

BOARD OF COUNTY COMMISSIONERS' MEETINGTuesday, December 16, 1986

Present: Commissioner J. Patrick Jarboe, M.D., President
 Commissioner Larry Millison, Vice-President
 Commissioner W. Edward Bailey
 Commissioner Ford L. Dean
 Commissioner David F. Sayre
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

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' meeting of Tuesday, December 9, 1986. Motion carried.

APPROVAL OF BILLS

Commissioner Millison moved, seconded by Commissioner Sayre, to approve payment of the bills as submitted.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

- 1) PERSONNEL
TYPIST CLERK POSITION
OFFICE OF COMMUNITY SERVICES

The County Administrator presented a memorandum dated December 16, 1986 from the Personnel Officer requesting authority to hire Typist Clerk position, Clerk 5, in the Office of Community Services to fill the vacancy created by the resignation of Deborah Glanzer.

Commissioner Dean moved, seconded by Commissioner Bailey, to grant this request. Motion carried.

- 2) MODIFICATION TO AIRPORT LEASE

The County Administrator presented a memorandum dated December 15, 1985 from the Chairman of the Airport Commission requesting the Board's consideration for modification of the current FBO lease at the County Airport to change the date in Paragraph 1d from "1986" to "construction shall commence before April 1, 1987." This would allow a delay in the construction of 10 "T" hangars at the Airport which would give the Airport Commission time to have several questions answered regarding the matter.

Commissioner Dean moved, seconded by Commissioner Bailey, to approve the modification to the lease as requested. Motion carried.

- 3) RESOLUTION NO. 86-33
AMENDMENT TO RESOLUTION NO. 86-29
PUBLIC FACILITY BOND REFUNDING ISSUE

The County Administrator presented the referenced Resolution amending Resolution No. 86-29; said amendment providing that interest on the bonds authorized and sold under Resolution No. 86-29 shall be payable on April 1, 1987 (instead of June 1 as indicated in 86-29) and each October 1 and April 1 thereafter while such bonds remain outstanding.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign Resolution No. 86-33 as presented. Motion carried.

4) APPROVAL OF MINUTES (DECEMBER 16, 1986)

In that this is the last meeting of the current Board of County Commissioners, Commissioner Dean moved, seconded by Commissioner Millison, to authorize Commissioner President Jarboe to approve and sign the minutes of this meeting. Motion carried.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney
Claude Clark, Recreation and Parks

Commissioner Sayre moved, seconded by Commissioner Dean, to meet in Executive Session in order to discuss a matter of property acquisition. Motion carried. The Session was held from 9:40 a.m. to 10:10 a.m.

(COMMISSIONER MILLISON LEFT THE MEETING AT 10:00 A.M.)

WICOMICO SHORES GOLF AND COUNTRY CLUB

Present: Joseph Densford, Assistant County Attorney
John Norris, Director, Department of Public Works
Al Lacer, Attorney, Chaptico Recreation Association

As a follow up to previous discussion, Mr. Densford appeared before the Board to request their consideration in accepting the transfer of the Wicomico Shore Golf and Country Club to the County from the shareholders of the Chaptico Recreation Association. he stated that the 17 shareholders of the corporation will transfer their shares of the corporation over to the Board of County Commissioners. The donation to the County would include the golf course, clubhouse, tennis courts, swimming pool, approximately 2.6 acres of marina area and over 60 golf carts and other equipment.

Mr. Densford mentioned that since the prior proposal of a sale has been rescinded and the new proposal effects a gift of all the assets of the corporation, the previously discussed payment of \$250,000 over a ten-year period is null and void.

Mr. Densford indicated that the property is valued at approximately \$1,000,000 which does not include the personal property. The County will assume the debt of the corporation which is estimated to be around \$60,000 (representing a diesel tractor, telephone system and insurance.

Mr. Densford further indicated that this transaction will be a favorable one for the County and the donor. Once the corporation is dissolved the assets will be turned directly over to the County.

He recommend that if the Commissioners accept the offer that a 6-member Board of Directors be appointed in accordance with the current Articles of Incorporation.

For the record Mr. Densford stated that some months ago the Commissioners made a decision to continue with the investigation of a Special Taxing District for water/sewer and roads at Wicomico Shores. The Metropolitan Commission agreed to hire a private consultant regarding the water and sewer improvements and it was agreed at that time if the district was not formed that someone would have to pay the consultant. Mr. Densford advised that Al Lacer and John Wood of the Chaptico Recreation Association have indicated that the joint venture would be responsible for payment of the consultant costs and not the Chaptico Recreation Association.

After discussion, Commissioner Bailey moved, seconded by Commissioner Dean to accept the gift of the corporate stock and all real and personal property and further to execute the IRS documents declaring receipt of the gift. Motion carried.

Further, Commissioner Dean moved, seconded by Commissioner Bailey, and motion carried, to appoint the following individuals to serve as the Board of Directors for the Chaptico Recreation Corporation until such time as the new Board of Commissioners sees fit to revise this list:

John Baggett, Director, Recreation and Parks
Claude Clark, Recreation and Parks
Edward V. Cox, County Administrator
Joseph Densford, Assistant County Attorney
Joseph Mitchell, Director, Economic & Community Development
John Norris, Director, Department of Public Works

OFFICE OF PLANNING AND ZONING

Present: Frank Gerred, Director

- 1) INDUSTRIAL SITE PLAN
STSP 84-0387
ASHER PROPERTY

Also Present: Robin Guyther, Planner, OPZ

(Requesting approval of an industrial site plan to permit construction of a storage building. Property is located in Charlotte Hall, on the east side of Rt. 5, in the Asher Industrial Park. Tax Map 4, Block 73, Parcel 236.)

Mr. Gerred presented the referenced site plan and advised that OPZ staff recommends approval by the Board of County Commissioners.

Commissioner Dean moved, seconded by Commissioner Sayre, to approve the site plan as presented. Motion carried.

- 2) ZONING AMENDMENT RESOLUTION NO. Z86-22
JAMES B. LONG (ZONE #86-0650)

(Requesting to rezone approximately 9 acres of land located on the west side of Md. Rt. 235, approximately 2 miles north of Md. Rt. 245, from R-1, Rural Residential, to C-1, Commercial. Property is located in Sixth Election District on Tax Map 20, Block 14, part of Parcel 22.)

Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign the referenced Resolution DENYING the zoning application. Commissioner Bailey abstained in that he was not present for the hearing or discussion. Motion carried.

- 3) ZONING AMENDMENT RESOLUTION NO. Z86-21
KENNETH WATHEN (ZONE #85-1480)

(Requesting rezoning of approximately 2 acres of land located at the intersection of Md. Rt. 243 and Bull Road from R-1 to C-1. The property is located in the Third Election District on Tax Map 40, Block 2, part of Parcel 7.)

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the referenced Resolution DENYING the zoning application. Commissioner Bailey abstained in that he did not participate in the hearing or discussion. Motion carried.

4) ZONING AMENDMENT RESOLUTION NO. Z86-20
H. T. WARING (ZONE #86-0951)

(Requesting rezoning of approximately .5 acres of land located on the south side of Md. Rt. 246 from R-2 to C-2. The property is located in the Eighth Election District of St. Mary's County on Tax Map 51, Block 3, part of Parcel 158.)

Commissioner Dean moved, seconded by Commissioner Sayre, to approve and sign the referenced Resolution GRANTING the zoning application. Commissioner Bailey abstained in that he did not participate in the hearing or discussion. Motion carried.

5) MARYLAND ROCK
AGREEMENT TO TRADE PROPERTY

As a follow up to last week's discussion, Mr. Gerred advised that the Assistant County Attorney has reviewed the Agreement to trade the 1/2 acre of county-owned property for 5+ acres of Maryland Rock property at Medley's Neck. Mr. Densford has indicated that the Agreement is appropriate now that the indemnification clause has been deleted. A revised plat of the property will be attached to the Agreement.

Mr. Gerred indicated that there is one minor problem with the documents relative to the 50 foot right-of-way which has not been engineered to contained the road. The Department of Public Works will have to approve that design and Maryland Rock (Florida Rock) will have to construct a road to that design. That is to be done at the same time as Abell's Wharf Road reconstruction plans are approved and constructed. Mr. Norris indicated that there is a grading problem at the intersection of Abell's Wharf.

After discussion, Commissioner Dean indicated that he personally believed that the County should, after going through public hearing process, give serious consideration to accepting this trade. He further stated that he is a little reluctant to sign the Agreement until it had been thoroughly reviewed.

Therefore, the Commissioners agreed to defer a decision on the Agreement to the incoming Board of County Commissioners.

DEPARTMENT OF PUBLIC WORKS

Present: John Norris, Director

1) HELEN FARMETTES SUBDIVISION
HELEN ESTATES
STREET LIGHTS REQUEST

Mr. Norris advised that petitions were received on December 9, 1986 from residents of the two referenced subdivisions requesting street lights as follows:

Helen Farmettes Subdivision

Route 5, Foley Mattingly Road and St. Thomas Road

Helen Estates

Route 5 and Forest Hall Drive

Mr. Norris recommended that the Commissioner authorize DPW to request Southern Maryland Electric to have the street lights installed as requested.

Commissioner Bailey moved, seconded by Commissioner Dean, to request Southern Maryland Electric to have the lights installed at the referenced locations. Motion carried.

2) ST. MARY'S SOLID WASTE STUDY

Mr. Norris advised that the County solicited proposals from three firms to do soils studies at St. Andrews and Clements Landfills and there were no responses. However, the Contract Documents were revised and a new bid opening date was set. One bid was received which was too high, and therefore, and through negotiations a cost estimate of \$16,575 was received from Earth Engineering in Baltimore, Maryland. Mr. Norris indicated that sources of funds are in the project.

Commissioner Dean moved, seconded by Commissioner Bailey, to approve the proposal from Earth Engineering to do the soil work in connection with the expansion of the St. Andrews Landfill and Clements Landfill. Motion carried.

3) TOWN CREEK PARK RETROFIT PROJECT

Mr. Norris displayed a drawing relative to the referenced project and advised that it will be bid in May or it will be done by rental contract. He stated that the project has been discussed with the Director of Recreation and Parks, and he would like to get Mr. Baggett's signatures on the drawings. Therefore, Mr. Norris requested authorization for the President of the Board to sign the drawings.

Commissioner Sayre moved, seconded by Commissioner Bailey to authorize Commissioner President to sign the Town Creek Park Retrofit Stormwater Management Project drawings. Motion carried.

RESOLUTION NO. 86-32
COUNTY COMMISSIONERS OF ST. MARY'S COUNTY
ECONOMIC DEVELOPMENT REVENUE BONDS
ARKO AQUACULTURE LIMITED PARTNERSHIP PROJECT

Present: Joseph Mitchell, Director, DECD
David W. Morgan, Economic Development Coordinator
Ulysses Montgomery, Applicant
David Funk, Bond Counsel for Applicant

The referenced individuals appeared before the Commissioners to received approval by the Board of the Resolution to authorize the issuance and sale of revenue bonds in an aggregate principal amount not to exceed \$5,000,000 for Arko Aquaculture Limited Partnership Project.

Mr. Funk reported that the Inducement Resolution for the referenced project was approved and signed by the Board on October 28, 1986. Mr. Funk requested that the Commissioners authorize the President of the Board to sign the final documents and the County Administrator to execute and seal and necessary documents, certificates and bonds. These documents will be delivered Tuesday, December 23. The closing will be held on December 30 in Baltimore.

With regard to the Resolution presented for approval today, Mr. Funk indicated that it makes clear that the faith and credit of the County is not pledged in this transaction, nor is there any pecuniary liability to the County.

Mr. Montgomery updated the Board on the project and stated that the facility will be used for the processing of aquaculture products. There will be no toxic waste and nothing will be put into the water and there will be no detractions of the facility to the neighborhood.

After discussion, Commissioner Sayre moved, seconded by Commissioner Dean, to approve and sign Resolution No. 86-32 relative to the issuance of Economic Development Revenue Bonds for Arko Aquaculture Limited Partnership Project, and further to authorize the President of the Board and County Administrator to sign and seal all appropriate documents for the closing of this transaction. Motion carried.

Commissioner Dean noted that it should be noted that the site plan process for the site(s) of the project is separate and distinct from the bond project. If it is determined that none of the sites listed in the Resolution are appropriate, an amendment to Resolution 86-32 may be necessary.

PROCLAMATION
NATIONAL DRUNK AND DRUGGED DRIVING AWARENESS WEEK

Present: Phebe Barth, Michelle Hansen, Cdr, Jerry Harp, Trooper Short, Trooper Biscoe, Sheriff Wayne Pettit, Jack Maddox

The Commissioners presented the referenced Proclamation designating the week of December 14-20, 1986 as National Drunk and Drugged Driving Awareness Week.

ST. MARY'S COUNTY EMPLOYEES' ASSOCIATION

Present: Bill Ball, President
Mary Duke,

The referenced representatives of the Employees' Association appeared before the Commissioners to present Commissioners Dean and Sayre, with gifts from the employees to show their appreciation for their services to the County.

350TH ANNIVERSARY COMMITTEE BUDGET

Commissioner Jarboe presented a proposed budget for the 350th Anniversary Celebration as recommended by the Committee in the amount of \$19,500 and distributed copies of the itemization to the Commissioners.

After review and discussion Commissioner Sayre moved, seconded by Commissioner Bailey, to approve the budget as submitted and requested county staff to develop a source of funds and appropriate documents. Motion carried.

RICHARD D. ARNOLD MEMORIAL

In formal remembrance of the services of Commissioner Arnold and in recognition of his close association with the Department of Public Works, Commissioner Dean moved, seconded by Commissioner Sayre, to name the administration building the Richard D. Arnold building and requested that a formal celebration be effected to commemorate this event. Motion carried.

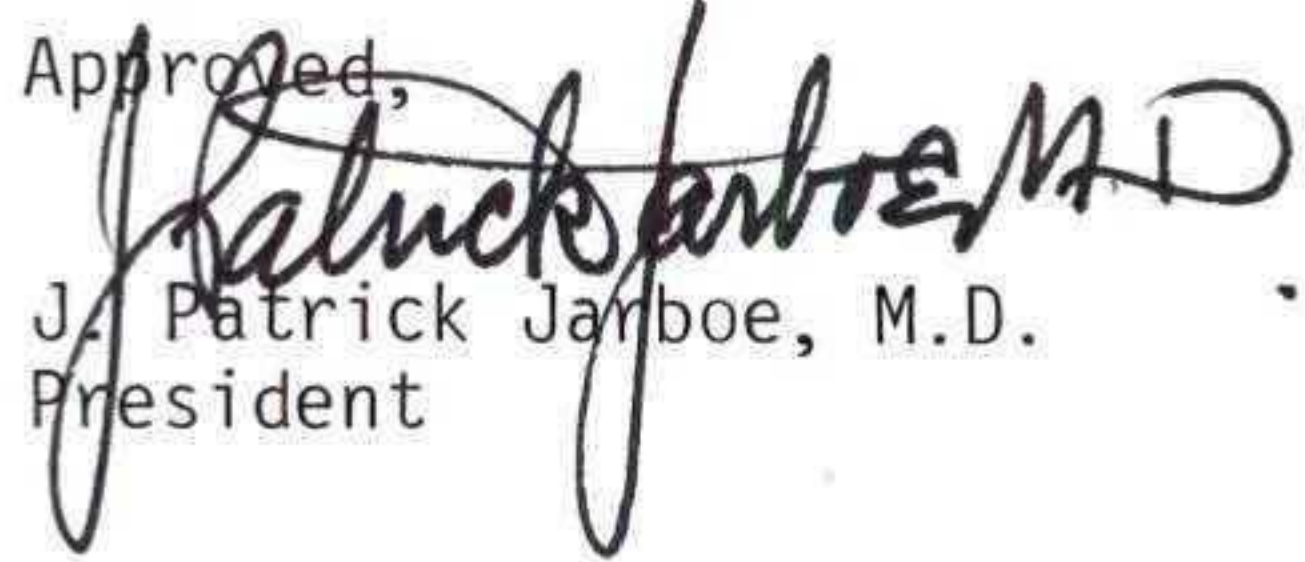
FRANCIS J. RUSSELL
APPOINTMENT RECOMMENDATION

Commissioner Sayre moved, seconded by Commissioner Bailey, to forward correspondence to Governor-elect Schaefer recommending the appointment of Francis J. Russell to a responsible position in the Department of Natural Resources. Motion carried.

ADJOURNMENT

The meeting adjourned at 12:15 p.m.

Approved,


J. Patrick Jarboe, M.D.
President