

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, May 29, 2007**

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, Senior Admin. Coordinator (Recorder)

CALL TO ORDER

The meeting was called to order at 9:03 am.

CHANGE TO/APPROVAL OF AGENDA

Item #3 on the County Administrator's list was removed from today's County Administrator time and will be rescheduled at a later date. **Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the agenda as distributed.**

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Dement, to authorize the Commissioner President to sign the Check Register for checks dated May 29, 2007, 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 22, 2007, as amended. Motion carried 5-0.

COUNTY ADMINISTRATOR

1. Draft Agendas for June 5 and 12, 2007
2. **Dept. of Recreation, Parks, and Community Services** (*Cynthia Brown, Community Services Div. Mgr.; Bennett Connelly, Local Management Board, Exec. Dir.; Laurel James, Tri-County Youth Services, Exec. Dir.*)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Application for Juvenile

Delinquency Prevention and Intervention Grants, in the amount of \$70,000, for the Truancy Prevention Project. Motion carried 5-0.

3. ~~**Department of Public Works & Transportation**~~ (*George Erichsen, P.E., Director*)

~~**Motion:** To approve and authorize the Commissioner President to sign the Deed from San Souci Associates, LLD, for the 25 foot road dedication/reservation and 30 foot transportation corridor reservation for proposed FDR Boulevard. (moved to 6/5/07).~~

4. **Dept. of Human Resources** (*Sue Sabo, Director*)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Budget Amendment, moving \$32,713 from the Commissioners Reserve for Emergency Appropriations, to the appropriate County department accounts, to fund compensation time pay-outs for five County employees who were converted from non-exempt to exempt status. Motion carried 5-0.

5. **Dept. of Economic and Community Development** (*John Savich, County Administrator, and Director, DECD; Donna Sasscer, Agriculture Mgr.*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign the Release of St. Mary's County Agriculture Land Preservation Agreement, terminating enrollment in the Agriculture Five Year District Program, as requested by Mr. Joseph W. Vallandingham. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: REQUEST TO EXTEND THE TIME TO CONSIDER THE TEXT AMENDMENT ON THE TRANSFERABLE DEVELOPMENT RIGHTS (TDR) ZONING PROVISIONS

Present: Denis Canavan, Director

Mr. Canavan requested an extension of the timeline, as required by the Text Amendment Policy, to July 17, 2007, in order to fully process the Transferable Development Rights (TDR) Zoning Text Amendment for legislative action. The extension is necessary due to the volume of correspondence received during the ten-day open record period and the scheduling of work sessions to further review the proposed text amendment.

Commissioner Mattingly asked that staff review whether or not there are any legal issues that need to be considered regarding the public comments received after the close of the ten-day comment period.

Mr. Canavan stated that although the ten-day public record following the May 15th public hearing on the proposed text amendments is closed, correspondence continues to arrive

and will be held separately from comments received during the comment period, pending a response from the County Attorney's Office.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve the extension of time to consider the Zoning Text Amendment for the Transferable Development Rights Zoning Provisions to July 17, 2007, to allow for consideration of public testimony from the hearing and following the hearing. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT: DISCUSSION OF PROPOSED AMENDMENT TO THE ST. MARY'S COUNTY BUILDING CODE, "RESIDENTIAL SPRINKLER AND FIRE FIGHTERS' SAFETY"

Present: Denis Canavan, Director, LU&GM
Adam Knight, Code Coordinator, LU&GM

The Emergency Services Committee provided a briefing to the Board of County Commissioners on March 13, 2007, that included a request that the County adopt an Ordinance to require the installation of an approved Residential Fire Sprinkler System in all new, one and two family dwellings.

Mr. Knight presented the first reading of the proposed "Residential Sprinkler and Fire Fighter's Safety Ordinance" Amendment to Chapter 203 of the Code of St. Mary's County to add a provision in relation to residential sprinkler systems. The proposed Ordinance provides for the addition of the following to Chapter 203, Section 203-13, of the St. Mary's County Building Code:

- (1) Required. All new one and two family dwellings shall be equipped with an automatic fire sprinkler system that shall be installed in accordance the Edition of NFPA 13D, *Standard for the Installation of Sprinkler Systems for One- and Two-Family Dwellings*, as adopted by the State of Maryland Fire Prevention Code.
- (2) The requirement for interior automatic fire sprinkler systems shall apply to all new one- and two-family residential construction for any existing lot or proposed new subdivision which has received preliminary plan approval for which a building permit has not been issued as of the effective date hereof, and shall not apply to the rebuilding, refurbishment, renovation, or alteration of a residence in existence as of the effective date of this section unless such existing structure is razed and replaced by a new principal structure.
- (3) Mobile and Modular homes will be exempt from the requirements to install interior automatic fire sprinkler systems until (*MM/DD/YYYY to be determined*). After this date, new mobile and modular homes will be required to have interior automatic fire sprinkler systems as provided in (1) above.
- (4) The requirement for interior sprinkler systems shall not apply to accessory or uninhabitable structures (e.g., detached carports, garages, greenhouses, and sheds).
- (5) The requirement for interior sprinkler systems shall not apply to homes that are connected to or powered by electricity of 50 volts or less.

Mr. Knight presented the following cost estimate information:

<u>Structure</u>	<u>Sprinkler area</u>	<u>Cost Estimate</u>
Four-story house w/enclosed garage	4,596 sq. ft.	\$1.71/sq. ft. (pump and tank costs included) \$1.28/sq. ft. (excluding pump and tank costs; i. e., \$1300 to \$2000 avg. cost)
Four-story w/parking underneath – three levels of sprinkler system		\$1.73/sq. ft. (including pump and tank)
Two-story house	2,374 sq. ft.	\$1.64/sq. ft. (including pump and tank)

There are no licensed sprinkler system contractors in St. Mary’s and only four within 30 miles (south Annapolis, Charles County, and Brandywine). There was some discussion regarding license requirements, sub-contracting issues, and increased contractor and inspection costs and responsibilities. Mr. Knight will provide additional information to the Board on increased costs and responsibilities.

There was discussion regarding the amount of transition time that will be needed for such things as training and preparing for the increased costs to builders and consumers. Mr. Knight suggested a six-month transition period between the date the Ordinance is adopted and the effective date of the Ordinance. Commissioner Mattingly felt that six months was too long and reiterated that the proposed Ordinance is not just for the safety of the home occupants, but also for the safety of firefighters.

A meeting with the Amish/Mennonite communities to discuss the Ordinance amendment is planned for June 6, 2007.

Commissioner Mattingly moved, seconded by Commissioner Dement to approve the first reading of a proposed Ordinance, “Residential Sprinkler and Fire Fighters Safety,” to amend Chapter 203 of the Code of Maryland requiring sprinkler systems in new one and two-family dwelling units. Motion carried 5-0. It was noted that the Board’s approval of the first reading authorizes staff to proceed to the Planning Commission for their review and recommendation.

COMMISSIONER’S TIME

Commissioner Jarboe

Nothing additional to report for Commissioner’s Time this week.

Commissioner Dement

Attended several County events, including:

- Grand Opening Cedar Point (Lexington Park branch)
- Chamber of Commerce Business After Hours
- Retirement luncheon for Marie Gardiner, retiring from the Board of Education after 16 years of service
- Marcey House Golf Tournament
- St. Mary's County Memorial Day celebration at the American Legion at Ridge was well-attended by the public. Commissioner Dement added that the Memorial Day celebration was attended by Congressman Hoyer, Senator Dyson, Delegate Bohanan, and all of the St. Mary's County Commissioners.

Commissioner Mattingly

Attended the graduation at the College of Southern Maryland, LaPlata Campus
 Extended congratulations to Marcey House and Director Larry Harvey for another successful fundraising event.

Capt. Ives was also in attendance at the Memorial Day celebration in Ridge.

Commissioner Raley

Presented a 90th birthday proclamation to Mrs. Frances Edith Bean on behalf of the Board.

Noted that there are a lot of high school graduations coming up and encouraged everyone to be safe.

In response to several letters received regarding concerns with "single family homes with attached accessory unit," requested a report from LU&GM that clarifies the issue, identifies whether or not there is a loop hole that needs to be fixed, and provides a recommendation.

Asked staff to look into concerns expressed by citizens on the amount of time it takes to receive approvals from the Department of Land Use (following the approvals by state agencies and Army Corps of Engineers) to build sea walls on their waterfront property to prevent run-off. Mr. Canavan responded that an amended approval process for construction of sea walls is being reviewed and will be forthcoming within the next week or two.

Commissioner Russell

Expressed concern about the amount of trash apparently left behind by visitors to St. George's Island during the extended Memorial Day weekend and requested signage to remind visitors not to leave their trash behind.

APPROVE FINAL FISCAL YEAR 2008 BUDGET AND SET TAX RATES

Present: Elaine Kramer, CFO
 Jeannett Cudmore, Deputy Director

Ms. Kramer presented the final FY2008 St. Mary's County Budget documentation for Board approval and recapped changes resulting from the May 22nd Budget Work Session. The FY2008 St. Mary's County General Fund Revenues total amount is \$171,184,892, a

6.4% increase over FY2007. Using the audited, unreserved, undesignated fund balance for FY06 (change was not itemized in listing from May 22nd), \$1,582,778 has been applied to a Budget Stabilization fund.

Ms. Kramer reviewed the budget contents, which included the following spreadsheets:

- Summary – All Funds
- General Fund Operating Revenues – Summary & Detail spreadsheets
- General Fund Operating Expenses – Summary & Detail spreadsheets
- Changes in FTE Positions
- Recreation & Parks Enterprise Fund
- Wicomico Shores Golf Enterprise Fund
- Solid Waste & Recycling Enterprise Fund
- Medical Adult Daycare Special Revenue Fund
- Miscellaneous Revolving Fund
- Special Assessments Funds
- Emergency Services Support Fund
- Fire Tax Rates
- Rescue Tax Rates
- Capital Budget (Approved FY2008; Approved Budget FY2008 and Plan FY2009 – FY2013)
- Ordinances (Revenues and Tax Rates; Appropriations)

Commissioner Mattingly questioned the letter regarding a late request from the College of Southern Maryland for security enhancements (approved by the College's Board last week). Ms. Kramer responded that the request could be accommodated via the Board of County Commissioners Emergency Reserves. Commissioner Raley requested a report on where the County stands regarding bond authority.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve the St. Mary's County Budget for Fiscal Year beginning July 1, 2007, and ending June 30, 2008, and to sign the signature page. Motion carried 5-0.

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and sign the proposed Ordinance levying rates for St. Mary's County revenue taxes, emergency services tax rates, property tax rates, service charge energy fuel tax rates, and the special district tax rates for fiscal year 2008. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the FY 2008 St. Mary's County Appropriations and Capital Improvement Program Ordinance. Motion carried 5-0.

Each of the Commissioners provided closing remarks regarding this year's budget process and thanked the Finance Department and the various other departments and agencies for their efforts in preparing the FY2008 Budget.

ADJOURNMENT

**Commissioner Raley moved, seconded by Commissioner Jarboe, to adjourn.
Motion carried 5-0.** The meeting adjourned at 11:05 a.m.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Senior Administrative Coordinator