

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, June 10, 2008**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr. (absent)
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 9:05 am.

ADDITION TO AGENDA

Commissioner Russell announced that an executive session will be added for the purpose of discussing real property, specifically for public facilities.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated June 10, 2008, as submitted. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of June 3, 2008, as presented. Motion carried 4-0.

PROCLAMATIONS:

Juneteenth Day in St. Marys County, June 21, 2008

Present: Carolyn Laray, Tourism Mgr., Dept. of Economic and Community Dev.
Janice Walthour, President, Unified Comm. for Afro-American Contributions
(UCAC)
Mike Brown, Chairman, Juneteenth Committee of the UCAC

The African-American Historic Sites of St. Marys County publication was also presented.

National Dump the Pump Day, June 19, 2008

Present: George Erichsen, Director, Dept. of Public Works & Transportation
Jackie Fournier, Transportation Mgr., DPW&T

A special Ride-All-Day for a Dollar event will be held beginning Wednesday, June 18, through Friday, June 20, 2008, to encourage transit ridership.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 24, 2008 (no BOCC meeting June 17)
2. **St. Marys County Public Schools** (*Mr. Daniel Carney, CFO; Brad Clements, Chief Operating Officer*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the request for FY2008 categorical transfers in support of the Chesapeake Public Charter School and student transportation throughout the County, totaling \$965,936, and approved by the Board of Education on May 27, 2008, and to sign the letter of consent evidencing this action. Motion carried 4-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the following Budget Amendments, totaling \$274,643, returning local funds to the Countys reserve capital project account for school system capital improvement programs completed within allocated budgets. Motion carried 4-0.

- (1.) *in the amount of \$35,000, for Ridge Elementary School Site Parking Modifications*
- (2.) *in the amount of \$43,292, for Bethune Educational Center Roof*
- (3.) *in the amount of \$68,126, for Leonardtown Elementary School Relocatables*
- (4.) *in the amount of \$3,225, for state Relocatables*
- (5.) *in the amount of \$125,000, for Green Holly Elementary School Folding Walls*

3. **Office of the Sheriff** (*Lt. Ed Willenborg; Bonnie Lancaster*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Budget Amendment, in the amount of \$841, decreasing the Sheriffs Office Child Support Cooperative Reimbursement Incentive Funds Project US0826 in accordance with the actual awarded amount. Motion carried 4-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to accept the Vehicle Theft Prevention and Suspect Apprehension Grant Award from the State of Maryland, in the amount of \$12,000, and to approve and authorize the Commissioner President to sign the related Budget Amendment to set up the

grant project budget.

Motion carried 4-0.

4. Dept. of Finance (*Elaine Kramer, CFO*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to nominate Commissioner Raley as the Commissioner to serve as a trustee.

Motion carried 3-0, 1 abstention. (Commissioner Raley abstained)

Commissioner Raley was appointed to serve on the OPEB Retiree Benefit Trust of St. Marys County as the BOCC trust member, for the remaining current Board term; i.e., two years.

Upon completion of Commissioner Raley's term as Commissioner, the next BOCC trust member and the citizen trust member, once selected, will serve four year terms.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to execute the following documents: (1) St. Marys County, Maryland Retiree Health Benefit Plan, and (2) the Retiree Benefit Trust of St. Marys County, Maryland, and to sign the letter of consent inviting the Metropolitan Commission (MetCom) and Library Boards to participate in the pooled investment trust. Motion carried 4-0.

5. County Administration (*John Savich, County Administrator*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to direct staff to prepare documents for the 7th District Volunteer Rescue Squads loan request in the amount of \$116,250 for the purchase of an ambulance, and to approve and authorize Commissioner President Russell to sign those documents after they are prepared by staff. Motion carried 4-0.

6. Dept. of Land Use & Growth Mgmt. (*Teresa Wilson, Historic Preservation Planner; Jeff Jackman, Sr. Planner*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Intergovernmental Agreement between the Maryland Department of Business and Economic Development and St. Marys County that will allow for payment to St. Marys County for the states share of the match for the Religious Freedom Byway Grant. Motion carried 4-0.

