

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, June 10, 1980

President: Commissioner George R. Aud, President
Commissioner Larry Millison, Vice-President
Commissioner Richard D. Arnold
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Mullins, Recording Secretary

The meeting was called to order at 9:15 a.m.

ENCUMBRANCE VOUCHERS

Commissioner Millison moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted by the Director of Finance. All Commissioners voted in favor.

AQUAFOOD INTERNATIONAL, INC. - MIDFA LOAN

Present: Joseph E. Bell, II, County Attorney
Gordon Yamada
John Edmonston, Counsel for Mr. Yamada

Mr. Edmonston explained that the purpose of this meeting was to present a revised resolution pertaining to the final MIDFA loan documents for Aquafood International, Inc. After an up-to-date status report of the eel processing plant project and discussion as to the various documents that will need to be signed by the County, Mr. Edmonston requested that Commissioner President Aud be given authorization to sign all appropriate MIDFA documents as they are prepared.

Commissioner Millison moved, seconded by Commissioner Arnold, that in support of the \$500,000 partially insured MIDFA loan from Maryland National Bank to St. Mary's County, Maryland for the benefit of Aquafood International, Inc., that:

1. George R. Aud, the President of the Commissioners, be appointed as the representative of the County to sign any and all documents relative to the MIDFA loan, subject, however, to the final review and approval of the County Attorney;
2. Edward V. Cox be authorized to attest to or certify any and all documents relative to the MIDFA loan, and
3. The matter be retained on the Agenda of the Commissioners from week to week until the loan is actually settled, in the event that further and more specific approval is necessary for the

resolutions, loan agreement, financing statements and other documents involved.

All Commissioners voted in favor.

FAIRGROUNDS TASK FORCE

Present: R. Johns Dixon, Chairman
James Owens
Bert Fenwick
Carol Kenney
Tom Ostertag
Mike Marlay
Elwood Cusic
Raetta McWilliams, Fair Board Association
Lib Hoff, Fair Board Association
John Rue, Attorney to Fair Board

Mr. Dixon, Chairman of the Fairgrounds Task Force, presented the proposed lease which was drafted and approved by the Task Force.

Mr. Rue stated that the Fair Board is in substantial agreement with the terms and concept of the lease; however, they have expressed concern with the last sentence of Paragraph 5(b) regarding conflict and disagreements. The Fair Board's concern as lessee of the fairgrounds is that they are ultimately responsible financially and from a maintenance point of view for the fairgrounds. They feel that it should be a landlord/tenant relationship and disagreements should not be presented to the County Commissioners for resolution.

Mr. Dixon referred to a motion in the March 12, 1980 minutes of the Fairgrounds Task Force, which stated that any conflict with the Fair Board and Advisory Board would be referred to the County Commissioners for final decision.

Members of the Fair Board stated that the Fair Board had a special meeting Sunday and voted not to accept the lease with that particular paragraph in that it left the Fair Board with the financial burden and no management.

Commissioner Dean suggested that the sentence end "referred to the attention of the County Commissioners for review," and omit the words "comment and resolution." Mr. Ostertag stated that this would not be acceptable to the Fairgrounds Task Force.

Mr. Fenwick suggested that when a project at the Fairgrounds requires financial assistance a procedure be followed to obtain this assistance from County, State or other sources.

In closing, Mr. Ostertag suggested that an addition be made to Paragraph 5(b) which would relieve the Fair Board of any resolution by the County Commissioners of any disagreement in order not to impose a financial burden upon the Fair Board.

The Commissioners advised that they would take this matter under advisement and have the County Attorney review it and make recommendations back to the Commissioners.

EXECUTIVE SESSION

Present: John Norris, County Engineer
Mike Marlay, Director, Metropolitan Commission

The Commissioners agreed to have an Executive Session on a matter of Right-of-Way Acquisition. The Session was held from 10:20 a.m. to 11:10 a.m.

