

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, May 13, 2008**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Betty Jean Pasko, Sr. Administrative Coordinator (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:00 am.

ADDITION TO AGENDA

A Budget Work Session, starting at 4:30 pm, was added to the main agenda.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated May 13, 2008, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of May 6, 2008, as presented. Motion carried 5-0.

PROCLAMATIONS:

Emergency Medical Services Week, May 18 24, 2008 presented to Stanley Williams, Emergency Services Coordinator, Dept. of Public Safety, and representatives from volunteer rescue squads, ALS unit, and Emergency Communications.

National Safe Boating Week, May 17 23, 2008 presented to Hal Willard, Public Boating Chair, Patuxent River Sail and Power Squadron and Southern MD Boating Club.

COUNTY ADMINISTRATOR

1. Draft Agendas for May 20 and 27, 2008
Note: There is a Budget Work Session scheduled on Monday, May 19, 2008.
2. **States Attorneys Office, Child Support Div.** (*Lyle Long, Senior Investigator*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to accept the Cooperative Reimbursement Incentive Funds in the amount of \$5,106 and to approve and authorize the Commissioner President to sign the related Budget Amendment. Motion carried 5-0.

3. **St. Marys County Health Dept.** (*Anita Stevens, Coord., Infants and Toddlers Program*)

Ms. Stevens was joined at the presentation table by Nancy Lugenbill
Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and sign the Resolution reappointing St. Marys County Health Department as the Local Lead Agency for the Infants and Toddlers Program. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Bob Schaller, Director*)

(Dennis Nicholson, Executive Dir., HASMC)
Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the Resolution that authorizes the submittal of a CDBG grant application for the project that would complete substantial rehabilitation work of seven vacant townhouses in the Colony Square neighborhood, providing affordable housing for low and moderate income families; and to approve and authorize the Commissioner President to sign the CDBG Grant required Statement of Assurances and Certification document. Motion carried 5-0.

(Liz Passarelli, Real Property Mgr.)
Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize staff to schedule a public hearing to donate five lots, referred to as Fenwick Ridge, to the Patuxent Habitat for Humanity depicted on a plat entitled Fenwick Ridge Subdivision recorded among the Plat Records of St. Marys County, Maryland, at Plat Liber No. 65, Folio 19. Motion carried 5-0.

DEPT. OF LAND USE & GROWTH MANAGEMENT: FIRST READING OF A ZONING AMENDMENT TO DEFINE SCENIC CORRIDORS, DEFINE HISTORIC ROADS, & ADD DESIGN CRITERIA FOR DEVELOPMENT

Present: Teri Wilson, Historic Planner

On January 23, 2007, the BOCC accepted the St. Marys County Historic Roads Survey and directed LU&GM and the Historic Preservation Commission to research possible strategies that could be used to preserve historic roads, including amendments to the zoning ordinance.

Ms. Wilson presented a draft text amendment to the St. Marys County Comprehensive Zoning Ordinance, Article 6, Development Standards and Approvals, Section 62.7, Development in Scenic Corridors. Section 62.7 currently contains design standards to protect scenic corridors. Staff determined similar design standards could be inserted to protect historic roads.

Staff requested waiving the 30-day comment period and second reading, and proceeding to the Planning Commission to conduct a public hearing.

Commissioner Jarboe expressed concern for a possible Catch 22 situation; e.g., commitment to preserve a gravel road or buggy trail is made, and then if the property owner wants to build a house, the property owner may be required, via another County ordinance, to upgrade the road to County standards. Ms. Wilson said the proposed text amendment doesn't change property zoning or affect development. The intent is to provide the best possible design to preserve the road appearance. Commissioner Raley said that he was also concerned about the impact on adjoining property owners and referenced an excerpt from Section 4 - Design Criteria for Historic Roads that states the design criteria shall be applied to historic roads for both major and minor subdivisions. Ms. Wilson said the intent, without compromising safety, will be to consider options, such as not increasing the width of the road and not having the primary access for a subdivision off a historic road if another road is feasible. Staff was directed to ensure the Department of Transportation and Public Works is apprised of the draft ordinance amendment requirements. Commissioner Mattingly noted that Cedar Lane, identified as a historic road, is also a boundary road for the Leonardtown Development District.

There were general concerns about the requirement tenor of the draft ordinance amendment; i.e., use of the word shall (requirement) versus should (recommendation or guideline) and lack of consolidation with existing ordinances. Mr. Savich noted that guidelines are in place for scenic corridors and suggested that guidance for historic roads is more complex.

Staff was directed to rework the incorporation of historic roads (into the zoning ordinance), ensuring requirements are consolidated and mesh with existing ordinances and ensuring that flexibility is maintained for property owners.

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE COMPREHENSIVE WATER AND SEWER PLAN FOR THE NELSON PROPERTY, CASE CWSP 08-200-001, TO CHANGE SERVICE AREA CATEGORY FROM S-6 TO S-3D FOR 1.34 ACRES DESCRIBED AS TAX MAP 42, GRID 5, PARCEL 115

Present: Jeff Jackman, Sr. Planner, LU&GM

The public hearing commenced at 10:10 am. Mr. Jackman stated the public hearing was advertised in the April 25th and 30th, 2008 editions of the Enterprise newspaper, notification was posted on the property, and letters were sent to adjoining property owners via certified mail.

The proposal, to change the service from S-6 to S-3D (service in 3 to 5 years, developer financed), is in anticipation of providing community sewerage service to a single family dwelling located at 22669 Old Rolling Road, California, MD. The property, located in the 8th Election District, is in the Lexington Park Development District. No change to zoning is being requested (property is zoned RL, residential low density). An aerial photo exhibit showing the property in relation to the Laurel Glen Shopping Center and a copy of Sewer Map IV-42/Tax Map 42 were displayed and presented by Mr. Jackman.

The Planning Commission held a public hearing on March 24, 2008, and voted to adopt PC Resolution 08-01 to convey to the BOCC its recommendation that the CWSP be amended as requested. The vote was not indicated on the PC resolution. Mr. Jackman stated that he believed the vote was unanimous, and will ensure the 3/24/08 Planning Commission vote is stated on the BOCC resolution.

Commissioner Raley recommended considering a future change to the CWSP that would allow handling this type of request administratively; i.e., for hooking-up a lot with an existing home to a nearby sewer line.

Commissioner President Russell opened the hearing for public testimony at 10:17 am. The property owner was present but did not provide testimony. There were no names on the public hearing sign-up sheet and no public testimony was provided.

The public hearing was closed at 10:18 am. Commissioner Russell communicated that the record will remain open for ten days for written comments, which may be sent to the Board of County Commissioners.

COMMISSIONERS TIME

The Commissioners highlighted upcoming events and events attended over the past week and personal interest items.

- Citing the 4:30 pm BWS added to today's agenda, there were brief remarks regarding the budget. Concerned with ability to meet the constant yield tax target,

Commissioner Jarboe asked if any of the other Commissioners would be willing to support a major consolidation of County government.

- Commissioner Raley expressed his expectations that the initial groundwork be completed and the County should be ready when space is available on the new state radio tower at the Mary McLeod Bethume School (7th District).

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session at 1:30 pm for the purpose of discussing personnel matters, specifically related to the new Dept. of Human Services. Motion carried 5-0.

RECESS

The Board recessed at 10:36 am.

LUNCH EVENT

The Board attended the Law Enforcement Appreciation Day celebration and lunch held at the Drill Hall on the grounds of the Governmental Center. The event was sponsored by the St. Marys County TRIAD/S.A.L.T. Council and the Dept. of Aging. A proclamation was presented in celebration and recognition of Law Enforcement Day, May 13, 2008.

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
John Savich, County Administrator
Sue Sabo, Director, Human Resources
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 1:35 pm 4:00 pm
Subject Discussed: Personnel items related to the new Department of Human Services

BUDGET WORK SESSION

A Budget Work Session was held from 4:30 pm to approximately 7:00 pm.

The meeting adjourned at approximately 7:00 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator