

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
CHESEAPEAKE BUILDING
Tuesday, July 29, 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)

A ribbon cutting ceremony was held at 8:00 am for the Chesapeake Building, the new County office building.

The Board of County Commissioners meeting was held in the new Commissioners Meeting Room.

CALL TO ORDER

Commissioner President Russell called the meeting to order at 8:30 am.

CHANGE TO AGENDA

Commissioner Russell announced that the Executive Session scheduled for later in the afternoon has been cancelled.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Raley, to authorize the Commissioner President to sign the Check Register for checks dated July 29, 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 July 22, 2008, as amended. Motion carried 5-0. *Commissioner Jarboe clarified that he made the statement referenced under County Administrator Item #3 (Page 2 of 7).*

COUNTY ADMINISTRATOR

1. Draft Agenda for August 5, 2008

2. **Dept. of Finance** (*Elaine Kramer, CFO;*

(Dan Carney, CFO, St. Marys Co. Public Schools)

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Annual Budget Report cover form, which sets forth selected data regarding the FY2009 approved budget for the Board of Education. Motion carried 5-0.

(Dr. William Icenhower, Health Officer; Tracy Kubinec, Deputy Health Officer, St. Marys Co. Health Dept.)

Commissioner Raley moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the FY2009 Core Public Health Services Funding Agreement form, which confirms to the State the Countys funding allocation for FY2009. Motion carried 5-0.

3. **Dept. of Human Services** (*Bennett Connelly, Director; Cynthia Brown, Mgr.*)

Commissioner Dement moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President Russell to sign the revision, made by the MD Human Services Agency, Department of Human Resources, to the Homeless Women Crisis Shelter Home Program Intergovernmental Agreement, Contract No. OGM/HW 09-011. Motion carried 5-0.

4. **Dept. of Economic and Community Development** (*Bob Schaller, Director; Donna Sasscer, Agriculture Mgr.*)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the budget amendments to establish additional land preservation funding in the amount of \$729,223 to be used for FY2007 land preservation applicants; and also, to establish additional land preservation funding in the amount of \$505,491 to be used for FY2008 land preservation applicants. Motion carried 5-0.

5. **Dept. of Land Use and Growth Management** (*Denis Canavan, Director; Teresa Wilson, Historic Preservation Planner*)

Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President Russell to sign the budget amendment decreasing the Certified Local Government Grant, Phase III Historic Roads project by \$9,000, in accordance with the reduced federal match grant award; and to sign the letter to the Maryland Historical Trust stating that St. Marys County will maintain its \$12,000 commitment in funding. Motion failed 2-3. Commissioners Dement, Jarboe, and Raley voted against the motion.

Questioning the benefit vs. cost -- \$12,000 for Phase III, Commissioner Raley said that he would second the motion in consideration of Commissioner Mattingly and he acknowledged the hard work and dedication of Ms. Wilson.

Commissioner Mattingly noted that his motion was made in an effort to give staff a definitive answer.

Referencing immediate needs, such as with emergency services, Commissioner Jarboe said priorities have changed. Ms. Wilson said that just under \$30,000 has been invested into the Historic Roads project. After the motion and failed vote, Mr. Savich requested a motion to prepare a budget amendment to move the funding from the project.

Commissioner Jarboe moved, seconded by Commissioner Raley, to prepare a budget amendment to remove the County funding from the project. Motion carried 5-0.

Prior to the vote, Commissioner Mattingly asked if the Board would consider reducing the Countys match amount (for the last phase of the project); i.e., \$6,000.

It was clarified the budget amendment will reduce the project funding to \$0. Commissioner Jarboe said staff may opt to come back with an alternative proposal for moving forward with Phase III.

6. Dept. of Public Works & Transportation (George Erichsen, P.E., Dir.)

(Jackie Fournier, Transportation Mgr.; Ella Mae Russell, Dir. Dept. of Social Services)

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to execute the MTA Section 5317 New Freedom Grant Agreement for the Mobility Manager Coordinator (Grade 7) grant position, that is included in the FY2009 approved budget; and to sign the related budget amendment, reflecting the increase in federal funding by \$6,491 and using the BOCC Emergency Appropriation Reserve to increase the Countys match by \$1,623. Motion carried 5-0.

Commission Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President Russell to sign the Joint Resolution for the Patuxent Park Neighborhood Revitalization Project between the County and the St. Marys County Metropolitan Commission. Motion carried 5-0.

It was noted by Commissioner Russell and Mr. Erichsen that the resolution will be signed by the BOCC and by MetCom board members.

**OFFICE OF THE COUNTY ATTORNEY & DEPT. OF PUBLIC WORKS:
PROPOSED RESOLUTION TO REDUCE THE NUMBER OF MEMBERS OF
THE SOLID WASTE ADVISORY COMMITTEE FROM SEVEN TO FIVE**

Present: Christy Holt-Chesser, County Attorney
George Erichsen, Director, DPW&T

Mr. Erichsen provided background on the committees membership history. In 1993, the BOCC formed the nine-member committee. In 1996, the number was reduced to seven. Due to problems obtaining a quorum, in February 2008 the committee recommended reducing the membership to five.

Due to difficulties obtaining a quorum, Ms. Chesser said that it is the recommendation of her department that the membership be reduced from seven to five. Changing the committee membership from seven to five reduces the quorum needed from four to three.

There are currently three vacancies on the committee. Commissioner Mattingly said that he is aware of two applicants interested in joining the committee. Commissioner Dement suggested appointing the two applicants to serve as alternates, which will require a change to the by-laws. Mr. Erichsen added that any interested citizens can and are encouraged to attend committee meetings.

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the Resolution for the purpose of amending Resolution 96-20 by reducing the number of the members of the Solid Waste Advisory Committee from seven to five. Motion carried 5-0.

Commissioner Russell clarified that the Resolution will be signed by all of the Commissioners.

OFF CAMPUS EVENT

Beginning at 10:00 AM, the BOCC attended the kick-off of the Superintendents Young Drivers Safety Initiative, held at the Dr. James A. Forrest Career and Technology Center.

St. Marys County Public Schools has joined forces with community partners to develop and implement a program to educate students and prevent the high-risk driving behaviors that have contributed to many recent tragedies throughout Maryland.

The Board resumed their business meeting at the Chesapeake Building at 11:15 am.

ADDITION TO AGENDA

Commissioner Russell announced that the Executive Session removed from the agenda this morning will be added back on the agenda. The Executive Session will be held at the airport after the joint BOCC/MetCom meeting.

Commissioner Raley moved, seconded by Commissioner Dement, to add an Executive Session for the purpose of discussing Real Property Acquisition, specifically potential public facilities. Motion carried 4-0. Commissioner Mattingly was absent for the vote.

ST. MARYS HOSPITAL: PRESENTATION AND REQUEST RE EXPANSION NEEDS

Present: Christine Wray, President
James Delligatti, Chairman of the Board
Paul Barber VP for Finance
Mark Higdon, KPMG
John Cheney, Ponder & Co.

The presentation included actual and estimated growth statistics and expansion and renovation plans for St. Marys Hospital. From 2000 to 2005, there was a 29.8% increase in admissions (59.6% by 2007), 33.17% increase in emergency room visits (53% by 2007), and a 28.5% increase in deliveries (37.3% by 2007).

There are currently two projects in progress: build out of two shelled Operating Rooms and build out of 3rd floor space for 15 beds.

St. Marys Hospital requested permission to borrow up to \$16 million through MHHEFA (Maryland Health and Higher Educational Facilities Authority) to finance the construction of an annex building, build out of current shell space and other routine expenditures secured by a lien on parity with the County; and, conceptual approval for St. Marys County to issue bond financing for the new tower project (approximately \$75 million with a 30 year term).

The annex building will be three floors (shelled third floor), total of 22,740 square feet. The building will be used for providing outpatient services and business offices. The annex baseline project cost of \$7 million is to be combined with build out of shell space and other routine capital expenditures for a total of \$18 million. \$16 million of MHHEFA financing is planned to fund the majority of the projects. The construction time line forecast is September 2008 through December 2009.

The tower project encompasses major expansion and facility renovations based on 10-year projections. Planning for this project began in 2006. The project team is comprised of representatives from St. Marys Hospital, CR Goodman Associates, LLC, Gilbane Building Company, KPMG LLP, Ober Kaler Grimes & Shriver, A.L.S. Healthcare Consultant Services, and NG&O Engineering, Inc. Project is estimated to be completed by 2012 (in time for the hospitals centennial).

Ms. Wray said public forums will be forthcoming.

Mr. Savich emphasized that he and Ms. Kramer have had several meetings with Ms. Wray, hospital staff, and advisors, and that all questions presented were answered. Additional, more detailed financial information is also available for review. He added that he feels normal rate growth and growth in volume can handle the anticipated debt and it would not be easier or less expensive if the project is delayed or done piecemeal.

Commissioner Dement moved, seconded by Commissioner Mattingly, to consent to St. Marys Hospital proceeding with the borrowing of up to \$16 million through MHHEFA to finance the construction of an annex building, build out current shell space and other routine expenditures, such borrowing to be secured by a lien on the Hospitals assets (including its real estate) that will be on parity with the Countys existing lien, and direct County staff to work with the Hospital on the necessary agreements, including review by our counsel, and authorize the Commissioner President and County staff to execute such documents and take such further actions as may be required to implement these resolutions, provided that the Hospital shall promptly reimburse the County for all of its out of pocket expenses related to this transaction. Motion carried 5-0.

Commissioner Mattingly moved, seconded by Commissioner Raley, to give conceptual agreement to proceed with the issuance of bond financing for the new tower project by St. Marys County for approximately \$75 million, for a 30 year term, and direct County staff to work with the Hospital and our own legal counsel and financial advisors on the proposed sale of general obligation bonds, with the understanding that the Hospital shall promptly reimburse the County for out of pocket costs associated with this activity, and understanding that the issuance shall be subject to later approval by this Board and issuance of a resolution by the Board of County Commissioners related to this transaction. Motion carried 5-0.

DEPT. OF LAND USE AND GROWTH MANAGEMENT: DECISION ON PROPOSED ACCESSORY APARTMENT ZONING TEXT AMENDMENTS IN AND OUTSIDE OF THE CRITICAL AREA

Present: Denis Canavan, Director
Yvonne Chaillet, Sr. Planner

The BOCC public hearing was held on June 24, 2008. Testimony was presented at the BOCC public hearing by Julie Randall, Tom Benefield, and Teresa Leara. Mrs. Randall and Mr. Benefield expressed their concerns over the proposed maximum size of 900 square feet for an accessory apartment and requested that the BOCC consider a larger square footage. Ms. Leara spoke on behalf of the Justice and Advocacy Council of the St. Marys Archdiocese of Washington, advocating accessory apartments as an option for affordable housing.

No additional responses were received during the 10-day open record period.

In response to concerns regarding the adequacy of 900 square feet to accommodate a care giver and/or an elderly person or person with a handicap, staff researched ADA accessibility guidelines and found no requirements for a minimum size residential unit. Federal and ADA accessibility guidelines do contain specific mobility standards. For example, interior doors and building entrance doors must be wide enough to accommodate a wheelchair; i.e., interior doors must have a clear opening of at least 32 inches and entrance doors at least 36 inches. Kitchens and bathrooms must be sufficiently sized to provide clear floor space and maneuverability for persons in wheelchairs. As long as these minimum accessibility standards can be met along with building code standards for minimum living areas, the size of a dwelling unit or accessory dwelling is not an issue.

Additionally, staff made inquiries to Sunrise in Annapolis and Asbury in Solomons Island. Sunrise is an Assisted Living community consisting of differently configured suites, ranging in size from approximately 300 to 400 square feet. Sunrise does not have apartments. Asbury is a continuing care retirement community containing apartments and individual rooms. The apartments are separated from the building containing rooms only and range in size from approximately 800 square feet (for a one-bedroom apartment) to over 1,600 square feet.

Hunting Creek, which is an affordable housing development in Lexington Park off Willows Road, contains some handicap accessible units on the first floor, which are 576 square feet in size.

The smallest size apartment (one bedroom) at the Apartments of Wildewood starts at 515 square feet. All entrances to their apartments are ground level with doors and common areas wide enough to accommodate a wheelchair.

Based on the above findings, staff continued to recommend a maximum size of 900 square feet for an accessory apartment outside the RCA, which is consistent with the 900 square foot maximum size of an accessory apartment in the RCA as established by the Maryland Legislature.

The following was discussed / clarified:

- Mr. Canavan confirmed that in compliance with the fire sprinkler ordinance, if a sprinkler system is required in the primary residence, it will also be required in the accessory apartment.

- Square footage is consistent with Critical Areas (changes made by the State).

- Variations can be granted by the Board of Appeals.

- Size requirement (900 sq. ft.) does not apply to basement apartments (can use the full basement).

- It should be the responsibility of the realtor(s)/lawyer(s) to ensure potential property owners are aware of requirements if they continue to have as an accessory apartment. (Affidavit signed by original property owners should come up during title search.)

Page 3, c (of the proposed zoning ordinance) Maximum gross floor area of an accessory apartment within a principal dwelling shall not exceed 40 percent of the gross floor area of the principle dwelling, or a maximum of 900 square feet of gross floor area, whichever is less.

Those that are becoming non-conforming uses will be grandfathered.

In the CA, must share drain field with the primary dwelling (but not in a non-critical area).

APF not impacted.

\$4,500 impact fee will be charged (at the time of building permit) for an individual (accessory apartment) unit.

Commissioner Raley moved, seconded by Commissioner Mattingly, to amend Zoning Ordinance Z-02-01, as recommended by the Planning Commission, to modify accessory dwelling unit standards as stipulated in Section 51.3.105, to add language allowing an accessory apartment in the Resource Conservation Area as stipulated in Section 41.6.4, to modify the language regarding accessory use classifications as stipulated in Section 64.3.1, and to change the definition of an accessory dwelling unit as stipulated in Schedule 50.4 and Chapter 90. Motion carried 5-0.

COMMISSIONERS TIME

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

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Raley moved, seconded by Commissioner Dement, to enter into Executive Session following the joint meeting with MetCom at the airport for the purpose of discussing Real Property Acquisition, specifically potential public facilities site. Motion carried 5-0.

JOINT MEETING OF THE BOARD OF COUNTY COMMISSIONERS AND THE ST. MARYS COUNTY METROPOLITAN COMMISSION BOARD

Present: Steve King, MetCom Executive Director
Kathleen Werner, Chair
Thomas Chuck Lancaster, Vice Chair
Charles Owens, MetCom member
Rebecca Shick, CFO
Dan Ichniowski, Assistant Director
Anne Mary Cullins, HR Manager
Mike Sullivan, Facilities Manager
Bob Fehn, IT Technician

Mike Oliver, C.O. Representative, Patuxent Rive NAS

St. Marys County Government staff:
John Savich, County Administrator
Christy Holt-Chesser, County Attorney
Elaine Kramer, CFO
Denis Canavan, Director, LU&GM
Jeff Jackman, Sr. Planner, LU&GM
Dave Chapman, Planner, LU&GM
Karen Everett, Public Information Officer
Amy Carter, Audio/Video Technician
Betty Jean Pasko, Recorder

The meeting was held at the St. Marys County Regional Airport, main terminal meeting room, 44200 Airport Road, California, MD. Opening remarks were provided by Commissioner President Russell and Chairperson Katie Werner.

Steve King reviewed the following infrastructure topics: upgrade and expansion of the Marlay Taylor Water Reclamation Facility, ENR (Enhanced Nutrient Removal) improvements, and status of the Infrastructure Study.

ENR (Enhanced Nutrient Removal)

Chesapeake Bay Restoration Act of 2003 requires ENR upgrading of all publicly owned wastewater treatment plants with capacities of 0.5 mgd or greater by 2011. State will pay 100% of ENR upgrading costs for existing capacity only. Current State estimate is \$12.5 million. Navy must pay for 100% of its 20% share.

Marlay Taylor Water Reclamation Facility

CH2MHill selected to prepare Facilities Plan; began December 2006, expected completion date is December 11, 2008. Should be more than one public hearing (one by Planning Commission). Construction Phase May 2010 through August 2012 (subject to penalties by the State if not met)

State will pay 80% of costs to upgrade (Navy 20%) from BNR to ENR at 6.0 mgd. Proposed treatment technology and estimated costs sticker shock; MetCom investigated alternatives.
Current staff estimates (6.0 mgd capacity, ENR process - Schrieber with bio-filters):
ENR cost - \$21.8 million; Replacement cost - \$7.8 million (total cost - \$29.6 million)

Infrastructure Study

Expansion need contingent on plant flow capacity (growth).

Focus group assembled to review growth and flow projections

Focus group recommendations:

Delay expansion until approximately 2020.

Ask County to change sewerage treatment allocations from Preliminary Plat approval to Record Plat approval, with understanding that building permit issuance could be delayed if expansion not completed. This change is needed in order to avoid premature expansion of capacity. Denis Canavan agreed to take action.

Use capital saved by expansion delay to intensify I/I (infiltration) abatement, water conservation and effluent recycling efforts in order to minimize flow and maximize use of existing capacity.

Utilize spray irrigation for future capacity expansion.

Acquire irrigation easements now to ensure sites are available when needed.

On May 8, 2008, MetCom Board approved all of the focus groups recommendations.

Rebecca Shick provided an overview of the operating and capital improvement budgets, financing, and infrastructure study budget additions. Spreadsheets were provided to the attendees.

Denis Canavan provided a brief update on the status of the 2002 Comprehensive Plan Amendment and the Comprehensive Water and Sewerage Plan.

John Savich summarized the following assignments:

Narrow down actual cost of ENR; draft by end of year

Question to expand or not to expand

Spray irrigation land preservation; clear direction from the State (John Savich to take the lead)

Availability of State funding

Pace of development / new customers

Structure of financing (bond, bond combined with State)

EXECUTIVE SESSION

Real Property

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
Sabrina Hecht, Chief of Staff
Christy Chesser, County Attorney
Phil Rollins, Director, Recreation, Parks and Community Services
Liz Passarelli, Real Property Manager
Betty Jean Pasko, Recorder
Authority: Article 24, Section 4-210(a)11
Time Held: 4:35 pm - 4:47 pm
Subject Discussed: Potential parkland acquisitions.

MOTION TO ADJOURN

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator