

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2015-07
April 7, 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 April 7, 2015 was called to order by President Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

MOMENT OF SILENCE

The Council observed a moment of silence.

APPROVAL OF AGENDA

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the agenda as presented. Motion carried unanimously.

PUBLIC HEARING

Rezoning Application

Council Manager Massey stated for the record:

File 2015-02; Applicant: Anthony E. and Sharon K. Nonn; Property Location: 2125 Barksdale Road, Elkton MD 21921; Election District : 4; Tax Map: 14 and 21; Parcels: 47, 109 and 600; Presently zoned: Low Density Residential; Request: Suburban Transition; Property owner: Anthony E. and Sharon K. Nonn.

Notice of public hearing published on March 25 and April 1, 2015.

Applicant presenting testimony were sworn in by Council Manager Massey.

Dwight Thomey, Esq., presented the applicant's request for rezoning based on a substantial change in the character of the neighborhood. Mr. Thomas interviewed the applicant, Anthony Nonn.

Cliff Houston, Zoning Administrator, presented the findings of fact and Planning Commission recommendation for approval as supported by a substantial change in the character of the neighborhood.

Mr. Thomey called the following witnesses in support of the application: Carla Eastburn of Elkton, Robert Pearman of Elkton and John Milburn of Elkton.

The following witnesses spoke in opposition to the application: Paul Baumbach, Newark, DE; David Beste representing Urie and Nancy Boulden, Elkton, Ed Cairnes, Elkton, Sue Fuhrmann, Elkton, George Kaplan, Colora, Stephane Walter, Elkton, Ron Hartman, Elkton and Nancy Valentine, North East.

Mr. Houston read a letter from Edwin and Lillian Crispin in opposition to the application.

Mr. Thomey provided closing remarks.

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

Legislation

Council Manager Massey stated for the record:

Bill No. 2015-03 Budget Amendment - Capital Budget - Board of Education

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2015 to transfer existing bond appropriation authority within the Board of Education Capital Projects Budget in the amount of \$193,139.60 from other School Capital Projects to the New School of Technology Renovations Project.

Mr. Wein provided comments on the Bill.

Council President Hodge asked for any questions or comments from Council Members. There were no comments.

Council President Hodge opened the public hearing. Joe Carabetta, Perryville, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-03 and announced that final consideration of this Bill will be held on April 21, 2015.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the minutes as amended of March 17, 2015. Motion carried unanimously.

PUBLIC COMMENTS

Shawn Johnson, Port Deposit, support school budget.

Valerie Dodson, North East, support school budget.

Wyatt Wallace, Elkton, support school budget.

Joe Carabetta, Perryville, commented on county spending, proposed fees and bond funding and the condition of Carpenters Point Road.

Harold McCanick, Elk Neck, commented on paying taxes and government spending.

Ron Lobos, Elkton, commented on government spending.

Tom Wilson, Rising Sun, opposes the tax increase.

Diane Carabetta, Perryville, commented on fiscal notes and in opposition to fee increases.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger commented on the public's viewpoints on the budget. He attended the Rising Sun Town Hall meeting, Boy Scout Troop meeting on citizenship, and the Economic Development Commission. He commented on the potential sale of the Donaldson Brown Center.

Councilwoman Bowsbey, Councilman Patchell and Vice President McCarthy had no comments.

Council President Hodge thanked the audience for attending.

INTRODUCTION OF BILLS

Before introductions of the Bills, Mr. Wein made a special presentation to introduce the proposed Annual Budget and Appropriation Ordinance for Fiscal Year 2016 and companion legislation. He summarized the companion legislation related to the budget proposal. The total budget request of \$184,785,276 is \$6,336,168 more than FY 2015.

Council Manager Massey stated for the record:

Bill No. 2015-05 Discount - Property Tax Payment - July

A Bill amending Section 45-1 of the County Code to eliminate the 2% discount for payment of property taxes in July; and to provide authority for the County Council to establish an annual discount for payment of property tax by resolution.

The public hearing for Bill No. 2015-05 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-06 Transfer of Interest in Land

A Bill to change the fee for the transfer of an interest in land from \$10 to 0.5% of the consideration identified in the deed or other instrument recorded with the Clerk of Court for Cecil County; and providing certain exemptions from the transfer fee.

Mr. Wein provided information on this Bill. Questions and comments ensued.

The public hearing for Bill No. 2015-06 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

BILL No. 2015-07 Disposal Fees - Central Landfill

A Bill to establish fees and rates for the Central Landfill

The public hearing for Bill No. 2015-07 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-08 Rental Tax - Manufactured Home Parks

A Bill to increase the monthly rental tax on mobile homes in manufactured home parks from \$20 to \$22; providing an exemption for certain qualified mobile home owners; and to provide for the County Council to establish the monthly rental tax by resolution on an annual basis.

Mr. Wein provided information on this Bill. Questions and comments ensued.

Council President Hodge stated that he owned two mobile home parks in Cecil County and intends to recuse himself from discussion and voting on this legislation.

The public hearing for Bill No. 2015-08 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-09 Capital Improvement Program FY2016-2020

A Bill to approve the Capital Improvement Program for Cecil County for Fiscal Years 2016 through 2020.

The public hearing for Bill No. 2015-09 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-10 Annual Budget and Appropriation Ordinance - FY 2106

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, 2016, and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2015.

The public hearing for Bill No. 2015-10 will be advertised and scheduled on May 12, 2015.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. Appointment—Local Development Council - Gary Tennis

A Resolution to confirm the appointment by the County Executive of Gary Tennis to the Cecil County Local Development Council to fill the vacancy of George Patchell term, to expire April 21, 2019.

Introduced, read first time and order posted on April 7, 2015 and scheduled for consideration on April 21, 2015.

Council Manager Massey stated for the record:

Resolution No. 20-2015 Emergency Legislation - Enterprise Zone - Port Deposit

An Emergency Resolution to expand the existing Cecil County Enterprise Zone to include the Town of Port Deposit, including Bainbridge and Tome's Marina.

Mr. Wein requested that this Resolution be considered as emergency legislation because of a deadline to submit applications to the State Department of Business and Economic Development. Council President Hodge polled Council Members and determined that there was consensus to accept this Resolution as emergency legislation.

The public hearing and consideration for Resolution No. 20-2015 will be advertised and scheduled on April 21, 2015.

Council Manager Massey stated for the record:

Resolution No. 21-2015 Fees – Inmate Weekend Housing - Work Release - Detention Center

A Resolution to increase the inmate weekend housing fee in the work release program at the Cecil County Detention Center from \$10 to \$20 per inmate per day.

Mr. Wein provided comments on this Resolution. Questions and comments ensured.

The public hearing and consideration for Resolution No. 21-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 22-2015 Fees – Community Service, Cecil County Detention Center

A Resolution to increase the community service fee from \$20 to \$75 per community service inmate at the Cecil County Detention Center.

The public hearing and consideration for Resolution No. 22-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 23-2015 Fees – Inmate Housing - Gainfully Employed - Detention Center

A Resolution to increase the housing fee for regular, gainfully employed inmates at the Cecil County Detention Center by 5% or 25% of the inmates gross hourly wage, whichever is greater.

The public hearing and consideration for Resolution No. 23-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 24-2015 License Fees – Amusement Machines, Jukeboxes, or Mechanical Devices

A resolution to increase the annual license fee for amusement machines, jukeboxes, or mechanical devices from \$75 to \$100 per device.

Mr. Wein provided comments on this Resolution. Questions and comments ensured.

The public hearing and consideration for Resolution No. 24-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 25-2015: Fees – Mosquito Control

A Resolution to increase the fee for mosquito control spraying from \$100 to \$120 per treatment.

Mr. Robinson provided comments on this Resolution. Questions and comments ensued.

The public hearing and consideration for Resolution No. 25-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 26-2015 Permit Fees – Road Utility Permit

A resolution to increase the fee for road utility permits from \$50 to \$100.

Mr. Wein provided comments on this Resolution. Questions and comments ensued.

The public hearing and consideration for Resolution No. 26-2015 will be advertised and scheduled on May 12, 2015.

Council Manager Massey stated for the record:

Resolution No. 27-2015 Adoption of Property Tax Rate

A Resolution to increase the property tax from .9907 to 1.0132 for the fiscal year beginning July 1, 2015 and ending June 30, 2016; and setting the tax rate for personal property and special tax district.

The public hearing and consideration for Resolution No. 26-2015 will be advertised and scheduled on May 12, 2015.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 16-2015 Approval - Annexation - Town of Elkton - Belle Hill Road - Zoning Designation

A Resolution to approve the request from the Town of Elkton that the zoning of the property, located at 142 Belle Hill Road, pertaining to Pivotal Utilities Holdings, Inc., doing business as Elkton Gas, which is being annexed into the Town, be changed from High Density Residential (RM) to the Town's Highway Interchange Commercial (C-3) zone.

On motion made by Vice President McCarthy, seconded by Councilman Schneckeburger, the Council moved to approve Resolution No. 16-2015.

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

Council Manager Massey stated for the record:

Resolution No. 17-2015 Appointment - Board of Library Trustees - Tiffany Lydon

A Resolution to confirm the appointment of Tiffany Lydon to the Cecil County Board of Library Trustees, term to expire on December 30, 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 17-2015.

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

NEW BUSINESS

Cecil County Public Schools - Budget Amendment #17

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve budget amendment #17.

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

ADJOURNMENT

President Hodge adjourned the meeting at 9:34 p.m. by general consensus.

The next Council Legislative Session is scheduled for Tuesday, April 21, 2015 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Approved:

Attest:

Robert Hodge
President

James Massey
Council Manager