

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2016-20
October 18, 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 October 18, 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 October 18, 2016. Motion carried unanimously.

PRESENTATION OF PROCLAMATION

The Council presented a proclamation to Ralph Young in recognition of his nomination to the Maryland Senior Center Hall of Fame.

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 October 4, 2016 as presented. Motion was unanimously approved.

PUBLIC COMMENTS

Harold McCanick, Elk Neck, commented on the surplus school property legislation, the Local Business Initiative Committee, and the legislation regarding pawnbrokers, dealers and secondhand dealers.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger attended the grand opening of the Cecil County Animals Services facility. He also attended the Elk Creek Preservation Society Apple Butter Festival, the Farm Museum Apple Butter

Festival, the Fair Hill International and Fireman's Association meeting. He also stated that he will be attending the reception for the County Executive and Council President and the Cecil County Chamber of Commerce Business Hall of Fame Gala.

Councilwoman Bowsbey thanked Council President Hodge for his leadership on the Council and his dedication to county government. She stated that the Council will be losing his knowledge and history of the county and will be greatly missed.

Councilman Patchell attended the Parks and Recreation Board meeting and commented on a large girls' soccer tournament to be held on November 5 at Calvert Regional Park. He also recognized Council President Hodge for his ability to run the meetings, his research and familiarity with each agenda item, and his leadership.

Vice President McCarthy thanked Council President Hodge for his leadership, his forthrightness, and honesty.

Council President Hodge attended the Fair Hill International and commented that this year's event was the biggest and most successful. He commented that he was pleased to serve Cecil County and hoped that he made a difference. He stated that he would be available to offer his opinions or serve as a resource.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 55-2016 Expedited Legislation - Acceptance - School Surplus Properties

An Emergency Resolution to accept a transfer of surplus properties at 201 and 203 Booth Street from the Cecil County Board of Education, which can be used for economic development purposes and will significantly benefit the County.

Introduced, read first time and order posted on October 18, 2016 and scheduled for consideration on October 18, 2016 as expedited legislation.

Al Wein, Director of Administration, provided an introduction of the Resolution. Council questions and comments ensued.

The Council discussed treating this Resolution as expedited legislation because time limiting, it is straight forward and without controversy. The Council agreed by consensus to consider this Resolution as expedited legislation.

Vice President McCarthy made a motion to approve Resolution No. 55-2016, which was seconded by Councilwoman Bowsbey.

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

The administration stated that they would bring this issue back to the Council after negotiations were made with the Town of Elkton regarding the conveyance of this property for a youth recreation center.

CONSIDERATION OF RESOLUTIONS

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.

The Resolution was introduced and posted on September 6, 2016. The public hearing was held and concluded on October 4, 2016.

Al Wein, Director of Administration, summarized the Resolution and asked that Amendment No. 1 be approved to correct the map of the.

President Hodge on behalf of the Department of Planning and Zoning introduced Amendment No. 1 to Resolution No. 49-2016

Amendment No. 1 to Resolution No. 49-2016

To revise the water service area maps to show that only the Bainbridge parcel is to be in W-2 and excluding the parcels that are in the corporate boundaries of the Town of Perryville and the parcels within the Perryville Growth Area.

Delete Appendix E, Map: Proposed Master Water Sewer Plan 2014 and insert Appendix E revised, Map: Proposed Master Water Sewer Plan 2014.

Delete Appendix F, Map: Master Water and Sewer Plan - Water Service Districts, Artesian (Port Deposit) and insert Appendix F revised, Map: Master Water and Sewer Plan - Water Service Districts, Artesian (Port Deposit).

There were no Council questions or comments.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 1 to Resolution No. 49-2016.

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

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 49-2016 as amended.

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. 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.

The Resolution was introduced and posted on September 6, 2016. The public hearing held and concluded on October 4, 2016.

Al Wein, Director of Administration, summarized the Resolution.

There were no Council questions or comments.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 50-2016.

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. 53-2016 Creation and appointment - Local Business Initiative Committee

A Resolution to establish the Local Business Initiative Committee to investigate possible policies and procedures to encourage the hiring of local businesses and employees for County projects; and make a recommendation to the County Council by June 1, 2017.

The Resolution was introduced and posted on October 4, 2016

Council President Hodge summarized this Resolution.

Councilman Schneckenburger requested that a representative from the Economic Development Commission should be added to the committee's membership.

The Council agreed by consensus to amend Amendment No. 1 so that Councilman Schneckenburger's request could be included.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO RESOLUTION NO. 53-2016**

To add several members to the committee, including Mark Clark, John Cochran, and David Strouss

On page 3, line 27, insert the following: "Mark Clark and John Cochran".

On page 3, line 30, insert "David Strouss, and a representative from the Cecil County Economic Development Commission."

Council questions and comments ensued.

On motion made by Councilwoman Bowsbey, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 1.

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

On motion made by Councilman Schneckenburger, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 53-2016 as amended.

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

Council Manager Massey stated for the record:

Resolution No. 54-2016 Approval - RASTRAC Vehicle Tracking Service - Multiple Year Contract

A Resolution to approve a service agreement with RASTRAC Vehicle Tracking Service for sixty months beginning November 1, 2016 and ending September 30, 2021.

The Resolution was introduced and posted on October 4, 2016.

Al Wein, Director of Administration, summarized the Resolution.

There were no Council questions or comments.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 54-2016.

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. 2016-20 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.

The Bill was introduced on September 6, 2016 and public hearing held and concluded on October 4, 2016.

Council President Hodge summarized the Bill and Amendment No. 1. Council questions and comments ensued.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2016-20**

To allow Council to initiate zoning ordinance changes but require the Council's proposed changes to be submitted to Planning and Zoning Office and Planning Commission as all other changes are done.

On page 3, line 29, insert "the County Council"

Proposed amendments may be originated by the Office of Planning and Zoning, the Planning Commission, THE COUNTY COUNCIL, or the owner(s) of the property(s) for which a zoning change is sought.

On Page 3, lines 34-35, delete in its entirety.

Council questions and comments ensued.

On motion made by Councilwoman Bowsbey, seconded by Councilman Schneckenburger, the Council moved to approve Amendment No. 1 to Bill No. 2016-20.

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

On motion made by Councilwoman Bowsbey, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 2016-20 as amended.

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. 2016-21 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.

The Bill was introduced and posted on September 6, 2016. The public hearing was held and concluded on October 4, 2016.

Al Wein, Director of Administration, and Scott Flanigan, Director of Public Works, summarized the Bill and proposed amendments.

Council President Hodge on behalf of the County Executive introduced Amendment Nos. 1 and 2 to Bill No 2016-21.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2016-21**

To reduce the amount of funds being transferred from Inflow and Infiltration Project to the Replace Port Deposit Wastewater Treatment Plant from \$1,120,000 to \$500,000, a reduction of \$620,000.

On page 1, Synopsis, delete \$1,120,000 and insert "\$500,000".

On page 2, line 25, delete "\$1,120,000" and insert "\$500,000".

On page 2, line 30, delete "\$1,120,000" and insert "\$500,000".

**AMENDMENT NO. 2
TO BILL NO. 2016-21**

To reduce the amount of funds being transferred from Inflow and Infiltration Project to the Replace Port Deposit Wastewater Treatment Plant from \$1,120,000 to \$500,000, a reduction of \$620,000.

To replace Appendix 1, Proposed Replace Port Deposit WWTP. in the entirety with Appendix 1 Proposed Replace Port Deposit WWTP As Amended.

To replace Appendix 3, Proposed Inflow & Infiltration - Port Deposit, in the entirety with Appendix 3 Proposed Inflow & Infiltration - Port Deposit As Amended.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Amendment Nos. 1 and 2 to Bill No. 2016-21.

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

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

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. 2016-22 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.

The Bill was introduced and posted on September 6, 2016. The public hearing was held and concluded on October 4, 2016.

Al Wein, Director of Administration, summarized the Bill and offered five amendments from the administration.

Council President Hodge on behalf of the County Executive introduced Amendment Nos. 1 to 5 to Bill No. 2016-22.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2016-22**

To change the effective date to purchase a license to after the Bill becomes effective, to require a license for each location, to change the licensing issuing agency to the Department of Permits and Inspections, to specify the fee to be set in FY 2017 at \$250, and to specify that administrative/reporting fees are nonrefundable.

On page 4, lines 72-77, delete in its entirety and insert the following:

"(A) Every pawnbroker, dealer, or secondhand dealer doing business in the county on or after the effective date of this Bill shall be required to purchase a license for each location at which the pawnbroker, dealer or secondhand dealer conducts business in this county. Each license issued by the County shall be valid for the term of one (1) year, beginning on July 1 and expiring on June 30 of the following year. The license shall be issued by the Department of Permits and Inspections. The price of the license shall be set annually by the County Council and listed on a fee schedule maintained by the Department of Finance. The fee for Fiscal Year 2017 shall be \$250. Pawnbrokers, dealers, and secondhand dealers will also be required to pay for any administrative/reporting fees that may be required. License, administrative and/or reporting fees are non-refundable."

**AMENDMENT NO. 2
TO BILL NO. 2016-22**

To specify that the criminal history check will be performed for each application and renewal, to specify that the Cecil County Sheriff's Office will conduct the criminal history check, to include license holder may not have been convicted of specified crimes, and to specify that applicants, license holders, and employees cannot have been convicted of pawnbroker or secondhand dealer law.

On page 4, lines 78-80, delete in its entirety and insert the following:

"(B) Upon each license application or renewal, all license holders, applicants and employees shall submit to a National and State criminal history check performed by the Cecil County Sheriff's Office, and no applicant license holder up for renewal, or employee of such applicant or license holder, shall have been convicted of felonies, crimes of theft, fraud, precious metal, pawnbroker or secondhand dealer law."

**AMENDMENT NO. 3
TO BILL NO. 2016-22**

To specify that licenses are not required when preempted by State or federal law.

On page 4, after line 83, insert the following:

"(E) Licenses are not required for businesses or employees where regulation of such businesses or their employees is preempted by State of Maryland or federal law, as for example and not by way of limitation, motor vehicle sales, sale of used equipment by a licensed auctioneer or auction house, and the like."

**AMENDMENT NO. 4
TO BILL NO. 2016-22**

To specify that the Sheriff's Office or Department of Permits and Licensing may inspect the licensee's premises and records without advanced notice.

On page 8, after line 194, insert the following:

"In order to assure compliance with the provisions set forth herein, the Cecil County Sheriff's Office and/or the Cecil County Department of Permits and Inspections shall have the right, during normal business hours, to inspect the licensee's premises and records without advance notice to the licensee."

**AMENDMENT NO. 5
TO BILL NO. 2016-22**

To clarify that the licensing fee is in dollars and to specify that the fee will be prorated in FY 2017 to \$125.

On page 9, line 208, insert "dollars".

On page 9, line 209, insert the following:

",provided, however, that such fee is prorated and shall be in the amount of One Hundred Twenty-Five Dollars (\$125.00) for all businesses obtaining licensure in Fiscal Year 2017."

Council questions and comments ensued. The Council agreed by consensus to consider Amendment Nos. 1 to 5 together.

Vice President McCarthy proposed to reduce the license fee from \$250 to \$25 and have the applicant pay for the cost of the criminal history check.

Vice President made a motion to reduce the license fee from \$250 to \$25 and have the applicant pay for their cost of the criminal history check. Councilman Patchell seconded the motion.

Council President Hodge called for a voice vote, which determined that the motion was carried by a unanimously.

The revised Amendment No. 1 to Bill No. 2016-22 is changed as follows:

On page 4, lines 72-77, delete in its entirety and insert the following:

"(A) Every pawnbroker, dealer, or secondhand dealer doing business in the county on or after the effective date of this Bill shall be required to purchase a license for each location at which the pawnbroker, dealer or

secondhand dealer conducts business in this county. Each license issued by the County shall be valid for the term of one (1) year, beginning on July 1 and expiring on June 30 of the following year. The license shall be issued by the Department of Permits and Inspections. The price of the license shall be set annually by the County Council and listed on a fee schedule maintained by the Department of Finance. The fee for Fiscal Year 2017 shall be \$25 plus the cost of the National and State criminal history check performed by the Cecil County Sheriff's Office ~~\$250~~. Pawnbrokers, dealers, and secondhand dealers will also be required to pay for any administrative/reporting fees that may be required. License, administrative and reporting fees are non-refundable."

The revised Amendment No. 5 to Bill No. 2016-22 is changed as follows:

On page 9, line 208, insert "dollars".

On page 9, line 209, insert the following:

", provided, however, that such fee is prorated and shall be in the amount of \$25 plus the cost of the National and State criminal history check performed by the Cecil County Sheriff's Office ~~One Hundred Twenty-Five Dollars (\$125.00) for all businesses obtaining licensure in Fiscal Year 2017.~~"

Council questions and comments ensued.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Amendment Nos. 1-5 as amended to Bill No. 2016-22.

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.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Bill No. 2016-22 as amended.

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.

OLD BUSINESS

Rezoning Case

File 2016-05 Applicant: Carolyn Diane Merriman. Request: To rezone 47+/- acres from Low Density Residential, (LDR) to Northern Agricultural Residential, (NAR). Property Location: 159 Waibel Road, Port Deposit, MD 21904, Election District: 7, Tax Map: 23, Parcel: 26. Property Owner: Carolyn Diane Merriman and Ellen Coulson Johnson. Presently Zoned: Low Density Residential, (LDR).

Vice President McCarthy made a motion to approve the application of Carolyn Diane Merriman to rezone 47+/- acres located at 159 Waibel Road, Port Deposit, Maryland, from Low Density Residential (LDR) to Northern Agricultural Residential (NAR), based upon a mistake in the zoning classification of the property during the last comprehensive rezoning. Councilwoman Bowsbey seconded the motion.

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

NEW BUSINESS

Cecil County Public Schools - Budget Amendment #33

Vice President McCarthy made a motion, seconded by Councilman Schneckenburger, to approve Budget Amendment #33.

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

ADJOURNMENT

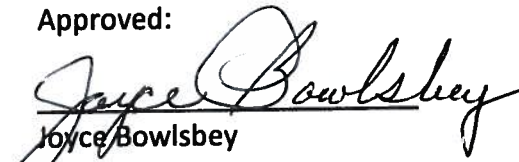
President Hodge adjourned the meeting at 8:25 p.m.

The next Council Legislative Session is scheduled for Tuesday, December 6, 2016 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:


James Massey
Council Manager

Approved:


Joyce Bowsbey
President