

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
CHESEAPEAKE BUILDING
Tuesday, August 4, 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, 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 for checks dated August 4, 2009, as submitted 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, July 28, 2009, as presented. Motion carried 5-0.

**INVITATION TO 5TH BIENNIAL UNMANNED SYSTEMS DEMONSTRATION
AT WEBSTER FIELD**

Joined by Bob Schaller, Director, Dept. of Economic and Community Development, Commander Paul J. Filardi, Biennial Unmanned Systems Demonstration Coordinator and PMA-268 Unmanned Combat Air System (Navy-UCAS) Concept Development Deputy Program Manager NAS Patuxent River provided an overview of the invitation-only event scheduled for Monday, August 10, 2009 at Webster Field, St. Inigoes.

The demonstration was described as a 'technical field trip' and serves as the kick-off event for the AUVSI (Association for Unmanned Vehicle Systems International) conference in Washington D.C. It is estimated that 6,000 will attend.

STATE HIGHWAY ADMINISTRATION: INTRODUCTION OF NEW DISTRICT 5 ENGINEER LEE STARKLOFF

Presenting: Lee Starkloff, District 5 Engineer

Mr. Starkloff presented a brief list of in progress / planned SHA projects for St. Mary's County. Mr. Starkloff replaced Greg Welker as the District Engineer for Southern Maryland.

COUNTY ADMINISTRATOR

1. Draft Agenda for August 18, 2009 (no meeting August 11, 2009)
2. **Office of the County Attorney** (*Liz Passarelli, Real Property Manager*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the Lease Agreement with Linda Charles and Curtis Charles for the use of the premises known as 41501 Hayden Farm Lane, Leonardtown, Maryland, for residential purposes. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Lease Agreement for Occupation of Space at the Captain Walter Francis Duke Regional Airport, with the St. Mary's County Chamber of Commerce, for the use of a portion of the premises at 44200 Airport Road, California, Maryland; Tax Map 34, Parcel 299, consisting of approximately 703 square feet. Motion carried 5-0.

3. **Dept. of Economic and Community Dev.** (*Bob Schaller, Director*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Release of St. Mary's County Agriculture Land Preservation Agreement as requested by the property owners; Joseph W. Vallandingham, Jr., and Sara Teresa Vallandingham. Motion carried 5-0.

**DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT:
DECISION ON PROPOSED ZONING TEXT AMENDMENT TO ALLOW A WINERY IN THE RPD AND RL TRANSITIONAL PLANNING AREAS AS DESCRIBED IN THE LEXINGTON PARK DEVELOPMENT DISTRICT MASTER PLAN**

Presenting: Derick Berlage, Director
Yvonne Chaillet, Planner IV/Zoning Administrator

Commissioner Raley consulted with the Ethics Commission and the County Attorney and recused himself from the presentation and discussion due to a potential conflict of interest pertaining to property zoning. Commissioner Jarboe responded that he feels the zoning is too restricted and should apply to all zoning categories. Given this rationale, if the zoning was changed to apply to all, then no Commissioner would be able to vote on the text amendment because they all own property in the county. Commissioner Russell said that he thought it was appropriate for Commissioner Raley to recuse himself from the discussion. Commissioner Raley subsequently stepped down and sat in the audience.

Stating that the two primary objectives of the text amendment are to support agriculture and tourism, Mr. Berlage said the proposal has turned-out to be very complex and involves a lot of stakeholders.

Staff presented the following five major issues, provided the Planning Commission's (PC) and staff's recommendations, and solicited the Board to take a straw vote for each.

1. Winery definition

The PC and staff concur that a winery should be defined as “*a producing vineyard or orchard with facilities for processing and fermenting grapes and other fruits into wine.*” Under this definition, the operation would have to include both the cultivation of fruit and the processing of fruit into wine in order to be defined as a winery.

Commissioner Jarboe: agreed – stipulated in favor of 10 acre restriction

Commissioner Mattingly: disagreed – does not address consideration if interest is in the business and not in producing an orchard. [Adding that the PC looked at wineries in the RPD and not looking at wineries as a whole.](#)

Commissioner Dement: initially agreed but questioned examples of how much acreage would be required for gallons produced (if the one acre per 2000 gallons produced is adopted). Commissioner Dement added he supports including the cultivation and processing without the acreage requirement.

Commissioner Russell: agreed with the definition (including the cultivation and processing) and the concept in general to be defined as a winery; [non-committal on the acreage requirement.](#)

There was no Board consensus on the first item.
(1-favor; 1-favor of concept; 2-disagree)

At approximately 10:30 AM, **Commissioner Mattingly moved to recess until 1:30 PM** (to allow Board members to attend the funeral of George Aud, former County Commissioner. The motion was not seconded.

Commissioners Raley and Mattingly left the meeting at approximately 10:30 AM.

2. Other permitted activities

3. Zoning

4. Development standards

5. Requirement for using local fruit

10:30 am

**DEPARTMENT OF HUMAN RESOURCES: PROPOSED
EIGHTH AMENDMENT TO THE SHERIFF'S OFFICE
RETIREMENT PLAN**

Presenting: Sue Sabo, HR Director and Plan Administrator

MOTION: To direct staff to schedule a public hearing for the proposed Eighth Amendment to the Sheriff's Office Retirement Plan

10:45 am

**DEPARTMENT OF ECONOMIC & COMMUNITY
DEVELOPMENT:**

**ECONOMIC OVERVIEW OF ST. MARY'S COUNTY
HIGHLIGHTING POPULATION AND JOB GROWTH**

Presenting: Bob Schaller, Director;

No motion needed

11:00 am

COMMISSIONER'S TIME

11:15 am

**VISIT POTOMAC BUILDING AND EMERGENCY
COMMUNICATIONS CENTER STAFF**

11:15 – 11:45 am: POTOMAC BUILDING

Basement

Information Technology Dept. (Bob Kelly)

First Floor and Second Floor

Dept. of Human Services (Bennett Connelly)

Second Floor

Dept. of Economic & Community Dev. (Bob Schaller)

Third Floor

**Dept. of Human Resources (Sue Sabo)
Public Information Office (Karen Everett)**

**12 noon – 12:15 pm: *EMERGENCY COMM. BUILDING
Department of Public Safety (Dave Zylak)**

****CALVEX DRILL DRESS REHEARSAL
WILL BE
UNDEWAY WHEN YOU VISIT.***

MOTION TO ADJOURN

Commissioner Dement moved, seconded by Commissioner Raley, to adjourn the Board of County Commissioners meeting.

The meeting adjourned at 4:00 PM.

Minutes Approved by the Board of County Commissioners on _____

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