

ST. MARYS COUNTY

BOARD OF COUNTY COMMISSIONERS MEETING

**CHESEAPEAKE BUILDING
Monday, November 3, 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.

APPROVAL OF CHECK REGISTER

Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register, as submitted. Motion carried 5-0.

County Administrator

1. Draft Agendas for November 10 (Monday), and 18, 2008
- 2. St. Marys County Circuit Court** (*Judge Karen Abrams; and Bill Tench, Court Administrator*)

Judge Abrams briefed the Commissioners on recent Court orders reflecting the intent of the Office of the Public Defender to shift funding responsibility for the cost of panel attorneys to the counties. Judge Abrams originally planned to present a budget amendment requesting a \$12,000 increase in the Circuit Court Contract Services account to provide for payment of panel attorneys and other court-appointed special attorneys. However, in light of MACos current attempt to resolve this issue at the state level, it was agreed that Judge Abrams will postpone her request for approval of a budget amendment for the time being.

- 3. St. Marys County Health Department** (*Dr. William Icenhower; and Nancy Lugenbill*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the budget amendment, using the Board of County Commissioner Emergency Reserve account to add \$15,000 to the FY2009 Health Department allocation for the sole purpose of

funding one-third (1/3) of the estimated total cost for the proposed School Flu Immunization Program for elementary school students and to sign the consent letter documenting the purpose of these funds. Motion carried 5-0.

4. Dept. of Finance and St. Marys Co. Library *(Elaine Kramer, CFO)*

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Certification for Cooperative Local-State Library Aid Programs, which sets forth selected data regarding the FY2009 approved budget for the Board of Library Trustees. Motion carried 5-0.

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

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize staff to proceed with the designation and signage of the Public Safety and Building Services facilities as the "Public Safety Building" and "Wicomico Building", respectively. Motion carried 3-2. Commissioners Jarboe and Dement voted no. Commission Jarboe voiced support for using local County (citizen) names.

6. Dept. of Aging *(Peggy Maio, Fiscal Specialist)*

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Memorandum of Agreement between the Tri-County AmeriCorps Services Project, Inc. and the St. Marys County Department of Aging to continue as the host organization for three part-time members, for the period October 13, 2008 through September 30, 2009. Motion carried 5-0.

7. Office of the County Administrator *(John Savich)*

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to appoint Joseph W. Wood to the Rural Preservation District Advisory Board, with no term to expire. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to appoint Bennett Connelly to the Social Services Board as the St. Marys County representative, with no specific term to expire. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Dement, to adopt the 2009 Board of County Commissioners meeting schedule as presented by staff. Motion carried 5-0.

board of county commissioners Positions on 2009 Legislative Proposals

Present: David Weiskopf, Deputy County Attorney

#	Submitter and Proposal	11/3/08 BOCC Positions			Comments
		Support	Oppose	No Position	

1	<p><i>Mike Thompson</i></p> <p>To modify or augment the current solar hot water and solar photovoltaic Maryland Energy Administration Grant Program to be funded with state and local tax credits approximately equivalent to the grant program; to clarify that capital costs of such systems not be added to the property tax assessment when applying state and local property taxes.</p>			DHR	Support concept, but believe it should be considered on a state-wide basis.
		LDJ			Agree that it should be a state-wide initiative, but will support proposal locally
				FJR	Supportive of the concept, but believe it should be considered on a statewide basis.
				KRD	Supportive of the concept, but believe it should be considered on a statewide basis.
				TAM	Supportive of the concept, but believe it should be considered on a statewide basis.
2	<p><i>Mike Thompson</i></p> <p>To provide a \$50 tax credit incentive to perform what should be routine maintenance pump-out of residential and business septic tanks on a 5 to 10 year basis.</p>	LDJ			Supports for consideration as a state-wide initiative
		KRD			Supports as a statewide initiative
				TAM	Should be statewide.
				FJR	Supportive of the concept, but believe it should be considered on a state-wide basis.
				DHR	Supportive of the concept, but believe it should be considered on a statewide basis.
3	<p><i>Mike Thompson</i></p> <p>To provide a 10% tax credit incentive to add</p>			FJR	Has merit, but believe it should be statewide initiative
				KRD	Statewide

	storm-water/rainwater cisterns at business and personal properties.			TAM	Statewide
				DHR	Has merit, but believe it should be statewide initiative
		LDJ			Support, based on statewide consideration

#	Submitter and Proposal	11/3/08 BOCC Positions			Comments
		Support	Oppose	No Position	
4	<i>St. Marys County</i> <i>Soil Conservation District</i> Bond Bill in amount of \$500,000 to assist in design and construction of Agriculture Services Center for St. Marys County.	KRD			
		TAM			
		DHR			
		LDJ			
		FJR			
5	<i>Pathways, Inc.</i> Bond Bill in amount of \$175,000 to assist in renovation of facilities to improve access to mental health services as well as ability to deliver them to adolescent and adult citizens of Southern Maryland.	TAM			
		DHR			
		LDJ			
		FJR			
		KRD			
6	<i>St. Marys County</i>	DHR			
		LDJ			

	<i>Sheriffs Office</i>	FJR			
	To require that only a deputy sheriff who holds the two (2) preceding permanent ranks in the SMC Sheriffs Office is eligible for appointment to Assistant Sheriff. Currently, only a deputy sheriff who holds the permanent rank of Sergeant or Lieutenant in the SMC Sheriffs Office is eligible for appointment to Assistant Sheriff.	KRD			
		TAM			

#	Submitter and Proposal	11/3/08 BOCC Positions			Comments
		Support	Oppose	No Position	
7	<i>St. Marys County</i>	LDJ			Concern w/ property rights issue. Support only if ingress/egress is removed from proposal
	<i>Metropolitan Commission</i>	FJR			Supports same issues as LDJ
	To correct typographical errors, inconsistencies and ambiguities resulting from the Commissions rate restructuring in October, 2007; to delete archaic sections of the Commissions Code; to correct long-standing general inaccuracies within the Code.	KRD			Supports same issues as LDJ
		TAM			Same concerns as LDJ. Sec. 113-12, C, 3, A: concern re second sentence. Should have BOCC approval to create another category.
		DHR			Agree w/LDJ & TAM (in support of, <u>except for Sec. 113-19 B & C, and 113-12, C, 3, A.</u>)
All indicated support EXCEPT for ingress/egress (should have been established with the right-of-way) and support for Commissioner Mattinglys comment regarding Sec. 113-12.					

8	<i>Alcohol Beverage Board of St. Marys County, Maryland</i> To increase fine for alcoholic beverage sales violations from \$500 to \$1,000.	DHR			
		LDJ			
		FJR			
		KRD			
		TAM			As recommended by the delegation, obtain a letter of support from the Alcohol Beverage Association.
9	<i>Department of Finance</i> To request legislative authority to issue bond financing in the amount of \$80 million to finance a major renovation /addition /upgrade at St. Marys Hospital, which will result in a better interest rate on the hospitals debt.			LDJ	Support concept, but not ready to take position at this time.
				FJR	Support concept, but not ready to take position at this time.
				KRD	Support concept, but not ready to take position at this time.
				TAM	Support concept, but not ready to take position at this time. Hospital will be providing additional information/details as we go through the legislative process
				DHR	Support concept, but not ready to take position at this time.

#	Submitter and Proposal	11/3/08 BOCC Positions			Comments
		Support	Oppose	No Position	
10	<i>Joseph B. Bush</i> To make an amendment for addition of a	FJR			
		KRD			
		TAM			

psychologist to the membership of the Adult Public Guardianship Review Board of St. Marys County.	DHR			
	LDJ			

Commissioners Time

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

Recess

The BOCC recessed at 10:02 am.

**Dept. of Land Use & Growth Management Public Hearing:
Proposed Zoning Text Amendment to Allow Small Wind Energy Systems for On-site Consumption**

Present: Yvonne Chaillet, Planner IV
Phil Shire, Deputy Director

The public hearing commenced at 6:30 pm and was held in the meeting room of the Chesapeake Building. Ms. Chaillet noted for the record that the public hearing was advertised in the October 17 and 22, 2008, editions of the Enterprise newspaper.

The purpose of the public hearing was to receive public testimony relative to the proposed zoning text amendment to Chapters 50, 51, and 90 to allow small wind energy systems for on-site consumption in all zoning districts as an accessory use to a house, farm, or small business.

The Planning Commission first conducted its public hearing on September 22, 2008 and continued to October 27, 2008. At the October 27 meeting, the Planning Commission closed the public hearing and directed staff to schedule a work session to discuss the matter further. No position has been taken by the Planning Commission at this time.

Ms. Chaillet provided a briefing on the proposed changes to Schedule 50.4 (new use type; "Small Wind Energy System"), Section 51.3, added new language describing Use Type 93 "Small Wind Energy System," and in Chapter 90 "Definitions" added terms and definitions as appropriate.

It was noted that SMECO is supportive of the proposal and that Adam Knight indicated there is no apparent conflict with the Countys electrical code.

The BOCC directed staff to:

Ensure there is no conflict with the electrical code.

Provide clarification regarding "break zone" information (tower will collapse on itself in 20 foot sections) was requested.

Provide clarification on set back requirements relative to land in the critical area (buffer variance process) / underwater was requested. The Board also questioned if a disclaimer (recordable agreement) can be obtained relative to set back requirement.

Public Testimony

Commissioner President Russell opened the hearing for public testimony at 6:53 pm.

Richard Johnson, 19026 Russell Road, Valley Lee, MD 20692

Presented support testimony and a PowerPoint presentation, "Wind Turbine Technology For St. Marys County Residents." Mr. Johnsons presentation included wind study analysis, system description and configuration, technical specification and design data for the 20Kw Jacobs Wind Turbine. A copy of Mr. Johnsons PowerPoint presentation was provided for the record.

Richard Schmidt, 25335 Allston Lane, Hollywood, MD 20636

Presented testimony in support of the proposal and a PowerPoint presentation.

Mr. Schmidt said he has been involved with installing small systems (hybrid systems using solar and wind) in Nevada and was here in support of Richard Johnson.

Toni Yagmin, 19030 Russell Rd., Valley Lee, MD 20692

Ms. Yagmin said she is Mr. Johnsons neighbor and said that shed be interested in attending any other meetings in relation to the subject matter. Ms. Yagmin said shed been in the military and was familiar with and supports wind turbines. However, she had a number of questions/concerns:

What is the impact on residential property (property value, aesthetics, insurance/insurance policy language)?

What about safety and preventative maintenance (who is going to oversee the installation and who in St. Marys County is certified to service wind energy systems?)

How close to the property line can a system be installed?

In conjunction with the Planning Commissions work session, Commissioner Russell announced that the BOCC public hearing will be continued to Tuesday, November 18, 2008 at 6:30 pm, in the Chesapeake Building.

It was clarified by Christy Chesser, County Attorney, that the record will need to remain open for public comment for ten days after the close of the public hearing (which has now been continued to November 18). It was noted that this timeline exceeds the 125 day text amendment process deadline of December 1, 2008. A request for an extension of this deadline will be submitted to the Board after the November 18 ^{public hearing continuance.}

Adjournment

Commissioner Dement moved, seconded by Commissioner Jarboe, to adjourn the meeting. Motion carried 5-0.

The meeting adjourned at 7:31 pm.

Minutes Approved by the Board of County Commissioners on _____

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