

**Board of County Commissioners
Worksession Minutes
October 2, 2012**

PRESENT: Commissioners Mullin, Broomell, Dunn, Moore, and Hodge, County Administrator Al Wein, Public Works Director Scott Flanigan, Planning and Zoning Director Eric Sennstrom, Permits and Inspections Director Pat Conway, Budget Manager Craig Whiteford, Administrative Assistant Robin McCann, County Attorney Norman Wilson, Treasurer Bill Feehley, members of the press, and members of the public.

OPEN SESSION – Elk Room

9:05 a.m. – President Mullin called the meeting to order.

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

CLOSED SESSION

The Board convened in closed session on September 25, 2012 at 10:52 a.m. On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to convene in closed session pursuant to Maryland Annotated Code State Government 10-508(a) (1) Personnel matter to discuss an appointment to the Economic Development Commission Board; and (7) to consult with counsel to obtain legal advice regarding the agreement for the proposed Landfill gas beneficial use project. Motion carried unanimously.

Present at Closed Session: Commissioners Mullin, Broomell, Moore, Dunn, and Hodge, County Administrator Al Wein, Economic Development Director Lisa Webb, Public Works Director Scott Flanigan, Budget Manager Craig Whiteford, Attorney Norman Wilson, Special Counsel Chuck Foster and Executive Office Administrator Vicky Rinkerman

Topics of discussion and action taken (if necessary):

Director Webb provided the Board an overview of the Economic Development Commission.

Members of the Board discussed and provided their comments on the proposed appointment to the Economic Development Commission.

The Board directed County Administrator Wein to place the nomination for appointment to the Economic Development Commission on the October 2, 2012 Commissioners meeting agenda for consideration by the Board.

Members of the Board were provided an update from Special Counsel Foster and Counsel Wilson regarding the proposed landfill gas beneficial use project.

The Board directed County Administrator Wein to forward the Assignment of Interest to the Landfill Gas Committee for a recommendation and to place this on the October 2, 2012 Commissioners meeting agenda for consideration by the Board.

The closed session meeting was adjourned at 11:40 am.

Approval of Minutes

On motion made by Vice President Broomell, seconded by Commissioner Moore, the Board moved to approve the September 25, 2012 Worksession Meeting minutes, with the following change to page 4. replace Window with "Windrow". Motion carried unanimously.

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to approve the September 25, 2012 Closed Session Meeting minutes.

The Board was advised that the minutes for the September 25, 2012 Closed Session meeting were not available for approval.

Commissioner Moore withdrew her motion, second withdrawn by Vice President Broomell, to approve the September 25, 2012 Closed Session Meeting minutes. The minutes would be available at the next Worksession meeting.

Draft Bid 13-20-52665; Replacement of Culvert XCE-2004

Director Flanigan reviewed draft bid 13-20-52665 for the replacement of culvert XCE-2004, which is included in the Road and Bridge CIP Program.

The Board agreed to authorize the Public Works Department to proceed with advertising bid 13-20-52665 for replacement of culvert XCE-2004, as presented.

Request to Fill Positions

Director Nichols advised the Board that the Permits and Inspections Department has a budgeted Supervisor position available due to a resignation.

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to authorize the Human Resources Department to advertise and fill the position as presented. Motion carried unanimously.

Director Nichols advised the Board that the Senior Services and Community Transit Department has two new grant funded positions available: 1) Aging and Disability Resource Manager, and 2) Senior Information Assistance Specialist.

On motion made by Commissioner Dunn, seconded by Vice President Broomell, the Board moved to authorize the Human Resources Department to advertise and fill the positions as presented. Motion carried unanimously.

Members of the Board provided their comments relative to the request for two new grant funded positions.

Director Nichols advised the Board that employees who are hired with grant funds are advised that they are considered contract employees and that the contract will be reviewed on an annual basis.

Director Nichols advised the Board that the Roads Department has a budgeted Equipment Operator I position available due to a promotion.

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to authorize the Human Resources department to advertise and fill the position as presented. Motion carried unanimously.

Members of the Board provided their comments relative to the Equipment Operator I position.

Director Nichols advised the Board that the Facilities Maintenance Department has two budgeted positions available: 1) Custodian due to a promotion, and 2) Laborer/Custodian due to a resignation.

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to authorize the Human Resources Department to advertise and fill the positions as presented. Motion carried unanimously.

Director Nichols advised the Board that the Public Works Department has a budgeted Administrative Assistant position available due to a promotion.

Members of the Board provided their comments relative to the suggestion to change the position from an Administrative Assistant to an Office Services Specialist.

Director Flanigan advised the Board that he would prefer to maintain the position as an Administrative Assistant due to the skill level required to perform the duties in the office.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to authorize the Human Resources Department to advertise and fill the position, as presented.

Mullin – Y, Broomell – N, Moore – Y, Hodge – Y, Dunn – Y. Motion carried by a vote of 4 in favor and 1 in opposition.

Chapter 209 Animal Control RFP Review

Administrator Wein reviewed the list of potential candidates to assist with the review of the RFP for animal control.

Discussion ensued regarding:

- Suggestion to choose individuals with professional experience in animal control to assist with evaluating the RFP for animal control;
- Suggestion to provide the list of contacts to the current committee for them to contact when needed;
- Comment relative to how a situation was handled by the current committee;
- Comment relative to a potential candidate who assisted with developing the ordinance; and
- Discussion relative to the size of the review and evaluation committee.

Motion made by Vice President Broomell to appoint John Kitchen and Ginny Suarez to the existing Chapter 209 Animal Control RFP Review Committee. Motion died due to lack of second.

On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to approve and add the six proposed candidates to the animal control evaluation team to assist employees with review and evaluation of proposed contracts for animal control.

Members of the Board provided their comments relative to the number of committee members serving on the Chapter 209 Animal Control RFP Review committee.

Commissioner Moore called for a point of order relative to continuing the discussion on the number of people to appoint to the review committee.

Commissioner Dunn recommended that the Board not appoint new members to the review committee and suggested that the existing committee would be able to contact the proposed candidates for additional resources.

Vice President Broomell discussed the following:

- Expertise that is needed on the Chapter 209 Animal Control RFP committee;
- Related fees relative to an issue with a dog that was picked up by the County; and
- Benefits relative to having an Animal Control officer in place.

Commissioner Moore called for the vote on the motion.

Mullin – N, Hodge – Y, Moore – Y, Dunn – N, Broomell – N. Motion failed carried by a vote of 2 in favor and 3 in opposition.

President Mullin suggested that Board members contact the proposed candidates to determine their availability to serve on the Chapter 209 Animal Control RFP Review Committee.

Discussion continued regarding the number of candidates needed for the Chapter 209 Animal Control RFP Review committee.

Motion made by Vice President Broomell to appoint John Kitchen, Ginny Suarez, and Brian Miller to the Chapter 209 Animal Control RFP Review Committee. Motion died for lack of a second.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to appoint John Kitchen, Ginny Suarez, Brian Miller, and Nicki Ratliff to the Chapter 209 Animal Control RFP Review Committee.

Vice President Broomell requested an amendment to the motion to replace Nicki Ratliff with Rayma McRoberts

Commissioner Moore advised the Board that she does support the amendment to the motion.

Mullin – N, Broomell – N, Moore – Y, Dunn – N, Hodge – Y. Motion failed by a vote of 2 in favor and 3 in opposition.

On motion made by Commissioner Dunn, seconded by President Mullin, the Board moved to provide the current review committee members with the contact information for the proposed candidates for them (committee members) to utilize their expertise as a resource for review of the RFP for Chapter 209 Animal Control.

Members of the Board provided their comments relative to the motion on the floor and determining how the proposed candidates would be used as a resource by the current members of the Animal Care and Control RFP Review Committee.

Mullin – Y Broomell – N, Moore – Y, Dunn – Y, Hodge – Y. Motion carried by a vote of 4 in favor and 1 in opposition.

Chapter 209 Animal Control Proposed Changes

President Mullin reviewed the proposed changes to Chapter 209 Animal Care and Control.

President Mullin discussed the following:

- Proposed changes to certain sections;
- Replacing references to dogs and/or animals for clarification; ; and
- Referencing or excluding horses as necessary for clarification.

Discussion ensued regarding:

- Discussion on Section 209-606 (d) relative to the proposed change with reference to cats;
- Petition the county received relative to Section 602 neglect and cruelty to include a reference to the State law;
- Proposed changes to the health certificate provision in the ordinance relative to including the language, as well as the fines; and
- Discussion relative to the issue with the mistreated horses.

Members of the Board agreed to direct Counsel Wilson to research the language that is needed in the ordinance relative to Section 401 of the ordinance.

Discussion continued regarding:

- Discussion relative to the impact of the changes to the ordinance and the current RFP process; and
- Discussion relative to the intent and final ordinance that was passed that included cats.

President Mullin advised the Board that the vendor bidding on the Animal Control RFP is aware of the potential changes to the Chapter 209 Animal Control Ordinance.

Administrator Wein advised the Board that the vendor is submitting a proposal that will be consistent with the current Chapter 209 Animal Control Ordinance, effective October 1, 2012. The next step would be to advertise the proposed amendments to Chapter 209 Animal Care and Control for a public hearing.

Evening Meeting Agenda Review

Administrator Wein reviewed the Informational items and Ordinance 2012-09 amendments to Chapter 195 Energy Conservation on the evening meeting agenda.

Director Conway reviewed Ordinance 2012-09 amendments to Chapter 195 Energy Conservation.

Members of the Board provided their comments relative to Ordinance 2012-09 amendments to Chapter 195 Energy Conservation.

Director Flanigan reviewed the DPW Introduction items on the evening meeting agenda.

Administrator Wein reviewed the Action items on the evening meeting agenda.

Director Nichols reviewed the Resolution regarding the Cecil County Pension Plan for Public Safety employees.

Administrator Wein reviewed the Resolution granting consent to the transfer of control of cable television franchise to Atlantic Broadband.

Director Flanigan reviewed the DPW Action items on the evening meeting agenda.

Members of the Board provided their comments relative to the DPW Action items.

Budget Manager Whiteford reviewed the budget amendments for the Boards consideration.

Members of the Board provided their comments relative to the budget amendments.

Commissioner Items

Commissioner Dunn requested an update from Chief Alcoholic Beverage Inspector Earl Bradford on an article from the Daily Record newspaper regarding the five local businesses involved in the Federal liquor raid in Cecil County.

Attorney Norman Wilson advised the Board that Federal Government officials conducted the investigation and raid, and they have not released any more information at this time.

Discussion ensued regarding a concern relative to the target of the raid in Cecil County, and regulations relative to the rescheduling fee for a hearing.

Vice President Broomell congratulated the Cecil County Drug and Alcohol Council on their 2nd Annual Recovery Walk, and the success of the APG Oktoberfest event.

Commissioner Moore had no comments.

Commissioner Hodge requested, and the Board agreed, to send a thank you letter to APG officials involved in the Oktoberfest event; he thanked County Tourism for their great representation of Cecil County, and reminded the Commissioners of the update from Scott Mesneak regarding Atlantic Broadband service. He advised the public of the Maryland Rural Counties Coalition meeting, scheduled for Monday, October 8, 2012 to discuss Plan Maryland and Tier mapping.

President Mullin commented on the APG Oktoberfest event.

CLOSED SESSION

10:45 AM

On a motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board moved to convene in closed session pursuant to the Maryland Annotated Code State Government 10-508 (a) (7) to consult with counsel to obtain legal advice regarding the letter to be sent to CECO Utilities (wastewater). Board, staff, county attorney. Motion carried unanimously.

ADJOURNMENT

The Board convened in Closed Session and the closed session meeting adjourned at 11:33 a.m.

>