7. Dept. of Aging (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor; Rebecca Kessler, Div. Mgr., Home and Community Based Services*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Standard Modification Form for the FY2008 Maryland Department of Health and Mental Hygiene Adult Day Care Services Grant, reducing the original MOU amount from \$83,331 to \$75,164, and to sign the related Budget Amendment. Motion carried 4-0.

Ms. Jennings-Harris clarified the related budget amendment amount should be \$8,167 instead of \$8,166.

8. Dept. of Human Services (*Bennett Connelly, Director*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the MD Department of Health and Mental Hygiene Human Services Contract Proposal and related budget forms for the Alcohol and Drug Abuse Administrations Treatment Block Grant and Substance Abuse Prevention Grant. Motion carried 4-0.

9. Dept. of Economic and Community Development (*Bob Schaller, Director; Denis Nicholson, Exec. Director, Housing Authority*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign the letter of support to Secretary Skinner, that will be included in the Maryland Department of Housing and Community Developments application for funding from the MacArthur Foundation Window of Opportunity Initiative, pledging county funding of \$100,000 for FY2009. Motion carried 4-0.

10. Dept. of Recreation, Parks and Community Service (*Phil Rollins, Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment in the amount of \$250.00 to close the National Youth Service Day project. Motion carried 4-0.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the application and sign the letter of endorsement for funding, in the amount of \$30,000, from the National Recreational Trails Program for Phase V of the Three Notch Trail. Motion carried 4-0.

**DEPT. OF RECREATION, PARKS AND COMMUNITY SERVICES:
PROPOSED CONSENT AND RELEASE AGREEMENT FOR PROGRAM OPEN
SPACE CONVERSION FOR PORT OF LEONARDTOWN PARK & WINERY
PROJECT**

Present: Phil Rollins, Director, RP&CS

This project will renovate the former State Highway Administration building in Leonardtown, allowing use of the property for a commercial winery. This property (1.89 acres) was acquired by the town of Leonardtown using local program open space funds. Therefore, there is a deed restriction that the land can only be used for parks, recreation, or open space. To use this property for the winery project, it must be replaced with other open space property.

The Maryland Department of Natural Resources reviewed the request to approve the land conversion of 1.89 acres of parkland known as Port of Leonardtown Park and accept the

replacement land of 1.87 acres of nearby undeveloped property owned by the County, which is not existing parkland.

Mr. Rollins presented a letter, dated April 28, 2008, from the Regional Program Administrator, Land Acquisition and Planning, Maryland Dept. of Natural Resources, acknowledging that St. Marys County has met the requirements for a land conversion, pursuant to State law, Natural Resources Article Section 5-906(e)(7) and (8). Exhibits (tract survey maps) of the property to be converted and the replacement property were presented.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Consent and Release Agreement for Program Open Space Conversion for the Port of Leonardtown Park and Winery Project. Motion carried 4-0.

MACO (MARYLAND ASSOCIATION OF COUNTIES): UPDATE FROM THE PRESIDENT AND EXECUTIVE DIRECTOR

Present: James T. Smith, President
David S. Bliden, Executive Director

Mr. Smith thanked Commissioner President Russell and Commissioner Mattingly for their participation, defining participation as the backbone of MACOs success. He further stated that MACo is an organization where every jurisdiction in Maryland has an equal vote and when the organization comes together, reaching consensus, the results are persuasive.

A handout was provided to the Board and Mr. Smith highlighted MACo activities and accomplishments relative to the 2008 Legislative Session.

MACos Four Priorities:

- Budget integrity concern for budgetary integrity being jeopardized relative to States necessity to address its own structural budget deficit. MACo pulled together, participated with administration and the legislature, and played a role in their budget resolution. MACo did get hit in the special session, everyone did. But during the regular session (when further adjustments had to be made), MACo did very well; credibility and stock rose considerably. Will have to continue to work hard to safeguard; budget integrity will be under attack every year. Participation is key.
- Allow for greater flexibility to make investments toward future retiree benefit costs; i.e., OPEB and GASB investments. Under the new law, counties may pool together funds with other governments, or contract with an outside investment entity to oversee local investments.
- Speed cameras (lost)
- School renovation and construction MACo driving force making a priority, funding has steadily increased.

Critical Areas was not on priority list but it did come up and MACo got involved, emphasizing the importance local jurisdictions bring to land use planning. The Bill that passed is one that local jurisdictions can live with comfortably.

Will have a challenge with the Growth Task Force, which now underway. Mr. Smith said there is concern for at least one or more State departments interest in intruding into the local jurisdictions responsibility with regards to land use planning and that additional task force membership has thrown off the balance of local and state representation.

Another challenge mentioned was the slots issue. MACo had adopted a slots position under the prior administration. MACo will support as long as there is a balanced approach with stated conditions and inclusions. It is important to MACo and the local jurisdictions that slots be successful. Revenues estimated at \$660 million are dedicated to the Education Trust Fund, which funds school renovation and construction and education. If not passed and those revenues are not generated, Mr. Smith said he believes there is no sentiment in the general assembly with the administration for additional taxes. This implies either the State will cut education or education and some other things. Mr. Smith expressed concern that the State may try to transfer to local jurisdictions the responsibility to fund education. One of the biggest concerns is the potential transfer to local teachers retirement, which is \$635 million statewide (\$7.8 million in St. Marys).

Mr. Bliden stressed:

- Focus on prospect for a Smart Growth II; for example, Critical Areas in Annapolis could reject Board of Appeals decision.
- Share with delegation local budget challenges.
- Stay involved enable professional staff participation.

Commissioner Raley commented:

- Slots legislation passed specifically for St. Marys County. Revenue is critical; held some funding in reserve account in case slots legislation fails.
- Issue with State giving a COLA (Cost of Living Adjustment) increase, but the State did not provide the funding. Encouraged discussion to continue.
- Land Use frustrating Critical Areas (St Marys County is a peninsula). Annapolis administration/representatives need to come down to St. Marys and see some of the things being done relative to land use controls.

Mr. Smith said he will follow up with Jon Laria, Chair of the Growth Task Force, regarding a land use presentation from St. Marys County.

DEPT. OF ECONOMIC AND COMMUNITY DEVELOPMENT, SOUTHERN MARYLAND WINE GROWERS COOPERATIVE (SMWGC), AND TOWN OF LEONARDTOWN

Present: Bob Schaller, Director, DECD
Caroline Baldwin, SMWGC Vice-President
David Wood, SMWGC Secretary-Treasurer

Harry Norris, Mayor of Leonardtown

Stressing the importance of retaining land for public use, Mayor Norris provided brief opening comments about Leonardtown's uniqueness, public utilities, and plans to develop and expand the waterfront.

Ms. Baldwin and Mr. Wood provided a presentation on the Leonardtown Winery Development Project, highlighting the Co-ops Mission Statement, progress update, committee status, and conceptual drawings of the winery building (old SHA building) and grounds.

The Co-op was formed in May, 2007. Rich Fuller is the Co-op President. There are currently

17 members.

Approximately 20 acres of vineyard planted (over 13,000 vines). First wine sales expected in summer of 2010.

Two grants have been awarded; for support with marketing and developing project plan (feasibility study in progress)

Mr. Schaller presented the proposed Memorandum of Agreement between Board of County Commissioners and the Town of Leonardtown, committing funding for the planning, design, and renovation of the former State Highway Administration building into park space and a winery building, and for equipping the facility.

Grape production is being promoted as an alternative for tobacco crop production in Southern Maryland.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Memorandum of Agreement between the Board of County Commissioners for St. Marys County and the Commissioners of Leonardtown for the Port of Leonardtown Winery Building Renovation Project.

