

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Tuesday, September 18, 2012**

Present: Commissioner President Francis Jack Russell
Commissioner Lawrence D. Jarboe
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sharon Ferris (Recorder)

Absent: Commissioner Cynthia L. Jones

Prior to the business meeting, the Commissioners joined the Board of Education at Chopticon High School to recognize National Preparedness Month and SMCPS and County government's partnership to enhance mass care sheltering capabilities through the installation of campus safety phones and electrical generator transfer switches at public high schools.

CALL TO ORDER

Commissioner President Russell called the business meeting to order at 10:00 am in the Chesapeake Building meeting room, Governmental Center.

ADDITIONS/DELETIONS TO AGENDA

Executive Sessions were moved from 11:45 am until after the agriculture tours at 3:45 pm.

APPROVAL OF MINUTES

Commissioner Morgan moved, seconded by Commissioner Jarboe, to approve the minutes of September 11, 2012, as presented. Motion carried 4-0.

INVITATION TO THE ST. MARY'S COUNTY FAIR

Invitation to the St. Mary's County Fair was extended to the Commissioners and the public by Mr. John Richards, President St. Mary's County Fair Association.

COUNTY ADMINISTRATOR

1. Draft Agenda for September 25, and October 2, 2012.
2. **Alcohol Beverage Board** (*Tamara Hildebrand, Alcohol Beverage Board Administrator*)

Commissioner Morgan moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Highway Safety-Better Business Practices to Promote Responsible Alcohol Service grant agreement/award, Project US1385, from the Maryland Highway Safety Office on behalf of the Alcohol Beverage Board in the amount of \$4,000 for continuation of the Topsy Taxi program and the Responsible Alcohol Service Training. Motion carried 4-0.

3. **Sheriff's Office** (*Captain Willenborg, Erin Shoemaker, Fiscal Manager*)

Commissioner Jarboe moved, seconded by Commissioner Morris, to authorize the Sheriff's Office to execute the Maryland Highway Safety Office Grant for Sobriety Checkpoints, DUI Patrols and Smooth Operator award in the amount of \$37,000 from the Maryland State Highway Administration. Motion carried 4-0.

(Captain Daniel D. Alioto, Sheriff's Office)

Commissioner Jarboe moved, seconded by Commissioner Morris, to approve and authorize Commissioner President Russell to execute the Equitable Sharing Agreement and Certification Report, from The Department of the Treasury, on behalf of the St. Mary's County Sheriff's Office. Motion carried 4-0.

4. **Department of Emergency Services and Technology** (*Bob Kelly, Director*)

Commissioner Morgan moved, seconded by Commissioner Morris, to accept the spending plan for funding requests under Project MD1338, from the Emergency Number System Board on behalf of the Department of Emergency Services & Technology for the amount of \$18,500. Motion carried 4-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT - PROPOSED TEXT AMENDMENTS:

1. TO MODIFY USE TYPE 12A, DISTILLERY, TO ALLOW TOURS, PRODUCT SAMPLING, RETAIL SALES AND EVENTS (2ND READING)

Present: Phil Shire, Director, Dept. Land Use and Growth Management
Yvonne Chaillet, Zoning Administrator, Dept. of Land Use and Growth Management

Ms. Chaillet presented the second reading of the proposed zoning text. The first reading was presented on July 31, 2012, and the Commissioners requested that staff consider the potential impact to local roads from an increase in traffic to and from the distillery site during promotional events and tours.

Ms. Chaillet noted it is difficult to determine the traffic impact at this time. Only one application has been received at this time and the property fronts a County road which is classified as a major collector. This proposed amendment is in line with state legislation which expanded the privileges to allow tours, promotional events, product sampling, and incidental sales.

Commissioner Jarboe moved, seconded by Commissioner Morris, to accept the amendments to modify Use Type 12a, Distillery, as proposed for a second reading, and direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board. Motion carried 4-0.

2. TO MODIFY METHODS FOR ACHIEVING AN INCREASE IN FLOOR AREA RATIO PURSUANT TO SCHEDULE 32.2 OF THE ZONING ORDINANCE (2ND READING)

Mr. Shire noted that when the proposed amendment was presented for a first reading on July 31, 2012, the Commissioners requested staff clarify the purpose of the amendment. Schedule 32.1 "Development Standards" stipulates a base floor area ratio for development intensity in all zoning districts and describes this can be achieved by two methods described in Section 32.2 of the Ordinance: (1) purchase Transferrable Development Rights (TDR) or (2) Leadership in Energy and Environmental Design certification (LEED). This amendment modifies Schedule 32.2 of the Comprehensive Zoning Ordinance to add a footnote stating "Public and semi-public uses may achieve the maximum floor area ratio stipulated in Schedule 32.1 without applying these methods."

Commissioner Morgan moved, seconded by Commissioner Morris, that the Board of County Commissioners accept the amendments to modify methods for achieving an increase in floor area ratio as proposed for a second reading and direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board. Motion carried 4-0.

3. TO MODIFY CHAPTERS 61 AND 90 OF THE ZONING ORDINANCE AND CHAPTERS 20, 30, AND 50 OF THE SUBDIVISION ORDINANCE TO CONFORM AND ADJUST DEFINITIONS OF MAJOR AND MINOR SUBDIVISIONS WITH SENATE BILL 236 (FROM A MAXIMUM OF 5 LOTS TO 7 LOTS)

Present: Bob Bowles, Planner, Dept. of Land Use and Growth Management

The St. Mary's County Subdivision Ordinance and Zoning Ordinance define a minor subdivision as having one to five lots. In May 2012, the Maryland Department of Planning implemented new guidelines for counties to conform to a new bill that takes effect January 1, 2013. Counties can define what constitutes major and minor subdivisions for the purpose of the Sustainable Growth and Agricultural Preservation Act of 2012 (otherwise known as the Septic Bill) by December 31, 2012. This amendment will redefine the County's definition of a minor subdivision from a maximum of five to seven lots which may be served by a private road. If the County does not take the opportunity to act prior December 2012, the current definition can't be changed.

Commissioner Morgan moved, seconded by Commissioner Jarboe, that the Board of County Commissioners accept the amendment as proposed for a first reading and direct that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board. Motion carried 4-0.

4. TO MODIFY USE TYPE 112, DAY CARE, FAMILY HOME, TO INCREASE THE MAXIMUM CHILD CARE CAPACITY FROM 8 CHILDREN TO 12

A public Hearing was held on August 21, 2012. No public comments were received at that time or during the 10-day open comment period.

Commissioner Jarboe moved, seconded by Commissioner Morgan, to adopt an Ordinance amending Schedule 50.4.112 and Article 9 of Chapter 285 of the Code of St. Mary's County to revise the description of "Day Care, Family Home" and the definition of "Family Day Care." Motion carried 4-0.

COMMISSIONER'S TIME

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

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Morgan moved, seconded by Commissioner Morris, to enter into Executive Session following the agriculture tours for the purpose of reviewing candidates for the DECD director position and potential property acquisition. Motion carried 4-0.

AGRICULTURE TOUR

The Commissioners visited the Joseph Stauffer Loveville Hen Yard, Russell Brothers Farm and William and Rose Lyon's Friendly Hall Farm.

EXECUTIVE SESSIONS

Property Acquisition

Present: Commissioner Francis Jack Russell, President
 Commissioner Lawrence D. Jarboe
 Commissioner Daniel L. Morris
 Commissioner Todd B. Morgan
 John Savich, County Administrator
 Brian Loewe, Director, Dept. of Recreation and Parks

Kathy Bailey, Executive Coordinator, Dept. of Rec. and Parks
Donna Gebicke, Administrative Assistant
Authority: Article 24, Section 4-210(a)11
Time Held: 4:12 pm – 4:28 pm
Subject Discussed: Real Property

Personnel

Present: Commissioner Francis Jack Russell, President
Commissioner Lawrence D. Jarboe
Commissioner Daniel L. Morris
Commissioner Todd B. Morgan
John Savich, County Administrator
Sue Sabo, Director, Human Resources
Donna Gebicke, Administrative Assistant
Authority: Article 24, Section 4-210(a)1
Time Held: 4:29 pm – 4:50 pm
Subject Discussed: Personnel

MOTION IN OPEN SESSION

Commission Morgan moved, seconded by Commissioner Morris, to direct staff to proceed as discussed in Executive Session regarding personnel matter. Motion carried 4-0.

ADJOURNMENT

Commissioner Russell adjourned the Board of County Commissioners meeting at 4:59 pm.

Minutes Approved by the Board of County Commissioners on _____

Sharon Ferris, Senior Administrative Coordinator (Recorder)