

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
APRIL 21, 1998**

Present: Commissioner Barbara R. Thompson, President  
Commissioner D. Christian Brugman  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 1:05 p.m.

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve the minutes of the Commissioners' meeting of Tuesday, April 14, 1998 as corrected and the minutes from the Planning and Zoning portions of the April 7, 1998 meeting (First Colony) and the April 14, 1998 meeting (Text/Mapping Changes to the Zoning Ordinance) as corrected. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to authorize Commissioner Thompson to sign the Check Register. Motion carried.**

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the agenda as amended (to delete the discussion on Bushwood Wharf and to add an introduction of the new Nursing Center Administrator). Motion carried.**

**CONSENT AGENDA**

Correspondence to:

1. Lawrence J. Pinto, Community Preservation Coalition, regarding the development of master plan for Myrtle Point Park.
2. Mr. and Mrs. Joseph W. Bow regarding proposed development of recreational amenities at Myrtle Point Park.
3. Gail Stevens regarding Myrtle Point Park.
4. Erik Jansson, Potomac River Association, regarding development of Myrtle Point Park.
5. Members of the AACA Eastern Division Tour extending a welcome to St. Mary's County.
6. Todd M. Lowenberg, Local Government Affairs, regarding telecommunications.
7. Thomas Lanzi regarding the Board of Education budget.
8. Nancy Paige Smith regarding the Comprehensive Land Use Plan.
9. Stephen Kracinovich regarding the Board of Education budget.
10. Matthew D. Hill expressing congratulations on the occasion of receiving the rank of Eagle Scout.

**Commissioner Brugman moved, seconded by Commissioner Jarboe, to approve the Consent Agenda with the exception of Letter #4 and that it be returned next week. Motion carried.**

Discussion during the motion included: Commissioner Jarboe referred to Letter #2 to Mr. Bow and stated that the boat ramp he is concerned about is a canoe/kayak boat rentals, none of which would throw a wake. Commissioner Chesser referred to Letter #1 to Mr. Pinto and the definitions of passive or active park.

**COUNTY ADMINISTRATOR ITEMS**

Present: John J. Kachmar Jr., County Administrator

1. Budget Amendment No. 98-41 – Public Works  
(Pegg Road Project has been completed; All funds to be moved to Indian Bridge Road and Hewitt Road for utility costs of next phase - \$66,671)

**Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 98-41. Motion carried.**

2. Department of Public Works Items
  - a. Public Works Agreement Willowbrook Subdivision; backed by Letter of Credit in the amount of \$328,800 by First National Bank of St. Mary's.

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented. Motion carried 4-0-1 with Commissioner Eagan abstaining because she is on the Board of Directors of the First National Bank of St. Mary's.**

- b. Public Works Agreement for the Mount Wolf Estates Subdivision; check in the amount of \$4,400 has been provided by Joseph A. Fowler.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Public Works Agreement as presented. Motion carried.**

- c. Willowbrook Subdivision – Sight Distance Easement on Joy Chapel Road from Hollywood Methodist Church.

**Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried.**

- d. Willowbrook Subdivision – Sight Distance on Joy Chapel Road from Board of Education.

**Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve and authorize Commissioner Thompson to sign the Easement Agreement as presented. Motion carried.**

- e. Road Deed for the Laurel Glen PUD Subdivision, Phase V, Sections I and II.

**Commissioner Jarboe moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Road Deed as presented. Motion carried.**

3. Grant Application – Walden/Sierra, Inc.  
(St. Mary's County Assessment/Diversion Project – (Federal - \$141,736; State - \$47,844).

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to approve and authorize Commissioner Thompson to sign the Grant Application as presented. Motion carried.**

4. Leonardtown Elementary School HVAC Project
  - a. Resolution No. 98-  
(designating \$26,000 from the proceeds of the Public Facilities Bonds of 1997)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign the Resolution as presented. Motion carried.**

b. Budget Amendment No. 98-39 – Public Schools (\$28,370)

**Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and authorize Commissioner Thompson to sign the Budget Amendment as presented. Motion carried.**

5. Wicomico Shores Special Taxing District Update

County Administrator Kachmar advised that staff met with the two developers interested in buying stock in Wicomico Shores, Inc. Mr. Kachmar stated that during the discussion of Phase III, several issues related to Phase II surfaced. He referred to an April 17, 1998 memorandum from the County Attorney indicating that the 51% threshold was not met in the Special Taxing District which was established by Ordinance No. 95-13 (Wicomico Inc. represented 23 lots out of the approximate 59 lots and another four owners signed the petition, making it only 45%). Mr. Kachmar further noted that there is \$200,000 in bond money for the Department of Public Works to begin the roadwork, but it is apparently not a legal taxing district.

During his presentation Mr. Kachmar recommended that the Commissioners rescind Ordinance No. 95-13.

Commissioner Eagan moved, seconded by Commissioner Jarboe, to rescind Resolution No. 95-13, which created Wicomico Shores Phase II Special Taxing District and that staff get additional information.

After discussion the motion failed 0 to 5 in that the Commissioners agreed to get more information prior to taking action on the Ordinance.

**Commissioner Jarboe moved, seconded by Commissioner Eagan, to direct staff to not move forward with the road project. Motion carried.**

6. Information Release  
(Listing of Activities for April 22 in recognition of County Government Week)

The Commissioners agreed to the distribution of the Information Release as presented.

7. St. Mary's Recycling Display (located in lobby of Governmental Center)

The Commissioners viewed the Recycling display in the lobby of the Governmental Center.

## PROCLAMATIONS

The Commissioners presented the following Proclamations

- \* County Government Week
- \* National Volunteer Week
- \* National Crime Victims Rights Week
- \* Christmas in April

## LENGTH OF SERVICE AWARDS

### 15 years

Evelyn Alls  
Mary Ruth Horton  
Stanley Williams, Jr.

### 20 years

Rose Buckler  
Laura Clarke  
Robert Cooper  
Robert Hall  
Michael Humphries  
Patricia Insley  
George Kramer  
Gloria LeDonne

Evaughn Lennon  
Dorothy Russell  
William Rustin  
Lestremayne Stewart  
Oliver "Skip" Stewart  
John Thompson  
Rose Thompson  
Dorothy Joanne Yates

### 25 years

Phillip Cooper  
Catherine Mattingly  
Judith Spalding

### 30 years

Rebecca Norris  
Norman Pilkerton

**ALCOHOL BEVERAGE BOARD  
ALCOHOL ENFORCEMENT COORDINATOR POSITION**

Present: William Cullins, Chair  
Norma Buckler  
Ted Newkirk  
Patsy Insley, ABB Clerk

The referenced individuals appeared before the Board to request consideration for the re-establishment of the Alcohol Enforcement Coordinator position. Mr. Cullins advised that the position was funded through a grant approximately three years ago, and the Sheriff provided a deputy for this position; however, the Sheriff reassigned the deputy back to the Sheriff's Office. During his presentation Mr. Cullins and other members of the Alcohol Beverage Board spoke to the benefits of having the position, that the deputy had arrest powers and could issue citations, it helped deter underage drinking, and the deputy had a good relationship with the retailers.

Discussion ensued with regarding to the funding for the position (what budget the funds were in, if the funds went with the deputy back to the Sheriff's Office, how to provide for the position to ensure that the funds are used for this purpose); whether the individual needed to be a deputy; whether arrest powers were necessary.

During discussion Commissioner Brugman suggested making the position a grant position from county government.

County Administrator Kachmar recommended putting the funds in the ABB budget as a line item and the ABB would transfer those dollars to the Sheriff's Department to provide the enforcement service; however, if the service is not performed, the dollars would not be transferred.

Commissioner Thompson suggested that staff draft a letter to the Sheriff regarding the funds being previously appropriated to the Sheriff's department on the condition that it be used for the Alcohol Enforcer position; and informing of the proposal recommended by the County Administrator for next year's budget, and expressing the Commissioners' concern that the position has not been filled.

In addition the Commissioners requested the County Administrator to work with the Director of Finance to determine how to fund the position for the remainder of the year.

**NURSING CENTER ISSUES**

(Commissioner Jarboe did not participate in this discussion.)

As a follow up to previous discussion the County Administrator continued his presentation relative to the various issues related to the Nursing Center.

- Issue of employees' contributions (\$17,000) to the lounge fund.  
(The Commissioners suggested that the money be refunded to those employees current and past who can be found) and that the employees determine how they would like to use the balance.
- Creation of an employee recruitment/retention program (a formal program would be developed for the Commissioners' consideration)  
(The Commissioners gave their concurrence.)

(Commissioner Brugman left the meeting.)

- Establishment of a management information system that allows for the dissemination and retrieval of current and accurate information on nursing home employees. (the system would be separate from the County's but would be one that could be folded into the county's system at a later time.)

- Establishment of guidelines for granting time off for both vacation time and personal time.
- Provide staff education in quality improvement techniques at all levels.
- Restructure the Quality Assurance Committee to a Quality Improvement Committee.
- Review current wage and hour guidelines for non-exempt employees.
- Conduct formal review of nursing homes in the area in regard to wage and fringe benefits (has been done for CGA's and CMA's).
- Whether the Nursing Center payroll office should continue the practice of calculating pay and drawing of paychecks.  
(The Commissioners agreed that the Nursing Center should continue until the Commissioners make a final decision regarding governance of the center.)
- Whether the SMNC should continue to develop their own specifications for capital equipment; whether the SMNC should continue to develop their own specifications for supplies and services.

(County Administrator Kachmar advised that DHS recommended that the County rebid the pharmacy and physical therapy services in that they have not been bid out for eight years.)

**After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, that the Nursing Center review all existing purchasing procedures and policies and bring them in line with the County's purchasing requirements. Motion carried.**

**Commissioner Eagan further moved, seconded by Commissioner Chesser, to accept DHS's recommendation to rebid the pharmacy and physical therapy services at the Nursing Center. Motion carried.**

(Commissioner Brugman returned to the meeting.)

#### **OFFICE ON AGING MEDICAL ADULT DAY CARE REVENUE SHORTFALL**

Present: Gene Carter, Director, OOA

Mr. Carter appeared before the Board to explain the recent medical adult day care program operating deficit in the amount of approximately \$78,000. He pointed out that the deficit situation arose because: a record number of discharges of program clients who are covered under Medical Assistance (through death and transfer to long-term care facilities); and only 11 new medical assistance admissions have been recorded for the year. Mr. Carter advised that the drop in MA admissions reflects the impact of two changes to the health service delivery structure in the County; (1) that mental health services for MA clients are no longer provided by a single mental health service provider; and (2) the privatization of home health care services.

During his presentation Mr. Carter stated that in order to offset the \$78,000 deficit, that the Fiscal Year 1999 budget will be reduced by \$214,000 (which will include \$12,000 earmarked to begin offsetting this year's deficit; and that future budgets will be structured to provide for a continuing additional offset until it is completely reduced.

During discussion Mr. Kachmar indicated that there was a need for better communication among the various programs for the elderly in order to make better use of facilities and personnel, particularly with regard to referrals.

Other areas of discussion included the possibility of moving the Ripple Center to the Nursing Center or another location; coordination of services; requesting recommendations from the Commission on Aging and Community Health Advisory Committee; change in demographics (large increase in elderly population); and the possible formation of a coalition of providers similar to the Criminal Justice Coalition.

In closing Mr. Kachmar advised that he and Mr. Carter will be returning to the board with further recommendations if the numbers continue to stay low at the day care centers.

## **EXECUTIVE SESSION**

**Commissioner Chesser moved, seconded by Commissioner Eagan, to meet in executive session to discuss a matter of Personnel (Employment Contract), as provided for in Article 24, Section 4-210(a)1. Motion carried.**

### **Executive Session – Personnel**

Present: Commissioner Barbara R. Thompson, President  
Commissioner Paul W. Chesser  
Commissioner Frances P. Eagan  
Commissioner Lawrence D. Jarboe  
John J. Kachmar Jr., County Administrator  
Judith A. Spalding, Recorder

(Commissioner D. Christian Brugman did not participate in the discussion.)

Authority: Article 24, Section 4-210(a)1  
Time Held: 4:50 p.m. – 5:45 -p.m.  
Action Taken:: The Commissioners discussed an Employment Contract and agreed to take action in open session.

## **FOLLOW UP TO EXECUTIVE SESSION**

**Later in the meeting after the FY '99 Recommended Budget Public Hearing, Commissioner Eagan moved, seconded by Commissioner Chesser, to extend the Director of Recreation and Parks' (Phil Rollins) contract for one year. Motion carried four to one with Commissioner Brugman voting against.**

## **PUBLIC HEARING CONSTANT YIELD TAX RATE FISCAL YEAR 1999 RECOMMENDED BUDGET (All Spending Units Except Board of Education)**

The Commissioners conducted public hearings as follows:

### **Constant Yield Tax Rate**

Public Hearing on the proposal to increase property taxes by keeping the tax rate at \$2.08 per \$100 of assessment (this tax rate would be 1.5% higher than the constant yield tax rate and will generate \$571,809 in additional property tax revenues.

### **All Spending Units Except Board of Education**

The following individuals expressed opposition to the Public School's Redistricting Plan: John Garner, Pat Shields, Dan Browne, Agnes Birch, Ted Birch, Karen Garner, Donna Gardner, Joe Gardner, Pam Latvala, Doris Miller, Cindy Grissinger, Betty Henderson, Paul Downs, Ronald Edwards.

Chris Wilson requested the Board to reinstate the funding requested by Three Oaks Center.

Clare Whitbeck expressed appreciation to the Commissioners for the way they handled the trash situation (by not charging a fee at the transfer station). She also suggested that the Commissioners consider increasing impact fees.

Doug Ritchie suggested that the Commissioners increase the impact fee (to make it more specific and equitable).

Dana Davis (Commission on Aging) requested the Commissioners to consider exceeding what the Office on Aging requested in its budget.

Fred Powledge (Library Board of Trustees) thanked the Commissioners for the funding provided to the Libraries.

Bill Cullins (Alcohol Beverage Board) requested the Commissioners to consider re-establishing the Alcohol Coordinator position.

Sandra Wheeler requested the Commissioners to fund the increases in the Office on Aging's budget.

Kathleen Fean (AARP) spoke in support of the funding for the Office on Aging.

Leonard Greess requested the Commissioners to consider raising the impact fee to \$10,000. Referred to the meeting on Myrtle Point held April 16 and requested the Commissioners to not spend \$200,000 at Myrtle Point until the issue of the amenities is resolved; that the County rent land for interim ball fields until it is determined how many fields are needed in the County.

Lavert Queen thanked the Commissioners for funding to keep Oakley Center open another year and requested the Board to fund the Office on Aging's budget.

#### ADJOURNMENT

The meeting adjourned at 9:15 p.m.

Minutes approved by the  
Board of County Commissioners on 4/28/98

*Judith A. Spalding*  
Judith A. Spalding, Recorder