

**Board of County Commissioners
Worksession Minutes
January 4, 2011**

PRESENT: Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Al Wein, Public Works Director Scott Flanigan and staff; Planning and Zoning Director Eric Sennstrom; Permits and Inspections Director Patrick Conway; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; members of the press, and members of the public.

OPEN SESSION

9:00 a.m. - President Mullin called the meeting to order.

Evening meeting agenda review

County Administrator Wein reviewed the advertised public hearing for Ordinance 2011-01 Amendment to the County Code Chapter 200 – Building Construction Automatic Fire Sprinklers to change the implementation date from January 1, 2011 to July 1, 2011 for the installation of the system in newly constructed one and two family dwellings. The Board will render a decision at the January 18, 2011 meeting.

Discussion ensued regarding a proposed timeline for a revision to the Cecil County Code of this provision if the Board decides to move in that direction. Commissioner Hodge stated that he would be prepared to introduce a revision for consideration by the Board.

Director Conway stated that some of our municipalities have adopted their own version of the building code requirement for automatic fire sprinklers.

County Administrator Wein reviewed the transfer of property agreement between the County and Richard W. Brooks for consideration by the Board.

County Administrator Wein reviewed the proposed appointments for consideration by the Board.

Director Flanigan stated that the timeline relative to the directive for the Watershed Implementation Committee is hard to determine based on the overall Phase II Watershed workshop process. Members of our local committee and other county staff are permitted to attend the next workshop. The workshop agenda is broken down into a morning session of information on TMDL's and the afternoon session is county specific discussion.

Director Flanigan stated that Phase II of the process is intended to correct the errors and clarify the TMDL information per county.

Director Flanigan reviewed the amendment to recyclables processing agreement with Waste Management Recycle America, LLC. The intent of the revision relative to cost and fees for disposal of solid waste and recyclables is to make the process self supporting. The intent of the recycling program is to reduce the amount of solid waste being deposited into the landfill. He reviewed the proposed recycling tipping fee schedule for commercial and self-haulers.

Budget Manager Whiteford reviewed the budget amendments for consideration by the Board.

Annexation to the Town of Elkton – 189 Belle Hill Road – Director Sennstrom stated that the Town of Elkton has submitted an application to annex into the town limits the property located at 189 Belle Hill Road. The current county zoning and proposed town zoning are similar in parameter. The property would be provided public water service from Artesian and sewer service from the Town of Elkton.

Town of Elkton Planner, Jean Minner stated that the property owners have not submitted their property development proposal.

County Administrator Wein stated that since the town and county zoning are similar, county officials are not required to approve the annexation, or grant an easement for the change in zoning. The only action required by the Board is a signature from the President of the Board verifying that members are aware of the proposed annexation.

The Board authorized President Mullin to sign the letter as presented by the Town of Elkton relative to this proposal.

Illicit discharge and connection draft ordinance – Stormwater Management Program – Director Flanigan stated that the Environmental Protection Agency (EPA) has been conducting inspections in surrounding jurisdictions regarding the Stormwater Management Program. Staff has contacted other jurisdictions to determine the scope of the inspections being conducted by the EPA, and working to determine the potential impact that can be anticipated relative to inspections in our jurisdiction.

Development Services Chief Tim Whittie stated that the county is required to inspect storm drain outfalls annually throughout the county. The county potentially meets eight of the EPA requirements to conduct these inspections on private property. The proposed ordinance would provide county officials the legal authority to conduct storm drain inspections. Counsel has reviewed the ordinance and an informal meeting has been scheduled to discuss this proposal with members of the public and the development and engineering community.

Director Flanigan reiterated that the proposed ordinance would provide county officials the legal authority to investigate and site storm drain violations.

The Board directed Public Works staff to include the agricultural and industrial community in the roundtable discussion and to clarify the intent of Section 9 in the proposed ordinance relative to keeping water courses clear of debris.

Director Flanigan stated that Chief Whittie routinely schedules roundtable discussions with the development, industrial, and business communities. Staff is cognizant of the fiscal restraints and works to stay within funding resources. The ordinance proposal is based on an EPA model to lay the foundation to meet compliance requirements and it has been compared with other local and national jurisdictions.

Chief Whittie stated that the proposed ordinance would permit the county to enforce fines for violations. Staff is implementing as many educational programs and initiatives for the public on stormwater management, pollution, etc., and enforcement would be used only as a last resort. Montgomery County is the only jurisdiction in the state that charges a stormwater fee.

Commissioner Hodge stated that state officials are considering enabling legislation to mandate counties develop a fee schedule for stormwater management. This proposed ordinance is for all properties, not just new construction.

Review of pending appointments to Boards/Commissions – County Administrator Wein stated that the Board was provided a list of upcoming appointments to various boards/commissions. Attorney Keith Baynes has been appointed a Judge in the Circuit Court and will no longer be serving as Counsel for the Board of Appeals.

Discussion ensued regarding issuing an RFP for professional legal services for the Board of Appeals.

Director Sennstrom stated that legal counsel does not attend the evening Planning Commission because the Commission makes recommendations to the Board of Appeals.

Counsel Wilson commented that he feels local attorneys understand the County's fee structure and reduce their fees to serve as legal counsel.

County Administrator Wein stated that an official announcement has been posted on the website for legal services in the past.

The Board directed County Administrator Wein to proceed with posting an announcement seeking applications for legal services for the Board of Appeals.

Reappointments – Director Sennstrom stated that he routinely asks current board/committee members whose term is expiring if they would like to serve an additional term.

Discussion ensued relative to appointments to the Planning Commission. County Administrator Wein stated that previous Boards have tried to balance the appointments throughout the county to ensure equal representation.

Draft bid #11-25; one each Wemco/Muiflo Pump RFD-4 – Director Flanigan stated that he is requesting to use emergency procurement procedures relative to this purchase. Wastewater Management Chief Jeff Coale stated that it is always a challenge to move the bio solids/sludge effectively and quickly to reduce problems with the system. One pump is out of service and the last repair on the second sludge pump revealed that repairs would exceed the cost of a new pump.

On a motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board voted unanimously to authorize the use of emergency procurement procedures to purchase a pump for the wastewater treatment plant.

Commissioner Items President Mullin stated that he spoke with Senator Pipkin and he conveyed that they intend to update the Board on the teacher pension issue at the legislative meeting.

Commissioner Hodge stated that he feels the Board needs to advise our local delegation of the potential impact to the county from the proposed legislation.

Discussion ensued relative to the pension liability being passed to the local jurisdiction.

County Administrator Wein stated that the format of the legislative meeting was developed at their request.

The Board concurred to direct County Administrator Wein to add other discussion items to the agenda for the legislative meeting with the delegation.

Commissioner Moore stated that she has scheduled a meeting with Mayor Fisona to initiate reforming the Council of Governments meetings. She has accepted a position to serve on the Board of Directors for MACo.

The Board concurred to direct staff to schedule a meeting to discuss the local development council and the multi-year plan.

President Mullin stated that Sheriff's Office officials are addressing the issues with crime in Crystal Beach.

County Administrator Wein stated that an administrative meeting has been scheduled to discuss goals and objectives after the worksession next week.

ADJOURNMENT

On motion made by Commissioner Broomell, seconded by Commissioner Moore, the Board voted to adjourn the worksession meeting.

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