

**ST. MARY'S COUNTY  
BOARD OF COUNTY COMMISSIONERS' MEETING  
GOVERNMENTAL CENTER  
Monday, October 29, 2007**

**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  
Donna Gebicke, Administrative Assistant (Recorder)

**CALL TO ORDER**

Commissioner President Russell called the meeting to order at 5:05 p.m.

**ADDITION TO THE AGENDA**

The Commissioners agreed to add an Executive Session to the agenda.

**APPROVAL OF CHECK REGISTER**

**Commissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register dated October 29, 2007, as submitted. Motion carried 5-0.**

**APPROVAL OF MINUTES**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of October 22, 2007, as presented. Motion carried 5-0.**

**Commissioner Jarboe moved, seconded by Commissioner Dement, to adopt the minutes of the Commissioners' meeting of October 23, 2007, as presented. Motion carried 5-0.**

**COUNTY ADMINISTRATOR**

1. Draft Agendas for November 6 and 13, 2007
2. **Department of Aging** (*Alice Allen and Brandy Tulley*)

**Commissioner Dement moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President Russell to sign the St. Mary's County Department of Aging Notification of Grant Award on Senior Center Operating and the related Budget Amendment. Motion carried 5-0.**

- 3. Dept. of Economic and Community Dev.** (*Bob Schaller, Director, DECD; Robin Finnacom, Executive Director, CDC; Lanny Lancaster, Executive Director, Three Oaks Center; Ellyn Capper, President, Board of Directors, Three Oaks*)

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Memorandum of Understanding between the Board of County Commissioners and Three Oaks Homeless Shelter to provide up to \$35,000 in County funds for the purpose of identifying possible sites for relocation of the Center. Motion carried 5-0.**

**Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Budget Amendment that increases the Operating Allocation of the Three Oaks Homeless Shelter in the amount of \$35,000 for the purpose of identifying sites for the relocation of the Center. Motion carried 5-0.**

**DEPT. OF LAND USE AND GROWTH MANAGEMENT: PROPOSED ORDINANCE TO ADD A PROVISION FOR RESIDENTIAL SPRINKLER SYSTEMS FOR ALL NEW ONE AND TWO FAMILY DWELLINGS**

Present: Denis Canavan, Director, Land Use and Growth Management (LU&GM)  
Adam Knight, Permit Coordinator, LU&GM

The Board of County Commissioners conducted a public hearing on September 11, 2007, concerning the proposed legislation to require installation of residential sprinklers in all new one and two family dwellings. Testimony in support and in opposition of the proposal continued through the comment period which closed on September 21<sup>st</sup>.

The Board requested additional information from staff before making a final decision on the proposed legislation. This information was provided to the Board via memorandum from Mr. Canavan dated October 26, 2007. There was a clear understanding that the primary benefit of having a sprinkler system installed in a residence is the safety element afforded to both residents and the fire fighters by providing added time for residents to exit the building and for volunteers to arrive to fight the fire at a lower intensity. Included in the memorandum were: cost comparisons of installing a fire sprinkler system in various size homes located on the public water system as compared to the private well system; insurance premium savings for homeowners who have installed sprinklers; maintenance requirements for homeowners with sprinklers; and two alternative approaches to amend the proposed legislation.

As originally introduced, the proposed amendment would require installation of sprinkler systems in all new one and two family dwellings. The primary difference between Alternatives One and Two provided in staff's October 26<sup>th</sup> memorandum is that the first alternative would mandate installation for all new one and two family residences with public water on the MetCom centralized system or by a shared system under MetCom and would be optional for all other residences. Rather than providing for optional installation for all other residences, the second alternative would also require installation in new residences in a major subdivision, but would be optional for residences within a minor subdivision. Mandating all new residences to be installed with a fire sprinkler system will add an additional cost to a new home and will have a higher cost borne by the residents in the Rural Preservation District where private wells provide the source of water.

Commissioner Mattingly thanked the following persons for their support: Paul Sterling, President, MD State Firemen's Association; Bobby Balta, Past President; Doug Alexander, Chair, Residential Sprinkler Initiative; Danny Baker, MD State Fire Prevention Commission; and members of volunteer fire services.

The following statement was read into the record by Commissioner Mattingly:

As commissioners, you are asked to make many decisions, some easy and some difficult. Some which will take time to show benefit, but can show immediate reward.

You all have seen the video demonstrating the time for a fire to become an uncontrolled killer. 6+ minutes out of control and 2 minutes to control. You have seen the demonstration trailer on quick reaction sprinkler systems.

You have asked questions and staff has validated the information given to you by the fire department personnel making their presentations.

You have a recommendation from the Fire Board, Planning Commission and staff urging passage of this initiative, not unanimous, but by majority votes of those involved in providing the service to our community. Our volunteers are forward thinking and professionals by all accounts.

You have heard of losses in St. Michael's [3], North Carolina [7] and many others. You say they are not here, but they can be at any moment.

You have heard of the successes in our state, several recently in Charles County, Carroll County and in St. Mary's where sprinklers are now required. Prince George's County, while having a number of lives lost, none have occurred in homes protected by sprinklers.

Going back to the video showing what occurs in 6 minutes, the response time in remote communities is well beyond 6 minutes due to response time, traffic and distance, and is probably more like 8-12 minutes.

Cost is a concern to many. The growth of the last 10 years cannot be recaptured, but the 8,000 to 10,000 new residents can be if you act now with the right decision. The ever increasing demands on our volunteers will require changes to our system in the not to distant future. What we do now can help in addressing those needs. Estimates for those services could range from \$21 to \$26 million to provide staffing to all of our current stations. I am not sure what price is placed on just one life or 3 or 7. I leave you to place that number. Or the price of that volunteer that may become a victim of his or her dedication. Just last week in Waldorf, a home collapsed just moments after firefighters pulled back from their interior attack because of the lightweight construction being used today. Will this tragedy ever happen here? It has in the past and will again, it is just a matter of time. Or is it the cost of an election? I know this is a difficult decision for some of you.

The fire service is asking for this assistance because their by-laws in every organization states their purpose is to promote Fire Prevention and protect Life and Property. It's that simple.

Some of you have commented about my support of this initiative and I have responded to you of my passion for something that I have been doing for 45 years, something that I continue to live every day and as a demonstration of my commitment to do the right thing to support my fellow volunteers, here and around the state. A recent criticism from a former political opponent in the paper suggests that I go to another state with my ideas. Well we all have opinions, I was born here and I guess he will just be stuck with me for a while. My 45 years of volunteer service, I would ask him of his service to the county since moving here and openly offer him an application to join his local fire or rescue company if he wishes to start..

Each of you fits the mold of a family possibly impacted by fire. A family with grandchildren living on a second floor and 10 minute response. A future doctor that may have to treat those seriously injured by fire and also living in an area with long response. A home on piers, distant from a fire station probably 12 to 15 minutes And a new home and wife with challenging health issues, 10 minutes response. You just never know when that BAD MASTER will arrive.

We have had and continue to have a progressive fire services in St. Mary's County. We have worked hard to bring state of the art training opportunities to the region, Medvac service, the finest equipment and worked hard giving many thousands of hours and raised millions of dollars to support the community and county government.

Our remote locations are at the greatest risk, as I said before and new building designs and material present increases hazards to families and our volunteers. New homes built in our county today have long list of builder upgrades, often offered as enticements to buy, but never do you see options for residential sprinkler and in fact, they are often discouraged by builders. Builders have not even taken advantage of the voluntary program that offers them direct savings to their infrastructure cost that exist in the codes today for locations with public systems. Stories of criticisms of some local builders not charging enough in their profit margins have even been mentioned. Suggestion of alternative smoke detection equipment have been made, this does not address response time and recent deaths have occurred where detectors worked but did not provide the time and no suppression necessary for evacuation and ultimate fatal incident. Building methods help but do nothing with respect to the fire loading from furniture and the human factor.

I apologize for taking so much of your time, I appreciate the time you have spent on this issue and I encourage you to make the right decision and support you volunteer's. As I stated earlier, we cannot go back for the past ten years but we can impact the future as the county continues to grow and the demands for service skyrocket.

If we fail to pass this initiative, we will make the record of being the first jurisdiction to deny this request to our volunteers.

Commissioner Mattingly indicated that his preference was for the original proposed amendment that would require all new one and two family homes to be protected, but that he would offer the following alternative:

**Commissioner Mattingly moved, seconded by Commissioner Raley, that the Board of County Commissioners amend Chapter 203 of the Code of St. Mary's County to add provisions relating to residential sprinkler systems as recommended by the Planning Commission and further modified by the Board and described as Alternative Two (2) in the staff report dated October 26, 2007, in that we:**

- a) —Mandate the installation of fire sprinkler systems for all new one and two family residences on public water on the MetCom centralized system or by a shared system under MetCom's maintenance, and new residences in major subdivisions (subdivisions of six lots or more). Optional for residences on lots within minor subdivisions (5 lots or less).**
- b) Provide residents that install the sprinkler system under the optional method, a tax credit as determined by the Board of County Commissioners in a separate ordinance from property taxes for the tax year following the certification and installation of the system.**

- c) **Provide residents that install a sprinkler system in their existing homes, a tax credit as determined by the Board of County Commissioners in a separate ordinance from property taxes for the tax year following the certification of installing this system.**
- d) **Provide language that would grandfather the residences that have received an approved building permit as of the effective date of the legislation.**
- e) **Provide language allowing the Director of LU&GM to waive the installation of a sprinkler system, if the applicant can demonstrate he has entered into a contract to build the house without the sprinkler system prior to the (change ?) effective date of this legislation.**
- f) **Change the effective date from January 1, 2008 to February 1, 2008 (allowing 3 months from adoption date for public/private sector to adjust to requirements).**

**This ordinance shall become effective February 1, 2008. Motion did not carry 1-4.**

**Commissioner Dement moved, seconded by Commissioner Raley, that the Board of County Commissioners amend Chapter 203 of the Code of St. Mary's County to add provisions relating to residential sprinkler systems as recommended by the Planning Commission and further modified by the Board and described as Alternative One (1) in the staff report dated October 26, 2007:**

- a. **Mandate the installation of fire sprinkler systems for all new one and two family residences with public water on the MetCom centralized system or by a shared system under MetCom maintenance. Optional for all other residences.**

- b. Provide residents that install the sprinkler system under the optional method, a tax credit as determined by the Board of County Commissioners in a separate ordinance from property taxes for the tax year following the certification of installing the system.**
- c. Provide residents that install a sprinkler system in their existing homes, a tax credit as determined by the Board of County Commissioners in a separate ordinance from property taxes for the tax year following the certification of installing the system.**
- d. Provide language that would grandfather the residences that have received an approved building permit as of the effective date of the legislation.**
- e. Provide language allowing the Director of LU&GM to waive the installation of a sprinkler system, if the applicant has entered into a contract to build the house without the sprinkler system prior to the effective date of the legislation.**
- f. Change the effective date from January 1, 2008 to February 1, 2008 (allowing 3 months from adoption date for public/private sector to adjust to requirements).**

**This ordinance shall become effective February 1, 2008. Motion carried 5-0.**

Each Commissioner expressed concern for the safety of all of the volunteers as well as appreciation and respect for the valuable service they provide. Commissioners Russell and Dement commented that the adopted Ordinance is a positive step in the right direction.