

**Board of County Commissioners
Worksession Minutes
June 19, 2012**

PRESENT: Commissioners Mullin, Broomell, Moore, Dunn, and Hodge, Planning and Zoning Director Eric Sennstrom and staff, Human Resources Director Donna Nichols, Permits and Inspections Director Patrick Conway, Public Works Director Scott Flanigan and staff, Budget Manager Craig Whiteford, Executive Office Administrator Vicky Rinkerman, Administrative Assistant Katie Piazza, County Attorney Norman Wilson, Treasurer Bill Feehley, members of the press, and members of the public.

OPEN SESSION – Elk Room

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

NOTE: Audio recording of this meeting is available on the County website www.ccgov.org.

Approval of Minutes

On motion made by Commissioner Broomell, seconded by Commissioner Moore, the Board moved to approve the minutes of the June 5, 2012 Worksession meeting, June 5, 2012 Closed Session meeting and June 12, 2012 Worksession meeting with a correction to page 2, paragraph 6, change second by Commissioner Moore, to second by Commissioner Hodge. Motion carried unanimously.

Request to Fill Positions

Director Nichols advised the Board that the Department of Parks and Recreation has withdrawn their two requests to fill. The Department of Social Services submitted a request to fill a full time contract Office Services Specialist position in the Energy Assistance office.

The Board concurred to authorize the Human Resources Department to advertise and fill the position as presented.

Afternoon BOCC Meeting Agenda Review

Budget Amendments

Budget Manager Craig Whiteford reviewed the budget amendments.

Discussion ensued regarding the following budget amendment requests:

- FEMA Disaster Aid Grant reimbursement for the County;
- Maintenance costs for vehicles and equipment;
- Contract with First Vehicle Fleet Services; and
- Additional costs for legal services provided in the Department of Planning and Zoning

Budget Manager Whiteford, Project Attorney Howard Stevens and Project Manager Scott Pickford reviewed the budget amendment for the Detention Center renovation project. He advised the Board that the significant

change orders for the project were based on flood proofing, floor finishes and bead blasting relative to paint application within the facility.

Commissioner Hodge requested a report providing more detail on the additional costs for the Detention Center renovation with suggestions on how the County could improve the process for the next project.

Members of the Board provided their comments relative to the MOA with the Town of Chesapeake City.

Director Flanigan reviewed the introduction items for the Public Works Department.

Director Conway reviewed Ordinance 2012-03 to Amend Certain Sections of Chapter 200 Building Construction of the Cecil County Code. He provided information relative to the sprinkler system provision in the Building Code and exemptions from the provision. He advised the Board that Maryland law mandates that the County must adopt the building codes.

County Administrator Wein continued reviewing the action items on the meeting agenda. He reviewed the proposed appointments.

Director Sennstrom reviewed the proposed Resolution for the annexation and zoning change for property by the Town of Elkton.

Director Flanigan advised the Board that there have been a number of properties annexed by the Town of Elkton on Muddy Lane, which is a county road. Public Works staff is recommending that the County consider addressing ownership and responsibility for Muddy Lane with Town officials.

Discussion ensued regarding:

- Town of Elkton annexation and development plans;
- Potential improvements needed for Muddy Lane to address development plans;
- Town of Elkton control relative to developer contributions for road improvements; and
- Road easement granted to the County by the State

Director Sennstrom advised the Board that if the Commissioners do not approve the zoning change request, Town officials will need to wait five years before they can move to change the zoning.

Discussion ensued regarding:

- County action relative to bringing this issue to the Town's attention; and
- Ownership, liability and servicing for Muddy Lane

County Attorney Wilson advised the Board that they are being asked to consider the zoning change for the annexed property and the road issue is separate from the decision before the Board.

The Board agreed that they should discuss future plans for this area and issues with Muddy Lane with Elkton town officials. Director Sennstrom advised the Board that the Town of Elkton will proceed with considering the Resolution for the annexation at their June 20, 2012 meeting. The annexation will proceed regardless of any action taken by the Board on the rezoning request.

County Administrator Wein advised the Board that since the introduction, the time for the right to terminate or renegotiate the current contract was changed from thirty (30) days to ninety (90) days in the draft of the Animal Control Extension Contract.

Director Sennstrom reviewed the Resolution for Preservation of Agricultural Lands of Lowell and Drew McCoy.

Discussion ensued regarding:

- Amending the Resolution to include a provision that the agreement would be cancelled if the Federal funds are not provided;
- Process for disbursement of funding to the owner if this language is added;
- Language in the Agreement of Sale;

Recommendation to contact the Eastern Shore Land Conservancy relative to proposed language needed for the purpose indicated by the Board

County Attorney Wilson advised the Board that the revision could be added to the Agreement of Sale and referenced in the Resolution for consideration by the Board.

Discussion ensued regarding the terms of the agreement relative to the details of holding the funds in an escrow account. County Attorney Wilson advised the Board that he does not foresee an issue with holding funds in an escrow account.

Discussion ensued regarding the percentage of acreage that is highly erodible. Mr. Shertz advised the Board that the property has met the USDA criteria for agricultural land classification.

Administrator Wein continued reviewing the action items on the agenda.

Director Conway reviewed the proposed Electrical Board Agencies for consideration by the Board. He advised the Board that other agencies can be added and the contract would be for one year effective August 1, 2012.

Director Flanigan reviewed the action items on the agenda for the Public Works department.

Discussion ensued regarding RFP 12-26-55020 – County Sewer System Maintenance – Open Cut Repairs. Director Flanigan advised the Board that he would clarify the issues discussed relative to the budget and contractor list for the RFP.

Proposed Chapter A282-Transfer of Development Rights Program and Establishment of TDR Bank and Zoning Text Amendments relating to TDR Program – Director Sennstrom and Principal Planner DiGiacomo reviewed the proposed Chapter A282 Transfer of Development Rights and establishment of TDR bank and zoning text amendments relative to the TDR Program.

Discussion ensued regarding:

- Available option for developers to independently negotiate TDR rights with property owners;
- Incentive to purchase TDR rights twenty percent over the fair market value of the property through the County;
- Development community commented that the ease of the transaction would be fair if handled by the County;

- Land owner community commented that the level of comfort would be higher if the County handled the TDR transactions; and
- Intent for the TDR Program to be self funded

The Board concurred with the recommendation to change the language to add "up to" in front of 120 percent.

Director Sennstrom advised the Board that a request to increase housing density in the growth corridor is coordinated with the TDR Program per the Comprehensive Plan.

The Board concurred to direct Director Sennstrom to schedule proposed Ordinance 2011-04 and 05 relative to the TDR Program for introduction at the July 17, 2012 Commissioners meeting.

Annual Report for Agricultural Preservation for certification - Eric Shertz advised the Board that the McCoy easement is not included in this report. The State of Maryland requires that the County submit agricultural preservation statistics to continue certification for the MALPF program. He advised the Board that Program Open Space is reported through the Parks and Recreation Department and an agricultural certification program allows the County to retain seventy-five percent of the agricultural transfer tax.

Eric Shertz recommended that the Board reference the Agreement of Sale in the Resolution for the McCoy easement.

Fund Balance Designations for FY 2012 -

Treasurer Feehley reviewed the fund balance designation for FY 2012. He advised that the Board that the on-going legal expenses are for the York Building Product zoning case and the North East PSC case.

Discussion ensued regarding:

- Reasons for the recommendation to assign fund balance for the transition to Charter government;
- Recommendation from the Charter Transition Committee in the proposed FY2013 budget;
- Potential staffing requirements and specialized services relative to the transition to Charter government;
- Fund balance assignment relative to the Teacher's pension system;
- Funding for the School of Technology; and
- Funding for the consolidation of IT services.

The Board agreed to consider the recommendations on fund balance designations submitted by Treasurer Feehley at their June 26, 2012 Worksession meeting.

Commissioner Hodge requested a copy of the Paygo funding items and Vice President Broomell requested that the fund balance designation be posted to the website.

Commissioner Items

Commissioner Dunn had no comments.

Vice President Broomell commented on John Denver being inducted as the President of the State Firemen's Association.

Commissioner Moore commented on the MACo Board of Directors Spring Retreat and advised the Board that the new legislation for private septic systems will pertain to reduction of green house gases. She requested the status of the meeting with the local fire companies.

President Mullin advised that Monica Penhollow, President of the Firemen's Association will be contacting County Administrator Wein to schedule a follow up meeting.

Commissioner Hodge had no comments.

Vice President Broomell commented on the funding for the North East High School bleachers and Perryville Elementary School project.

President Mullin had no comments.

CLOSED SESSION

11:30 AM

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to convene in closed session pursuant to the Maryland Annotated Code State Government 10-508 (a) (1) Review and discussion of applications for appointment to Boards and Commissions. Motion carried unanimously.

ADJOURNMENT CLOSED SESSION

11:59 AM

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to adjourn the closed session meeting. The meeting was adjourned.

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