

**Board of County Commissioners  
Worksession Minutes  
February 15, 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; Housing Director Dave Mahaney; Economic Development Director Vernon Thompson; Permits and Inspections Director Pat Conway; Emergency Services Director Richard Brooks; Budget Manager Craig Whiteford; Executive Office Administrator Vicky Rinkerman; Council Norman Wilson; members of the press, and members of the public.

**OPEN SESSION**

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

**Cecil/Harford Habitat for Humanity**

Mr. Chick Hamm, PNC Bank explained that the purpose of the Habitat for Humanity organization is to provide affordable housing for families in Cecil and Harford Counties.

Habitat for Humanity Executive Director Joann Blewett stated that they would like to collaborate with the Cecil County School of Technology to purchase the home built by the students. The home would be relocated to 28 Cherry Lane in Meadowview in April or May of this year, which is located in Cecil County.

Mr. Hamm explained the financing process relative to the mortgage. He stated that they are requesting a waiver of the hook-up fees to help reduce the fundraising burden for the Cecil County project. He referenced the use of revenue funding from the gaming facility for this project.

Director Conway stated that as a member of the School of Technology Board, he has worked with the students and they have experienced problems with finding a vacant lot for the completed home in the past.

Ms. Blewett stated that the connection fees have been waived for these projects in Harford County.

The Board deferred a decision on the request until Director Flanigan could provide the amount of the proposed connection fee waiver for the project.

**Meeting Minutes discussion**

**Approval of Minutes**

Commissioner Hodge stated his objection to the last comment of the revisions to the January 11, 2011 meeting minutes submitted by Commissioner Broomell. The letter was not "President Lockhart's letter" as designated by Commissioner Broomell; it was a letter from the County.

Commissioner Broomell stated that she objected to the letter based on conversations with other Commissioners relative to them being unaware of the letter that was mailed to Penn National Gaming.

Commissioner Moore stated that there were three votes to send the letter to Penn National Gaming and it should be reflected in the minutes and considered a "County letter" and not "Mr. Lockhart's letter". The minutes should be revised to reflect the date of the letter as September 24, 2009 and not September 24, 2010.

Commissioner Moore objected to the amendment inserting the comment regarding the County filing a waiver for the maintenance of effort. She does not recall the comment being made in this worksession meeting.

Commissioner Broomell stated that she did make the comment in this meeting and would like it to be reflected in the revisions to the minutes.

On motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board voted unanimously to amend the minutes to include the amendments from Commissioner Broomell and to change the comment "President Lockhart's letter" to "County letter" and the date of the letter to 9/24/09 (not 9/24/10 as stated in the amended minutes).

### **Evening Meeting Agenda Review for February 15, 2011**

Commissioner Hodge suggested that President Mullin announce that no decision would be made on Ordinance 209 pending review of public comments and proposed amendments by the Animal Care and Control Task members.

County Administrator Wein reviewed the action items on the agenda for consideration by the Board.

Director Flanigan reviewed RFP 11-14 and explained how the funding for structural bridge repairs would be utilized.

Detention Center Director Major Bernard Foster reviewed bid 11-24 for fixtures, furnishing and equipment for the Detention Center project for consideration by the Board. Furniture is part of the bid package and they intend to utilize as much of the older furniture as possible. The State matches up to 50% of local funds for the project.

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

### **Draft Bid 11-26 – Central Landfill Sand Filter construction**

Director Flanigan stated that the bid is for a sand filter at the central landfill that is part of the stormwater management plan. The project is funded through the CIP Budget.

On motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board voted unanimously to authorize advertising Bid 11-26 as presented.

Director Flanigan reviewed the process relative to advertising the bid and contractor solicitation through the Purchasing Department and Public Works staff. They have scheduled a pre-bid conference for the project.

### **Qualification of newspapers for publishing of public notices**

County Administrator Wein reviewed the letter submitted by Dwight Thomey on behalf of the Cecil Guardian relative to meeting the qualifications and requirements for a newspaper of general circulation in the county.

Counsel Wilson reviewed his opinion letter to the previous Board relative to the law on newspaper advertising. The requirement states that the paper must be of general circulation in the county. There is an Attorney General's opinion regarding "general circulation", but no case law on this particular subject.

Discussion ensued regarding a request for quote that was issued by the County for publishing public notices, which led to the opinion letter from Counsel Wilson on the qualifications of the Cecil Guardian paper.

Commissioner Broomell stated her concern regarding the Cecil Whig being considered the paper of record in the County, and the paper that the public uses for government information.

Mr. Bill De Freitas, owner of the Cecil Guardian, stated that 10,000 copies of the paper are distributed weekly, and that there is a difference between readers and subscribers. He feels that more people have access to the Guardian paper and they were low bidder on their quote for advertising. He advised the Board that Judge Whelan is using the Cecil Guardian for advertising court information.

Commissioner Moore stated that in addition to using a newspaper, the County needs to publish information on our website

Counsel Wilson advised the Board of the law relative to meeting the standards to be considered a paper of general circulation.

The Board concurred to postpone a decision until they have more information relative to the circulation and distribution for the Cecil Whig, Cecil Guardian, and the Herald newspapers.

### **Proposed Fire Sprinkler Ordinance**

Director Conway advised the Board that a "duplex unit" is not defined in the building code; the code defines a "two family dwelling" unit. Staff is recommending that the Board consider not adding a new definition to the County code. He provided the Board with a copy of an educational brochure from the home fire sprinkler coalition organization.

Commissioner Broomell stated that she recalls from previous conversation that the County does not want to be responsible for providing fire sprinkler education to the public.

Commissioner Moore stated that she spoke with officials from local fire prevention agencies, and agreed that government is not in a position to provide this education.

Discussion ensued relative to the definition for a one family dwelling, two family dwelling, and town home provided in the code.

Discussion ensued relative to previous conversations, and the general agreement by the Board that a two family dwelling would be exempt from the fire sprinkler requirement provided a firewall were installed in the unit.

Commissioner Broomell questioned the set back requirements for single-family dwelling units in developments where homes are in close proximity to each other relative to the impact of a fire on the neighboring units.

Director Sennstrom advised the Board that the set back requirements could be amended.

Staff advised the Board that there are definitions for various degrees of "fire separation" in the code, but there is no definition of a "fire wall" in the code. If changes were made to our local building code relative to the minimum standard requirements, enforcement of the code would be complicated for inspectors. Staff

recommended following the standard code relative to the definitions provided for dwelling units and the definition and installation of fire separation walls.

Commissioner Hodge stated that his proposal would require the installation of a fire sprinkler system if the fire separation wall were less than one hour.

Discussion continued regarding the definition of dwelling units. The Board concurred to postpone a decision until they receive more information from local fire prevention officials.

Director Brooks stated that they are working on an educational fire prevention demonstration for the Board. The demonstration would need to be performed when the outside temperature is above freezing.

Staff advised the Board that the minimum fire separation wall requirement could be increased from one hour to two hours in a two family dwelling unit.

### **Appointments to Citizen Budget Advisory Committee**

The Board concurred to appoint the recommendation from each Commissioner to the Citizen Budget Advisory Committee. Discussion ensued regarding a date and time for the first meeting.

### **Commissioner Items**

Commissioner Dunn reviewed meetings and events he attended during the week.

Commissioner Hodge reviewed meetings and events he attended during the week. He voiced his opinion on the negative impact of the unfunded mandate from the Environmental Protection Agency for wastewater regulations.

Discussion ensued regarding the direction County officials should take relative to voicing opposition to the EPA time line and mandates.

Commissioner Broomell requested and the Board concurred to move and begin recording the worksession meetings in the Elk room of the County Administration Building as soon as possible.

Commissioner Broomell commented on the Broadband initiative and voiced her concern regarding the comprehensive rezoning applications and neighboring property owners not being aware of the requests.

Commissioner Moore reviewed the proposed hearing schedule relative to County legislation, and the survey results from the cost saving suggestions.

Commissioner Broomell suggested that the cost saving suggestions be forwarded to individual departments for recommendations.

The Board concurred to forward the cost saving suggestions to County Administrator Wein for review at the scheduled department head meeting on Friday.

Commissioner Mullin reviewed meetings and events he attended during the week.

## **CLOSED SESSION**

**11:20 a.m.** On motion by Commissioner Moore, second by Commissioner Broomell, the Board unanimously voted to convene in closed session pursuant to the Annotated Code of Maryland, State Government, Title 10, Section 10-508 (a) (1) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one for more specific individuals; and (9) to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

The Board convened in closed session.

## **ADJOURNMENT - CLOSED SESSION**

**12:30 p.m.** - On motion made Commissioner Hodge, seconded by Commissioner Moore, the Board voted unanimously to adjourn from closed session.

## **OPEN SESSION**

**1:00 p.m.**

**PRESENT:** Commissioners Mullin, Moore, Dunn, Broomell and Hodge; County Administrator Al Wein, Public Works Director Scott Flanigan; Development Director Vernon Thompson; Budget Manager Craig Whiteford; members of the press, and members of the public.

### **Local Development Council Priorities**

Commissioner Moore reviewed the meeting agenda, and presented the Local Impact grant application to be used by other entities.

The Board concurred to allocate \$250,000 for this purpose.

Budget Manager Whiteford provided the Board with the priority rankings list that was completed by each Commissioner.

Discussion ensued regarding correspondence from the Town of Port Deposit regarding submittal of their plan and the application process for the Community Impact grant. The Board concurred to direct County Administrator Wein to respond to the Town of Port Deposit's letter informing officials of the proposed process.

Discussion continued regarding reimbursement of infrastructure improvement costs to Penn National Gaming. The Board concurred to direct County Administrator Wein to schedule a meeting to discuss this matter further with officials from Penn National Gaming.

Budget Manager Whiteford stated that he would have a draft available later in the day for the Board to review. A tentative submittal to the sub-committee would be made by February 18, 2011.

## **ADJOURNMENT**

3:30 p.m. – The meeting was adjourned.

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