

**ST. MARYS COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
GOVERNMENTAL CENTER
Tuesday, March 11, 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 8:00 AM.

ADDITION TO AGENDA

Commissioner Russell announced that discussion of an employment contract has been added to Executive Session.

APPROVAL OF CHECK REGISTER

Commissioner Mattingly moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register for checks dated March 11, 2008, as submitted. Motion carried 4-0, with one abstention (Commissioner Raley).

APPROVAL OF MINUTES

Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners meeting of March 4, 2008, as presented. Motion carried 5-0.

MOTION TO ENTER INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to enter into Executive Session for the purpose of discussing Personnel, specifically requests for reclassifications and employment contract. Motion carried 5-0.

EXECUTIVE SESSION

Personnel

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
Susan Sabo, HR Director
Christy Holt-Chesser, County Attorney (8:27 am 8:35 am)
Betty Jean Pasko, Recorder

Time Held: 8:05 am 8:35 am

Subject Discussed: Reclassification Requests and employment contract.

PROCLAMATION: SPECIAL OLYMPICS ESCAPE TO KEY WEST DAY

A Proclamation was presented to Ms. Mary Lu Bucci, Director, Special Olympics, in recognition of Escape to Key West Day, the second annual community fund raiser concert, to be held on March 22, 2008, at the Hollywood Volunteer Fire House.

LIBRARY BOARD OF TRUSTEES: ANNUAL REPORT

Present: Kathleen Reif, Library Director

Ms. Reif acknowledged Library Board members in attendance and presented the annual report, which highlighted FY2008 achievements relative to cost savings, grants, donations, and fundraising, including:

- Savings: saved \$30,000 in FY08 staff costs (retirees were placed with staff at lower step); changed retiree health benefits, reducing ARC by \$600,000 over the next 10 years.
- Grants: \$233,000 over past four years; two grants submitted for FY09, totaling \$100,000; \$90,000 capital grant received for FY09.
- Donations: \$4,000 annually for summer programs (local corporations/companies)
- Fundraising: Friends of the Library book sale this past weekend raised \$17,000.
- \$200,000 from overdue fines and printing fees

Technology:

- IT Priorities: continue to partner with County staff, timely training for staff and customers, three year replacement cycles for PCs (maintain an annual investment of \$75,000 - \$100,000 per year for new hardware, replacement, and maintenance).

- Five year Information Technology plan for the County and Southern Maryland region.

The annual report also provided statistical data relative to the number of cardholders, visitors, circulation, and PC users; funding increases relative to staffing, utilities, materials, and technology; and funding increases relative to fines and fees, state funding, and county funding.

The following FY2009 cost increases are forecasted:

- \$92,000 - 3%% COLA, Step, Health;
- \$39,000 - Utilities
- \$33,000 - Materials to check out
- \$80,000 Technology
- \$117,000 ARC for OPEB

FY2009 funding increases (over FY2008):

- \$12,000 in printing fees
- State funds frozen at \$14 per capita; \$32,000

The FY2009 County request is \$2,304,672; \$54,000 over FY2008. The design study for the Leonardtown Library is in the FY2009 budget.

COMMISSIONERS TIME

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

COUNTY ADMINISTRATOR

1. Draft Agendas for March 17 (Budget Work Session) and March 25, 2008 (no meeting 3/18)
2. **Dept. of Finance** (*Elaine Kramer, CFO*)

(Dr. Michael Martirano, Superintendent of Schools; Daniel Carney CFO, will also be in attendance)

Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize the Commissioner President to sign the form evidencing agreement with the Superintendent on the items identified as excludable non-recurring costs, as listed in the attachment and totaling \$1,807,144, approving the submission to the Maryland State Department of Education, and to sign the letter to MSDE transmitting such form. Motion carried 5-0.

Commissioner Mattingly left the meeting at this time.

3. **Circuit Court** (*Teresa Weeks, Sr. Legal Assistant*)

Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize the Commissioner President to sign the budget amendment for MD0820, Family Services, reducing the grant amount pursuant to the request of the Administrative Office of the Courts. Motion carried 4-0 (Commissioner Mattingly was absent for the motion and vote).

Commissioner Mattingly returned to the meeting.

4. Dept. of Aging (*Lori Jennings-Harris, Director; Peggy Maio, Fiscal Supervisor*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the Senior Health Insurance Program (SHIP) Notification of Grant Award in the amount of \$13,898, and to approve and authorize the Commissioner President to sign the budget amendment increasing the Senior Health Insurance Program budget by \$774 in accordance with the actual grant award. Motion carried 5-0.

Commissioner Raley left the meeting at this time.

5. Department of Public Safety (*David Zylak, Director*)

Commissioner Dement moved, seconded by Commissioner Jarboe, to approve the MD Institute for Emergency Medical Services Advanced Life Support Training Grant in the amount of \$4,200 awarded to the Advanced Life Support Unit for paramedic re-certification assistance. Motion carried 4-0. (Commissioner Raley was absent for the motion and vote).

Commissioner Raley returned to the meeting.

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

Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the budget amendment, in the amount of \$56,100 to complete repairs of the Dellabrook Bridge, project HW0701. Motion carried 5-0.

Motion Requested: To approve and authorize the Commissioner President to sign the FY2008/09 New Freedom Grant Assurances and the Authorizing Resolution for the St. Marys Transit Transportation programs, for the period April 1, 2008 through June 30, 2009.

Mr. Erichsen announced that it was determined late yesterday (Monday, 3/10/08) that it is not necessary to sign the certificates and the resolution, because this paperwork

was completed when the grant package was submitted in November, 2007. Jackie Fournier and Cathy Zumburum provided a brief overview on the Mobility Manager position and funding. The Mobility Manager will coordinate transportation programs, making STS a one-stop center for the transportation program.

**OFFICE OF HUMAN SERVICES FOR ST. MARYS COUNTY:
INTERAGENCY TEAM REPORT AND STAFF RECOMMENDATIONS**

In conjunction with the November 6, 2007, presentation, the Board of County Commissioners (BOCC) requested a final proposal in early 2008 for consideration in the FY09 operating budget. The report presented by Mr. Connelly reflects the work of an Interagency Planning Team whose members reviewed the existing entities that provide planning and coordination for human services for St. Marys County. The final recommendation includes two organizational options for the BOCC to consider regarding the planning and coordination of human services.

Interagency Team Report

Present: Bennett Connelly, Exec. Dir., Local Management Board

Mr. Connelly reported that about 18 months ago, the Team was asked to look at human services needs of the County, and based on those findings, to present structure and process recommendations to better coordinate human services for St. Marys County. Mr. Connelly provided highlights of the teams report:

Nine community forums were conducted to get input from citizens and providers on comments/reaction to the data and to gather information on key strategies in each of the 12 service areas.

The twelve service areas were identified as: housing; employment; health; substance abuse; mental health; people with disabilities; domestic violence; children; education; aging; homeless; poverty.

The work and budget of the current coordinating entities in the county was reviewed; including the Local Management Board, the Mental Health Authority, the Division of Community Services in the Department of Recreation and Parks, and the Substance Abuse Coordinator in the Health Department. The current budgets for these entities total about \$1,000,000.

Four key human service over-arching issues affecting human services in the county were identified as:

1. Housing- lack of affordable housing for clients and staff; long waiting list for section 8; accessible housing for disabled
2. Health/Behavior Health Care-lack of access for health, mental health, and dental for insured and uninsured; county wide mobile crisis response
3. Transportation- need for increased coordination; increase access for disabled and families with children

4. Employment-need for increase training to fill current and future jobs; increase employment opportunities for special populations- i.e. disabled, homeless, mentally ill

The strategy to address each of these key human service needs involves the creation of a governance structure that is a policy-making and priority-setting entity; that partnering and jointly oversees the full system of services.

Interested in looking at other organizational models, the Team invited directors of Citizen/Community Services from Frederick, Carroll, Harford, and Howard Counties to describe how their agencies were structured and operated. Each reported that they are getting good results.

Considering funding, issues, and possible structures, the Team came up with two organizational structures options. It was emphasized by Mr. Connelly that the effort is about coordinating services and that no direct services will be affected or changed.

- Option #1: County office staffed with county employees. Combine four entities (LMB, the Mental Health Authority, the Division of Community Services, and the Substance Abuse Coordinator in the Health Department), office reports to the County Administrator. Future expansion includes a Core Service Agency.
- Option #2: County office with two (2) county funded positions. Maintains four separate entities. County office staffed by a Director appointed as a county employee and Administrative Assistant, all other entities remain in current form but report to Director by memorandum of understanding or some other similar agreement. The Community Services Division would be incorporated into the new office and report to the new director.

Both organizational structure options include the formation of a Human Services Council. The Team agreed to recommend the creation of a Human Service Council as the governance structure to guide and oversee the work of an integrated human service system for St. Marys County. This Council would also be tasked with assessment of the effectiveness of the model and whether additional funding is needed to increase total FTEs.

Staff Recommendations:

Present: John Savich, County Administrator

In conjunction with the Interagency Team Report and staff recommendations, Mr. Savich made the following recommendations to the BOCC:

- Create a new county Office of Human Services that consolidates planning and administration for state and local funding that is distributed to direct services

providers in St. Marys County. The county Office of Human Services combines the Community Services Division, Core Service Agency/Mental Health Authority, Local Management Board, Substance Abuse (Health Department), and Marcey House (reporting only, direct report to County Administrator); combining fiscal planning and management activities into one office.

- Create a Human Services Coordinating Council to provide recommendations to the BOCC and to oversee collaborative efforts among the Office of Human Services and other county human services agencies. The Human Services Coordinating Council will have broad membership, advise and make recommendations to the BOCC, oversee collaborative efforts of all the agencies, and could assume the responsibilities of the existing boards.

Pending the public hearing and final budget, the following timeline was provided:

Consolidate in July 2008

- Community Services Division
- Marcey House (reporting only)
- Substance Abuse (Health Dept.)

Consolidate July 2008 January 2009

- Local Management Board
- Core Service Agency (Mental Health)
- Will need to identify details and new agreements with the state.
- Recommend hire director for new office

For Community Services, Mental Health, LMB, and Substance Abuse, the current staffing equates to 16 FTEs (mix of full time and part time). The proposed organization chart has 13 FTEs. Marcey House is not included. There are seven new to county government positions. New positions will be advertised and interviews will be conducted. Existing agency staff considered strong candidates. There is no preference provision in the HR Manual.

Costs:

- Current outside agency funding: \$640,000; after eliminating 2% substance abuse (provided to Marcey House and Walden-Sierra) administrative percentage: \$590,000.
- Estimated County costs (13 FTEs): \$640,000 (includes up to \$50,000 for transition).
- Additional FY2009 County cost: up to \$50,000

Mr. Savich noted there is currently about \$5,500,000 of other funding passed through to direct service providers, that will have to be reflected in the County budget (if the county were to be the recipient).

It was clarified the transition costs (\$50,000) apply to the first and second year.

Next Steps:

- Include in public hearing for the budget
- Request redirection of State funding to the County, effective July 2008
- Contract with existing agencies, as necessary, July January (develop agreements and sub-agreements)
- Direct services funds to continue to flow to local providers.
- Meet with staff of each of the affected organizations (Mr. Savich)
- And meet with State to work out details

Tasks during transition:

- Mission and responsibilities of office clearly defined
- Include proposal in FY09 budget
- Ensure funding streams and services are not interrupted
- Seamless set-up of new office space and equipment (office space will be available in the Governmental Center)
- Recruitment of staff
- Details of coordinating council

Commissioner Raley questioned the size and make-up of the Human Services Coordinating Council. It was emphasized that the council (up to 25 members) is to provide recommendations and oversight, not decision-making and acknowledged the make-up will need to be determined early in the process.

Citing a previous similar effort and the relationship of Office of Aging with human services, Commissioner Jarboe expressed concern about the exclusion of the Office of Aging and feels the effort should be a true consolidation. There was discussion about including the Office of Aging in a later phase. Commissioner Russell said that including the Office on Aging at this time may be too much of an undertaking. Ultimately, however, consideration should be given to having Office of Aging as one of the component at a later phase of the process. Commissioner Dement said he feels the Office of Aging is a big component, compared to housing and transportation, and recommended including that Office in the process now. Commissioners Raley and Mattingly advocated phasing-in the Office of Aging.

Commissioner Mattingly moved, seconded by Commissioner Raley, to direct staff to proceed with the establishment of an Office of Human Services as presented today by staff and to reflect the appropriate costs in the FY2009 draft budget; and the recommendation as discussed by the County Administrator in his report to us. Motion carried 4-1 (Commissioner Jarboe voted nay).

Mr. Savich recommended directing the coordinating council, when established, to make a recommendation to consolidate other human services within County Government.

PUBLIC HEARING: PROPOSED AMENDMENTS TO ST. MARYS COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN TO AMEND SERVICE AREA

MAPS III-51, III-52, IV-51 AND IV-52 TO CHANGE SERVICE CATEGORIES FROM W-6 AND S-6 TO W-3D AND S-3D FOR PROPERTY DESCRIBED AS

PARCEL 105, 196, 102 AND 66 OF TAX MAPS 52 AND PARCELS 138, 319, AND 417 OF TAX MAP 51 IN THE 8TH ELECTION DISTRICT (CASE #CWSP 05-132-032, GLAZED PINE)

Present: Jeff Jackman, Sr. Planner, LU&GM

The public hearing commenced at 11:00 am and was held in Room 14 of the Governmental Center.

Commissioner President Russell announced the purpose of the public hearing, that sign-up sheets are available for anyone wishing to speak, and that the record will remain open for ten days for anyone wishing to submit written comments to the Board of County Commissioners.

Mr. Jackman stated for the record that notice of the public hearing was advertised in the February 22 and 27, 2008, editions of the Enterprise newspaper, posted on the associated property, and sent via certified mail to adjacent property owners. Additionally, notification was available on the County's website, at the libraries, and via the Public Information Office (PIO).

Mr. Jackman reviewed the property in question; i.e., 212 acres described as Parcels 105, 196, 102, and 66 (abuts the property site, is owned by Mr. Donald Moore, who asked that his property be included) of Tax Map 52, and Parcels 138, 319, and 417 of Tax Map 51, in the 8th Election District. The property site is predominately zoned OBP (Office Business Park), a portion with AICUZ (Air Installation Compatible Use Zone) overlay. Parcel 319 is zoned RL. Property location maps were exhibited and provided in the staff report. The property is located west of the Three Notch Road (Rt. 235) and north of Hermanville Rd.)

The original concept site plan (approved by the Planning Commission August, 2005) anticipated allowing residential use in the OBP zone and showed dwellings to be located within the OBP as well as within the APZ-2 overlay zone within the AICUZ. Subsequent changes prohibit residential uses in the OBP and the APZ-2 zone, making the original concept site plan no longer acceptable. The CWSP amendment under consideration would change the service categories for the entire site and may be completed prior to the revision of the development plan.

Copies of PC Resolution No. 06-18 (recommending approval), adopted on June 12, 2006, and PC Resolution No. 06-20 (amended), adopted on July 10, 2006, were distributed during the hearing by Mr. Jackman.

As indicated in the staff report, the proposed amendments were determined to be compatible with the St. Marys County Comprehensive Plan. To be in compliance with zoning, the applicant will prepare a revised concept reducing the number of dwellings. The proposed development will be the equivalent to 548 EDU dwelling units in terms of water demand and wastewater flow, and there will be 248 residences at build-out pursuant to the revised concept (scaled back from the original 1,200).

Commissioner Raley clarified that since being presented to the Planning Commission (one year ago), the BOCC passed regulations that do not allow residential uses in the OBP zoning district and areas governed by the APZ-2 overlay district. However, that does not preclude non-residential uses from being developed. And, whatever those uses are, they still require a proposed change to the CWSP.

Commissioner Raley then asked, since the application needs to be revised, if the initiative for using gray water will be changed. Mr. Guy Curley responded that it would change it some, but a lot of the uses anticipated for the recycled treated wastewater were going to be in the commercial section; e.g., for irrigation. Also, the water coming back from Marley-Taylor will be about 60 degrees (Fahrenheit), potential to heat some of the buildings.

Commissioner Mattingly questioned for clarification the number of EDUs (548) is regardless if for residential or non-residential use, and the commercial component is AICUZ compliant; Mr. Jackman concurred. Also, the original resolution shows the property as being owned by a different LLC. Mr. Jackman said that does not make a difference. Mr. Jackman validated that MetCom will be in agreement with the availability of 548 EDUs (MetCom is actually in agreement with the larger figure) and Mr. Curleys proposed housing will be outside of the AICUZ zone.

The public hearing was opened for public testimony at 11:18 am.

Public Testimony

The two individuals that signed the sign-up sheet; Mr. Cliff Howard and Mr. Donald Moore, indicated they had no additional comments.

John B. Norris, III, Norris and Dudderer, Esq.

On behalf of the application, asked if the Board had any additional questions and stated that he had no additional information to present at this time.

Thelma Robinson, Park Hall, MD

Has property in the area. Asked if can sign up or tie into to the plan later, is there a limit to the time?

Mr. Jackman responded the service is gauged and timing of connections by amending properties into the plan, if they are not already in the plan, in a category that allows service to be extended. So, youre either in a now category or a later category. An application would need to be completed (go through the same process).

Commissioner President Russell closed the public hearing at 11:21 am and noted that the record will be kept open for ten days for written public comments.

DEPARTMENT OF LAND USE & GROWTH MANAGEMENT: TO CONSIDER ZONING ORDINANCE TEXT AMENDMENT TO AMEND CHAPTERS 41, 51,

**64, AND 90 GOVERNING ACCESSORY APARTMENTS IN THE CRITICAL AREA
AS A FIRST READER AND REQUEST FOR APPROVAL TO PROCEED TO THE
PLANNING COMMISSION FOR A PUBLIC HEARING**

Present: Denis Canavan, Director, LU&GM

Mr. Canavan requested authorization to process a Zoning Text Amendment for the purpose of amending Chapters 41, 51, 64, and 90 governing accessory apartments in the Critical Area.

The thrust of the amendment is to allow an accessory apartment in the critical area, specifically the Resource Conservation overlay district. The amendment provisions mirrors the provisions in State law. State law allows an accessory apartment; it is limited to 900 square feet and accessory to the principal dwelling. The Countys zoning ordinance currently prohibits accessory apartments in the RCA overlay zone.

Mr. Canavan said another zoning text amendment dealing with accessory apartments is already in the process. They will have separate public hearings but it is his intent to have parallel tracks meet at a public hearing before the BOCC on the same day.

**Commissioner Raley moved, seconded by Commissioner Dement, to accept the amendments as proposed for a first reading, waive the 30-day comment period and second reading required by Resolution 2005-03, and ask that the Planning Commission proceed with a public hearing and prepare a recommendation for the Board relating to the proposed amendments.
Motion
carried 5-0.**

PUBLIC HEARING: PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAPS OF THE ST. MARYS COUNTY COMPREHENSIVE ZONING ORDINANCE FOR CASE #06-245-002, HODGES GROWTH ALLOCATION TO CHANGE THE CRITICAL AREA OVERLAY FROM RESOURCE CONSERVATION AREA (RCA) OVERLAY TO THE LIMITED DEVELOPMENT AREA (LDA) OVERLAY FOR 6.24 ACRES IN THE CHESAPEAKE BAY CRITICAL AREA

Present: Sue Veith, Environmental Planner, LU&GM

The public hearing commenced at 11:30 am and was held in Room 14 of the Governmental Center.

Commissioner President Russell announced the purpose of the public hearing, that sign-up sheets are available for anyone wishing to speak, and that the record will remain open for ten days for anyone wishing to submit written comments to the Board of County Commissioners.

The public hearing was for the purpose of receiving public testimony to consider the proposed subject amendment to the official zoning maps of the St. Marys County Comprehensive Zoning Ordinance Z-02-01. The award would allow subdivision to create two buildable lots for family members, in accordance with a will to settle an estate, from two agricultural parcels deeded in 1993 and 2003 respectively from a property described as Tax Map 47, Grid 3, Parcel 15, owned by Margaret Hodges Bailey, which contained approximately 36.80 acres located entirely in the Chesapeake Bay Critical Areas. The family opted for growth allocation versus the inter-family transfer process.

Ms. Veith stated for the record that notice of the public hearing was published in the February 22 and 27, 2008, newspapers, posted on the property, and notification was sent to all adjacent property owners.

Ms. Veith reviewed the staff report, specifically the analysis section, and showed the property location and boundaries via a minor subdivision plat map. The Planning Commission voted unanimously, following its hearing on November 26, 2007, to recommend approval to the BOCC.

Staff concluded the request is generally consistent with the Countys comprehensive plan policies for rural development. Although, the proposed development is outside of designated growth areas and existing rural population centers, the intensity of proposed development is less than could be allowed by the requested LDA overlay of the RPD zone.

Staff concluded the request is consistent with Comprehensive Plan policies regarding intensifying Critical Area development. Ms. Veith reviewed critical area development requirements and how they are being adhered to.

The request, which does not meet the development envelop criteria (of the ordinance relative to adherence to growth allocation guidelines and criteria of the CZO) will result in deduction of the entire area (6.24 acres) in proposed Lots 2 and 3 from the County allotment. The balance of the parent tract, which exceeds 20 acres and continues to meet RCA character, will have platted restrictions imposed to prevent its future subdivision and will not be deducted.

The proposal for development avoids encroachment into areas of non-tidal wetlands and avoids encroachment into the 300 foot expanded critical area to the extent possible. Relocation of the driveway, shown on lot 2, will be required at the time of permitting to avoid the expanded critical area buffer at the front of that lot.

Concerned with the potential for granting growth allocation and the difficulty of getting it back if the applicants decide its cost prohibited, Commissioner Raley questioned the potential of a problem with addressing the public road standards in accordance with the Technical Evaluation Committee (TEC) comments as defined on page 8 of the Staff Report. Family members in attendance responded that they are aware of the requirement. The private gravel road has been maintained by family members and there have been no problems. There was discussion about getting a variance. Ms. Veith said she will draft language to include a provision allowing the variance to keep the road private.

Commissioner President Russell opened the hearing for public testimony at 11:48 am.

Public Testimony

Jerry Nokleby, Nokleby Surveying Inc., 17777 Grace Lane, Tall Timbers, MD

Mr. Nokleby provided a copy to each Commissioner and submitted a copy to record, of the following documents:

1. Original Survey June 1886 (79 acres)
2. Subdivision of Lots 1, 2, and 3 Port of Riverview and Bluff Woods, March 23, 1945
3. Deed from Helen Berry to Edwin J. Hodges, CBG 17 folio 136, May 17, 1945
4. Subdivision of Lot 1, Land of Edwin J. Hodges, Recorded at Plat Book 18 folio 61, August 3, 1982
5. Deed to Thomas George Hodges of Lot 1, MRB 128 folio 470, October 27, 1982
6. Deed from Edwin J. Hodges to Margaret Hodges Bailey, MRB 210 folio 384, March 11, 1985
7. Deed from Margaret Hodges Bailey to Barbara Hodges Link, EWA 796 folio 340, July 21, 1993
8. Deed from Margaret Hodges Bailey to Louis C. Hodges, EWA 2040 folio 482, March 16, 2003

Mr. Nokleby stated they are seeking approval of two lots through growth allocation; i.e., Lot Number 2 and 3; Lot 2 - 2.26 acres (Agriculture Parcel A), Mr. Louis C. Hodges and Lot 3 3.62 acres (Agriculture Parcel B) Ms. Barbara Hodges Link. Both lots are located on the private portion of Burch Road. The County portion ends at the beginning of the property.

There are currently five dwellings on the private portion of Burch Road, two are summer homes.

The two proposed lots will be the six and seventh user on a private road. Current owners have rights to use the private portion of Burch Manor Road, only thing they cant do is build a home on them.

Mr. and Mrs. Edwin J. Hodges purchased the 39.2 acres of land (original tract) in 1945. The family has farmed the property and maintained the private road. Mr. Edwin J. Hodges will (prior to the adoption of the 1985 Critical Area ordinance) states his wishes that all children receive a buildable lot on the farm. Lot 1 was deeded to Thomas George Hodges on October 27, 1982 (before the Critical Area ordinance). The remainder was deeded to Margaret Hodges Bailey on March 11, 1985. The purpose of being here today is to settle the estate and honor the will. All four children currently have parcels of land, but only two are buildable.

Mr. Nokleby stated the request is for approval of the two lots, along with the right to utilize the private portion of the road that has been maintained by family members for 62 years.

The Dept. of Public Works and Transportations comments at the TEC to have the road upgraded were because there will be more than five users or have the Planning Commission provide for a variance. Mr. Nokleby said the County Commissioners can also do as part of their recommendation.

Mr. Nokleby stated we are requesting a variance to Burch Manor to remain private; cost to make in compliance with county road standards is cost-prohibitive (estimate in excess of \$250,000).

Commissioner Raley asked who would grant the waiver. Mr. Nokleby responded that the Planning Commission normally would. He advocated including it in the Planning Commissions motion (presentation was made to them). However, the Planning Commission motion was read from the staff report, and the waiver was omitted.

Ms. Veith asked if just part of the road can be upgraded. Mr. Nokleby responded that the cost reduction would be minimal (still have to do storm water management). Ms. Veith said she supports not increasing impervious surface (not upgrading the road) from a Critical Areas standpoint. There are four existing homes.

Ms. Christy Chesser, County Attorney, was questioned regarding authority to apply a variance in the BOCC motion. Ms. Chesser conveyed concerns that the road issue was not included in the Public Hearing advertisement (may require re-advertising and re-conducting the BOCC public hearing). Plus, she does not know if the issue has been fully reviewed by LU&GM. Commissioner Mattingly said he really didnt have a problem (with the road waiver) as long as it doesnt create a problem for land owners down the road (to upgrade will increase impervious surface) as long as we (BOCC) have the authority to do it and asked Mr. Nokleby if he had the details presented to the Planning Commission specifically requesting the variance. Mr. Nokleby responded that it was part of the presentation (same presentation presented today) and that it was mentioned several times. Mr. Nokleby acknowledged that, if the BOCC is uncomfortable, theyd have to go back to the Planning Commission and re-advertise the public hearing. However, he said it would help him if the BOCC would express their support for the variance.

Margaret Bailey, 39422 Burch Rd., Avenue, MD

Ms. Bailey (daughter of Mr. Edwin Hodges) reiterated it (the deed) was before Planning Commission / Growth Allocation (requirements) in November, and said she was in agreement with Mr. Noklebys statements. She was there when her dad made the will. Ms. Bailey took care of her father for seven years. The road has been kept up, family takes care of it, does not foresee problems with continuing to maintain the road.

Lewis Hodges, Coltons Point, MD

Mr. Hodges (son of Mr. Edwin Hodges) indicated support for the request and agreement with statements made. He said his dad wanted each of the children to have a place on the family farm.

Barbara Link Lorence, P. O. Box 14, Newburg, MD 20664

Ms. Link (daughter of Mr. Edwin Hodges) said shed very much like to have the lot(s) approved.

Nancy Simpson, 113 7th St. NW, Washington D.C.

Ms. Simpson presented to record a letter from her aunt, Rachel Hayden Ryan. Ms. Ryan and her sister, Eleanor H. (Hayden) Simpson jointly own the farm on both sides of Burch Road, adjacent to Margaret Jackie Hodges Baileys farm (parent parcel 15). Ms. Ryans letter states she is not opposed to the application, but lists stipulations; i.e., ensuring the 10-day open record period (for any additional input), placing adequate plat/land record mechanisms in place to ensure current recommendations including those made by the Planning Commission, LU&GM, and Critical Areas Commission are maintained in the future, safeguards are instituted to ensure adequate mound system maintenance, minimum tree forestation for each lot, and that the concerns as contained within the letter are addressed and included in the plat review process. Ms. Simpson stated support for the road variance, saying that the road had been well maintained for several years.

Six individuals signed the Public Hearing Sign-in Sheet. All indicated support or no opposition to the proposed zoning map amendments. Commissioner President Russell closed the public hearing at 12:10 pm and set the ten-day open record period.

MOTION TO RECONVENE INTO EXECUTIVE SESSION

Commissioner Mattingly moved, seconded by Commissioner Raley, to return to Executive Session, specifically to discuss personnel matters. Motion carried 5-0.

Personnel

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
Susan Sabo, HR Director
Betty Jean Pasko, Recorder
Time Held: 12:15 pm 12:40 pm
Subject Discussed: Reclassification Requests

BUDGET WORK SESSION

The FY2009 Budget Work Session was held beginning at approximately 1:30 pm.

Minutes Approved by the Board of County Commissioners on _____

Betty Jean Pasko, Sr. Admin. Coordinator