

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2015-02
January 20, 2015**

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 January 20, 2015 was called to order by President Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

MOMENT OF SILENCE

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 agenda as presented. Motion carried unanimously.

PUBLIC HEARING

Rezoning Application

Council Manager Massey stated for the record:

File 2014-03-APPLICANT: MURNOP, Inc., Michael Davitt, Pres; PROPERTY LOCATION: Lot 2, Telegraph Road, East of Appleton, Elkton MD 21921; ELECTION DISTRICT : 4; TAX MAP: 14; PARCEL: 720; PRESENTLY ZONED: LDR: REQUEST: BG: PROPERTY OWNER: Ruth Ann Cullum.

Notice of public hearing published on January 7 and 14, 2015.

Applicant presenting testimony were sworn in by Council Manager Massey.

Jay Emrey, representing MURNOP, Inc, Michael Davitt, Pres., advised the Council that the applicant had amended his application at the Planning Commission from request of BG (business general) to BL (Business local). Mr. Emrey presented the request for rezoning based on a mistake in the Comprehensive Zoning. Mr. Emrey called Michael Davitt, applicant, as a witness who presented Exhibit #1. Cliff Houston, Zoning Administrator, presented the findings of fact and Planning Commission

recommendation of disapproval. Mr. Emory called witnesses Ruth Ann Cullem, Newark, DE, property owner, and Harlan Williams, Elkton, as witnesses in support of application.

Witnesses in opposition to the application included Ed Cairns, 104 Jackson Hall School Road; Sue Fuhrmann, Elkton; Jan Cutler, Telegraph Road; and Ron Hartman, Little Egypt Road.

Mr. Emrey provided closing remarks.

Council President Hodge concluded the public hearing and announced that the rezoning case will be considered at the next legislative session.

Council Manager Massey stated for the record:

Bill No. 2014-33 Budget Amendment - Capital Budget - Grants Funds - Calvert Regional Park

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2015 in order to add \$125,000 in grant funding from the State of Maryland within the Capital Budget for the Calvert Regional Park Development project.

The Resolution was introduced by the Council President on behalf of the County Executive on December 16, 2014, advertised on January 7 and 14, 2015, and scheduled for public hearing on January 20, 2015.

Al Wein, Director of Administration, provided information relevant to the Bill. There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comment.

Joe Carabetta, Perryville, spoke in opposition to Bill.

Al Reasin, Conowingo, spoke in opposition to Bill.

Harold McCannick, Elk Neck, spoke in opposition to Bill.

Council President Hodge concluded the public hearing on Bill No. 2014-33 and announced that final consideration of this Bill will be held on February 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2014-34 Approval - Agricultural Preservation District - Powell Property

A Bill to approve the petition of James and Marilyn Powell for property located at 168 Chandlee Road, Rising Sun, MD 21911 (Tax Map 4, Grid 23, Parcel 65) requesting the establishment of an agricultural preservation district.

The Resolution was introduced by the Council President on behalf of the County Executive on December 16, 2014, advertised on January 7 and 14, 2015, and scheduled for public hearing on January 20, 2015.

Council President Hodge asked for any questions from Council Members on this bill. Councilwoman Bowsbey requested a fiscal note on this Bill.

Council President Hodge opened the public hearing for public comment.

Joe Carabetta, Perryville, spoke in support of Bill.
Diane Carabetta, Perryville, spoke in support of Bill.
Harold McCannick, Elk Neck, spoke in opposition to Bill.

Council President Hodge concluded the public hearing on Bill No. 2014-33 and announced that final consideration of this Bill will be held on February 3, 2015.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the minutes of January 6, 2015. Motion carried unanimously.

