

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 14-02
February 4, 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 February 4, 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

File 2014-01; Applicant: Carpenter Engineering, LLC Attn: Ronnie B. Carpenter; PROPERTY LOCATION: 995 Turkey Point Road, North East, MD 21901. ELECTION DISTRICT: 5, tax map: 31, PARCELS: 274 & 1074. PRESENTLY ZONED: Low Density Residential (LDR). REQUEST: Request to rezone 5.5 Acres from Low Density Residential (LDR) to High Density Residential (RM). PROPERTY OWNER: Eutace W. Mita.

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

Findlay McCool, an attorney representing Shady Beach Trust, requested that Council President Hodge recuse himself from this case because of a lawsuit between Alexandria Canastro, a beneficiary of the Trust, and Council President Hodge. Council President Hodge stated that the lawsuit had been settled and that he felt that he could provide an unbiased decision and does not have a conflict of interest.

Attorney McCool also requested that a letter related to additional research by legal counsel regarding conflict of interest should be a part of the record. County attorney Clara Campbell stated that the letter was a part of the record.

Robert Jones, attorney representing the applicant, stated that there was a mistake in the Comprehensive Plan as the basis for the rezoning request. He stated that there were two recommendations from the Planning Commission for approval based on a reduction in density and removal of development from the critical Bay area.

Mr. Jones called the following witnesses: Frank Mita, property owner; Victor DiPaolo, expert witness in Land Planning and Landscape Architecture; Ronnie Carpenter, expert specializing in stormwater management; and Christopher McCade, an expert in environmental compliance management.

Council President Hodge asked Planning and Zoning staff for their recommendation, findings of facts, and the 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. Zoning Administrator Cliff Houston stated the Findings of Facts for the proposed rezoning application. Director Sennstrom also stated that the Planning Commission recommended approval based on mistake.

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

Council President Hodge opened the floor for public comment.

The following audience members spoke in favor of the application:

Jim Waters, Hances Point
Dan Schneckenberger, Elkton
Donna Caudill, Elkton
Yvonne Cole, North East
Kent Methan, North East
Jim Michael, North East

The following audience members spoke in opposition to the application:

Carl Walbeck, North East
Nancy Valentine, North East
Brian DeMaris, North East
Harold McCannick, Elk Neck
Debra Marvel, Colora
Jim Woolford, North East

Patricia Lemerman, North East
Evan Argudo on behalf of George Kaplan, Elkton
Joseph Carabetta, Perryville
Geoffrey Doyle, Charlestown
Rick McDaniel, North East
Findlay McCool, Shady Beach Trust

The following are letters received in opposition to the application:

George Kaplin, Colora (letter)
Patrick Lynch, North East (letter)
Bill Kilby, Cecil Land Trust (letter)
Nancy Valentine, North East (letter)
Geoffrey Doyle, Charlestown (letter)
Wyatt Wallace, Perryville (letter)
David Hitchens, North East (letter)

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

Council President Hodge concluded the public hearing on the Rezoning Application and stated that the Council will be making a decision at the next Legislative meeting, February 18, 2014.

Legislation

Council Manager Massey stated for the record:

BILL NO. 2013-20 Budget Ordinance FY2014 - Appropriations - Emergency Services, Solid Waste Enterprise Fund and Maryland School for the Blind. A bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 in order to provide \$38,012 in additions to the General Fund Grants Budget, to provide \$26,000 in additions to the Solid Waste Enterprise Fund Grants Budget, to provide \$3,400 in additions the Maryland School for the Blind Budget within the General Fund, and to provide additional appropriation authority for the fiscal year ending June 30, 2014.

Director of Administration, Al Wein provided information relative to Bill No. 2013-20. Questions and comments ensued.

Public Comments in Support and Opposition

No public comments.

President Hodge closed the public hearing on Bill No. 2013-20 and stated that the Council will be considering this Bill on February 18, 2014.

Council Manager Massey stated for the record:

BILL NO. 2013-21 Budget Ordinance FY2014 - Appropriation - Old Colora Medic Station. A 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 Department of Emergency Service's budget within the General Fund expenditure appropriation authority to authorize ~~\$10,000~~ \$15,000 from the proceeds of sale of real property commonly known as 214 North Street, Elkton, Maryland 21921 to be expended for the improvement of the Old Colora Medic Station for use by the Department of Emergency Services of as a radio shop to replace the Department of Emergency Services radio shop formerly housed at the 214 North Street property.

Director of Administration, Al Wein and Director, Department of Finance, Winston Robinson provided information relevant to Bill No. 2013-21. Questions and comments ensued.

Public Comments in Support and Opposition

No public comments.

President Hodge closed the public hearing on Bill No. 2013-21 and stated that the Council will be considering this Bill on February 18, 2014.

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 Public Works, Scott Flanigan provided information in regards to Bill No. 2014-01. Questions and comments ensued.

Public Comments in Support and Opposition

Mario Gangerni spoke in favor.

Dan Schneckberger spoke in favor.

Diane Carabetta spoke in opposition.

Joe Carabetta spoke in opposition.

Ralph Vannoy provided comments.

George Patchell spoke in favor.

President Hodge closed the public hearing on Bill No. 2014-01 and stated that the Council will be considering this Bill on February 18, 2014.

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 Administration, Al Wein and Winston Robinson, Finance Director, provided information relative to Bill No. 2014-02.

Public Comments in Support and Opposition

No public comments.

President Hodge closed the public hearing on Bill No. 2014-02 and stated that the Council will be considering this Bill on February 18, 2014.

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, Winston Robinson provided information relevant to Bill No. 2014-03. Questions and comments ensued.

Public Comments in Support and Opposition

Diane Carabetta spoke in favor.

President Hodge closed the public hearing on Bill No. 2014-03 and stated that the Council will be considering this Bill on February 18, 2014.

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 Public Works, Scott Flanigan provided information in regards to Resolution No. 01-2014. Questions and comments ensued.

Public Comments in Support and Opposition

No public comments.

President Hodge closed the public hearing on Resolution No. 01-2014 and stated that the Council will be considering this Bill on February 18, 2014.

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 Public Works, Scott Flanigan provided information in regards to Resolution No. 02-2014. Questions and comments ensued.

Public Comments in Support and Opposition

Joe Carabetta commented on Resolution 02-2014.

President Hodge closed the public hearing on Resolution No. 02-2014 and stated that the Council will be considering this Bill on February 18, 2014.

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 Public Works, Scott Flanigan provided information in regards to Resolution No. 03-2014.

Public Comments in Support and Opposition

Diane Carabetta commented on Resolution No. 03-2014.

President Hodge closed the public hearing on Resolution No. 03-2014 and stated that the Council will be considering this Bill on February 18, 2014.

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 Public Works, Scott Flanigan provided information in regards to Resolution No. 04-2014.

Questions and comments ensued.

Public Comments in Support and Opposition

No public comment.

President Hodge closed the public hearing on Resolution No. 04-2014 and stated that the Council will be considering this Bill on February 18, 2014.

President Hodge closed the public hearing.

APPROVAL OF MINUTES

On motion made by Council Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the minutes of the January 7, 2014 Council Legislative meeting, as presented. Motion carried unanimously.

PUBLIC COMMENTS

Joe Carabetta, Perryville, commented on repair of sewer trenches on Carpenters Point Road.

Harold McCannick, Elk Neck, commented the public comments of the agenda should be at the end of the Agenda and made comments about the Ethics Commission, recusal by President Hodge, and conflicts of interest.

John McDaniel, Cherry Hill, commented on the application for rezoning at Cherry Hill and Singerly Road.

Diane Carabetta, Perryville, commented on the Strategic Plan.

Mario Gangerni, commented on audience members.

PRESIDENT AND COUNCIL COMMENTS

Councilwoman Broomell provided information to the Council for the “Good Samaritan” state legislations; HB 416 and HB 342. She informed the Council of the tour of the Harford County Detention Center on February 20.

Councilman Dunn had no comments.

Vice President McCarthy had no comments.

Councilwoman Bowsbey had no comments.

President Hodge had no comments.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2014-04 Ethics Commission - Removal of Commission Members

An Act to amend Chapter 39 (Ethics), Article II (Ethics Commission) to add a new section to be titled "Removal of Commission Members" to provide a process to removal Ethics Commission members for cause.

Councilwoman Broomell provided information relevant to Bill No. 2014-04. Questions and comments ensued.

President Hodge advised the public the Resolution is scheduled for public hearing March 4, 2014 and consideration on March 18, 2014.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 05-2014 Amendment – Policies and Procedures of Cecil County Council – Cancellation and adjournment of meetings. A Resolution to amend the Council’s Policies and Procedures to repeal and reenact Section 2-6 Cancellation and adjournment of meetings, pursuant to Section 303(e) of the Charter of Cecil County.

Councilwoman Broomell provided information regarding the Resolution. Comments ensued. President Hodge advised the public the Resolution is scheduled for public hearing March 4, 2014.

Council Manager Massey stated for the record:

Resolution No. 06-2014 Appointments—Board of Library Trustees

A Resolution to confirm the appointment of Steven F. Pearson by the County Executive for a five (5) year term to expire March 2019.

Director of Administration Al Wein provided information relevant to Resolution 06-2014. Questions and comments ensued.

President Hodge advised the public the Resolution is scheduled for consideration on February 18, 2014.

CALL FOR FINAL READING OF BILLS

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.

On motion made by Councilwoman Broomell, seconded by Councilman Dunn, the Council moved to disapprove Bill No. 2013-19. Discussion, questions, and comments ensued.

Roll Call Vote: McCarthy – N, Bowsbey – N, Dunn – Y, Broomell – Y, Hodge – N. Motion failed by a vote of 2 to 3.

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to approve Amendments 1 to 16 to Bill No. 2013-19.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – N, Broomell – N, Hodge – Y. Motion carried by a vote of 3 to 2.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill 2013-19 as amended. Questions and comments ensued.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – N, Broomell – N, Hodge – Y. Motion carried by a vote of 3 to 2.

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 Department of Finance, Winston Robinson provided information regarding Bill 2014-03.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to consider Bill 2014-03 as emergency legislation.

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 Bill 2014-03.

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

OLD BUSINESS

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.

On motion made by Councilwoman Bowsbey, seconded by Councilwoman Broomell, the Council moved to deny Rezoning application, File 2013-04; because there has been no change in the character of the neighborhood or a mistake since the last comprehensive rezoning. Discussion ensued.

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

NEW BUSINESS

Budget Amendment #06 – Cecil County Public Schools – FY2014 Operating Budget

County Attorney Allison provided information relevant to Budget Amendment #06.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Budget Amendment #06.

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 Broomell, the Council moved to adjourn the meeting. President Hodge adjourned the meeting at 11:00 p.m.

The next Council Legislative Meeting is scheduled for Tuesday, February 18, 2014 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton.

Approved:

Robert Hodge
Council President

Attest:

James Massey
Council Manager