

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, October 20, 2009**

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 (Recorder)

A.M. EVENT (CALVEX DRILL PARTICPATION)

BOCC and staff participated in the Calvert Cliffs Nuclear Power Plant Evacuation Exercise Drill (CALVEX) at the Emergency Communications Center, Department of Public Safety, located on the Governmental Center complex.

CALL TO ORDER

Commissioner President Russell called the meeting to order at 2:00 pm.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register for checks dated October 20, 2009, as presented by staff. Motion carried 5-0.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of Tuesday, October 6, 2009, as presented. Motion carried 5-0.

PROCLAMATION – TEEN DRIVER SAFETY WEEK

The Board presented proclamations acknowledging October 18-24, 2009, as “Teen Driver Safety Week. The Board of Education of St. Mary’s County, St. Mary’s County Sheriff’s Office, Department of the Maryland State Police, and St. Mary’s County Highway Safety Program have partnered to create the “Superintendent’s Young Driver Safety Program” promoting safety and education of young drivers in conjunction with this nationwide effort.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Jarboe moved to enter into Executive Session for the purpose of discussing real property acquisition for public purposes that would utilize state and federal funds if purchased. Motion failed for lack of a second.

COUNTY ADMINISTRATOR

1. Draft Agenda for October 27 and November 3, 2009
2. **Dept. of Finance** (*Jeannett Cudmore, Deputy Director*)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the budget amendment presented, which reduces the State Aid Police Protection Grant, Project MD1030, by \$300,956 and also corrects prior budget amendment submission which had reduced the Sheriff's expenditures due to the grant reduction but had erroneously increased the Revenue Stabilization Reserve. Motion carried 5-0.

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

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to appoint Commissioner Daniel H. Raley to the Southern Maryland Development Commission on a temporary basis, for a period ending calendar year 2010, to support the commission's strategic plan development initiative. Motion carried 4-0, 1 abstention (Commissioner Raley). Mr. Savich noted the appointment is at the request of the Commission.

4. **Dept. of Public Works and Transportation** (*John Groeger, Deputy Director*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Public Works Agreement Addenda and the Public Works Agreement and related Resolution, outlined on Mr. Erichsen's October 14, 2009 memo as Items A through E, and as listed on the County Administrator agenda under Item 3.A . Motion carried 5-0.

Motion specifically pertains to the following:

Public Works Agreement Addenda -

(A.) Town View Subdivision, Section 1, located in the 3rd Election District with an Expiration Date of September 1, 2010;

(B.) Leonardtown Farms Subdivision, Section 1, located in the 3rd Election District with an Expiration Date of November 1, 2010;

(C.) Broad Creek Subdivision, Section 1, located in the 6th Election District with an Expiration Date of September 1, 2010;

(D.) Greenbrier Subdivision, Section 3, located in the 8th Election District with an Expiration Date of September 1, 2010; and

Public Works Agreement (E.) for Continued Maintenance and Repair for Primrose Park, Wildewood Subdivision, located in the 8th Election District with an Expiration Date of September 1, 2010, and a Resolution accepting Wildewood Parkway (2,273') into the highway maintenance system.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Claim Letter and the attached certification document, in the amount of \$52,600, to the Selective Insurance Company of America for a Public Works Agreement issued for the Locust Glen Subdivision, Section 1, located in the Eighth (8th) Election District and based on the Department's Inspection Report dated September 8, 2009, and correspondence dated October 7, 2008, and July 2, 2009, indicating that claim proceedings would be started on the Bond. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT:

1. PROPOSED TEXT AMENDMENT TO UPDATE THE COMP. ZONING ORDINANCE, CHAPTER 75, FOREST CONSERVATION, TO BRING INTO COMPLIANCE WITH 2009 CHANGES TO THE FOREST CONSERVATION ANNOTATED CODE OF MARYLAND, NATURAL RESOURCES ARTICLE.

Present: Bob Bowles, Planner IV

Effective October 1, 2009, Legislation Session Bills Chapter 298 (SB666) and Chapter 289 (SB581) amended the Forest Conservation Code of Maryland Regulations requiring changes to the current St. Mary's County Zoning Ordinance, Chapter 75, and the current Schedule of Fees for St. Mary's County, Ordinance Number 2005-03, Section Y.

As recommended by staff, Mr. Bowles requested that the Board of County Commissioners accept the introduction of the zoning text amendments, waive the 30-day comment period and the second reading required by Resolution 2005-03, and direct the Department of Land Use and Growth Management to proceed with scheduling a Planning Commission public hearing on the proposed text amendments.

Commissioner Jarboe commented that there needs to be adequate time for public response. It was clarified that the changes were initiated by the state and apply county-wide (not just to the critical area).

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept for a first reading the proposed text amendments for the purpose of updating the Comprehensive Zoning Ordinance, Chapter 75, Forest Conservation, to bring it into compliance with the 2009 Legislative changes, and to waive the 30-day comment period and second reading required by Resolution 2005-03, and to direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board relating to the proposed amendments.

Commissioner Mattingly amended his motion to remove waiving the 30-day comment period and the second reading.

Commissioner Mattingly moved, seconded by Commissioner Raley, to accept for a first reading the proposed text amendments for the purpose of updating the Comprehensive Zoning Ordinance, Chapter 75, Forest Conservation, to bring it into compliance with the 2009 Legislative changes. Motion carried 5-0.

2. PROPOSED ZONING TEXT AMENDMENT TO SCHEDULE 50.4, SECTION 51.3, SCHEDULE 64.3.1., AND CHAPTER 90 OF THE COMP. ZONING ORDINANCE TO ALLOW WINERIES IN TMX, VMX, RSC AND RPD ZONES

Present: Derick Berlage, Director, LU&GM
Yvonne Chaillet, Zoning Administrator

Commissioner Raley recused himself from discussion and vote on this matter as directed by the Ethics Commission. It was noted that the BOCC was provided with a revised Request for Appointment package just prior to the opening of the meeting that included a correction made at the request of Commissioner Mattingly to add those areas to the proposed Ordinance where wineries are permitted in the Critical Area Overlay, i.e: in Schedule 50.4 of the Comprehensive Zoning Ordinance, "in the column labeled Critical Area Overlay, add 'RCA, LDA, and IDA'."

Mr. Berlage brought the Commissioners up-to-date following the August 4, 2009, BOCC meeting and presented the following staff recommendations:

- Amend the ordinance to allow wine tastings in the RPD with two limitations: i.e., the winery may not process more than 27,500 gallons per year and will be required to cultivate grapes on-site or on other land located in St. Mary's County. Development standards will be applied to provide adequate buffering for adjacent properties and adequate parking for visitors.
- Create a new Use Type 10 Winery and make it permitted in the TMX, VMX, RSC, and RPD zones. A winery may be permitted in the RCA, LDA, and IDA Critical Area overlay areas.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and adopt the proposed Zoning Ordinance text amendment to allow wineries in the TMX, VMX, RSC, and RPD Zones, with an effective date of November 3, 2009. Motion carried 3-1 (Commissioner Mattingly voted no and Commissioner Raley did not vote on the matter).

COMMISSIONERS' TIME

The Commissioners highlighted upcoming events and those attended over the past week as well as personal interest items.

ADJOURN

The Board of County Commissioners' meeting of October 20, 2009, adjourned at approximately 3:30 PM.

Minutes Approved by the Board of County Commissioners on _____

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