

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, December 18, 2007**

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.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register dated December 18, 2007, as submitted. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adopt the minutes of the Commissioners meeting of December 11, 2007, as presented. Motion carried 5-0.

FACCHINA FAMILY TRUST: DONATION OF PROPERTY TO THE MD ENVIRONMENTAL TRUST PROGRAM

Present: Paul V. Facchina, Sr., CEO, Facchina Group of Companies
Paul V. Facchina, Jr., Site Group Division Mgr., Facchina Construction Co.
Joseph Facchina, Facchina Family member
John Reardon, COO, Facchina Development
Robert Brough, Land Dev. Mgr., Facchina Group of Companies
Paul Kravic, CFO, Facchina Group of Companies
Brent Snyder, CEO, Facchina Global Services
Bob Schaller, Director, Dept. of Economic and Community Development
Donna Sasscer, Agriculture Manager, DECD

Members of the Facchina family and its companies were in attendance and received recognition for the presentation of 179 acres of land in St. Marys County donated by the Facchina Family Trust into the Maryland Environmental Trust program. An exhibit outlining the parcels location, known as the Boy Scout Property, relative to the Mattapany Rural Legacy Area, was presented by Mr. Schaller and Ms. Sasscer. Placing this property into the Maryland Environmental Trust program creates a unique rural legacy area and extends the buffer zone south of the Patuxent River Naval Air Station.

PROCLAMATION

Mr. Clarence O. Clancy Lyall was recognized for over eleven years of service with St. Marys County Government. Mr. Lyall, an employee of the Department of Aging, is retiring effective January 1, 2008.

BOARD OF COUNTY COMMISSIONERS (YEARLY) APPOINTMENTS:

1. 2008 MACo Legislative Committee Member and Alternate

Commissioner Raley moved, seconded by Commissioner Jarboe, to appoint Commissioner Mattingly to the 2008 MACo Legislative Committee as Member and Commissioner President Russell as Alternate. Motion carried 5-0.

2. 2008 BOCC Vice Chair

Commissioner Raley moved, seconded by Commissioner Dement, to appoint Commissioner Jarboe as the BOCC Vice-Chair for the calendar year 2008. Motion carried 5-0.

3. 2008 Nursing Center Board

Commissioner Dement moved, seconded by Commissioner Jarboe, to reappoint Commissioner Mattingly to serve on the Nursing Center Board. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agenda for January 8, 2007
2. **Office of the Sheriff** (*Erin Shoemaker, Fiscal Manager; Michael Merican, Commander of the Detention Center*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to:

accept the grant award documents and authorize Commissioner President Russell to sign the Budget Amendment reducing the Sheriffs Office CSAFE Grant, Project MD0809, by \$2,000, aligning the project with the actual grant award;

accept the grant award documents and authorize Commissioner President Russell to sign the Budget Amendment reducing the MSP CSAFE Grant, Project MD0816, by \$2,000, aligning the project with the actual grant award; and,

accept the grant award and authorize Commissioner President Russell to sign the Budget Amendment reducing the CSAFE Substance Abuse Grant, Project MD0821, by \$1,600, aligning the project with the actual grant award.

Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Dement, to accept the award documents and authorize Commissioner President Russell to sign the Budget Amendment reducing the MVOC Project SAVE Grant, Project MD0847, by \$12,859, aligning the project with the actual grant award. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize Sheriff Cameron to sign and accept the Gang Intelligence Grant program package and to approve and authorize Commissioner President Russell to sign the Budget Amendment, in the amount of \$58,950, utilizing the supplemental reserve accounts for the new grant award for FY08. Motion carried 5-0.

- 3. Dept. of Economic and Community Development** (*Bob Schaller, Director; Dennis Nicholson, Executive Director, Housing Authority*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Letter of Intent, allowing St. Marys County to participate in the Maryland Housing Rehabilitation Program and naming the Housing Authority as the local administrator. Motion carried 5-0.

- 4. St. Marys County Metropolitan Commission** (*Steve King, Director; Frank Taylor, Chair*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to accept the recommendation of the St. Marys County Metropolitan Commission to approve and create two (2) new Metropolitan Commission staff positions in accordance with Section 113-1(C) of the St. Marys County Code; said positions being a Construction Laborer and an Engineering Administrative Clerk, and to sign the related letter of consent, as proposed.

Motion carried 5-0.

5. **Office of the County Administrator** (*John Savich, County Administrator*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the Budget Amendment to move \$2,000 from Other Costs to Mileage Reimbursement. Motion carried 5-0.

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

Mr. Savich read the following list of Board, Committee, and Commission appointments
(including the individual names and terms to expire):

BOARDS, COMMITTEES AND COMMISSIONS	TERMS TO EXPIRE
<i>Agriculture Preservation Advisory Board</i>	
Dr. Henry A. Virts (reappointment)	12/31/2012
<i>Agriculture, Seafood and Forestry Commission</i>	
Rudolph Baliko (reappointment)	12/31/2010
Patrick E. Dugan (reappointment)	12/31/2010
James Barry Roache (reappointment)	12/31/2010
<i>Airport Advisory Committee</i>	
James J. Davis	12/31/2010
Randy Willis	12/31/2010
<i>Board of Trustees, Museum Division, St. Marys County, Department of Recreation and Parks</i>	
James Banagan (reappointment)	12/31/2012
Helen Dorsey (reappointment)	12/31/2012
Susan Gough	12/31/2012
Frank L. Maio	12/31/2012
John L. Madel, Jr. (reappointment)	12/31/2012
<i>Cable Advisory Committee</i>	
Steven P. Cooper (reappointment)	12/31/2012
Laurence Whitbeck (reappointment)	12/31/2012
<i>Commission for People with Disabilities</i>	
Susan Erichsen (reappointment)	12/31/2011
<i>Community Health Advisory Committee</i>	
Christina M. St. Clair	12/31/2010
Georgette B. Gaskin	12/31/2010

<i>Development Review Forum</i>	
Elfreda Mathis (reappointment)	12/31/2010
Troy Hansen	12/31/2010
<i>Electrical Examiners Board</i>	
Donald M. Haskin	12/31/2010
<i>Human Relations Commission</i>	
Theo L. Cramer	6/30/2012
Barbara Hendricks	6/30/2011
Andree Wells	6/30/2011
Patrice T. Gaymon	6/30/2011
<i>Marcey House Board</i>	
Joyce Dyson (reappointment)	12/31/2010
Darlene C. Jones (reappointment)	12/31/2010

Planning Commission

Shelby P. Guazzo (reappointment)	12/31/2012
Brandon Hayden (reappointment)	12/31/2012
Stephen T. Reeves (reappointment)	12/31/2012

Recreation and Parks Board

Richard L. Buckler (reappointment)	12/31/2011
Thomas E. Nelson	12/31/2011

Sheriffs Office Retirement Plan Board of Trustees

Daniel Morris (reappointment)	No term
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Tri-County Youth Services Bureau

Yvonne M. Cummings	12/31/2009
Alma A. Shearin	12/31/2009

Wicomico Shores Golf Course Advisory Board

Wayne Pettit (reappointment)	12/31/2011
Chico Rivers (reappointment)	12/31/2011

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the appointments as articulated by the County Administrator. Motion carried 5-0.

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

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the submission of the FY09 Annual MD Transportation Administration Grant Application and authorize Commissioner President Russell to sign the related grant Certifications and Assurances. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:

Present: Denis Canavan, Director

1.) REINTRODUCTION OF TEXT AMENDMENT GOVERNING ACCESSORY APARTMENTS

In September 2007, LU&GM staff requested to proceed with a text amendment to modify the zoning provisions governing accessory dwellings, with the emphasis to reduce the occasions where newly constructed homes containing an accessory dwelling were built with the intent of leasing both the primary residence and the accessory dwelling, by stipulating the owner had to occupy either the primary dwelling or the accessory dwelling. Further evaluation of this text amendment led to enforcement and other concerns such as eliminating potential affordable workforce housing and the impact on property owners that leave the area with the intent to return; e.g., military personnel.

The requested substituted text amendment presented by Mr. Canavan eliminates the occupancy requirement and addresses the more substantive issues of size, appearance, and access. The text amendment would amend three sections of the Zoning Ordinance:

1. Section 50.4 Use Classification, Use Types and Location within Zoning Districts by changing the description of the use as found in the land use tables for these secondary dwelling units from Accessory Dwellings to Accessory Apartments.
2. Section 51.3 Specific Regulations and Standards by providing standards governing the minimum and maximum size of the accessory apartment.
3. Chapter 90 Definitions to change the term Accessory Dwelling Unit to read Accessory Apartment.

Commissioner Raley moved, seconded by Commissioner Dement, to accept and approve the reintroduction of a proposed amendment regarding accessory apartment provisions and authorize County staff to proceed to the Planning Commission for their review and recommendation and to come back to the Board of County Commissioners to conduct a Public Hearing and review. Motion carried 5-0.

2.) PROPOSED RESOLUTION TO ADOPT ZONING MAP AMENDMENTS FOR APPROVED GROWTH ALLOCATION FOR RYKEN HIGH SCHOOL

Mr. Canavan presented and requested approval of BOCC Zoning Resolution Z-2007-05 (number pre-assigned) and adoption of amended maps 40 and 41 (Z-2007-05 Exhibits A and B respectively) in accordance with August 21, 2007 BOCC decision and motion for approval of map correction and award of growth allocation for DLUGM #06-245-001, St. Marys Ryken School (TM 41, Block 7, Parcel 7). The resolution adopts amended Zoning Maps 40 and 41 to establish an Intensely Developed Area (IDA) overlay within the school property encompassing 27.553 acres as approved by the Chesapeake and Coastal Bays Critical Area Commission (in accordance with the October 10, 2007 and December 7, 2007 notification letters from Margaret McHale, Chair).

Commissioner Mattingly moved, seconded by Commissioner Dement, to adopt Zoning Ordinance 2007-05 amending zoning maps 40 and 41 to establish an IDA overlay zone within the Ryken High School property encompassing 27.553 acres as approved by the Chesapeake and Coastal Bays Critical Area Commission and repeal Zoning Maps 40 and 41 effective September 26, 2003; and adopt amended Zoning Maps 40 and 41 effective ten days from today's date; i.e., December 28, 2007. Motion carried 5-0.

MD TRANSIT ADMINISTRATION: UPDATE ON PROPOSED PARK AND RIDE LOTS

Present: Tom Hannan, Whitmat Requardt & Associates
Alvarno Sifuentes, Jacobs (Engineering)

Commissioner Russell stated that anyone may submit comments regarding the proposed park and rides to the Board of County Commissioners.

Mr. Hannan led the update on Park and Ride Lots proposed for New Market and Charlotte Hall.

The update included project background and chronological history information, statistical data, and an overview of project justification and benefits. There are three bus routes from St. Marys County to Washington, D.C. Overall, in FY2006, the three bus routes had a combined total of 522,000 riders. The Charlotte Hall stop accounted for approximately 233,000 of that number (45%).

Creating a new Park & Ride in New Market is the priority. The new park & rides in New Market and Charlotte Hall will replace the current leased park & ride space in Charlotte Hall. This lease will expire in December, 2010. The MTA is planning to return to the Planning Commission (project was denied at the second hearing on April 9, 2007). The Conditional Use Permit (Section 50.4) has expired and needs to be re-applied for. Conditional Use was approved by the Board of Appeals on October 14, 2004 (a two-year extension was obtained in October, 2005).

The New Market Park & Ride is proposed to be located off of Route 6. Discussion ensued regarding alternate sites (near the Veterans Home) and concern for traffic flow. Changes are being pursued to Routes 5 and 6 to improve traffic flow. In addition to cost and environmental impact considerations (wetland areas), Mr. Hannan added that creating a new break in the median (intersection with signal light) contributes to congestion. Commissioner Jarboe questioned the feasibility of, or if consideration has been given to, having an extension/connector off Route 6 to the end of the County (traffic would not need to access Route 5). Commissioner Jarboe expressed that park & rides should be located in close proximity to existing or planned rail facilities; adding that approximately 30 - 40% of the Charlotte Hall park and ride users are from Charles and Calvert Counties. It was noted that there are no plans to increase the 40 mph speed limit in New Market.

Commissioner Mattingly voiced interest in having a park & ride located at the St. Marys County Airport, concern for improvements to south Rt. 5, and the need for improvement to Golden Beach Road. It was confirmed that the Land Use and Growth Management Department (LU&GM) was contacted regarding area growth and development in conjunction with completing the Traffic Impact Study (which was updated and revised March/June 2006).

Mr. Savich highlighted what needs to be addressed with the Transit Authority to continue with the park and ride projects: e.g., BOCC written comments and map/site alternative for New Market (previously submitted), Public Hearing /Planning Commission issues, and citizen comments.

