

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, September 27, 1988

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

(Commissioner W. Edward Bailey was not present at beginning of meeting.)

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 County Commissioners' meeting of Tuesday, September 20, 1988, the minutes of the Public Hearing on the Comprehensive Plan of August 23, 1988, and the work session on the Comprehensive Plan of September 6, 1988. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve payment of the bills as presented. Motion carried. (The motion was made later in the day when Commissioner Bailey was present.)

PURDY GRIEVANCE PROCEEDINGS

Present: Gerda Manson, Acting Personnel Officer
 Ted Weiner, County Attorney

Ms. Manson appeared before the Commissioners to explain the grievance process in that Sgt. Purdy has appealed the Grievance Board's decision. She stated that the Commissioners will need to decide whether to uphold or overturn the decision of the Grievance Board, which found insufficient evidence to warrant invalidation of the promotional potential of Sgt. Purdy by Lt. Clarke or to warrant invalidation of the promotion list.

Ms. Manson distributed a folder containing the record and information pertaining to the grievance and reviewed each item. She stated that according to the Personnel Manual, the Commissioners may at their discretion meet with the employee and hear any further evidence he may desire to present.

In conclusion the Commissioners agreed to review the record and make a decision next week whether to uphold or overturn the Grievance Board's decision.

(Commissioner Bailey entered the meeting during the above discussion - 9:07)

TRI-COUNTY COMMISSIONER MEETING

The County Administrator discussed with the Commissioners the scheduling of the Tri-County Commissioner meeting to be hosted by St. Mary's County. The date for the meeting is November 3. Discussion ensued whether or not to include Prince George's County in this meeting. After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster to exclude Prince George's County at the November 3 meeting. Commissioner Loffler and Thompson voted against the motion. Motion carried three to two.

ITEMS UNDER COMMISSIONER TIME

Commissioner Jarboe indicated that he would be leaving the meeting at 11:00 a.m. and requested the Board to defer decisions on the two items listed under Commissioner time later in the day: Hunting Creek Zoning Amendment Resolution and S.M.I.L.E. Board of Directors. The Commissioners gave their concurrence.

MARYLAND NATURAL GAS

Present: Phil Dorsey, Attorney
Ed Smallwood, Vice-President, Washington Gas and
General Manager, Md. Natural Gas
Monty Edwards, Senior Counsel, Washington Gas

Joseph Densford, Assistant County Attorney
Joseph Mitchell, Director, Economic & Community Development
Larry Petty, Director, Metropolitan Commission

Representatives of Maryland Natural Gas, a subsidiary of Washington Gas Light Company, appeared before the Commissioners to present the background of MNG and to request the Board's consent for a gas franchise for St. Mary's County. MNG provided a slide presentation giving current service area, expansion plans, estimated MNG investment and sales in St. Mary's County between 1988 and 2010, and benefits to St. Mary's County including additional revenue.

After the presentation, the County Administrator presented a proposed franchise agreement between Maryland Natural Gas and St. Mary's County, which will be presented at a public hearing. Mr. Densford explained that the Agreement permits MNG to use the County rights-of-way provided they obtain the required permits and associated bonding; that property used for excavation is restored to its previous state; and that MNG will indemnify the County against liability associated with the construction and operation. Because MNG does not come under the Energy Tax Ordinance, the Agreement required MNG to pay a franchise fee equivalent with the energy tax. However, when the Energy Tax law is amended to include natural gas, the franchise fee will be discontinued.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe to set the public hearing for Monday, October 17, 1988. Motion carried.

PROCLAMATION
LUPUS AWARENESS MONTH

The Commissioners presented the referenced Proclamation designating October as Lupus Awareness Month in St. Mary's County.

PROCLAMATION
MENTAL ILLNESS AWARENESS MONTH

Present: Mary Clements

The Commissioners presented the referenced Proclamation designating October as Mental Illness Awareness Month.

PROCLAMATION
LEARNING DISABILITIES AWARENESS MONTH

Present: Peggy Densford

The Commissioners presented the referenced Proclamation designating October as Learning Disabilities Awareness Month.

COMMENDATION - CARMEN WATSON

Present: Carmen Watson and family

The Commissioners presented a Commendation to Carmen Watson for outstanding heroism by arousing her sleeping family and assisting their escape from a house fire.

SIMMONS CABLE TELEVISION

Present: Chris Fenger, General Manager, Simmons
Tom Morris, Manager, St. Mary's County
Joseph Densford, Assistant County Attorney
Charles Norris, Chairman, Cable Television Committee
John Armentrout "
Mary Lillian Hewitt, "

The referenced representatives of Simmons Cable Television appeared before the Commissioners to present a progress report of the company's activities in St. Mary's County. Mr. Morris presented a packet of information and explained the the increases in subscribers, channel availability, and number of employees. The amount of franchise fee collected by the County since the first of the year is \$31,433.

Mr. Fenger advised that Simmons has purchased the Lexington Park cable system from United Cable, and because of the age of the system, Simmons will rebuild it. Mr. Fenger further pointed out that Simmons will be abandoning the tower in Lexington Park and will be donating it to the County for police or fire radio systems. The County Administrator indicated that the tower will be used by the Emergency Operations Center to enhance the police communication system.

In conclusion the Commissioners thanked the Simmons representatives and requested to be kept informed of their progress.

(Commissioner Jarboe left the meeting - 11:05 a.m.)

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) BUDGET AMENDMENTS

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

No. 89-12
Animal Control

Justification: To cover costs incurred while housing and caring for a horse while awaiting trial.

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

No. 89-13
Various Departments

Justification: To cover rental charges until replacement loader is received.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the Budget Amendment as presented. Motion carried.

2) TEMPORARY PROMOTION EXTENSION

The County Administrator presented a memorandum dated September 26, 1988 from the Acting Personnel Officer recommending the extension of the temporary promotion for Evelyn Wood to Grade 9, Step 6 to include 30 days beyond the appointment of a new Personnel Officer.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve this request. Motion carried.

3) SCHOOL REDISTRICTING TASK FORCE

The County Administrator presented a memorandum from St. Mary's Public Schools dated September 9 requesting the appointment of a county government representative on the School Redistricting Task Force. The County Administrator recommended the Director of Finance, Charles Wade, or his designee.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to accept this recommendation. Motion carried.

4) LEGISLATIVE PACKAGE WORKSHEET

The County Administrator distributed a worksheet for the Commissioners to take a position on each of the items in the 1989 Legislative Package at next week's meeting.

5) CORRESPONDENCE TO ST. MARY'S HOSPITAL BOARD OF DIRECTORS
ACCESS ROAD TO HOSPITAL

The County Administrator presented correspondence for the Commissioners' review and signatures advising that the County will not be able to meet the terms of the Lease Agreement whereby Rte. 245 hospital road was to be completed by December 1988, but that the County intends to complete construction by October 1989. In addition, Mr. Cox presented an amendment to the Lease Agreement changing the date which requires the President of the Board's signature.

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

6) WICOMICO SHORES WATER/SEWER STUDY

The County Administrator advised that in July 1986 the Commissioners authorized awarding of a contract to Kidde Consultant to perform consultant services associated with Wicomico Shores. An established limit had been set at \$15,000. Because of several change orders by the Metropolitan Commission and St. Mary's County the final cost of the study exceeded the established limit of \$15,000 by \$1,426.35, and the Director of Finance recommends that the Commissioners approve the additional allocation of \$1,426.35.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to authorize the additional allocation, with a Budget Amendment to be presented. Motion carried.

7) RAILROAD RIGHT OF WAY AGREEMENT
MICHAEL L. HEWITT

The County Administrator presented an Agreement among St. Mary's County Commissioners, Southern Maryland Electric Cooperative, and Michael L. Hewitt granting Mr. Hewitt a 20-foot wide easement across the railroad right-of-way in the vicinity of Chancellors Run Road and Md. Rt. 235, Eighth Election District.

8) AGREEMENT
SOUTHERN MARYLAND REGIONAL LIBRARY RESOURCE CENTER

Relative to last week's discussion on the referenced Agreement, the County Administrator presented a redrafted Agreement for the construction, operation and maintenance of the Southern Maryland Regional Library Resource Center which includes the amendments recommended by the Director of Public Works and the Assistant County Attorney.

After discussion Commissioner Bailey moved, seconded by Commissioner Thompson, to sign the Agreement as presented, which is to be forwarded to the State for approval and signature. Motion carried.

9) GROUNDSKEEPER POSITION
DEPARTMENT OF RECREATION AND PARKS

The County Administrator presented a request to convert Francis Wood's position, Groundskeeper to a contract service employee providing him with benefits of leave accumulation.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve this request. Motion carried.

EMERGENCY OPERATIONS PLAN

Present: Tom Oliver, Director, Emergency Operations Center

Mr. Oliver presented the Emergency Operations Plan for the Commissioners' approval. Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the plan as submitted. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney

Commissioner Bailey moved, seconded by Commissioner Thompson, to meet in Executive Session to discuss matters of litigation and personnel. The Session was held from 12:30 p.m. to 1:05 p.m.

DEPARTMENT OF ECONOMIC & COMMUNITY DEVELOPMENT

Present: Joseph Mitchell, Director
Dennis Nicholson, Deputy Director

1) PRIDE OF BALTIMORE II

Also Present: Cindy Witkowski, Tourism Coordinator

Ms. Witkowski advised that on October 10 the Pride of Baltimore will be sailing into St. Mary's City and will be greeted by the Dove. There will be an open house from 12:00 Noon to 5:00 p.m., after which there will be a reception at Farthings Ordinary. The Commissioners are invited to be a part of the welcoming delegation.

ST. MARY'S HOSPITAL DAY CARE CENTER
GRANTEE SUBRECIPIENT AGREEMENT

Mr. Mitchell advised that he has met with the St. Mary's Hospital Administrator regarding the block grant for the construction of a child day care center on the hospital property. He stated that the County is the recipient of the \$98,000 grant from HUD, which is distributed through the State. The County distributes the funds to the hospital and is responsible for ensuring that the hospital complies with federal requirements, and the hospital is responsible for the construction.

After discussion Mr. Mitchell advised that he will return next week for the Commissioners' decision on the document.

DIRECTOR OF FINANCE

Present: Charles H. Wade, Jr. Director

1) BOARD OF EDUCATION - CATEGORICAL CHANGES

Mr. Wade presented correspondence addressed to the Board of Education responding to a question raised regarding procedure for approval of categorical changes. The letter states that the County has reviewed the law and the procedure established by the Commissioners in 1987 and requesting that procedure to be followed.

Commissioner Bailey moved, seconded by Commissioner Thompson, to authorize Commissioner Loffler to sign the letter. Motion carried.

2) BOARD OF EDUCATION - REQUEST FOR FUNDING

Mr. Wade advised that by memoranda dated September 13 and September 16, Acting Superintendent Burroughs requested funding for three elementary school counselors and an additional mathematics teacher respectively. Discussion ensued regarding the Commissioners' understanding regarding the elementary school counselors and the funding for the mathematics teacher.

After discussion the Commissioners directed Mr. Wade to prepare correspondence to the Board of Education outlining the differences between the Commissioners' understanding and the Board of Education's regarding the purpose of the counselors and further to request supporting data in order for the Commissioners to make a decision regarding the mathematics teacher.

3) RATING AGENCY VISIT - STANDARD AND POORS

Mr. Wade presented an itinerary for the September 28 visit by Standard and Poors. The meeting will begin at 2:30 p.m. with the County Commissioners and continue with various department/agency heads. The tour will begin at 4:30 p.m. with dinner at the Cedar Point Officers Club at 6:00 p.m.

ST. MARY'S REGIONAL PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett appeared before the Commissioners to present an update on the St. Mary's Regional Park. Displaying a preliminary schematic design, Mr. Baggett pointed out the proposed location of the fields, parking, teen activity center, and entrance road. He stated that a committee comprised of interested groups reviewed the plan and made recommendations.

Mr. Baggett advised that a meeting will be held in the Lexington Park area in order to give the general public an opportunity to provide input on the plans. He stated that he hoped for construction to begin on the park by next summer.

COUNTY COMMISSIONERS' TIME

1) HUNTING CREEK ZONING AMENDMENT RESOLUTION

Because of a change in the situation since the Planning Commission recommended denying the referenced rezoning request, Commissioner Lancaster moved, seconded by Commissioner Thompson, to return the case to the Planning Commission with a request to review the development plan as to density of the site. Motion carried.

2) S.M.I.L.E.

Also Present: Gene Carter, Director, Office on Aging
Melody Mason, S.M.I.L.E.
Jane Kostenko, Office on Aging

In that Commissioner Jarboe could not be in attendance and requested that the matter regarding S.M.I.L.E. be postponed until next week, the Commissioners advised those present that the matter will be acted upon at next Tuesday's meeting.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Supervisor, Engineering Services

1) ADDENDA TO PUBLIC WORKS AGREEMENTS

As a follow up to discussion on August 30 with the Director of the Department of Public Works, Mr. Ichniowski presented the following addenda to public works agreements:

Hilton Run Estates

Addendum to Public Works Agreement between Case Edwards and St. Mary's County extending the deadline for completion of roads in The Greens at Hilton Run Estates to December 1, 1988.

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

San Souci Estates

Addendum to Public Works Agreement between J. Laurence Millison and St. Mary's County extending the deadline for completion of roads in San Souci Estates to December 1, 1988.

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

WILDEWOOD, NIII, CIV

Addendum to Public Works Agreement between Paragon Builders, Inc. and St. Mary's County extending the deadline for completion of Wildewood Parkway to December 1, 1988.

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

ST. GEORGE'S HUNDRED (FORMERLY CHANCELLORS RUN ESTATES)

Addendum to Public Works Agreement between St. Mary's One Limited Partnership and St. Mary's County extending the deadline for completion of roads in St. George's Hundred to October 1, 1989.

2) CALLING LETTERS OF CREDIT

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

Greenview West Subdivision

To First National Bank of St. Mary's calling the letter of credit for the referenced project for non-compliance with the Public Works Agreement between James Dobry and St. Mary's County, which is due October 1, 1988.

Commissioner Thompson moved, seconded by Commissioner Lancaster, to authorize Commissioner Loffler to sign the letter, if necessary. Motion carried.

Sotterly Manor, Section IV

To First National Bank of St. Mary's calling the letter of credit for the referenced project for non-compliance with the Public Works Agreement for Whiskey Creek Road extension, which is due October 1, 1988.

Commissioner Lancaster moved, seconded by Commissioner Bailey, to authorize Commissioner Loffler to sign the letter, if necessary. Motion carried.

ADJOURNMENT

The meeting adjourned at 3:15 p.m.

APPROVED,



Carl M. Loffler, Jr.
President