REQUEST BY OPTIMIST CLUB
ANNUAL BLESSING OF THE FLEET

Present: John Norris, County Engineer

Mr. Norris presented correspondence from the Seventh District Optimist Club dated May 21, 1980 requesting use of landfill equipment and men for the Annual Blessing of the Fleet to be held at St. Clements Island on September 28, 1980.

The Commissioners gave their concurrence.

RAILROAD RIGHT-OF-WAY
DUALIZATION OF ROUTE 235

Present: John Norris, County Engineer

Mr. Norris presented correspondence dated June 2, 1980 from State Highway Administration regarding a Deed executed with SHA concerning a transfer of property for the construction of Route 235. Mr. Norris requested authorization for the President of the Board to initial certain corrections on the Deed and further that Mr. Norris be given authorization to write a letter to Mr. Carlton Brooks, Director, Real Properties, General Services Administration, to obtain a partial release on that portion of the railroad right-of-way acquired by the aforementioned Deed.

Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to initial the corrections on the Deed as identified in the June 2, 1980 letter from SHA, and

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further to authorize Mr. Norris to forward correspondence to Mr. Brooks as requested above. All Commissioners voted in favor.

BRETON BAY SHORE EROSION CONTROL

Present: John Norris, County Engineer

Mr. Norris advised that the Department of Natural Resources has bid the Breton Bay Shore Erosion Control project and E.A. and J.O. Crandell was the lowest bidder in the amount of \$189,737.24. He stated that Department of Natural Resources is checking with their legal department regarding any damage to County roads during the project and as to the method for that to be included as a project cost.

PRESS CONFERENCE

Present: Matt Kaye, WKIK
Judy Nichols, Enterprise
Chris Harvey, Beacon

The regular monthly press conference was held at this time. A tape of the conference is on file in the Commissioners' Office.

PERC TEST
ST. PETER CLAVER PARK

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett stated that he has obtained approved perc tests at the Fifth District Park and Hollywood Park, but not at St. Peter Claver Park to date. He stated that five perc tests were done at St. Peter Claver and he would like to try five or six more. Mr. Baggett stated that he has talked with Walter Raum of the Health Department who said that if a favorable perc test cannot be obtained, that he was willing to work with him and work out some type of system on a nine-month basis.

After discussion, Commissioner Dean moved, seconded by Commissioner Millison, to adopt the commitment that the County will put a shelter building with proper lavatory facilities at St. Peter Claver and that sewage disposal by either a conventional septic system, a mound system or a holding tank as per which ever the Health Department feels is the best solution, inasmuch as Mr. Raum has indicated a willingness to work with Mr. Baggett. All Commissioners voted in favor.

TRASH COLLECTION AT PUBLIC WHARVES

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheet for the trash collection at the following wharves: Piney Point, Smith Creek, Chaptico Wharf, Bushwood Wharf, Colton's Point, River Springs, White Neck Creek and Forest Landing. He stated that this project is a grant under Waterway Improvements and recommended that the bid be awarded to the lowest bidder, Buddy's Disposal at the annual cost of \$1,560.

Commissioner Millison moved, seconded by Commissioner Arnold, to accept Mr. Baggett's recommendation. All Commissioners voted in favor.

PORTABLE TOILETS

BUSHWOOD WHARF, SMITH CREEK, SWANN'S PIER

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett presented the bid tally sheet for the contract for the placement of portable toilets at the referenced wharves and recommended awarding the contract, which is a Waterway Improvement Grant project, to Banagan Septic Service. Commissioner Millison moved, seconded by Commissioner Arnold, to accept Mr. Baggett's recommendation. All Commissioners voted in favor.

PORTABLE TOILETS

BLESSING OF THE FLEET

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett recommended that the contract for the placement of portable toilets at the Blessing of the Fleet be awarded to Banagan Septic Service, the lowest bidder, in the amount of \$770. This is a Waterway Improvement Grant project.

Commissioner Millison moved, seconded by Commissioner Arnold, to accept Mr. Baggett's recommendation. All Commissioners voted in favor.

PLACEMENT OF PORTABLE TOILETS AT COUNTY PARKS

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett recommended that Banagan Septic Service, the lowest bidder, be awarded the contract for the placement of portable toilets

at the following County Parks for a total annual cost of \$3,050: Elms Beach, Great Mills Amphitheater, Margaret Brent Park, Seventh District Park, Mechanicsville Elementary, Leonardtown Elementary School, Country Lakes, Fitzgerald's, White Marsh Elementary, St. Clements Shores, Banneker, Oakwood Lodge and Charlotte Hall.

Commissioner Dean moved, seconded by Commissioner Arnold, to accept Mr. Baggett's recommendation. All Commissioners voted in favor.

LOWER LANDING - ST. CLEMENTS ISLAND PIER

Present: John Baggett, Director, Recreation and Parks

Mr. Baggett advised that he requested a grant from Waterway Improvements for a lower landing at St. Clements Island Pier and the State has awarded \$25,000 to the Museum and this project was considered part of it. The Board of Directors of the St. Clements Museum has agreed to the project and has requested the County to handle it. Mr. Baggett stated one bid was received, which was from Colliflower and Peterson in the amount of \$5,300 for two 30 foot piers.

Commissioner Dean moved, seconded by Commissioner Arnold, to award the construction of the lower (lady's) landing to Colliflower and Peterson. All Commissioners voted in favor.

EXECUTIVE SESSION

Present: John Baggett, Director, Recreation and Parks
Frank Gerred, Director, Planning and Zoning

The Commissioners agreed to meet in Executive Session in order to discuss a matter of property acquisition, after which there would be an Executive Session in order to discuss a matter of personnel with Mr. Baggett. The Session was held from 1:45 p.m. to 2:50 p.m.

EXECUTIVE SESSION

Present: John Norris, County Engineer

The Commissioners agreed to meet in Executive Session with the County Engineer in order to discuss a matter of personnel. The Session was held from 2:55 p.m. to 3:30 p.m.

REQUEST FOR PAYMENT
CAR DAMAGES - MATTAPANY ROAD

Present: David Lancaster

(Commissioner Aud excused himself from participating in that he is related to Mr. Lancaster.)

Mr. Lancaster appeared before the Commissioners to discuss the disrepair of Mattapany Road over a long period of time and requested payment for damages to his car which he alleged came from the poor condition of the road. The Commissioners thanked Mr. Lancaster and indicated that they would try to respond to him within a short period of time.

REZONING DECISION DISCUSSION
ZONE #80-14-7 - SAFEWAY STORES

Present: James Brooks, Safeway, Inc.
Frank Gerred, Director, Planning and Zoning
Anita Meredith, Recording Secretary

(Commissioner Millison did not participate because of possible conflict of interest.)

Having conducted a public hearing on May 27, 1980 on the referenced zoning reclassification request, the Commissioners commenced discussion. Commissioner Dean distributed a paper setting forth the findings of fact in this case.

Commissioner Dean moved, seconded by Commissioner Arnold to request the County Attorney to prepare the appropriate Zoning Amendment Resolution for adoption by the County Commissioners approving the rezoning from R-1, Residential, to C-2, Commercial, as set forth in Commissioner Dean's paper. All Commissioners voted in favor.

COUNTY'S LIABILITY INSURANCE COVERAGE

Present: Harris Sterling, Director of Finance

Mr. Sterling reviewed with the Commissioners the Exemption Statements requiring their approval relative to the County's Umbrella Liability Policy. He stated that he had reviewed the matter with the County Attorney and the Insurance Buyers' Council and that the exemptions are not as detrimental to the County's protection as one might believe, because most of the major items exempted by these statements are safeguarded under other county insurance coverage.

After some discussion, Commissioner Dean moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign the Statements of Exemptions. All Commissioners voted in favor.

CASH AND INVESTMENT STATEMENT

Present: Harris Sterling, Director of Finance

Mr. Sterling presented and reviewed with the Commissioners the Cash and Investment Statement as of this date and advised the Commissioners that he would provide them with this information on a monthly basis.

OVERTIME REQUEST FOR SHERIFF'S DEPARTMENT
CARNIVAL COVERAGE

The County Administrator advised that the Sheriff's Department has been requested by the Fire Departments for deputy coverage at the carnivals this summer. Inasmuch as overtime allocation for the Sheriff will not be available until July 1 and the fact that the Mechanicsville and Valley Lee carnivals will be held in June, the Sheriff is requesting authorization for overtime payment from the FY '80 budget.

The Commissioners gave their concurrence.

TAPE RECORDER FOR POLYGRAPH MACHINE

The County Administrator presented correspondence dated June 6, 1980 from the Sheriff's Department requesting authorization for the purchase of a tape recorder to be used in conjunction with the polygraph machine in the amount of \$700.

The Budget Officer has indicated that the Sheriff has adequate funds in his equipment account to purchase this recorder and recommended that the Sheriff be advised of this.

The Commissioners gave their concurrence that the Sheriff be advised that funds are available in his equipment account and that additional funds will not be provided.

PERSONNEL
APPROVAL OF RECLASSIFICATIONS

The County Administrator presented a memorandum from the Personnel Officer requesting authority to reclassify the positions

listed below and to promote the current incumbents effective July 7, 1980:

Sheriff's Department

Promote Catherine Mattingly from Clerk-Steno, Grade 6, to Office Secretary I, Grade 7;

Promote Rebecca Norris from Office Secretary I, Grade 7, to Office Secretary II, Grade 8;

Recreation and Parks

Promote William Ball, Grounds Supervisor, from Grade 9 to Grade 10;

Office of Children and Youth

Promote Phebe Barth, Youth Services Coordinator, from Grade 11 to Grade 12;

Promote Ann Loker, Director, Big Brother/Big Sister Program, from Grade 10 to Grade 11;

Purchasing and Logistics

Promote Joseph Jones, Maintenance Mechanic Supervisor, from Grade 9 to Grade 10;

County Engineer's Office

Promote Tony Adams, Motor Equipment Operator Foreman, from Grade 9 to Grade 10.

Commissioner Arnold moved, seconded by Commissioner Dean, to approve the referenced reclassifications. All Commissioners voted in favor.

TEMPORARY PROMOTIONS

The County Administrator presented a memorandum dated June 9, 1980 from the Personnel Officer requesting authorization for a policy procedure for the temporary promotion of an individual who is performing the duties of a higher grade position during a prolonged absence of an employee or because of a delay in filling a position. This procedure, if approved by the Commissioners, will be incorporated into the next update of the Personnel Manual.

Commissioner Dean moved, seconded by Commissioner Arnold, to adopt the Temporary Promotion Policy, as of this date, and further that the policy be incorporated into the next update of the Personnel Manual. All Commissioners voted in favor.

TEMPORARY PROMOTION
OFFICE OF PURCHASING AND LOGISTICS

The County Administrator presented a memorandum dated June 9, 1980 from the Personnel Officer requesting the temporary promotion of Barbara Dotson to Grade 8, in the Office of Purchasing and Logistics, due to the extended absence of Cecelia Adams.

Commissioner Arnold moved, seconded by Commissioner Sayre, to approve the temporary promotion of Barbara Dotson. All Commissioners voted in favor.

REQUEST FOR AUTHORITY TO HIRE VAN DRIVER
COMMISSION ON AGING

The County Administrator presented a memorandum from the Personnel Officer dated June 6, 1980 requesting authority to hire Louis Combs to the position of permanent part-time Van Driver at a salary of \$3.10 per hour, in the Commission on Aging. The position is funded by Title III-B of the Area Agency Plan.

Commissioner Arnold moved, seconded by Commissioner Millison, to approve the hiring of Mr. Combs to this position. All Commissioners voted in favor.

REQUEST FOR AUTHORITY TO HIRE
PATROLMAN POSITION
SHERIFF'S DEPARTMENT

The Personnel Officer submitted a memorandum dated June 9, 1980 requesting authority to hire Lyle E. Long to the position of Patrolman, Grade 11 in the Sheriff's Department. The position is funded by the Traffic Safety Grant.

