

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE MEETING MINUTES
LSD 13-14
July 16, 2013

County Council of Cecil County met in legislative 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
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 July 16, 2013 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 Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to approve the agenda, as presented. Motion carried unanimously.

PRESENTATIONS OF PROCLAMATIONS/CERTIFICATES

Certificates were presented by members of the Council, County Executive Moore, Solid Waste Chief Pete Bieniek and Recycling Coordinator Tanya Adams to the 2012 MRA Recycling winners. Present to accept the certificate:

Junkbeegone.com for #1 Residential Recycling Hauler - 45.6% recycling rate (2nd consecutive year); and #1 Small Commercial Recycling Hauler – 98.28% recycling rate (6th consecutive year);
Craigtown Auto, Inc. for #1 Non MRA Metal Recycler – 7,974,000 recycled pounds;
W.L. Gore & Associates for #1 Recycling Business – 4,452,000 recycled pounds (6th consecutive year);

Town of Chesapeake City for #1 Recycling Municipality – 83.6% Recycling Rate (3rd consecutive year); and

Free in Cecil County – Facebook Page Creator Kristen Mendarte for the Source Reduction Recognition Award recognizing a person, business, or institution that goes above and beyond to promote or institute source reduction in Cecil County.

Not present to accept the certificate:

Waste Management - #1 Large Commercial Recycling Hauler – 5.10% recycling rate (4th consecutive year);

Elkton Recyclers, Inc. - #1 MRA Metal Recycler. – 10,336,000 recycled pounds (5th consecutive year); and

Chesapeake Inn - Recycling Recognition Award – 36,640 recycled pounds

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the minutes of the July 2, 2013 Council Legislative meeting, as presented. Motion carried unanimously.

PUBLIC COMMENTS

Joe Carabetta, Perryville, commented on the condition of the roads in the Carpenters Point area relative to proposed improvements after the completion of the sewer project; grass mowing along the roadway; postponement of the increase in sewer rates for hook-up fees; and the impact of the fee increase on the current rate payers.

Michael W. Dawson, Perryville, commented on Bill No. 2013-06 – Amendment – Flag and Seal Ordinance.

Donna Caudell, Elkton, commented on a discussion relative to the development of a noise ordinance and the removal of a member of the Ethics Commission by the County Executive.

Diane Carabetta, Perryville, commented on the postponement of the increase in sewer rates; hookup fees charged in Havre de Grace; and a recycling program in Utah.

PRESIDENT AND COUNCIL COMMENTS

Councilman Dunn had no comments.

Vice President McCarthy had no comments.

Councilwoman Broomell provided comments relative to the previous statement made regarding the dismissal of a member of the Ethics Commission; impact of the sewer rate increase on the rate payers; Diamond in the Rough Event in Perryville; and roundtable discussion items for the meeting with the Governor on drug abuse in Cecil County.

Councilwoman Bowsbey provided comments relative to the first meeting of the Strategic Planning Advisory Network and invited the public to attend the meetings, which are scheduled on the second Wednesday of each month at 7:00 p.m. in the Technical Building at Cecil College.

President Hodge commented on the public taking precautions during this heat wave and helping others who may not have air conditioning.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

INTRODUCTION OF RESOLUTIONS:

Council Manager Massey stated for the record:

Resolution No. 73-2013 - Road Abandonment - Portion of Stevenson Road, Cecil County

A Resolution approving the application of Maryland Materials, Inc. for the abandonment of a portion of Stevenson Road, Cecil County, Maryland pursuant to Article 25, Section 137, of the Annotated Code of Maryland. The Resolution is being introduced on behalf of the County Executive and will be scheduled for a public hearing at the August 20, 2013 Council Legislative meeting.

Director of Administration Wein advised the Council that the County received an application from Maryland Materials, Inc. for the abandonment of a portion of Stevenson Road. He confirmed that the Resolution gives authority to the County Executive to prepare a quitclaim deed, which would release the county from all rights on this portion of the road.

Council Manager Massey stated for the record:

Resolution No. 74-2013 - Road Abandonment - Portion of Quarry Road, Cecil County

A Resolution approving the application of Maryland Materials, Inc. for the abandonment of a portion of Quarry Road, Cecil County, Maryland pursuant to Article 25, Section 137, of the Annotated Code of Maryland. The Resolution is being introduced on behalf of the County Executive and will be scheduled for a public hearing at the August 20, 2013 Council Legislative meeting.

