

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2016-17
September 6, 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 September 6, 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 September 6, 2016. Motion carried unanimously.

PRESENTATION OF PROCLAMATIONS

The Council presented Certificates of Achievement to the winners of the Cecil County Public Library's Start-up Cecil Awards. Citations were presented to Joseph Grapes, Caroline Little and Brandon Goldberg. Each winner described their business project to the Council.

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Bill No. 2016-14 Approval - Maryland Agricultural Land Preservation Foundation - Eugene Mackie et al
A Bill to approve the application of G. Eugene Mackie, Lynn H. Widener, Ann M. Widener, Elaine Mackie Bowman, & Frances L Mackie for the property of 3300 Telegraph Road (Tax Map 12, Grid 12, Parcels 34) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 5, 2016 and had been scheduled for public hearing on August 2, 2016. Due to the omission of legal notice, the Bill was rescheduled for public hearing on September 6, 2016 and advertised on August 24, 2016 and August 31, 2016.

Steve O'Connor, Zoning Administrator, provided a summary of the Bill. There were no Council questions or comments.

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

Council President Hodge concluded the public hearing on Bill No. 2016-14 and announced that final consideration of this Bill will be held at tonight's session.

Council Manager Massey stated for the record:

Bill No. 2016-15 Approval - Maryland Agricultural Land Preservation Foundation - Losten's Dairy

A Bill to approve the application of Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine Herman Highway, & 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313, 406, 460, & 483) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 5, 2016 and had been scheduled for public hearing on August 2, 2016. Due to the omission of legal notice, the Bill was rescheduled for public hearing on September 6, 2016 and advertised on August 24, 2016 and August 31, 2016.

Steve O'Connor, Zoning Administrator, provided a summary of the Bill. There were no Council questions or comments.

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

Council President Hodge concluded the public hearing on Bill No. 2016-15 and announced that final consideration of this Bill will be held at tonight's session.

Council Manager Massey stated for the record:

Bill No. 2016-18 Amendment - Zoning Ordinance – Theater - Drive-in

An Act to amend the Cecil County Zoning Ordinance, Article V, Part V, Section 96 Theater - Drive-in.

The Bill was introduced on August 2, 2016, and advertised on August 24, 2016 and August 31, 2016, and scheduled for public hearing on September 6, 2016.

Eric Sennstrom, Director of Planning and Zoning, provided a summary of the Bill. Council questions ensued.

Council President Hodge opened the public hearing for public comments.

James Baker, Elkton, commented in opposition to the Bill in regards to allowing drive-in theaters in NAR SAR zoning.

Council President Hodge concluded the public hearing on Bill No. 2016-18 and announced that final consideration of this Bill will be held on September 20, 2016.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the minutes of the legislative session of August 16, 2016 as presented. Motion was unanimously approved.

PUBLIC COMMENTS

Carl Schaumann, Warwick, commented on the effects of a cannabis growing facility near his property. Clark Dutterer, North East, commented in opposition to the proposed chicken house operations. Linda Crothers, Rising Sun, commented in support of family farms and the Right to Farm. Nancy Kilby, Colora, commented in support of the chicken farming industry. Attichous Purnell, Conowingo, commented in support of Perdue and chicken farming. John Kilby, Colora, commented in support of the Horst chicken house operation.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger thanked the audience for attending. Councilwoman Bowlsbey, Councilman Patchell and Vice President McCarthy had no comments. Council President Hodge thanked the audience for attending and expressing their opinions on legislation.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2016-20 Amendment – Zoning Ordinance – Initiation of Amendments

An Act to amend the Cecil County Zoning Ordinance, Article XVII, Part IV, Section 323.3-Initiation of Amendments, to allow the County Council to initiate amendments to the Zoning Ordinance.

Council President Hodge provided a summary of the Bill. Council questions and comments ensued.

After discussion, the Council agreed to amend the Bill to require the Council's proposed zoning regulation changes to be submitted to the Office of Planning and Zoning and Planning Commission as are the proposed changes submitted by the administration. An amendment will be drafted for Council review.

Introduced, read first time, and order posted on September 6, 2016. The public hearing for Bill No. 2016-20 will be advertised and scheduled at the Council legislative session of October 4, 2016.

Council Manager Massey stated for the record:

Bill No. 2016-21 Budget Amendment and Budget Transfer - Wastewater Capital Improvement Program - Port Deposit

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2017, to modify the scope of the Inflow & Infiltration – Port Deposit project (55061) and modify the name and scope of the Repair Port Deposit WWTP project (55069) within the

Wastewater Capital Improvement Program. The Bill will also move \$1,120,000 in bond expenditure authority from the Inflow & Infiltration project to the Replace Port Deposit WWTP project.

Scott Flanigan, Director of Public Works, provided an explanation and summary of this Bill. Additional comments were made by Eric Sennstrom, Director of Planning and Zoning, and Winston Robinson, Director of Finance.

At Council President Hodge's request, Mr. Flanigan provided an explanation of why the County was proposing another change in the handling of Port Deposit sewage.

Council questions and comments ensued. Council President Hodge requested a fiscal analysis of how the project will be financed by the users. Mr. Flanigan described a public-private partnership with Stewart Properties with their pumping station.

Introduced, read first time, and order posted on September 6, 2016. The public hearing for Bill No. 2016-20 will be advertised and scheduled at the Council legislative session of October 4, 2016.

Council Manager Massey stated for the record:

Bill No. 2016-22 Pawnbrokers, Dealers and Secondhand Dealers - Licensing and Regulation

A Bill to amend Part II of the Code of Cecil County by adding a new Chapter 262 (Pawnbrokers, Dealers and Secondhand Dealers), Sections 262-1 through 262-10, of the Cecil County Code, providing for licensure, regulation, and imposition of penalty upon violation of Chapter 262.

Jason Allison, County Attorney, provided a summary of the Bill. Council questions and comments ensued.

Introduced, read first time, and order posted on September 6, 2016. The public hearing for Bill No. 2016-22 will be advertised and scheduled at the Council legislative session of October 4, 2016.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 48-2016 Appointment - Special Legal Services - Victor R. Jackson LLC

A Resolution to appoint the office of Victor R. Jackson, LLC, for special counsel for rezoning hearings and other legal services.

Council President Hodge provided introductory comments about this legislation. Council questions and comments ensued.

Introduced, read first time, and order posted on September 6, 2016 and scheduled for consideration on September 20, 2016

Council Manager Massey stated for the record:

Resolution No. 49-2016 Amendment – Master Water and Sewer Plan - Port Deposit Water System

A Resolution to amend the Cecil County Master Water and Sewer Plan, Chapter 3, §3.2.10.2 Port Deposit Water System, to expand the water system to the Bainbridge area in a three phase project, and associated tables 6,14, 15, and 17, and associated maps.

Eric Sennstrom, Director of Planning and Zoning, provided introductory comments about this legislation. There were no Council questions or comments.

Introduced, read first time, and order posted on September 6, 2016. the public hearing for Resolution No. 49-2016 will be advertised and scheduled on the Council legislative agenda of October 4, 2016.

Council Manager Massey stated for the record:

Resolution No. 50-2016 Amendment – Master Water and Sewer Plan - Port Deposit Wastewater Treatment Plant

A Resolution to amend the Cecil County Master Water and Sewer Plan, Chapter 4, §4.1.7 Port Deposit, to add text that proposes to replace the existing Port Deposit Wastewater Treatment Plant, construct an Enhanced Nutrient Removal Wastewater Treatment Plant at Bainbridge, and construct sewer pumping station and force main to convey sewage from Port Deposit to Bainbridge; and associates Tables 13 and 7.

Eric Sennstrom, Director of Planning and Zoning, provided introductory comments about this legislation. There were no Council questions or comments.

Introduced, read first time, and order posted on September 6, 2016. The public hearing for Resolution No. 50-2016 will be advertised and scheduled on the Council legislative agenda of October 4, 2016.

Council Manager Massey stated for the record:

Resolution No. 51-2016 Appointments—Commission on Aging

A Resolution to confirm the reappointment by the County Executive of Cindy Brown, Julie Graham, and Carol King, and the appointment of Aaron Royston, Mark Hill, and Ann Breen to the Cecil County Commission on Aging, to two year terms, which will expire on June 30, 2018.

There were no introductory comments or Council questions or comments.

Introduced, read first time, and order posted on September 6, 2016 and scheduled for consideration on September 20, 2016

Council Manager Massey stated for the record:

Resolution No. 52-2016 Appointment – Electrical Examiners Board - Joshua Huegel

A Resolution to confirm the reappointment by the County Executive of Joshua Huegel to the Electrical Examiners Board for a three year term to expire on September 20, 2019.

There were no introductory comments or Council questions or comments.

Introduced, read first time, and order posted on September 6, 2016 and scheduled for consideration on September 20, 2016

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 44-2016 Termination - Agricultural Land Preservation District - Estate of Douglas B. McGlothlin Sr.

A Resolution to release and terminate the Agricultural Land Preservation District established under the provisions of COMAR 15.15.01.04 on February 14, 2007 for a 94 acre property owned by Douglas B. McGlothlin and McGlothlin Family Investment Partnership, LP at 325 McCauley Road (Tax Map 16, Grid 3 Parcel 6 and 196), which is recorded among the Land Records of Cecil County in liber 2295, folio 385

The Resolution was introduced and posted on August 16, 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 44-2016.

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

Council Manager Massey stated for the record:

Resolution No. 45-2016 Termination - Agricultural Land Preservation District - John Trimble Milburn Jr.

A Resolution to release and terminate the Agricultural Land Preservation District established under the provisions of COMAR 15.15.01.04 on February 14, 2007 for an 80.114 acre property owned by John Trimble Milburn Jr. on the west side of Little Elk Creek Road (Tax Map 6, Grid 19 Parcel 68), which is recorded among the Land Records of Cecil County in Liber 2295, folio 372.

The Resolution was introduced and posted on August 16, 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 45-2016.

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

Council Manager Massey stated for the record:

Resolution No. 46-2016 Appointment—Local Development Council - April Sumpter

A Resolution to confirm the appointment by the County Executive of April Sumpter to the Cecil County Local Development Council for the video lottery for a four (4) year term, to expire on September 6, 2020.

The Resolution was introduced and posted on August 16, 2016.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 46-2016.

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

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2016-14 Approval - Maryland Agricultural Land Preservation Foundation - Eugene Mackie et al
A Bill to approve the application of G. Eugene Mackie, Lynn H. Widener, Ann M. Widener, Elaine Mackie Bowman, & Frances L Mackie for the property of 3300 Telegraph Road (Tax Map 12, Grid 12, Parcels 34) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 5, 2016 and public hearing held and concluded on September 6, 2016.

There were no Council comments or questions.

On motion made by Council Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2016-14.

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

Council Manager Massey stated for the record:

Bill No. 2016-15 Approval - Maryland Agricultural Land Preservation Foundation - Losten's Dairy
A Bill to approve the application of Losten's Dairy for the properties of 1059 Biddle Street, 1195 Augustine Herman Highway, & 3777 Augustine Herman Highway, (Tax Map 38, 39, 44 & 48, Parcels 2, 5, 6, 266, 313, 406, 460, & 483) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation

The Bill was introduced on July 5, 2016 and public hearing held and concluded on September 6, 2016.

There were no Council comments or questions.

On motion made by Council Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2016-15.

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

Council Manager Massey stated for the record:

Bill No. 2016-16 Compensation for County Council Members

An Act to enact a new Section of Chapter 21 County Council, to be titled Section 21-3 Compensation of Council Members, of the Code of Cecil County, as amended; to set the compensation for County Council Members to \$27,000 as of December 3, 2018.

The Bill was introduced on July 19, 2016 and public hearing held and concluded on August 16, 2016.

Council comments ensued.

On motion made by Council Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to disapprove Bill No. 2016-16.

Roll call vote: McCarthy - Y, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - N. The motion was carried by a vote of 4 to 1. Council President Hodge was opposed.

Council Manager Massey stated for the record:

Bill No. 2016-17 Compensation and Allowances for County Executive

An Act to enact a new Section of the Code of Cecil County to be titled Chapter 22, County Executive, and new section, 22-1 Compensation of County Executive, in order to set the compensation and allowances for County Executive to \$100,000 and eligibility for employee group insurance coverage, as of December 3, 2016.

The Bill was introduced on July 19, 2016 and public hearing held and concluded on August 16, 2016.

Council comments ensued. The Council requested an opinion from Jason Allison, County Attorney, concerning whether the County Executive position is required to have health insurance by the Affordable Care Act. Mr. Allison stated that medical benefit is required by federal law and does not need to be approved by Council. Federal laws supersede local law.

On motion made by Councilwoman Bowsbey, seconded by Councilman Schneckenburger, the Council moved to disapprove Bill No. 2016-17.

Roll call vote: McCarthy - abstain, Bowsbey - Y, Schneckenburger - Y, Patchell - Y, Hodge - N. The motion was carried by a vote of 4 to 0. Council Vice President McCarthy abstained.

NEW BUSINESS

Cecil County Public Schools - Budget Amendment #32

Councilwoman Bowsbey made a motion, seconded by Councilman Schneckenburger, to approve Budget Amendment #32.

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

ADJOURNMENT

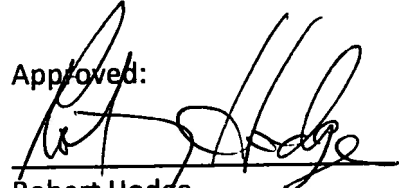
President Hodge adjourned the meeting at 9:24 p.m.

The next Council Legislative Session is scheduled for Tuesday, September 20, 2016 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:


James Massey
Council Manager

Approved:


Robert Hodge
President

