

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
Governmental Center  
October 10, 2000**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator  
Judith A. Spalding, Recorder

**CALL TO ORDER**

The meeting was called to order at 10:05 a.m.

**ADDITIONS/DELETIONS TO AGENDA**

**Commissioner Guazzo moved, seconded by Commissioner Mattingly, to accept the agenda as amended. Motion carried.**

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Guazzo, to authorize Commissioner President Randall to sign the Check Register. Motion carried.**

**APPROVAL OF MINUTES**

**Commissioner Mattingly moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, October 3, 2000, as presented. Motion carried.**

**BRETON BAY SEWAGE SPILL UPDATE**

**Present:** Dr. Ebenezer Israel, Health Officer  
Ann Rose, Director, Environmental Health

Dr. Israel and Ms. Rose appeared before the Board to give a briefing on the recent sewage spill from the Leonardtown Waste Treatment Plant into Breton Bay. A pump at the facility broke on Tuesday night or Wednesday morning creating the spill of approximately 500,000 gallons of sewage. In addition to the sewage, an undetermined amount of sludge emptied into the Bay. Once the Health Department learned of the spill, a Press Release was issued notifying the community.

Dr. Israel pointed out that an issue that arose during this situation was that there were residents in the Breton Bay community that were not aware of the spill, and that a mechanism needs to be developed to ensure the public's awareness in a quick manner and to look at ways to prevent spills from happening in the future. The Commissioners requested the County Administrator to work with Dr. Israel and the Town of Leonardtown on these issues. In addition the Board offered the assistance of the Public Information Office to reach out to the community should there be another occurrence in the future.

**COUNTY ADMINISTRATOR**

**Present:** Alfred A. Lacer, County Administrator

1. Draft Agendas for October 17 and 24, 2000
2. Grant Documents
  - a. **Office of Community Services**  
Maryland HotSpot Communities, Phase II, Year II Grant Application

(Federal - \$106,600; State - \$172,555; Local - \$58,640)

Also present: Joe Dick, Alliance  
Sheriff Richard Voorhaar  
HotSpots Team Members

**Commissioner Anderson moved, seconded by Commissioner Raley, to approve and authorize Commissioner Randall to sign the Application. Motion carried.**

(During discussion Commissioner Anderson requested Mr. Dick to work with the Workforce Development group to look into available funding for training.)

- b. **Office on Aging**  
Medical Waiver Program (\$13,614) Grant Agreement

Also present: Gene Carter, Director  
Bella Marmer, OOA

**Commissioner Mattingly moved, seconded by Commissioner Anderson, to approve and authorize Commissioner Randall to sign Grant Agreement. Motion carried.**

3. **Lexington Park Revitalization Plan**  
**Resolution to Apply to MDBED for Designation of LP Revitalization District as Enterprise Zone**  
(follow up to 9/26/00 public hearing)

Also present: Robin Finnacom, Director, Lexington Park Plan

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Resolution.**

4. **United Cerebral Palsy of Southern Maryland**  
Resolution Approving Nursing Assistant Training and Certification Project in Lexington Park

Also present: Dawn Taliaferro, Community Developer, UCP

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve and sign Resolution No. 2000-27. Motion carried.**

5. **Employment Contract**  
(Director, Department of Facilities Management)

**Commissioner Mattingly moved, seconded by Commissioner Guazzo to approve and authorize Commissioner Randall to sign the Employment Contract appointing Richard B. Rohrbaugh, as the new Director of the Department of Facilities Management. Motion carried.**

6. **Sheriff's Department**  
**Decision on Sworn Officer's Singer Study Classifications**

Present: Melvin McClintock, Director, DHR  
Elaine Kramer, Director of Finance

As a follow up to last week's discussion, **Commissioner Guazzo moved, seconded by Commissioner Anderson, to add the sworn officers of the Sheriff's Department to the new salary scale proposed by the Singer Group, effective October 1, 2000. Motion carried.**

7. **Lexington Park Library Project**  
(Direction Regarding Relocation of Building Issues)

As a follow up to last week's discussion, County Administrator Lacer advised that he had requested the Director, Department of Public Works to get the architect's opinion

on the relocation of the new Lexington Park Library closer to the road and to determine what it would entail to do so in terms of cost and time.

Commissioner Randall acknowledged that she was the one who had requested that the relocation be investigated; however, after going to the site, she now agreed that Commissioner Mattingly's comments last week regarding "greenspace" was valid. She stated that she would now like to withdraw her concerns.

*(Kate Mauck took the following portions of the minutes.)*

**DEPARTMENT OF RECREATION AND PARKS  
WICOMICO SHORES GOLF COURSE  
CONVEYANCE OF LAND FROM METROPOLITAN COMMISSION**

Present: Phil Rollins, Director, Recreation and Parks  
Steven King, Director, Metropolitan Commission

Mr. Rollins appeared before the Board of County Commissioners in order to propose the acceptance of the donation of approximately one-acre of land from the Metropolitan Commission. The property is adjacent to the Wicomico Shores Golf Course. A copy of the deed was presented, and mapping of the area was presented and discussed. The Metropolitan Commission no longer has a need for the property (Parcel C), and Recreation and Parks would use it to construct a new maintenance facility for the golf course. The departments will return at a later time to discuss the conveyance of Parcel D. There would be no transfer of money involved in the donation of the property.

Discussion took place concerning Parcel D and Commissioner Guazzo expressed concerns about receiving information on sludge, sediment, or sewage residue that may be present in the ponds prior to casting a vote on this issue in the future. Mr. Rollins outlined an indemnification or "hold-harmless" agreement that would be a legal agreement between the Metropolitan Commission and the County. Should any future environmental issues arise from prior use of the property, the Metropolitan Commission would take responsibility for any response and clean-up efforts necessary. Mr. King stated that extensive testing at great cost would be required in order to ensure that there are currently no health issues in the ponds. No treatment of the pond water has occurred since 1993, and Mr. King will provide some information to help satisfy Commissioner Guazzo's concerns.

After a waiting period of 15 days occurs, the issue of Parcel C will return to the Board of County Commissioners for discussion and decision. The information on Parcel D may not be ready for presentation at that time; however, the vote will only occur on Parcel C after 15 days has passed.

**DEPARTMENT OF PERMITS AND INSPECTION  
PROCLAMATION – FIRE PREVENTION WEEK**

Present: Robin Guyther  
Adam Knight, Permits and Inspections  
Jane Robeson  
Daniel Baker, Commissioner, State Fire Prevention Commission

Commissioner Raley presented the above listed individuals with a Proclamation naming the week of October 8 through 14, 2000 as Fire Prevention Week. The theme for the year 2000 is "Fire Drills – The Great Escape". Commissioner Raley encouraged each household and business in the community to hold a fire drill this week to help ensure safety, and to check and perform routine maintenance on smoke alarms in homes and businesses.

**DEPARTMENT OF PLANNING AND ZONING  
SMART GROWTH INDEX**

Present: Jon Grimm, Director, Planning and Zoning

Mr. Grimm presented the Board of County Commissioners with a "Smart Growth Index" Grant application letter. The grant document must be forwarded to the Environmental Protection Agency by October 16, 2000. The amount of the grant comes to approximately \$10,000, and would rise significantly higher should a consulting firm be hired. The grant would fund a software program that would allow for computer modeling. Mr. Grimm outlined details of the plan and the modeling component, and explained how it would potentially be utilized in the planning efforts for the County.

Discussion took place concerning the training that would be required for people to run, maintain and support the program. Mr. Grimm stated that training costs are included in the grant.

Commissioner Anderson requested that the cover letter include a stronger statement that would emphasize the urgent need for this program due to the unusual amount of growth in St. Mary's County.

Commissioner Mattingly raised the issue of the town of Leonardtown's not being included in the overall planning for the County because it has its own independent department of Planning and Zoning.

After discussion, it was determined that the town of Leonardtown should be included in planning documentation for the County. Commissioner Mattingly also suggested that an overview of the training available on planning issues be further discussed in the future, in order to better equip volunteer boards and staff that must make planning decisions and review planning documents. It was decided that Commissioner Mattingly and Mr. Grimm would meet at a later date to discuss this issue. In addition, Commissioner Guazzo stated that the County should encourage and offer incentives for greater participation in the formal training sessions and seminars that are currently available.

**Commissioner Mattingly moved, seconded by Commissioner Guazzo, to approve the letter and grant application for the Smart Growth Index Pilot Site Proposal. All voted in favor.**

In addition, Commissioner Mattingly stated that he would like consideration in the upcoming legislative package discussion to include the possibility of applying to the State for a legislative bill to incorporate State support as part of participation in the St. Mary's River Watershed Study program. The issue will be addressed later at today's meeting during the legislative package discussion. Mr. Grimm addressed the feasibility of this issue, and stated that as long as the money would not be passed through some other federal program, it should be feasible.

#### **BIRTHDAY CELEBRATION**

The Board of County Commissioners presented Ms. Judith Spalding a birthday cake in honor of her birthday on October 8, 2000.

#### **ST. MARY'S INTERAGENCY CHILDREN'S COUNCIL UPDATE AND PROPOSED BYLAWS AMENDMENTS**

Present: Sheila Draper, Co-Chair, SMICC  
Judy Combs, " "

Ms. Draper and Ms. Combs presented a request to the Board of County Commissioners to approve changes in Article IV and Article VI of the Bylaws for the St. Mary's Interagency Children's Council. The changes involve modifications in order to allow two Co-Chairs, and to allow the position of Secretary to be a rotating position.

In addition, Ms. Draper and Ms. Combs outlined the goals, responsibilities and objectives of the St. Mary's Interagency Children's Council, and provided further details on staff support issues. The Board of County Commissioners, after discussing other

issues relating to St. Mary's County School personnel being on the Council and having voting rights, asked the Council to complete a review of the Bylaws in its entirety and bring an update back to the Commissioners at a later time. In addition, it was suggested that should the use of two Co-Chairs not be found to be advantageous, the Council might return to the Board of County Commissioners for a change in the Bylaws on this topic in the future.

**Commissioner Anderson moved, seconded by Commissioner Mattingly, to approve the requested changes to Article IV and Article VI of the Bylaws for the St. Mary's Interagency Children's Council. All voted in favor.**

#### **MILL RUN PLANNED UNIT DEVELOPMENT DISCUSSION/DECISION**

Present: Jon Grimm, Director, Planning and Zoning  
Patrick Murphy, Acting County Attorney

Mr. Grimm appeared before the Board of County Commissioners to present the Mill Run Planned Unit Development project for discussion and for possible decision. The issue was last discussed on August 29, 2000, and much information had been received from the applicant as well as from the Department of Economic and Community Development in order to assist in the decision-making process. Mr. Grimm discussed details of his September 19, 2000 memorandum to the Board of County Commissioners, and he outlined options that were available for action on this issue.

Mr. Murphy outlined his concerns with the way the Zoning Ordinance text was written which makes it unclear whether the Planning Commission or the Board of County Commissioners has the final decision-making authority on a Planned Unit Development project. Both Mr. Murphy and Mr. Grimm responded to questions concerning substantial changes versus non-substantial changes as outlined in the Zoning Ordinance. Mr. Grimm further outlined options available to the Board of County Commissioners, stressing due-process issues.

**After discussion, Commissioner Mattingly stated that, based on the material and information provided by staff and the proposer of the development, he moved for the Board of County Commissioners to adopt the Planned Unit Development for Mill Run and to approve the PUD with the modifications and changes to the proposal that had been presented on the project. He further moved that staff be directed to prepare the necessary Ordinance for approval. Commissioner President Randall seconded the motion for the purposes of discussion.**

Each member of the Board of County Commissioners outlined reasons for opposition and/or support for the motion of the Mill Run PUD Plan. Commissioner Mattingly was in favor based on recommendations by the Planning Commission and economic development needs of the community and the County. He also commented on the fact that little to no opposition was expressed in the public comment period. The major issue outlined in opposition was raised by Commissioner Anderson; it related to the fragility of the soil on the property and the fact that the proposed project is located at a major watershed. Mr. Grimm stated that he would research comments made previously by Mr. Stewart to see if TEC and erodible soil issues were presented or discussed earlier. Commissioner Guazzo outlined her opposition to the motion based on the project's inability to meet requirements established for approving a PUD as set in the Zoning Ordinance, as well as safety concerns. In addition, protecting the equity of current owners of undeveloped commercial property was of grave concern. Commissioner Raley agreed that a hotel and additional restaurants are necessary in the northern part of the County; however, he would be unable to support the motion due to the insufficient need for additional office space in the Charlotte Hall area at this time. Commissioner Anderson indicated that he was not in favor of approving a major development in an area that is scheduled to undergo area planning. Commissioner President Randall outlined her appreciation for the developer's responsiveness to concerns by the County. She originally was prepared to support a motion in favor of the proposed project due to the

significant hotel needs, etc.; however, after hearing remarks about concerns for the soil and watershed issues, she would have to vote against the motion.

Also discussed was whether further research was necessary on the issues causing concern. It was agreed that the developer should not be asked to perform more research at even greater expense if the project would not be approved in the end.

After further discussion about the soil issue, Commissioner President Randall called for a vote on the motion by Commissioner Mattingly. *Commissioner Mattingly voted in favor of the motion, and Commissioners Anderson, Guazzo, Randall and Raley voted against. The motion failed with a vote of one to four.*

**Commissioner Guazzo moved, seconded by Commissioner Anderson, that the Board of County Commissioners deny the Mill Run Plaza for rezoning as a Planned Unit Development. Commissioner's Anderson, Guazzo, Randall and Raley voted in favor of the motion, and Commissioner Mattingly voted against. The motion carried with a vote of four to one.**

### **ST. MARY'S COUNTY PUBLIC SCHOOLS CAPITAL IMPROVEMENTS PROGRAM DISCUSSION**

Present: Dr. Patricia Richardson, Superintendent of Schools  
Brad Clements, Chief Administrative Officer  
Timothy Harrison, Sr., Director, Budget and Finance for Schools  
Elaine Kramer, Director of Finance

Dr. Richardson thanked the Board of County Commissioners for their continued support and visitation of St. Mary's County Public Schools. Mr. Clements appeared before the Commissioners to discuss the St. Mary's County Public Schools Capital Improvements Program for FY2002 through FY2007 that must be submitted to the state by October 15, 2000. A review will occur with the state later in the month. There is a requirement by the state for a letter of support for the document from the Board of County Commissioners, and the deadline for submission of that letter is December 7, 2000. November 1<sup>st</sup>; however, is the critical date for submission of the letter because the IEC acts on their first round of projects to be supported early in November.

The 20 projects outlined had not changed since last year. The only change is a rise in the costs of the projects due to: 1) a 15% increase due to a change in the state formula for square footage, and 2) a rise in construction market costs. Specific information on various projects were discussed, and the importance of the Technical Center staff's ability to train individuals from the county to work in county jobs was stressed. The Tech Center is currently in the design development phase and is in the final stages for submission to the state.

The Board of County Commissioners was in full agreement with St. Mary's County Public School's project list and prioritization. Their main concern was the sufficiency of funding for the projects, given the county's debt/affordability issues. Given this situation, Commissioner President Randall asked Ms. Kramer to develop a timeline for the Board of County Commissioners outlining her best estimate of affordability of these projects in the coming years, based on the scope of the projects. Ms. Kramer stated that this information was already in the development process, and would include other related issues as well. A presentation from the Finance Department would be forthcoming in November and in December a more detailed, short-term as well as a long-term plan would be presented. The affordability schedule and potential access dates of state funding to be provided was discussed in detail.

The Commissioners expressed concerns about ongoing maintenance being deferred to later years. Mr. Clements stated that a 15-page document covering routine maintenance schedules would be forwarded to the County Commissioners for their review. Mr. Clements asked for support by the Board of County Commissioners when St. Mary's County Public Schools goes to the state during the appeal process in the December time frame.

*(Judith Spalding took the following portion of the minutes.)*

**2001 LEGISLATIVE PACKAGE  
COUNTY COMMISSIONERS' PROPOSALS**

The Commissioners requested that the following items be included in the 2001 Legislative Package:

**St. Mary's River Watershed Project – State's Participation**

To request the State's participation in the St. Mary's River Watershed Project (staff is to get information as to whether there was anything to preclude the State's participation.)

*(Submitted by Commissioner Mattingly)*

**Fire/Rescue Revolving Loan Fund**

To increase the loan fund from \$2,000,000 to \$3,000,000.

*(Submitted by Commissioner Mattingly)*

**Transfer Tax – Removal of Sunset Provision**

To remove the sunset clause in the transfer tax law as well as in any other sunset provisions for St. Mary's County.

*(Submitted by Commissioner Raley)*

*(Commissioner Randall requested information as to how other counties handle this)*

**County Commissioners' Meeting Requirements**

To amend the current requirement for four meetings a month by either eliminating the requirement or setting a specific number per year.

*(Submitted by Commissioner Randall)*

*(Kate Mauck resumed taking the minutes at this point.)*

**COUNTY COMMISSIONERS' TIME**

**Voter Registration**

Commissioner Guazzo reminded potential voters that there is still time to register to vote in the upcoming November 7<sup>th</sup> election. Individuals are able to register to vote through this Friday, October 13<sup>th</sup>.

**Erosion Control and Stormwater Management**

Commissioner Guazzo thanked her fellow Commissioners for their response and discussion during last week's meeting on her previous motion concerning stormwater management and erosion control. She was out of town during last week's meeting and regrets having missed many of the important events that occurred over the weekend. The motion was made solely to ask for public input on the critical topics mentioned and to help prevent further economic and ecological impacts on the county. Commissioner Guazzo also referred to a memo from Sue Vieth stating that the state has already implemented tougher standards. The onus is now on the county to adopt these tougher standards and see that they are supported and implemented.

**State Highway Discussions Concerning Great Mills Road**

Commissioner Raley reminded the public that the State Highway Department would be meeting with the public in the Social Hall of the Lexington Park United Methodist Church at 7:00 p.m. on Wednesday, October 11, 2000. The purpose of the meeting is to discuss enhancements on Great Mills Road from Route 235 to Saratoga Drive.

**Hot Spots Celebration and Block Party**

The Lieutenant Governor will be visiting St. Mary's County for the Hot Spots Celebration and Block Party also to be held on Wednesday, October 11, 2000. Commissioner Raley stated that he was looking forward to seeing all of the Board of County Commissioners at this event.

**Navy Museum Fundraising Event**

Commissioner Anderson stated that he and Commissioner President Randall had attended the kickoff for the Navy Museum fundraising event over the weekend. There is a lot of excitement over the project, and Commissioner Randall offered to e-mail a website address for the Hampton Roads Navy Museum.

**St. Mary's College**

The Board of County Commissioners stated that a very nice event had occurred at St. Mary's College in support of Vi Gardner. Good health and best wishes were extended to Ms. Gardner.

**Farm Life Festival**

Commissioner Anderson stated that another important event had occurred over the weekend – the annual Farm-Life Festival at the Parlett family farm in support of Christmas in April.

**Governor's Workforce Investment Board**

Commissioner Anderson stated that the Technology Committee for the Governor's Workforce Investment Board had determined that over 2/3 of the workforce involves minorities, women, the disabled, etc. Diversity in the workforce appears to be an untapped source, and work generated by this Board should help the county to address and work toward greater diversification in its workforce.

**50<sup>th</sup> Anniversary of the St. Mary's County Public Library**

Commissioner Mattingly congratulated Ms. Gardiner on her recognition and apologized for not being able to attend the event in her honor due to a prior commitment. He also thanked the Parlett family as well as all the volunteers who donated their time and talents for their continued support of Christmas in April. Commissioner Mattingly attended the 50<sup>th</sup> Anniversary Celebration of the St. Mary's County Public Library. It proved to be a great event, with many activities, and there was a big turnout from the community. Plaques were presented for display in each of the library branches.

Knott House Ribbon-Cutting at Greenwell State Park

**Commissioner President Randall stated that the celebration for the ribbon-cutting for the Knott House at Greenwell State Park would also be held on Wednesday, October 11, 2000. The Knott House has the only overnight accommodations available at a state park in the State of Maryland that is fully ADA accessible. Anyone is able to stay there.**

**EXECUTIVE SESSION**

**Commissioner Anderson moved, seconded by Commissioner Raley to go into Executive Session at to discuss matters of Personnel and Litigation, as provided for in Article 24, Section 4-210(a)1 and 4-210(a)8, respectively. Motion carried.**

**Personnel**

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson



Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator

**Authority:** Article 24, Section 4-210(a)1  
**Time Held:** 5:05 p.m. – 6:30 p.m.  
**Action Taken:** The Commissioners discussed matters of personnel including  
Consideration of appointments to a committee.

### Litigation

**Present:** Commissioner President Julie B. Randall  
Commissioner Joseph F. Anderson  
Commissioner Shelby P. Guazzo  
Commissioner Thomas A. Mattingly, Sr.  
Commissioner Daniel H. Raley  
Alfred A. Lacer, County Administrator

**Authority:** Article 24, Section 4-210(a)8  
**Time Held:** 6:30 p.m. – 6:40 p.m.  
**Action Taken:** The Commissioners discussed a matter of litigation and  
gave direction to staff.

*(Eleanor Abell took the following portion of the minutes.)*

## **PUBLIC FORUM**

The public forum opened at 6:43 p.m.

### Cable Franchise Renewal Discussion

Patrick Murphy made opening remarks and introduced the cable consultant Mr. Frederick E. Ellrod III, from Miller & Van Eaton, as well as Stan Goodwin from the Cable Advisory Committee. Mr. Murphy mentioned the current cable franchise contract will be expiring and the County will be selecting a new cable contract. The process includes four stages: 1) financial audit; 2) technical review; 3) needs assessment; and 4) negotiation of new agreement. The current companies serving St. Mary's County are Comcast Jones Cable and Western Shore Cable. Advertisements have been placed in the newspaper and are running on the cable channels for citizen input and information.

Mr. Frederick E. Ellrod III, from Miller & Van Eaton presented the following information on the renewal process.

#### Laws Governing Renewal:

- Federal Cable Act governs renewal
- State and local law must also be observed
- While a community can deny renewal, generally communities find it more fruitful to negotiate a new agreement.

#### Renewal and Competition:

- Renewal is not a competitive process: incumbent is judged on own merits
- However, franchising authority's procedures should allow for and (where possible) encourage competition
- Overbuilds (head-to-head competition) rare in cable industry until recently.

#### The Formal Renewal Process:

- Renewal may be denied only based on:
- Noncompliance with franchise, laws
- Quality of service
- Financial, legal, and technical qualifications

- Cable operator's proposal to meet future cable-related community needs and interests, taking into account the cost

Ascertainment:

- Thus, the County must review –
  - Past noncompliance, service issues
  - Future needs and interests
- Purpose of ascertainment process is to gather such information.

Information Gathering:

- Public hearings and comments
- Technical review
- Financial review
- Assessment of community's future cable-related needs and interests.

Issues the County Can Address: Examples of issues the County can address in renewal:

- Customer service
- Cable system's capacity, reliability
- Build-out requirements
- Compensation, community benefits (public, educational, governmental programming, institutional networks)

Issues Outside Scope of Renewal: Examples of issues the County generally cannot address in renewal:

- Rate regulation (County may opt to apply FCC rate formulas to review basic service and equipment rates only)
- Programming (County can only enforce requirements for broad programming categories)

Public Comment:

- Input from the public is important on issues including:
  - Customer service
  - Quality of cable service
  - Future cable-related needs and interests

Mr. Ellrod answered questions from the Commissioners regarding the following topics:

- Process to control rates and placement in the new contract and limited rate of return on rate control.
- Restructuring of channels and if there is a process for this for the people to put this in place.
- Requirement as to the standard length of contract.
- Time-frame for two cable companies serving the County to come together.
- Placement of build out requirements into the contract regarding scheduled service and installation.
- Information gathering process.
- Specifications for cable placement in the ground and requirements in the contract.
- Formal renewal process and quality of service criteria evaluation areas
- Evaluation of criteria based on information given to contractor. Ongoing process of evaluation that should be available.
- Surveys to gather information.
- Current cable company's accessibility for service, complaints, and record keeping, etc.
- Measures and standards set up within contract to address accountability for cable company.
- Contract rights, limits, and enforcement of service by technicians and cable company.
- Specific recommendations for resolving issues.
- FCC rate formulas.

- Ensuring/protecting citizens so they receive the basic coverage.
- Franchise agreement to be prepared in a satisfactory time frame.
- Quality control measures for call backs placed in contract.
- Management of telephone vs. data cable variations moving from traditional television service.

The presentation and question and answer period concluded. The meeting opened for citizen comment on cable.

Ramon Veras passed out information from La Familia. He suggested Spanish speaking television channels be considered as public access channels for the Latino community and for bilingual educational purposes.

Jack Witten stated there is a 45-page ordinance in effect that was put into place in the late 1980's and urged the Commissioners to analyze the document where non-compliance issues were noted for the current service provider. He asked that Mr. Ellrod be provided a copy of the ordinance. He stated the community should insist on full-time public access for education, government and public use.

Josita Baker, Great Mills, MD called in to say she has kept track of her outages. She suffered 17 hours of no cable last year and has had 7 ½ hours of outages this year (not counting the Superbowl outages last year). Customers do not receive a credit for outages. Why can't the companies offer a credit or a free day of premium (movie) channels each year to make it up?

Jane Bell, California, MD called with two comments: In Wildewood, the residents aren't permitted to have antennas on their houses and the basic channel cost per month is exorbitant. Channels 2, 3, and 4 are pulled off the air by Western Shore and they come in poorly. Often, channel 5 is bad too. Why?

Julian Gayle, Mechanicsville, MD called asking why, when we watch TV at night, does the volume jump up on all channels during commercials? He has the top of the line package called "The Chairman's Package" and movies tail off 4 or 5 times per movie. He has reported it. Why is this happening?

Margaret Forrest asked for the WHUR Channel 32 radio broadcast. Asked the Commissioners to take a survey to determine what the community wants.

Mary Wathen, Hollywood, MD called in and stated there used to be country music videos on TNN. Now TNN no longer airs country music. Why not?

Commissioner Mattingly asked if the cable set up would be a shared band system for telephone or cable.

Cynthia Morgan, Callaway, MD called stating Western Shore Cable breaks in with their commercials on any channel at any time and it is very annoying and disruptive. If she is watching or taping a program, the commercial just breaks in. It is bothersome.

Roger Davis suggested the cable company make quarterly payments in the franchise agreement and believes the float on this figure to be \$80,000. He believes the County could see \$300-\$500,000 over the next 10 years. He questioned service reporting and feels it is covered in the local ordinance. He suggested a penalty to the company and feels reporting should be mandatory in the agreement for informational purposes. Questioned who's responsibility is the public access facilitation and if the Comcast renewal comes first on the renewal. Stated service menu is very short compared to other rural counties.

Tom Hurley, Burch Manor, called stating one of the Commissioners said that they should consider giving the people in the North end of the County access to the company serving the South end. Why not give those in the south end access to the channels and company serving the North end of the County?

Lawrence Whitbeck would like to see/hear FM radio rebroadcast stations added to the channel selections. Stated there needs to be a better way to communicate with the service provider and there needs to be better diagnostic services. Suggested using a module to track intermittent service break throughs. Service to customers is not in compliance with what they state. Some problems are communication problems, i.e., boosts in volume.

Frank Sowell: Their organization did a survey of 20 African American's in the community at no cost. There is cable on one side of the street and not the other. Asked why older communities cannot be provided cable service when a new development is being built.

Raymond Gaines, Avenue, MD, called in asking why do the channels that we have on cable show so many repeats? Whether it is sports channels or outdoor channels – we have the same programs over and over.

Mr. Frank Holmes, Leonardtown, MD commented on having a separate contract for the Leonardtown area.

Patrick Murphy indicated Leonardtown was invited to assist in the process.

Ms. Woodburn, Ridge, MD, called regarding service. Her cable was out for three full days. The first day she called and they promised to send someone. No one came. The second day the company promised someone in 10 minutes and no one came. On the third day, she asked for a supervisor and he promised to come in 15 minutes. He did show up. There is a problem in the southern part of the County. Why is their service response so bad?

Charles Newkirk, Lexington Park, MD asked what motives are on the cable company's minds for families. The issue is not relative to television or entertainment media. Access, modem speeds, education to homes for children.

Ron Cieka with SMARTCO suggested talking about schools. He has assisted in having 2-way modems to all schools installed already. HSA Net is giving free Internet service to all schools who have 2-way modems in place. The 21<sup>st</sup> Century Grant, through HSA Net is giving free service to schools teaching Internet courses. Suggested using quality of service postcards to rate services and provide input to cable company.

Richard Owens, Hermanville Road, called to ask what is the minimum depth for underground cable? Why isn't above ground cable kept above 14 feet? He drives a truck and often pulls the cable down.

Ms. Russell, Compton, MD, called to ask why can't the cable companies only provide the channels that we want without us buying all the channels?

Sherry Resico, St. Clement's Shores called to state she always has poor reception and always told that there is nothing that can be done. Is this true?

Pam Corber: Complained about the billing process and having to pay a month in advance; no answer when you call current company, sometimes you get an answering machine. Suggested a local mailing address for the billing company.

The Session on the cable franchise ended at 8:18 p.m. and the floor was opened for comments on other issues.

Linda Murdock. Commented on the ULDC to enforce the comprehensive plan and asked for a moratorium for temporary permits. The website address is smartgrowth. Asked for a county-wide pause on permits. She has received 800 signatures on the petition and almost at 1,200 to survey the environmental concerns for the County Commissioners. Asked the Commissioners to consider this until the ULDC is brought into passage and really in place.

Linda Dalmus, Chingville Road Homeowner's Association, Atlantic Coastal Trucking issue. Gave a description of communications with Legal, Permits and Inspections, and Planning and Zoning Departments. Appalled at treatment she has received from county employees. State the Planning Commission held a meeting without the association's input. She asked the Commissioners enforce the regulations and stated they will pursue higher than the Board of County Commissioners.

Cathie Gardner, Chingville Road Homeowner's Association, Atlantic Coastal Trucking concerns. Read a letter from Jon Grimm. Asked questions regarding hauling business operating in a residential area. Asked why should this be a regular issue brought forth at public forum.

Commissioner Randall stated she spoke to the County Administrator about the Chingville Road concerns and that he acknowledged department heads. The issue was transitional from Planning and Zoning to Permits and Inspections Departments. The County Administrator will be reviewing it with appropriate staff in the near future and will be making an administrative decision regarding the next steps.

Claire Whitbeck, Leonardtown, MD. Disappointed with the stormwater management provisions of the ULDS and instructions for the Technical Evaluation Committee by the Board of County Commissioners. There are opaque areas in the bay showing signs of distress, inclusive of Breton Bay, as well as the Patuxent River from the oil spill. The County shouldn't wait any longer for a storm water management provision. State requires regulations. She asked that it be brought to the Commissioners for discussion.

Samuel Taylor, Lexington Park, MD, called to say he is paying for some premium channels and not getting them. When he call in, he isn't being helped. Can someone from the Cable Advisory Group help. He also has poor reception on Channel 20 in Spring Valley.

George Tennison, St. Clement's Shores called to say the reception here is very bad. Although the cable company always comes out to check the lines, they always say there is nothing that can be done to improve the reception. The reception is so bad that we can barely see anything.

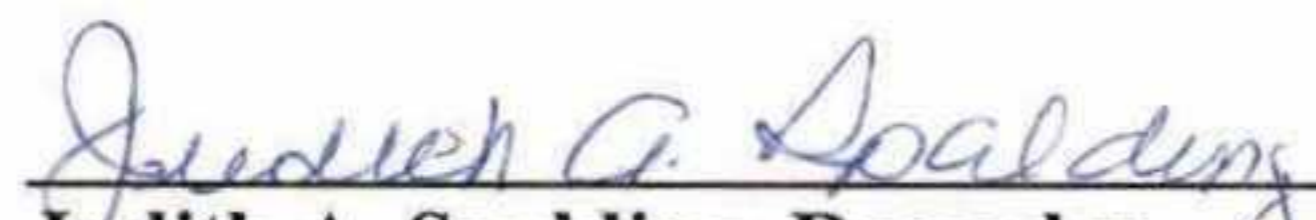
Doug Ritchie, Mechanicsville - Commented on the arsenic containment in the well water and asked if the Commissioners were taking advisement on this with appropriate medical counsel. He also asked why two restaurants allowed to have a hepatitis A breakout.

Public forum concluded at 8:44 p.m.

#### **ADJOURNMENT**

The meeting adjourned at 8:44 p.m.

**Minutes Approved by the  
Board of County Commissioners on 10/24/2000**

  
**Judith A. Spalding, Recorder**