

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2014-15
August 5, 2014

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:
Dr. Alan McCarthy, Vice President
Joyce Bowlsbey, Council Member
Diana Broomell, Council Member
Robert J. Hodge, President

Mr. Dunn arrived at 7:30 p.m.

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 August 5, 2014 was called to order by President Robert Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

OPENING PRAYER

Councilwoman Bowlsbey introduced Pastor William Harris of Wards Hill Baptist Church who led the opening prayer.

CHANGES TO THE AGENDA

On motion made by Council Vice President McCarthy, seconded by Councilwoman Bowlsbey, the Council moved to approve the agenda as presented. Motion carried by a vote of 4 to 0. Councilman Dunn was not present.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilwoman Bowlsbey, the Council moved to approve the minutes of the July 15, 2014 Council Legislative meeting, as presented. Motion carried by a vote of 4 to 0. Councilman Dunn was not present.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowlsbey, the Council moved to approve the minutes of the July 29, 2014 Special Legislative meeting, as presented. Motion carried by a vote of 4 to 0. Councilman Dunn was not present.

PUBLIC COMMENTS

June Reasin, Conowingo, commented on the Target America Tour and the West Cecil Health Center Wellness Fair.

Diane Carabetta, Perryville, commented on the Target America Tour and Charter Amendments.

Joe Carabetta, Perryville, commented on the Property Homestead Credit, Animal Care and Control, Resolution No. 38-2014, ethics issues and the death of Adrian Vasquez.

PRESIDENT AND COUNCIL COMMENTS

Councilwoman Broomell commented on the Clean Chesapeake Coalition video and the Target America tour. She requested a presentation regarding the VLT grant awards. Ms. Broomell expressed her disappointment with the government process regarding the Charter question on ethics members being removed without cause.

Councilwoman Bowsbey reminded the public of the Senior Expo and of the Peach Festival at Hart's United Methodist Church.

Councilman Dunn had no comments.

Vice President McCarthy had no comments.

President Hodge thanked those in attendance.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 44-2014 Appointments—Economic Development Commission. A Resolution to confirm the appointment of Lauren (Johnston) McNew, Scott D. Holland, and Walter Buck to the Economic Development Commission; terms to expire in August 2017.

Al Wein, Director of Administration, provided information relevant to the resolution.

President Hodge advised the public that Resolution No. 44-2014 would be scheduled for consideration at the August 19, 2014.

Council Manager Massey stated for the record:

Resolution No. 45-2014 Appointment—Commission on Aging. A Resolution to confirm the reappointment Cynthia Brown, Julianne Graham, Carol King, Patricia Dana to the Commission on Aging for a three year term; which will expire on June 30, 2017.

Mr. Wein, Director of Administration, provided information relevant to the resolution.

President Hodge advised the public that Resolution No. 45-2014 would be scheduled for consideration at the August 19, 2014 Council Legislative meeting.

Council Manager Massey stated for the record:

Resolution No. 46-2014 Appointments—Planning Commission. A Resolution to confirm the reappointment of Chad Johnston and Ken Wiggins to the Planning Commission; terms to expire in August 2017.

Mr. Wein, Director of Administration, provided information relevant to the resolution.

President Hodge advised the public that Resolution No. 46-2014 would be scheduled for consideration at the August 19, 2014 Council Legislative meeting.

Council Manager Massey stated for the record:

Resolution No. 47-2014 Appointment—Board of Appeals. A Resolution to confirm the reappointment of Michael Linkous to the Board of Appeals for a three year term to expire in August 2017.

Mr. Wein, Director of Administration, provided information relevant to the resolution. Discussion ensued.

President Hodge advised the public that Resolution No. 47-2014 would be scheduled for consideration at the August 19, 2014 Council Legislative meeting.

Council Manager Massey stated for the record:

Resolution No. 48-2014 Appointment—Property Tax Assessment Appeal Board. A Resolution to confirm the County Executive's appointment of Robert Litzenberg, Jr. to the Cecil County Property Tax Assessment Appeal Board to fill the vacancy of Henry Mason; term to expire on June 2, 2018.

Mr. Wein, Director of Administration, provided information relevant to the resolution. Discussion ensued. President Hodge requested information on the number of tax assessment appeals filed each year.

President Hodge advised the public that Resolution No. 48-2014 would be scheduled for consideration at the August 19, 2014 Council Legislative meeting.

Council Manager Massey stated for the record:

Resolution No. 49-2014 Approval - Maryland Rental Allowance Program Grant. A Resolution authorizing the County Executive to execute a Rental Allowance Program Grant Agreement with the State of Maryland Department of Housing and Community Development, Division of Development and Finance, for use in making short term monthly housing assistance payments to eligible recipients occupying eligible dwelling units.

Jason Allison, County Attorney, provided information regarding Resolution No. 49-2014. Discussion ensued.

President Hodge advised the public that Resolution No. 49-2014 would be scheduled for consideration at the August 19, 2014 Council Legislative meeting.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 36-2014 Charter Amendment – Submission of Budget – Deadline. A Resolution amending Article 5, Budget and Finance, Section 504, Preparation of the County Budget, of the Cecil County Charter to provide that the County Executive shall prepare and submit a proposed budget to the County Council for the ensuing fiscal year not later than April 1st of each year, instead of not later than March 1st; and to require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

Mr. Wein, Director of Administration, provided information regarding the Charter Amendments.

A motion was made by Councilwoman Bowsbey, seconded by Vice President McCarthy, to approve Resolution No. 36-2014.

Roll Call Vote: McCarthy – Y, Bowsbey – Y, Dunn – N, Broomell – Y, Hodge – Y. Motion carried by a vote of 4 to 1 with Councilman Dunn opposed.

