

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 25, 1990

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

CALL TO ORDER

The meeting was called to order at 9:10 a.m.

APPROVAL OF MINUTES

Commissioner Thompson moved, seconded by Commissioner Jarboe, to approve the minutes of the Commissioners' meeting of Tuesday, September 18, 1990. Motion carried.

APPROVAL OF BILLS

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

CONVERSION OF PROPERTY

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised the Commissioners that there are pieces of property that he is requesting authorization to convert. The first is a .084 acre parcel close to Carver School the County acquired from State Highway for a playground area. There was a clause in the purchase agreement that if it is not used for the purpose it was intended it would revert back to State Highway Administration, and this was done 18 years ago.

The other parcel is the St. George Park property the County in 1971 which was acquired for a boat ramp area, which has been deemed unsuitable for this purpose. If property is acquired with the State's help and the property is not used for the purpose it was intended, the County must acquire land in the same general area equal to or greater in value.

In order to convert these properties, the County needs to provide property in another general area for recreational purposes. He stated that the County was working with the State for the purchase of the Swann property at Piney Point, and the State has agreed that this would be an acceptable conversion.

In conclusion Mr. Baggett requested authorization to be allowed to proceed with acquiring the Swann property and selling the St. George Park property.

During discussion, the Commissioners requested Mr. Baggett to get a letter from the Metropolitan Commission indicating that water/sewer lines will be available for that property.

After discussion Commissioner Jarboe moved, seconded by Commissioner Lancaster, to authorize Mr. Baggett to proceed as requested. Motion carried.

COUNTY ADMINISTRATOR'S ITEMS

Present: Edward V. Cox, County Administrator

- 1) CLEARINGHOUSE PROJECT NO. MD18-4007
OPERATING ASSISTANCE FOR PUBLIC TRANSPORTATION
FOR ST. MARY'S COUNTY

The County Administrator presented the referenced clearinghouse project and recommended that it be forwarded to the State with the comment that it is consistent with this agency's plans, programs, and objectives.

The Commissioners gave their concurrence.

- 2) HOUSING PRESERVATION GRANT AGREEMENT AMENDMENT

The County Administrator presented the referenced Amendment to the 1988 Housing Preservation Grant Agreement which extends the Agreement to March 31, 1991. The extension is required in order to complete projects that are currently in process.

Commissioner Bailey moved, seconded by Commissioner Thompson, to approve and authorize Commissioner Loffler to sign the Amendment as presented.

- 3) ALCOHOL DRUG ABUSE PREVENTION GRANTS

The County Administrator presented the following Memorandum of Understanding and Modifications to Memorandum of Understanding:

Addendum to Memorandum of Understanding

Addendum to August 23, 1990 Human Services Agreement between St. Mary's County Commissioners and the Alcohol and Drug Abuse Administration. The Addendum is in the total amount of \$603,615 (\$157,691 - Sierra House; \$323,860 - Walden; \$122,064 - Marcey House).

Memorandum of Understanding

Dated August 23, 1990 between the Alcohol and Drug Abuse Administration and St. Mary's County Government for the St. Mary's County Prevention Program in the amount of \$81,332.

Addendum to Memorandum of Understanding

Addendum to August 23, 1990 Human Services Agreement between St. Mary's County Commissioners and the Alcohol and Drug Abuse Administration increasing the Agreement by the amount of \$81,332 for the County's Prevention Program thereby increasing the total amount of the Agreement to \$684,947.

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve and authorize Commissioner Loffler to sign the Addendums and Memorandum of Understanding as presented. Motion carried.

4) BUDGET AMENDMENTS

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

No. 91-08

Public Works

Justification: 1. Roads scheduled for surface treatment will be slurry sealed with Type III Slurry
2. Additional funds needed for completion of parking area at gas pumps and maintenance storage facility.

No. 90-83

County Attorney/County Commissioners

Justification: Additional consultant attorney fees and additional expenses for All American City Awards.

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

5) PUBLIC TRANSPORTATION OPERATING ASSISTANCE GRANT AGREEMENT

On behalf of the Director of the Office on Aging the County Administrator presented the referenced Public Transportation Operating Assistance Grant Agreement (Project No. MD18-4007) for the operation of the County's public transportation system from July 1, 1990 - June 30, 1991. Total project cost is in the amount of \$66,197 (\$9,679 - federal; \$32,404 - state; \$24,112 - local).

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

6) RENEWAL OF CHILD AND ADULT CARE FOOD PROGRAM AGREEMENT

On behalf of the Director of the Office on Aging, the County Administrator presented an Agreement with the Maryland State Department of Education for the Office on Aging for renewal of the County's participation in the Child Care Food Program which provides USDA reimbursement for meals and snacks served in the Adult Day Care Program.

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

7) LOAN AGREEMENT

MECHANICSVILLE VOLUNTEER FIRE DEPARTMENT

The County Administrator presented the referenced Loan Agreement between the Board of County Commissioners and the Mechanicsville Volunteer Fire Department in the amount of \$50,000 for the purpose of refurbishing a fire fighting vehicle. The loan is an advance of the tax proceeds which will be deducted at the time the tax proceeds become available.

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

8) EMPLOYMENT AGREEMENT
ST. MARY'S REGIONAL PARK

The County Administrator presented the referenced Employment Agreement between Charles H. Clements and the Board of County Commissioners for construction inspection services at the St. Mary's Regional Park.

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

9) MOTOR VEHICLE ADMINISTRATION/STATE HIGHWAY ADMINISTRATION
FACILITIES

As a follow up to last week's discussion the County Administrator presented correspondence to the Motor Vehicle Administration requesting that the opening of the MVA facility coincide with the opening of the opening of the State Highway Administration facility on Maryland Route 5. The letter further requests that the restricted services at Valley Lee be expanded to eliminate troublesome trips to Waldorf.

During discussion Commissioner Loffler pointed out that the licensing portion of the MVA has been located in a trailer at the new facility, which may actually be smaller than then Valley Lee facility. County Administrator Cox agreed to develop information regarding this and brief the Commissioners.

The Commissioners agreed to sign and forward the letter.

10) WATER RESOURCE ADMINISTRATION
POLICY POSITION FOR WATER USE

The County Administrator presented correspondence addressed to the Water Resources Administration requesting assistance in the development of a policy position for water use in the northern part of St. Mary's County.

The Commissioners agreed to sign and forward the letter.

INCARCERATION ALTERNATIVES

Present: Sheriff Wayne Pettit

Sheriff Pettit appeared before the Commissioners to present a report detailing current and proposed alternatives to incarceration which are being considered for use by the St. Mary's County Criminal Justice System. He advised that the State has been making payments to the County for locally sentenced inmates. Correspondence had been received from Maryland Department of Public Safety and Correctional Services indicating that the January 1 submission date of a report on local jail incarceration alternatives has been changed to September 30 in order for payments to be made to the County. Sheriff Pettit presented the report to the Commissioners and suggested that the report come from the Board of County Commissioners.

The Commissioners gave their concurrence and directed the County Administrator to prepare a letter of transmittal.

PROCLAMATION
TRI-COUNTY COMMUNITY ACTION MONTH

Present: Lillie Lane

The Commissioners presented the referenced Proclamation designating October as Tri-County Community Action Month in St. Mary's County.

PROCLAMATION
PROFESSIONAL SURVEYORS' WEEK

Present: Herb Redmond
Bill Higgs

The Commissioners presented the referenced Proclamation designating September 23 - 29 as Professional Surveyors' Week in St. Mary's County.

RAILROAD RIGHT-OF-WAY PRESENTATION

Present: Dan Ichniowski, Director, Public Works
Al Gough, Southern Maryland Electric
Ray Beckworth, "

As previously requested by the County Commissioners, the referenced individuals appeared before the Commissioners to present a briefing of the railroad right-of-way. Mr. Ichniowski presented a summary which included the 1970 purchase by the County from Government Services Administration, obtaining of easements; the May 5, 1970 Tri-Party Agreement among St. Mary's County, State Highway Administration and Southern Maryland Electric; the July 14, 1977 Memorandum of Understanding which clarified the 1970 Agreement; and the October 9, 1979 Tri-Party Agreement which finalized the right-of-way acquisition for Hollywood section of the Route 235 dualization and replaced prior agreements.

Discussion ensued regarding possible future uses of the railroad right-of-way. Commissioner Loffler pointed out that the County should keep its options open and not place any permanent structures on the right-of-way. Mr. Gough and Mr. Ichniowski pointed out that the County routinely allows access across the right-of-way and other uses are temporary in nature. The Right-of-Way Agreements provide for the County or SMECO to revoke the Agreement within 30 days.

Mr. Ichniowski pointed out that there has been a request by the Hughesville Baptist Church to use the railroad right-of-way with an entrance from Md. Rte. 231 instead of Md. Rte. 5. The church does not propose to pave the entrance, and State Highway Administration and Charles County have agreed to this request. Mr. Gough advised that all requests are reviewed by SMECO's engineering department.

After discussion the Commissioners requested that the Agreement allowing use of the railroad right-of-way include a clause indicating that it is the County's intent to reuse the right-of-way in the future as a transportation corridor or other possible uses.

DEPARTMENT OF PUBLIC WORKS

Present: Dan Ichniowski, Director

- 1) BUDGET AMENDMENT NO. 91-09
PUBLIC WORKS - SIERRA HOUSE

In accordance with the Commissioners' discussion of last week, Mr. Ichniowski presented the referenced budget amendment transferring \$41,500 from the Walden Center project and \$50,000 from the St. Andrews Landfill project for the Sierras House Design and Construction projects.

Commissioner Loffler requested that a decision on the Budget Amendment be withheld until after the presentation later today regarding the Great Mills High School facilities. He stated that he was concerned that there were not enough funds in the Capital Improvement Program and that the Commissioners needed to address priorities. He further expressed concern whether the Sierra project could be done for less and still meet the state's requirements and stated that he has not seen the plan in its entirety.

Commissioner Jarboe indicated that he believed that the Sierra project was a priority and stated there will be a payback from Walden over a 15-year period. County Administrator Cox pointed out that the County will end up owning the facility while only paying for 1/3 of the costs.

After discussion Commissioner Jarboe moved to accept the recommendation of the Walden Board of Directors and to approve Budget Amendment No.91-09. Commissioners Loffler and Thompson voted against the motion. Motion carried three to two.

2) CORRESPONDENCE CALLING LETTERS OF CREDIT

Mr. Ichniowski presented the following correspondence calling Letters of Credit:

St. Mary's Hangar Association

Public Works Agreement
Letter of Credit #329A
Maryland Bank and Trust in the amount of \$5,000

Tosca Townhouses, Parcel "B"

Grading Permit #89-29
Letter of Credit #672488
Maryland National Bank in the amount of \$46,500

Tosca, Parcel "B"

Public Works Agreement
Letter of Credit #00672288
Maryland National Bank in the amount of \$38,000

Eagles Glen

Public Works Agreement
Bond No. K02319792
Insurance Company of North America in the amount of \$137,600

3) SPOIL DISPOSAL EASEMENT AGREEMENT
ST. JEROME'S CREEK DREDGING PROJECT

Mr. Ichniowski presented an Easement Agreement dated June 14, 1989 between Edna O'Dea Lloyd and Mary L. Willoughby for use of land as a spoils deposit area for the St. Jeromes Creek dredging project. Dredging is scheduled to begin in the spring of 1991.

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

BLESSING OF THE FLEET

Present: Robert Pogue, Seventh District Optimist
Robert Kopel, "

The referenced representatives of the Seventh District Optimist Club appeared before the Commissioners to present complimentary passes

to the Annual Blessing of the Fleet at St. Clement's Island. Mr. Pogue also expressed appreciation to the Department of Public Works and the Department of Recreation and Parks for their assistance.

CABLE TELEVISION REVIEW COMMITTEE

Present: Charles Norris, Chairman
Joseph Densford, Member

The referenced members of the Cable Television Review Committee appeared before the Commissioners to review the amendments to the proposed Ordinance subsequent to the public hearing held August 21.

After the review, the Commissioners agreed to make a decision on the Cable Television Ordinance at next week's meeting.

OFFICE OF PLANNING AND ZONING

Present: Jon Grimm, Director
Peggy Childs, Recording Secretary

REZONING DECISION

ZPUD #89-1916 - HUNTING QUARTER, PHASE II

(Major Amendment to PUD)
Requesting rezoning from PDR.92 to PDR2.0.
88 acres located off of Route 5 in Callaway,
2nd Election District; Tax Map 50, Block 16,
Parcel 89.

Also Present: Tom Watts, Applicant

Mr. Grimm reminded that this public hearing was held on August 7, 1990, but decision was postponed pending submission of a development plan showing the location and arrangement of the proposed land uses, and offered the Concept Development Plan for the Commissioners' review. Staff and the Planning Commission have recommended approval.

Commissioner Jarboe was concerned that a buffer be established to protect the adjoining agricultural parcel, and also to provide some distance from this property and the odors associated with the hog farm. Mr. Grimm replied that there will be a perimeter buffer between the two uses and applicant has offered to mark the plat identifying the adjacent agricultural property with a note on the plat that the farming operation existed before the PUD. Mr. Watts added that he appreciates Commissioner Jarboe's concern but to date he has had no complaints about the odor.

Commissioner Bailey moved for approval of the rezoning, seconded by Commissioner Lancaster. Motion carried unanimously, and Commissioner Loffler signed three copies of the PUD Concept Development Plan.

COUNTY COMMISSIONERS/BOARD OF EDUCATION MEETING

Present: Dr. William Burroughs
Al Lacer, Board of Education
Jean Campbell, "
Robert Kirkley, "
Jonathan Nelson, "
Roric Thomas, Student Representative

1) GREAT MILLS HIGH SCHOOL FACILITIES
(HENDERSON PARK)

Also Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented a list of items to upgrade and make repairs at Henderson Park at a cost of \$64,000 (not including four new tennis court at \$100,000), which had been requested by the Great Mills Task Force for Equal Facilities.

He stated that he has written to the State requesting that the property be turned back over to the Board of Education through cancellation of the Agreement. Mr. Baggett indicated that if this failed, he had recommended that the property go through a conversion process, which will require both state and federal approval in that state and federal funds are involved. This would be a 60 - 90 day process.

The Commissioners indicated a consensus for Items 1 - 8, except Item No. 7 (repaving of parking lot - \$30,000), requested Mr. Baggett to work with the County Administrator in determining a source of funds, and return to the Board for formal action. The remaining items are to be included in the Capital Improvement Program Budget Request for Fiscal Year 1992.

2) BOARD OF EDUCATION ADMINISTRATIVE OFFICE FACILITY
PROPOSAL STATUS

Also Present: Dan Ichniowski, Director, Public Works

Mr. Ichniowski advised the Commissioners that the County has an contract with an architectural firm to develop Request for Proposals for the provision of a Public School administrative office facility. Once the proposals are received, the Committee (comprised of Al Lacer, Frank Barnett, Dan Ichniowski, and Ed Cox) will review the RFP's to determine the best for comparison with the construction of the facility at the Governmental Center property and will report back to the Board.

During discussion Rev. Kirkley requested that the facility include a work area and a place to keep files for the Board of Education members. Mr. Ichniowski indicated that this could be included in the discussion in an upcoming meeting.

3) BOARD OF EDUCATION - SUPPLEMENTAL BUDGET REQUESTS

Superintendent Burroughs presented a variety of documents which indicated an unappropriated fund balance of \$1,366,777 and demonstrated the various sources for the fund balance, most of which came from savings, insurance, and interest earnings. Superintendent Burroughs that as previously agreed \$500,000 of the fund balance is being returned to the County Commissioners.

Dr. Burroughs presented a number of funding requests consuming the remaining \$866,777. He stated that the funding requests come from the priority items not funded in the Fiscal Year 1991 budget as indicated in his correspondence dated May 18, 1990. Also there is an expected shortfall in state funding for Basic Aid Transportation.

In addition Superintendent Burroughs presented documents requesting a Supplemental Budget of \$518,402 in additional funding if the County Commissioners have unappropriated fund balance subsequent to the FY' 90 audit.

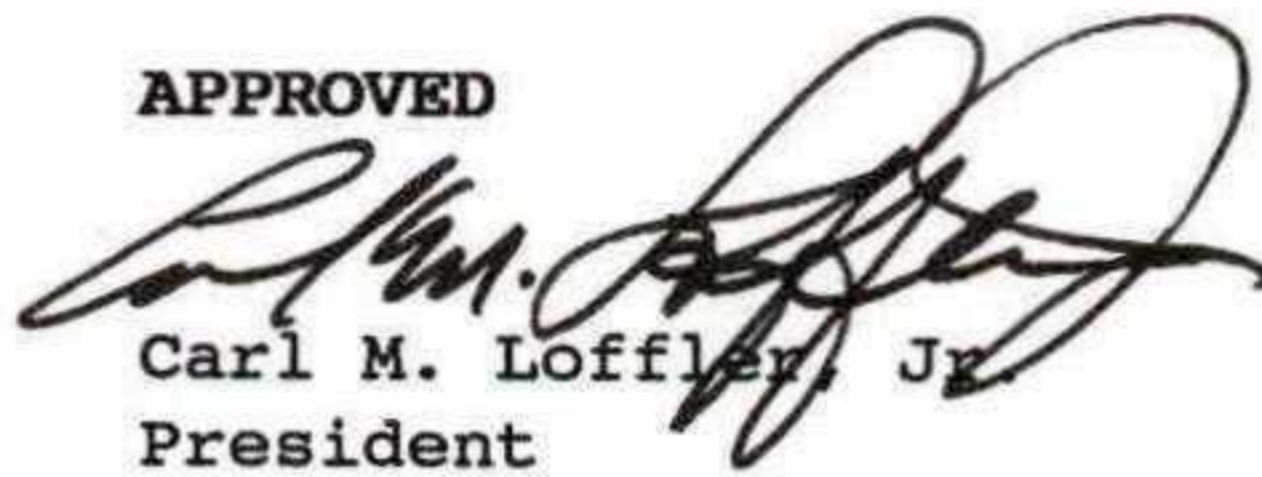
The Commissioners indicated their reluctance to fund recurring expenditures from non-recurring revenues. Also the Commissioners commented on the needs of the accelerated Capital Improvement Program and anticipated increased energy costs.

The Commissioners agreed to review the submitted requests by the Board of Education and indicated they would discuss this matter on their October 9 agenda, after which they would respond to the Board of Education.

ADJOURNMENT

The meeting adjourned at 2:40 p.m.

APPROVED



Carl M. Loffler, Jr.
President