Motion carried 4-0.

DEPARTMENT OF HUMAN RESOURCES

Present: Sue Sabo, Director, HR

1. DECISION ON PROPOSED SEVENTH AMENDMENT TO THE SHERIFFS OFFICE RETIREMENT PLAN

This Amendment includes the following:

- a. Change the pension accrual rate from 2.0% to 2.5% for future years of service, and an increase in the participant contribution rate from 6% to 8%.

- b. Changes to the disability retirement benefit to include: 1.) an increase from 33 1/3% to 50% of compensation for regular line of duty disability, and 2.) award of social security disability benefits for catastrophic line of duty disability.
- c. Administrative changes to the plan document.

Exhibit A to the Resolution describes each change comprising the Amendment. The Seventh Amendment becomes effective July 1, 2008.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and sign the Resolution adopting the Seventh Amendment to the St. Marys County Sheriffs Office Retirement Plan as described in Exhibit A of the Resolution. Motion carried 4-0.

2. APPROVE APPOINTMENT TO SHERIFFS OFFICE RETIREMENT PLAN BOARD OF TRUSTEES

Corporal Edward B. Evans was nominated to fill the position of Sheriffs Office Retirement Plan Board of Trustees, Sheriffs Office Representative.

Corp. Evans replaces Deputy First Class William Raddatz, who recently submitted his resignation as a member of the Board.

Commissioner Jarboe moved, seconded by Commissioner Dement, to appoint Corporal Edward B. Evans as a member of the Sheriffs Office Retirement Plan Board of Trustees for a two-year term effective June 10, 2008. Motion carried 4-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT

1. DECISION ON PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAPS OF THE COMPREHENSIVE ZONING ORDINANCE FOR CASE #06-245-002, HODGES GROWTH ALLOCATION

Present: Sue Veith, Environmental Planner

Case Number 06-245-002, Hodges Growth Allocation proposes amendments to the Official Zoning Maps of the St. Marys County Comprehensive Zoning Ordinance Z-02-01 to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay for 6.24 acres in the Chesapeake Bay Critical Area. The award would allow subdivision to create two buildable lots from two agricultural parcels deeded in 1993 and 2003 respectively from a property described as Tax Map 47, Grid 3, Parcel 15, owned by Margaret Hodges Bailey, which contained approximately 36.80 acres located entirely in the Chesapeake Bay Critical Area, in accordance with a will to settle an estate.

The BOCC Public Hearing for this case was conducted on March 11, 2008. The record period was held open for business 10 days (closing on March 24, 2008 due to the Good Friday Holiday), during which time three sets of comments were received. Staff prepared a Post Hearing Staff Report addressing comments received during the 10 day open record period, the testimony and exhibits from the hearing, Planning Commission findings, and Board of County Commissioner questions at their public hearing.

The Post Hearing Staff Report, dated June 10, 2008, recommends approval of the requested Growth Allocation.

Section III Staff Analysis of the staff report was reviewed by Ms. Veith, which reads as follows:

Staff recommends approval of the requested Growth Allocation to allow subdivision to create two buildable lots on two agricultural parcels (TM 47, Block 3, Parcel 328 submitted under ISUB #06-110-148, containing 3.62 acres owned by Barbara Hodges Link and TM 47, Block 3, Parcel 340 submitted under ISUB #06-110-153 containing 2.62 acres owned by Louis C. Hodges) which were deeded (in accordance with a will to settle an estate) in 1993 and 2003 respectively from TM 47, Block 3, Parcel 15 for the following reasons:

a. Staff finds that the request is generally consistent with the Countys comprehensive plan policies for rural development in accordance with 41.9.7 e.

