

**COUNTY COUNCIL OF CECIL COUNTY**  
**WORKSESSION MINUTES**  
**October 1, 2013**

**PRESENT:** Council Members: President Robert Hodge, Vice President Alan McCarthy, Joyce Bowlsbey, and Diana Broomell, Council Manager James Massey, Director of Administration Al Wein, Public Works Director Scott Flanigan, Finance Director Winston Robinson, Budget Manager Craig Whiteford, County Attorney Jason Allision, Executive Office Administrator Vicky Rinkerman, members of the press, and members of the public.

Councilman Dunn arrived at the meeting at 9:08 a.m.

**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).

**Approval of Minutes**

Councilwoman Broomell requested the following change:

Page 1, paragraph 8, insert: “Councilwoman Broomell requested four additional hearings on the SSU permit applications located in the area where sludge spreading will take place because there was a lack of information on the public notice advertising and by law, local government can request a meeting for each of the applications. Councilwoman Broomell also objected that Council members were not properly notified of the locations of the additional sewer sludge permit applications.”

Discussion and comments ensued regarding the content of the meeting minutes to reflect the general discussion and action; and an issue with the details provided in the minutes relative to the perceived misrepresentation of the facts.

Councilwoman Broomell continued requesting a change on page 2, paragraph 2, to reflect that she asked for the supplementary monitoring agreement with MDE; and page 2, paragraph 8, insert “audience” in front of members; and insert the same in paragraph 10.

Discussion and comments ensued regarding the motion that was made relative to the draft legislation for disciplinary action to be added to the Council Policies and Procedures Manual and the inclusion of the audience in the Discipline of Members.

On motion made by Councilwoman Broomell, the Council moved to amend the minutes on page 3, paragraph 6: remove the current sentence after the word “to” and insert after the to: “fill the upcoming staff vacancy with someone who has a background in finance to help assist the Council on budgetary information.” Motion failed for a lack of a second.

On motion made by Councilwoman Broomell the Council moved to amend the minutes on page 3, paragraph 8, second sentence after Chestertown insert: “and reported on the availability of sixteen beds for detox if the Governor agrees to reestablish the funding that was removed in 2012. Detox services were identified during the Governor’s roundtable as the greatest need in Cecil County.” Motion failed for a lack of a second.

On motion made by Councilwoman Broomell, the Council moved to amend the minutes on page 1, paragraph 8, insert after first sentence: ““Councilwoman Broomell requested four additional hearings on the sewage sludge utilization permit applications for each of the locations still pending.” Motion failed for a lack of a second.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the minutes as presented.

President Hodge requested that in the future, Council members submit changes to the meeting minutes in the form of a motion in order for the Council to consider the requested change to the minutes.

Motion carried by a vote of 4 in favor and 1 in opposition. The meeting minutes were approved as presented.

### **Financial Report**

Finance Director Robinson reviewed the following reports that were provided to the Council: Reconciliation of Original Budget to Actual Results – FY2012; Draft – Using Preliminary Results; Historic Revenues using Preliminary Results – FY2013; Income Tax Trends 2000 – 2013 graph; Draft – Using Preliminary Unaudited Results; and Revenues and Expenditures by Major Department as of two months through 8/31/13.

Discussion, questions and comments ensued regarding a request to provide the financial information presented on the county website; FY2013 debt that was authorized by the Council; impact of federal shutdown on county government; local debt relative to maintaining an emergency fund; vehicles provided for the animal control service; report that will provide financial information to the Council on a quarterly basis on budget projections and estimates; and anticipated expenses that were provided to the Council in the budget amendment presentation.

President Hodge thanked the Finance Department for the update and requested that the Council be kept informed of the County’s financial status.

**Discussion Local Business Initiative Legislation** – President Hodge provided the Council a revised draft for a local business initiative to amend the purchasing policy for general contractors bidding on county projects to make a good faith effort to incorporate some of the construction cost by using local employees, vendors and suppliers.

Discussion, questions and comments ensued relative to legislation from other jurisdictions that is similar to this proposal; a policy of the Susquehanna Workforce Network to hire local citizens; unintended consequences of implementing a law that has not been used in other jurisdictions; the six percent incentive provided in the purchasing code for local contractors; need to review the current bidding process and requirements to determine if they are prohibiting local companies from bidding on contracts; current process for identifying and requesting bids from local contractors; opportunity for local businesses to participate in the larger capital projects in order to grow their business; disagreement with the proposal relative to competition, potential to drive costs higher, and compliance with Article IV of the U.S. Constitution; compliance with

the criteria for a “good faith effort” to use local employees, vendors and suppliers; county employee review of the bids to determine if the “good faith effort” has been met; and a request for an opinion from the county attorney.

County Attorney Allison advised the Council that he is concerned with adopting a provision that makes the bidder/contractor “do something”, whether it implies “in good faith” or as a directive, because it may implicate the Privileges and Immunities Clause.

Discussion continued relative to the benefits of adopting a local business initiative that “requests” general contractors to seek local employees, vendors and suppliers; and a reference to legislation in Baltimore City.

County Attorney Allison advised the Council that he is familiar with the legislation for Baltimore City and this proposed legislation is not exactly the same. However, there appears to be factors with the suggestive language that compels someone to do something that requires an affirmative act that can be challenged in this proposal. He advised that Council that it would be harder to defend the Privileges and Immunities Clause because we are a border state.

Discussion continued relative to providing education to local contractors and sub-contractors on obtaining bids and contracts; workshop through the Economic Development Department; and definition of a local business.

County Attorney Allison advised the Council that he would not consider a post office box as a “place of business”.

Discussion continued regarding the employee hiring mandate legislation in Baltimore City; the discretion of the contractor to meet the good faith effort and a provision to allow the contractor to waive this requirement; and coordination with the Susquehanna Workforce Network relative to an initiative being proposed to hire local.

President Hodge advised the Council that he intends to proceed with introducing this proposal and requested Council members provide their revisions for consideration.

### **State Sludge Permit Application**

President Hodge advised the Council that they have received a copy of a draft letter requesting additional public meetings on the sludge permit applications.

Discussion, questions and comments ensued regarding suggested locations for the public meetings.

President Hodge requested Council Manager Massey confirm with MDE if the public meetings must be in a public place.

The Council concurred to direct Council Manager Massey to confirm the meeting location information, if needed revise the letter, and send to MDE.

### **Discussion - Council Decorum**

President Hodge advised the Council that they have received proposed revisions to Section 2-8 of the Council Policies and Procedures Manual for the discipline of members.

Discussion and comments ensued regarding the proposed revisions and following the provisions provided in Robert's Rules of Order.

On motion made Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to allow President Hodge or the chair of the meeting, establish and maintain order and decorum at all meetings, base all decisions on Robert's Rules of Order, and apply his or her sense of fairness and propriety when dealing with council people, staff, or other guests at the meeting. He asked that the Council members pledge to voluntarily abide by the Chair's ruling on decorum issues.

Discussion and comments ensued regarding the fair enforcement of decorum and Robert's Rules of Order; including the audience in the enforcement of decorum; need for good, controlled debate on issues; staying on topic and on point during discussions; and restricting a Council member's freedom of speech.

Vice President McCarthy repeated the motion. Discussion and comments ensued regarding the motion and proposed revisions to the Council Policies and Procedures relative to enforcing council decorum.

Discussion and comments continued regarding the intent to censor certain Council members, following meeting guidelines already in place, including the audience for disciplinary action; the desire to maintain respectful discussion without bad behavior, accusations and negativity; and using Robert's Rules of Order to control the audience and not the Council Policies and Procedures Manual.

Vote: Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - N, Broomell - N, Hodge - Y. Motion carried by a vote of 3 in favor and 2 in opposition.

On motion made by President Hodge, seconded by Councilwoman Bowsbey, the Council moved to proceed with the proposed changes to the Council Policies and Procedures Manual to add Section 2-8 Discipline of Members.

Discussion and comments ensued regarding the previous motion that was approved; the intent of the proposed language to censor certain Council members; and following Robert's Rules of Order.

Vice President McCarthy left the meeting at 11:10 a.m. Councilwoman Broomell called for the vote on the motion.

President Hodge denied the call for the vote. He advised the Council that he intends to introduce the Resolution at the Legislative meeting and the Council is not required to vote on his intent to introduce the Resolution or the proposed changes presented during the Worksession meeting.

## **Review of legislative agenda**

Council Manager Massey provided a review of the items on the legislative agenda.

County Attorney Allison provided comments relative to the proposed amendments to the Land Purchase Agreement with Home Partnerships.

Discussion and comments ensued relative to the assessed value of the property being sold and repayment of debt.

Council Manager Massey reviewed the Charter relative to the public hearing schedule for the proposed Redistricting Plan.

Discussion and comments ensued regarding the intent of the Redistricting Commission on the proposed districts.

Discussion and comments ensued regarding the intent of Bill No. 2013-13 to shift bond funding from closed projects to other projects.

### **Council Manager Report**

Council Manager Massey advised the Council Members that there is tentative meeting of the Clean Chesapeake Coalition on Thursday, October 17, 2013; Board of Health meeting at 9:00 a.m. on October 8, 2013 and update on the Child Advocacy Center; request by the County Executive to meet at 2:00 p.m. on October 8, 2013 to discuss legislative initiatives for the meeting with the State Delegation; meeting with the County's State Delegation on November 1, 2013 at 11:00 a.m. and the Consolidated Transportation Plan (CTP) meeting will be held at 2:30 pm at the Elkton Library.

The Council directed Council Manager Massey to obtain a copy of the plan prior to the meeting if possible.

### **Council Member Items**

Councilwoman Broomell commented on issues with the monthly meeting with state officials relative to addressing the drug issues in Cecil County, specifically counseling at methadone clinics, urinalysis testing, need for inpatient detoxification resources for county residents and need for further research by state officials of detoxification services; and she announced that three local youth will be participating in the Black Youth in Action event.

Councilwoman Bowsbey commented on a meeting for the Infant and Toddlers Program of the Local interagency Coordinator Council and the School of Technology Honor Society Induction Ceremony.

Councilman Dunn had no comments.

Vice President McCarthy commented on a Maryland Rural Development Corporation meeting and proposed budget cuts that would the impact the Head Start Program.

President Hodge provided the Council a copy of a notice received from the Maryland Department of Environment regarding a hearing on an appropriation and use permit for a farmer outside of Cecilton for irrigation.

**ADJOURNMENT**

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to adjourn the meeting. President Hodge adjourned the meeting at 11:38 am.