Commissioner Dean moved, seconded by Commissioner Arnold, to approve this appointment. All Commissioners voted in favor.

CLEARINGHOUSE PROJECT NO. 80-5-1164
TRI-COUNTY HEAD START PROGRAM FOR FY '81

CLEARINGHOUSE PROJECT NO. 80-6-1243
SMTCCAC PROGRAMS

The County Administrator presented the referenced clearinghouse projects and recommended that they be forwarded to the State with the comment that they are not inconsistent with this agency's plans, programs or objectives. The Commissioners gave their concurrence.

REQUEST FOR REFUND OF BUILDING PERMIT FEE
GROUP HOME FOR MENTALLY RETARDED

The County Administrator presented correspondence dated May 28, 1980 from the State Department of Health and Mental Hygiene requesting a refund of the building permit fee in the amount of \$137 to H.W. Miller and Sons for the construction of a group home for the mentally retarded.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve this refund request inasmuch as it complies with the County's Resolution No. 75-53. All Commissioners voted in favor.

ZONING AMENDMENT RESOLUTION NO. Z-80-03
JOSEPH ABELL AND JUDITH A. CLARKE

Commissioner Millison moved, seconded by Commissioner Sayre, to approve and sign Zoning Amendment Resolution No. Z-80-03 granting the zoning reclassification of 2.27 acre of land located opposite Leonardtown High School on Route 5, South of Leonardtown from Residential to C-2, Commercial. Four Commissioners voted in favor, with Commissioner Dean voting against. Motion carried.

AGREEMENT - STORAGE OF VOTING MACHINES

The County Administrator presented an Agreement dated May 1, 1980 by and between Robert Miedzinski and St. Mary's County for the storage of the County's voting machines.

Commissioner Millison moved, seconded by Commissioner Arnold, to authorize Commissioner President Aud to sign said Agreement. All Commissioners voted in favor.

BUDGET AMENDMENT NOS. 80-56, 80-57, AND 80-58

The County Administrator presented the referenced Budget Amendments recommended for approval by the Budget Officer as follows:

80-56 - Increase Account No. 1812-4984 (Operating Expenses) by \$2,300; Account No. 1812-4985 (Handicapped Operators Expenses) by \$4,200; Account No. 1812-4115 (Handicap MRA Grant) by \$7,500.

Decrease Account No. 1832-1111 (Salaries-Parks) by \$6,500;
Account No. 1812-1111 (Salaries-Recreation Operation) by \$7,500.

80-57 - Increase Account No. 2010-2111 (Travel) by \$2,000;

Decrease Account No. 2010-3101 (Office and Communication) by \$2,000.

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Commissioner Dean moved, seconded by Commissioner Arnold, to approve Budget Amendments 80-56 and 80-57. All Commissioners voted in favor.

80-58 - Increase Account No. 1832-61120 (Charlotte Hall) by \$6,000; Account No. 1832-64220 (Leonard Hall Ballfield Relocation) by \$11,735. Decrease Account No. 1832-61520 (Lexington Park School) by \$17,735.

Commissioner Millison moved, seconded by Commissioner Arnold, to approve Budget Amendment No. 80-58. All Commissioners voted in favor.

ASSISTANT COUNTY ATTORNEY POSITION

Having solicited applicants for the position of Assistant County Attorney vacated by the resignation of Joseph Densford, Commissioner Sayre moved, seconded by Commissioner Arnold, to appoint Theodore P. Weiner to the position of Assistant County Attorney at the rate of \$10,500 per year. Four Commissioners voted in favor, with Commissioner Millison voting against. Motion carried.

PITCH-IN PROGRAM

Present: John Norris, County Engineer

Mr. Norris advised the Commissioners that in some areas of the County, household trash is being placed in the Pitch-In containers and is creating a large accumulation of trash around the cans. Therefore, Mr. Norris recommended removing the Pitch-In cans where this is occurring.

The Commissioners requested that the County Administrator request the State's Attorney to appear before them to discuss the possibility of prosecution.

The meeting adjourned at 4:55 p.m.

Approved,


George R. Aud
President