

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, November 25, 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
Donna Gebicke, Administrative Assistant (Recorder)

CALL TO ORDER

Commissioner President Russell called the meeting to order at 9:04 am.

ADDITIONS TO AGENDA

Commissioners Time and an Executive Session for the purpose of discussing Real Property were added to the 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 November 25, 2008, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Raley, to re-adopt the minutes of the Commissioners meeting of October 28, 2008, as corrected. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to adopt the minutes of the Commissioners meeting of November 18, 2008, as presented. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for December 9, 2008. (The Board of County Commissioners will not meet on December 2.) *Mr. Savich stated that a Budget Work Session will take place on December 15th, but not on December 8th.*

2. **Dept. of Public Safety** (*Dave Zylak, Director; Tommy Mattingly, Jr., Emergency Communications Mgr.*)

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the MIEMSS Education Grant Agreement for Emergency Medical Dispatcher training in the amount of \$1,200 and to sign the related budget amendment decreasing the grant budget by \$1,078 in accordance with the actual grant award. Motion carried 5-0.

3. **Dept. of Public Works and Transportation** (*Richard Tarr, Solid Waste Mgr.*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Intergovernmental Agreement with the Maryland Environmental Service for the implementation of the 2009 Citizen Scrap Tire Drop-Off Day. Motion carried 5-0.

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

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the Sub-award Agreement with the University of Maryland to assist with youth initiatives in St. Marys County, and to sign the budget amendment in the amount of \$11,000 to establish the project budget. Motion carried 5-0.

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

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the budget amendment in the amount of \$25,000 to set up a revenue and expense project account for the Celebrate 375th campaign. Motion carried 5-0.

It was clarified that even if this grant is not awarded next year, the County will be able to maintain ownership of equipment purchased with this years grant.

6. **Department of Aging** (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Revised Notification of Grant Award from the MD Dept. of Aging for the FY 2009 State Grants reflecting a \$566 reduction in the Senior I&A program allocation and the related budget amendment realigning the budget to the actual award. Motion carried 5-0.

7. Finance Department (Elaine Kramer, CFO)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the 14 Budget Amendments closing out the project budgets and moving the budget authority to the Supplemental Reserve Accounts. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: REQUEST FOR APPROVAL OF PROPOSED ZONING TEXT AMENDMENT

Present: Yvonne Chaillet, Planner IV, Dept. of Land Use and Growth Management

Ms. Chaillet stated that the proposal is to amend the Zoning Ordinance to reduce the time allotted for the Board of Appeals to render its written decisions and findings on all cases within the jurisdiction of the Critical Area Commission from 60 days to 30 days, with extensions under certain circumstances up to a maximum of 60 days. The Planning Commission held its public hearing on the subject matter on September 22, 2008, and recommended adoption of the proposed Zoning Text Amendment. The Board of County Commissioners held its public hearing on this matter on October 28, 2008. No additional comments were received during the 10 day open record period.

Commissioner Raley moved, seconded by Commissioner Mattingly, that the Board of County Commissioners in Section 20.3.7 Finality of Decisions of the Board of Appeals, page 20-5, amend this section to read as follows:

20.3.7. Finality of Decisions of the Board of Appeals.

- a. All decisions and findings of the Board of Appeals on appeals or on applications for a standard variance or conditional use shall be final administrative decisions and shall be subject to judicial review as prescribed in Section 4.08 of Article 66B of the Annotated Code of Maryland. All final decisions shall be rendered in writing within 60 days of the close of the public hearing;**
 - b. All decisions and findings of the Board of Appeals for decisions within the jurisdiction of the Critical Area Commission shall be final administrative decisions and shall be subject to judicial review as prescribed in Section 4.08 of Article 66B of the Annotated Code of Maryland. All final decisions shall be rendered in writing within 30 days of the close of the public hearing. The Board of Appeals may extend the 30 days up to a maximum of 45 days upon findings that the complexity of the case requires an extended decision period or that changes in the boards schedule preclude a decision within 30 days;**
- and that this amendment will take effect December 9, 2008. *It was emphasized that the motion called for a maximum of 45 days that the Board of Appeals could extend the 30-day time period for written decisions, as opposed to the 60 days called for in the original proposal.* Motion carried 5-0.**

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to enter into Executive Session for the purposes of discussing Personnel, specifically year-end appointments to boards and commissions, and Real Property Acquisition, specifically, potential public facilities properties. Motion carried 4-1. Commissioner Jarboe voted nay.

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
Christy Chesser, County Attorney
Liz Passarelli, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 9:50 am 10:25 am
Subject Discussed: Potential public facilities properties.

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
Karen Everett, PIO
Delores Lacey, Boards and Commissions Coordinator
Koni Gordon, Boards and Commissions, Asst. Coordinator
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 10:30 am 11:40 am
Subject Discussed: Year-end appointments to Boards and Commissions.

PUBLIC HEARING: PROPOSED TEXT AMENDMENT TO PROVIDE FOR USE #64 (PERSONAL STORAGE) AND USE #78 (WAREHOUSE STORAGE) AS PERMITTED USES IN THE OFFICE BUSINESS PARK ZONE

Present: Phil Shire, Acting Director, Land Use and Growth Management

The public hearing notice requirements were met with the publication of legal advertisements in the November 7 and November 12, 2008, editions of the Enterprise newspaper. The Planning Commission conducted a hearing on this matter on October 27, 2008, and recommended adoption of the proposed amendment. No public testimony or written comments were received.

The proposal is to amend Schedule 50.4 of the Comprehensive Zoning Ordinance to permit Use #64 (Personal Storage) and Use #78 (Warehousing and Storage) in the Office Business Park (OBP) Zone. Mr. Shire stated that allowing these two uses in the OBP Zone is consistent with the Comprehensive Plan goals and objectives and with Zoning Ordinance purpose statements for the OBP Zone. In addition, a significant portion of the OBP Zone in the Lexington Park Development District is in the AICUZ/APZ overlay zone. Due to the low occupancy characteristic of warehouse and storage services, the Department of the Navy AICUZ Compatible Use Guidelines support these uses in the APZ. Therefore, staff supports both uses of personal storage and warehouse facilities in the OBP Zone, in particular, those areas that restrict concentrated occupancy.

Mr. Shire clarified that if the text amendment is adopted, those areas that have OBP based zoning with an AICUZ overlay will continue to be subject to AICUZ height restrictions, regardless of the type of structure.

The Commissioners expressed concern about the retail component of warehousing. Commercial Use #78 (warehousing and storage) is currently described as including wholesaling and distribution centers facilities with *sales* of goods on-site. OBP zoning does not allow retail. Mr. Shire will re-word the description for clarification.

Commissioner President Russell opened the hearing for public testimony. Hearing none, the hearing was closed, but will remain open for additional written comment for a period of ten days.

COMMISSIONERS TIME

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

EXECUTIVE SESSION

Personnel

Present: Commissioner Francis Jack Russell, President
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Commissioner Daniel H. Raley
John Savich, County Administrator
Karen Everett, PIO
Delores Lacey, Boards and Committees, Coordinator
Koni Gordon, Boards and Committees, Asst. Coordinator
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 12:14 pm 12:38 pm
Subject Discussed: Year-end appointments to Boards and Commissions.

The meeting adjourned at 12:38 pm.

Minutes Approved by the Board of County Commissioners on _____

Donna M. Gebicke
Administrative Assistant (Recorder)