

(b-3)(1) Notwithstanding subsection (a) of this section, in Cecil County, the board has five regular members and one alternate member.

(2) Board members serve for 3-year staggered terms.

(3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(c) The board shall adopt rules in accordance with the provisions of any ordinance adopted pursuant to this article. Meetings of the board shall be held at the call of the chairman and at such other times as the board may determine. Such chairman or in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall make a transcript of all proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, which shall be immediately filed in the office of the board and shall be a public record.

(d) The board of appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this article or of any ordinance adopted pursuant thereto.

(2) To hear and decide special exceptions to the terms of the ordinance upon which such board is required to pass under such ordinances.

(3) To authorize upon appeal in specific cases a variance from the terms of the ordinance.

(E) (1) THIS SUBSECTION APPLIES ONLY:

(I) IN CHARLES COUNTY; AND

(II) TO AN APPLICATION FOR A SPECIAL EXCEPTION FOR SURFACE MINING, AN ASPHALT PLANT, CONCRETE PLANT, OR SAND AND GRAVEL WASHING, CRUSHING, OR SCREENING.

(2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, THE COUNTY COMMISSIONERS MAY HEAR AND DECIDE A SPECIAL EXCEPTION, ~~ON THE RECORD,~~ UNDER AN APPEAL FILED BY A PROPERTY OWNER AGGRIEVED BY A DECISION OF THE BOARD OF APPEALS ON THE SPECIAL EXCEPTION, IN ACCORDANCE WITH RULES AND PROCEDURES ADOPTED BY THE COUNTY COMMISSIONERS.

(3) IF THE COUNTY COMMISSIONERS ADOPT RULES AND PROCEDURES FOR CONSIDERING A SPECIAL EXCEPTION UNDER THIS SUBSECTION, THE DECISION OF THE COUNTY COMMISSIONERS TO GRANT, DENY, MODIFY, OR REMAND THE APPLICATION FOR THE SPECIAL EXCEPTION IS A FINAL DECISION FROM WHICH AN APPEAL MAY BE TAKEN TO THE CIRCUIT COURT UNDER § 4.08 OF THIS SUBTITLE.