

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, July 26, 1988

Present: Commissioner Carl M. Loffler, Jr., President  
 Commissioner W. Edward Bailey  
 Commissioner Robert T. Jarboe  
 Commissioner John G. Lancaster  
 Commissioner Rodney Thompson  
 Edward V. Cox, County Administrator  
 Judith A. Spalding, Recording Secretary

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

APPROVAL OF MINUTES

Commissioner Lancaster, moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, July 19, 1988. Motion carried.

APPROVAL OF BILLS

Commissioner Thompson moved, seconded by Commissioner Lancaster, to approve payment of the bills as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) APPOINTMENTS  
COUNCIL ON CHILDREN AND YOUTH

Commissioner Thompson moved, seconded by Commissioner Bailey, with motion carried, to appoint the following individuals to the Council on Children and Youth with terms as indicated:

<u>Name</u>	<u>Term to Expire</u>
Kathy O'Brien	December 31, 1988/91
Gary Reed	December 31, 1988/91
Vicki Sparks	December 31, 1988/91

2) CORRESPONDENCE TO LEONARDTOWN COMMISSIONERS

The County Administrator presented correspondence for the Commissioners' signatures addressed to Leonardtown Commissioners requesting positive response that the County's Detention Center and State Office Building projects had approval for water and sewer prior to the new policy requiring annexation.

3) BOARD OF EDUCATION ANNUAL BUDGET - FY 1989

The County Administrator advised that at the conclusion of the budget adoption by the County, the Commissioners are required to sign and forward an endorsement of the Board of Education Budget.

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Board of Education Annual Budget. Motion carried.

4) GRANTS

The County Administrator presented the following items relative to grants for various county departments for the Commissioners' approval:

a) Walden/Sierra - Alcohol and Drug Abuse Administration

Project: Walden House - DA0310DF  
Notification of Grant Award - \$157,129  
For FY 1989

Project: Sierra House - DA015RES  
Notification of Grant Award - \$108,461  
For FY 1989

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the referenced NGA's as presented. Motion carried.

b) Alcohol and Drug Abuse Prevention Project Grant

Project: Alcohol and Drug Abuse Prevention - MU519ADP  
Notification of Grant Award - \$25,554  
For Fiscal Year 1989

Commissioner Lancaster moved, seconded by Commissioner Jarboe, to authorize Commissioner Loffler to sign the Assurance of Compliance and Condition of Grant Award Statement. Motion carried.

c) Chesapeake Bay Critical Area Revised Grant Application

Project: St. Mary's County Critical Area Program  
(two half-time positions; one full-time position,  
and mapping and database.)  
Amount : \$80,000 (amended from \$100,000)  
For Fiscal Year 1989

Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the revised grant application. Motion carried.

d) Adolescent Pregnancy and Parenting

Project: Adolescent Pregnancy and Parenting Grant  
Application  
Amount : \$2,000  
For Fiscal Year 1989

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Grant Application as presented. Motion carried.

e) Office on Aging - Public Transportation - Section 18

Project: Operation of a fixed route and demand  
responsive service in the County  
Amount : \$51,419 - Net Project Cost  
\$10,798 - Federal Share  
\$27,766 - State Share  
Project Period - July 1, 1988 to June 30, 1989

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Grant Agreement as presented. Motion carried.

f) Office on Aging - Negotiated Grant Agreements for State Supporting Grants for Fiscal Year 1989

FY 1989 Notification of Grant Awards:

State Nutrition - ST 8913-13	\$43,955
Senior Center - ST 8913-38	\$ 8,738
Guardianship - ST 8913-88	\$ 4,194
Gateway I - ST 8913-113	\$21,323

Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign th NGA's as presented. Motion carried.

5) COMPREHENSIVE PLAN

The County Administrator suggested that since the Commissioners held a work session on the Plan last week that time be reserved next week to discuss and come to a conclusion as to what should be taken to public hearing. The hearing will be scheduled some time from August 11 - 16.

The Commissioners gave their concurrence.

PUBLIC HEARING  
MARYLAND TRANSPORTATION BONDS

Present: Charles H. Wade, Jr., Director of Finance

The Commissioners conducted a public hearing on a proposed Maryland Transportation Bonds Ordinance authorizing St. Mary's County to enter into a Participation Agreement with the Department of Transportation of Maryland in the amount of \$1,300,000 for the purpose of securing payment of principal and interest on bonds to be issued by DOT.

The secretary read the Notice of Public hearing which appeared in the July 13 and July 20 issue of The St. Mary's Tide.

Hearing no comments from the audience, the Commissioners closed the public hearing.

Commissioner Bailey moved, seconded by Commissioner Lancaster to sign Ordinance No. 88-20 - Maryland Transportation Bonds - First Issue, Eleventh Series, and further to authorize Commissioner Loffler to sign the Participation Agreement with the Department of Transportation. Motion carried.

DIRECTOR OF FINANCE

Present: Charles H. Wade, Jr., Director of Finance

1) Nursing Center Loan

Also Present: George Smith, Director, Nursing Center

Mr. Wade reminded the Commissioners of the action taken by the Board relative to the Nursing Center's potential \$300,000 deficit. Two options had been presented at that time to resolve that problem: (1) a \$140,000 loan from the County with the balance from the "We Care" funds; or (2) \$92,028 from the building fund with the balance being loaned from the County.

Mr. Wade indicated that since that time the Nursing Center's delinquent accounts have been reduced with progress in that area continuing and the occupancy rate is now 100%.

Therefore, Mr. Wade proposed that the County provide a 90-day, no-interest loan to the Nursing Center in the amount of \$75,000.

Commissioner Thompson moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Loan Agreement as presented. Motion carried.

2) NURSING CENTER - FINANCIAL ASSISTANCE - PAYROLL

Mr. Wade advised that because of late payments from Medicaid/Medicare, the Nursing may have problems in meeting certain expenses and payroll. Therefore, he requested authority to advance funds up to \$50,000 for a period of 10-12 days to the Nursing Center, if necessary in order to meet payroll in anticipation of late payments.

Commissioner Lancaster moved, seconded by Commissioner Thompson, to grant this authority with the understanding that this a specific, one condition type of credit. Motion carried.

3) CLASSIFICATION REVIEW & SALARY COMPARABILITY STUDY

Mr. Wade reported that \$12,000 had been approved in the FY '89 budget for a Classification Review & Salary Comparability Study for St. Mary's County. The objectives of the study would include:

- ° Grade structure and compensation schedules that provide equal pay for equal work.
- ° Grade structure and compensation schedules to compete for and retain qualified employees in the local labor market.
- ° Elected officials.

In order for elected officials to be included, the study would have to be completed this year and submitted to the legislature in 1989.

If the Commissioners concurred, he would solicit Requests for Proposals.

Commissioner Jarboe suggested that Tri-County Council may be able to assist in this effort except for the portion dealing with elected officials.

Mr. Wade agreed to look into this and proceed with the RFP's.

4) PUBLIC FACILITY BONDS

Mr. Wade mentioned the Commissioners' previous intention to bring representatives of the rating agencies (Standards and Poors and Moody) to St. Mary's County. He suggested that the Commissioners may not want to follow through with this because of the possible unavailability of the representatives. Mr. Wade indicated that there would be a need for a trip to New York in the fall.

In addition Mr. Wade pointed out that the Metropolitan Commission was interested in participating with the County in the next bond issue.

The Commissioners directed Mr. Wade to proceed accordingly.

OFFICE ON AGING  
AREA AGENCY PLAN

Present: Eugene Carter, Director  
Jane Kostenko, Administrative Aide  
Pam Rollin, Outreach  
Bernice Smith, Gateway II

Mr. Carter appeared before the Commissioners to present the Fiscal Year 1989 Area Plan for the Office on Aging. He stated that the document serves as a vehicle through which the Office on Aging's primary grants are awarded under the Older Americans Act. Included in the Plan are the present goals and objectives for the year and the establishment of major program budgets. During his presentation, Mr. Carter described the grants originating from the Area Plan and the budgets for FY '89, with state supplemental programs. Goals and priorities include unification of senior programs and the re-establishment of effective cooperative relationships with the county, state and the community.

In concluding his presentation Mr. Carter requested the Commissioners' authority for the President of the Board to sign the Area Plan for submission to the Maryland Office on Aging for review.

During discussion Commissioner Loffler stressed the importance of volunteerism in the County particularly with the Office on Aging programs.

CRITICAL AREA REVIEW TASK FORCE

Present: Ford L. Dean, Chairman  
Charles A. Young, Member  
J. Frank Raley, State Critical Area Commission  
Robin Guyther, Acting Director, Office of Planning & Zoning

The referenced representatives of the Critical Area Review Task Force appeared before the Commissioners to present the "Final Draft" of the Ordinance for the Chesapeake Bay Critical Area Program. Mr. Dean explained the process for final adoption of the Plan stating that it must go through the Critical Area Commission staff, Critical Area Commission panel, and the State Critical Area Commission.

Mr. Dean discussed how the Task Force developed the draft plan and explained the methodology of classifying properties in the critical area, the amending of the maps accordingly, and developing the growth policy. During the drafting of the final draft, the Task Force has a number of meetings with the State office. The State has requested that the County delay conducting a public hearing until the State's review is completed, which will not be until some time in August. Once the State's comments are received the Task Force will review them and then schedule a public hearing.

During the presentation, Mr. Dean indicated that there were three major issues:

- 1) The ultimate agreement as to the language that is in the text of the program, which Mr. Dean believed would work itself out.
- 2) The acceptance by the State Commission of the County's methodology. The County has developed the maps through natural boundaries and the State has suggested looking at every twenty acres in the plan.
- 3) The issue of grandfathering certain PUD's. There are two projects (Shannon Farms and Patuxent River Farms) that are located in the critical area and were in various stages of approval and development at the time the Critical Area law was enacted. It is the Task Force's findings that both projects are eligible for grandfathering; however, the State may take the position that the projects should be taken out of the County's 5% grow allocation reserve. 1500 acres are provided for reserve and these projects total 400 acres, using 25% of the reserve.

Mr. Raley stressed the importance of the Commissioners taking an unequivocal position on issues (2) and (3).

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to support the concepts of the Critical Area Review regarding the grandfathering in of the two referenced projects and further to take an objective approach to the mapping by following the natural streams and not patchworking. Motion carried.

EDUCATION ADVISORY COUNCIL  
PRESENTATION OF REPORT

Present: Al Lacer, Chairman  
William Arick  
James Keiper  
Perry Rothwell  
Laura Shaw  
Mary Whetstine

The referenced representatives of the Education Advisory Council appeared before the Commissioners to formally present its final report entitled An Initiative for Education. He stated that the Council met for the last six months, reviewed school information, conducted public meetings, conducted surveys and interviews.

During the presentation Mr. Lacer reviewed the methods of review, findings and recommendations for the following categories: Budget; School Programs and Needs - including the working relationship between Board of Education and County Commissioners; conditions of elementary education, comprehensive long range education plan academic achievement and spending levels.

In conclusion the Council thanked the Commissioners for the opportunity to serve the citizens of the County in compiling the report. In turn the Commissioners thanked the Council members for their dedication and efforts in developing the report.

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

REPORT ON PRESS CONFERENCE REGARDING GOVERNOR JOHNSON BRIDGE REPAIRS

Present: Joseph Mitchell, Director, Economic & Community Development

Mr. Mitchell advised that he attended State Highway Administration's Press Conference regarding the status of the referenced bridge repairs. He stated that there are an additional 12 piers requiring repair; however, the contractor has indicated that the work will be complete by Labor Day. The State plans a massive celebration is planned for the reopening of the bridge.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
Joseph Densford, Assistant County Attorney  
James Weber, Chief, Permits & Inspections

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session in order to discuss a matter of Litigation. Motion carried. The Session was held from 11:50 a.m. to 12:20 p.m.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) PUBLIC WORKS AGREEMENT  
COUNTRY LAKES, SECTION III

Mr. Norris presented a Public Works Agreement dated July 26, 1988 by and between Benjamin H. Burroughs, Jr. and the Board of County Commissioners of St. Mary's County guaranteeing the completion of improvements in County Lakes, Section III at the value of \$66,000 and backed by a Letter of Credit with First National Bank of St. Mary's.

Commissioner Thompson moved, seconded by Commissioner Bailey, to accept and authorize Commissioner Loffler to sign the Agreement as presented. Motion carried.

2) LETTERS OF CREDIT  
PUBLIC WORKS AGREEMENTS  
GRADING AGREEMENT

Mr. Norris advised that he has a number of letters of credit for public works agreements and grading agreements which will come due August 1, 1988. He stated that in each case the individuals have received addendums for extension to complete and return to Public Works, but they have not yet been received. Therefore, Mr. Norris requested authorization for the the president of the board to sign letters making claims on the letters of credit, effective August 1, 1988, should there be a need to do so. The letters of credit are for the following projects:

Public Works Agreements

- a) Mulberry North Subdivision  
\$54,000 - First National Bank of St. Mary's
- b) Wilderness Cluster Subdivision  
\$194,000 - Potomac Savings Bank in Silver Spring
- c) The Winston Corporation - Forest Run Drive  
\$14,300 - Maryland Bank & Trust

Grading Agreements

- a) Wilderness Cluster Subdivision  
\$22,000 - Potomac Savings Bank in Silver Spring
- b) The Greens Hilton Run  
\$83,000 - First National Bank of St. Mary's

Corporate Bond

Carroll Manor Subdivision  
\$51,000 - International Fidelity Insurance Company

Mr. Norris advised that any requests for building permits in Carroll Manor not be issued routinely through the Office of Planning and Zoning but are to be referred for review to the Department of Public Works.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the correspondence claiming the letters of credit, if necessary. Motion carried.

3) LEASE AGREEMENT  
ST. MARY'S LANDFILL - DEPOSIT OF USED OIL

Mr. Norris reminded the Commissioners of previous discussion regarding the provision of a container at the transfer stations and landfill for used oil. Mr. Densford had been directed to revise the lease with Mr. Baumgardner to change the language to read "used oil and other materials." Mr. Baumgardner was not agreeable to the "and other materials" language in that he only wanted used oil deposited in the tanks.

After discussion Mr. Norris requested authorization for Commissioner President Loffler to sign the Lease Agreement as prepared by Mr. Baumgardner which excluded "other materials" language.

Commissioner Jarboe moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the Agreement. Motion carried.

4) VEHICLE LAW - COVERED LOADS

Mr. Norris presented a copy of the Vehicle Law - Covered Loads bill which is being introduced to the legislature. He stated that the law has received the support of the Association of County Engineers.

Discussion ensued as to liability, types of vehicles to be covered and costs. The Commissioners did not take a position on the bill.

5) CORRESPONDENCE TO DEPARTMENT OF GENERAL SERVICES  
GOVERNMENTAL CENTER FACILITIES

Mr. Norris presented draft correspondence to the Department of General Services concerning the need for the construction of a loop street to serve the governmental center complex, particularly ingress and egress to the State Office Building. The loop road would also correct access conditions to the State Police Barracks. The letter stated that the project should be a joint effort between the County and State; that the County would assume the project responsibility for coordination of design and construction, and that the State include the project in its Capital Project Budget.

After discussion Commissioner Thompson moved, seconded by Commissioner Lancaster, to direct Mr. Norris to redraft the letter for Commissioner Loffler's signature, and further to authorize Commissioner Loffler to sign the letter. Commissioner Jarboe voted against the motion in that he wanted to see a copy of the letter before approval was granted. Motion carried four to one.

6) MOTOR VEHICLE ADMINISTRATION

Mr. Norris advised that the State will be constructing a new State Highway Administration facility across of Loveville School, which is scheduled for completion by fall of 1990. The Motor Vehicle Administration is to be located at that facility. In the interim, Norris questioned whether the Commissioners the firing range portion of the Leonardtown Armory could be used by MVA.

The Commissioners directed that a representative of the Valley Lee Fire Department (the current location of MVA) be advised of the State's plans for MVA and inquire whether they would continue leasing the facility. If not Mr. Norris should look into the utilizing the firing range at the Armory.



7) SOLID WASTE - TIPPING FEE TIME TABLE

Relative to previous discussion Mr. Norris presented a schedule for the Solid Waste Tipping Fee as well as computations for the effects of the fee on a typical residential unit. In review the schedule Mr. Norris recommended that a public informational meeting be held August 2 with the Board of County Commissioners. A public hearing will be scheduled at a later date.

After discussion of the schedule, the Commissioners agreed to conduct a public informational meeting on August 2 at 7:30 p.m. as part of the Commissioners' monthly evening session.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator  
John Norris, Director, Department of Public Works

Commissioner Thompson moved, seconded by Commissioner Bailey to meet in Executive Session in order to discuss a matter of property acquisition. Motion carried. The Session was held from 2:00 p.m. to 2:30 p.m.

REPORT ON FARMERS MARKETS

Present: Martha Daughdrill, Agriculture/Seafood Development Specialist

Ms. Daughdrill appeared before the Commissioners to present an update of the Farmers Markets that are located at St. Mary's City and Lexington Park. She stated that nine producers have signed up to sell their home-grown products. In order to improve the number of buyers at these markets, new attractive signs are being made, the market area is being roped with penants, and local restaurants are being encouraged to buy locally. The local radio stations and newspapers have been helpful in the promotion of the markets. She stated that like any business it takes time to get "off the ground.

Commissioner Jarboe indicated that a property owner at the intersection of Routes 5 and 249, and this could potentially be a site for a market. Ms. Daughdrill replied that she would mention it to the growers.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director

1) CLOSE OUT OF GRANT  
COMMUNITY DEVELOPMENT BLOCK GRANT

Mr. Mitchell advised that the referenced grant has been used for rehabilitation loans for upgrading homes, acquisition of land in Lexington Park for townhouses; and the balance will be used for the sewer line extension on Rt. 245. He requested authorization for Commissioner Loffler to sign the Close Out Agreement for the Community Development Block Grant. (FY '85)

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Close out documents as presented. Motion carried.

2) PRIVATE INDUSTRY COUNCIL  
INVESTMENT IN JOB OPPORTUNITIES GRANT REQUEST

Mr. Mitchell presented the grant request for Investment in Job Opportunities and stated that funds have been made available to the Private Industry Council for Southern Maryland for this project. In order for the grant to be awarded, there has to be sign off by the three Department of Social Services officers, the three Economic Development officers, and the three chief elected officials, and by PIC.

After discussion Commissioner Lancaster moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the IJO Agreement as presented. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Lancaster moved, seconded by Commissioner Thompson, to meet in Executive Session in order to discuss matter of Personnel with Joseph Mitchell, Director, DECD; Charles Wade, Director of Finance and continue with matters of Personnel with the County Administrator. Motion carried. The Session was held from 3:20 to 4:45 p.m.

ADJOURNMENT

The meeting adjourned at 4:45 p.m.

APPROVED

  
Carl M. Loffler, Jr.  
President