b. Staff finds that the request is generally consistent with the Comprehensive Plan policies regarding intensifying Critical Area development as outlined in the staff report for the 3/11/08 hearing. The adjacency requirement for new LDA to be adjacent to existing LDA was not met however creation of lots in the RCA which are not adjacent was anticipated in the creation of the Growth allocation policies for St. Marys County. The proposed intensity of development for the parent parcel is the same as could have been allowed via intra-family transfer if the prior agricultural division and transfer of the farm to the sister not preceded this request.

c. Staff finds that with measures to offset impacts of development, the proposed project would be substantially consistent with the Countys standards for resource protection and Critical Area program criteria and recommends the Board of County Commissioners include the following conditions in any recommendation for approval of award of growth allocation for this project:

Restriction of any future subdivision of Lot 2 and Lot 3 approved for LDA or of the remaining land outside of the LDA (TM 47, Block 3, Parcel 15) and continuation of RCA criteria on that parcel, and

Planting or regeneration of forest in the 300-foot Buffer on the lots to offset the increased impacts from development on the parcel.

Planting or regeneration of forest in the expanded Critical Area Buffer on Lot 2.

d. Regarding the TEC requirement that the private road be upgraded to a public road: The applicants have chosen to apply to the Planning Commission for two additional lots via the family conveyance provisions of Sub. Ord. Section

30.11.4 to allow additional lots on a private road. This would oblige the current owners to maintain ownership of the two lots created via growth allocation for a minimum of five years. The applicants have initiated the process to seek this approval from the Planning Commission for additional lots on the private road via the family conveyance provisions.

In response to Commissioner Russells question, Ms. Veith said she is not aware of any conflict with critical area code in regards to the road conveyance. She further stated that the family is meeting all of the standards for growth allocation that they can meet and typically, because this is isolated in the rural area, staff would not have supported it. Because this is as a result of a will executed prior to critical area law, staff feels there is justification and recommends honoring the wishes of the late owner.

Commissioner Raley asked if, after the growth allocation is awarded, and if the family conveyance is not done, could the applicant request a waiver of the five year period from the Planning Commission. Ms. Veith said it is not technically a waiver, it is a provision under the sub-division ordinance, that would allow the creation of additional lots to family members without upgrading the road, and that Planning Commission approval would be required.

When asked about the applicants right to go before the Planning Commission to request conveying the property earlier than five years, Ms. Veith said that she doesnt believe the Planning Commission can authorize, adding that she believes that under the provision, the property would have to be held for five years.

It was clarified that the applicant has agreed to the conditions for approval of award of growth allocation as cited in the Post Hearing Staff Report and as presented by Ms. Vieth.

Commissioner Raley moved, seconded by Commissioner Dement, that in the matter of the request for recommendation for award of 6.24 acres growth allocation to change the Critical Area overlay from Resource Conservation Area (RCA) overlay to the Limited Development Area Overlay for ISUB # 06-245-002, Hodges Growth Allocation, having found that the request is substantially consistent with the Comprehensive Plan and with the requirements for growth allocation found in the Comprehensive Zoning Ordinance, I move that the Board of County Commissioners: Accept the findings the Planning Commission and staff as to the consistency of the request with the County Comprehensive Plan and ordinances, and approve the request for award of growth allocation, and direct staff to prepare and forward to the Critical Area Commission a Notice of Intent to award 6.24 acres of the Countys growth allocation to allow subdivision to create two buildable lots on two agricultural parcels identified as Tax Map 47, Block 3, Parcel 328, containing 3.62 acres and Tax Map 47, Block 3, Parcel 340, containing 2.62 acres which were deeded in 1993 and 2003 respectively from a property, Tax Map 47, Block 3, Parcel 15 owned by Margaret Hodges Bailey, which contained approximately 36.8 acres entirely in the Chesapeake Bay Critical Area, and that the Board requires the approval for award for growth allocation and subsequent subdivision approval shall

be subject to the conditions cited in the staff report dated June 10, 2008. Motion carried 4-0.

After the motion was made and prior to the vote, Commissioner Jarboe questioned the amount of growth allocation in the County. Ms. Veith said the staff report states approval of this request (6.24 acres) results in a balance of 1499.552 remaining acres for future allocation.

Also, Mr. Denis Canavan, Director, LU&GM, acknowledged that the motion was sufficient as presented.

The June 10, 2008 Post Hearing Staff Report cites the following conditions:

- a. Mapping of LDA on the official Critical Area maps over Lots 2 and 3 is subject to the condition that no future division of those lots or of Tax Map 47, Block 3, Parcel 15 is allowed to create additional dwelling sites within the Critical Area.
- b. The 300-foot expanded Critical Area Buffer within Lots 2 and 3 (excluding the sewage reserve areas) shall be allowed to regenerate as natural forest in all areas which are not actively farmed under an approved farm plan and, if farming activities cease, those areas shall be planted in diverse natural forest vegetation. Except in farmed areas, no mowing or other vegetation management, except as recommended by the St. Marys County forester to assure growth of forest vegetation and approved by the Department of Land Use and Growth Management, shall be allowed within the expanded Critical Area Buffer. Afforestation may be required at the time of permitting of development on each lot to assure minimum fifteen percent forest cover is provided on the individual lots. Clearing of and mitigation for clearing of any existing or regenerated forest shall be in accordance with the Comprehensive Zoning Ordinance.
- c. Planning Commission approval for family conveyance to avoid construction of public road required prior to transmittal of Notice of Intent to award allocation to the Critical Area Commission.
- d. All TEC comments shall be addressed and all ordinance provisions (including those for adequate public facilities) for subdivision approval shall be met prior to final subdivision approval.
 - i. The planting agreement assuring reforestation of the expanded Buffer shall be executed at the time the subdivision is recorded.
 - ii. All ordinance criteria for development review and approval shall be met prior to issuance of grading, environmental, or building permits.
 - iii. Plat notations shall include DNR Wildlife and Heritage Service recommended time-of-year restriction placed on construction activity for driveways and the exteriors of structures. No construction work on the driveways and exteriors of structures should be permitted within Heron Rookery Buffer zones

from 15 February July 31, the breeding season for Great Blue Herons. (Work done within the structures, once the walls and roofs are on, would not need to comply with the time-of-year restriction.)

2. DECISION ON PROPOSED TEXT AMENDMENTS TO THE ZONING ORDINANCE:

Present: Yvonne Chaillet, Planner IV
Denis Canavan, Director

BOCC Public Hearings were held on May 27, 2008 for the four proposed text amendments to the St. Marys County Comprehensive Zoning Ordinance. No public testimony was presented at the public hearings, and no additional comments or documents were received during the ten-day open record period pertaining to the proposed text amendments. Ms. Chaillet presented the proposed text amendments and motions were made, as follows:

Chapter 52 to include an exemption for restoration of a damaged nonconforming structure and extend the time period for starting restoration. Specifically, this text amendment affects the following zoning ordinance sections:

- Section 41.2. Lots of Record and Grandfathering, amended to extend the one-year limitation on the abandonment of a use or structure to two years, subject to approval by the Maryland Critical Area Commission.
- Section 52.4. Abandonment of the Nonconforming Use amended to include an exemption for restoration of a damaged structure.
- Section 52.5. Restoration of a Damaged Structure amended to extend the time period for starting a restoration from one to two years.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the proposed Zoning text Amendment to include an exemption for restoration of a damaged nonconforming structure and to extend the time period for starting restoration. Motion carried 4-0. *Commissioner Jarboe clarified the motion extends the time period to two years.*

Chapter 32 - to amend the base density in the Commercial Marine (CM) District, allowing one single-family dwelling on property zoned CM. A footnote (#14) was added to Schedule 32.1 in the row marked Base Density (units per acre), under the column titled CM, to read as follows:

14. One single-family dwelling is permitted per site.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the proposed Zoning Ordinance Text Amendment to allow one single-family dwelling per site in the Commercial Marine District. Motion carried 4-0.

Chapter 52 To provide an exception for a nonconforming mobile home. Section 52.2 Continuation and Maintenance amended to provide an exception for a nonconforming mobile home, lawfully occupying a site on the *effective date of this Ordinance*, or amendments thereto, that allows the mobile home to be replaced or expanded without the size limitations contained in the nonconforming provisions.

Commissioner Dement moved, seconded by Commissioner Raley, to approve the proposed Zoning Ordinance Text Amendment to allow legally existing nonconforming mobile homes to be replaced or expanded. Motion carried 4-0.

Chapter 41 to amend the expiration date on the abandonment of a nonconforming use or structure in the Critical Area. Specifically, Section 41.2. Lots of Record and Grandfathering, amended to extend the one-year limitation on the abandonment of a use or structure to two years, subject to approval by the Maryland Critical Area Commission. This amendment ties to the text amendment for Chapter 52, Section 52.5.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the proposed Zoning Ordinance Text Amendment to amend the expiration date on the abandonment of a nonconforming use or structure in the Critical Area. Motion carried 4-0.

DEPT. OF ECONOMIC AND COMMUNITY DEVELOPMENT: DECISION ON PROPOSAL TO DONATE 5 LOTS REFERRED TO AS FENWICK RIDGE TO THE PATUXENT HABITAT FOR HUMANITY

Present: Donna Sasscer, Ag. & Seafood Mgr., DECD
Bob Schaller, Director, DECD
Gary Williams, President, Patuxent Habitat for Humanity

The BOCC Public Hearing was held on May 27, 2008 regarding the proposed donation of five lots referred to as Fenwick Ridge Sub-division, recorded as plats one through five, Plat Liber No. 65, folio 19, to the Patuxent Habitat for Humanity, Inc., together with an ingress and egress easement known as Fenwick Ridge Lane. The property is approximately 9.32 acres and located in the 8th Election District (Tax Map 52, Parcel 9).

No public comments or written documentation were received during the 10-day open record period.

Ms. Sasscer reiterated Habitat for Humanity's response to Resolution No. 2007-39, Establishing Regulations and Procedures for the Transfer of Property no Longer Needed for a Public Purpose to a Private, Non-Profit Corporation in the County or the to Housing Authority, which was previously reviewed at the public hearing and stated the appraised value as \$154,000 (appraised in 2007).

It was clarified the motion is authorizing Commissioner President Russell to sign all future documentation in regards to the ownership transfer of the five lots.

Commissioner Dement moved, seconded by Commissioner Raley, to direct Dept. of Economic and Community Development and Office of the County Attorney staff to prepare all necessary documents to transfer ownership of the five lots referred to as Fenwick Ridge to Patuxent Habitat for Humanity and to authorize Commissioner President Russell to sign the documents transferring the property. Motion carried 4-0.

COMMISSIONERS TIME

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

It was noted that there will be a Dept. of Land Use & Growth Management Public Information Meeting on the States New Critical Area Legislation this evening at 7:00 pm, at the College of Southern MD, Leonardtown Campus, Building A.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Real Property Acquisition matters, specifically, property for public facilities. Motion carried 4-0.

EXECUTIVE SESSION

Real Property

Present: Commissioner Francis Jack Russell, President
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr. (via telephone conferencing)
Commissioner Daniel H. Raley
John Savich, County Administrator
Christy Holt Chesser, County Attorney
Liz Passarelli, Real Property Manager
Phil Rollins, Director, Recreation, Parks and Community Services
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 11:45 am 1:11 pm
Subject Discussed: Potential real property acquisitions for public facilities.

ACTION FROM EXECUTIVE SESSION (motion taken in open session)

Commissioner Jarboe moved, seconded by Commissioner Raley, to direct staff to proceed as discussed in Executive Session on matters related to real property acquisition, specifically for public facilities. Motion carried 4-0.

ADJOURNMENT

The meeting adjourned at 1:14 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator