letter to St. George Island Improvement Association indicating the Commissioners' decision to correct from nine to ten the allocation of EDU's and inquiring whether the Association concurs with the correction.
- Draft Resolution amending Resolution No. W/S92-01 to provide for one additional EDU bringing the total for St. George Island to 230 EDU's. The Resolution will be presented to the Board for approval upon the concurrence of the St. George Island Improvement Association

Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve and sign the correspondence to Mr. Evans and to the St. George Island Improvement Association as presented. Motion carried.

**3) Three Oaks Center
SMECO Right-of-Way Easement**

On behalf of the Housing Authority, the County Administrator presented an easement agreement with Southern Maryland Electric Cooperative for electrical power to the Three Oaks Center site.

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

**4) Response Letter
Vernon Gray**

The County Administrator presented correspondence addressed to Mr. Vernon Gray responding to his letter of April 27 regarding solid waste fees, Circuit Court, and Budget Amendment No. 95-31. The return letter (1) explains that the Fiscal Year 1996 budget includes revenue estimates from increased tipping fees and charges for the transfer station and that a final decision has not yet been made by the Board to effect such fees. If not implemented then additional borrowing for landfill capital costs will occur. (2) forwards copy of letter from Chief Judge Murphy regarding the third Circuit Court judge; and (3) forwards a copy of Budget Amendment No. 95-31 regarding a management/salary study.

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

**5) Response Letter
Circuit Court Facility**

The County Administrator presented correspondence addressed to Chief Judge Murphy responding to his May 16 letter regarding the current Circuit Court space shortage in St. Mary's County. The return letter indicates that funds to begin the design of a new judicial center to be located at the Governmental Center have been approved in the Fiscal Year 1996 budget.

Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter as presented. Motion carried four to one with Commissioner Jarboe voting against stating that the comment that the new judicial center would be located at the Governmental Center property be removed.

**6) State Highway Administration
Route 235 and Town Creek Drive**

The County Administrator presented correspondence addressed to State Highway Administration requesting assistance in examining the safety conditions at the intersection of MD. Route 235 and Town Creek Drive because of the number of accidents that have occurred at that location.

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

7) **Emergency Services Committee
Approval of by-laws**

The County Administrator presented correspondence addressed to the Chair of the Emergency Services Committee advising that the Board of County Commissioners has approved the proposed by-law amendments for the ESC.

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

8) **Clearinghouse Project No. MD950428-0488
Green Holly School Erosion Control and Stormwater Retrofit Project**

As a follow up to last week's discussion the County Administrator re-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 and objectives. In response to an inquiry from Commissioner Eagan at last week's meeting, Mr. Cox explained that local funds for the project are available in the Public School system's Capital Budget from the original school project which has not yet been closed out.

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

9) **Budget Amendment No. 95-48
Department of Social Services**

The County Administrator presented Budget Amendment No. 95-48 recommended for approval by the Director of Finance with the following justification: For burial assistance (\$1300)

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

10) **Systems Reform Initiative
Amended Start-Up**

The County Administrator presented the Start-Up Agreement, in the amount of \$50,000 between the Governor's Office for Children, Youth and Families and St. Mary's County for the period June 15, 1995 through June 30, 1996. The grant will provide funding for the establishment of the Local Planning Entity and development of the county's implementation proposal for System Reform.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Start-Up Agreement as presented. Motion carried.

11) **Marcey House
Fiscal Year 1995 Budget**

The County Administrator presented correspondence addressed to the Alcohol and Drug Abuse Administration expressing appreciation for providing funding to resolve the deficit issue of the Marcey House Fiscal Year 1995 budget. The letter requests consideration for Fiscal Year 1996 Budget and offers the county's commitment to assure a more patterned future for the program as well as the county's continued participation with in-kind assistance.

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

Later in the meeting County Administrator Cox presented the Human Services Contract Proposal for supplemental funding in the amount of \$15,000 which fully funds the Marcey House program for Fiscal Year 1995.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Marcey House Contract Proposal as presented. Motion carried.

13) **Tulagi Place Project
Phase 1-B Improvements**

The County Administrator advised that by correspondence dated May 18 the Maryland Office of Planning advised that the State Highway Administration has approximately \$20,000 remaining in the ISTEA funds that can be used to begin the Phase 1-B improvements for the Tulagi Place project. Therefore, Mr. Cox presented a letter for the Commissioners' signatures to the Maryland Office of Planning concurring with the proposal to begin the Phase I-B improvements and noting that the proposal does not require any additional county funding.

Commissioner Eagan moved, seconded by Commissioner Chesser, to sign and forward the letter as presented. Motion carried four to one with Commissioner Brugman voting against.

14) **Sheriff's Department Grants**

On behalf of the Sheriff's Department, the County Administrator presented the following grants for the Commissioners' review and consideration:

Town Watch Community Policing Program

Second Year Funding Grant Award in the total amount of \$41,190 (\$30,893 - federal; \$10,297 - local) for the period July 1, 1995 - June 30, 1996.

Operation Community Watch

Grant Award in the total amount of \$60,585 (\$45,439 - federal; \$15,146 - local) for the period July 1, 1995 - June 30, 1996.

High School Drug Abuse Resistance Education Program

Third Year Funding Grant Award in the total amount of \$47,817 (\$35,863 - federal; \$11,954 - local) for the period July 1, 1995 - June 30, 1996.

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

**DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
COMMUNITY HEADSTART/NEIGHBORHOOD CENTER GRANT APPLICATIONS**

Present: Aleck Loker, Director
Nancy Hutson

The referenced individuals appeared before the Commissioners to present the Community Headstart and Neighborhood Grant Applications for the Commissioners' consideration. The grants will provide funds for neighborhood community centers at Holland Forrest Landing and Patuxent Woods at Lexwood Drive.

Mr. Loker explained that the proposal for a community center was included in the original Housing Authority Townhouse project for the construction of 32 townhouse units at the McIntosh Road site. However, there were not enough funds in the grant for the center, therefore,

a CDBG grant application was prepared for Fiscal Year 1996 to construct the center during the time the Housing Authority's contractor is on site.

After his presentation, Mr. Loker presented the following two Resolutions for the Commissioners' approval: No. 95-27 authorizing the submission of the Maryland Small Cities Community Development Block Grant in the amount of \$234,322 for the construction of a neighborhood center at Patuxent Woods, Lexwood Drive; and No. 95-28 authorizing the submission of the Maryland Small Cities Community Development Block Grant in the amount of \$234,322 for the construction of a neighborhood center at Holland Forrest Landing at McIntosh Road, Hollywood.

Commissioner Eagan moved, seconded by Commissioner Chesser to approve and sign Resolutions No. 95-27 and 95-28 as presented. Motion carried.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to authorize Commissioner Thompson to sign the Community Development Block Grant Applications for the community centers as presented. Motion carried.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) **Public Hearing
Rosebank Court Special Taxing District**

Also Present: Larry Petty, Director, Metropolitan Commission
Judy Sterling, property owner

The County Commissioners conducted a public hearing on the establishment of a Special Taxing District for improvements to Rosebank Court from Rosebank Road to the End, at distance of approximately 2,184 linear feet. Mr. Ichniowski read the Notice of Public Hearing and advised that the notice was published in the Enterprise.

Mr. Ichniowski advised that a public informational meeting was held with the property owners on March 2. The assessment cost at 8% will be \$570 per year for each property owner and at 6% the cost would be \$488 per year. Six of the nine property owners signed the petition.

The Commissioners opened the hearing for public comment.

Mr. Petty inquired whether MetComm was a legitimate player in the taxing district. He stated that if MetComm has been included in the taxing district because it is an adjoining property owner, then it would be required to participate; however, if it is a matter of whether MetComm receives a benefit, then it would not be a party to the taxing district. Mr. Petty advised that the farm road along the MetComm property was never intended for use by MetComm as it uses Rosebank Road for access and explained that the area was a minor subdivision (eight lots) which did not require the road to be paved. He pointed out that if MetComm was intended to be a part of that subdivision, MetComm would have been the ninth lot and would have had to have been improved.

Mr. Ichniowski pointed out that it was his department's determination that MetComm would benefit should it in future years need that access. Mr. Petty responded that if at some point in the future MetComm needed access from that road, it would participate in the taxing district and reimburse the property owners for the prior years' assessments.

Mr. Ichniowski noted that if MetComm did not participate the cost to the property owners would be \$641 per year (at 8% interest), and an additional public informational meeting would be needed to inform the property owners of the revised costs.

Ms. Sterling inquired whether the MetComm's front benefit assessment charges would increase if MetComm participated in the district. Mr. Petty responded that the costs would be spread throughout the users of the system.

In closing the public hearing the Commissioners advised that the record will remain open for ten days and that the Board will make a decision whether MetComm would be a party to the district. If the Commissioners determine MetComm would not be a party then the property owners would have to be informed of the revised costs.

2) **Kingston Creek Dredging Project
Letter to Residents**

As a follow up to the April 18 meeting with the County Commissioners regarding the dredging of the channel to the Patuxent River, Mr. Ichniowski presented correspondence addressed to the residents of Kingston Creek. The letters advise that the County's policy is for the establishment of a special taxing district for these types of improvements which would benefit a small portion of the county's citizens. The Department of Public Works is preparing cost estimates and a public informational meeting will be scheduled in June. The letters further advise that the County is working with DNR to attempt to use State forces in order to bring the costs down.

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

3) **Road Resolution No. R95-06
Old Route Five**

Mr. Ichniowski presented the referenced Resolution posting a "NO PARKING ZONE" at the following locations of Old Route Five:

- On the western side for approximately 100 feet north and south from its intersection with Golden Beach Road.
- Approximately 350 feet from its intersection with Golden Beach Road in a northerly direction on its western side for a distance of 200 feet.

Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and sign Road Resolution No. R95-06 as presented. Motion carried.

4) **Correspondence Calling Letters of Credit**

Mr. Ichniowski presented the following correspondence calling letters of credit:

Laurel Ridge, Section 4B

To Maryland Bank and Trust Company calling Letter of Credit #253 in the amount of \$50,600 for Grading Permit #91-30.

Breton Bay PUD

To Signet Bank/Maryland calling Letter of Credit #8-0521 in the amount of \$60,500 for Grading Permit #89-50

Potomac Sands, Phase 2

To First National Bank of St. Mary's calling Letter of Credit #A2-01-12-94 in the amount of \$10,000 for Public Works Agreement

Mail Management of America Industrial Building Addition

To First National Bank of St. Mary's calling Letter of Credit #A1-06-2794 in the amount of \$20,200 for Grading Permit #93-24

84 Lumber Company - Rt. 6

To St. Paul Mercury Insurance Company calling Bond No. 400JF 6069 in the amount of \$26,300 for Grading Permit #92-15.

Forest Products Recycling Facility Entrance/Access

To U.S. Fidelity & Guaranty Co. calling Bond No. 04-0130-14829-92-1 in the amount of \$52,000 for Grading Permit #93-14.

Commissioner Chesser moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the correspondence calling letters of credit, to be forwarded if necessary. Motion carried with three Commissioners voting in favor. Commissioner Eagan abstained, because she is on the First National Bank of St. Mary's Board of Directors and Commissioner Jarboe abstained because of the perception of possible conflict of interest.

Lockes Hill Forest (Minor)

Addendum to Public Works Agreement between Glenn H. Larsen and Board of County Commissioners extending the deadline for completion of improvements to June 1, 1996. The Addendum is backed by a Tri-County Federal Savings Bank Savings Account.

Hayden's Runn

Addendum to Public Works Agreement between Swarey Builders, Inc. and Board of County Commissioners extending the deadline for completion of improvements to May 1, 1996. The Addendum is backed by a Letter of Credit with Maryland Bank and Trust Company in the reduced amount of \$183,000

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

LIBRARY BOARD OF TRUSTEES

Present: Lynne Redmond, Chair
Henry Bonner, Member
Mary Ann Chasen, "
Fred Powledge, "
Lorrie Wallace, "
Charles Young, "
Mary Wood, Head Librarian

The referenced individuals appeared before the Commissioner to inform the Board of recent personnel changes within the Southern Maryland Regional Library Association (SMRLA) and the effects of decreased funding for the regional library system. Ms. Redmond explained that these events have presented an opportunity to St. Mary's County to provide needed expanded services at the Charlotte Hall facility.

First, it is proposed that each County will have its own director of the library system rather than having a regional director of the three systems. Second, because of the decreased resources from the State, the SMRLA system will no longer need the amount of space at the regional center and, therefore, that excess space is now available for expansion of the Charlotte Hall library. The County's Department of Public Works staff has been developing a proposal for presentation to the County Commissioners as the best approach to this expansion. Third, because of the changes at SMRLA, the full amount of money originally requested in the Fiscal Year 1996 budget will not be necessary, and it is proposed that the amount not needed by SMRLA be used to effect some of the local service requirements no longer provided by SMRLA. A specific proposal will be submitted in the near future.

Overall the Trustees explained several positive facts regarding the county's library system and expressed optimism for the discussed changes.

The Commissioners thanked the Trustees for the presentation and expressed a willingness to cooperate as the changes unfold.

COUNTY COMMISSIONERS' TIME

Fiscal Year 1996 Budget Summary

Mr. Chesser presented for the Commissioners' consideration a Fiscal Year 1996 Budget Summary prepared for public information demonstrating sources of revenues and major expenditures. He pointed out that a single run of the information would cost \$600 and for two days (Wednesday and Friday) a cost of \$987.

Commissioner Chesser moved, seconded by Commissioner Eagan, to publish the budget summary information for two days at a cost of \$987. Motion failed four to one with Commissioners Brugman, Eagan, Jarboe and Thompson voting against.

Commissioner Eagan moved to publish the information in one paper on Wednesday, Motion failed for lack of a second.

Commissioner Brugman moved, seconded by Commissioner Jarboe, to request both local papers to publish the information as a public service at no cost and if that fails to bring the matter back for further discussion. Motion carried four to one with Commissioner Chesser voting against.

Tri-County Animal Shelter Subcommittee

Commissioner Jarboe advised that there is a subcommittee of the Tri-County Animal Shelter Committee and inquired as to who appointed William Bell, who is from St. Mary's County. Commissioner Thompson responded that Commissioner Levy of Charles County made the appointments to the Subcommittee.

Tipping Fee/Transfer Station Fees

Commissioner Jarboe stated that he has received a request that the Commissioners send a letter to trash haulers regarding the tipping fee and transfer fee charges.

County Administrator Cox advised that the revenues for these fees are in the Fiscal Year 1996 budget; however, in order to implement these charges, the Commissioners must adopt a Resolution and that there should be a public hearing to explain the charges and the capital project costs for the landfill expansion.

Commissioner Jarboe moved, seconded by Commissioner Chesser, for staff to make arrangements for a public hearing on the tipping fees and transfer station fees. Motion carried.

Marcey House Funding

Commissioner Thompson stated that in looking at the Fiscal Year 1996 Budget, she noticed that Marcey House's request, which was a \$30,000 increase over Fiscal Year 1995 was fully funded and inquired as to why this agency was allocated those funds. County Administrator Cox responded that Marcey House is funded 100% by the State and the full requested amount is placed in the budget as if those revenues would be received. However, if the revenues do not materialize expenditures are decreased accordingly.

Thursday Commissioners' Meetings

Commissioner Eagan suggested that during the summer months the Commissioners not continue to meet on Thursdays except for those Thursdays that have already been committed.

After discussion the Commissioners indicated concurrence that the Commissioners not meet on Thursdays except for those that have been committed and if matters arise that requires a Thursday meeting.

ADJOURNMENT

The meeting adjourned at 11:35 a.m.

7:00 P. M.

PUBLIC HEARING ENHANCED 911 UNIFORM ADDRESSING SYSTEM RENAMING OF PINE COURT

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

The Commissioners conducted a public hearing on changing the name of "Pine Court" in Woodland Acres because it duplicates "Pine Road" in Town Creek.

Ms. Johnson read the Notice of Public Hearing which was published in the Enterprise on May 5 and May 10.

Ms. Johnson explained that at the February 21 public hearing, it was proposed by the Task Force to change "Pine Road" because "Pine Court" served a higher population. The property owners of "Pine Road" challenged the name change. The Commissioners, based on comments received, voted to allow "Pine Road" to remain and that the change be made to "Pine Court," resulting in this public hearing.

The Commissioners opened the hearing for public comment.

Nancy Newingham presented a petition from the property owners of "Pine Court" requesting that the name remain "Pine Court" based on the fact that the Task Force had recommended that "Pine Road" be changed, not "Pine Court" because "Pine Court" had a greater population.

Tim Newingham questioned having to rename "Pine Court" because of the similarity to "Pine Road" noting that Wildewood has similar names, e.g., "White Oak," "Red Oak," and "Pin Oak."

Ms. Johnson explained that the road names in Wildewood were acceptable according to the address system guidelines, but that "Pine Road" and "Pine Court" did not, particularly since these roads are in close proximity to each other.

At the conclusion of the hearing, Commissioner Thompson advised that the record would remain open for ten days and suggested that the residents of "Pine Court" submit a new name for the road. Mr. and Mrs. Newingham indicated they preferred "Old Pine Road," but needed to contact the other property owners for concurrence.

The public hearing concluded at 7:20 p.m.

**Minutes Approved by Board of
County Commissioners on 5/30/95**
Judith A. Spalding
Recording Secretary