

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, December 9, 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 9:05 am.

ADDITIONS TO AGENDA

Item 3b, Board of Education request to include the categorical transfers of expenditures and revenue adjustments in their FY 2009 budgets for the general fund and revolving fund in the total amount of \$244,582 was added to County Administrator time.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated December 9, 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 November 25, 2008, as presented. Motion carried 5-0.

PROCLAMATIONS

Correctional Officers Jeffrey L. Kreps and Joseph L. Wheeler (Retirements)
Drunk and Drugged Driving (3D) Prevention Month

COUNTY ADMINISTRATOR

1. Draft Agenda for December 16, 2008 (no meeting on December 23rd or 30th).

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

- a. Resolution and PILOT (Payment in Lieu of Taxes) Agreement, Victory Woods Senior Housing Project (*Hans Welch, Mgr., Business Development; Brian Lopez and Andrew Hanson, Osprey Property Co., and Jim Brown, Victory Housing/Archdiocese of Washington*)

Discussion included the following:

Aerial map of the location (FDR Blvd. to Buck Hewitt Road) and a concept plan briefing were presented.

Rent will range from \$350 - \$900/month; must be 62+ (spouse 55+)

Osprey is not requesting a building impact fee deferral (tax credits upfront when they apply for building permits). Item 15 in the Agreement needs to be removed or reworded accordingly.

Not anticipating needing Transferable Development Rights (TDRs).

A portion of the design of FDR Blvd. from Hewitt Road to the project site, including construction and right-of-way costs is being privately funded.

Estimate bulk (80%) will be used by County residents; most will sell a home.

Anticipate some may come from the Solomons area (lower Calvert County).

Will have a resident manager on site (8 am 5 pm); may have manager live on-site, like Hunting Creek. Considering an alarm system (for assistance and emergencies).

Acknowledging County funding provided for workforce housing and request to support the PILOT, it was clarified by Mr. Hansen that no any additional County funding requests are anticipated.

Phase IA will provide 75 affordable apartment rental units for independent seniors 62 and over; Phase IB will be an additional 75 units, but will remain on hold pending the success of Phase IA. Phase 2 will be affordable, home ownership townhomes and single family residences, but will be on hold pending housing market recovery.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to sign the Resolution supporting the Victory Woods Senior Housing Project to be financed either directly by the MD Department of Housing and Community Development or through the Departments Community Development Administration, in the form of a loan in the approximate amount of \$2,000,000; and to approve and authorize the Commissioner President to sign the Agreement for Payment in Lieu of Taxes with Victory Housing, Inc., subject to correction identified; re item number 15. Motion carried 5-0.

- b. Resolution in support of and for the use of CDA (Community Dev. Admin.) funds in the approx. amount of \$1,703,052, for the Greenview Village Apartments Rehabilitation Project. (*Dennis Nicholson, Executive Director, HASMC*)

There was concern that the scope of the rehabilitation project should include installing a sprinkler system. It was clarified by Mr. Nicholson that St. Marys County is directing how the money will be applied, not the State. However, the unit pricing/scope of work will need to be modified.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and sign the resolution endorsing the Greenview Village Apartments Rehabilitation Project located at 45770 Church Drive, Great Mills, and supporting the use of Community Development Administration funds and/or programs for this project, with the understanding that the first priority is to install fire suppression sprinkler system in said units. Motion carried 5-0.

3. St. Marys County Public Schools

- a. Request for approval of the Maryland State Department of Education (MSDE) Bright Futures 21st Century Grant for after school programs (in the amount of \$330,224 per year for three years). *Motion is for grant period 7/1/08 to 9/30/08. (Theo Cramer, Dir. of Academic Support; Rhonda Meleen, Coord. of Financial Services)*

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Bright Futures 21st Century Community Learning Centers Grant in the amount of \$330,224 per year for three years, which was approved by the St. Marys County Board of Education on October 29, 2008, and to sign the letter of consent evidencing this approval. Motion carried 5-0.

- b. Board of Education request to include the categorical transfers of expenditures and revenue adjustments in their FY 2009 budgets for the general fund and revolving fund in the total amount of \$244,582. *(Dr. Michael Martirano, Superintendent)*

Commissioner Raley moved, seconded by Commissioner Dement, to approve the Board of Educations request for FY 2009 categorical transfers in the amount of \$244,582, and to sign the letter evidencing this approval. Motion carried 5-0.

4. St. Marys County Metropolitan Commission *(Steve King, Director; Joe St. Clair, Board Member; Dan Ichniowski, Assist. Dir.)*

Request for approval of two new MetCom staff positions (funding is in the MetCom FY09 Operating Budget); i.e., SCADA Technician and one additional Water Treatment & Distribution/Wastewater Collection System Operator.

Commissioner Raley moved, seconded by Commissioner Mattingly, that the Board of County Commissioners for St. Marys County, approve the creation of one new SCADA (System Control and Data Acquisition) Technician position for

the Metropolitan Commission staff, effective immediately. Motion carried 4-1,
Commissioner Jarboe voted no.

Commissioner Mattingly moved to approve the Metropolitan Commissions creation of one Water Treatment and Distribution/Wastewater Collection System Operator position, effective immediately. The motion was not seconded.

5. Office of the Sheriff (*Capt. John Horne; Christy Chesser, Co. Attorney*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the Lease Agreement with Hal Edwin Cole, Sr., for the use of the premises at 46922 South Shangri La Drive in Lexington Park for the St. Marys County Sheriffs Collaborative Supervision and Focused Enforcement (CSAFE) program.

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

- a. Six (6) BAs closing out projects, realigning \$611,190 to the Supplemental Reserve Accounts, \$38,332 will be returned to the BOCC Emergency Reserve. (*Three BAs are for the Office of the Sheriff, two are for DPW&T, and one is for the Circuit Court*).
- b. Three (3) BAs adjusting project budgets (for grants that were budgeted at more than will be received). (*Office of the Sheriff, Public Safety, and Circuit Court grants*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the six budget amendments to closeout the related project budgets, move the budget authority to the Supplemental Reserve Accounts, and return funding to the BOCC Emergency Reserve, and also to approve and authorize the Commissioner President to sign the three budget amendments, which will adjust the relative project budgets to be in accordance with the actual awards, and move the budget authority to the Supplemental Reserve Accounts. Motion carried 5-0.

7. Department of Aging (*Jennie Page, Dep. Director; Peggy Maio, Fiscal Supervisor*)

Grant Agreement - Senior Rides Operating Assistance (FY09); total grant amount \$25,250 - \$17k State, \$6,250 County match, and projected revenue of \$2k

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Maryland Department of Transportation FY09 Operating Grant Agreement for Senior Ride Operating Assistance. Motion carried 5-0.

8. Dept. of Public Safety (*Dave Zylak, Director*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to acknowledge the Maryland Institute of Emergency Medical Services Systems (MIEMSS) Advanced Life Support Education Grant Agreement, as signed by the Advanced Life Support Unit, and to approve and authorize the Commissioner President to sign the related budget amendment, decreasing the grant budget by \$600. Motion carried 5-0.

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

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Public Works Agreement Addenda and the Public Works Agreement Re-issuance, as cited in Mr. George Erichsens memo to Ms. Gebicke, dated November 19, 2008. Motion carried 5-0.

Motion specifically pertains to the following:

- (a.) Public Works Agreement Addendum for Hanover at Breton Bay Subdivision located in the 3rd Election District with an Expiration Date of January 1, 2009.

The roads included in this Agreement are: Hanover Drive (2,009), Hanover Court (299), Hanover Woods Court (746), Orchard Court (350), and Barn Court (744)

- (b.) Public Works Agreement Addendum for Dahlia Park of Wildewood, Phase 1, located in the 8th Election District with an Expiration Date of October 1, 2009.

The roads included in this Agreement are: Tallwood Road, (1,063), Dahlia Drive (1,404), Dianthus Court (135), Camelia Street (812), Camelia Street-Extended (386), and Canna Court (1,098).

- (c.) Public Works Agreement Addendum for FDR Boulevard at Buck Hewitt Road located in the 8th Election District with an Expiration Date of December 1, 2009.

The road included in this Agreement is: FDR Boulevard (1,418).

- (d.) Public Works Agreement re-issued for Columbia Colony at First Colony Subdivision located in the 8th Election District with an Expiration Date of December 1, 2009.

The roads included in this Agreement are: Clark Drive (549), Brown Street (952), McCool Street (765), Husband Street (730), and Clark Street (852).

(Jackie Fournier, Transportation Mgr.; Mary Ann Coontz, STS Supervisor)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to execute the FY2010 Maryland Transportation Administrative Grant Application and Assurances, in the amount of \$3,131,377, for the St. Marys Transit System. Motion carried 5-0.

10. Office of the County Administrator (*John Savich*)

Mr. Savich reviewed citizen board, committee, and commission appointments, with terms to expire, as follows:

Adult Public Guardianship Review Board: Maureen McCarthy Ault, Joseph B. Bush, and Andree J. Wells, (all reappointments), terms to expire December 31, 2011.

Airport Advisory Committee: Lt. Col. A. H. Richardson (reappointment), term to expire December 31, 2011.

Commission for People with Disabilities: Sam F. Brown, Vicki L. Brown, Jennifer Irvin (STS Representative), and Tomica L. Scriber (Housing Authority Representative), terms to expire December 31, 2012.

Commission on Aging: Claudia A. Knowlton, term to expire December 31, 2011.

Commission on the Environment: Judy Gilman, and John B. Wheeler (reappointment), terms to expire December 31, 2012.

Community Health Advisory Committee: Lt. Louis F. Burris, Laine Doggett, Larry Polsky, Andree Wells (all reappointments), and Michael J. Roby, terms to expire December 31, 2011.

Development Review Forum: Robin O. Guyther (reappointment), term to expire December 31, 2011.

Ethics Commission: Elizabeth Long (alternate member) and Robert Elwood (regular member), terms to expire December 31, 2011.

Historic Preservation Commission: Victor Govier, term to expire December 31, 2011.

Metropolitan Commission: Charles V. Owen, Kathleen M. Werner (reappointments), and Bryan M. Barthelme (5th Election District Representative), terms to expire December 31, 2011.

Nursing Center Governance Board: Jill S. Knott, term to expire December 31, 2011.

Planning Commission: Martin Siebert, term to expire December 31, 2009.

Recreation and Parks Board: Sabrina Hecht, term to expire December 31, 2012.

Tri-County Youth Services Bureau: Heather Garvey, term to expire December 31, 2011.

Wicomico Shores Golf Course Advisory Board: Richard A. Smith and Gloria Tippett (reappointments), terms to expire December 31, 2012.

Zoning Board of Appeals: David Wayne Miedzinski, Gertrude V. Neale (reappointments), Ronald Ray Payne, Sr., (reappointment as alternate), and James Howard Thompson, all with terms to expire December 31, 2011.

Commissioner Jarboe moved, seconded by Commissioner Dement, to appoint citizens to the boards, committees, and commissions with the terms to expire, as read by the County Administrator. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to sign transmittal letter forwarding the recommendations of the 2008 Compensation Commission to the Southern Maryland Delegation for their consideration. Motion carried 5-0.

It was clarified the recommendations will not take effect until after the next general election and that the BOCC is merely acting as a conduit for sending the commissions recommendations to the delegation (i.e., forwarding the recommendations does not imply BOCC approval).

**DEPT. OF LAND USE & GROWTH MANAGEMENT REQUEST FOR
DECISION ON PROPOSED CORRECTION OF ERRORS ON ZONING MAP #39
TO CHANGE THE ZONING ON PROPERTIES LOCATED AT 40000 MARY
HELEN WAY, 21658 JOE HAZEL RD., AND 21652 JOE HAZEL RD. IN
COMPTON AREA OF THE 3RD ELECTION DISTRICT (HARBOR VIEW
MARINA)**

Present: Phil Shire, Acting Director
Jeff Jackman, Sr. Planner

On November 10, 2008, the BOCC held a public hearing to discuss and obtain public testimony relative to considering the recommendation from Planning Commission to correct errors on Zoning Map #39; i.e., change the zoning on properties located at 40000 Mary Helen Way (Parcel 16, Lot 1); 21658 Joe Hazel Road (Parcel 351, Lot 500-1A); and 21652 Joe Hazel Road (Parcel 351, Lot 2); in the Compton Area of the 3rd Election District, from Rural Preservation District (RPD) to Commercial Marine (CM).

Mr. Jackman stated that the record remained open through November 20, 2008 (ten days). During that time, three written comments were received and provided to the Commissioners; two from Lesley Yates and one from Patti Decker.

Mr. Jackman reviewed information provided in the Post Public Hearing Staff Report, dated December 3, 2008.

It was clarified that the Planning Commissions motion was intended to recommend Commercial Marine (CM) zoning for all of Lot 1.

Staff and the Planning Commission are in agreement regarding the zoning changes for 21658 Joe Hazel Road and 21652 Joe Hazel Road; i.e., change the zoning on these properties from RPD in part and CM in part to RPD.

Regarding 40000 Mary Helen Way (Parcel 16, Lot 1), which is the location of the marina, staff presented three possible outcomes:

1. No change retain RPD zoning. Current marina use of the property could continue as a nonconforming use. A bed and breakfast use is permissible in the RPD zone and could be added to the marina use.

2. Change zoning to CM on the portion of the lot that is on the waterfront. Current marina use of the property could continue as a permitted use. A bed and breakfast use is permissible in the CM zone.
3. Change zoning to CM for the entire property.

In support of the second option, which would result in the least amount of conformance issues (but opens the door for three times the development), staff prepared three sample motions that were described as being neutral.

Commissioner Jarboe said that the motion is complex and based on the way the property is arranged. He added that for the third option, it would be vital to have a commercial parking lot and that he would like to see sample motions in support of each of the options.

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the Planning Commissions recommendation to change the zoning to CM for all Lot 1, to approve the request to revise Zoning Map 39 to correct error for 21658 Joe Hazel Road and for 21652 Joe Hazel Road, changing the zoning from RPD in part and CM in part to RPD.

Commissioner Raley asked for clarification on the motion.

Commissioner Jarboe revised the motion to **adopt the Planning Commissions recommendation to change the zoning to CM for all Lot 1** and cancelled the remainder of the motion. Commissioner Dement accepted.

It was clarified by Mr. Shire that there is no individual parking for each unit, but a common parking area for the parcel.

Commissioner Jarboe withdrew his motion.

Commissioner Jarboe moved, seconded by Commissioner Dement, in support of the Planning Commissions recommendations regarding Lot 1, 40000 Mary Helen Way, to change the zoning from RPD to CM, for all Lot 1, Parcel 16, as shown on Tax Map 39 and as described in Plat Book 45, Page 80, in St. Marys County Circuit Court Land Surveys and for 21658 Joe Hazel Road, change the zoning from RPD in part and CM in part to RPD, and for 21652 Joe Hazel Road, change the zoning from RPD in part and CM in part to RPD. Motion carried 5-0.