PUBLIC COMMENTS

Greg MacDonald, Elkton, commented on restraint on the next budget.
Harold McCannick, Elk Neck, commented on budget restraint.
Al Reasin, Conowingo, commented on the budget.
John Meck, Perryville, commented on support for Water and Sewer Plan.
Ron Lobos, Elkton, commented on economic development and the budget.
Donna Caudill, Elkton, commented on a letter sent to Council regarding budget restraint and school spending.
Diane Carabetta, Perryville, commented on the Water and Sewer Plan.
Joe Carabetta, Perryville, commented on the budget, opposition to the Water and Sewer Plan, support for agricultural land preservation.
Jeanne Minner, Town of Elkton, commented on a letter regarding the Water and Sewer Plan.
Mary Ann Skilling, Town of Perryville, commented on a letter regarding the Water and Sewer Plan.
Melissa MacKenzie, Town of North East, commented on a letter regarding the Water and Sewer Plan.

PRESIDENT AND COUNCIL COMMENTS

Councilman Patchell attended the public library's orientation, Cecil Night in Annapolis and the Parks and Recreation Board meeting.

Vice President McCarthy thanked everyone who attended tonight's session.

Councilman Schneckenburger commented on last week's briefing on the new ODEC Wildcat facility and the proposed North East MARC station.

Councilwoman Bowsbey commented on Cecil Night in Annapolis, the opportunity to meet with President Miller and House Speaker Busch and the hope of cooperation in state government.

President Hodge commented on Cecil Night in Annapolis.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 05-2015 Appointment - Ethics Commission - Nicholas Cusmano

A Resolution to confirm the appointment of Nicholas Cusmano made by the County Executive to the Ethics Commission, term to expire in December 2019

Introduced, read first time and ordered posted on January 20, 2015 and scheduled for consideration on February 3, 2015.

Council Manager Massey stated for the record:

Resolution No. 06-2015 Reappointment - Soil Conservation District - Bruce Yerkes

A Resolution to confirm the reappointment of Bruce Yerkes, made by the County Executive to the Cecil County Soil Conservation Board to a four-year term to expire in February 2019.

Introduced, read first time and order posted on January 20, 2015 and scheduled for consideration on February 3, 2015.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 60-2014 Approval - Designation of Historic District - Cross Keys Tavern

A Resolution to establish and designate the property located at 1221 Calvert Road, Rising Sun, MD, District 9, Tax Map 11, Parcel 396 known as Cross Keys Tavern as a Historic District.

Resolution was introduced on December 2, 2014, and public hearing held on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 60-2014 Approval - Designation of Historic District - Cross Keys Tavern.

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. 61-2014 Approval - Designation of Historic District - Hebron's Gift

A Resolution to establish and designate the property located at 211 Brick Meetinghouse Road, North East, MD, District 9, Tax Map 12, Parcel 3 known as the Hebron's Gift as a Historic District.

Resolution was introduced on December 2, 2014, and public hearing held on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 61-2014 Approval - Designation of Historic District - Hebron's Gift.

Council Manager Massey stated for the record:

Resolution No. 62-2014 Approval - Master Water and Sewer Plan 2014

A Resolution to repeal the Master Water and Sewer Plan 2010 in its entirety and reenact the Master Water and Sewer Plan 2014.

Bill was introduced on December 2, 2014 and public hearing held on January 6, 2015.

Council President Hodge, Vice President McCarthy, Councilwoman Bowlsbey, Councilman Schneckenburger, and Councilman Patchell introduced Amendments 1 to 18.

AMENDMENT NO. 1

Synopsis: To include municipal public utilities that the County will cooperate and coordinate with in order to provide adequate water and wastewater service in Cecil County.

On Page 3, Section 1.1. Objectives, fifth bullet, insert "and public"

Cooperate and coordinate with private AND PUBLIC utilities through the execution of franchise agreements to provide long term water supply and wastewater collection and treatment facilities for the needs of development within the County.

AMENDMENT NO. 2

Synopsis: To add language to specially state that the County Council approves the Master Water and Sewer Plan 2014 on January 20, 2014.

On page 2, line 29-30, delete in entirety and insert the following:

~~NOW, THEREFORE, BE IT ENACTED, by the County Council of Cecil County, Maryland, that the Master Water and Sewer Plan 2014 is hereby adopted.~~

NOW, THEREFORE, BE IT ENACTED, by the County Council of Cecil County, Maryland, approved the Cecil County Master Water and Sewer Plan at their meeting on January 20, 2015, and.

AMENDMENT NO. 3

Synopsis: To change the designation of water and sewer services for the parcels of Stewart properties from I-95 to Route 40 to the designations of S2 and W2.

On the Water Service Area Map, on page 128 (Appendix D), for Map 30, Parcel 3, and parts of the following parcels – Map 24, Parcel 241; Map 29, Parcel 287; Map 30, Parcels 1, 20, 116, 117, and 143, change the designation from W-3 to W-2.

On the Sewer Service Area Map, on page 104 (Appendix C), for Map 30, Parcel 3, and parts of the following parcels – Map 24, Parcel 241; Map 29, Parcel 287; Map 30, Parcels 1, 20, 116, 117, and 143, change the designation from S-3 to S-2.

AMENDMENT NO. 4

Synopsis: To identify the date of the DNR resource management plan.

In Chapter 3, Water Systems, page 23, line 2, insert "in 1986" as follows:

The Maryland Department of Natural Resources, Water Resources Administration completed a resource management plan for northeastern Cecil County IN 1986 that addresses a number of problems being experienced by the Town of Elkton.

AMENDMENT NO. 5

Synopsis: To correct the status of the Holly Hall (Well4) water supply system.

In Appendix B, Page B-3, Table 1, System 0070022, Town of Elkton, Holly Hall Well (4), in columns Avg. Flow (mgd) and Design Capacity (mgd), delete "inactive" and insert "Pending improvements".

AMENDMENT NO. 6

Synopsis: To add three water supply problem areas of Dogwood Road area, Farr Creek and Red Hill Road.

In Appendix B, Page B-11, Table 5 Inventory of Water Supply Problem Areas, add the following rows:

Location: Elkton; (Dogwood Road area); Population 180; Acres; 40; Nature of Problem; failing septic system; Planned Correction & Date: Unknown

Location: Elkton (Farr Creek); Population 65, Acres 60, Nature of Problem: inadequate wells; Planned Correction & Date: Unknown

Location: Elkton (Red Hill Road); Population 70, Acres 140, Nature of Problem: failing septic systems; Planned Correction & Date: Unknown

AMENDMENT NO. 7

Synopsis: To reword description to indicate that well house improvements have been completed to Well 4 (Southside property).

In Appendix B, Page B-13, Table 6 Summary of Planned Water Supply Improvements, row: Elkton, revise the description as follows:

"Well house improvements for Wells 2R, ~~and 5.~~ AND WELL 4 (SOUTHSIDE PROPERTY) ~~Addition of wells on Southside LLC property."~~

AMENDMENT NO. 8

Synopsis: To update the status of the YMCA sewage system status to indicate a forthcoming connection to the Town of Elkton's wastewater system.

In Appendix B, Page B-18 Table 9 Single Lot Sewerage Systems; Sub-heading: Marinas/Sports Facilities; row: YMCA, add comment:

"YMCA will be connected to the Town of Elkton's wastewater treatment plan."

AMENDMENT NO. 9

Synopsis: To indicate that Thompson Estates Elementary School is connected to the Town of Elkton's wastewater treatment plant.

In Appendix B, Page B-19, Table 9 Single Lot Sewerage System, sub-heading; delete "Thompson Estates Elementary School"

AMENDMENT NO. 10

Synopsis: To revise description of the type of treatment used by Elkton's wastewater plan.

In Appendix B, Page B-21, Table 10 Inventory of Existing Select Wastewater Treatment Plants, row: Elkton, revise the type of treatment. Delete "Rotating Bio. Contactor, chem." and insert "Oxidation ditch reactor".

AMENDMENT NO. 11

Synopsis: To clarify the type of NPDES discharge permit for the Triumph Industrial Park wastewater system.

In Appendix B, Page B-24, Table 11 Active or Pending NPDES Discharge Permits, row: Triumph Industrial Park WWTP; revise the Type by deleting "Municipal (Surface)" and inserting Industrial (Surface)."

AMENDMENT NO. 12

Synopsis: To include additional areas of failing septic systems of Farr Creek, Red Hill Road and Dogwood Road.

In Appendix B, Page B-25, Table 12 Inventory of Sewerage Problem Areas, subheading: 1. Regions of Failing Septic Systems: add the following:

"Area: Farr Creek; Extent: 25 homes, 0 businesses; Correction Plan: near public sewer (Elkton);

:Area: Red Hill Road; Extent: 27 homes, 0 businesses; Correction Plan: near public sewer (Elkton);

"Area: Dogwood Road; Extent: 72 homes, 4 businesses; Correction Plan: near public sewer (Elkton);

AMENDMENT NO. 13

Synopsis: To revise the designation of the areas located north of I-95 and included within Artesians' Mountain Hill franchise area, and those areas not previously designated on Carpenters Point within Artesian's franchise area to W-3.

Amend the Water Service Area Map to designate those areas located north of I-95 and included within Artesian's Mountain Hill franchise area and those areas on Carpenters Point also within Artesians' franchise area as W-3.

AMENDMENT NO. 14

Synopsis: To designate Chestnut Point parcel as W-2 service area

Amend the Water Service Area Map to designate Chestnut Point parcel on Carpenters Point as a W-2 services area.

AMENDMENT NO. 15

Synopsis: To revise the designation from W-3 to W-2 of certain areas of Elkton West and Mountain Hill as W-2 service areas.

Amend the Water Service Area Map to designate Elkton West, the area north and west of the Highlands; Elkton West, an area north of Route 7: and Mountain Hill, south of I-95 as W-2 service areas.

AMENDMENT NO. 16

Synopsis: To amend the Water Service Area to designate Bracebridge parcel as W-2 service area.

Amend the Water Service Area Map to designate the Bracebridge property as W-2 service area.

AMENDMENT NO. 17

Synopsis: To add Bracebridge property to the private community sewerage system list.

In Appendix B, Page B-15, Table 8 Private Community Sewerage Systems, add the following to table:

"Location: Bracebridge: RCA; No. served: 200; Treatment: MBR, septic; ADF (MGD): 0.020; Treatment Capacity (MGD): 0.020"

AMENDMENT NO. 18

Synopsis: To add Bracebridge property to the Non-Community Water Supply Systems list.

In Appendix B, Page B-6, Table 3 Non Community Water Supply Systems, add the following to table:

"System ID: XXXX; Name: Bracebridge: RCA; Plant Name: WTP & wells; Ave. flow (mgd): 0.025; Design capacity (mgd); 0.0375"

Council President Hodge introduced Amendment No. 19 and 20 as follows:

Amendment No. 19

Synopsis: To remove the designation of a portion of the Non Exclusive Elkton West Service Area, which is west of the Town of North East, for 90 days in order to allow time to review this designation with the Town of North East. Area bounded by: I-95, Red Toad Road, Razor Strap Road, along Town of North East town boundaries to Barons Road to I-95.

Amend the Water Service Map to remove area west of the Town of North East designated as Non Exclusive Elkton West Service Area until the County can review this plan with the Town of North East officials and determine its designation; final determination to be presented to Council within 90 days of the passage of this Resolution or by April 20, 2015.

Amendment No. 20

Synopsis: To revise description of type of treatment used by Perryville's wastewater plan.

In Appendix B, Page B-21, Table 10 Inventory of Existing Select Wastewater Treatment Plants, row: Perryville, revise the type of treatment. Delete "Rotating Bio. Contactor, Chem." and insert "Sequential Batch Reactor".

On motion made by Council President Hodge, seconded by Vice President McCarthy, the Council moved to approve Amendment No. 19.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger – Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

On motion made by Council President Hodge, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 20.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger – Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

On motion made by Councilman Patchell, seconded by Councilman Schneckenburger, the Council moved to approve Amendments 1-20.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger – Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 62-2014 as amended.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger – Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 02-2015 Appointment - Board of Parks and Recreation - Donald C. Harmer, Jr.

A Resolution to confirm the reappointment by the County Executive of Donald C. Harmer, Jr. to the Board of Parks and Recreation for a three (3) year term to expire January 31, 2018.

The Resolution was introduced, read first time and posted on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 02-2015.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

Councilwoman Bowsbey requested that the Rules be suspended in order for the Council to consider Bill No. 2014-32 Approval - Maryland Agricultural Land Preservation Foundation - Brewer Property before consideration of Resolution No. 03-2015 Maryland Agricultural Land Preservation Foundation - Application Finalists FY 2015. The Council approved the suspension of rules.

After consideration of Bill No. 2014-32, the Council returned to the agenda.

Council Manager Massey stated for the record:

Resolution No. 03-2015 Maryland Agricultural Land Preservation Foundation - Application Finalists - FY 2015

A Resolution to approve the application of Rodney and Rebecca Brewer at 832 Lombard Road in place of the withdrawn application of Douglas McGlothlin at 371 McCauley Road, as a FY 2015 Application Finalist to be submitted to the Maryland Agricultural Land Preservation Foundation.

The Resolution was introduced, read first time and posted on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilman Patchell, the Council moved to approve Resolution No. 03-2015.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 04-2015 Refunding Bonds of 2015

A Resolution to authorize and empower Cecil County, Maryland to borrow, from time to time, not more than Forty One Million Eight Hundred Seventy Five Thousand Dollars (\$41,875,000) and to effect such borrowing by the issuance and sale of its general obligation bonds in one or more series, authorized by Section 19-207 of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume), such bonds to be designated "Cecil County, Maryland Refunding Bonds of 2015," such bonds to be sold and issued for the purpose of refunding certain outstanding general obligation bonds of the County in order to realize savings to the County in the total cost of debt service; to empower the County Executive to execute and deliver one or more executive orders prior to issuing the bonds in order to fix, prescribe and determine certain matters relating to such bonds and the sale thereof, as hereinafter described; to provide for the levy and collection of taxes in rate and amount sufficient, together with funds from other sources, to pay the principal of and interest on such bonds as they mature; and to provide for and determine certain matters in connection with the sale, issuance and delivery of such bonds.

The Resolution was introduced, read first time and posted on January 6, 2015.

Mr. Wein, Director of Administration, provided comments regarding this Resolution.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 04-2015.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2014-31 Approval - Agricultural Preservation District - Dudkewitz Property

A Bill to approve the petition of David and Charlotte Dudkewitz for the property located at 1777 Appleton Road, Elkton, MD 21921 (Tax Map 14, Grid 21, Parcel 26) requesting the establishment of an agricultural preservation district .

The Bill was introduced on December 6, 2014 and public hearing held on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 31-2014.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2014-32 Approval - Maryland Agricultural Land Preservation Foundation - Brewer Property

A Bill to approve the petition of Rodney & Rebecca Brewer for the property of 832 Lombard Rd. Rising Sun, MD 21911 (Tax Map 5, Grid 15, Parcels 7, 83 & 153) 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 December 6, 2014 and public hearing held on January 6, 2015.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Bill No. 32-2014.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

NEW BUSINESS

Cecil County Public Schools – Budget Amendment #15

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Budget Amendment #15 for Cecil County Public Schools.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Schneckenburger - Y, Patchell – Y, Hodge - Y. Motion carried unanimously.

ADJOURNMENT

President Hodge adjourned the meeting at 9:14 p.m. by general consensus.

The next Council Legislative Session is scheduled for Tuesday, February 3, 2015 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Approved:

Robert Hodge
President

Attest:

James Massey
Council Manager