Council Manager Massey stated for the record:

Resolution No. 37-2014 - Charter Amendment – Adoption of the Budget – Deadline. A Resolution amending Article 5, Budget and Finance, Section 507(b), Action on the Budget by Council, of the Cecil County Charter to provide that the adoption of the Budget shall be by the affirmative vote of not less than three members of the Council in a law enacted not later than June 15, instead of not later than May 31. To provide that if a budget is not approved by the Council by June 15, then the budget as submitted by the Executive shall become law, and to require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution No. 37-2014 as amended. Discussion ensued.

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

Council Manager Massey stated for the record:

Resolution No. 38-2014 Charter Amendment – Budget Amendment Process – Resolution. A Resolution amending Article 5, Budget and Finance, Section 507, Action on the Budget by Council, of the Cecil County Charter to add a new subsection (c) authorizing amendment to the Annual Budget and Appropriation by resolution approved by the affirmative vote of not less than three members of the Council; and to require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

A motion was made by Councilwoman Bowsbey, seconded by Vice President McCarthy, to approve Resolution No. 38-2014. Discussion ensued.

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

Council Manager Massey stated for the record:

Resolution No. 39-2014 Charter Amendment - Bonding of Officers - Bonding Amount. A Resolution amending Article 6, Miscellaneous, Section 605, Bonding of Officers, of the Cecil County Charter to provide that officers of the County who have possession of or control over any County funds shall be bonded for the faithful performance of their duties in an amount that equals or exceeds \$500,000; instead of an amount that equals or exceeds two percent of the County's total budgeted expenditures for a given year; and to require submission of this amendment to the legally qualified

voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Resolution No. 39-2014. Discussion ensued.

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

Council Manager Massey stated for the record:

Resolution No. 41-2014 Appointment—Property Tax Assessment Appeal Board. A Resolution to confirm the County Executive's appointment of Charlotte Loller to the Cecil County Property Tax Assessment Appeal Board to a six year term, which will expire in June 2019.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Resolution No. 41-2014. Discussion ensued.

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

Council Manager Massey stated for the record:

Resolution No. 42-2014 Appointment—Economic Development Commission. A Resolution to confirm the reappointment of Norman Gaither, Kenneth Lewis, Dr. Stephen Pannill, Rupert Rossetti, and Michael Travers, II; to the Cecil County Economic Development Commission; terms to expire August 2017.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Resolution No. 42-2014.

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

Council Manager Massey stated for the record:

Resolution No. 43-2014 Appointment—Public Safety Employee Pension Plan Board of Trustees. A Resolution to confirm the reappointment of Stephen Brownhill, Craig Whiteford and James Alfree by the County Executive to the Public Safety Employee Pension Plan Board of Trustees.

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Resolution No. 43-2014.

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

CALL FOR FINAL READING OF BILLS

Bill No. 2014-16 - Amendment –Refuse Haulers – Commercial. A Bill to amend Part II, Chapter 285 (Refuse Haulers - Commercial) of the Cecil County Code; to add definitions and requirements of Commercial Refuse Haulers to establish account with County, provide recycling information to customers annually, and provide report to multi-unit housing customers on amount of materials collected, as required by State law.

Pete Bieniek, Chief of Solid Waste, provided information relevant to resolution. Discussion ensued.

A motion was made by Councilwoman Bowsbey, seconded by Vice President McCarthy, to approve Amendment 1 to Bill No. 2014-16.

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

A motion was made by Vice President McCarthy, seconded by Councilwoman Bowsbey, to approve Bill No. 2014-16 as amended.

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

Bill No. 2014-17 - Amendments –Solid Waste and Recycling. A Bill to amend Part II, Chapter 318 (Solid Waste and Recycling) of the Cecil County Code; to add definitions, specify vehicle account stickers, amend Recycling policies to require apartments or condominiums of 10 or more to provide recycling, amends Environmental Programs regarding materials accepted, specifies yard waste requirements and deletes tipping fee waiver for Cecil County Public Schools after June 30, 2015.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Bill No. 2014-17.

Discussion and comments ensued.

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

NEW BUSINESS

Cecil County Public Schools – Budget Amendment #12

President Hodge introduced Tom Kappra, Chief Financial Officer, Cecil County Public Schools, to explain the budget amendment to be approved. Questions and comments ensued.

A motion was made by Councilwoman Bowsbey, seconded by Vice President McCarthy, to approve budget amendment #12.

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

Approval – Charter Amendment Ballot Language

A motion was made by Councilwoman Broomell, seconded by Councilman Dunn, to insert the following in Question D, "reduced from 2% of the County budget". Discussion and comments.

Roll Call Vote: McCarthy – N, Bowsbey – N, Dunn – Y, Broomell – Y, Hodge – N. Motion failed by a vote of 2 to 3 with Vice President McCarthy, Councilwoman Bowsbey and President Hodge opposed.

A motion was made by Councilwoman Broomell, seconded by Councilman Dunn, to insert the following in Question C: thereby removing the public hearing requirement". Discussion and comments.

Roll Call Vote: McCarthy – N, Bowsbey – N, Dunn – Y, Broomell – Y, Hodge – N. Motion failed by a vote of 2 to 3 with Vice President McCarthy, Councilwoman Bowsbey and President Hodge opposed.

A motion was made by Councilwoman Bowsbey, seconded by Vice President McCarthy, to approve the ballot language for Questions A, B, C, and D.

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

ADJOURNMENT

President Hodge adjourned the meeting at 8:38 p.m. by general consensus.

The next Council Legislative Meeting is scheduled for Tuesday, August 19, 2014 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Approved:

Robert Hodge
Council President

Attest:

James Massey
Council Manager