

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2015-21
November 3, 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 November 3, 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 November 3, 2015. Motion carried unanimously.

PRESENTATION OF PROCLAMATIONS

County Executive Tari Moore joined Council Members in presenting a proclamation to Alyssa Snyder, Maryland Ambassador, who will be competing in the National American Miss Pageant.

Executive Moore and the Council Members also presented a proclamation to recognize the partners who participated in the Conowingo Elementary School Water Quality Project.

PUBLIC HEARINGS

Rezoning Application:

Council Manager Massey stated for the record:

File No. 2015-06; Applicant: 213 Farms LLC; Location: East side of route 213 at northeast corner of Williams Road and Route 213; Request: To rezone 6 acres from Low Density Growth/ Business General (LDS/BG) to Business General (BG); Election District 2; Tax Map: 38; Parcel: 539; Present Zoning: LDR/BG; Requested Zoning: BG.

Notice of the public hearing was published on October 21, 2015 and October 28, 2015.

Applicants presenting testimony were sworn in by Council Manager Massey.

Dwight Thomey, representing the applicant, presented the applicant's request for rezoning, based on a mistake in the Comprehensive Rezoning. Mr. Thomey introduced Exhibit 1, a diagram of the property, and Exhibit 2, a smaller version of the tax map. Ted Mercer of 213 Farms LLC testified on behalf of the application.

Cliff Houston, Zoning Administrator, presented the staff report and findings of facts with a staff recommendation of approval due to a mistake in the 2011 Comprehensive Rezoning. However, Planning Commission recommended disapproval, due to no demonstrated mistake in the 2011 Comprehensive Rezoning.

There were no questions from Council Members.

Council President Hodge opened the public hearing for public comments.

Michele Ramsey, Riverton Road, opposed
Kathy Cline, Pine Valley Road, opposed and presented a petition with 147 signatures opposing
Joseph Cline, Pine Valley Road, opposed
Bill Kompwitz, Pine Valley Road, opposed
Cary York, Manor Circle, opposed
Scott Biron, Sunnybrook Drive, opposed
Harold McCanick, Elk Neck, provided comment
James Dellmyer, Elkton, opposed
Frank Williams, Pine Valley Road, opposed
Kelly Boettcher, Manor Circle, opposed

Mr. Thomey presented closing remarks on behalf of the applicant.

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. 2015-20 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, provided a summary of this legislation.

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, spoke in support.

Harold McCanick, Elk Neck, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-20 and announced that final consideration of this Bill will be held on November 17, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-21 Budget Amendment - 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, provided a summary of this legislation. Questions and comments ensued.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, spoke in opposition.

Diane Carabetta, Perryville, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-21 and announced that final consideration of this Bill will be held on November 17, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-22 Budget Amendment - Wastewater Capital Budget - Principio Sanitary Sewer-North and Mobile Package Waste Water Treatment Plant 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).

Council Manager Massey stated for the record:

AMENDMENT NO. 2

TO BILL NO. 2015-22

To reduce the request for bonding authority within the Wastewater Capital Budget from \$1,400,000 to \$400,000. To reduce the scope and funding for the Mobile Package Waste Water Treatment Plant project by \$1.2M and to rename Port Deposit Wastewater Treatment Plant project. To add \$200,000 additional funding for the Washington Street Pump Station Upgrades Phase II.

Al Wein, Director of Administration, and Scott Flanigan, Director of Public Works, summarized the legislation and Amendment No. 2. Questions and comments ensued.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, spoke in opposition.
Harold McCanick, Elk Neck, spoke in opposition.

Council President Hodge concluded the public hearing on Bill No. 2015-22 and announced that final consideration of this Bill will be held on November 17, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-23 Budget Amendment - 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).

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, provided comments.
Harold McCanick, Elk Neck, provided comments.
Diane Carabetta, Perryville, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-23 and announced that final consideration of this Bill will be held on November 17, 2015.

Council Manager Massey stated for the record:

Bill No. 2015-24 Fees- 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 a summary of the legislation.

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Harold McCanick, Elk Neck, provided comments.
Joe Carabetta, Perryville, provided comments.
Diane Carabetta, Perryville, provided comments.

Council President Hodge concluded the public hearing on Bill No. 2015-24 and announced that final consideration of this Bill will be held on November 17, 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.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2015-25**

To adjust the amount of the total bond authority from \$37,180,000 to \$36,180,000, which resulted from decrease of \$1.2M for Port Deposit Waste Water Treatment Plant and increase of \$200,000 for Washington Street Pump Station upgrade.

Al Wein, Director of Administration, provided a summary of the legislation.

There were no questions or comments from Council Members.

Council President Hodge opened the public hearing for public comments.

Joe Carabetta, Perryville, spoke in opposition.

Harold McCanick, Elk Neck, spoke in opposition.

Diane Carabetta, Perryville, spoke in opposition.

Council President Hodge concluded the public hearing on Bill No. 2015-25 and announced that final consideration of this Bill will be held on November 17, 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.

Tony DiGiacomo, Principle Planner, provided a summary of this legislation. He stated that the Planning staff recommended approval of this Resolution and the Planning Commission recommended approval with conditions.

Ryan Showalter, Miles and Stockbridge, representing Recovery Centers of America Earleville, provided additional comments about this legislation. He introduced Robert Raul and John Evans, who will be working on the proposed drug and alcohol abuse and treatment recovery center.

Mr. Showalter requested two revisions in the Resolution; to use language regarding the "recapture concept" and to note that Bracebridge is proposed to have up to 150 beds and not 40 beds as mentioned in the legislation.

Council President Hodge asked that the administration and Council Manager prepare an amendment with these changes.

Council President Hodge opened the public hearing for public comments.

Harold McCanick, Elk Neck, commented on this legislation.

Council President Hodge concluded the public hearing on Resolution No. 54-2015 and announced that final consideration of this Resolution will be held on November 17, 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 October 20, 2015 as amended. Motion was carried unanimously.

PUBLIC COMMENTS

John Smithmyer, North East, thanked the Council for support of the public school budget and commented on the benefits that his family has received.

Lori Pitcock, Charlestown, thanked the Council for support of the public school budget and commented on the improvements that have been funded.

Diana Hawley, North East, thanked the Council for support of the public school budget, which resulted in hiring additional special education teachers.

Joe Carabetta, Perryville, commented in opposition to the County's support for medical cannabis.

Diane Carabetta, Perryville, commented on County spending and support for Delegate Hornberger's legislation that will add a line on income tax forms for donation to the public schools.

PRESIDENT AND COUNCIL COMMENTS

Councilman Schneckenburger commented on the outstanding water quality program held at Conowingo Elementary School. He also attended a meeting at Hollywood Casino with Secretary Gill. He attended the ribbon cutting for Calvert Regional Park and commented on the superior quality of this project.

Councilwoman Bowsbey attended the meeting at Hollywood Casino with Secretary Gill and expressed her appreciation that Governor Hogan's new cabinet secretaries are open to Cecil County issues. She attended the opening of Calvert Regional Park and commented on her excitement for the new facilities and the good investment that Cecil County has made. She also attended the Pregnancy Center Annual Luncheon and Fundraiser.

Councilman Patchell commented that he coached the first football game played at Calvert Park on the new synthetic turf. He is looking forward to many tournaments that will boost the county's economic development.

Vice President McCarthy attended the opening of Calvert Regional Park and commented on the large number of children who were attending and playing at the new facility.

Council President Hodge commented on the proposal to borrow money for capital facilities and that one third of the funds will support public school projects. He reminded Council Members that the Maryland Department of Transportation will hold a public information meeting regarding the Susquehanna River Railroad Bridge Project on November 10 at 5pm at Perryville High School. He also thanked the audience for attending tonight's session and participating in the democratic process.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 60-2015 Appointment - Bainbridge Development Corporation Board of Directors

A Resolution to confirm the reappointment of Raymond Hamm, Mario Gangemi, and Joseph Brant, and the appointment of James Reynolds, Carl Roberts and Matthew Roath to the Bainbridge Development Corporation terms to expire in October 31, 2019.

Councilman Schneckenburger commented that he had clarified that the incumbent board member continues to serve until being replaced or reappointed. He requested that the administration bring board appointments to Council for confirmation in a more timely fashion.

Introduced, read first time, and order posted on November 3, 2015 and scheduled for consideration on November 17, 2015.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 56-2015 Budget Amendment - Grants - Emergency Services - Hazard Mitigation Program

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 a total of \$208,455 in additions to the General Fund Grants Budget awarded to the Department of Emergency Services by the Maryland Emergency Management Agency to fund a Hazard Mitigation Program to elevate residences of homeowners living within flood zones.

Al Wein, Director of Administration, summarized this legislation. There were no questions or comments on this legislation.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 56-2015.

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. 57-2015 Budget Amendment - Grants - Sheriff's Office - Homeland Security

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 a total of \$7,300 in additions to the General Fund Grants Budget awarded to the Sheriff's Office – Law Enforcement from the U.S. Department of Homeland Security to assist with the reimbursement for the purchase of a K-9.

There were no questions or comments on this legislation.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 57-2015.

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. 59-2015 Appointment – Electrical Examiners Board

A Resolution to confirm the reappointment by the County Executive of James Dacey, Richard M. Lebrun, Jr., and Donald Hicks to the Electrical Examiners Board for a three year term to expire on November 3, 2018.

There were no questions or comments on this legislation.

On motion made by Vice President McCarthy, seconded by Councilman Schneckenburger, the Council moved to approve Resolution No. 59-2015.

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 9:40 p.m. by general consensus.

The next Council Legislative Session is scheduled for Tuesday, November 17, 2015 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Attest:

James Massey
James Massey, Council Manager

Approved:

Robert Hodge
Robert Hodge
President

