

**. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, August 5, 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 9:06 am.

APPROVAL OF CHECK REGISTER

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

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of July 29, 2008, as amended. Motion carried 5-0. *Commissioner Mattingly clarified that the Solid Waste Advisory Committee has three vacancies. Changing the membership from seven to five will result in one vacancy.*

COUNTY ADMINISTRATOR

1. Draft Agenda for August 19, 2008 (no BOCC meeting August 12th)

Mr. Savich added the following item to the County Administrators agenda.

Dept. of Human Services *(Bennett Connelly, Director, and Cynthia Brown, Manager)*

Mr. Connelly explained that the Truancy Prevention Grant, in the revised amount of \$53,437, was awarded in FY08 from the Governors Office on Crime Control and Prevention to St. Marys County Government. The funds were passed through to the

Tri-County Youth Services Bureau as the implementing agency. The purpose of the grant is to increase school attendance at Great Mills High School. The grant period was from July 2007 through June 2008. The unspent funds (\$20k plus the remaining cash match of \$6,960) must be spent by August 15, 2008. The Division of Community Services will use funds to purchase supplies for County schools. The documents will be presented to the Commissioners later in the day for action.

2. Information Technology (*Bob Kelly, Director*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the budget amendment transferring \$11,620 from the Commissioners Emergency Appropriations to the IT Departments Lease Account for final payments on the AS 400 Lease. Motion carried 5-0.

3. Department of Finance (*Elaine Kramer, CFO*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the two budget amendments, totaling \$1,216, increasing the FY2008 and FY2009 Senator Amiss Fire/Rescue allocation grants. Motion carried 5-0.

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

(Donna Sasscer, Agriculture & Seafood Mgr.; Liz Passarelli, Real Property Mgr.; Gary Williams, President Patuxent Habitat for Humanity; Dianne Daily, Patuxent Habitat for Humanity)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Memorandum of Understanding with the Patuxent Habitat for Humanity reimbursing Patuxent Habitat in the amount of \$38,510 for their costs associated with engineering, surveying, and planning fees in the creation of five affordable housing lots at the Fenwick Ridge subdivision located in Lexington Park. Motion carried 5-0.

(Dennis Nicholson, Executive Director, Housing Authority; Jan Barnes, Housing Authority Board, Andy Kozak, Housing Authority Board, Bob Beldon, contractor)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Memorandum of Understanding with the Housing Authority Board to provide up to \$35,400 in county funding from the Workforce Housing Initiative Funds, for the removal of existing deficient concrete slabs, installation of new concrete slabs, and necessary associated plumbing costs in the four remaining units at the New Phoenix Townhouse complex, located on South Shangri-La Drive in Lexington Park, across from the Library. Motion carried 5-0.

5. **Dept. of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor; Jayne Hunsinger, Project Mgr.*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the annual Notification of Grant Award, totaling \$196,140, received from the Maryland Department of Aging. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the budget amendment, increasing grant funds by \$1,200, for the FY08 portion of the Retired and Senior Volunteer Program (RSVP), in accordance with the actual grant amount. Motion carried 5-0.

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell and the Board to sign the Adult Day Care Centers Program Change-In-Use Agreement for the transfer of the States right-of-recovery on the Chancellors Run Activity Center. Motion carried 5-0.

6. **Dept. of Recreation and Parks** (*Phil Rollins, Director*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the two Waterway Improvement Fund applications, totaling \$7,000, for the demolition and disposal of the old pier at the Piney Point Lighthouse Museum and Park. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the budget amendment closing the St. Inigoes Public Landing project (PL0804). Motion carried 5-0.

7. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize Commissioner President Russell to sign the four items cited on the memo dated July 23rd from Mr. Erichsen. Motion carried 5-0.

Motion pertains to the following Public Works Agreement Addenda:

- a. Henderson Farm Subdivision, Phase 1, located in the 5th Election District, with an Expiration Date of May 1, 2009.
- b. Greenview West PUD Subdivision, Section 2, located in the 8th Election District, with an Expiration Date of May 1, 2009.
- c. Westbury PUD Subdivision, Phase 2, Sections 3, 4, and 5, located in the 8th Election District, with an Expiration Date of July 1, 2009.
- d. Challenger Estates Subdivision, located in the 8th Election District, with an Expiration Date of July 1, 2009.

8. Board, Committee, and Commission Appointments (*John Savich, County Administrator*)

Mr. Savich requested the Board make the following appointments to the Human Services Council: Doris Bean, citizen representative, and Joseph Trentacosta, business representative. The terms to expire will be determined by the by-laws.

Commissioner Jarboe moved, seconded by Commissioner Dement, to appoint Doris Bean, citizen representative, and Joseph Trentacosta, business representative, to the Human Services Council; with terms to expire as determined by the by-laws. Motion carried 5-0.

DEPARTMENT OF HUMAN RESOURCES: REVIEW PROPOSED CHANGES TO THE PERSONNEL POLICY AND PROCEDURES MANUAL

Present: Sue Sabo, Director

Ms. Sabo presented proposed policy changes and clarifications to the HR Manual. The current version was approved in October 2005. Each policy change was reviewed and discussed with the Board.

Ms. Sabo outlined plans to obtain employee feedback and implement the changes.

OFFICE OF THE COUNTY ATTORNEY: DECISION ON PROPOSAL TO ALLOW A PROPERTY TAX CREDIT FOR THE INSTALLATION OF CERTAIN FIRE PROTECTION RESIDENTIAL SPRINKLER SYSTEMS

Present: Christy Holt-Chesser, County Attorney

A public hearing on this matter was held on July 15, 2008. Ms. Chesser presented two options for the Boards consideration and decision.

The ordinance marked as Exhibit A provides for a one-time tax credit for certain one and two family dwellings if an approved fire sprinkler system is installed on or from February 1, 2008 through February 1, 2011. The corresponding budget amendment (to Exhibit A), based on estimates for a one-year period, totaled \$343,000.

The ordinance marked as Exhibit B provides for a one-time tax credit for certain one and two family dwellings, if an approved fire sprinkler system is voluntarily installed on or from February 1, 2008 through February 1, 2011. The corresponding budget amendment (to Exhibit B), based on estimates for a one-year period, totaled \$26,250.

Commissioner Raley moved, seconded by Commissioner Jarboe, to amend Chapter 267 of the Code of Public Laws of St. Marys County, Maryland to allow a Property

Tax Credit for certain fire protection residential fire sprinklers which are installed voluntarily and not legally required to be installed and which are installed from February 1, 2008 to February 1, 2011, in one and two family dwellings, as described in the Ordinance marked Exhibit B and attached hereto; and to approve and authorize the Commissioner President to sign the budget amendment in the amount of \$26,250 for the implementation of this Sprinkler Tax Credit. Motion carried 5-0.

DEPT. OF LAND USE & GROWTH MANAGEMENT:

Present: Denis Canavan, Director
Yvonne Chaillet, Planner IV

1. INTRODUCTION OF A PROPOSED ZONING TEXT AMENDMENT TO ALLOW SMALL WIND ENERGY SYSTEMS FOR ON-SITE CONSUMPTION

Mr. Canavan reviewed the proposed changes to Schedule 50.4 and 51.3 of the Zoning Ordinance defining the accessory standards allowing a small wind energy system (100 kilowatts or less) to be constructed and installed on a lot or parcel (of at least one-half acre in size).

Commissioner Jarboe moved, seconded by Commissioner Dement, to proceed to the Planning Commission for a public hearing on the proposed zoning text amendments to allow small wind energy systems for on-site consumption. Motion carried 5-0.

2. INTRODUCTION OF A PROPOSED TEXT AMENDMENT TO REDUCE THE TIME PERIOD (FROM 60 DAYS TO 30 DAYS) FOR THE BOARD OF APPEALS TO RENDER ITS WRITTEN DECISION ON CASES IN THE CRITICAL AREA OVERLAY ZONES

Chapter 119 (HB 1253) of the 2008 Laws of Maryland, Chesapeake and Atlantic Coastal Bays Critical Area Protection Program Administrative and Enforcement Provisions, prescribes that A local jurisdiction may not issue a permit for the activity that was the subject of the variance application until the applicable 30-day appeal period has elapsed.

Applicants are instructed at their public hearings that the Board of Appeals has sixty (60) days to sign its written Order and that a 30-day appeal period follows from the date the Order is signed.

Staff recommends amending Section 20.3.7 of the Ordinance to reduce the time granted to the Board of Appeals for signing its written Orders from 60 days to 30

days, applicable to Critical Area cases only, and granting the Board of Appeals the authority to extend this time period under certain circumstances. All other final decisions by the Board of Appeals affecting standard variance, conditional uses, and appeals shall be rendered within 60 days.

Commissioner Raley moved, seconded by Commissioner Dement, to introduce zoning text amendment to reduce the time period from 60 to 30 days for the Board of Appeals to render its written decision on cases in the Critical Area overlay zones and that this proceed to the Planning Commission for their consideration and return to the Board of County Commissioners for its ultimate decision. Motion carried 5-0.

COMMISSIONERS TIME

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

COUNTY ADMINISTRATOR, CONTD

Dept. of Human Services (*Bennett Connelly, Director, and Cynthia Brown, Manager*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to execute the revised grant award, amendment to the sub-recipient agreement, and related budget amendment for the Truancy Prevention Grant. Motion carried 5-0.

ADEQUATE PUBLIC FACILITIES AND GROWTH POLICY WORK SESSION

Present: Denis Canavan, Director, Land Use & Growth Management
Phil Shire, Deputy Director, LU&GM

Mr. Canavan noted that modifications to the resolution regarding the annual growth policy will have public notice (advertisement), however, a public hearing is not required.

Decisions:

1. Annual Growth Policy: 1.9%, retain factors in growth policy
2. Zoning:
 - a. Year within the CIP that the finding of adequacy for school capacity is satisfied and can be used at the time of reviewing a subdivision plan: First three (3) years
Land has to be owned by the Board of Education or the County.
 - b. School capacity: Divide County in half (at Rt. 4) for Elementary School Service Area only.
 - c. Mitigation:

Suitable land can be donated (for school site); moving developer to top of queue list. Phasing will be required. Developer remains at the top of the list until full build out. *(Commissioner Raley elaborated that the builder will be at the top of the list for the first phase and then go all the way through the queue and then they get the second phase. Denis Canavan said the developer will stay at the top of the list until theyve reached their annual allotment, if not, go back through list).*

Will only get the increment afforded for that year.

Has to be a need for the mitigation; narrow constraints: right property, right location, right type (must be a need for the type of facility).

Provisions in Chapter 7 will specify:

1. Land must meet State guidelines for type of facility.
2. Board of Education (or someone) will determine amount of useable land meets their need.

Concept of partial mitigation topic should be reviewed at a different time.

Family conveyance (after full allocation within 12 month period): allow one or two exemption(s).

Staff will return to the Board with draft legislation for consideration and adoption on August 19, or August 26, 2008.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Dement moved, seconded by Commissioner Jarboe, to enter into Executive Session for the purpose of discussing Real Property matters, specifically potential property disposition. Motion carried 5-0.

EXECUTIVE SESSION

Real Property

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
Sabrina Hecht, Chief of Staff
Christy Chesser, County Attorney
George Erichsen, Director, Dept. of Public Works and Transportation
Liz Passarelli, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 3:34 pm 4:39 pm
Subject Discussed: Potential property disposition.

MOTION TO ADJOURN

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator