

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2015-19
October 6, 2015 As Amended

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 6, 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 revised legislative agenda of October 6, 2015. Motion carried unanimously.

PRESENTATION OF PROCLAMATION

Council Members and County Executive Tari Moore presented a proclamation in recognition of Breast Cancer Awareness Month to Susan DeWitt, MSN, RN, Certified Navigator, Union Hospital, and a group representing breast cancer survivors and their families.

PUBLIC HEARINGS

Rezoning Application:

Council Manager Massey stated for the record:

File 2015-05; Applicant: Henry L. Ray; Property Location: 351 and 353 Mechanics Valley Road, North East; Election District : 5; Tax Map: 25-31; Parcel: 1123 and 470; Request: To re-designate the Light Industrial (M-1) and Suburban Transition (ST) zoning designations to accurately reflect the usage of the property.

Notice of public hearing published on September 16, 2015 and September 23, 2015.

Applicants presenting testimony were sworn in by Council Manager Massey.

Karl Fockler, Esq., representing Henry Ray, presented the applicant's request for rezoning, based on a mistake in the Comprehensive Rezoning. Mr. Fockler introduced Exhibit 1, the parcel plat and Exhibit 2, the 1981 rezoning designation of entire parcel as M-1.

Cliff Houston, Zoning Administrator, presented the findings of fact and Planning Commission recommendation for approval as supported by a mistake in the Comprehensive Rezoning.

There were no witnesses in opposition or support of the application.

Mr. Fockler provided closing remarks.

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

Legislation:

Council Manager Massey stated for the record:

Bill No. 2015-19 Amendment - Parks and Recreation - Park Rules and Regulations

An Act to amend Chapter 261 Parks and Recreation of the Code of Cecil County to provide additional exceptions to the Subsection 261-5(R) Possession of Firearms for persons with permits, licenses and other specified purposes.

Al Wein, Director of Administration, 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 for public comments.
Harold McCanick, Mckinneytown, commented on the Bill.

Council President Hodge concluded the public hearing on Bill No. 2015-19 and announced that final consideration of this Bill will be held on October 20, 2015.

Council Manager Massey stated for the record:

Resolution No. 49-2015 Amendment - Policies and Procedures of the Cecil County Council - Expedited Legislation

A Resolution to amend the Council's Policies and Procedures to provide a procedure so that the County Council can expedite legislation when necessary.

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

Council President Hodge opened the public hearing.
Harold McCanick, Mckinneytown, spoke in opposition to the Bill.

Council President Hodge concluded the public hearing on Resolution No. 49-2015 and announced that final consideration of this Resolution will be held on October 20, 2015.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve the legislative session minutes of September 15, 2015. Motion was carried unanimously.

PUBLIC COMMENTS

Joanne Owens, Charlestown, thanked the Council for supporting the public school budget and commented on the importance of public schools for new home buyers.

Jeremy Weaber, Elkton, thanked the Council for supporting the public school budget.

Harold McCanick, Mckinneytown, commented on the good resurfacing of Route 40, youth in the Experimental Aircraft Association, his opposition to Resolution No. 49-2015, and his regret for the loss of discount on property tax payments.

Tori Pollard, Elkton, presented a petition asking the County to create a no-kill animal shelter and County Department.

Tammy Pollard, Elkton, thanked Council Members who attended the School of Technology's Honor Roll inductees ceremony, commented in support of public schools and support for the petition to create a no-kill animal shelter; and asked about amendments to the Animal Care and Control ordinance.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger attended the Upper Shore Regional Council retreat, a meeting with Bainbridge Development Corporation and Lt. Governor Rutherford, the Hollywood Casino anniversary re-ribbon cutting, the library's National Medal celebration, and School of Technology Honor Roll induction ceremony.

Councilwoman Bowsbey attended the Upper Shore Regional Council Retreat, Hollywood Casino anniversary re-ribbon cutting, the library's National Medal celebration, and School of Technology Honor Roll induction ceremony. She acknowledged Anke Masters' suggestions of changes in the Animal Care and Control ordinance, which she has submitted to the administration for review.

Councilman Patchell commented on meetings with Clyde Van Dyke at the Calvert Regional Park site and with Brian Hollenbaugh of ODEC at the new generation facility.

Vice President McCarthy commented that he attended all the meetings mentioned by Councilman Schneckenburger and Councilwoman Bowsbey. He attended the Recovery Walk and fundraiser at Dexter House. He also stated that the MACo Legislative Committee has adopted four initiatives for the new year, which includes the restoration of highway user funds, strong and smart school construction, drug problems, and police body camera video policies.

Council President Hodge stated that he agreed with Mr. McCanick that the Route 40 resurfacing was well done. He also stated his concern for the capital project budget overruns and suggested that

Council Members may want additional discussion on these projects. He also welcomed and encouraged the audience to participate in Cecil County Government.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2015-20 Approval - Agricultural Preservation District - Quiet Acres Farm

A Bill to approve the petition of Quiet Acres Farm, Inc. and John W. Loller for property located at 1306 Middle Neck Road, Warwick, MD 21912, (Tax Map 53, Grid 24, Parcel 10) requesting the establishment of an agricultural preservation district.

Steve O'Connor, MALPF Administrator, made additional comments about this legislation.

The public hearing for Bill No. 2015-20 will be advertised and scheduled for the Council legislative session on November 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-21 Bond Authorization - Capital Budget - 107 Chesapeake Blvd

A bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 that will increase bond budget authority within the Approved General Fund Capital Improvement Program budget by \$7,300,000 in order to purchase the property known as 107 Chesapeake Boulevard, Elkton, Maryland for the purpose of providing financial savings versus the existing rental arrangement.

Al Wein, Director of Administration, made additional comments about this legislation. Questions and comments ensued.

The public hearing for Bill No. 2015-21 will be advertised and scheduled for the Council legislative session on November 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-22 Bond Authority - Wastewater Capital Budget - Principio Sanitary Sewer-North and Mobile Package Waste Water Treatment Plan Project

A bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to increase bond budget authority within the Wastewater Capital Budget by a total of \$1,400,000 in order to complete the Construct Principio Sanitary Sewer – North Project – 55018 (\$200,000) and to initiate the Mobile Package Waste Water Treatment Plant Project – 55069 (\$1,200,000).

Al Wein, Director of Administration, made additional comments about this legislation. Comments and questions ensued.

Scott Flanigan, Director of Public Works, responded to questions regarding the size of the packaged waste water treatment plant being proposed at Port Deposit.

The public hearing for Bill No. 2015-22 will be advertised and scheduled for the Council legislative session on November 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-23 Bond Authority - Roads and Bridges Capital Improvement Program - Red Toad Road/Route 40 Intersection and Reservoir Road Culverts

A bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to increase bond budget authority within the Approved General Fund Roads and Bridges Capital Improvement Program budget by a total of \$720,000 in order to complete the Red Toad Road at Route 40 Intersection Improvements Project – 52684 (\$325,000) and the Replace Reservoir Road Culverts Project – 52685 (\$395,000).

Council President Hodge stated that discussion of this Bill occurred during the morning work session.

The public hearing for Bill No. 2015-23 will be advertised and scheduled for the Council legislative session on November 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-24 Transfer of Interest in Land - First Time Home Buyers

A Bill to exempt first time home buyers from the fees charged for the transfer of an interest in land; which had been 25% of the consideration identified in the deed or other instrument recorded with the Clerk of Court for Cecil County.

Jason Allison, County Attorney, provided additional information on this Bill.

Council President Hodge stated that discussion of this Bill occurred during the morning work session.

The public hearing for Bill No. 2015-24 will be advertised and scheduled for the Council legislative session on November 3, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-25

Bond Authorization - General Obligation Bonds - Public Facilities

An Act authorizing and empowering Cecil County, Maryland, from time to time, to borrow not more than Thirty Seven Million One Hundred Eighty Thousand Dollars (\$37,180,000) for the purpose of financing the costs of certain public facilities in Cecil County described herein, and to effect such borrowing by the issuance and sale of its general obligation bonds in one or more series; empowering the County Executive to execute and deliver one or more executive orders prior to issuing the bonds in order to fix, prescribe and determine the details of the bonds and the issuance and sale thereof; empowering and directing the County to levy ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds from the provisions of Sections 19-205 and 19-206 of the Local Government Article of the Annotated

Code of Maryland (2013 Replacement Volume), or successor provision; authorizing the County to issue and sell bond anticipation notes in one or more series pursuant to the authority of Sections 19-211 through 19-221, inclusive, of the Local Government Article of the Annotated Code of Maryland (2013 Replacement Volume), or successor provision, prior to and in anticipation of the sale of the bonds; providing that the County may issue and sell all or any portion of the bonds as bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds.

Al Wein, Director of Administration, provided additional information on this Bill.

Questions and comments ensued. Council was reminded the a presentation on Elkton West will be presented at the Council work session on October 13, 2015.

The public hearing for Bill No. 2015-24 will be advertised and scheduled for the Council legislative session on November 3, 2015.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 53-2015 Appointment—Economic Development Commission - Michael Lara
A Resolution to confirm the County Executive's reappointment of Michael Lara to the Economic Development Commission; term to expire on October 20, 2018.

Introduced, read first time and order posted on October 6, 2015 and scheduled for consideration on October 20, 2015.

Council Manager Massey stated for the record:

Resolution No. 54-2015 Approval - Critical Area Growth Allocation - Recovery Centers of America Earleville

A Resolution to approve the Growth Allocation request of 314 Grove Neck LLC by re-designating 40 acres of 276.589 acres of land, located at 314 Grove Neck Road, Earleville, from Resource Conservation Area (RCA) to Limited Development Area (LDA) with conditions in order to allow the development of Bracebridge Hall as a drug and alcohol abuse and treatment recovery center, to be known as the Recovery Center of America - Earleville.

Eric Sennstrom, Director of Administration, and Tony DiGiacomo, Principal Planner, provided additional comments on this Resolution. They acknowledged that Ryan Showalter of Miles and Stockbridge, representing 314 Grove Neck Road LLC, is also present for any questions. Comments and questions ensued.

Introduced, read first time and order posted on October 6, 2015. The public hearing for Resolution No. 54-2015 will be advertised and scheduled on the Council legislation session on November 3, 2015.

Council Manager Massey stated for the record:

Resolution No. 55-2015 Appointments—Department of Social Services Board

A Resolution to confirm the appointment Randy Bailey and Natalie Gentry to the Department of Social Services Board for three (3) year terms to expire October 20, 2018.

Introduced, read first time and order posted on October 6, 2015 and scheduled for consideration on October 20, 2015.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 51-2015 Appointment—Economic Development Commission - Dr. Mary Bolt and Dr. Carl Roberts

A Resolution to confirm the County Executive's appointment of Dr. Mary Way Bolt and of Dr. Carl Roberts to the Economic Development Commission; terms to expire on October 6, 2018.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 51-2015.

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. 52-2015 Supplemental Appropriation - Casino Local Impact Fund - Various grants

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2016 in order to provide \$51,346 in carry forward expenditure authority for the VLT Local Community Grant Funds within the Casino Local Impact Fund Budget for the fiscal year ending June 30, 2016.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 52-2015.

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 8:54 p.m. by general consensus.

The next Council Legislative Session is scheduled for Tuesday, October 20, 2015 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:


James Massey, Council Manager

Approved:


Robert Hodge
President

