

BOCC rejects Lusby municipality ballot request

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The road to municipality came to a screeching halt Tuesday for Calvert Shores. The Calvert County Board of County Commissioners voted unanimously to reject a request from the organizing committee to ballot the initiative for a vote in November, and the incorporation effort's organizers may soon be back to collecting petition signatures once again.

Those pushing for incorporation spent 13 months collecting signatures of 25 percent of residents living in the proposed Calvert Shores' boundaries. That was the first milestone, completed at the end of 2015, to getting the municipality proposal added to the 2016 November ballot. County commissioner approval is another required measure.

Before the commissioners made their decision to reject the request, six Chesapeake Ranch Estates property owners spoke during the public comment period at the June 21 BOCC meeting, each voicing why the proposed Lusby municipality of Calvert Shores should be incorporated — or not.

“What has struck me is the lack of city government in Southern Maryland. In my opinion, it shows how growth with quality of life issues can be well managed or really mismanaged,” said Bernard Wonder of Lusby, a member of the Calvert Shores organizing committee. “I do not believe five county commissioners, with a county staff, can run population centers such as Lusby, Prince Frederick, Solomons Island or Dunkirk. ... CRE and its residents deserve better government and services for their tax dollars.”

CRE resident Cathy Zumbrun also had some strong words for the commissioners. Many of her comments were critical and displayed an advance notice that the commissioners were planning to reject their request.

“We are disappointed that you, the commissioners, did not grant our request to have a meeting to discuss our request for a referendum to incorporate the City of Calvert Shores,” said Zumbrun, referring to an earlier request for a public work session to negotiate the details of the municipality. “We are disappointed at the inaccuracies and flawed conclusions in the June 1 staff report, and have strong objections to many statements made by staff in that report.”

Anita Jones, who resides in St. Leonard and owns two CRE lots that she said will be excluded from Calvert Shores, opposed the creation of the municipality.

“It appears that very little thought has been given to the CRE properties and roads lined outside the lines of the new municipality,” Jones said. “When we requested the organization's plans for areas outside the municipality,

they offered at least four evolving alternatives that we can take. ... It was evident the municipality organizers felt it was our problem and not theirs.”

Jones questioned the organization and preparedness of the committee and said she was told by organizers the county would not accept responsibility for the roads outside of Calvert Shores.

“[The Property Owners Association of CRE] doesn’t magically go away when Calvert Shores becomes a municipality,” said Zumbrun in a post-meeting interview. “A separate vote, separate process and whole transition will need to take place to make sure everyone is taken care of.”

Zumbrun said the committee doesn’t have the power to annex residents and that Jones lives in the “T section” of CRE, which is not contiguous with the rest of CRE and cannot be automatically included in the incorporation effort, by law. She said the committee gave residents who fall outside the boundaries the opportunity to petition to be part of Calvert Shores, which is predicated on it actually becoming a municipality.

After five public comments in support of the municipality and one in opposition, Commissioner Pat Nutter (R) introduced the motion to reject the request to ballot Calvert Shores for a referendum vote in November to become a municipality.

“They want us, who doesn’t live in the Ranch [Estates], to come in and pay for their roads,” said Nutter, referring to those residents who will be annexed from Calvert Shores. “Another concern I have ... law enforcement. Who is going to put up the money for the 10 or 12 deputies ... who is going to put up that million and half to front that right of the bat?”

An overwhelming concern for the commissioners was lack of input from the business communities within the proposed boundaries.

Commissioner Steve Weems (R) said he would have liked to have heard feedback from surrounding business stakeholders. Commissioner Mike Hart (R) expressed concern over businesses not being part of the decision and yet they would have to pay municipality taxes.

“How many of you have talked to business owners and asked what’s your bottom line?” asked Hart. “No one has given me hard numbers. I don’t spend potential.”

Commissioners’ Vice President Tom Hejl (R) had grave concerns about the debt issuance limit of 20 percent of the budget, which he said is unsustainable. The county debt limit is only 9.5 percent.

He also expressed concern regarding Calvert Shores’ ability to pay for costly technology. He said there should be a little more work before he can support it.

Commissioners’ President Evan Slaughenhaupt (R) said the obvious implication is that citizens throughout the county will perceive that they will experience another tax raise so that CRE can become a municipality. The commissioners recently approved tax increases as part of the fiscal 2017 county budget. Slaughenhaupt didn’t believe “the citizens of the county would take to kindly to that.”

“You don’t sell your case to folks that live around you. You don’t sell your case to the board of county commissioners. You sell your case to all the citizens of county,” said Slaughenhaupt.

Contrary to the organizing committee’s request for the same tax differential as the Twin Beaches municipalities, Slaughenhaupt estimated the tax differential would be approximately \$.105, a potential loss of approximately \$850,000 in revenue for the county, and would require property owners in Calvert Shores to pay

\$.847 in county property tax plus \$.386 in municipal property tax for a total property tax of \$1.233 per \$100 of assessed land value.

After the meeting, Zumbrun challenged the validity of Slaughenhaupt's remarks and said residents of CRE have been paying the same rate of taxes that every other area has for years, yet the homeowners' association maintains its own roads and the county maintains other areas. She questioned whether that was fair.

"We are not surprised that they voted it down in light of the budget situation with property tax increases. What we were surprised about were the comments from the commissioners," said Zumbrun. "They weren't very well-educated on the law. We thought the next step was basically a hearing. Now we have another hoop to jump through."

Zumbrun is referring the BOCC's lengthy discussion during the meeting with Calvert County Attorney John Norris regarding options to afford the incorporation effort reasonable consideration to bring the measure to a public hearing. After several minutes and questioning, the commissioners agreed to allow the committee 91 days to get a petition, of support in favor of the municipality, with signatures of owners of at least 25 percent of the assessed valuation of the real property of the area proposed to be incorporated within Calvert Shores.

By law, the commissioners will prepare reasons for their rejection and the approved recourse for reasonable consideration. Once received, Zumbrun said the committee will need to discuss, evaluate and then decide if it can meet the expectations of the petition.

If the Calvert Shores organizing committee decides to pursue the petition and meet the requirements, it has until close of business (4:30 p.m.) on Monday, Sept. 19, to submit signatures, according to Norris. A public hearing would be held after two consecutive weeks of hearing notification is published in a local paper. As a result of the public hearing, the commissioners could vote to allow the proposed charter and formation of a new municipality to be submitted to referendum.

As previously reported by the Recorder, according to the county's Board of Elections, the deadline for a local referendum to be added to the Nov. 8 general election ballot is Aug. 15, forcing the organizing committee to turn in a petition, with the conditions are met, much sooner than the September deadline, if they elect that option