

**COUNTY COUNCIL OF CECIL COUNTY**  
**WORKSESSION MINUTES**  
**FEBRUARY 5, 2013**

**PRESENT:** President Hodge, Vice President McCarthy, Councilwoman Broomell, Director of Administration Alfred Wein, Planning & Zoning Director Eric Sennstrom, Department of Public Works Director Scott Flanigan, Miles & Stockbridge Attorney Larry Haislip, Acting Council Manager Vicky Rinkerman, Administrative Assistant Robin McCann, members of the press, and members of the public.

**ABSENT:** Councilwoman Joyce Bowsbey and Councilman Michael Dunn.

**OPEN SESSION – Elk Room**

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

**NOTE:** Audio recording of this meeting is available on the County website [www.ccgov.org](http://www.ccgov.org).

**CLOSED SESSION - January 29, 2013**

**Present at Closed Session:** Council members: President Robert Hodge, Joyce Bowsbey, Michael Dunn, Diana Broomell, Human Resources Director Donna Nichols, County Attorney Jason Allison, and Acting Council Manager Vicky Rinkerman.

**Absent:** Vice President Alan McCarthy

**10:25 AM**

**CLOSED SESSION:** On motion made by Councilman Dunn, seconded Councilwoman Broomell, the Council moved to convene in closed session pursuant to Maryland Annotated Code of Maryland, State Government 10-508 (a) (1) to discuss a personnel matter relating to the applications and appointment of an individual to the Council Attorney position and Council Manager position, (8) to discuss pending litigation; and State Government 10-502 Administrative Function for budgetary preparation/administration for the County Council Office budget. Motion carried unanimously.

On motion made by President Hodge, seconded by Councilwoman Bowsbey, the Council moved to provide Attorney Dennis Clower a six month contract with a thirty day terminator without cause to provide legal services with a determination to be made a later date on his contracts with current municipalities in the county and his attendance at Council meetings.

Motion failed by a vote of two in favor and two in opposition VOTE: Hodge – Y, Bowsbey – Y, Dunn – N, Broomell – N.

On motion made by Councilwoman Broomell, seconded by Councilman Dunn, the Council moved to advertise the Council Attorney position again.

Motion failed by a vote of two in favor and two in opposition. VOTE: Hodge – N, Bowsbey – N, Dunn – Y, Broomell – Y.

On motion made by Councilwoman Bowsbey, seconded by Councilman Dunn, the Council moved to offer James Massey an employment contract for the Council Manager position at a salary of \$65,000.

Motion carried by a vote of three in favor and one in opposition VOTE: Hodge – Y, Bowsbey – Y, Dunn – Y, Broomell – N.

#### **ADJOURNMENT CLOSED SESSION**

On motion made by Councilwoman Bowsbey, seconded by Councilwoman Dunn, the Council moved to adjourn the Closed Session meeting at 12:20 pm.

#### **Briefing Public Service Commission Decision**

Special Counsel Larry Haislip provided a brief overview on the matter of the petition of Cecil County for the Public Service Commission to set rates for water service provided by the Town of North East, outside town limits.

Members of the council provided their comments regarding the decision from the Public Service Commission.

#### **Approval of Minutes**

On motion made by Councilwoman Broomell, seconded by President Hodge, the Council moved to approve the January 29, 2013 Worksession Meeting minutes, with the following amendment; page 3, paragraph 8, second sentence, delete “legislation and Ag Preservation” and insert “and Preservation Act”.

VOTE: Hodge - Y, Vice President McCarthy – Abstained, Broomell - Y. Motion carried by a vote of 2 in favor and 1 abstention.

On motion made by Councilwoman Broomell, seconded by President Hodge, the Council moved to approve the January 29, 2013 Closed Session Meeting Minutes, as presented.

VOTE: Hodge - Y, Broomell - Y, Vice President McCarthy - Abstained. Motion carried by a vote of 2 in favor and 1 abstention.

#### **Upper Shore Regional Presentation**

Executive Director Doris Mason provided a brief overview of the Upper Shore Regional Council.

#### **Council Legislative Agenda**

Planning and Zoning Director Eric Sennstrom reviewed the Resolution 01-2013; amendment to the Cecil County Master Water and Sewer Plan.

President Hodge reviewed the approval of minutes, introduction items, and Resolution 02-2013 Cable Service Franchise Agreements.

Brian Lopez, Enterprise Housing Corporation provided a brief overview of Resolution 03-2013 for the Riverwoods at North East project.

Members of the Council provided their comments regarding Riverwoods at North East project.

President Hodge reviewed Resolution 05-2013; appointments to the Animal Care & Control Oversight Committee.

Members of the Council provided their comments regarding Resolution 05-2013.

Department of Public Works Director Scott Flanigan provided a brief overview of the MDE Consent Order.

Members of the Council provided their comments regarding the MDE Consent Order.

President Hodge requested that the MDE Consent Order be presented as a Resolution.

Council requested an update from the Department of Public Works Director Scott Flanigan regarding stormwater management.

### **Council Items**

Councilwoman Broomell thanked the Mayor of Baltimore for inviting the Council to attend the Baltimore Ravens parade, MACo legislative bills, and a request from Delegate Smigiel for the Council to consider legislation for Sunday hunting.

President Hodge requested that Delegate Smigiel submit his request in writing to the Council for the proposed legislation for Sunday hunting before the matter would be discussed by the Council.

Discussion ensued regarding individual Council members seeking a legal opinion from the County Attorney.

On motion made by Councilwoman Broomell, the Council moved to permit Councilwoman Broomell to seek legal advice from the County Attorney on a personnel issue. Motion died for lack of a second.

On motion made by Councilwoman Broomell, seconded by Vice President McCarthy, the Council moved to add the personnel issue to the closed session meeting. No vote was taken on the motion.

President Hodge suggested, and Vice President McCarthy and Councilwoman Broomell agreed, to discuss the personnel matter in private.

Councilwoman Broomell continued commenting on the MDE sludge permit applications.

President Hodge commented on MDE sludge permit applications, revisions to the Council Rules and Procedures to add a policy for seeking legal advice and absentee attendance at meetings and the next meeting, and office space for the new Council Manager.

Vice President McCarthy requested that the Council meet with Mr. Crowley regarding the Pearce Creek dredging site.

Members of the Council provided their comments regarding information from the public on the Pearce Creek dredging site, funding allocated by the state for the King's Creek clean up, and the study performed on the Conowingo Dam.

President Hodge requested Acting Council Manager Vicky Rinkerman schedule a meeting regarding the Pearce Creek dredging site with Mr. Crowley.

President Hodge thanked Vice President McCarthy for reimbursing the expenses submitted by Michael Swift for the Parliamentary Workshop.

Members of the Council provided their comments regarding the Parliamentary Workshop.

On motion made by President Hodge, seconded by Councilwoman Broomell, the Council moved to appoint Vice President McCarthy to serve on the Weed Control Advisory Committee. Motion carried unanimously.

## **CLOSED SESSION**

**10:30 a.m.**

On motion made by Vice President McCarthy, seconded by Councilwoman Broomell, the Council moved to convene in closed session pursuant to the Maryland Annotated Code, State Government 10-508 (a) (1) to discuss a personnel matter relating to the appointment of an individual to the Council Attorney position and State Government 10-502 Administrative Function for budgetary preparation/administration for the County Council Office budget. Council members and staff. Motion carried unanimously.