

**ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
November 10, 1998**

Present: Commissioner President Barbara R. Thompson
Commissioner D. Christian Brugman
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Mortimer Smedley, Assistant 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 Eagan, to approve the minutes of the Commissioners' meeting of Tuesday, November 3, 1998, as presented. Motion carried.

APPROVAL OF CHECK REGISTER

Commissioner Jarboe moved, seconded by Commissioner Brugman, to authorize Commissioner Thompson to sign the check register, as presented. Motion carried.

ADDITIONS/DELETIONS TO AGENDA

Commissioner Chesser moved, seconded by Commissioner Jarboe, to accept the agenda as amended (to delete the emergency radio discussion). Motion carried.

CONSENT AGENDA

Correspondence to:

1. Kenneth Downing concerning difficulty finding official items at the Courthouse and Health Department.
2. Gladys Siegel relative to Chaney Physical Therapy request for expansion.
3. Douglass Clark Hollmann relative to deed restrictions at Myrtle Point.
4. Bob Lewis relative to issues of growth.
5. Edith Hoschar, Commission on the Environment, relative to recommendations on the Myrtle Point Master Plan.
6. Larry Petty, Metropolitan Commission, concerning request for county financial participation in funding of sewer and water line relocation along Route 235.
7. Susan Bauer, State Highway Administration, concerning project construction.
8. Michael Sarbanes, Governor's Office of Crime Control and Prevention, concerning funding for additional probation agents for the Division of Parole and Probation.

Commissioner Jarboe moved, seconded by Commissioner Brugman, to approve the Consent Agenda with the exception of Letter #2 to Gladys Siegel. Motion carried.

Commissioner Jarboe requested that the letter be held in order to get an analysis on other such businesses located in a residential area (citing an acupuncture business on a farm). Commissioner Thompson indicated that Chaney was denied the change because of the parking situation and not the nature of the business.

(Letter #2 to Ms. Siegel will be revised and resubmitted at a later meeting.)

COUNTY ADMINISTRATOR ITEMS

Present: John J. Kachmar Jr., County Administrator

* Draft Agenda – November 17, 1998
(During discussion of the Contract with MCI for the Emergency Radio System, Commissioner Thompson questioned identification of brand names rather than a particular type of equipment.)

• Calendar of Events

1. Budget Amendment No. 99-11
Department of Public Works
(To cover overtime for Household Hazardous Waste Days - \$350)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign Budget Amendment No. 99-11. Motion carried.

2. Grant Agreement
a. Office of the Sheriff
Local Law Enforcement Block Grant III
(Federal Funding - \$66,644; Local funding - \$7,405)

Commissioner Chesser moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Grant Agreement as presented. Motion carried.

3. St. Mary's Nursing Center

Also Present:; Steve Helwig, Controller, Nursing Center
Monica Hayden, Director of Nursing

a. Request for Enactment of new room rates (to be effective 1/1/99)

Mr. Helwig explained the reason for the rate increase from \$2.50 a day (as previously requested) to \$3.50 a day, stating the changes in the prospective payment system that took effect July 1, 1998.

After discussion Commissioner Eagan moved, seconded by Commissioner Thompson, to approve the new room rates as requested. Motion carried 3-1-1 with Commissioner Jarboe voting against and Commissioner Brugman abstaining.

b. Personnel/Purchasing Issue – Reimbursement Policy

County Administrator Kachmar advised that the human resources position and the purchasing position have been added at the Nursing Center, and will be under a interlocal government contract between the Nursing Center and St. Mary's County Government. The purchasing position will also be doing work for the County, which will be paid for by the County.

4. Department of Public Works
a. Modification to Existing Solid Waste Refuse Disposal Permit to include Secondary Scrap tire Collection Operations at St. Andrews Landfill.
Also Present: George Erichsen, Director, DPW

Mr. Erichsen explained the purpose of the permit modification stating that there are a number of permits required relative to solid waste, including tire disposal. The State is trying to consolidate these permits and streamline the process.

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

- b. Deed dated September 29, 1998 between Florida Rock Properties, Inc. and Board of County Commissioners of St. Mary's County granting to the County three acres for the purpose of realigning Breton Beach Road, Third Election District.

Commissioner Eagan moved, seconded by Commissioner Chessner, to approve and authorize Commissioner Thompson to sign the Deed as presented. Motion carried.

5. Fiscal Year 1998 Police Protection Report

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner Thompson to sign the Fiscal Year 1998 Police Protection Report. Motion carried.

**PUBLIC HEARING
AMENDMENTS TO ETHICS ORDINANCE
(FINANCIAL DISCLOSURE REQUIREMENT)**

Present: John Baggett, Chair, Ethics Commission
Arthur Cassale, "
Charles Walsh "
Pete Weiskoph, "

The Commissioners conducted a public hearing on amendments to the St. Mary's County Ethics Ordinance relative to Financial Disclosure Requirements.

Proposed changes included:

- Requirement for appointees to file a Financial Disclosure Statement if position is required to do so;
- To add the following to the list required to file FDS's: Board of Education (as requested by the Board of Education); Alcoholic Beverage Board; Agricultural Preservation Board; Historic Preservation Board; Director of Capital Projects; and ad hoc committees providing advice and/or recommendations regarding acquisition, zoning, or designation of land, whether appointed by the Board of County Commissioners or appointed by other local government boards or commissions authorized to make such appointments.
- To eliminate the Chief, Inspection and Enforcement and the Plumbing Inspector.

Commissioner Eagan indicated the Commissioners received a telephone call expressing opposition to adding the Agricultural Preservation Board, and she inquired as to why this Board was added. Mr. Baggett responded that it was added because it advised on the designation of land.

Commissioner Brugman inquired as to those individuals who would now be required to file under this new provision. Mr. Baggett responded that they would be given 30 days from adoption of the Ordinance to do so.

Hearing no comments from the audience the public hearing was closed.

**DEPARTMENT OF PLANNING AND ZONING
CASE NO. SPEC 98-2335 – HEPP ENTERPRISES, INC.
(REQUEST FOR ESTABLISHMENT OF PHOTOGRAPHY STUDIO/LAB IN
I-1 ZONING DISTRICT)**

Present: Jon Grimm, Director, DPZ

All Commissioners were present. DPZ present were Deputy Director Keith Lackie and Peggy Childs, Recording Secretary.

**DISCUSSION / DECISION
SPEC #98-2335 – HEPP ENTERPRISES, INC.**

Requesting approval of *photographic studio/lab* as a permissible use in the I-1 zoning district, in accordance with Section 10.8.4 of the Zoning Ordinance.

The property contains 1.52 acres and is located on MD 5 at Gregory Lane, outside Leonardtown corporate limits. TM40, Blk6, Parcel 57.

Applicant/Present: Noel Hepp

On August 31, 1998 this applicant filed a request for zoning authorization to establish a photography studio and lab within the I-1 zoning district. The application was denied by staff, as Table 2.6 of the Zoning Ordinance does not allow such uses within the Industrial zone. Applicant proposes a photographic business that entails business office operations and the use of photographic equipment to produce photographic and video products, and office visits by clients. He stresses that this will be more than a portrait-type studio.

On October 26, 1998, the Planning Commission conducted a public hearing, found no appreciable difference in the quality, character or degree of the proposed use compared with other such uses as contained in *Table 2.3* of the Ordinance, and declared photographic studio/lab to be a permissible use in the I-1 zoning district, in accordance with Section 10.8.4 of the Ordinance. The Commission's declaration must now be sanctioned by the County Commissioners.

In response to Commissioner Chesser's inquiry, Mr. Hepp stated he will do some portraits for weddings and some commercial art work. He will be using industrial photographic equipment and eventually will go into producing and editing videos, making TV commercials off-site and on-site.

Commissioner Jarboe agreed with the Planning Commission Chairman's statement that the Industrial zone should be the least restrictive of all zoning districts and asked if this "quirk" can be addressed in the upcoming Ordinance update.

Mr. Lackie replied there might be some uses that would not be conducive to the I-1 zone, for instance because of truck traffic, noise, etc. However, he added that we will be looking at defining "use groups" in the Ordinance update which we could apply some of this type of "new businesses" to.

Commissioner Brugman moved that the use of photographic studio/lab be approved as a permissible use in the I-1 zoning district, in accordance with Section 10.8.4 of the Zoning Ordinance. Seconded by Commissioner Jarboe and passed by a vote of 5-0.

**ORDINANCE NO. 98-46
HOMESTEAD TAX CREDIT PERCENTAGE
(DISCUSSION/DECISION)**

Present: Steve Welkos, Director of Finance

As a follow up to the October 27, 1998 public hearing, the Commissioners commenced discussion relative to the setting of the percentage for the Homestead Tax Credit.

After discussion Commissioner Eagan moved, seconded by Commissioner Chesser, to approve and sign Ordinance No. 98-46 setting the Homestead Tax Credit percentage at 105%. Motion carried four to one with Commissioner Jarboe voting against.

COUNTY COMMISSIONERS' TIME

Recognition of Republican Women of St. Mary's County

The Board of County Commissioners recognized the Republican Women of St. Mary's County who attended today's meeting.

EXECUTIVE SESSIONS

Commissioner Chesser moved, seconded by Commissioner Eagan to meet in Executive Sessions to discuss matters of Personnel (Emergency Management and Reclassifications), as provided for in Article 24, Section 4-210(a)1. Motion carried.

Executive Session – Personnel (Emergency Management)

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
Mortimer L. Smedley, Assistant County Administrator
Evelyn Wood, Deputy Director, DHR
Judith A. Spalding, Recorder

(Commissioner Brugman left at 3:25 p.m.)

Authority: Article 24, Section 4-210(a) 1
Time Held: 3:10 p.m. – 4:05 p.m.

Action Taken: The County Administrator advised the Board of a personnel matter in the EMA.

Executive Session – Personnel (Reclassification Appeals)

Present: Commissioner Barbara R. Thompson, President
Commissioner Paul W. Chesser
Commissioner Frances P. Eagan
Commissioner Lawrence D. Jarboe
John J. Kachmar Jr., County Administrator
Mortimer L. Smedley, Assistant County Administrator
Evelyn Wood, Deputy Director, DHR
Jannette Norris (attended from 4:06 p.m. to 4:15 p.m.)
Judith A. Spalding, Recorder

Authority: Article 24, Section 4-210(a) 1
Time Held: 4:06 p.m. – 4:40 p.m.

Action Taken: The County Commissioners reviewed reclassification requests and agreed to take action in open session.

Follow Up to Executive Sessions

Personnel (EMA)

Commissioner Eagan moved, seconded by Commissioner Chesser, to direct staff to proceed as discussed in Executive Session regarding the Animal Wardens' Compensatory Time. Motion carried.

Personnel (Reclassification Appeals)

Commissioner Eagan moved, seconded by Commissioner Jarboe, to approve the reclassification of the two Fiscal Support Specialists I (Grade 4) positions to Fiscal Support Specialists II (Grade 5), in the Treasurer's Office. Motion carried.

Commissioner Eagan moved, seconded by Commissioner Jarboe, that remaining reclassification requests/appeals not be addressed at this time, but to be reviewed during the Fiscal Year 2000 budget. Motion carried.

ADJOURNMENT

The meeting adjourned at 4:45 p.m.

Minutes approved by the
Board of County Commissioners on 11/17/98

Judith A. Spalding
Judith A. Spalding, Recorder