

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, September 4, 1984

Present: Commissioner George R. Aud, President
Commissioner Ford L. Dean
Commissioner David F. Sayre
Edward V. Cox, County Administrator
Judith A. Spalding, Recording Secretary

(Commissioner Larry Millison was not present due to illness.)
(Commissioner Richard Arnold was not present.)

CALL TO ORDER

The meeting was called to order at 9:05 a.m.

APPROVAL OF MINUTES

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the minutes of the Commissioners' minutes of Tuesday, August 28, 1984. Motion carried.

APPROVAL OF BILLS

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

BOCA BASIC ENERGY CONSERVATION CODE

Present: Frank Gerred, Director, Office of Planning & Zoning

Mr. Gerred advised that notice was received from the Maryland Department of Economic & Community Development that the County should adopt the 1984 edition of the BOCA Basic Energy Code. In 1982 the County adopted the 1978 edition and inasmuch as there are considerable changes in the HVAC equipment performance requirements, ECD recommended that the County begin the process of adopting the 1984 edition.

The Board expressed its concurrence in this suggestion and directed Mr. Gerred to initiate the process for adoption.

OFFICE OF COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) BUDGET AMENDMENT NO. 85-14
HEALTH DEPARTMENT

The County Administrator presented the referenced Budget Amendment recommended for approval by the Budget Director with the following justification: To provide added budget authority in FY '85 to pay for custodial service by Developmental Center.

2) PERSONNEL

The County Administrator presented the following personnel items for the Commissioners' review:

a) Administrator (Law Enforcement)
Sheriff's Department

Correspondence was received from Personnel Office recommending the selection of William F. Miedzinski to the Administrator (Law Enforcement) position, Grade 12, Step 3.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

b) Clerk Stenographer
Sheriff's Department

Correspondence was received from Personnel Office recommending the selection of Alice A. Tuck to the Clerk Stenographer position, Grade 6.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

c) Transportation Coordinator
Office on Aging

Correspondence was received from Personnel Office recommending the selection of Farrar A. Lucas to the Transportation Coordinator position, Grade 6.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

d) Communication Operators
Emergency Operations Center

The Commissioners reviewed a memorandum dated August 24 from the County Administrator recommending a one-grade salary adjustment for the Operator positions at the EOC.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept this recommendation. Motion carried.

3) COUNTY'S GENERAL OBLIGATION BOND ISSUE FOR 1984
PAYING AGENT, TRANSFER AGENT AND REGISTRAR

The County Administrator presented correspondence dated August 30, 1984 from the Budget Director recommending the selection of First National Bank of Maryland as the Paying Agent, Transfer Agent, and Registrar for the upcoming bond issue.

Commissioner Dean moved, seconded by Commissioner Sayre, to accept the Budget Director's recommendation. Motion carried.

4) RESOLUTION NO. 84-24
"FAST TRACK" AUTHORIZATION

As a follow up to last week's discussion, the County Administrator presented the referenced Resolution wherein the Board of County Commissioners has the authority for a "fast track" review of construction projects associated with Federal Government projects upon the recommendation of the Director of Planning and Zoning.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said Resolution. Motion carried.

OFFICE OF COUNTY ENGINEER ITEMS

Present: John Norris, County Engineer

1) MCINTOSH ROAD
RECOVERY OF LIQUIDATED DAMAGES

Mr. Norris stated that following a meeting with IRS representative and the Assistant County Attorney, it is recommended that the Commissioners rescind their previous decision concerning recovery of liquidated damages from the contractor for McIntosh Road, Bates & Associates.

After discussion, Commissioner Dean moved, seconded by Commissioner Sayre, to rescind previous action taken regarding the County's recovery of liquidated damages from the contractor on McIntosh Road (Bates Associates) and in lieu thereof that the liquidated damages go to the contractor to render payment to the subcontractors. Motion carried.

2) LEONARD HALL GYMNASIUM
REPLACEMENT ROOF COVERING
PROJECT NO. SM 85-6-3

Relative to last week's discussion regarding bids on the referenced project, the County Engineer presented a sample of roofing material, EPDM, that could be used for the roofing. The bid price for replacement of roof using same type of material as currently exists is \$39005; bid price for the new product, EPDM, which is more durable is \$35008. (Colored EPDM will approximately 15% more.)

After discussion the Commissioners agreed to defer a decision until Mr. Norris returned with additional information; i.e., colors available and exact additional cost.

3) TALL TIMBERS SHORE EROSION DISTRICT

The County Engineer advised that a meeting was held on Friday, August 31, with the Army Corps of Engineers and property owners on the Tall Timbers Shore Erosion problems which had been caused by the COE project.

Mr. Norris reviewed with the Board recommendations of the Corps of Engineers and stated that the Corps was not going to make a decision until next spring or early summer as to inclusion of the additional property (adjacent to the existing District) into the Special Taxing District. This area is in need of emergency repairs. There are nine property owners who have petitioned for a District, and Mr. Norris stated that if it was going to take that long for a decision, there were some repairs that are needed now. Therefore, Mr. Norris requested direction from the Board:

- a) Since the additional property is now private property and not a taxing district, should the cost of repairs be borne by the property owners, or
- b) should the County fund repairs and the costs of those repairs then be added to the cost to rebuild the seawall when and if the Special Taxing District is created, and the County paid back.

During discussion the Commissioners requested Mr. Norris to determine the cost of the emergency repairs. Commissioner Dean further indicated that it was his preference that the County not do any repair work with those funds unless it is determined that it is necessary to protect the County's wall.

Mr. Norris will return to the Board with an assessment of the condition of the seawall and cost of the repairs.

4) TRADING OF EQUIPMENT

Mr. Norris advised the Commissioners that he would like to trade a 1947 grader and a 1969 International Tractor to the Trading Post in Great Mills for a 1964 truck. The truck will be used for carrying fuel and tires for grasscutting projects.

The Commissioners gave their concurrence.

5) EASEMENT AGREEMENT
WESTERN STEER RESTAURANT

The Commissioners reviewed an Easement Agreement dated August 31, 1984 by and between Board of County Commissioners of St. Mary's County and Southern Maryland Electric Cooperative, Inc. and Donald L. Workinger for access across county-owned railroad right of way in the area of St. Andrews Church Road. Commissioner Dean moved, seconded by Commissioner Sayre, to authorize Commissioner President Aud to sign said Agreement. Motion carried.

PUBLIC HEARING
ECONOMIC DEVELOPMENT REVENUE BONDS
RFG & F PARTNERSHIP
RESOLUTION NO. 84-25
(CLOSING RESOLUTION)

Present: Joseph Mitchell, Director, Economic & Community Development
David W. Morgan, Economic Development Coordinator
Scott Weaver, Intern

The Commissioners conducted a public hearing relative to the adoption of the referenced Resolution which implements a certain "Authorizing Resolution" dated May 15, 1984 authorizing the issuance by St. Mary's County, Maryland, of an industrial development bond in the maximum amount of \$1,250,000, the proceeds of which shall be used to construct a building of approximately 30,000 square feet, to be located in Lexington Park, Md., which building will be owned and operated by RFG&F partnership.

Mr. Morgan indicated that all documents relative to the closing Resolution have been reviewed by the Assistant County Attorney.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign said closing Resolution for the issuance of economic development revenue bonds for RFG&F partnership. Motion carried.

Commissioner Aud inquired if anyone present wished to make comment on the project. Hearing none, the public hearing was closed.

(A tape of the above proceedings is on file in the Commissioners' Office.)

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph O'Dell, Director, Budget & Data Services

Commissioner Aud moved, seconded by Commissioner Sayre, to meet in Executive Session in order to discuss a matter of potential litigation. Motion carried. The Session was held from 10:10 a.m. to 10:30 a.m.

GRAND JURY REPORT (NO. 1)
DEVELOPMENTAL CENTER

Present: Herbert Winnick, Foreman, Grand Jury
Marie Dyson, Secretary, Grand Jury
Fred Palmer
Marion Pettit

Dr. Winnick appeared before the Commissioners to present the Grand Jury's Final Report, Part I, in which was set forth concerns and recommendations relative to the operation of the St. Mary's County Developmental Center. Dr. Winnick pointed out that the members of the Grand Jury encourage the Commissioners to review this matter in that county public funds are allocated to the Center.

After some discussion the Commissioners agreed to review Part I of the Final Report and take whatever action is needed.

At the conclusion of the Grand Jury Report, Mr. Palmer and Mrs. Pettit each spoke briefly regarding their individual concerns relative to family members' care at the Center.

The Commissioners expressed their appreciation for their comments.

EXECUTIVE SESSION

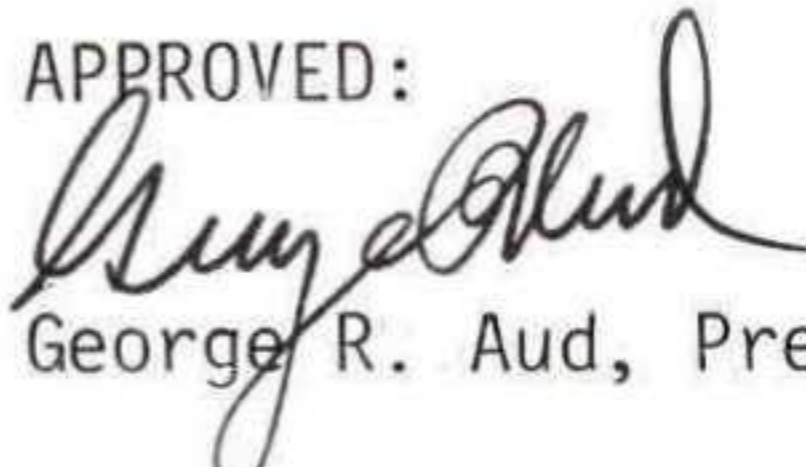
Present: Edward V. Cox, County Administrator
Frank Gerred, Director, OPZ

Commissioner Aud moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of litigation. Motion carried. The Session was held from 11:20 a. m. to 12:05 p.m.

ADJOURNMENT

The Meeting adjourned at 12:05 a.m.

APPROVED:


George R. Aud, President