

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER
Tuesday, June 1, 2004**

Present: Commissioner President Thomas F. McKay
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.
Commissioner Daniel H. Raley
George G. Forrest, County Administrator
Donna Gebicke, Administrative Assistant (Recorder)
Kate Mauck, Senior Administrative Coordinator (Recorder)

The following minutes were transcribed by Kate Mauck:

CALL TO ORDER

The meeting was called to order at 9:18 a.m.

APPROVAL OF CHECK REGISTER

Commissioner Dement moved, seconded by Commissioner Mattingly, to authorize the Commissioner President to sign the Check Register. Motion carried.

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the minutes of the Commissioners' meeting of Tuesday, May 25, 2004, as corrected. Motion carried.

Commissioner Mattingly moved, seconded by Commissioner Raley, for the Board of County Commissioners to meet in Executive Session in order to discuss Personnel matters as provided for in Article 24, Sections 4-210(a)1. Motion carried.

The following minutes were transcribed by Donna Gebicke:

EXECUTIVE SESSION

Personnel

Present: Commissioner Thomas F. McKay, President
Commissioner Daniel H. Raley
Commissioner Kenneth R. Dement
Commissioner Lawrence D. Jarboe
Commissioner Thomas A. Mattingly, Sr.

George Forrest, County Administrator
John Norris, County Attorney
Randy Schultz, Human Resources Director
George Erichsen, Director, DPW&T
Denis Canavan, Director, LUGM
Donna Gebicke, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 9:27 – 10:04 a.m.

Action Taken: The Commissioners discussed personnel matters.

Kate Mauck transcribed the remaining meeting minutes:

RECONVENING OF OPEN SESSION

The Board of County Commissioners reconvened Open Session at 10:07 a.m.

COUNTY ADMINISTRATOR

1. Draft Agenda for June 8, 2004
2. **Department of Economic and Community Development – Housing**

Present: John Savich, Department of Economic and Community Development
Director

John Norris, III, County Attorney
Dennis Nicholson, Housing Authority Director
Tonja Fraser-Jenkins, Housing Authority Program Manager

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign Community Legacy Grant Agreements. Motion carried.

3. **Information Technology Department**

Present: Bob Kelly, Director

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign Budget Amendment to move funds from Telcom Circuits Account to Equipment Account for the purchase of 50 telephone systems sets for the Detention Center. Motion carried.

4. **Real Property Manager and Department of Public Works and Transportation**

Present: Joyce Malone, Real Property Manager

George Erichsen, Director, Department of Public Works and Transportation

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign Easement Agreement with SMECO to relocate primary, transformer, and service to the new hangars at the Captain Walter Francis Duke Airport. Motion carried.

5. Department of Public Works and Transportation

Present: George Erichsen, Director, Department of Public Works and Transportation

Public Works Agreement for Greens Rest Farm Subdivision, Phase 5. *Located in the 2nd Election District with an expiration date of April 1, 2005. A letter of credit has been provided by The First National Bank of St. Mary's in the amount of \$498,600. The roads included in this agreement are: Green's Crossing Court (3,003') and Kayak Court (1,011').*

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize the Commissioner President to sign Public Works Agreement for Greens Rest Farm Subdivision, Phase 5. Motion carried.

6. Recreation, Parks, and Community Services

Present: Phil Rollins, Director
Cynthia Brown, Community Services Manager

Commissioner Jarboe moved, seconded by Commissioner Dement to approve and authorize the Commissioner President to sign Agreement to furnish food service for the Summer of Safety, Arts, and Reading Program. Motion carried.

REORGANIZATION: FUNCTIONAL REALIGNMENTS

Present: George Forrest, County Administrator
John Norris, III, County Attorney
Denis Canavan, Director, Land Use and Growth Management

Mr. Forrest presented the Board of County Commissioners with a proposal to reorganize and functionally realign certain review, approval, and inspection responsibilities within the Department of Public Works and Transportation and the Department of Land Use and Growth Management. The anticipated result of the proposed changes would result in consolidation of services and the enhancement of customer services. Specific functions, job responsibilities, and personnel, especially as they relate to Stormwater Management, would be transferred from the Department of Public Works and Transportation to the Department of Land Use and Growth Management.

Mr. Forrest provided an outlined on the proposal to reorganize and to functionally realign, the benefits of change, and also provided organizational charts related to the changes. An implementation date of July 1, 2004 was requested. The following concerns were expressed:

- County Attorney would need to review certain Land Use Ordinances and recommend changes/revisions as needed;
- Director of Land Use and Growth Management would need to research and determine if in-house staff could perform the work normally handled by MES Contract; if not, monies would need to be budgeted, as there are no funds set aside in the proposed FY2005 Budget;
- County Administrator stated that a proposed customer service policy would be presented at a later date.

Commissioner Jarboe moved to adopt the Reorganizational Functional Realignment of the Department of Public Works and Land Use and Growth Management as proposed as of July 1, 2004. The motion died due to lack of a second on the motion.

Commissioner Raley moved, seconded by Commissioner Dement, to table the proposal, and to direct staff, after additional planning and information is prepared, to bring the matter back for discussion.

It was determined that staff would need to work quickly in order to realign the budget to change numbers, as the proposed budget to be signed today currently includes the proposed reorganization information.

Commissioner President McKay called for a vote. Commissioners Dement, Mattingly, and Raley voted in favor of the motion; Commissioner President McKay and Commissioner Jarboe voted against. Motion carried 3-2.

DECISIONS ON PROPOSALS TO:

- 1. Reduce the County's Property Tax Rate**
- 2. Impose an Emergency Services Tax-Support Service**
- 3. Impose an Emergency Services Tax-Rescue Squads**
- 4. Increase the 911 Fee**

Present: Elaine Kramer, Director of Finance
John Norris, County Attorney

Ms. Kramer reported Ordinances regarding the reduction of the County's Property Tax Rate, Imposition of Emergency Services Tax-Support Service, Imposition of Emergency Services Tax-Rescue Squads, and Increase to the 911 Fee were presented at Public Hearing on May 18, 2004. Since the Public Hearing, no written public comment has been received regarding these items. Revisions that have occurred since Budget Work Sessions have taken place were outlined.

It was determined that actions would be determined and voted on during the afternoon session regarding the proposed Ordinances. The Finance Department and County Attorney would then bring revised Ordinances back to the County Commissioners later in the evening for final approval.

Item # 1. Commissioner Jarboe moved, seconded by Commissioner Dement, to reduce the County's Property Tax Rate to 87.8 per \$100 of assessed value. Motion carried.

Commissioner Mattingly asked the Finance Department to ensure that full funding was in the budget for ALS-Emergency Services to ensure their needs are met.

Items #2 & 3. Commissioner Mattingly moved, seconded by Commissioner Dement, for the Board of County Commissioners to establish the Emergency Services Tax for Support Services, Rescue Squad Funding, at rates described at the Public Hearing on Tuesday, May 18th. Emergency Services Support rate shall be .016 per \$100 assessed value, .04 on each \$100 assessed value of personal property and operating real property of a public utility, and the rate for the Rescue Squad support will be ranging from .007 to .011 per \$100 assessed real property, and from .0175 to .0275 per \$100 assessed value on personal property and real property of a public utility, and that those specific rates be established as identified by the subject Ordinance that has been provided in draft. Motion carried.

Item #4. Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the increase in the 911 fee from .50 cents to .75 cents as allowed by the Maryland Code of Public Safety. Commissioner Dement, Mattingly, and Raley voted in favor of the motion; Commissioner Jarboe and Commissioner President McKay voted against. Motion carried 3:2.

APPROVE FINAL FY 2005 BUDGET

Present: Elaine Kramer, Director of Finance
Jeannett Cudmore, Deputy Director
John Norris, III, County Attorney
Sheriff David Zylak

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve the Capital Budget as submitted. Motion carried.

A "blue sheet" regarding additional budget reallocations/reconciliations was presented in a budget package to the Commissioners, and was discussed in detail.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve the reconciliation that took place from May 24 through June 1, 2004 on the blue sheet to be incorporated into the proposed 2005 budget. Motion carried.

Commissioner Raley moved, seconded by Commissioner Dement, for the Office of Public Works and Transportation, for an additional \$1,300 to be appropriated to that Department's account to enable the installation of security light at the intersection of Route 4 and Oakes Road.

After comments and suggestions from the other Commissioners, Commissioner Raley withdrew the motion.

Commissioner Raley moved, seconded by Commissioner Dement, to direct the Director of the Department of Public Works and Transportation to find within his proposed budget that will be enacted today, the \$1,300 which will result in the installation of the proposed light at the intersection of Route 4 and Oakes Road. Motion carried.

Commissioners directed that the installation of the light should occur as soon as possible.

Commissioner Raley moved, seconded by Commissioner Mattingly, that there be additional monies transferred to the Sheriff's Department in the amount of \$100,000 that will result in additional individuals being able to obtain their proposed rank of Senior DFC and Senior CFC, and also that the Sheriff's accreditation process would continue by the continuation of the employment of the part-time individual who has already been on board.

The Sheriff was invited to make comments to respond to questions at this point. The Commissioner President then called for a vote on the motion.

Commissioner Dement, Commissioner Jarboe, and Commissioner President McKay voted against the motion; Commissioner Raley and Commissioner Mattingly voted in favor of the motion. Motion failed 3:2.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve funding for three additional deputy positions, including shift deferential and personal equipment for those positions within the Sheriff's Office totaling approximately \$215,000, which funding shall be immediately withdrawn and placed in the Commissioners' Reserve, should the Sheriff not fully staff at least one Resource Officer in each of the three County high schools during the full school day, including any makeup days. Commissioner Jarboe further moved that the Board of County Commissioners make a commitment to law enforcement, while this Board is in office, to increase the Sheriff's budget commiserate with the rate of population growth, increases in crime, and the growth within the approved budget for County departments for future fiscal years. The Commissioners will also provide incentives for the Sheriff to reduce crime, provide for the safety of law enforcement personnel, and find budget efficiencies. Commissioner Jarboe, Commissioner Raley, Commissioner Dement, and Commissioner President McKay voted in favor of the motion; Commissioner Mattingly voted against. Motion carried 4:1.

Commissioner Raley moved, seconded by Commissioner Mattingly, to move the fire tax for Bay District Fire Department be increased per their request .01 cent from the now .11 to .12. Commissioner President McKay, Commissioner Dement, and Commissioner Jarboe voted against the motion; Mattingly and Commissioner Raley voted in favor. Motion failed 3:2.

Commissioner Mattingly moved, seconded by Commissioner Raley, to provide \$17,800 in the current budget to provide for five additional Senior DFC's and two additional CFC's that would give them a total of ten and four in the proposed budget. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Raley, for the Board of County Commissioners to reduce the income tax rate to 3.05. Motion carried.

Commissioners agreed to handle reorganization as a budget amendment when the matter returns for a final decision. In addition, it was determined that the Commissioners and staff would return to the meeting this evening at approximately 5:45 p.m. in order to complete the final adoption of the Budget and Ordinances. Staff was directed to ensure that Commissioner Time is placed on next week's agenda, as it became necessary, due to time constraints, to strike it from today's agenda.

The Board of County Commissioners departed the meeting in order to tour Mechanicsville Elementary School and to host the Groundbreaking Ceremony for the Three Notch Trail in Charlotte Hall.

RECONVENING OF MEETING

The Board of County Commissioners reconvened at 5:43 p.m.

APPROVE FINAL FY 2005 BUDGET AND SET TAX RATES (Continued)

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

The Board of County Commissioners reconvened the meeting in order to review and approve changes and actions voted on earlier in the meeting regarding the FY2005 Budget and Setting of Tax Rates. Ms. Kramer presented Commissioners with the appropriate finalized Ordinances.

It was determined that an additional \$250,000 would be added to the Rainy Day Fund. Ms. Kramer stated that the appropriate changes would take place in changing the expenditure sheets to reflect the difference in the reallocation of the Reserves prior to final signature.

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the Ordinance for Subject: Increase in 911 System Enhancement and Maintenance Fee for Switched Local Exchange Access, Commercial Mobile Radio Service, and other 9-1-1-accessible service in St. Mary's County. Commissioner Mattingly, Commissioner Dement, and Commissioner Raley voted in favor of the motion. Commissioner Jarboe and Commissioner President McKay voted against. Motion carried 3:2.

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve Ordinance for Subject: Levying Rates for St. Mary's County Revenue Taxes, Emergency Services Tax Rates, Property Tax Rate, Service Charge Energy and Fuel Tax Rates, and Special District Tax Rates for Fiscal Year 2005. Motion carried.

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Ordinance for Subject: FY2005 St. Mary's County Appropriations. Motion carried.

In addition, Commissioners agreed to sign the Approved Operating and Capital Budget for Fiscal Year 2004-2005 cover sheet as required.

ADJOURNMENT

The meeting adjourned at 6:07 p.m.

Minutes Approved by the
Board of County Commissioners on _____

Kate Mauck, Senior Administrative Coordinator
to the Board of County Commissioners