

BOARD OF COUNTY COMMISSIONERS' MEETING

Tuesday, October 3, 1989

Present: Commissioner Carl M. Loffler, Jr., President
 Commissioner W. Edward Bailey
 Commissioner Robert T. Jarboe
 Commissioner John G. Lancaster
 Commissioner Rodney Thompson
 Edward V. Cox, County Administrator
 Judith A. Spalding, Recording Secretary

The meeting was called to order at 9:15 a.m.

APPROVAL OF MINUTES

Commissioner Lancaster moved, seconded by Commissioner Thompson, to approve the minutes of the Commissioners' meeting of Tuesday, September 26, 1989. Motion carried.

APPROVAL OF BILLS

Commissioner Bailey moved, seconded by Commissioner Lancaster, to approve payment of the bills as presented. Motion carried.

COUNTY ADMINISTRATOR ITEMS

Present: Edward V. Cox, County Administrator

1) LETTER OF APPRECIATION
ST. MARY'S COUNTY CHARTER

The County Administrator presented correspondence addressed to Mr. Edward Clarke of Piper & Marbury for contributions to the St. Mary's County Charter Board in the preparation of the proposed Charter.

The Commissioners agreed to sign and forward the letter.

2) LETTER OF APPRECIATION
HURRICANE HUGO THREATS

The County Administrator presented correspondence addressed to the Director of the Emergency Management Agency, Thomas Oliver, expressing appreciation for a job well done in preparation and state of readiness during the recent threats of Hurricane Hugo.

The Commissioners agreed to sign and forward the letter.

3) BUDGET AMENDMENTS

The County Administrator presented the following Budget Amendments recommended for approval by the Director of Finance with justifications as indicated:

No. 90-10
Finance

Justification: To transfer funds from automotive insurance to self-insurance program.

No. 90-11
Charles County Community College

Justification: To provide for increase in state-aid

Commissioner Lancaster moved, seconded by Commissioner Bailey, to approve the budget amendments as presented. Motion carried.

No. 90-12
Department of Public Works

Justification: To provide funding for support of activities related to the County Transportation Plan in the amount of \$150,000.

Commissioner Bailey moved, seconded by Commissioner Thompson to approve Budget Amendment No. 90-12 as presented. Motion carried.

4) PERSONNEL
SHERIFF'S DEPARTMENT - CORRECTIONAL FACILITY ADMINISTRATOR

The County Administrator presented a memorandum dated September 29, 1989 from the Personnel Officer requesting the Commissioners' approval of the Sheriff's request to change the vacant Director of Corrections to a Corrections Facility Administrator position, Grade 18. He stated that because the Sheriff's Department has a sergeant who is the overall ranking officer of the Correctional Facility, the Director of Corrections position, which had been vacated by the retirement of Al Smith, can now be downgraded to Grade 18 from Grade 20. The Administrator would be involved with civilian programs, i.e., work release and work incentive.

After discussion Commissioner Thompson moved, seconded by Commissioner Jarboe, to accept this recommendation. Motion carried.

5) POLICY MEMORANDUM 89-01
OVER-THE-ROAD VEHICLE USE

The County Administrator advised that the Commissioners had previously approved the referenced Policy Memorandum. In order to implement this policy, there are three corresponding policy memoranda 89-1A, 89-1B, and 89-1C that have been staffed by various departments, comments received, and are now ready for Commissioner approval.

After discussion Commissioner Lancaster moved, seconded by Commissioner Jarboe, to approve and sign Policy Memoranda 89-1A, 89-1B, and 89-1C as presented. Motion carried.

MARCEY HOUSE

Present: Larry Harvey, Director
James Williams, President

The referenced individuals appeared before the Commissioners to present a status report of the Marcey House stating that the agency has a \$147,000 budget, \$95,000 from the State, \$52,000 from clients, and the balance to come from fundraisers. Staff will be employed by October 19 with the first clients scheduled to enter the facility on November 20.

During discussion Mr. Harvey and Mr. Williams invited the Commissioners to attend the Ribbon Cutting and Open House scheduled for October 27 from 1:00 - 6:00 p.m. The County Administrator will work with Mr. Harvey in preparing a letter for the Commissioners' signatures inviting the Governor to attend the ceremonies.

With regard to board membership, Mr. Williams stated that seven of the current members have given firm commitments to remain on the Board, and there are nine individuals who have expressed interest in serving. A list will be submitted to the Board for consideration in order to bring the Board to full status of 15 members.

EXECUTIVE SESSION

Present: Edward V. Cox, County Administrator

Commissioner Bailey moved, seconded by Commissioner Lancaster, to meet in Executive Session to discuss matters of Personnel. Motion carried. The Session was held from 9:50 a.m. to 10:15 a.m.

ST. MARY'S COUNTY DEVELOPMENTAL CENTER

Present: Ray McKeen
Purnell Smith
LaRue Bowing
Jack Hormell
Jackie Gonzales

The referenced individuals appeared before the Commissioners to request the County's assistance in purchasing a mid-sized station wagon and a mini van to serve as a backup to the Developmental Center's transportation fleet. Mr. McKeen stated that these vehicles would be used to assist the center in meeting special needs of the clients and to allow them to take some of the older vehicles off the road for servicing.

In conclusion the Commissioners advised that the County may have a vehicle that the Center could use and directed the County Administrator to work with the Developmental Center representatives to look at the County's vehicle inventory and return with recommendations to the Commissioners.

OFFICE OF PLANNING & ZONINGDECISION/DISCUSSION

ZPUD # 88-1868: PATUXENT PARK WEST

Present: Jon R. Grimm, Director
Anita M. Meridith, Office Supervisor II.

ZPUD # 88-1868: PATUXENT PARK WEST

REQUEST: To amend the PUD to add 75 residential units and increase commercial use from 1 acre to 3.35 acres.

Mr. Jon Grimm, Director of the Department of Planning and Zoning provided the history of this request which originally included a proposal for a PDR5.0 density with one acre for potential commercial development. The most recent proposal called for an increase to PDR5.67, 75 dwelling units and 2 acres of commercial property. The Planning Commission reviewed the latter proposal and recommended a density of 5.24 and further allowance of 3.35 acres of commercial on Parcel E. The Planning Commission recommended that access to the commercial area from Peggs Road be restricted.

Karen Abrams, counsel for the applicants, emphasized that while the development of the commercial parcel was still a viable alternative, her clients asked the Commissioners indulgence in reviewing a somewhat altered plan, which separated the commercial parcel from the residential development (plats displayed). Ms. Abrams urged that if the Commissioners agreed with the Planning Commission's recommendation, she would request that the Board consider further amendment which would allow additional residential units in lieu of the commercial area. Counsel spoke at great length to the benefits to be derived by division of the commercial area on the opposite side of Peggs Road both from a community services standpoint and from safety and economics of the project.

Lengthy discussion ensued regarding the policy issue of whether or not to deny total commercial access off Peggs Road. Mr. Grimm emphasized that there had been lengthy discussion between the applicant, staff and the Planning Commission as to whether total restriction was an appropriate policy and direction for the County to take.

Commissioner Bailey noted that he did not understand what difference it made as to whether the access was on the right or left hand side of the road, though he certainly understood the applicant's preference, as it would make the commercial development far more marketable/feasible. Mr. Grimm responded that in reviewing the PUD as a whole and in considering the function of the commercial area, the contention was that the residents of the PUD would be required to cross that physical boundary and that this would become more akin to a highway type of commercial use rather than one associated with a residential neighborhood.

Counsel briefed the Commissioners on the history of this development, particularly with regard to early negotiations with the County Department of Public Works relative to the dedication of a portion of this property for the development of Peggs Road, which consequently caused redesign of the total project and loss of housing units.

Mr. Grimm asked whether this latest reduction from 75 units to 41 units effected the economics of the project. Mr. Snyder, owner of the parcel, spoke to the economics and project design and again emphasized that he would prefer the Board's consideration to allow removal of the commercial area from the residential area, as presented.

Commissioner Loffler remarked that he was not clear on the Planning Commission's intent with regard to future planning and direction for Peggs Road. Given that uncertainty, he concluded that at this point he was very sympathetic to the developer, who donated property for the completion of this road and whom he felt should receive some sort of benefit for that compensation. Counsel injected that it was certainly within the Board's realm of authority to make that decision. Commissioner Loffler responded that while he would agree, such an opinion or policy should only follow a due, orderly and documented process. Commissioner Loffler suggested that the matter be directed back to the Planning Commission in order that that planning body might elaborate and clarify their intent with regard to commercial development along Peggs Road, and more specifically, have staff respond to the degree of compensation for their donation of the roadway system. Mr. Snyder reiterated his earlier testimony that the site recommended by the Planning Commission for the commercial site, was simply not feasible both from an economic and aesthetic standpoint. Mr. Snyder went on record to state that if the Board chose to deny this amended proposal (with regard to relocation of the commercial area), that he would "waive the commercial" development in lieu of total residential development.

Commissioner Jarboe commented that it appeared that placement of the commercial area outside of the proposed residential development would be far more beneficial both to the total community and with regard to traffic flows and protection of this project.

Commissioner Loffler commented that one of the interesting aspects of this proposal was the fact that the PUD was presented in "chunks" and that the development of Peggs Road literally changed the physical characteristics and character of this property and the PUD. Mr. Grimm responded that while he would not presume to speak for the Planning Commission, he would advise that the Planning Commission had been aware of those factors and in acknowledging those changes had issued a recommendation to the Board of County Commissioners for an increase from 1 acre to 3.35 acres and an additional 27 dwelling units, as some form of compensation. Mr. Grimm continued that the Planning Commission had accepted the staff's position that commercial access to Peggs Road should be restricted.

Commissioner Bailey reflected that he thought that the Planning Commission had approved a commercial access from Peggs Road for the Bean property (Chancellor's Plaza). Staff responded that while a concept may have been granted, no final plans had been approved or authorized. Staff was instructed to research and provide the Commissioners with a list of any similar approvals granted.

Commissioner Jarboe suggested that the planning staff review the records and documentation of the Lexington Park Transportation Study/Committee for any reference to the visions/policies of that former activity with regard to the projections for Peggs Road.

The Board instructed the planning staff to add this policy issue to the upcoming Planning Commission agenda scheduled for Tuesday, October 10, 1989, with specific instruction that the Planning Commission respond to this issue via a written policy directive with regard to their intent for either limited or total commercial access restriction to Peggs Road. Commissioner Loffler advised that subsequent to receipt of that policy directive, the Board of County Commissioners would take up continued deliberations on this PUD request at their next regularly scheduled meeting of October 17, 1989.

PROCLAMATIONS

CHILDREN'S DAY

Present: Becky Stevens, Community Services Coordinator
Wayne Guy, Chairman, Council on Children and Youth

The Commissioners presented the referenced Proclamation designating Sunday, October 8, 1989 as Children's Day in St. Mary's County.

MENTAL ILLNESS AWARENESS WEEK

Present: Mary Clements

The Commissioners presented the referenced Proclamation designating the week of October 1 - 7, 1989 as Mental Illness Awareness Week.

LEARNING DISABILITIES MONTH

Present: Kathy Lacer

The Commissioners presented the referenced Proclamation designating October as Learning Disabilities Awareness Month.

STAFF MEETING

The Commissioners left the meeting to attend the regular monthly staff meeting at the Garvey Center.

7:00 P.M.

PROCLAMATION

TRICK OR TREAT DAY

The Commissioners issued the referenced Proclamation designating October 31, 1989 as the official Trick or Treat Day in St. Mary's County.

BOARD OF EDUCATION

Present: William Burroughs, Superintendent of Schools
John McFadden, President, Board of Education
Robert Kirkley, "
Al Lacer, "
Joan Marsh "
Jonathan Nelson, "

1) REPORT ON GOVERNOR'S COMMISSION ON SCHOOL PERFORMANCE

At the regularly scheduled joint meeting of the two referenced Boards, the Board of Education presented an overview of the highlights of the Governor's Commission on School Performance. Mr. Burroughs indicated that the Governor's Commission developed the following eight recommendations:

- ° Establishment of a Public Accountability System in which each school, each school system and the state are held responsible for student performance.
- ° Establishment of assessment system to identify excellence, uncover problem areas, and point the way toward improvement. The state should replace its current testing programs.
- ° Establishment of a System to Collect and Report information for schools and the state on a "vital core" of student achievements and also on factors that may influence those results.
- ° Development of a computerized management information system that is capable of tracking school and school system data.
- ° Elimination of rules, regulations and other strictures that constrain school staffs in applying their professional abilities and creativity to the task of teaching children.
- ° Establishment of a statewide school improvement program.
- ° Establishment of a public school accreditation program for the State of Maryland to guarantee that every school system makes high quality education its continuing priority.
- ° Establishment of an independent, continuing oversight body to monitor standards and to review accountability procedures.

Mr. McFadden advised that correspondence was received from the Governor's Commission stating that the Governor was interested in receiving comments and input with regard to these recommendations.

During discussion of the report Commissioner Loffler emphasized the importance of appropriate funding formulas for rural counties and recommended organizing a mobilization in Annapolis to express this importance to our legislators.

2) JOINT COMMITTEE ON STUDENT POPULATION PROPOSAL

Dr. Burroughs reviewed and discussed a proposal for the establishment of a joint committee on student population forecasting.

The Commissioners agreed to review the proposal with staff and will return with recommendations.

PUBLIC FORUM

The Commissioners, with the Board of Education participating, conducted the monthly public forum with comments received as follows:

Jennifer Davis (The Tide) - Whether there was a policy on how schools deal with injury or illness in the school and parental consent in order for hospitals to treat students.

(Dr. Burroughs indicated that when he meets with the principals he will discuss this policy.)

Horace Rochester - Concerned about speed limit enforcement on Great Mills Road near Great Mills High School.

(The Commissioners advised that there needs to be more public awareness regarding motor vehicle laws in school zones, and stated that they will pass this on to Sheriff Pettit and Lt. Potts of the Maryland State Police. Commissioner Jarboe also suggested the placement of signs indicating pedestrians have the right of way at crosswalks.)

Gayle Schultz - Expressed concern that when her son had been injured at school the principal would not call an ambulance and she was required to have her child picked up from school and get him to the hospital herself.

Viki Volk (Enterprise) - Inquired as to the proximity of actual school population to projections.

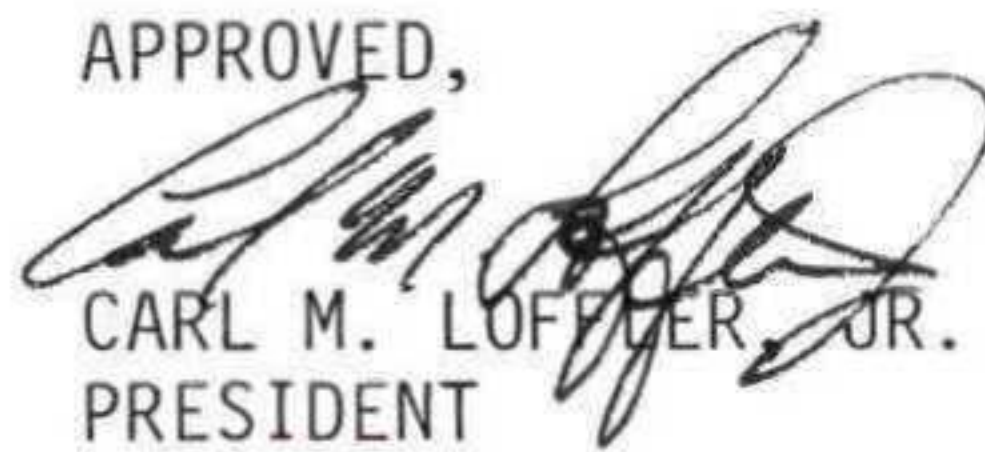
Commissioner Bailey - Inquired as to why the Board of Education requests additional teachers, when some years there has been a decline in student population.

Commissioner Jarboe - Inquired if the Board of Education required a certain number of students in order to justify the class.

ADJOURNMENT

The meeting adjourned at 9:15 p.m.

APPROVED,



CARL M. LOEFFLER, JR.
PRESIDENT