

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2016-11
June 7, 2016

The County Council of Cecil County met in legislative session at the County Administration Building, 200 Chesapeake Blvd., Elk Room, Elkton, MD. The following members of the Council were present:

Robert Hodge, Council President
Dr. Alan McCarthy, Vice President
Joyce Bowsbey, Council Member
Dan Schneckenburger, Council Member
George Patchell, Council Member

NOTE: Audio recording of this meeting is available on the County website www.ccgov.org.

CALL TO ORDER

The meeting of the County Council of Cecil County of June 7, 2016 was called to order by President Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

MOMENT OF SILENCE

Council President Hodge led the Council in a moment of silence.

APPROVAL OF AGENDA

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the legislative agenda of June 7, 2016. Motion carried unanimously.

PRESENTATION OF PROCLAMATION

The Council presented a proclamation in recognition to the Bobots, including Sean Roelofs, Chris Bainbridge, Nathan Daciuk and Katie Koerner, who won the world championship at the 2016 International FIRST Tech Challenge. The Bobots demonstrated their robot for the Council Members and audience.

PUBLIC HEARING

Rezoning Application:

Council Manager Massey stated for the record:
File No. 2016-04; Applicant: TES Red Toad Solar; Location: Theodore Road, Port Deposit, MD 21904;
Election District 5; Tax Map: 24; Parcel: 266; Request: To rezone 7.47 acres from Rural Residential (RR) to Northern Agricultural Residential (NAR).

Notice of the public hearing was published on May 25, 2016 and June 1, 2016.

Witnesses presenting testimony were sworn in by Council Manager Massey.

Dwight Thomey, representing the applicant, presented the request for rezoning, based on a mistake in the Comprehensive Rezoning. He introduced Steve Dietz, an employee of TES Red Toad Solar, as a witness. Mr. Thomey also provided Exhibit A, a parcel map for Council Members to review.

Eric Sennstrom, Director of Planning and Zoning, stated that the Planning Commission recommended approval because of a mistake in the 2011 Comprehensive Rezoning.

Stephen O'Connor, Zoning Administrator, presented the staff report of findings of facts, which recommended disapproval based on failure to demonstrate mistake in the 2011 Comprehensive Rezoning.

Council questions and comments ensued.

Council President Hodge opened the public hearing for public comments. Virginia Lee, Port Deposit, testified in opposition to the rezoning request. Linda Plott, Port Deposit, testified in favor of the rezoning request.

Mr. Thomey provided closing remarks.

Council President Hodge concluded the public hearing and announced that the rezoning case may be considered at the next legislative session on June 21, 2016.

Council Manager Massey stated for the record:

Bill No. 2016-10 Supplemental Appropriation - Board of Education Capital Budget - BTOP and E-rate
A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016, to amend and increase the revenue and expenditure authority within the Board of Education Capital Projects fund by \$13,752 to record the total cost for the FY2016 phase of the Broadband Technology Opportunities Program (BTOP) project, and to recognize the Federal Communications Commissions' E-Rate program that will provide \$398,433 towards (BTOP) project costs. The savings gained by federal reimbursement of County bonds funds will allow the transfer of bonds funds from the BTOP project to complete the Perryville High School Cooling Tower (\$150,000), install a new water line at Cecil Manor Elementary (\$175,000) and start work on replacing an interior water line at Bohemia Manor High School (\$59,681).

The Bill was introduced on May 3, 2016, advertised on May 25, 2016 and June 1, 2016, and scheduled for public hearing on June 7, 2016.

Al Wein, Director of Administration, provided comments on the legislation.

There were no Council questions or comments.

Council President Hodge opened the public hearing for public comment. There were no public comments.

Council President Hodge concluded the public hearing on Bill No. 2016-10 and announced that final consideration of this Bill will be held on June 21, 2016

Council Manager Massey stated for the record:

Resolution No. 18-2016 Approval - Critical Area Growth Allocation - Town of Chesapeake City

A Resolution to approve the Growth Allocation request of the Town of Chesapeake City by re-designating three (3) acres of land, located off Boatyard Road in Chesapeake City, from Resource Conservation Area (RCA) to Intensely Developed Area (IDA) in order to allow the development of a new wastewater treatment facility.

The Resolution was introduced on May 3, 2016, advertised on May 25, 2016 and June 1, 2016, and scheduled for public hearing on June 7, 2016.

Eric Sennstrom, Director of Planning and Zoning, provided introductory comments and stated that Planning and Zoning staff and Planning Commission recommended approval of this project. He introduced Brian Morgan from KCI Technologies who provided additional information for the proposed wastewater treatment facility.

Council questions and comments ensued.

Council President Hodge opened the public hearing for public comment. There were no public comments.

Council President Hodge concluded the public hearing on Resolution No. 18-2016 and announced that final consideration of this Bill will be held on June 21, 2016

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the legislative session minutes of May 17, 2016 as presented. Motion was unanimously approved.

PUBLIC COMMENTS

Amanda Butler, Elkton, President of the Friends of the Cecil County Public Library, commented in support of funding the North East Library Branch.

Douglas Hill, Elkton, commented in support of funding the North East Library.

Jackie Gregory, Elkton, commented on reducing funding for the North East Library.

PRESIDENT AND COUNCIL COMMENTS

Councilman Patchell and Vice President McCarthy had no comments.

Councilman Schneckenburger attended the Army Alliance dinner and stated that Aberdeen Proving Ground, Perry Point and Bainbridge will all be one hundred years old next year.

Councilwoman Bowsbey thanked the County department heads and staff for their time and effort in making their budget presentations.

Council President Hodge stated that it was his personal view that the North East Library should be built, but should be value engineered to ensure the building's efficiencies. He stated that the Council will be having further discussion with library officials regarding this project. He also announced that Red Toad Road was to be closed at the intersection of Route 40 between June 13 and June 27.

SPECIAL PRESENTATION

Kennard Wiggins, Chair of the Compensation Review Commission, made a presentation to the Council regarding the Commission's recommendations for the County Executive, County Council, and Sheriff. He summarized the Commission's process in collecting and analyzing data regarding compensation and benefits for these position.

Chairman Wiggins reviewed the Commission's recommendations to the Council. The Commission recommends to raise the County Executive's salary by \$2,000 and provide health benefits and retirement, based on the same employee contributory plans. The Commission recommends to raise Council Members' compensation by \$2,000 and allow participation in the State retirement system, based on the same employee contributory plan. The Commission does not recommend offering health benefits for Council Members. For the Council President, the Commission recommends a differential of \$5,000. The Commission also recommends a text change in the Council Policies and Procedures that clarifies the current travel reimbursement policy. The Commission makes no recommendations for changes in the salary or allowances for the Cecil County Sheriff. Council comments and questions ensued.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2016-13 Agricultural Preservation District - Steven and Lindsay Haines

A Bill to approve the petition of Steven and Lindsay Haines for property located at 838 Nesbitt Road, Colora, MD 21917, (Tax Map 9, Grid 24, Parcel 131) requesting the establishment of an agricultural preservation district.

Introduced and order posted on June 7, 2016. The public hearing for Bill No. 2016-13 will be advertised and scheduled on the Council legislation session of July 5, 2016. Tentative consideration of this Bill is scheduled on July 19, 2016.

Steve O'Connor, Zoning Administrator, provided introductory comments. He also stated that the Planning Commission approved of this application. Council questions and comments ensued.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 24-2016 Amendment - Personnel Policies and Procedures

A Resolution to amend certain sections of the Cecil County Personnel Policies and Procedures, Section HR-003A Pay Structure(s); Section HR-003B Changes in Position.

Al Wein, Director of Administration, provided introductory remarks.

There were no Council comments or questions.

Introduced, read first time, order posted on June 7, 2016. The public hearing for Resolution No. 24-2016 will be advertised and scheduled on the Council legislative session of July 5, 2016.

Council Manager Massey stated for the record:

Resolution No. 25-2016 Appointment—Board of License Commissioners - Timothy Snelling

A Resolution to confirm the reappointment by the County Executive of Timothy Snelling to the Cecil County Board of License Commissioners, term to expire in June 21, 2019.

There were no Council comments or questions.

Introduced, read first time, order posted on June 7, 2016 and tentatively scheduled for consideration on June 21, 2016.

Council Manager Massey stated for the record:

Resolution No. 26-2016 Garrett Island - Letter of Support

A Resolution to support the transfer of Garrett Island from the U.S. Fish and Wildlife Service to the National Parks Service as a component of the Captain John Smith Chesapeake National Historic Trail for the purpose of ensuring public access to this island and advancing regional economic development through partnership and heritage tourism.

Councilman Patchell, Resolution sponsor, provided introductory remarks. Council comments and questions ensued.

Introduced, read first time, order posted on June 7, 2016 and tentatively scheduled for consideration on June 21, 2016.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 21-2016 Appointment - Historic District Commission - Heidi Coleman

A Resolution to confirm the appointment of Heidi Coleman made by the County Executive to the Historic District Commission, term to expire in March 1, 2019.

The Resolution was introduced and posted on May 17, 2016 and tentatively scheduled for consideration on June 7, 2016. There were Council comments or questions.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 21-2016.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was approved unanimously.

Council Manager Massey stated for the record:

Resolution No. 22-2016 Appointments—Cecil County Mental Health Core Service Agency Advisory Board

A Resolution to confirm the reappointment by the County Executive of Jean-Marie Donahoo, Cameron England, Sean Cannon and Randy Bradford and to confirm the appointment of Dr. Rich Bayer, Frederick Martin and Placida Braswell to the Cecil County Mental Health Core Service Agency Advisory Board for three (3) year terms to expire June 7, 2019.

The Resolution was introduced and posted on May 17, 2016 and tentatively scheduled for consideration on June 7, 2016.

There were no Council comments or questions.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 22-2016.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was unanimously approved.

Council Manager Massey stated for the record:

Resolution No. 23-2016 Appointment—Building Board of Appeals

A Resolution to confirm the reappointment of Theresa Jackson and the appointment of David Strauss, Christopher Pearce, Douglas Day and Leroy Scott III by the County Executive to the Cecil County Building Board of Appeals in graduated term lengths of one to five years.

The Resolution was introduced and posted on May 17, 2016 and tentatively scheduled for consideration on June 7, 2016.

There were no Council comments or questions.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 23-2016.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - Y. The motion was unanimously approved.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2016-06 Lease Purchase Agreement - Vehicle and Equipment Financing

A Bill authorizing and empowering Cecil County, Maryland to enter into a lease purchase agreement or similar arrangement in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000) for the purpose of financing the acquisition of certain necessary and essential vehicles and equipment for use in the County's governmental programs; providing that the obligations of the County under the agreement shall not be a general obligation of the County, shall not constitute a pledge of the full faith

and credit or the taxing power of the County and shall not constitute a debt of the County within the meaning of any statutory or constitutional provision, but shall be subject to appropriation in each and every fiscal year during the term of the agreement; empowering the County Executive to execute and deliver an executive order prior to the execution and delivery of the agreement in order to award the agreement to the successful bidder and to fix, prescribe and determine the details of such financing; and relating generally to such financing.

The Bill was introduced on April 5, 2016 and public hearing held on May 26, 2016.

There were no Council questions or comments.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2016-06.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2016-07 Fees- Transfer of Interest in Land

A Bill to reinstate a fee for recording no-consideration transfers of an interest in land with the Clerk of Court for Cecil County.

The Bill was introduced on April 5, 2016 and public hearing held on May 26, 2016.

Al Wein, Director of Administration, provided final comments. Council questions and comments ensued.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2016-07.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2016-08 Disposal Fees - Central Landfill

A Bill to establish fees and rates for the Cecil County Solid Waste Management System (Central Landfill), on and after the effective date of this bill.

The Bill was introduced on April 5, 2016 and public hearing held on May 26, 2016.

Al Wein, Director of Administration, provided final comments. Council questions and comments ensued.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2016-08.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2016-05 Capital Improvement Program FY2017-2021

A Bill to approve the Capital Improvement Program for Cecil County for Fiscal Years 2017 through 2021.

The Bill was introduced on April 5, 2016 and public hearing held on May 26, 2016.

Vice President McCarthy introduced Amendment No. 1 to Bill No. 2016-05

**AMENDMENT NO. 1
TO BILL NO. 2016-05**

Public Works - Waste Water -Upgrade NERAWWTP

To reduce the proposed allocation of the DPW - Waste Water - Upgrade NERAWWTP capital budget project # 55051, for the replacement of the control house, from \$2,000,000 in FY 2017 to \$1,700,000, in FY 2017, a reduction of \$300,000.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 1 to Bill No. 2016-05.

Roll Call Vote: McCarthy - Y, Bowsbey - N, Schneckenburger - Y, Patchell - N, and Hodge - N. The motion failed by a vote of 2 to 3. Councilwoman Bowsbey, Councilman Patchell and President Hodge were opposed.

President Hodge introduced Amendment No. 2 to Bill No. 2016-05.

**AMENDMENT NO. 2
TO BILL NO. 2016-05**

Public Works - Waste Water -Upgrade NERAWWTP

To eliminate the proposed allocation of the DPW - Waste Water - Upgrade NERAWWTP capital budget project # 55051, for the replacement of the control house, from \$2,000,000 in FY 2017 to \$0, in FY 2017, a reduction of \$2,000,000.

On motion made by President Hodge, seconded by Councilman Patchell, the Council moved to approve Amendment No. 2 to Bill No. 2016-05.

Roll Call Vote: McCarthy - N, Bowsbey - Y, Schneckenburger - N, Patchell - Y, and Hodge - Y. The motion was carried by a vote of 3 to 2. Vice President McCarthy and Councilman Schneckenburger were opposed.

President Hodge on behalf of Council Members introduced Amendment No. 3 to Bill No. 2016-05.

AMENDMENT NO. 3
TO BILL NO. 2016-05

Facilities management - Health Department Parking Lot & Curbing

To eliminate the proposed allocation of the Health Department Parking Lot and Curbing capital budget program of \$375,000 in FY 2017, which reduces the FY 2017 request from \$0.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 3 to Bill No. 2016-05.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

Councilwoman Bowsbey and Councilman Schneckenburger introduced Amendment No. 4 to Bill No. 2016-05.

AMENDMENT NO. 4
TO BILL NO. 2016-05

Parks and Recreation - Calvert Regional Park - Development

To reduce the proposed allocation of the Calvert Regional Park - Development capital budget project from \$1,826,000 in FY 2017 to \$913,000, and insert a total allocation of \$913,000 in FY 2018 budget, which reduces the FY 2017 allocation for this project from \$1,826,000 to \$913,000.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 4 to Bill No. 2016-05.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

President Hodge on behalf of Council Members introduced Amendment No. 5 to Bill No. 2016-05.

AMENDMENT NO. 5
TO BILL NO. 2016-05

Wastewater - Holloway Beach Sewer

To reduce the proposed allocation of the Holloway Beach Sewer capital budget project from \$2,900,000 in FY 2017 to \$0, and insert a total allocation of \$2,900,000 in FY 2018 budget, which reduces the FY 2017 allocation for this project from \$2,900,000 to \$0.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 5 to Bill No. 2016-05.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2016-05 as amended.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

Council Manager Massey stated for the record:

Bill No. 2016-04 Annual Budget and Appropriation Ordinance - FY 2017

A Bill to adopt the County Budget including the Current Expense Budget, Capital Budget, Special Purpose Budgets and Grants Budget for the fiscal year ending June 30, 2017, and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2016.

The Bill was introduced on April 5, 2016 and public hearing held on May 26, 2016.

Council President Hodge asked Council Members if they wish to consider Amendment Nos. 1-6 separately or as a group. By consensus, Council Members agreed to consider Amendment Nos. 1-6 as a group.

Councilwoman Bowsbey, Councilman Schneckenburger and Councilman Patchell introduced Amendment No. 1 to Bill No. 2016-04.

AMENDMENT NO. 1
TO BILL NO. 2016-04

Public Works - Roads - Signs - Sign Materials

To reduce the proposed amount for Supplies in Public Works - Roads - Signs, Department 415, in the General Fund 001, from \$68,000 to \$43,000, a reduction of \$25,000.

Councilman Schneckenburger introduced Amendment No. 2 to Bill No. 2016-04

AMENDMENT NO. 2
TO BILL NO. 2016-04

Building Maintenance - Administration 200 Chesapeake Blvd. - Overall budget

To reduce the proposed amount for the overall budget of Building Maintenance - Administration 200 Chesapeake Blvd, Department 246, in the General Fund 001, from \$840,884 to \$800,884, a reduction of \$40,000.

Councilwoman Bowsbey, Councilman Schneckenburger and President Hodge introduced Amendment No. 3 to Bill No. 2016-04

AMENDMENT NO. 3
TO BILL NO. 2016-04

Public Works - Development Services - Professional Services

To reduce the proposed amount for Professional Services budget of Public Works Division of Development Services, Department 402, in the General Fund 001, from \$306,000 to \$291,000, a reduction of \$15,000.

Vice President McCarthy and Councilman Schneckenburger introduced Amendment No. 4 to Bill No. 2016-04.

**AMENDMENT NO. 4
TO BILL NO. 2016-04**

Council Office - Legal Services

To reduce the proposed amount for Legal Services budget of the Council Office, Department 111, in the General Fund 001, from \$30,000 to \$20,000, a reduction of \$10,000.

Councilwoman Bowsbey, Councilman Schneckenburger and Councilman Patchell introduced Amendment No. 5 to Bill No. 2016-04.

**AMENDMENT NO. 05
TO BILL NO. 2016-04**

Public Works - Roads-Administration - Trash Removal/Recycling

To reduce the proposed amount for trash removal/recycling at the Central Landfill in the Roads-Administration, Department 412, in the General Fund 001, from \$250,000 to \$227,000, the FY 2016 funding level, a reduction of \$23,000.

Councilman Schneckenburger introduced Amendment No. 6 to Bill No. 2016-04.

**AMENDMENT NO. 06
TO BILL NO. 2016-04**

Central Landfill - Professional Services

To reduce the proposed amount for professional services in Central Landfill, Department 421, in the Landfill Services Fund 602, from \$250,000 to \$232,000, the FY 2016 funding level, a reduction of \$18,000.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment Nos. 1-6 to Bill No. 2016-04.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2016-04 As Amended.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

ADOPTION OF THE TAX RATE

Resolution No 15-2016 Adoption of Property Tax Rate - FY 2017

A Resolution to levy and impose a property tax for the fiscal year beginning July 1, 2016 and ending June 30, 2017; setting the tax rates for property and providing for the collection of property tax.

The Resolution was introduced on April 5, 2016 and public hearing held on May 26, 2016.

President Hodge on behalf of the County Executive introduced Amendment No. 1 to Resolution No. 15-2016.

AMENDMENT NO. 1
TO Resolution No. 15-2016

On page 2, line 18, delete "2.4785" and insert "2.5"

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Resolution No. 15-2016.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 15-2016 as amended.

Roll Call Vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, and Hodge - Y. The motion was unanimously approved.

ADJOURNMENT

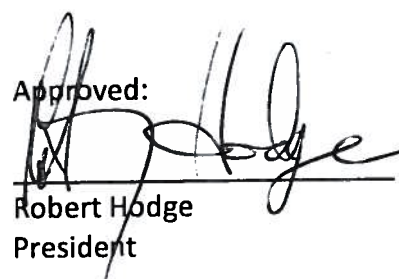
President Hodge adjourned the meeting at 9:30 p.m.

The next Council Legislative Session is scheduled for Tuesday, June 21, 2016 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:


James Massey
Council Manager

Approved:


Robert Hodge
President