

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 14-01
January 7, 2014

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:

Dr. Alan McCarthy, Vice President
Joyce Bowsbey, Council Member
Michael Dunn, Council Member
Diana Broomell, Council Member
Robert J. Hodge, President

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 for January 7, 2014 was called to order by President Robert Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

MOMENT OF SILENCE

The Council observed a moment of silence.

CHANGES TO THE AGENDA

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

PUBLIC HEARINGS

Rezoning Application

Ty Davenport and Jeff Sellers provided information relevant to the rezoning application located at the intersection of MD Route 213 and Elk Mills Rd.

File 2013-04-APPLICANT: Ty Davenport-ACDH Maryland LLC; **PROPERTY LOCATION:** Singerly Road @ Elk Mills Road, Elkton, MD 21921; **ELECTION DISTRICT:** 3; **TAX MAP:** 20; **PARCELS:** 440, 864, & 694; **PRESENTLY ZONED:** High Density Residential, (RM); **REQUEST:** Request to rezone 1.13 Acres from High Density Residential, (RM) to Business General, (BG); **PROPERTY OWNER:** Augustus C. & Emily Cupeto. Notice of the public hearings was published for the Planning Commission and Council Legislative meetings on December 16, 2013 and January 07, 2014.

Applicants, zoning officers, and the audience presenting testimony were sworn in by Council Manager Massey.

Council President Hodge asked for the applicant's testimony.

Jeff Sellers, representing ACDH Maryland, LLC., testified that the rezoning application is being submitted based on a mistake in the 2011 Comprehensive Rezoning for the following reasons;

existing and neighboring parcels are currently commercially zoned, and Artesian Water installed water lines on Cherry Hill Road in 2013 and hookups are now available.

Council President Hodge asked Planning and Zoning staff for their recommendation, findings of facts, and Planning Commission's recommendation.

Planning and Zoning Director Eric Sennstrom advised the Council that the Planning and Zoning staff recommended disapproval of the rezoning application based on no demonstrated change in the character of the neighborhood since the last Comprehensive Rezoning, or an error or mistake in the 2011 Comprehensive Rezoning. Director Sennstrom also stated that the Planning Commission had deadlocked on a vote of 2 to 2 with 1 abstention.

Zoning Administrator Cliff Houston stated the Findings of Facts for the proposed rezoning application.

Council President Hodge invited questions from Council Members. Questions and comments ensued.

Council President Hodge opened the floor for public comment. There were no witnesses in favor of the application. The following audience members spoke in opposition to the application:

John McDaniel, Elkton

Donna Caudill, Elkton

Dr. Alina Rodek, Elkton

Antoya Lusby, Elkton

Shannon Barr, Elkton

Lydia Hill, Elkton

Scott Hill, Elkton

Bill Witt, Elkton

Tracy Planck (letter) Elkton

Council President Hodge invited the applicant to make final remarks. The applicant provided additional comments.

Counsel Cameron Brown advised the Council that the rezoning application decision is to be based on whether there has been a change in the character of the neighborhood or an error or mistake was made in the 2011 Comprehensive Plan.

Questions and comments ensued.

Council President Hodge concluded the public hearing on Rezoning Application and stated that the Council will be making a decision at the next Legislative meeting, January 21, 2014.

Council Manager Massey stated for the record:

Bill No. 2013-19 Amendments - Animal Care and Control Ordinance

A Bill to amend Chapter 142 (Animal Care and Control), Article VII (Kennels, Catteries, and Pet Shops), Article VIII (Licensing), and Article X (Fines and Penalties), Sections 142-23 through 142-35, and Section 142-39 of the Cecil County Code to provide for: (a) Creation, maintenance, and modification of license forms and applications; and (b) Setting initial and annual license fees, by the County Executive.

Director of Administration, Al Wein provided information relative to Bill No. 2013-19. Questions and comments ensued.

Public Comments in Support and Opposition

Joe Carabetta spoke in support of Bill.

Anke Mastus spoke in support of Bill.

John Bolinski commented on the Bill.

President Hodge closed the public hearing.

APPROVAL OF MINUTES

On motion made by Councilwoman Bowsbey, seconded by Council Vice President McCarthy, the Council moved to approve the minutes of the December 17, 2013 Council Legislative meeting, as presented. Motion carried unanimously.

PUBLIC COMMENTS

Dave Fordyce, Elkton, commented on Resolution 100-2013.

Michael Dawson, Perryville, commented on the comments Councilwoman Broomell made at the work session regarding the County Executive's Town Hall Meeting.

Harold McCannick, Elk Neck, commented on Resolution 98-2013.

Joe Carabetta, Perryville, commented on the comments made by Mr. Dawson and Councilwoman Broomell, the County Executive's Town Hall, spending Enterprise Funds, and the Strategic Plan.

Diane Carabetta, Perryville, commented on the Plan of Organization.

PRESIDENT AND COUNCIL COMMENTS

Councilwoman Broomell made comments about the manner that the County Executive's initiatives were adopted, the Drug and Alcohol Council's policies and procedures, Chairman John Bennett's letter regarding support of the Executive's initiatives, priority funding support for the Whitsitt Center and Dexter House, the County Executive's initiative to fund a recovery high school, four positions, and lab analysis for the State Police crime lab; the lack of priorities in the Council's letter of support, the County Executive's Town Hall and audience behavior, the Ethics Commission and her intention to sponsor legislation to protect members from removal without cause; and a statement by Harold McCannick about an assault that she witnessed.

Councilwoman Bowsbey had no comments.

Councilman Dunn had no comments.

Vice President McCarthy had no comments.

President Hodge wished everyone well on getting through this cold spell.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2014-01 Amendment - Budget Ordinance FY2014 - Capital Budget - Capital Improvement Program - Route 40 West Sanitary Sewer Interceptor.

A Bill to amend the Capital Budget and Capital Improvement Program for Cecil County, Maryland for the fiscal year ending June 30, 2014 in order to provide the Wastewater Enterprise Fund's Capital Budget expenditure appropriation authority to authorize \$145,000 of FY2014 fund balance to be available for expenditure and decreasing an equal amount in FY2015 for construction of the Route 40 West Sanitary Sewer Sub-District Interceptor, Phases 1, 2, 3.

Director of Administration Al Wein provided information relevant to Bill No. 2014-01. A map was also provided at the request of the Council during the morning work session. Questions and comments ensued.

Councilwoman Broomell asked Council President Hodge whether he owns property within this project and, if so, does whether he intend to recuse himself on this Bill. He responded that he was unaware of the project's location but has determined that his property is within this project. He stated that he will evaluate his options as to whether he has a conflict of interest and recuse himself from voting.

Council Manager Massey stated for the record:

Bill No. 2014-02 Amendment - Budget Ordinance FY 2014 - Information Technology Internal Service Fund.

A bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 in order to establish a new Information Technology Internal Services Fund and to provide \$1,516,974 in appropriation authority for the fiscal year ending June 30, 2014.

Director of Finance Winston Robinson provided information relevant to the Bill.

Council Manager Massey stated for the record:

Bill No. 2014-03 Emergency Legislation - Amendment - Budget Ordinance FY 2014 - Snow Removal

An Emergency Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2014 in order to provide the Roads Maintenance Department within the General Fund expenditure appropriation authority to authorize \$400,000 to be expended for County snow removal.

Director of Finance Robinson provided information relevant to the Bill and explained the necessity of consideration as emergency legislation. Questions and comments ensued.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 01-2014 Roads - Truck Restrictions – Dr. Jack Road

A Resolution approving the implementation of a 35-ton Gross Vehicle Weight Rating limit on a portion of Dr. Jack Road.

Director of Administration Al Wein provided information relevant to the Resolution.

Resolution No. 02-2014: Roads - Truck Restrictions – Rock Run Road

A Resolution approving the implementation of a 10-ton Gross Vehicle Weight Rating limit on a portion of Rock Run Road.

Director of Administration Al Wein provided information relevant to the Resolution.

Resolution No. 03-2014: Roads - Truck Restrictions – Rogers Road

A Resolution approving the implementation of a 10-ton Gross Vehicle Weight Rating limit on a portion of Rogers Road.

Director of Administration Al Wein provided information relevant to the Resolution.

Resolution No. 04-2014: Roads - Truck Restrictions –Stevenson Road

A Resolution approving the implementation of a 35-ton Gross Vehicle Weight Rating limit on a portion of Stevenson Road.

Director of Administration Al Wein provided information relevant to the Resolution.

President Hodge advised the public all the Resolutions are scheduled for public hearing and consideration on February 4, 2014.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution 98-2013 Appointment—Department of Social Services Board

A Resolution to confirm the appointment by the County Executive of Judy Cox to the Department of Social Services Board for three (3) year terms, respectively, to expire June 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Broomell, the Council moved to approve Resolution No. 98-2013.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – Y, Broomell – Y, Hodge – Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution 99-2013 Approval—Plan of Organization

A Resolution to approve the Cecil County Plan of Organization as submitted by the County Executive.

Director of Administration Wein provided information relevant to the resolution.

On motion made by Councilwoman Broomell, seconded by Vice President McCarthy the Council moved to approve Amendment No. 1 to Resolution No. 99-2013. Comments ensued regarding the amendment.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – Y, Broomell – Y, Hodge – Y. Motion carried unanimously.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 99-2013 as amended.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – Y, Broomell – Y, Hodge – Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution 100-2013 Creation and appointment - Broadband Task Force

A Resolution to establish the Broadband Task Force to develop a plan to expand affordable, reliable, high speed internet services to all Cecil County businesses and residences.

President Hodge provided information relevant to the Resolution. Questions and comments ensued.

On motion made by Councilwoman Bowsbey, seconded by Councilwoman Broomell, the Council moved to approve Resolution No. 100-2013. Comments ensued regarding the Resolution.

Roll Call Vote: McCarthy – Abstain, Bowsbey – Y, Dunn – N, Broomell – Y, Hodge – Y. Motion carried 3-1, with 1 abstention.

Council Manager Massey stated for the record:

Resolution 101-2013 Appointments—Cecil County Mental Health Core Service Agency Advisory Board A Resolution to confirm the reappointment by the County Executive of Kevin Lundin to the Cecil County Mental Health Core Service Agency Advisory Board for three (3) year terms to expire on December 1, 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 101-2013.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – Y, Broomell – Y, Hodge – Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution 102-2013 Appointments—County Personnel Board

A Resolution to confirm the County Executive's reappointment of Robert Davis, and the appointment of Linda Lannen, and Daniel "Skip" Mahan to the Cecil County Personnel Board for a two (2) year term that will expire on June 1, 2016.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 102-2013.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – Y, Broomell – Y, Hodge – Y. Motion carried unanimously.

ADJOURNMENT

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to adjourn the meeting by general consent. President Hodge adjourned the meeting at 9:10 p.m.

The next Council Legislative Meeting is scheduled for Tuesday, January 21, 2014 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton.

Approved:

Robert Hodge
Council President

Attest:

James Massey
Council Manager