**DEPT. OF LAND USE & GROWTH MANAGEMENT REQUEST FOR
DECISION ON PROPOSED TEXT AMENDMENT TO PROVIDE FOR USE #64
(PERSONAL STORAGE) AND USE #78 (WAREHOUSE STORAGE) AS
PERMITTED USES IN OFFICE BUSINESS PARK (OBP) ZONE**

Present: Phil Shire, Acting Director

Mr. Shire stated that no public testimony was heard during the BOCC public hearing conducted on November 25, 2008, and that no written comments were received during the ten day open record period.

Mr. Shire further stated that as a result of concerns raised during the hearing, additional language is now proposed in the description of Use Type #78 Warehouse and Storage, found on Comprehensive Zoning Ordinance (CZO) Page 50-17, which precludes wholesaling and distribution centers with sales of goods on site in the OBP zone (retailing and discount clubs are already prohibited in the OBP).

Commissioner Jarboe moved, seconded by Commissioner Raley, to amend Chapter 50, Schedule 50.4, of the Comprehensive Zoning Ordinance (Ordinance Z-02-01) to include use #64, Personal Storage and use #78, Warehousing and Storage, as permitted uses in the OBP zone, and to add language for use #78 as shown on attachment 2 that will preclude wholesaling and distribution centers and sales of goods on site in the OBP zone. Motion carried 5-0.

**PUBLIC HEARING: REQUEST TO SUBMIT AN EASEMENT APPLICATION
TO THE MARYLAND AGRICULTURE LAND PRESERVATION
FOUNDATION**

Present: Bob Schaller, Director, Dept. of Economic and Community Dev. (DECD)
Donna Sasscer, Agriculture and Seafood Dev. Manager, DECD

Applicant/Case No: ALP #08-150-002, Vallandingham Farms, LLC.

The public hearing commenced at approximately 12:10 pm.

Ms. Sasscer stated for the record that notice of the public hearing was advertised in the Enterprise newspaper for two consecutive weeks, sent out to contiguous property owners, and posted on the property 15 days prior to the hearing.

The property is located at 15942 Charles Davis Lane in Ridge (Tax Map 70, Grid 17, Parcel 22, consisting of 130.31 acres). The property is zoned RPD and CA.

Ms. Sasscer reviewed Maryland Agricultural Land Preservation Foundation (MALPF) qualifying criteria, as defined in the Agriculture Article of the Maryland Annotated Code and COMAR 15.15.01.03D.

Commissioner President Russell opened the hearing for public testimony at 12:16 pm. There were no names on the sign-up sheet and no one present provided public testimony.

Commissioner President Russell closed the public hearing at 12:17 pm and set the ten day open record period.

COMMISSIONERS TIME

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

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Jarboe, to enter into Executive Session for the purposes of discussing personnel, specifically employment contracts; and real property, specifically related to potential public facilities sites and other real property matters. 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
Christy Chesser, County Attorney
Liz Passarelli, Real Property Manager
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 1:48 pm 2:10 pm
Subject Discussed: Public facilities sites

MOTION MADE IN OPEN SESSION

Commissioner Mattingly moved, seconded by Commissioner Dement, to direct staff to schedule a special meeting on December 24, 2008, at 9:00 am for the purpose of considering the purchase of real property in the Leonardtown area for public facility use. Motion carried 4-1. Commissioner Jarboe voted no.

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
Bob Schaller, Director, DECD
George Erichsen, Director, DPW&T
Robin Finnacom, Director, CDC
Phil Rollins, Director, Recreation & Parks
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)11
Time Held: 2:18 pm 3:12 pm
Subject Discussed: Real property disposition

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, HR
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1
Time Held: 3:15 pm 3:58 pm
Subject Discussed: Employment Contracts

MOTIONS MADE IN OPEN SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to prepare a letter in accordance with discussion in Executive Session related to Real Property. Motion carried 4-1. Commissioner Jarboe voted no.

Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to proceed as discussed in Executive Session regarding employment contracts.

The meeting adjourned at 4:00 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator (Recorder)