

**MINUTES OF THE BOARD OF COUNTY
COMMISSIONERS MEETING
April 19, 2011**

The Board of County Commissioners for Cecil County met in regular session at the County Administration Building, 200 Chesapeake Blvd., Suite 1009, Elkton, MD. The following members of the Board were present:

James T. Mullin, President
Diana Broomell, Vice President
Michael W. Dunn, Commissioner
Tari Moore, Commissioner
Robert J. Hodge, Commissioner

Constituting a full Board.

The Board adjourned into a Closed Session at its work session on April 12, 2011 at 10:00 A.M. Motion was made by Commissioner Moore, seconded by Commissioner Broomell and unanimously carried pursuant to MD Annotated Code – State Government 10-508 (a) (1) To discuss the appointment, employment, assignments, 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 or more specific individuals; (4) To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter Present: Commissioners Mullin, Broomell, Moore, Dunn, Hodge, Administrator Al Wein, Office Executive Administrator Vicky Rinkerman, Director Thompson, Counsel Norman Wilson. Topics of Discussion: Penn National Gaming, Inc., infrastructure cost reimbursement; Consult with counsel to obtain legal advice regarding local impact grant agreement draft document; Consult with counsel regarding development proposal relating to county owned property at 214 North Street, Elkton and listing agreement with realtor; IAFF Collective Bargaining update; Personnel matters relating to Health Plan changes. Actions Taken: Penn National Gaming, Inc., discussion deferred until such time that Commissioner Moore has reviewed and analyzed infrastructure cost data; Board asked Counsel H. Norman Wilson, Director Vernon Thompson, Treasurer William Feehley, to finalize agreement and distribute to Mayor of Perryville. Discussed IAFF collective bargaining negotiations and April 1, 2011 deadline. Board concurred with negotiating team that deadline has passed without a CBA. 214 North Street development proposal and listing agreement, Board directed Administrator not to renew listing agreement and to conduct further due-diligence relating to development proposal involving property at 214 North St. Discussed personnel matters relating to Health Plan recommendations.

Motion made by Commissioner Hodge, seconded by Commissioner Broomell and carried unanimously to adjourn closed session and reconvene into open session.

Motion made by Commissioner Broomell, seconded by Commissioner Moore to rescind the Board's vote at the April 5, 2011 worksession regarding adoption of health plan recommendations. There will be no plan changes for FY 2012, Motion carried unanimously.

The Board adjourned into a Closed Session at its work session on April 19, 2011 at 12:00 P.M. Motion was made by Commissioner Hodge, seconded by Commissioner Moore and unanimously carried pursuant to MD Annotated Code – State Government 10-508 (a) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Present: Commissioners Mullin, Broomell, Moore, Dunn, Hodge, Administrator Al Wein, Office

Executive Administrator Vicky Rinkerman, Director of Human Resources Donna Nichols, Director of Emergency Services Richard Brooks, Budget Manager Craig Whiteford, Conference call with Steve Silverstri, Larry Haislip and John Gilman. Topics Discussed: Conference call between Commissioners, staff, County Attorney and Steve Silverstri and John Gilman regarding update on collective bargaining efforts. Actions Taken: The Board directed counsel to respond to complaint of IAFF. Meeting adjourned at 12:48 P.M.

The meeting of the Board of County Commissioners for Cecil County, April 19, 2011 was called to order by Commissioner Mullin at 7:00 p.m. and opened with the Pledge of Allegiance.

The following minutes were unanimously approved by the Board.

- March 23' 2011 Comprehensive Rezoning Decision Meeting Minutes
- March 29' 2011 Comprehensive Rezoning Decision Meeting Minutes
- March 29, 2011 Worksession Meeting Minutes
- March 29, 2011 Closed Worksession Meeting Minutes
- April 5, 2011 Worksession Minutes

Motion to approve the minutes was made by Commissioner Moore, seconded by Commissioner Dunn, and unanimously carried to approve.

- INFORMATIONAL ITEMS-
- COMMISSIONER COMMENTS-

Commissioner Moore recognized Rhonda Parsons, who was selected as Cecil County's Public School Teacher of the Year.

Commissioner Broomell updated the public on the 11th Annual River Sweep clean up.

Commissioner Hodge welcomed everyone and commented he was glad to see citizens involved.

Commissioner Dunn thanked everyone for coming out for the meeting and recognized Boy Scout Troop #443.

Commissioner Mullin welcomed everyone in attendance.

- TREASURER'S REPORT-

William M. Feehley, Cecil County Treasurer, presented the monthly cash report as of March 31,,2011. A copy of this report is attached and incorporated into these minutes.

- PROCLAMATION-

Commissioner Moore and Commissioner Broomell presented a proclamation in recognition of National Public Safety Telecommunications Week to Director of Emergency Services Richard Brooks and Lt. Paula Robinson who was named Telecommunicator of the Year.

- PUBLIC HEARING-
- ORDINANCE 2011-05; AMENDMENT TO THE CECIL COUNTY CODE CHAPTER 200, BUILDING CONSTRUCTION AUTOMATIC FIRE SPRINKLERS-

Patrick Conway, Director of Permits and Inspections presented for Public Hearing Ordinance 2011-05 Amendment to the Cecil County Code of Chapter 200, Building Construction-Automatic Fire Sprinklers. Article 25, Section 10 of the Annotated Code of Maryland grants the Board of County Commissioners the power to adopt codes to regulate building construction within the County as well as the authority to amend said codes.

This item will be placed on the May 3, 2011 agenda for the Board's consideration.

Joe Carabetta, Perryville, MD, commented he supports the proposed amendment that allows the homeowner to make the choice.

Lisa McWilliams, Elkton, MD, commented she does not support the ordinance and feels it is a violation of private property and personal freedom and would greatly affect the cost of homes in Cecil County.

William Barnard, Maryland State Fire Marshal, commented he does not support proposed Ordinance 2011-05; he would like to see the requirements remain in the code for Automatic Fire Sprinklers.

Cathy Hedrick, Hughesvilles, MD, spoke in opposition of proposed Ordinance 2011-05; and asked the Board to consider mandating automatic fire sprinklers.

Mark Bilger, Chief Deputy Fire Marshal for Cecil and Harford County, spoke in opposition of Ordinance 2011-05; and asked the Board to consider leaving the previously adopted requirements in place.

Samantha McMullen, Cecil County Fire Prevention Ambassador, spoke in opposition of Ordinance 2011-05.

Ben Roy, Rehoboth DE, spoke in opposition of Ordinance 2011-05.

Valerie Falcioni, North East, MD, spoke in support of proposed Ordinance 2011-05.

Joe Fisona, Elkton, MD, spoke in opposition of Ordinance 2011-05; and asked that the Board consider mandating automatic fire sprinklers for all new one and two family dwellings.

John Denver, Elkton, MD, spoke in opposition of Ordinance 2011-05; as proposed.

Jeff Tossi, Home Builders Association of Maryland, spoke in support of Ordinance 2011-05; however asked the Commissioners to consider an opt-out option for speck homes.

Jackie Gregory, Elkton, MD, spoke in support of the opt-out option for automatic fire sprinklers.

Donna Caudell, Elkton, MD, commented she supported the comments of Jackie Gregory.

Nick Inglisa, Elkton, MD, thanked the Commissioners for considering the opt-out option.

Curtis Resnick, North East, MD, spoke in support of proposed Ordinance 2011-05.

Ann Jackson, spoke in support of the proposed Ordinance 2011-05.

Deputy Bausch, MD State Fire Marshal's Office, spoke in support of mandating automatic fire sprinklers.

Monica Penhallow, North East, MD, spoke in support of mandating automatic fire sprinklers.

Ray Lonabaugh, National Fire Sprinklers Association, spoke in support of mandating automatic fire sprinklers.

Al Resin, Conowingo, MD, asked "what is the unintended consequence of having automatic fire sprinklers "

7:53 P.M. Commissioner Mullin called for a recess to allow for all those in attendance for the Public Hearing to leave if they wished to do so.

7:58 P.M. Commissioner Mullin reconvened the meeting.

- PUBLIC COMMENT-

Dwight Thomey, Elkton, MD, asked the Board to reconsider the zoning classification being placed on two of the Maryland Materials Properties and thanked the Commissioners for taking the time to review the information he provided.

Joe Carabetta, Perryville, MD, asked the Commissioners to preserve the bay and do the right thing and to preserve the Carpenters Point property.

Diane Carabetta, Perryville, MD, commented she supported what Joe Carabetta stated and added she is concerned about the filtration to the Bay if zoning request #05-51 was approved.

Kerry Anne Abrams, Mayor of Port Deposit, MD, asked the Commissioners please consider all the comments and recommendations made by the Town of Port Deposit, Local Development Council, Delegation. Mayor Abrams asked the Board consider raising the Local Community Impact Grant Funding from five hundred thousand to one million.

Ford Hall, Sr., Fredrickstown, MD, asked the Board to consider rezoning a piece of property he owns that is adjacent to his restaurant The Granny. Tax Map 67, Parcel 56, it is currently zoned VR (Village Residential) and he is requesting to rezone it as (MB) Maritime Business. This will allow several upgrades to the property. Mr. Hall apologized for the late request, and advised the Board he was not familiar with the rezoning process.

Matt Vandervort, Perryville, MD, thanked the Commissioners for speaking with him, and asked the Commissioners consider the damage that will be in the future if this is approved.

Maryanne Dolan, Elkton, MD, spoke in opposition of the request of York Building to rezone the Carpenters Point area. Commented if the rezoning was approved it would benefit a few company executives, but if preserved would benefit many more.

Reta Reynolds, Perryville, MD, thanked the Commissioners and Director Sennstrom for all the work they have done in working with the community.

William Bernard, Perryville, MD, asked the Commissioners not to approve the request to rezone the Carpenters Point area as requested by York Building.

- ACTION ITEM-

- AMENDMENT TO SECTION 8 HOUSING CHOICE VOUCHER PROGRAM ADMINISTRATIVE PLAN, DAVE MAHANEY, DIRECTOR OF HOUSING & COMMUNITY DEVELOPMENT –

Alfred C. Wein, Jr., County Administrator presented to the Board the amendment to Section 8 Housing Choice Voucher Program Administrative Plan. The amendment to the policy establishes that the Agency will not assist more than twenty percent (20%) of units available in any apartment complex. Exception may be provided for elderly and disabled families, as a reasonable accommodation.

Motion to approve the amendment was made by Commissioner Broomell, seconded by Commissioner Moore and unanimously carried to approve.

- CECIL COUNTY LOCAL IMPACT GRANT MULTI-YEAR PLAN (2011-2014)-

Alfred C. Wein, Jr., County Administrator, presented the Cecil County Local Impact Grant Multi-Year Plan (2011-2014) for the Boards consideration.

- COMMISSIONER COMMENTS-

Commissioner Moore advised the public how the Board incorporated the recommendations from the Local Development Council and the Public into the Plan.

Commissioner Hodge commented Mr. Wein read the County's expenditures and advised the public the other component to this plan is the Town of Perryville's plan.

Motion to approve the Cecil County Local Impact Grant Multi-Year Plan (2011-2014) was made by Commissioner Moore, seconded by Commissioner Hodge and carried by a majority vote 3-2; Mullin- Y, Broomell-N, Moore-Y, Dunn-N, Hodge-Y.

A copy of the Cecil County Local Impact Grant Multi-Year Plan (2011-2014) is attached and incorporated into these minutes.

- COMPREHENSIVE REZONING; RESOLUTION OF ZONING CHANGE REQUEST #05-51,ZONING MAPS, ZONING ORDINANCE, SUBDIVISION REGULATIONS-

Eric Sennstrom, Director of Planning and Zoning presented the Comprehensive Rezoning; Resolution of Zoning Change Request #05-51, Zoning Maps, Zoning Ordinance, Subdivision Regulations for the Boards consideration.

- REZONING REQUEST #05-51; TAX MAP 35, PARCEL 122, APPLICANT YORK BUILDING-

Commissioner Broomell made a motion to designate tax map 35, parcel 122 to NAR, seconded by Commissioner Dunn.

- COMMISSIONER COMMENTS-

Discussion ensued regarding rezoning request #05-51.

Motion was carried by a majority vote 3-2; Mullin-Y, Broomell-Y, Moore-N, Dunn-Y, Hodge-N.

- ARTICLE 4; PART 6, SECTION 135-MOTOR VEHICLE FILLING STATION-

Director Sennstrom presented for the Boards consideration language to be kept in the zoning ordinance, Article 4; Part 6, Section 135; Motor Vehicle Filling Stations. Language would state filling stations would only be permitted if all adjoining properties adjacent to the filling stations are on public water.

Commissioner Broomell made a motion to approve, seconded by Commissioner Moore and carried by a majority vote 4-1; Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-N.

- REZONING REQUEST; APPLICANT: FORD HALL, TAX MAP 67, PARCEL 56, CURRENT ZONING VR (VILLAGE RESIDENTIAL) REQUESTED ZONING MB (MARITIME BUSINESS)-

Commissioner Hodge made a motion to approve the rezoning request of Ford hall, seconded by Commissioner Moore.

- COMMISSIONER COMMENTS-

Commissioner Discussion ensued regarding Ford Hall rezoning request.

Motion to approve was carried by a majority vote 4-1; Mullin-Y, Broomell-N, Moore-Y, Dunn-Y, Hodge-Y.

- REZONING REQUEST; APPLICANT: TONY NONN, TAX MAP 14, PARCEL 47 & 107 AND TAXP MAP 29, PARCEL 600, CURRENT ZONING LDR (LOW DENSITY RESIDENTIAL) REQUESTED REZONING ST (SUBURBAN TRANSITION)

Commissioner Hodge made a motion to approve rezoning request of Tony Nonn, seconded by Commissioner Moore.

- COMMISSIONER COMMENTS-

Discussion ensued regarding Tony Noon rezoning request.

Motion was defeated by 3-2 vote; Mullin-N, Broomell-N, Moore-Y, Dunn-N, Hodge-Y.

- ADOPTION OF ZONING ORDINANCE WITH EFFECTIVE DATE OF MAY 1, 2011 –

Commissioner Hodge made a motion to approve Zoning Ordinance, seconded by Commissioner Broomell and unanimously carried to approve. A copy of this ordinance is attached and copied into these minutes.

- ADOPTION OF SUBDIVISION REGULATIONS WITH EFFECTIVE DATE OF MAY 1, 2011-

Commissioner Hodge made a motion to approve the subdivision regulations, seconded by Commissioner Moore and unanimously carried to approve. A Copy the subdivision regulations is attached and copied into these minutes.

- ADOPTION OF THE ZONING MAPS WITH EFFECTIVE DATE OF MAY 1, 2011-

Commissioner Broomell made a motion to approve zoning maps, seconded by Commissioner Dunn.

- COMMISSIONER COMMENTS-

Discussion ensued regarding the adoption of the zoning maps.

Motion to approve zoning maps was carried by a majority vote 3-2; Mullin-Y, Broomell-Y, Moore-N, Dunn-Y, Hodge-N.

- DEPARTMENT OF PUBLIC WORKS-

W. Scott Flanigan, Director of Department of Public Works presented the following items to the Board.

- ORDINANCE 2011-06; ADDITION TO THE CECIL COUNTY CODE CHAPTER 253; ILLICIT DISCHARGE & CONNECTION TO STORM DRAINIAGE SYSTEMS-

Commissioner Moore made a motion to approve ordinance 2011-06, seconded by Commissioner Hodge and unanimously carried to approve. A Copy of this ordinance is attached and incorporated into these minutes.

- RESOLUTION; ESTABLISHING SPEED LIMIT RESTRICTION AT THE CECIL COUNTY CENTRAL LANDFILL-

Commissioner Moore made a motion to approve resolution, seconded by Commissioner Hodge and unanimously carried to approve. A Copy of this Resolution is attached and incorporated into these minutes.

- RESOLUTION; TRUCK RESTRICTIONS ON STEVENSON ROAD, NORTH EAST, MD-

Commissioner Hodge made a motion to approve the resolution, seconded by Commissioner Dunn and unanimously carried to approve. A copy of this resolution is copied and incorporated into these minutes.

- BID AWARD NO. 11-26-53019; CENTRAL LANDFILL-SAND FILTER CONSTRUCTION-

Commissioner Hodge made a motion to approve Bid Award No. 11-26-53019 to Barksdale Nursery Inc., in the amount of \$84,997, seconded by Commissioner Dunn.

- COMMISSIONER COMMENTS-

Discussion ensued regarding Bid Award # 11-26-53019.

Motion was unanimously carried to approve.

- BID AWARD NO. 11-36; 670G MOTOR GRADER-

Commissioner Moore made a motion to approve Bid Award 11-36 to Jessco Inc., in the amount of \$163,210, seconded by Commissioner Dunn.

- COMMISSIONER COMMENTS-

Discussion ensued regarding the Bid Award 11-36.

Motion to approve was carried by a majority vote 4-1; Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-N.

- BID AWARD NO. 11-37; HYDRAULIC EXCAVATOR-

Upon the recommendation of Director Flanigan Commissioner Moore motion to reject and cancel Bid No. 11-37, seconded by Commissioner Hodge and unanimously carried to approve.

- BID AWARD NO. 10-35-52012; REPLACEMENT OF BRIDGE NO. CE0011 CALVERT ROAD BRIDGE OVER NORTH EAST CREEK-

Commissioner Hodge made a motion to approve Bid Award No. 10-35-52012 to Eastern Highway Specialist in the amount of \$661,364.10, seconded by Commissioner Broomell and unanimously carried to approve.

- BID AWARD-

- BID AWARD NO. 11-39; BOTTLED WATER-

Alfred C. Wein, Jr., County Administrator presented Bid Award No. 11-39; Bottled Water for the Board's consideration.

Upon the recommendation of staff Commissioner Mullin made a motion to approve Bid Award # 11-39 to DS Waters of America Inc., seconded by Commissioner Moore for purposes of discussion.

- COMMISSIONER COMMENTS-

Discussion ensued reading Bid Award # 11-39; Bottled Water.

Motion to approve was carried by a majority vote 4-1; Mullin-Y, Broomell-Y, Moore-N, Dunn-Y Hodge-Y.

- BID AWARD NO. 11-35; TRASH REMOVAL-

Alfred C. Wein, Jr., County Administrator presented Bid Award No. 11-35; Trash Removal for the Board's consideration.

Upon the recommendation of staff Commissioner Moore mad a motion to approve Bid Award 11-35; to Waste Management of Delaware, seconded by Commissioner Dunn and unanimously carried to approve.

- BUDGET AMENDMENTS NO 92-104

Budget Amendments No. 95 and 99 were not presented at this meeting. Budget Amendments 95 and 99 will be presented at the May 3, 2011 Commissioner Meeting for the Board's consideration.

Alfred C. Wein, Jr., County Administrator, presented budget amendments 92-104 for the Board's consideration.

Motion to approve Budget Amendment was made by Commissioner Moore, seconded by Commissioner Dunn and carried to approve. A copy of the budget amendments are attached and incorporated into these minutes.

The next regular meeting of the Board of County Commissioners will be on May 5, 2011 at 7:00 p.m., at the Cecil County Administration Building, 200 Chesapeake Blvd, Suite 1009, Elkton, MD.

Approved:

James T. Mullin, President

Attest:

Alfred C. Wein, Jr.