

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, May 27, 2008**

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.

DELETION TO AGENDA

At the request of LU&GM, the Decision on Plumbing & Fuel Gas Ordinance was removed and tentatively rescheduled for June 3, 2008.

APPROVAL OF CHECK REGISTER

**Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated May 27, 2008, as submitted.
Motion carried 5-0.**

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of May 20, 2008, as presented. Motion carried 5-0.

PROCLAMATION

Maryland Master Gardening Month, May 2008, presented to Ben Beale, Cooperative Extension Director. This year marks the 30th Anniversary of the Maryland Master Gardener program and the 10th Anniversary of the St. Marys County Program.

APPROVE FINAL FISCAL YEAR 2009 BUDGET AND SET TAX RATES

Present: Elaine Kramer, CFO
Jeannett Cudmore, Deputy Director, Finance

The final budget package for fiscal year beginning July 1, 2008 and ending June 30, 2009, was presented by Ms. Kramer. The final incorporates updates in conjunction with the last budget work session (BWS) held on May 19, 2008. Upon BOCC approval, the budget index, along with the ordinances, will be posted to the website. Once the full budget book is complete, it will also be posted on the website and made available at each Library location. The budget message letter is being drafted and will be sent to the BOCC for review.

Total FY2009 Approved Operating Fund:	\$337,582,209
Total FY2009 Approved Capital Projects Fund:	\$ 54,645,626

Budget package walk-through high-lights:

Revenue Tax Ordinance - Ordinance for levying rates for St. Marys County revenue taxes, emergency services tax rates, property tax rate, service charge, energy and fuel tax rates, and special district tax rates.

The Revenue Tax Ordinance reflects the changes in the rates for the fire tax increase for the 5th Election District and Rescue Squad component of the Emergency Service tax increase for the 8th Election District.

The Property and Income Tax remains the same in FY2009 (same as FY2008).

Page 5 reflects the change in the Energy Tax Rate (reduced from 2.5% in 2008 to 1.25%), resulting in a revenue reduction of about 1.5 million.

Appropriation Ordinance Ordinance lists the Operating Budget, Revolving Funds, Enterprise Funds, and the Capital Budget; detail & summary taken from the various spreadsheets.

Called attention to Page 8, Non-Profit Private Entity Contributions, Non-County Reserve (\$100,000) identified for allocation, specific purpose not yet identified (will be determined as a result of working with the Humans Services Director).

Total Recommended FY2009 Budget Summary

The Total Recommended FY2009 Budget Summary is not final. Additional information forthcoming from the Board of Education (due to approve in mid-June), Library Board of Trustees, and the College of Southern Maryland regarding non-county funding sources.

General Fund Revenues Summary & Details

Appropriation of Fund Balance includes a \$500,000 increment for CIP/Paygo. Of the \$10,972,561 fund balance used for Operations, 10 million is a special OPEB non-recurring allocation for the County and the Board of Education.

Based on current rates, except for the Energy Tax based on the reduced rate of 1.25%.

Budget Expenditures Summary & Details

- 5.4 million increase for the Department of Human Services bulk is grant funded activities for the new department.
- 3.4 million increase for the Office of the Sheriff (benefit improvements, changes to retirement plan and additional positions)
- County funds for the Board of Education (includes recurring and 4 million for non-recurring for their OPEB costs)

Enterprise and Revolving Funds Contains details for the Recreation and Parks Enterprise Fund, Wicomico Shores Golf Enterprise Fund, Solid Waste and Recycling Fund, Medical Adult Day Care Fund, and the Miscellaneous Revolving Fund.

Special Assessment Fund There are four district classifications of special assignments. These include: shore erosion control, roadway improvements and lighting, storm water drainage, and waterway dredging.

Emergency Services Support Fund Effective in FY2005, the budget incorporates the Emergency Services Tax legislation, which dedicates a funding stream for the Countys emergency services activities and organizations.

Fire Tax - Rate for 5th Election District Mechanicsville increased to 4.6.

Rescue Tax - Rate for 8th Election District Lexington Park increased to 1.7.

Approved Capital Budget FY2009

Total FY2009 Approved Capital \$54,645,626 (Page 51 shows totals by Type and by Source of Funds).

Includes Capital Plan projection for FY2010 to FY2014.

Debt Capacity Calculations are summarized on Page 52. Outstanding debt not to exceed 2% (1.39% for FY2009, and less for FY2010 through FY2014).

Authorized County Government Positions and Changes in FTE Positions

- Net increase 20.5 positions
- Seven positions for Human Services (grant funded)
- Ten positions for Sheriffs Office

Schedule of Pay Differentials, Premium Pay and Insurance Premiums (FY2009)

Basically no change; 3% COLA 2% for sworn officers.

Page 56 is a recap of the St. Marys County Tax Rates, includes FY2008 and FY2009 Approved Rates

Discussion Notes:

Subtotal for expenses shows 11% increase over FY2008. It is difficult to compare budgets. Need to consider the details of how the budget evolved.

St. Marys County is in front of the issue for addressing OPEB, significant adjustments have been made.

Six percent of revenues put aside (close to 12 million); supports AA Bond Rating. Commissioner Jarboe spoke positively about off-setting some of the fire and rescue tax by reducing the energy tax but expressed concern regarding property tax.

Commissioner Jarboe said theyd get to work on next years budget as soon as this one is done and sees next years budget as being even more challenging.

Commissioner Dement voiced that he had some concerns and that he had said he wasnt going to support the budget. Commissioner Dement expressed concern relative to the constant yield tax (understanding its too late in the process to start for this budget) and that more attention should have been given to Leahs House and SMARTCO, which should not have been considered new requests. Also, Commissioner Dement suggested scheduling a meeting with the States Attorneys Office to address issues and expressed support for the energy tax reduction.

Both Commissioner Mattingly and Commissioner Raley commented about the County being fiscally strong, the budgets long term sustainability (comparing to deficit funding with budgets in the past), and budget uniqueness (difficult to compare to previous budget, have to look at the details). Commissioner Mattingly and said the constant yield would require cutting services and questioned what services could be cut (\$7 million). Budget focus is being maintained on education and public safety, as expected by the community.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the St. Marys County Budgets for Fiscal Year 2009, as presented, including setting the tax rates as identified in the Revenue Ordinance, and approve the Appropriation Ordinance, which identifies the budgets by department, for the elected officials, and spending units; and to sign the budget signature sheet, Revenue Tax Ordinance, and Appropriation Ordinance. Motion carried 4-1 (Commissioner Jarboe voted no).

Commissioner Dement voted in favor, but wanted to ensure his concerns are documented in the record.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 3 and 10, 2008
2. **Walden/Sierra, Inc.** (*Kathleen OBrien, Ph.D., Executive Director*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Application Transmittal Page and Certification thereby allowing submittal of the renewal application for services to victims of rape crisis, and also for services to victims of domestic violence. Motion carried 5-0.

3. **Dept. of Public Works and Transportation** (*George Erichsen, P.E., Director*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Performance Agreement for Continued Maintenance and Repair for the Indiantown Hills Subdivision, located in the 4th Election District with an Expiration Date of February 1, 2009; and to approve and sign Resolutions accepting Arrowhead Court and Marjon Court into the County Highway Maintenance System and authorizing the posting of stop signs and 25-mph speed limit signs on said roads, also located in the Indiantown Hills Subdivision. Motion carried 5-0.

**Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the following Public Works Agreement Addenda:
for Greens Rest Farm Subdivision, Section 5, located in the 2nd Election District with an Expiration Date of October 1, 2008, and for The Woods of Myrtle Point Subdivision,
Section 1, located in the 8th Election District with an Expiration Date of April 1, 2009. Motion carried 5-0.**

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Budget Amendment, in the amount of \$26,787, to return funds from the Piney Point Mitigation Project (US0701) to the Supplemental Reserve account. Motion carried 5-0.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Mattingly, to enter into Executive Session for the purpose of discussing Real Property Acquisition matters, specifically, property for public facilities. Motion carried 5-0.

EXECUTIVE SESSION

Real Property Acquisition

Present: Commissioner Francis Jack Russell, President
 Commissioner Kenneth R. Dement
 Commissioner Lawrence D. Jarboe
 Commissioner Thomas A. Mattingly, Sr.
 Commissioner Daniel H. Raley
 John Savich, County Administrator
 Christy Chesser, County Attorney
 Sabrina Hecht, Chief of Staff
 Liz Passarelli, Real Property Manager
 George Erichsen, Director, Dept. of Public Works and Transportation

Betty Jean Pasko, Recorder
Authority: Article 24, Section 4-210(a)11
Time Held: 10:20 am 10:45 am
Subject Discussed: Potential property for public facilities.

LAND USE AND GROWTH MANAGEMENT: DECISION ON NELSON PROPERTY WATER AND SEWER AMENDMENT

Present: Jeff Jackman, Sr. Planner, LU&GM

Request is to amend the Comprehensive Water and Sewerage Plan, as recommended by the Planning Commission, for the Nelson Property, Case No. CWSP 08-200-001; i.e., to amend service area map IV-42 to change the service area category from S-6 (service in six to ten years) to S-3D (service in three to five years, developer financed) for 1.34 acres described as Tax Map 42, Grid 5, Parcel 115.

Property is located in the 8th Election District and is zoned RL (residential low density). Request is in anticipation of providing community sewerage to a single family dwelling located at 22669 Old Rolling Road, California, MD.

The BOCC public hearing was held May 13, 2008. No comments were received during the ten day open record period.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and sign the Resolution amending the St. Marys County Comprehensive Water and Sewerage Plan, Case No. CWSP 08-200-001 (Nelson Property) to change the service area category from S-6 to S-3D (service in 3 to 5 years, developer financed) for 1.34 acres described as Tax Map 42, Grid 5, Parcel 115, in the 8th Election District, as recommended by the St. Marys County Planning Commission. Motion carried 5-0.

PUBLIC HEARING: FOR THE DONATION OF FENWICK RIDGE SUB-DIVISION TO HABITAT FOR HUMANITY

Present: Donna Sasscer, Agriculture and Seafood Manager, DECD
Dan Doherty, Patuxent Habitat for Humanity

The Public Hearing commenced at 11:30 in Room 14 of the Potomac Building (Gov. Center).

The public hearing was held to receive public comment regarding the proposed donation of five lots referred to as Fenwick Ridge Sub-division, recorded as plats one through five, Plat Liber No. 65, folio 19, to the Patuxent Habitat for Humanity, Inc., together with an ingress and egress easement known as Fenwick Ridge Lane. The property is subject to a road maintenance agreement.

The property is approximately 9.32 acres and located in the 8th Election District (Tax Map 52, Parcel 9). The appraised value of the property, as appraised on August 5, 2007, is \$158,000.

Ms. Sasscer announced that notice of the public hearing was advertised in the May 16 and 23, 2008 editions of the Enterprise newspaper and reviewed statements addressing considerations outlined in Resolution No. 2007-39, Establishing Regulations and Procedures for the Transfer of Property no Longer Needed for a Public Purpose to a Private, Non-Profit Corporation in the County or the to Housing Authority; i.e., unique characteristics of any structures on the property, historical significance, compatibility of the proposed use with the neighborhood, and financial aspects.

Mr. Doherty provided an overview presentation about the Patuxent Habitat for Humanity. Since mid 2003, Patuxent Habitat for Humanity has built nine homes; five in St. Marys County and four in Calvert County.

The hearing was open for public comment at 11:46 am. There were no additional names, other than Mr. Doherty, on the sign-up sheet and no one provided additional public testimony. Commissioner President Russell closed the public hearing at 11:46 am and set the ten day open record period.

**PUBLIC HEARINGS: TEXT AMENDMENTS TO THE ZONING ORDINANCE
CHAPTER 32 TO AMEND THE BASE DENSITY IN THE COMMERCIAL
MARINE (CM) DISTRICT
CHAPTER 41 TO AMEND THE EXPIRATION DATE ON THE
ABANDONMENT OF A NON-CONFORMING USE OR STRUCTURE IN
THE CRITICAL AREA; AND
CHAPTER 52 TO PROVIDE AN EXCEPTION FOR A NON-CONFORMING
MOBILE HOME, INCLUDE AN EXEMPTION FOR RESTORATION OF A
DAMAGED STRUCTURE, AND EXTEND TIME PERIOD FOR
STARTING RESTORATION**

Present: Denis Canavan, Director, LU&GM
Yvonne Chaillett, Planner IV, LU&GM

The public hearings were held in Room 14 of the Potomac Bldg. (Governmental Center). Notice of the Public Hearings was advertised in the May 9 and 14, 2008 editions of the Enterprise newspaper. On February 12, 2008, the Board of County Commissioners completed the first reading for the three proposed text amendments, waived the 30-day comment period and the second reading, and directed staff to proceed to the Planning Commission for recommendations. The Planning Commission held its public hearing for the text amendments on April 28, 2008.

**1.) CHAPTER 32 PROPERTY DEVELOPMENT REGULATIONS TO AMEND
THE BASE DENSITY IN THE COMMERCIAL MARINE (CM) DISTRICT**

Propose amending the language of Schedule 32.1 Development Standards to change the base density in the Commercial Marine (CM) district allowing one single-family dwelling. The Planning Commission voted 6-0 in favor of the amendment; re: PC Resolution 08-03.

The hearing was open for public comment at 1:40 pm. There were no names on the sign-up sheet and no one provided public testimony. Commissioner President Russell closed the public hearing at 1:40 pm and set the ten day open record period.

2.) CHAPTER 41 CHESAPEAKE BAY CRITICAL AREA (IDA, LDA, RCA) TO AMEND THE EXPIRATION DATE ON THE ABANDONMENT OF A NON-CONFORMING USE OR STRUCTURE IN THE CRITICAL AREA

Propose amending Section 41.2 Lots of Record and Grandfathering, Section 52.4 Abandonment of the Nonconforming Use, and Section 52.5 Restoration of a Damaged Structure to extend the time period from one year to two years for restoring a nonconforming structure that had been destroyed by fire or other calamity. The Planning Commission voted 6-0 in favor of the amendment; re: PC Resolution 08-04.

Amendment addresses concerns by property owners resulting from Isabel and Ernesto in relation to insurance claims. Mr. Ren Sery of the Critical Areas Commission said that he has no concerns with the amendment. It was also discussed that the amendment change should not be retroactive.

The hearing was open for public comment at 1:48 pm. There were no names on the sign-up sheet and no one provided public testimony. Commissioner President Russell closed the public hearing at 1:48 pm and set the ten day open record period.

3.) CHAPTER 52 NONCONFORMING USES, STRUCTURES, AND SIGNS TO PROVIDE AN EXCEPTION FOR A NON-CONFORMING MOBILE HOME, INCLUDE AN EXEMPTION FOR RESTORATION OF A DAMAGED STRUCTURE, AND EXTEND TIME PERIOD FOR STARTING RESTORATION

Propose amending Section 52.2 Continuation and Maintenance to allow existing, legally nonconforming mobile homes to be replaced, and to exempt the replacement mobile home from the requirements of Section 52.3.3 pertaining to the expansion and enlargement of nonconforming uses and structures. The Planning Commission voted 6-0 in favor of the amendment; re: PC Resolution 08-02.

Amendment does not pertain to mobile homes in the RPD.

The hearing was open for public comment at 1:55 pm. There were no names on the sign-up sheet and no one provided public testimony. Commissioner President Russell closed the public hearing at 1:55 pm and set the ten day open record period.

COMMISSIONERS TIME

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

ADJOURNMENT

**Commissioner Mattingly moved, seconded by Commissioner Raley, to adjourn.
Motion carried 5-0.**

The meeting adjourned at approximately 2:15 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator