

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE MEETING MINUTES
LSD 13-09
May 7, 2013

County Council of Cecil County met in regular session at the County Administration Building, 200 Chesapeake Blvd., Suite 1009, Elkton, MD. The following members of the Council were present:

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

Absent: Michael Dunn, 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, May 7, 2013 was called to order by President Robert Hodge at 7:00 p.m. and opened with the Pledge of Allegiance.

PRESENTATIONS OF PROCLAMATIONS

The Council presented the National Safe Boating Week Proclamation to Harry Albert, U.S. Coast Guard Auxiliary.

The Council presented the Tourism Month Proclamation to Sandy Turner and members of the Tourism Committee.

SPECIAL PRESENTATIONS

The Council concurred to suspend the rules to permit Health Officer Stephanie Garrity to present an update on Health Department events and meetings.

Health Officer Garrity provided an update on the rabies vaccination clinics, informational meeting on June 24, 2013 regarding implementation of the Affordable Care Act, well testing being conducted in the vicinity of the Pearce Creek dredge site, a community meeting that is scheduled by the Army Corp of Engineers and Port Authority officials for May 18, 2013 from 1:00 to 3:00 p.m. at the Pearce Creek site, mental health statistics in the county, and Lyme disease statistics and precautions the public can implement to reduce the local cases of the disease.

Discussion ensued regarding the well testing in the vicinity of the Pearce Creek dredge site and issues with response from the Board of Physicians.

PUBLIC HEARINGS

President Hodge opened the public hearing for Bill 2013-03 Annual Budget and Appropriation Ordinance of Cecil County, Resolution 15-2013 – Adoption of Property Tax Rate; Resolution 16-2013 – Capital Improvement Program – FY 2014-2018; and Resolution 17-2013 – Disposal Fees – Central Landfill and Sanitary District.

Council Manager Massey stated for the record:

Bill 2013-03

Title of Bill: Annual Budget and Appropriation Ordinance of Cecil County for FY2014

Synopsis: The Annual Budget and Appropriation Ordinance of Cecil County for FY2014 to adopt the County Budget, consisting of the Current Expense Budget for the fiscal year ending June 30, 2014, the Capital Budget for the fiscal year ending June 30, 2014, the Special Purpose Budgets for the fiscal year ending June 30, 2014, and the Grants Budget for the fiscal year ending June 30, 2014,; and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014, as hereinafter indicated. Bill 2013-03 was introduced by the Council President on behalf of the County Executive, ordered posted on March 5, 2013 and public hearing scheduled for May 7, 2013.

Resolution 15-2013

Title of Resolution: Adoption of Property Tax Rate for FY2014

Synopsis: A Resolution to levy and impose a property tax for the fiscal year beginning July 1, 2013 and ending June 30, 2014; setting the tax rates for property and providing for the collection of the property tax. Resolution 15-2013 was introduced by the Council President on behalf of the County Executive, ordered posted on March 5, 2013 and public hearing scheduled for May 7, 2013.

Resolution 16-2013

Title of Resolution: Capital Improvement Program FY2014-2018

Synopsis: A Resolution to approve the Capital Improvement Program for Cecil County for Fiscal Years 2014 through 2018. Resolution 16-2013 was introduced by the Council President on behalf of the County Executive, ordered posted on March 5, 2013 and public hearing scheduled for May 7, 2013.

Resolution 17-2013

Title of Resolution: Disposal Fees – Central Landfill and Sanitary District

Synopsis: A Resolution to establish fees and rates for the Cecil County Solid Waste Management System including the Cecil County Central Landfill and the Cecil County Sanitary District on and after the effective date of this resolution. Resolution 17-2013 was introduced by the Council President on behalf of the County Executive, ordered posted on March 5, 2013 and public hearing scheduled for May 7, 2013.

Director of Administration Al Wein provided a summary of the proposed FY2014 Annual Budget and related Resolutions to the budget.

Public Works Director Scott Flanigan provided a synopsis of the proposed North East River Wastewater Treatment Plant, which will upgrade the plant to meet ENR standards, upgrade equipment, and lay the groundwork for future expansion. He provided the reasons for choosing the MDR method for wastewater treatment for the upgrade to the plant. The project has been included in the CIP budget since 2008 and the design work has been completed.

Director Flanigan provided a synopsis of proposed Resolution 17-2013 – Disposal Fees – Central Landfill and Sanitary District. The Resolution defines proposed increases in fees for the Sanitary District and Central Landfill.

President Hodge advised the public that the Council has scheduled a budget workshop on Tuesday, May 14 at 1:30 p.m. and Thursday, May 16 at 1:30 p.m. for more discussion on the budget before a final decision is made on May 21, 2013.

Discussion continued relative to the process that was used to make the recommendation for the MDR technology at the North East River Wastewater Treatment Plant.

President Hodge opened the floor to public comment. The following individuals provided comments relative to the proposed FY2014 Budget:

Woody Jackson, Jackson Marine Sales, North East, on tourism,
Dan Schneckeburger, Port Deposit, on tourism,
D’Ette Devine, Superintendent of Cecil County Public Schools,
Dawn Branch, North East, on public schools,
William Prins, North East, on public schools,
Wendy Wittersgill, North East, on public schools,
Henry Passi, North East, on Old Elk Neck Road Bridge,
Joan Ferrick, North East, on Old Elk Neck Road Bridge,
Sharon Rosenberg, North East, on public library,
Harold McCanick, Elk Neck, on public schools,
Joe Carabetta, Perryville, on tourism, DPW, public schools, and sewer/landfill fees,
Diane Carabetta, Perryville, on Old Elk Neck Road Bridge, landfill fees, and Seneca Point,
Bill Manlove, Earleville, on public schools,
Tamara Holbrak, Rising Sun, on public schools,
Chad Devine, Rising Sun, on public schools,
Armando Villabon, North East, on public schools, public library, and wastewater,
Jennifer Granger, Elkton, on public schools,
Pat Cabbage, Earleville, on Arts Council,
Lori Hrinko, Elkton, on public schools,
Harlan Williams, Elkton on public schools, economic development and Old Elk Neck Road Bridge.

President Hodge closed the public hearing on the proposed budget legislation. He advised the public that Bill 2013-03 and Resolutions 15-2013, 16-2013 and 17-2013 will be scheduled for consideration by the Council at the May 21, 2013 Council Legislative meeting.

President Hodge opened the public hearing for Resolution 20-2013.

Council Manager Massey stated for the record:

Resolution 20-2013

Title of Resolution: Amendment – Zoning Ordinance – Home Occupations

Synopsis: A Resolution to amend the Cecil County Zoning Ordinance, Article II, §12 Definition of Basic Terms; and Article V, Part III, §79, Home Occupations.

Planning and Zoning Director Eric Sennstrom provided a synopsis of Resolution 20-2013. He advised the Council that the Planning Commission has recommended approval of the Resolution.

Public Comment

Diane Carabetta, Perryville, commented in support of Resolution 20-2013.

President Hodge closed the public hearing and advised the public that Resolution 20-2013 will be scheduled for consideration by the Council at the May 21, 2013 Council Legislative meeting.

APPROVAL OF MINUTES

On motion made by Councilwoman Bowsbey, seconded by Councilwoman Broomell, the Council moved to approve the minutes of the April 16, 2013 Council Legislative Meeting, LSD 13-08, as presented. Motion carried unanimously.

PUBLIC COMMENTS

Michael Gilbert, Rising Sun,
Donna Caudell, Elkton,
Kathi O’Connell, Elkton,
Joe Carabetta, Perryville,
Jackie Gregory, Elkton,
Diane Carabetta, Perryville,
Jeanne Miller, Rising Sun,
Lori Hrinko, Elkton,
Tillman Mason, Elkton

PRESIDENT AND COUNCIL COMMENTS

Councilwoman Broomell commented on the proposed project for replacement of the Old Elk Neck Road Bridge, upgrades to the North East River Wastewater Treatment Plant, proposal to add prayer before the Council meetings, and HIDTA designation for Cecil County.

Councilwoman Bowlsbey commented on Career Day at Gilpin Manor Elementary School and the Upper Bay Expressions of Healing art exhibit at the Arts Council.

Vice President McCarthy commented on Resolution 38-2013.

President Hodge thanked the public for attending the meeting and maintaining meeting decorum.

INTRODUCTION OF BILLS

President Hodge opened the floor for the introduction of Bill 2013-04.

Council Manager Massey stated for the record:

Bill 2013 -04

Title of Bill: Amendment - Zoning Ordinance – Floodplain District

Synopsis: An act to amend the Cecil County Zoning Ordinance, Article XI, Part III, Floodplain District. Bill 2013-04 is being introduced by the Council President on behalf of the County Executive and is scheduled for a public hearing at the June 4, 2013 Council Legislative meeting at 7:00 p.m.

Planning and Zoning Director Sennstrom provided a synopsis of Bill 2013-04. He advised the Council that the Planning Commission has recommended approval of Bill 2013-04.

INTRODUCTION and CONSIDERATION OF RESOLUTIONS

Introduction:

Council Manager Massey stated for the record:

Resolution 37-2013

Title of Resolution: Appointment-Redistricting Commission

Synopsis: A Resolution to appoint C. Ewing McDowell as chair of the Redistricting Commission for 2013. Resolution 37-2013 is being introduced by the Council President and will be scheduled for consideration by the Council at the May 21, 2013 Council Legislative meeting.

Council Manager Massey stated for the record:

Resolution 39-2013

Title of Resolution: Video Lottery Terminal (VLT) Local Community Grant Program

Synopsis: A Resolution to request that the VLT Local Community Grant Program continue to be administered through the County Council Office and the County Council shall continue to provide oversight for the community grant program in conjunction with the appointed Grant Review Committee and County Executive. Resolution 39-2013 is being introduced by Councilwoman Broomell and will be scheduled for consideration by the Council at the May 21, 2013 Council Legislative meeting.

Councilwoman Broomell advised the Council that oversight by the County Executive would provide no opportunity for checks and balances and transparency for the VLT grant process. In

the past, the Commissioners reviewed the recommendations from the VLT Committee and were able to revise the grant awards.

Council Manager Massey stated for the record:

Resolution 40-2013 – Second Amendment Preservation

Council Manager Massey advised the Council that there has been more discussion of this proposal and changes have been recommended.

President Hodge advised the public that Resolution 40-2013 is being postponed since it was scheduled for introduction by Councilman Dunn, who was unable to attend the meeting.

Council Manager Massey stated for the record:

Resolution 41-2013

Title of Resolution: Agreement, First Amendment to Agreement for Payment in Lieu of Taxes (“PILOT”) with Old Dominion Electric Cooperative (“ODEC”) and Essential Power Rock Springs, LLC

Synopsis: A Resolution to approve an amendment to that certain PILOT agreement dated April 2, 2002 by and between Cecil County, Maryland, a body corporate and politic (formerly the Board of County Commissioners of Cecil County), and Old Dominion Electric Cooperative and Essential Power Rock Springs, LLC (successors in interest to Rock Springs Generation, LLC and Outwater Funding Limited Partnership, the original signatories), extending the term of the PILOT and modifying the payment schedule and payment amounts in the event that ODEC proceeds with construction of a combined-cycle project at the facility (the “Expansion”). Resolution 41-2013 is being introduced by the Council President on behalf of the County Executive and will be scheduled for consideration by the Council at the May 21, 2013 Council Legislative meeting.

Councilwoman Broomell commented that public meetings will be scheduled for the citizens in this area.

Consideration:

Council Manager Massey stated for the record:

Resolution 35-2013

Title of Resolution: Appointment – Animal Care and Control Oversight Committee

Synopsis: A Resolution to confirm the appointment by the County Executive of Laura Hudson to the Cecil County Animal Care and Control Oversight Committee. Resolution 35-2013 was introduced by the Council President on behalf of the County Executive and introduced on April 16, 2013.

On motion made Councilwoman Broomell, seconded by President Hodge, the Council moved to appoint Laura Hudson to the Animal Care and Control Oversight Commission.

Members of the Council provided comment and discussed the appointment of Laura Hudson to the Animal Care and Control Oversight Commission.

The motion carried by a vote of 3 in favor and 1 in opposition. VOTE: McCarthy – N, Bowsbey – Y, Dunn – absent, Broomell – Y, Hodge - Y.

Council Manager Massey stated for the record:

Resolution 36-2013

Title of Resolution: Appointments – Historic District Commission

Synopsis: A Resolution to confirm the appointment by the County Executive of Michael W. Dawson, and the reappointment by the County Executive of Milt Diggins, to the Cecil County Historic District Commission. Resolution 36-2013 was introduced by the Council President on behalf of the County Executive and introduced on April 16, 2013.

Motion made by Councilwoman Broomell to amend the Resolution to remove Michael W. Dawson for appointment to the Historic District Commission. Motion died for lack of a second.

On motion made Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution 36-2013, as presented. Motion carried by a vote of 3 in favor and 1 in opposition. VOTE: McCarthy – Y, Bowsbey – Y, Dunn – absent, Broomell – N, Hodge - Y.

Council Manager Massey stated for the record:

Resolution 38-2013

Title of Resolution: Opposition – Maryland Firearms Safety Act

Synopsis: A Resolution stating the Council’s opposition to the Maryland Firearms Safety Act of 2013. Resolution 38-2013 was introduced by Vice President McCarthy and introduced on April 16, 2013.

Council Manager Massey read the amendment to Resolution 38-2013. President Hodge commented on the proposed amendment to the Resolution.

On motion made President Hodge, seconded by Vice President McCarthy, the Council moved to approve the amendment to Resolution 38-2013. Motion carried unanimously. VOTE: McCarthy – Y, Bowsbey – Y, Dunn – absent, Broomell – Y, Hodge - Y.

Council Manager Massey read Resolution 38-2013, as amended for the record.

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to approve Resolution 38-2013, as amended. Motion carried unanimously. VOTE: McCarthy – Y, Bowsbey – Y, Dunn – absent, Broomell – Y, Hodge - Y.

NEW BUSINESS

FY2014 Transportation Priorities – Letter of Support

President Hodge opened the floor to discussion of the FY2014 Transportation Priorities – letter of support.

Councilwoman Broomell voiced her concern relative to ensuring that home owners are invited and included in the discussion relative to proposed changes to Route 222. She had proposed an amendment to page 2, US 40 Corridor and Intersection Improvements, number 5, to include, "with notification to the public and coordination of the plans that are being reviewed" that failed at the Worksession meeting.

President Hodge commented on the procedure followed by the State Highway Administration to notify the public relative to proposed projects.

On motion made Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to support the FY2014 Transportation Priorities - Letter of Support. Motion carried by a vote of 3 in favor and 1 in opposition. VOTE: McCarthy – Y, Bowsbey – Y, Dunn – absent, Broomell – N, Hodge – Y.

ADJOURNMENT

On motion made by Councilwoman Broomell, seconded by Councilwoman Bowsbey, the Council moved to adjourn the meeting. Motion carried unanimously and the meeting was adjourned at 10:30 p.m.

The next Council Legislative Meeting is scheduled for Tuesday, May 21, 2013 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton.