

**MINUTES OF THE BOARD OF
COUNTY COMMISSIONERS MEETING
July 17, 2012**

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
Tari Moore, Commissioner
Michael W. Dunn, Commissioner
Robert J. Hodge, Commissioner**

constituting a full Board.

The meeting of the Board of County Commissioners for Cecil County, July 17, 2012 was called to order by Commissioner Mullin at 2:02 p.m. and opened with the Pledge of Allegiance.

APPROVAL OF MINUTES –

The following minutes were presented for the Board's consideration:

- **June 19, 2012 Commissioner Meeting Minutes**

On motion made by Commissioner Dunn, seconded by Commissioner Moore, the Board moved to approve the minutes as presented. Motion carried unanimously.

INFORMATIONAL ITEMS –

2011 Cecil County MRA Recycling Awards

Recycling Coordinator Tanya Adams presented the 2011 Cecil County MRA Recycling Awards.

Treasurer's Report

Treasurer Bill Feehely presented the Treasurer's Report as of June 30, 2012.

On motion made by Vice President Broomell, seconded by Commissioner Dunn, the Board moved to approve the Treasurer's Report as presented. Motion carried unanimously.

The Treasurer's Report has been incorporated as an addendum to the meeting minutes.

Health Report

Health Officer Stephanie Garrity presented the following Health Report:

- **Agenda for Cecil County Community Health Advisory Committee;**
- **Cost increase for Death Certificates after July 1, 2012; and**
- **Update on Union Hospital partnership regarding Community Health Care Clinic.**

The Board discussed the success of the Community Health Care Clinic.

COMMISSIONER COMMENTS—

Commissioner Moore commented on the meeting with Verizon, and her visit to MicroPore.

Vice President Broomell welcomed everyone to the meeting and commented on Ordinance 2011-02 Chapter 209 Dogs and Other Animals.

Commissioner Hodge welcomed everyone to the meeting.

Commissioner Dunn welcomed everyone to the meeting.

President Mullin welcomed everyone to the meeting.

INTRODUCTION—

Director Scott Flanigan introduced the following items:

- **Easement Agreement between Craft Haven Marina Campgrounds, Inc., and the Board of County Commissioners for a permanent utility easement;**
- **Option Contract between the Board of County Commissioners and Harold E. Barker, 403 Dr. Jack Road, Port Deposit for the conveyance of property for the replacement of Waibel Road Bridge over Nesbitt Run;**
- **Option Contract between the Board of County Commissioners and SRP Group, LLC, North East Road, Map 25, parcel 728, Lot 6, for the conveyance of property for the replacement of Baron Road Bridge;**
- **Permanent Utility Easement between C&S Property LLC and the Board of County Commissioners for the maintenance of sanitary sewer lines;**
- **Two (2) Permanent Utility Easements between Peninsula Industrial Park, Inc., and the Board of County Commissioners for the maintenance of sanitary sewer lines; and**
- **Permanent Utility Easement between the Town of North East and the Board of County Commissioners for the maintenance of sanitary sewer lines.**

The introductory items listed above will be presented for the Boards consideration at the August 21, 2012 Commissioners Meeting.

PUBLIC HEARING—

Director Sennstrom introduced the proposed amendments to the Code of Cecil County:

- **Ordinance 2012-04: Chapter A282 Transfer of Development Rights, Article XI, Part V, §246of the Cecil County Zoning Ordinance;**
- **Ordinance 2012-05: Amendment to the Cecil County Zoning Ordinance, Article II, Part I, §12, Article XI, Part V, §246.8.b (2); and**
- **Ordinance 2012-06, Amendment to the Cecil County Master Water & Sewer Plan.**

Director Sennstrom advised the Board that the Planning Commission reviewed and recommended approval of the three Ordinances.

George Kaplan, Colora; commented that he was in support of Ordinance 2012-04; however, he expressed several concerns regarding this Ordinance.

Gaylord Moody, Chesapeake City; commented on his concerns regarding Ordinance 2012-04.

Harlan C. Williams, Elkton; requested that the Commissioners extend the deadline to consider these Ordinances.

Al Reasin, Conowingo; commented on his support of Ordinance 2012-06 and suggested that the Commissioners consider this Ordinance as an emergency.

On a motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to declare Ordinance 2012-06 an emergency to be considered at this meeting. Motion carried unanimously.

On a motion made by Commissioner Hodge, seconded by Commissioner Moore, the Board moved to approve Ordinance 2012-06. Motion carried unanimously.

Ordinance 2012-04 Chapter A282 Transfer of Development Rights and Ordinance 2012-05 Amendment to the Cecil County Zoning Ordinance will be scheduled for consideration by the Board at the August 21, 2012 Commissioner Meeting.

PUBLIC COMMENT—

Jackie Gregory, Elkton; commented on the land preservation of the McCoy Farm and SMART Growth.

Mark Wayman, Elkton; commented that he is opposed to the Town of Elkton Annexation proposal.

William Seiss, Elkton; commented on notification to the public and that he is opposed to the Town of Elkton Annexation proposal.

Al Reasin, Conowingo; commented on the Ethics Code.

ACTION ITEMS—

Appointments

Administrator Wein presented the following appointments for the Board's consideration:

Board of License Commissioners—Liquor License

- **John Eller-New Appointment-for a three year term to expire on July 17, 2015**

On motion made by Commissioner Dunn, seconded by Vice President Broomell, the Board moved to appoint John Eller to the Board of License Commissioners—Liquor License.

Vote: Mullin-Y, Broomell-Y, Moore-N, Dunn-Y, Hodge-N. Motion carried 3 in favor and 2 in opposition to approve this appointment.

Commissioner Hodge stated for the record that he voted in opposition due to a potential conflict of interest.

Ethics Commission

- **Robert Boonstoppel-New Appointment-for a four year term to expire on July 17, 2016**
- **Michael Dixon-New Appointment-for a four year term to expire on July 17, 2016**

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to appoint Robert Boonstoppel and Michael Dixon to the Ethics Commission.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Abstained. Motion carried 4 in favor and 1 abstention to approve these appointments.

Agricultural Land Preservation Advisory Board

- **Shelly Hastings-New Appointment-for a five year term to expire on July 17, 2017**

On motion made by Commissioner Moore, seconded by Vice President Broomell, the Board moved to appoint Shelly Hastings to the Agricultural Land Preservation Advisory Board.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Economic Development Commission

- **Bernard D. DeMarinis-New Appointment-for a three year term to expire on July 17, 2015**
- **Doris Mason-New Appointment-for a three year term to expire on July 17, 2015**
- **JoAnn Dawson-New Appointment- for a three year term to expire on July 17, 2015**
- **Grove Miller-Reappointment-for a three year term to expire on July 17, 2015**
- **Paula Gilley- Reappointment-for a three year term to expire on July 17, 2015**
- **Michael Ratchford- Reappointment-for a three year term to expire on July 17, 2015**
- **Harlan Graef- Reappointment-for a three year term to expire on July 17, 2015**
- **Laura Mayse- Reappointment-for a three year term to expire on July 17, 2015**

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to appoint Bernard D. DeMarinis, Doris Mason, and JoAnn Dawson, and to reappoint Grove Miller, Paula Gilley, Michael Ratchford, Harlan Graef, and Laura Mayse to the Economic Development Commission.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Commission on Aging

- **Lee O'Brien- New Appointment-for a three year term to expire on July 17, 2015**

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to appoint Lee O'Brien to the Commission on Aging.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Local Management Board

- **Darrell Hamilton- Reappointment-for a one year term to expire on July 17, 2013**
- **Howard Isenber- Reappointment-for a one year term to expire on July 17, 2013**
- **Betty Johnson- Reappointment-for a one year term to expire on July 17, 2013**
- **Kenneth Lewis- Reappointment-for a one year term to expire on July 17, 2013**
- **Richard Bayer- Reappointment-for a one year term to expire on July 17, 2013**
- **Stephen Pannill- Reappointment-for a one year term to expire on July 17, 2013**

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to reappoint Darrell Hamilton, Howard Isenber, Betty Johnson, Kenneth Lewis, Richard Bayer, and Stephen Pannill to the Local Management Board.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Board of Appeals

- **David Willis- Reappointment-for a three year term to expire on July 17, 2015**
- **James Eder- New Appointment- for a three year term to expire on July 17, 2015**

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to reappoint David Willis, and appoint James Eder to the Board of Appeals.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Historic District Commission

- **Stephanie Ricketts- New Appointment- for a three year term to expire on July 17, 2015**

On motion made by Vice President Broomell, seconded by Commissioner Hodge, the Board moved to appoint Stephanie Ricketts to the Historic District Commission.

Vote: Mullin-Y, Broomell-Y, Moore-Y, Dunn-Y, Hodge-Y. Motion carried unanimously.

Decision: Ordinance 2011-02, Repeal and Reenactment of Chapter 209- Dogs and Other Animals

Administrator Wein presented Ordinance 2011-02 and reviewed the revisions made to the Ordinance. He advised the Board that the effective date is October 1, 2012.

On a motion made by Commission Dunn, seconded by Commission Broomell, the Board moved to approve Ordinance 2011-02, Repeal and Reenactment of Chapter 209- Dogs and Other Animals.

Vote: Mullin-Y, Broomell-Y, Moore-N, Dunn-Y, Hodge-N. Motion carried 3 in favor and 2 in opposition to approve Ordinance 2011-02.

Members of the Board provided their comments relative to their support or opposition to Ordinance 2011-02.

Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP, Consent to Zoning Change

Director Eric Sennstrom presented the Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP, Consent to Zoning Change.

Attorney Norman Wilson advised the Board that Attorney Jason Allison would be taking his place as Legal Counsel to the Board on this matter.

President Mullin stated for the record that the Board met with the Town of Elkton, and he read a letter submitted by Attorney Dwight Thomey.

Members of the Board discussed the following:

- **Scope of work and plans moving forward;**
- **Issues/concerns with train underpass on Muddy Lane;**
- **Town of Elkton assuming responsibility for Muddy Lane and future infrastructures;**
- **Public notice of the proposed annexation;**
- **Anticipated timeline for development; and**
- **Potential traffic circle at Muddy Lane and Old Baltimore Pike.**

On motion made by Vice President Broomell, the Board moved to oppose the Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP, Consent to Zoning Change. Motion died due to lack of a second.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the Town of Elkton Annexation Proposal for Tenby Ridge Joint Venture, LP, Consent to Zoning Change.

Vote: Mullin-Y, Broomell-N, Moore-Y, Dunn-Y, Hodge-Y. Motion carried 4 in favor and 1 in opposition to approve Town of Elkton Annexation, Consent to Zoning Change.

Memorandum of Understanding for Maryland Broadband Cooperative

Administrator Wein presented MOU for Maryland Broadband Cooperative.

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the MOU for Maryland Broadband Cooperative. Motion carried unanimously.

Memorandum of Agreement for the Provision of Water & Wastewater Services by the Town of Chesapeake City to the Cecil County Board of Education for the Bohemia Manor School Complex

Administrator Wein presented the MOA for the Provision of Water & Wastewater Services by the Town of Chesapeake City to the Cecil County Board of Education for the Bohemia Manor School Complex.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the MOA for the Provision of Water & Wastewater Services by the Town of Chesapeake City to the Cecil County Board of Education for the Bohemia Manor School Complex. Motion carried unanimously.

Ordinance 2012-03, Amend Certain Sections of Chapter 200 Building Construction

Administrator Wein presented the Ordinance 2012-03, Amend Certain Sections of Chapter 200 Building Construction. He advised the Board that the effective date is September 1, 2012.

On motion made by Commissioner Dunn, seconded by Commissioner Hodge, the Board moved to approve Ordinance 2012-03. Motion carried unanimously.

License Agreement between the Maryland Transportation Authority and the Cecil County Department of Public Works—SCADA Antenna

Director Flanigan presented the License Agreement between the Maryland Transportation Authority and the Cecil County Department of Public Works—SCADA Antenna.

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to approve the License Agreement between the Maryland Transportation Authority and the Cecil County Department of Public Works—SCADA Antenna. Motion carried unanimously.

Option Contract between James E. & Mary E. Craft and the Cecil County Board of County Commissioners—Waibel Road Bridge Replacement

Director Flanigan presented the Option Contract between James E. & Mary E. Craft and the Cecil County Board of County Commissioners—Waibel Road Bridge Replacement.

On motion made by Vice President Broomell, seconded by Commissioner Dunn, the Board moved to approve Option Contract between James E. & Mary E. Craft and the Cecil County Board of County Commissioners—Waibel Road Bridge Replacement. Motion carried unanimously.

Permanent Utility Easement Agreement between the Board of County Commissioners and Artesian Water Maryland, Inc.—Chestnut Hill Road

Director Flanigan presented the Permanent Utility Easement Agreement between the Board of County Commissioners and Artesian Water Maryland, Inc.—Chestnut Hill Road.

On motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve the Permanent Utility Easement Agreement between the Board of County Commissioners and Artesian Water Maryland, Inc.—Chestnut Hill Road. Motion carried unanimously.

BUDGET ADMENDMENTS—

Budget Manager Craig Whiteford presented budget amendments 1-4 for the Board's consideration.

On a motion made by Commissioner Moore, seconded by Commissioner Hodge, the Board moved to approve budget amendments 1-4 as presented. Motion carried unanimously.

Budget Amendments 1-4 have been included with these minutes.

ADJOURNMENT

On motion made by Commissioner Moore, seconded by Commissioner Dunn, the Board moved to adjourn the meeting. Motion carried unanimously.

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