

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, April 8, 2008**

Present: Commissioner President Francis Jack Russell
Commissioner Kenneth R. Dement (absent)
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.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated April 8, 2008, as submitted. Motion carried 4-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to adopt the minutes of the Commissioners meeting of April 1, 2008, as presented. Motion carried 4-0.

PROCLAMATIONS:

National Public Health Week, April 7-13, 2008, presented to Dr. William Icenhower, Health Officer, and Leslie Payne, Public Information Officer, of the St. Marys County Health Department, and Chelsea Howard-Foley, student, St. Marys College and member of the Student Environmental Action Coalition.

National DARE Day, April 10, 2008, presented to Sheriff Tim Cameron, Dr. Michael Martirano, Superintendent, St. Marys Public Schools, and, representing DARE, Deputy Eva Jones, Deputy Angela Muller, Corp. Diane Fenwick, and Deputy Gray Maloy.

COUNTY ADMINISTRATOR:

1. Draft Agendas for April 15 and 22, 2008
2. **St. Marys County Public Schools** (*Dr. Michael J. Martirano, Superintendent of Schools;*
Dr. Daniel Carney, CFO; and Dr. Charles E. Ridgell, Dir. of Curriculum and Instruction)

Commissioner Raley moved, seconded by Commissioner Jarboe, to accept the Board of Educations request for the addition of one (1.0) FTE position to the current Department of Social Services Training and Support Activities revolving fund, pursuant to the approval action by the Board of Education on March 12, 2008, and to sign the related letter evidencing this action. Motion carried 4-0.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to accept the Board of Educations request to increase their FY2008 Restricted Fund budget by \$1,808, pursuant to their actions taken on March 12, 2008, to incorporate the new Maryland State Council Knights of Columbus donation, and to sign the related letter evidencing this action. Motion carried 4-0.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the Board of Educations request to increase their FY2008 Restricted Fund budget by \$11,340, pursuant to their actions taken on March 26, 2008, to incorporate the new Manufacturing Engineering Technologies Grant, and to sign the related letter evidencing this action. Motion carried 4-0.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the Board of Educations request to increase their FY2008 Restricted Fund budget by \$1,000, pursuant to their actions taken on March 26, 2008, to incorporate the new Wellness Implementation and Monitoring Grant, and to sign the related letter evidencing this action. Motion carried 4-0.

3. **Office of the Sheriff** (*Sheriff Timothy Cameron*)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to accept the LETS-Forensic Training Award from the Governors Office of Crime Control and Prevention and to approve and authorize the Commissioner President to sign the Budget Amendment that will set-up the grant project budget to provide forensic training for two crime lab technicians. Motion carried 4-0.

4. **Dept. of Economic and Community Development** (*Bob Schaller, Director;*
Robin Finnacom, Executive Director, CDC; Marsha Tidler, DSS)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Intergovernmental Agreement with the Maryland State Department of Human Resources and St. Marys

County Department of Social Services, for job placement and job retention services for non-job ready customers and work experience, to sign the Certification Regarding Lobbying, and to sign the related Sub-Recipient Agreement with the Community Development Corporation, as presented. Motion carried 4-0.

5. Dept. of Recreation, Parks, and Community Service

(Debra Pence, Museum Division Mgr.)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the FY08 Maryland Heritage Areas Grant Agreement, in the total amount of \$75,000, for the Piney Point Lighthouse Museum, and to sign the Budget Amendment decreasing the project budget by \$25,000 in accordance with the actual grant award. Motion carried 4-0.

(Cynthia Brown, Community Services Division Manager; Laurel James, Exec. Dir., Tri-County Youth Services Bureau)

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Truancy Prevention Grant Award and Acceptance in the amount of \$54,923 as a pass-through for the Tri-County Youth Services Bureau, and to sign the related Sub-Recipient Agreement. Motion carried 4-0.

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

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to execute the Memorandum of Understanding with the Maryland Department of Health and Mental Hygiene, on behalf of the St. Marys County Department of Aging, for FY09 Adult Day Care funding. Motion carried 4-0.

7. 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 Budget Amendment to remove the \$650,000 amount identified for exhibits funded by the Navy Museum Association for the Patuxent River Naval Air Museum and Visitors Center project, PF-0101. Motion carried 4-0.

(Sabrina Hecht, Chief of Staff)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment that will provide the necessary funding to outfit and furnish the Chesapeake Building meeting room, conference rooms, and first and second floors. Motion carried 4-0.

8. Board Appointment *(John Savich, County Administrator)*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint Joseph W. Wood to the Agriculture, Seafood, and Forestry Commission, term to expire December 31, 2011. Motion carried 4-0.

**DEPT. OF LAND USE & GROWTH MANAGEMENT: BRIEFING AND
REQUEST
FOR AUTHORIZATION TO SCHEDULE PUBLIC HEARING ON ADOPTION
OF 2006
NATIONAL STANDARD PLUMBING CODE AND THE 2006 NATIONAL FUEL
GAS CODE AS THE ST. MARYS COUNTY PLUMBING AND FUEL GAS CODE**

Present: Adam Knight, Deputy Code Official

Mr. Knight presented a draft ordinance and requested authority to hold a public hearing for the adoption of the 2006 National Standard Plumbing Code Illustrated and the 2006 National Fuel Gas Code, ANSI, Z223.1, NFPA 54 as the St. Marys County Plumbing and Fuel Gas Code, replacing the current 1993 code with 1994 and 1995 supplements (adopted by the BOCC April 4, 2000, Ordinance No. 00-13).

Mr. Knight stated that there are no significant changes and that the adoption of the recommended code will allow all plumbing and fuel gas contractors to use newly approved materials, installation techniques, and assure St. Marys County is up-to-date with the Maryland State Plumbing Code.

Commissioner Jarboe called attention to the exam requirement in the draft ordinance. Mr. Knight elaborated that, due to the amount of problems that have occurred, homeowners will be required to pass a 25 question test before a plumbing permit will be issued for the installation of plumbing work only in structures owned by individuals and occupied by the named individual. Commissioner Jarboe commented that with all the information available today, e.g., step-by-step instructions at home improvement stores and on the internet, homeowners should be able to make home repairs without government intervention. Mr. Knight said that he will present Commissioner Jarboes concern at the Plumbing Board meeting scheduled for April 9 and suggested that a presentation could be put together to address this issue during the public hearing.

Mr. Knight informed the Commissioners that LU&GM will be reviewing the 2006 International Building Code and Residential Code and bringing the results forward later this year.

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to schedule a public hearing on the adoption of the 2006 National Standard Plumbing Code Illustrated and the 2006 National Fuel Gas Code, ANSI, Z223.1, NFPA 54, as the St. Marys County Plumbing and Fuel Gas Code. Motion carried 3-1. Commissioner Jarboe voted no.

**ST. MARYS NURSING CENTER: REQUEST COUNTY BE CONDUIT ENTITY
FOR THE NURSING CENTER TO ENTER INTO EXEMPT FINANCING FOR
THE CHILLER REPLACEMENT AND FOR COLLATERAL ENERGY
MANAGEMENT UPGRADES**

Present: Donald Lewis, Administrator
Ernest Williams, Governing Board of Trustees President
Julie Drake, CFO

The presenters requested support for the Nursing Center to enter into tax exempt financing to replace the St. Marys County Nursing Centers air conditioning system chiller unit. The Nursing Center building is over 20 years old and the facility's chiller has reached the end of its life expectancy and usefulness.

Mr. Lewis explained that proposals in the amounts of \$543,000 and \$588,750 have been received. These proposals include a cost of \$185,000 to make necessary energy improvements within the building in addition to the chiller and its controls.

Ms. Kramer, CFO for St. Marys County Government, said the County can support \$550,000 (terms to be worked out).

Commissioner Raley moved, seconded by Commissioner Mattingly, to direct staff to work with the Nursing Center to develop the documents necessary with respect to exempt financing for the chiller, to the extent possible while remaining within our cap, and that such documents be presented for our approval and execution as soon as possible. Motion carried 4-0.

MD COMMISSION ON CORRECTIONAL STANDARDS/OFFICE OF THE SHERIFF: PRESENTATION OF THE 100% COMPLIANCE AWARD/CERTIFICATION FOR ADULT DETENTION CENTERS

The Board recessed to attend the 100% Compliance Award and Certification presentation held at the St. Marys County Detention Center. The award was presented to the Sheriff and Detention Center staff by Ms. Gina Clay, Assistant Executive Director, Maryland Commission on Correctional Standards.

The meeting reconvened at the Governmental Center at 1:30 pm.

OFFICE OF THE COUNTY ATTORNEY: STATUS OF 2008 LEGISLATIVE PROPOSALS

Present: Colin Keohan, Deputy County Attorney

Mr. Keohan presented the following, final update of 2008 bills submitted from St. Marys County:

Bill No.	Bill Title	Committee	Hearing Date/Time	Status
HB 212/ SB 258 Bond Bill	St. Marys County Creation of State Debt Pathways Facility Renovation	House: Appropriations Senate: Budget & Taxation	Heard March 8, 2008 10:00 am March 8, 2008 2:00 pm	No Funding Received

Bill No. (Contd)	Bill Title	Committee	Hearing Date/Time	Status
HB 261	St. Marys County Deputy Sheriffs Repeal of Residency Requirement	House: Environmental Matters Senate: Education Health & Environmental Affairs	March 5, 2008 1:00 pm Heard March 28, 2008 1:00 pm	Legislation Passed
HB 329/ SB 323 Bond Bill	St. Marys County Creation of a State Debt Tudor Hall	House: Appropriations Senate: Budget & Taxation	Heard March 8, 2008 10:00 am March 8, 2008 2:00 pm	Received \$55,000 in Funding
HB 330	St. Marys County Assistant Sheriff	House: Environmental Matters Senate: Education Health & Environmental Affairs	March 5, 2008 1:00 pm Heard March 28, 2008 1:00 pm	Legislation Passed
HB 331	St. Marys County Alcoholic Beverages Maximum Fine for Sales Violations	House: Economic Matters Senate: Education and Environmental Affairs	Heard March 28, 2008 1:00 pm	Legislation Failed (Passed House, No Vote in Senate)
HB 401	St. Marys County Alcoholic Beverages Wineries	Economic Matters	Heard Feb. 18, 2008 1:00 pm	Legislation Failed (Unfavorable Report in House)
HB 402	St. Marys County Transfer Tax Termination Provisions	House: Ways and Means Senate: Budget & Taxation	Heard March 20, 2008 1:00 pm	Legislation Passed
HB 445	St. Marys County Property Tax Credits Land Preservation Easements	House: Ways and Means Senate: Budget & Taxation	Heard March 20, 2008 1:00 pm	Legislation Passed
HB 446	St. Marys County Admissions and Amusement Tax Exemption for Activities Related to Agricultural Tourism	Ways and Means	Heard Feb. 13, 2008 1:00 pm	Legislation Failed (No Report in House)
HB 471 Bond Bill	St. Marys County Public Facility Bonds	House: Appropriations Senate: Budget & Taxation	Heard March 20, 2008 1:00 pm	Legislation Passed
HB 816/ SB 798	St. Marys County Mobile Home Parks Plans for Dislocated Residents	House: Environmental Matters Senate: Judicial Proceedings	Feb. 28, 2008 1:00 p.m. Heard March 27, 2008 1:00 p.m.	Legislation Passed This bill was amended to require the developer/applicant to notify the BOCC in writing of their plans for change in land use.
	St. Marys County	House:	March 14, 2008	Legislation Passed

HB 864	Loans Purchase of New Emergency Equipment	Environmental Matters Senate: Education, Health & Environmental Affairs	1:00 p.m. Heard April 3, 2008 1:00pm	
HB 1615	St. Marys County Metropolitan Commission System Improvement Charges	House Rules & Executive Nominations	Heard April 1, 2008	Legislation Failed (Passed House, No Action in Senate)

DEPT. OF LAND USE & GROWTH MANAGEMENT:

1. STATUS REPORT ON ZONING TEXT AMENDMENTS, COMPREHENSIVE PLAN AND OTHER PROJECTS

Present: Denis Canavan, Director

Status on current text amendments:

- Accessory apartment (non-critical area) text amendment was introduced December 18th and went to Planning Commission on February 11th, March 10th, and has been continued until April 28th.
- Accessory apartment (critical area) text amendment was introduced March 11th is scheduled for Planning Commission public hearing on May 12th.
(will bring both back together for public hearings on the same day)
- Residential use in the Commercial Marine Zone was introduced February 12th is scheduled for Planning Commission public hearing on April 28th.
- Non-conforming structure provisions to allow the replacement of single wide mobile home with doublewide mobile home was introduced February 12th is scheduled for Planning Commission public hearing on April 28th.
- Non-conforming structure provisions to allow two years instead of one year to replace a non-conforming structure was introduced February 12th is scheduled for Planning Commission public hearing on April 28th.
- Adequate Public Facilities Annual Growth Policy was introduced on January 15th and went to the Planning Commission on March 10th and will be discussed by the Planning Commission April 14th with a continuance of the public hearing on May 12th. *(will be requested an extension)*

Status of requested text amendments:

Amendment to allow expanded use of electronic digital signage. Proposed provisions have been prepared and forwarded to the County Attorney for review.

Status of 2002 Comprehensive Land Use Plan Amendment:

The work program has been prepared by the Department of Land Use and Growth Management and will be presented to the Board of County Commissioners on April 15th. The schedule will allow for community meetings prior to a staff draft of the

proposed amendment, a Planning Commission public hearing on the staff draft, followed by scheduling the Board of County Commissioners public hearing on the Planning Commission Draft.

Status of the Comprehensive Water and Sewer Plan: The Plan was approved by the County

Commissioners in January 2008 and forwarded to the Maryland Department of Environment. Comments have been received from the Maryland Department of State Planning. Approval by MDE is expected mid-May.

Status of St. Marys Crossing PUD rezoning and Developer Rights and Responsibilities Agreement:

The PUD rezoning application for 868 dwelling units on 249.48 acres in the RL Zone fronting St. Andrews Church Road has been considered by the Planning Commission. The Planning Commission recommended denial of both the PUD rezoning and the Developers Rights and Responsibilities Agreement. The public hearing by the Board of County Commissioners has not been scheduled as of this date.

Commissioner Mattingly asked that a presentation on the impact of the new critical areas law (HB 1253) on St. Marys County be scheduled as a future agenda item or as a public forum topic.

Mr. Canavan recommended holding a public forum prior to developing any local legislation relative to HB 1253. Mr. Savich suggested that a forum or agenda item be scheduled after additional information on this subject is received from the state.

2. CASE #CWSP 05-132-032, GLAZED PINE PROJECT AND MOORE PROPERTY: LEGISLATIVE ACTION ON PROPOSED AMENDMENTS TO SMC COMP. WATER & SEWERAGE PLAN TO CHANGE SERVICE AREA CATEGORY FROM W-6 AND S-6 TO W-3D & S-3D FOR 212 ACRES DESCRIBED AS PARCELS 105, 196, 102 AND 66 OF TAX MAP 52 AND PARCELS 138, 319, AND 417 OF TAX MAP 51 IN 8TH ELEC. DIST.

Present: Jeff Jackman, Sr. Planner

The BOCC Public Hearing was held on March 11, 2008. During the 10-day open record period, no additional written comments were received.

Discussion points/clarifications:

Parcel 66, an adjoining property, was included at the request of the property owner,

Mr. Donald Moore, and was included in the public hearing on March 11. The original concept plan needs to be changed (two changes made to the zoning ordinance).

All properties are located within the development district.

Mr. Jackman said he is not aware of any positive or negative comments from the Navy.

It was clarified that these changes will not affect the proposed use of grey water.

Lexington Park water distribution system and the Marley-Taylor wastewater reclamation facility are adequate to accommodate proposed development capacity.

Water sources (static tower/well) located on Greenbriar and Pembroke could be supply options.

Planning Commission recommendation was unanimous.

Commissioner Raley moved, seconded by Commissioner Mattingly, in the matter of Case #CWSP 05-132-032 (Glazed Pine Project and Moore Property), to amend the St. Marys County Comprehensive Water and Sewerage Plan to change the service area category from W-6 and S-6 to W-3D and S-3D for 212 acres described as Parcels 105, 196, 102, and 66 of Tax Map 52 and Parcels 138, 319, and 417 of Tax Map 51 in the 8th Election District in anticipation of providing community water and sewerage service for mixed office and residential development as recommended by the Planning Commission. Motion carried 4-0.

3. REQUEST EXTENSION OF DEADLINE FOR APPROVAL OF A PROPOSED ZONING TEXT AMENDMENT REGARDING ACCESSORY APARTMENTS WITHIN THE CRITICAL AREA

Present: Denis Canavan, Director

The proposed Zoning Text Amendment regarding Accessory Apartments within the Critical Area was presented to the Board on March 11, 2008, as a first reading. The Planning Commission will conduct their public hearing on the proposal May 12, 2008.

Mr. Canavan requested an extension of time to August 5, 2008, for consideration of this text amendment. This will allow additional time for scheduling a public hearing and to present this proposed text amendment to the Board on the same day as the text amendment for accessory apartments outside of the Critical Area.

Commissioner Raley moved, seconded by Commissioner Jarboe, to extend per the request of staff, legislative time imposed by Resolution 2005-03, for consideration of proposed Accessory Apartment (within the Critical Area) Zoning Text Amendment until August 5, 2008. Motion carried 4-0.

4. REQUEST EXTENSION OF DEADLINE FOR APPROVAL OF A PROPOSED ZONING TEXT AMENDMENT REGARDING ACCESSORY APARTMENTS OUTSIDE OF THE CRITICAL AREA

Present: Denis Canavan, Director

The proposed Zoning Text Amendment regarding Accessory Apartments outside of the Critical Area was presented to the Board in December 2007. The Planning Commission conducted a public hearing on January 23, 2008. It was continued to March 10 and then again to April 28, 2008.

Mr. Canavan requested an extension of time for consideration of this text amendment from to August 5, 2008. This will allow additional time for scheduling a public hearing and to present the amendment to the Board on the same day as the text amendment for accessory apartments within the Critical Area.

Commissioner Mattingly moved, seconded by Commissioner Raley, to extend legislative time, imposed by Resolution 2005-03, for consideration of the proposed Accessory Apartment Non-Critical Area Zoning Text Amendment until August 5, 2008. Motion carried 4-0.

5. REQUEST FOR EXTENSION OF DEADLINE FOR APPROVAL OF ADEQUATE PUBLIC FACILITIES/ANNUAL GROWTH POLICY TEXT AMENDMENTS

Present: Denis Canavan, Director

The Adequate Public Facilities/Annual Growth Policy Text Amendments were presented to the Board as a first reading on January 15, 2008. The Planning Commission conducted a public hearing on February 20, 2008, and subsequently extended the public hearing until May 12, 2008. The legislative timeframe for reviewing zoning text amendments is 125 days from the date of introduction. To provide for adequate time for public hearing advertisement, Board work session, and Board legislative action, Mr. Canavan requested an extension of time for consideration of this text amendment to August 28, 2008.

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to extend legislative time, imposed by Resolution 2005-03, for consideration of the proposed Zoning Text Amendment to the Adequate Public Facilities/Annual Growth Policy until August 28, 2008. Motion carried 4-0.

COMMISSIONERS TIME

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

MOTION TO ADJOURN

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to adjourn. Motion carried 4-0.

The meeting adjourned at 2:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator