

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
Governmental Center
Thursday, September 13, 2001**

(Because of the need for security of the Governmental Center due to events in New York and Washington, D.C., the Board of County Commissioners cancelled their meeting on Tuesday, September 11th and rescheduled County Administrator and Executive Sessions, with a Zoning Ordinance Work Session to follow those items on September 13, 2001)

Present: Commissioner President Julie B. Randall (*arrived 5:43 p.m.*)
Commissioner Joseph F. Anderson (*arrived 6:00 p.m.*)
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Judith A. Spalding, Administrative Assistant to BOCC (Recorder)
Kate Mauck, Administrative Assistant (Recorder)

CALL TO ORDER

The meeting was called to order at 5:35 p.m.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize Commissioner President Randall to sign the Check Registers for September 8, 2001 and September 15, 2001. Motion carried.

COUNTY ADMINISTRATOR

Present: Alfred A. Lacer, County Administrator

1. Agenda of September 18/20 and Draft Agenda of September 25/27, 2001

Commissioner Guazzo reported that the 60-day comment period for written public comment regarding the Zoning Ordinance would be completed at the close of business on Monday, September 17th.

2. Office on Aging - Grant Awards

Present: Gene Carter, Director

- a) Senior Nutrition, Senior Care, Guardianship, Senior I&A, IT Grant, Subsidized Asst. Housing, Vulnerable Elderly Program (State Funds: \$188,401)
- b) FY 2002 Medicaid Waiver Administration and Case Management Project (Federal: \$35,816; State: \$35,816; (\$55,500 of these funds are included in FY 02 budget))
- c) Child and Adult Care Food Program (Federal: \$37,181)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Randall to sign the Grant Awards. Motion carried.

3. Office of Community Services
AmeriCorps*VISTA Grant Acceptance

Present: Walt Biscoe, Community Services Coordinator

Commissioner Raley moved, seconded by Commissioner Guazzo, to accept the AmeriCorps*VISTA Grant. Motion carried.

4. Department of Public Works and Transportation
Waterway Improvement District Statement of Policy

Present: George Erichsen, Director
John B. Norris III, Deputy County Attorney

Commissioner Guazzo moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Randall to sign the Waterway Improvement District Statement of Policy. Motion carried.

5. Department of Public Works and Transportation
Experimental Aircraft Fly-in Rescheduling Notification

Present: George Jarboe, Transportation Manager
Patty Stiegman, Airport Manager

Mr. Jarboe and Ms. Stiegman briefed the Board of County Commissioners on matters concerning the Experimental Aircraft Fly-in that was originally scheduled for September 15th. Due to airport closures that have occurred nationwide because of the crisis in Washington D.C. and New York City, the Experimental Aircraft Fly-in date has been postponed until October 20th, 2001.

Ms. Stiegman outlined emergency measures taken at the Captain Walter Francis Duke Regional Airport at St. Mary's, and stated that she would keep the St. Mary's County Public Information Office informed at all times of matters concerning status of the airport.

The Board of County Commissioners directed that information regarding the Experimental Aircraft Fly-in date change be placed on cable Channel 12.

EXECUTIVE SESSIONS

Commissioner Anderson moved, seconded by Commissioner Raley, to meet in Executive Sessions to discuss matters of Property Acquisition and Litigation, as provided for in Article 24, Section 4-210(a)11 and 4-210(a)8, respectively. Motion carried.

Property Acquisition

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney
Richard Rohrbaugh, Director, Facilities Management
Phil Rollins, Director, R&P
Joan Lolcama, Property Manager
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 6:10 p.m. – 6:50 p.m.

Action Taken: Discussed four items of property acquisition and gave direction to staff.

Litigation

Present: Commissioner President Julie B. Randall
Commissioner Joseph F. Anderson
Commissioner Shelby P. Guazzo
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
Alfred A. Lacer, County Administrator
Patrick Murphy, County Attorney
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a)8

Time Held: 6:50 p.m. - 7:12 p.m.

Action Taken: Discussed a settlement issue and gave direction to staff.

7:12 p.m.

ZONING ORDINANCE WORK SESSION

Prior to the beginning of the work session, Commissioner President Randall announced that a Youth Rap Session on the Attack on America would be held at the Teen Center on Saturday, September 15th from noon to 2:00 p.m. *The Public Information Office was directed to place this announcement on cable Channel 12.*

Chapters 50 and 51 – Agriculture

Present: Jon Grimm, Director, Planning and Zoning
James “Bubby” Norris, President, Farm Bureau
Steve Hoopengardner, Director, Farm Bureau

Mr. Grimm provided the Board of County Commissioners with a memo dated September 12th which addressed recommendations made by the Farm Bureau in their September 8th memo. The Farm Bureau responded to questions and comments submitted to them earlier by Mr. Grimm, after direction was given by Commissioners, regarding the Agriculture Chapters of the Zoning Ordinance. Mr. Grimm gave his concurrence with the recommendations submitted by the Farm Bureau.

Mr. Norris reported that the recommendations submitted were a compilation of five work sessions that included members from the Farm Bureau, the Agricultural Commission, the Agricultural Preservation Commission, and Soil Conservation as well as others involved in farming within the community.

The following items were discussed and/or determined by the Board of County Commissioners:

- 50.4-3 & 4 – have just one category for Animal Husbandry;
- 50.4-3 – Animal Husbandry – Change Industrial to L;
- 50.4-3 – Animal Husbandry – end the sentence with ...eggs or dairy products. Strike the remainder of the paragraph which states “on an agricultural or commercial basis...”;
- 50.4-1 – Agricultural Industry, Major – RPD should be C;
- 50.4-1 – VMX & TMX should be C;
- 50.4-1 – Industrial should be P;
- 50.4 – Aquaculture – Delete entire last description statement which says: “Excludes for-profit water-based aquaculture....”;
- 50.4-7 – Farmers Market – Description is incomplete; I, OBP & CM should all be P;
- 50.4 – Roadside Stand – strike the statement “on the site where they were made or grown.” Change RL, RH & RNC to P classifications;
- 50.4 – Dwelling Unit Attached, Duplex – Strike description statement completely;

- 50.4-116 – Outdoor Storage - Add clause under description: “This does not apply to agricultural operations.”;
- 50.4-119 – Stables – Description is to read: “An accessory building, not related to the ordinary operation of a farm, for the housing of hooved animals.”;
- Page 51-49 – 119a – Accessory Standards – in paragraph (1) correct the spelling of the word “acres”. Delete paragraph (3) entirely;
- Extended discussion occurred regarding the trucking industry and the number of vehicle trips per day that should or should not be permitted. Discussion included the difficulties faced by small trucking contractors and whether a separate classification type should be placed in the Zoning Ordinance for these types of operations;
- Commissioners directed that Mr. Grimm and Mr. John Norris research the COMAR Regulations in light of discussion that took place concerning the trucking industry. They were further directed to generate classification(s), determine any limitations and report information and recommendations back to the Board of County Commissioners;
- Mr. John Norris provided Commissioners with an updated matrix which outlined the Zoning Ordinance process by date and category;
- 51.3.2a(a) – Agricultural Industry, Minor – delete “(a) Minor site plan approval is required.”;
- 51.3.4.a – Aquaculture delete “(a) Minor site plan approval is required.”;
- 51.3.4.b(1) – Limited Standards – just say “a 75 foot setback” and eliminate wording for “b” (buffer yard”);
- 53.3-5 – Crop Production and Horticulture - should remain deleted as recommended;
- 53.3-6 - Farmers Market – add clarification under subparagraph (2): “Permanent and moveable structures shall be at least 15 feet from the rear property line and maintain a 10 foot front yard setback from the roadside property line.”;
- 53.3-7a(2) – Roadside Stands – to read: “The building, transient cart, vehicle etc. shall be at least fifteen feet from the rear property line, and maintain a 10 foot front yard setback from the roadside property line.” The balance of that paragraph is to be stricken;
- 53.3-82b(2)b – Production Industry, Custom – delete all but: “portable sawmills for cutting timber grown on the premises shall be permitted in any zone provided the sawmill is removed from the property at the conclusion of the milling of the onsite timber. Band saws are less noise than a lawn mower.”;
- 53.3-84b(6)c – Slaughterhouses – lines 35 and 36 to be stricken;

Chapter 54 – Right to Farm

Commissioner President Randall stated that she wants to see encouragement and protection occur for the Amish and Mennonite citizens that farm within the St. Mary’s County community. Recent information had been submitted to the Board of County Commissioners regarding Pennsylvania and New Jersey communities that may help to give direction on how to better protect the Amish and Mennonite communities in our County. *Commissioner Randall requested that staff look carefully at the information provided and develop any recommendations regarding this subject prior to the draft Zoning Ordinance public hearing.*

ADJOURNMENT

The meeting adjourned at 9:40 p.m.

**Minutes Approved by the
Board of County Commissioners on 9/25/01**

Judith A. Spalding
**Judith A. Spalding, Administrative Assistant
to the Board of County Commissioners**