Director of Administration Wein advised the Council that the County received an application from Maryland Materials, Inc. for the abandonment of a portion of Quarry Road. This Resolution gives authority to the County Executive to prepare a quitclaim deed, which would release the county from all rights on this portion of the road.

Discussion ensued regarding the right of ownership and liability provided through a quitclaim deed for the proposed sections to be abandoned on Stevenson and Quarry Roads. Director of Administration Wein advised the Council that he will pass on the concern regarding determining if there is any value that should be paid to the county for the abandoned portions of the roads.

CONSIDERATION OF RESOLUTIONS:

Council Manager Massey stated for the record:

Resolution No. 48-2013 - Amendment – Master Water and Sewer Plan - Highlands to

Meadowview Sewer Interconnection. A Resolution to amend the Wastewater Service Area Map in the Cecil County Master Water and Sewer Plan to convey sewage from the Highlands Sewer Collection System to the Meadowview Wastewater Treatment Plant and remap several parcels to S-2 in the proposed service area. Resolution 48-2013 was introduced by the

President on behalf of the County Executive at the June 4, 2013 Council Legislative meeting and a public hearing was held at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 48-2013 – Amendment – Master Water and Sewer Plan – Highlands to Meadowview Sewer Interconnection. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 67-2013 – Appointments – Department of Social Services Board. A Resolution to confirm the re-appointment by the County Executive of James Jones and Grove Miller to the Department of Social Services Board for three (3) year terms, respectively, to expire June 2016. The Resolution was introduced by the Council President on behalf of the County Executive at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 67-2013 – Appointments – Department of Social Services Board. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 68-2013 – Appointment – Special Counsel – Board of Zoning Appeals, Planning Commission, and Code enforcement litigation - FY 2014. A Resolution to appoint Cameron Brown, Esquire, and Clara Campbell, LLC, to serve as legal counsel to the Cecil County Board of Zoning Appeals for Fiscal Year 2014, to appoint Clara Campbell, Esquire, Clara Campbell, LLC to serve as legal counsel to the Cecil County Planning Commission for Fiscal Year 2014, and to appoint Clara Campbell, Esq., Clara Campbell, LLC, to serve as legal counsel to the Cecil County Department of Planning and Zoning and Department of Permits and Inspections, respectively, in Code enforcement litigation for Fiscal Year 2014. The Resolution was introduced by the Council President on behalf of the County Attorney at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 68-2013 – Appointment – Special Counsel – Board of Zoning Appeals, Planning Commission, and Code enforcement litigation. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 69-2013 – Appointment – Special Counsel – Collective Bargaining-FY 2014. A Resolution to appoint J. Eric Paltell, Esq., Kollman & Saucier, P.A., as special legal counsel for the purpose of providing representation on behalf of Cecil County, Maryland, in collective bargaining with the Cecil County Sheriff's Department and IAAF for Fiscal Year 2014. The Resolution was introduced by the Council President on behalf of the County Attorney at the July 2, 2013 Council Legislative meeting.

Discussion ensued regarding the process for the selection of the firm for collective bargaining.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 69-2013 – Appointment – Special Counsel – Collective Bargaining – FY 2014. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 70-2013 – Assignment of Promissory Note, Loan Agreement and Deed of Trust - Moon Nurseries, Inc. – Community Development Block Grant. A Resolution approving the assignment of a Promissory Note, Loan Agreement, and Deed of Trust respectively dated July 14, 1995, and the execution of a corporate guaranty agreement and affidavit of lost promissory note, from Cecil County, Maryland to the State of Maryland Department of Community Development. The Resolution was introduced by the Council President on behalf of the County Executive at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 70-2013 – Assignment of Promissory Note, Loan Agreement and Deed of Trust - Moon Nurseries, Inc. – Community Development Block Grant. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 71-2013— Agreements—Mutual Aid Law Enforcement. A Resolution to approve the execution of Law Enforcement Mutual Aid Agreements between Cecil County, Maryland and the Cecil County Sheriff's Department, and the Town of Elkton, the Town of Rising Sun, the Town of Perryville, the Town of Port Deposit, and the State of Maryland Transportation Authority, for Fiscal Year 2014. The Resolution was introduced by the Council President on behalf of the County Executive at the July 2, 2013 Council Legislative meeting.

Council Manger Massey stated for the record Amendment No. 1 to Resolution 71-2013, which is being introduced by the Council President on behalf of the County Executive:

On Page 1, "Synopsis", delete "the Town of Port Deposit" and insert "the Town of North East"

On Page 1, "Synopsis", delete "the State of Maryland Transportation Authority"

On Page 2, line 5, delete "the Town of Port Deposit" and insert "the Town of North East"

On Page 2, line 5, delete "the State of Maryland Transportation Authority"

On Page 2, line 14, delete "the Town of Port Deposit" and insert "the Town of North East"

On Page 2, lines 14-15, delete "the State of Maryland Transportation Authority"

On Page 2, lines 21-22, delete "the Town of Port Deposit" and insert "the Town of North East"

On Page 2, line 22, delete "the State of Maryland Transportation Authority"

On Page 2, lines 26-27, delete "the Town of Port Deposit" and insert "the Town of North East"

On Page 2, line 27, delete "the State of Maryland Transportation Authority"

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Resolution 71-2013 – Agreements—Mutual Aid Law Enforcement. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 71-2013 – As Amended - Agreements—Mutual Aid Law Enforcement. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 72-2013—Agreement – Intergovernmental Agencies– Senior Services and Community Transit - Department of Social Services. A Resolution to approve the execution of a three (3) year lease agreement for the acquisition of two (2) motor vehicles to be used by the Cecil County Department of Senior Services and Community Transit pursuant to an Intergovernmental Agreement between Cecil County, Maryland, Department of Senior Services and Community Transit, and the Maryland State Department of Human Resources and Cecil County Department of Social Services. The Resolution was introduced by the Council President on behalf of the County Executive at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to approve Resolution 72-2013 – Agreement – Intergovernmental Agencies– Senior Services and Community Transit - Department of Social Services. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2013-05 – Zoning Ordinance – Brownfield Development District – An act to amend the Cecil County Zoning Ordinance, Article II, Part I, Section 12- Definitions; Brownfield Redevelopment District (BR); Article III, Part VIII, Section 42.2.e – Brownfield Redevelopment District (BR); and Article XI, Part VI, Section 247. Bill No. 2013-05 was introduced at the June 4, 2013 Council Legislative meeting and a public hearing was held at the July 2, 2013 Council Legislative meeting.

On motion Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to adopt and enact Bill No. 2013-05 – Zoning Ordinance – Brownfield Development District.

Councilwoman Broomell provided her comments in opposition to Bill No. 2013-05.

Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - N, Broomell - N, Hodge - Y. Motion carried by a vote of 3 in favor and 2 in opposition.

President Hodge stated that Bill No. 2013-05 – Zoning Ordinance – Brownfield Development District has been enacted by the Council and shall go into effect on September 16, 2013.

Council Manager Massey stated for the record:

Bill No. 2013-06 – Amendment – Flag and Seal Ordinance – Official County Seal. An act to amend the Public Laws of Cecil County, Chapter 105, by restoring to the county the official seal in use following the establishment of Cecil County on June 6, 1674. Bill No. 2013-06 was introduced at the June 4, 2013 Council Legislative meeting and a public hearing was held at the July 2, 2013 Council Legislative meeting.

On motion made by Vice President McCarthy, seconded Councilwoman Bowsbey, the Council moved to table Bill No. 2013-06 – Amendment – Flag and Seal Ordinance – Official County Seal.

Vice President McCarthy stated that the Council has sixty-five days after introduction to take action on this Bill, and if no action is taken, the Bill shall be voided.

Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously.

President Hodge stated that Bill No. 2013-06 – Amendment – Flag and Seal Ordinance has been tabled and if the Council takes no action within sixty-five (65) days from the introduction of the Bill, it shall be voided.

ADJOURNMENT

On motion made by Councilwoman Broomell seconded by Vice President McCarthy, the Council moved to adjourn the meeting. President Hodge adjourned the meeting at 8:10 p.m.

The next Council Legislative Meeting is scheduled for Tuesday, August 6, 2013 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton.