

BOARD OF COUNTY COMMISSIONERS' MEETING

October 29-30, 1975

Wednesday, October 29, 1975

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

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

READING AND APPROVAL OF MINUTES

The minutes of October 22-23, 1975 were read and corrected. Commissioner Jarboe made a motion to approve the minutes as corrected, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PRESENTATION OF ENCUMBRANCE VOUCHERS (BILLS)

Present: Harris Sterling, Director of Finance

Mr. Sterling presented the encumbrance vouchers for the Commissioners' review and approval. Commissioner Jarboe made a motion to approve payment of the bills, seconded by Commissioner Dean. All Commissioners voted in favor.

PROCEDURE FOR REQUESTS FOR ATTENDANCE AT SEMINAR

In order to establish a procedure for employee's request for attendance at conferences, Commissioner Dean made a motion that a policy be established when an employee wishes to attend a conference in connection with his or her job, for which they are requesting administrative leave and reimbursement of expenses, that prior to attending a one-day conference, the request be made to the Chief Clerk for review and approval. Any requests for more than one day attendance should be given to the Chief Clerk, who would in turn bring the request before the Board for action. The motion was seconded by Commissioner Jarboe. All Commissioners voted in favor. A memorandum will be forwarded to all departments setting forth this procedure.

ST. MARY'S CITY BICENTENNIAL COMMUNITY APPLICATION

Mr. Cox brought to the Commissioners' attention the fact that the St. Mary's City Commission had previously presented the application to become a Bicentennial Community, at which time the Commissioners requested that the County Bicentennial be requested to comment. Since that time, the County Bicentennial Commission, having reviewed the request, responded that they are in accordance with this proposal with two provisions:

- (1) That the St. Mary's City Committee work through the St. Mary's County Bicentennial Commission;

- (2) That any money requested by the St. Mary's City Bicentennial Committee be applied for through the St. Mary's County Bicentennial Commission.

Commissioner Dean made a motion to approve the application to establish the St. Mary's City Commission as a Bicentennial Community and that the two recommendations of the St. Mary's County Bicentennial Commission be followed, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

PART-TIME SWITCHBOARD OPERATOR

Mr. Cox stated that the part-time switchboard operator has been paid \$2.25 per hour and it is the recommendation of Paul Raley, Director of Administrative & Logistic Services, that the salary be increased to \$3.25 per hour in line with the Grade 5, Base salary for that position.

Commissioner Millison made a motion to accept this recommendation and increase the part-time switchboard operator's salary to \$3.25 per hour, effective October 27, 1975, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

POLICE SERVICES STUDY

Present: Clark Gravelle, Criminal Justice Planner, TCC

In conjunction with the Grant for the Police Services Study, Mr. Cox explained that the Committee composed of Commissioners Dean and Parlett, Clark Gravelle and himself solicited and reviewed proposals submitted by four consultants to conduct this study. Proposals were as follows:

Cresap, McCormick & Paget	\$13,333
International Association of Chiefs of Police	\$13,300
RMC Research Corporation	\$13,130
Management Engineering Corp.	\$11,919

It was the recommendation of the Study Committee to select Cresap, McCormick & Paget, who was not the lowest bidder, but appeared to be the most qualified for the following reasons:

- (1) that Cresap's project staffing was superior to that of RMC Research Corporation and Management Engineering Corp. and equal to that of IACP;
- (2) that Cresap has conducted similar studies in other parts of the country and was highly recommended by a representative of the Montgomery County Police Force experienced in and responsible for the choosing of firms to do police studies;
- (3) that staff of the Governor's Commission on Law Enforcement have stated that IACP tends to deliver "canned" results.

LOWER POTOMAC RIVER LAND AT ST. INIGOES

Present: John Baggett, Director, Recreation & Parks

Mr. Baggett presented the Application to be submitted to the Bureau of Outdoor Recreation for the acquisition of the Federal surplus property located at St. Inigoes for the Commissioners' approval and signature.

Commissioner Jarboe made a motion to approve and authorize Commissioner President McKay to sign said application, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

OFFICE OF CITIZEN SERVICES
COMMISSION ON AGING/YOUTH COMMISSION

Mr. Cox stated that applicants for the position of Clerk-Steno III in the Office of Citizen Services had been interviewed and it was the recommendation of the Interview Committee, composed of Mr. Wentworth, Mrs. McGaharn and Mr. Cox, to select Mrs. Rita Butler to fill this position, Grade 6 - Base, effective November 3, 1975. Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor.

CATV STUDY COMMITTEE

The CATV Study Committee submitted a report to the Commissioners of their preliminary study of cable television in St. Mary's County pertaining to franchising. The Commissioners requested that this report be forwarded to Ernie Bell for his review and, if he is in agreement, to draft appropriate legislation.

APPOINTMENT OF MEMBERS TO REDISTRICTING BOARD

Commissioner Jarboe made a motion to appoint the following persons to the Redistricting Board:

KENNEDY ABELL
JAMES T. TENNYSON
ALICE TAYLOR
WILLIAM R. SCHMALGEMEYER
STERLING TENNISON

Commissioner Parlett seconded the motion. All Commissioners voted in favor.

ROAD RESOLUTION No. 75-23
OLD ROUTE 235 and CLARKS MILL ROAD

The County Engineer's Office submitted Road Resolution No. 75-23, setting the speed limit on Old Route 235 at 30 miles per hour and that on Clarks Mill Road, from its intersection with Old Route 235 for a distance of approximately eight-tenths of a mile, be posted at 40 miles per hour and the remainder of Clarks Mill Road be posted at 30 miles per hour. The County Engineer recommended approval of same.

Commissioner Dean made a motion to accept this recommendation, seconded by Commissioner Jarboe. All Commissioners voted in favor of this motion.

BOARD OF EDUCATION - MEMORANDUM OF UNDERSTANDING
OFF-DUTY DEPUTIES AT SCHOOL FUNCTIONS

Correspondence was received from the Board of Education requesting the Commissioners to assume the responsibility of payment of a bill in the amount of \$351.42 from the County dated May 29, 1975. Mr. Cox stated that payment of this bill would in effect break down the Memorandum of Understanding dated May 29, 1973. This Agreement among St. Mary's County Sheriff, St. Mary's County School System and the Office of Director of Administration for St. Mary's County Government provided security and protection at after-school activities using off-duty deputies.

The Commissioners requested Mr. Cox to develop additional information as to what the costs have been over the past year, prior to the Commissioners' making a decision.

ST. MARY'S COUNTY NATURAL DISASTER PLAN

Present: Otis Wood, Acting Director, Civil Defense
Major Ellison
Mr. Connally
Mr. Cheston

At this time the Commissioners reviewed the St. Mary's County Natural Disaster Plan with the above persons. It was agreed that all Plans distributed to the appropriate agencies should have that agency's part of the Plan setting forth their specific duties and responsibilities "flagged".

In order that the Emergency Medical Service Council could have an opportunity to review this Plan, the Commissioners agreed to withhold action on adopting the Plan until next week.

BIDS ON INVESTMENTS

Present: Harris Sterling, Director of Finance

Mr. Sterling stated that bids were opened this date on the investment of funds as follows:

<u>AMOUNT</u>	<u>TERM</u>	<u>MD. NAT'L</u>	<u>FIRST NAT'L</u>	<u>MD. BANK & TRUST</u>
250,000	130 days	5.652%	5.70%	5.81%
750,000	13 days	5%	5.15%	No bid

Mr. Sterling recommended that bids be awarded to the highest bidders as follows:

- \$250,000 to Maryland Bank & Trust at 5.81% for 130 days;
- \$750,000 to First National Bank at 5.15% for 13 days.

Commissioner Jarboe made a motion to accept Mr. Sterling's recommendation, seconded by Commissioner Parlett. All Commissioners voted in favor.

CLEARINGHOUSE PROJECTS

(VA HOUSING FEASIBILITY ANALYSIS - GOLDEN BEACH (PATUXENT KNOLLS))

(VA HOUSING FEASIBILITY - BIG OAK SUBDIVISION)

Mr. Cox submitted the two above-referenced Clearinghouse Projects and stated that both projects are in order to be submitted to the State.

GRIEVANCE ADMINISTRATION SEMINAR

Mr. Cox brought to the Commissioners' attention that the Grievance Administration Seminar will be held November 14th from 9:00 a.m. to 5:00 p.m. at the Breton Bay Country Club, and will be open to all County employees, elected or appointed officials. Mr. Cox will be attending this Seminar.

JANITORIAL POSITIONS

In view of the fact that the part-time janitor at Leonard Hall has resigned and in view of the fact that Mr. Gatton will be terminating his employment in December, Mr. Cox stated that he and Mr. Raley recommended that two janitors be hired after the interviewing process - one to work at Leonard Hall and the Control Center and the other to work with Mr. Gatton until such time as Mr. Gatton resigns.

Commissioner Jarboe made a motion to accept this recommendation, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

Commissioner Millison suggested the possibility of using trustees from the jail to assist with custodial services. The Commissioners requested Mr. Cox to contact the Sheriff with this proposal that if he would have someone in jail that would be qualified on a part-time, as-needed basis.

JOURNALISTS ASSOCIATION

Present: Jack Hershaw, Enterprise
Sunny Schust "
Janet Shaffron "
Dick Myers, WKIK
Mike Kleinbeck, WKIK
Bill Caffey, Enterprise

At this time the Commissioners reviewed the revised proposal for Openness in Meetings legislation. Some further recommended changes were made to the legislation and the Commissioners agreed that when the proposal is drafted in final form, that it be resubmitted to the various County departments and County Attorney for their review, after which time they could submit comments back to the County Commissioners.

In closing Mr. Myers requested the Commissioners to support this proposed legislation for St. Mary's County, even if there is State-wide legislation on this subject, as he believes it would be a good example to the other Counties of Maryland as it is a better law with better protection for the people of St. Mary's County.

ECONOMIC DEVELOPMENT COORDINATOR POSITION

At this time the Commissioners conducted an interview with an applicant for the position of Economic Development Coordinator.

COMPREHENSIVE WATER AND SEWER PLAN

Present: Richard Platt, Director, Land Use & Development
John Fortunato, Metropolitan Commission

Mr. Platt submitted correspondence to the Commissioners dated October 29, setting forth the means of accomplishing the FY 76 annual update of the Comprehensive Water and Sewer Plan and requested the Commissioners' approval of this proposal.

Commissioner Jarboe made a motion to authorize Mr. Platt to proceed on the basis set forth in his letter, seconded by Commissioner Dean. All Commissioners voted in favor of this motion.

COMPREHENSIVE LAND USE PLAN/ZONING ORDINANCE UPDATE

Commissioner Dean advised the Commissioners that the two sub-committees of the Planning Commission working on the update of the Land Use Plan and the Zoning Ordinance will be completing their reports in approximately a week and requested if the Commissioners were interested in getting involved at the beginning of their reports. A meeting has been scheduled by the Planning Commission for November 17th at 7:30 for the first discussion of these reports.

TITLE I HUD FUNDING

Present: Terry Radigan, Community Development Assistance Group
David Blum " " " "
Richard Platt, Director, Land Use & Development
Donald Curtis, Housing Coordinator
Mary Salisbury, Employment Security

As had been requested by the Commissioners, Mr. Radigan came before the Commissioners to further explain the Title I HUD Funding Program through the Housing Act of 1974, and how their firm assists Counties in obtaining these funds and carrying out the programs.

Mr. Blum stated that funds are available for land acquisition, relocation, administration of grants and paying of consultants. It is not a new housing structured program. The process for obtaining the grants is as follows:

- (1) Pre-application for HUD funds with a community profile;
- (2) Full application with a community development plan and program and housing assistance plan;
- (3) Environmental Assessment and possibly a full impact statement.

Mr. Curtis suggested three projects that may be applicable for these funds:

- (1) Home for the Elderly;
- (2) Rehabilitation of existing housing stock near Leonardtown;
- (3) Proposal for a County-owned and operated trailer park (purchase and development of land).

Other suggestions for possible Title I projects were: storm and drainage problem in Lexington Park; Industrial Park at Airport (water and sewage); drainage problem at Fairgrounds property; and the Tourist Information Center. Mr. Blum stated that he would also try to obtain additional monies from the 701 Planning Funds.

There was discussion as to the method of payment to Community Development Assistance Group, and it was agreed by the Commissioners that payment would be on a percentage basis.

The Commissioners will formulate ideas for applicable projects, which will be compiled on a priority basis, after which time a public hearing would be held. Mr. Radigan is to work with Mr. Cox and Mr. Curtis in compiling the list and also on the Contract with Community Development Assistance Group.

NACO REVENUE SHARING RALLY

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell submitted letters for the Commissioners' signature to be forwarded to the Congressional Delegation in Washington pertaining to Revenue Sharing bills and the rally conducted by the National Association of Counties on November 18th in Washington. Said letter also requests a meeting with the Congressional Delegation on that date to explain what Revenue Sharing means to St. Mary's County, how Revenue Sharing has been used in the past and how it will be used in the future. The Commissioners agreed to sign this letter.

PROCUREMENT PROCEDURES

Present: Joseph O'Dell, Budget Officer

Mr. O'Dell submitted a memorandum dated October 21 to the County Commissioners with regard to Procurement Procedures and setting forth the establishment of a policy for this procedure to be developed by Paul Raley, Director, Administrative & Logistic Services, one of which is the preparation within 60 days of a rough draft of Policies and Procedures Manual to effect a purchasing system for St. Mary's County.

The Commissioners requested that Mr. Raley review Mr. O'Dell's memorandum setting forth the procedures and discuss it with the Commissioners at a later time.

PROPERTY TAX ROLLS

Present: Joseph P. O'Dell, Budget Officer

At the Commissioners' meeting of October 15, 1975, it had been stated by Mr. Sterling, Director of Finance, that the County was not receiving this year's quarterly report on tax receivable information from David M. Gruber & Company and, therefore, we would have some problems associated with taxable receivable and State Tax information.

In order to resolve this difficulty, Mr. O'Dell stated he had received cost estimates from:

David M. Gruber & Company	- approximately \$3,200
Charles County Community College	- approximately \$1,000
The Service Bureau Company	- approximately \$210 per qtr plus \$17.70 per thousand cards

It was Mr. O'Dell's recommendation that Charles County Community College be awarded the contract for preparing the tax receivable reports. Further, Mr. O'Dell stated that the report in its present format would be on a temporary basis until it was determined who the State Assessment Office is contracting with, then a revised tax receivable report would be worked out with the same firm.

Commissioner Dean made a motion to authorize Mr. O'Dell to enter into an Agreement, on behalf of St. Mary's County, with Charles County Community College to prepare the tax receivable status reports, seconded by Commissioner Parlett. All Commissioners voted in favor of this motion.

CASH MANAGEMENT LETTER FROM AUDITORS

Present: Joseph P. O'Dell, Budget Officer

With regard to the Cash Management letter from Wooden & Benson, the Commissioners agreed that Mr. Sterling, Finance Director, should be directed to do a cash flow projection for the purposes of cash management.

The Commissioners also decided that a representative from the Treasurer's Office, the Director of Administrative & Logistic Services, the Director of Finance, and the Budget Officer should come before the Commissioners to discuss the management letter with the Commissioners. November 19th at 1:00 p.m. was set for this meeting.

Mr. O'Dell recommended a monthly meeting with the Commissioners to present the financial status of the County, including the County's cash investments, revenue and expenditure review and related fiscal procedures. The Commissioners agreed with this approach and Mr. Sterling and Mr. O'Dell are to present the first quarter report in November to the Commissioners.

The meeting recessed at 5:30 p.m.

Thursday, October 30, 1975

Present: Commissioner James M. McKay, President
Commissioner Ford L. Dean
Commissioner J. Patrick Jarboe
Commissioner Larry Millison
Commissioner John K. Parlett
Edward V. Cox, Chief Clerk
Judith A. Mullins, Recording Secretary

The meeting reconvened at 9:15 a.m.

POLICE SERVICES STUDY

Pursuant to yesterday's discussion pertaining to the Police Services Study, Commissioner Jarboe made a motion to accept the recommendation of the Study Committee and award the contract to Cresap, McCormick & Paget to do the Police Services Study, seconded by Commissioner Parlett. The Commissioners voted three to two in favor of the motion, with Commissioners McKay and Millison voting against.

"WINGS OF THE MORNING"

Present: Joseph O'Dell, Budget Officer

The Commissioners reviewed the budgetary requests of the Outdoor Drama Association for the "Wings of the Morning" production and pointed out to Mr. O'Dell those items that may possibly be deleted from the request without affecting the quality of the production. Mr. O'Dell advised that the projected revenues would have to be taken into consideration in establishing an amount the County would contribute in support of the drama.

After discussion, Commissioner Jarboe made a motion to approve the "Wings of the Morning" second year production cycle at \$100,000 with the County's maximum exposure at \$50,000, seconded by Commissioner Dean. The Commissioners voted four to one, with Commissioner Millison voting against, stating that he supported the "Wings of the Morning", but could not support that amount.

HERMANVILLE ROAD

Present: John Norris, County Engineer
Irving Knott, sub-contractor
Walter Dorsey, Attorney for Mr. Knott

Mr. Knott appeared before the Commissioners to discuss the specifications for the Hermanville Road project as far as the method of payment of the work items. Mr. Knott is the sub-contractor for McGuide & Rolfe, contractor for the project.

Mr. Knott was of the opinion that he was entitled to an additional \$2800 and Mr. Norris indicated that Mr. Knott had been paid under the terms of the contract and that he was not entitled to this additional amount.

The Commissioners requested Mr. Knott to compile a detailed breakdown, showing why he feels he is entitled to this amount and submit it to Mr. Norris to bring before the Commissioners for review. Mr. Knott agreed to this.

TRANSFER TRAILER

Present: John Norris, County Engineer
Ben Burroughs
Oliver Guyther
Mr. McLeod
Mr. Curtis

With regard to the purchase of a transfer trailer to be used at the County transfer stations, Mr. Norris recommended purchasing the Pak-Mor/50 Trailer in the amount of \$26,908 with delivery in 60 to 75 days. The only modification would be the deletion of a spare tire and rim for the trailer. Mr. Norris indicated that it is costing the County \$55 per pickup with 5 to 6 pickups for the existing contract for trash pickups at the St. Andrews Landfill.

There was discussion with those present involved in the trash collection business as to cost comparisons using the transfer trailer as opposed to contracting out for this service. The Commissioners requested that comparative costs be compiled prior to their making a decision.

PROPOSED ANTI-LOITERING ORDINANCE

Present: Sheriff George Sanger
Lt. Muchow, Maryland State Police
Sgt. Miedzinski, Maryland State Police
John Hanson Briscoe
Joseph Ernest Bell, II, County Attorney
George Sparling, State's Attorney

Commissioner Dean opened the meeting by stating that prior to the Commissioners making a decision as to a no-loitering legislative proposal that two questions should be answered:

- (1) Are existing laws sufficient to deal with the problem?
- (2) Can a law be drafted which would have County-wide application and at the same time be constitutional?

Sheriff Sanger responded that the present disorderly conduct law is adequate once trouble has started; however, he would like to see a law giving law enforcement officers authority to prevent trouble before it begins. As to the constitutionality question, Sheriff Sanger said the new law would have to be tested to determine this.

Lt. Muchow stated that under the State disorderly conduct law, there would have to be an action that would create a technical disturbance before a law enforcement officer could take action. He stated he would like to see a law that could disperse a small group before a large gathering occurred.

Delegate Briscoe questioned whether an anti-loitering law would be against the basic right of peaceful assembly.

George Sparling discussed the fact that if a policeman ordered a crowd to disperse, failure to obey a law enforcement officer would be disorderly conduct.

The County Attorney cited a Special Court of Appeals case that indicated that the State "disturbing the peace law" was aimed at proscribing activity that would tend to incite a disturbance. Mr. Bell was of the opinion that, in an area where gatherings of a group resulted in a disturbance, future gatherings in similar areas would indicate circumstances denoting reasonable belief on a police officer's part that such activity might tend to incite future disturbances.

Mr. Bell recommended that the Commissioners write to the law enforcement officials of the County to express the Commissioners' concern regarding gatherings in certain areas of Lexington Park that resulted in eventual disturbances. It was generally agreed that the concern of the Commissioners plus the testimony of a law enforcement officer as to prior disturbances in an area would be sufficient to support any charge for disturbing the peace by failure to obey the order of a police officer to disperse. The Commissioners agreed to send such a letter.

CLOVERHILL-MacINTOSH ROAD

Present: John Norris, County Engineer

Mr. Norris provided the Commissioners with a copy of the former Commissioners' Minutes of June 11, 1974, the Development Agreement, and a Memo to the Files from the County Engineer pertaining to the site distance problem at the intersection of MacIntosh Road and Allston Lane, and discussed the former Board's approval of the Development Agreement with Hugh Allston.

Mr. Norris described the problem area and how it could be corrected; however, it would mean the acquisition of land from an individual who in the past was not willing to give us this land. It was agreed by the Commissioners that Commissioner Dean would visit this individual to determine if he would allow the County to acquire a portion of his property in order to straighten that section of MacIntosh Road.

After further discussion of the problem, Commissioner Millison made a motion to issue a temporary restraining order for the issuance of any building permits for any subdivisions on MacIntosh-Cloverhill Road, because of the presently hazardous condition existing at the intersection of Allston Lane and MacIntosh-Cloverhill Road, until this condition is solved, effective immediately. The motion was seconded by Commissioner Jarboe; all Commissioners voted in favor of this motion.

EXECUTIVE SESSION

Commissioner Jarboe made a motion to meet in Executive Session on Thursday evening, October 30th, at 7:00 p.m. in order to discuss personnel. The motion was seconded by Commissioner Dean. There were no dissenting votes.

LETTER TO GOVERNOR MANDEL - DRUG ABUSE ADMINISTRATION

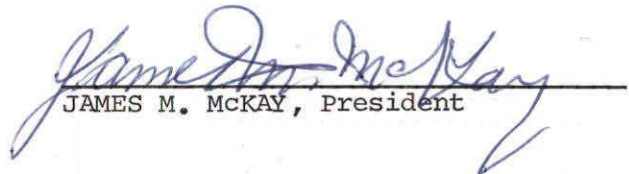
Commissioner Jarboe made a motion to sign and forward the letter to Governor Mandel pertaining to State financing of the Drug Abuse Administration programs.

LETTER TO BEN BURROUGHS - RIP-RAP vs. ASPHALT

Commissioner Millison made a motion to sign and forward a letter to Ben Burroughs, Jr. regarding Mr. Burroughs' request to use asphalt in lieu of rip-rap in certain subdivisions, and that it was the conclusion of the Board of Commissioners not to approve the use of asphalt; seconded by Commissioner Jarboe. All Commissioners voted in favor.

The meeting adjourned at 1:00 p.m.

Approved:


JAMES M. MCKAY, President