Del. Johnny Wood expressed concern regarding the analysis (accurately reflecting actual traffic conditions and patterns), traffic congestion (specifically at the cross-over of Rt. 6 to south Rt. 5). Mr. Hannan responded that MTA is pursuing extending the left-hand turn lane and adjusting signalization to ease traffic congestion. Del. Wood asked that all options be looked at adding that Route 6 is a heavily traveled county road with no shoulders and that he'd prefer the exit be located further up Route 5.

Commissioner Russell reiterated directing staff to work with MTA to address and come up with solutions for the issues, ensuring the appropriate priority (turnaround time) to avoid the risk of losing state funding.

COUNTY ADMINISTRATOR, CONTD

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

Mr. Savich read the following additional list of Board, Committee, and Commission appointments (including the individual names and terms to expire):

BOARDS, COMMITTEES AND COMMISSIONS	TERMS TO EXPIRE
<i>Development Review Forum</i>	
Hayden Hammett (MNCBIA representative)	12/31/2010
<i>Commission on Aging</i>	
Patricia Woodburn	6/30/2010

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the appointments as read by the County Administrator. Motion carried 5-0.

EVENT

The Commissioners attended the staff-prepared Christmas Lunch at the Office on Aging, 41780 Baldrige St.

COMMISSIONERS TIME

The Commissioners highlighted events for the past week and personal interest items.

BUDGET WORK SESSION

A FY2009 Budget Work Session (BWS) was held beginning at 1:30 PM. The BWS was aired live on channel 95 and audio taped.

PUBLIC HEARING (DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION): TO CONSIDER ESTABLISHMENT OF THE KINGSTON CREEK WATERWAY IMPROVEMENT TAXING DISTRICT NO. 2

Present: George Erichsen, P.E., Director
John Groeger, Deputy Director
Allen Settle, Project Engineer

The public hearing began at 6:30 PM and was held at the Governmental Center. Mr. Erichsen read the Notice of the Public Hearing and stated for the record that the notice was published in the December 5 and 12, 2007 editions of the Enterprise newspaper.

The following documents were submitted to record by Mr. Erichsen: Certification of Publication (from the Enterprise) dated 12/12/2007 and a copy of the published advertisement, a copy of the Public Hearing letter dated 11/20/2007 and distribution list (benefiting property owners), and a copy of the Petition for the Creation and Establishment of the Kingston Creek Waterway Improvement Taxing District with a copy of the returned petition ballots attached. Of the 25 benefiting property owners, 84% are in favor of establishing the taxing district.

Mr. Groeger provided a background overview of the project and Mr. Settle provided an overview of the scope, design, and costs. The total project costs is estimated at \$440,220 (to dredge the channel, replace the western timber jetty, and repair/modify the eastern timber jetty). An annual Maintenance Fee would be included within the taxing district as a separate charge (not included as repayment of County loan to the State). The fee will be collected with the levy assessment and funds (\$6,325 annually / \$253. per property owner/per year) would be inserted (as revenue) into a Kingston Creek Project account to draw from when requested by the community to make the needed repairs.

The hearing was opened for public testimony by Commissioner President Russell at 6:45 PM.

Public Testimony

Edgar Russell, P. O. Box 25, California, MD

Mr. Russell provided testimony in support of establishing the taxing district. He has owned property for 50+ years and said he 100% approved.

Clarke Raley, P. O. Box 424, Leonardtown, MD

Mr. Raley provided testimony in support of establishing the taxing district (and for setting aside funds for maintenance). Mr. Raley commented that he was impressed with the project and staff and everything stated is entirely accurate. Mr. Raley headed-up an earlier group regarding the eastern jetty and acknowledged the amount of hard work and different tasks involved. He acknowledged Mr. Jeff Gardner (for his support), thanked Allen Settle for his work with the current project, and thanked the BOCC for understanding (needs and support for) the project.

Four individuals signed the Public Hearing Sign Up Sheet; all indicating support for the project.

Mr. Settle presented a draft letter (with an email message dated 12/18/2007) to record on behalf of Mr. Jeff Gardner in support of the project. Mr. Gardner could not attend the public hearing because of another personal commitment.

The Public Hearing was closed at 6:50 PM and Commissioner Russell set the ten day open record period for public comment.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator