

COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE MEETING MINUTES
LSD 13-18
September 17, 2013

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 September 17, 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

President Hodge advised the Council that they have been provided a revised Legislative agenda for the meeting. Bill No. 2013-12 – Budget Ordinance FY2014 – Appropriations – General Fund – Director of Administration Budget has been added for introduction and the Final Reading of Bills has been moved before the Introduction and Consideration of Resolutions on the agenda.

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

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Bill No. 2013-11 - Budget Ordinance FY2014 – Appropriations – General Fund – Grant Revenue Sheriff's Office. An act to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 in order to provide \$60,000 in additions to the General Fund Grants Budget for the Sheriff's Office to provide additional appropriation authority for the fiscal year ending June 30, 2014. Bill was introduced at the August 20, 2013 Council Legislative meeting and tentative consideration will be scheduled for the October 1, 2013 Council Legislative meeting.

Director of Administration Wein advised the Council that the proposed budget amendment for the Sheriff's Office is to provide additional grant revenue for the Sheriff's Office to create a Crime Analyst position.

Public Comments in Support and Opposition

Diane Carabetta, 1611 Carpenters Point Rd, Perryville, commented in support of the Analyst position in the Sheriff's Office.

Harold McCanick, Elk Neck, commented on the State providing the grant funds for the Crime Analyst position.

David Neff, Conowingo, commented in support of hiring a Crime Analyst in the Sheriff's Office.

President Hodge advised the public that the public hearing is closed for Bill No. 2013-11 and consideration will be scheduled for the October 1, 2013 Council Legislative meeting.

APPROVAL OF MINUTES

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve the minutes of the September 3, 2013 Council Legislative meeting, as presented. Motion carried unanimously.

PUBLIC COMMENTS

David Neff, Conowingo, provided comments on the purchase of the Basell property

Joe Carabetta, Carpenters Point, provided comments on the proposed Bond Bill, how the county will pay back the debt, and proposed Resolution No. 82-2013 for a loan agreement with the MD Water Quality Financing Administration.

Diane Carabetta, Carpenters Point, provided comments on the proposed infrastructure for the Route 40 corridor, creating special taxing districts to pay for infrastructure on Route 40, Seneca Point project, and the public schools using more of their rainy day fund to pay for their capital projects.

PRESIDENT AND COUNCIL COMMENTS

Councilwoman Bowsbey had no comments.

Councilwoman Broomell thanked Joe and Diane Carabetta for stating their concerns, and provided comments relative to opposition from citizens to the Bond Bill and increasing the County's long term debt, negative impact of Charter government, and a Drug Court and Whittsit Center tour.

Councilman McCarthy provided comments relative to the proposed investment in education with the purchase of the Basell property.

President Hodge thanked everyone for participating in the democratic process.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2013-12 Budget Ordinance FY2014 – Appropriations – General Fund – Director of Administration Budget. An Act 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 Director of Administration budget within the General Fund expenditure an additional \$26,000 in appropriation to be expended for a contribution to the Clean Chesapeake Coalition. Bill will be scheduled for a public hearing at the October 15, 2013 Council Legislative meeting, and tentative consideration will be scheduled for the November 3, 2013 Council Legislative meeting.

Director of Administration Wein presented an overview of Bill No. 2013 -12 relative to providing the funding in the FY2014 budget to continue participation in the Clean Chesapeake Coalition.

Councilwoman Broomell provided comments relative to the benefits of participating in the Clean Chesapeake Coalition.

President Hodge advised the Council that Bill No. 2013-12 will be scheduled for a public hearing at the October 15, 2013 Council Legislative meeting.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2013-07 - Budget Ordinance FY2014 – Appropriations – General Fund - Motor Vehicle Internal Service Fund. An Act to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 by transferring \$55,000 of appropriation authority between the General Fund and the Motor Vehicle Internal Service Fund for the fiscal year ending June 30, 2014. Bill was introduced at the August 6, 2013 Council Legislative meeting and a public hearing was held at the September 3, 2013 Council Legislative meeting.

Finance Director Robinson advised the Council that the proposed legislation reallocates current funds in the budget to the correct funds.

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to enact Bill No. 2013-07. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously and Bill No. 2013-07 was enacted by the Council.

Council Manager Massey stated for the record:

Bill No. 2013-08 - Budget Ordinance FY2014 – Appropriations – General Fund – Grant Revenue. An Act to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 in order to provide \$160,795.31 in additions to the General Fund Grants Budget, to provide \$8,700.00 in additions to the Solid Waste Enterprise Fund, and to provide additional appropriation authority for the fiscal year ending June 30, 2014. Bill was introduced at the

August 6, 2013 Council Legislative meeting and a public hearing was held at the September 3, 2013 Council Legislative meeting.

Finance Director Robinson advised the Council that the grants listed in the Bill are new grant awards for 2014 that were awarded after the initial adoption of the budget.

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to enact Bill No. 2013-08. Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - Y, Hodge - Y. Motion carried unanimously and Bill No. 2013-08 was enacted by the Council.

Council Manager Massey stated for the record:

Bill No. 2013-09 - Budget Ordinance FY2014 – Appropriations – Capital Budget. An Act to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for FY2014 to provide additional appropriation authority to the Capital Budget for (a) grant funding of \$968,394; (b) funding a Capital Project for the Cecil County Public Schools known as the Cecil School of Technology in the amount of \$17,380,000; and, (c) funding a project known as the Broadband Technology Opportunities Program (BTOP) in the amount of \$688,000, for the fiscal year ending June 30, 2014. Bill was introduced at the August 6, 2013 Council Legislative meeting and a public hearing was held at the September 3, 2013 Council Legislative meeting.

Finance Director Robinson reviewed the allocation of funding for capital projects in Bill No. 2013-09.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to enact Bill No. 2013-09.

Discussion and comments ensued regarding opposition and support for specific projects in the Bill.

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 and Bill No. 2013-09 was enacted by the Council.

Council Manager Massey stated for the record:

Bill No. 2010-10 - General Obligation Bond Authorization. An Act authorizing and empowering Cecil County, Maryland, from time to time, to borrow not more than Seventy Million Dollars (\$70,000,000) for the purpose of financing the costs of certain public facilities in Cecil County described herein, and to effect such borrowing by the issuance and sale of its general obligation bonds in one or more series; empowering the County Executive to execute and deliver one or more executive orders prior to issuing the bonds in order to fix, prescribe and determine the details of the bonds and the issuance and sale thereof; empowering and directing the County to levy ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds from the provisions of Sections 9 to 11, inclusive, of Article 31 of the Annotated Code of Maryland (2010 Replacement

Volume), or successor provision; authorizing the County to issue and sell bond anticipation notes in one or more series pursuant to the authority of Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume), or successor provision, prior to and in anticipation of the sale of the bonds; providing that the County may issue and sell all or any portion of the bonds as bonds the interest on which is not excludable from gross income for federal income tax purposes; and relating generally to the issuance and sale of such bonds. Bill was introduced at the August 6, 2013 Council Legislative meeting and a public hearing was held at the September 3, 2013 Council Legislative meeting.

Discussion Director of Administration Wein advised the Council that County Attorney Allison would like to present an Amendment to Bill No. 2013 -10 on behalf of the County Executive.

County Attorney Allison presented an amendment to Bill No. 2013-10 relative to reducing the borrowing authority automatically, on a dollar-by-dollar basis, in relation to the State Revolving Fund (SRF) loan.

Discussion, questions and comments ensued regarding the estimated rate for the bonds and fulfilling the obligation to the bond holders.

On motion made by Councilwoman Broomell, seconded by Councilman Dunn, the Council moved to disapprove Bill No. 2013-10.

Discussion and comments ensued regarding the number of citizens who voiced opposition to Bill No. 2013-10; campaign promises; post cards in opposition that were delivered to the Council Office; public support received in favor of the Bill that has not been acknowledged; and disclosure of the members of the LLC who purchased the Basell property.

Roll Call Vote: McCarthy - N, Bowsbey - N, Dunn - Y, Broomell - Y, Hodge - N. Motion failed by a vote of 2 in favor and 3 in opposition to not enact Bill No. 2013-10.

Discussion ensued regarding the process for approving the proposed Amendment to Bill No. 2013-10. A motion was made by Councilwoman Broomell to not approve Amendment No. 1 to Bill No. 2013-10.

County Attorney Allison advised the Council that they must vote on the Amendment to the Bill. President Hodge dismissed the previous motion and requested that the proposed Amendment be read for the record before a motion would be considered.

Council Manager Massey stated for the record Amendment No. 1 to Bill No. 2013-10:

Amendment No. 1 to Bill No. 2013-10

On Page 1, line 8, delete "the"

On Page 1, line 13, insert:

WHEREAS, On September 3, 2013, the County Council, on behalf of the County Executive, introduced Resolution No. 82-2013, which seeks approval of the form and

authorization for the execution, issuance, sale and delivery by Cecil County, Maryland (the "County") of a general obligation installment bond in an aggregate principal amount not exceeding \$20,879,000 pursuant to the authority of Sections 97-22 to 97-27, inclusive, of the Code of Cecil County, Maryland (2012 Edition, as amended) and the Maryland Water Quality Financing Administration Act (codified as Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as amended), such bond to be designated "Cecil County Sanitary District Bond, Series 2014" and by series or by such other designation as provided in this Resolution, the net proceeds of the sale thereof to be used and applied for the public purpose of financing the cost of acquiring, constructing and equipping certain facilities, each of which constitutes a "wastewater facility" as more particularly described in Resolution 82-2013, including the development of property, the acquisition and installation of equipment and furnishings and any related architectural, financial, legal, planning and engineering expenses; to authorize the execution of a loan agreement between the County and the Maryland Water Quality Financing Administration; to prescribe the form and tenor of the bond and the terms and conditions for the issuance and sale thereof at private sale to the Maryland Water Quality Financing Administration; to declare the official intent of the County with respect to the reimbursement of certain expenditures relating to such facilities made prior to the issuance of such bond from the proceeds of such bond; to provide for the prompt payment of the maturing principal of and interest on the bond; to covenant to levy and collect all taxes necessary to provide for the payment of the principal of and interest on such bond; and to provide generally for the issuance, sale and delivery of such bond; and,

WHEREAS, Resolution 82-2013 (as amended) having been approved by the County Council for Cecil County, if, as or when SRF Funds are provided by the State of Maryland for the purposes set forth in said Resolution No. 82-2013 shall be automatically reduced on a dollar-for-dollar basis, without the need for further action, such reduction in borrowing authority not to exceed twenty million, eight hundred seventy nine thousand dollars (\$20,879,000)

On Page 4, line 61, insert:

Provided, however, that if SRF funds are authorized by the State of Maryland for the purposes set forth in Resolution No. 82-2013 (as amended), then the borrowing authority set forth in this Bill No. 2013-10 shall be automatically reduced, without need for further action, on a dollar-for-dollar basis, with such reduction in borrowing authority not to exceed twenty million, eight hundred seventy nine thousand dollars (\$20,879,000).

Discussion, questions and comments ensued regarding available options to the County for financing the capital project and consideration that Council members should recuse from voting if they have property that is affected by the Seneca Point project.

County Attorney Allison advised the Council that he is in agreement with Finance Director Robinson that in the same way property taxes are levied on all citizens, the benefits of waste water treatment and septic treatment are a benefit to all citizens and all the Council members would need to recuse from voting.

On motion made by Councilwoman Bowsbey, seconded by Vice President McCarthy, the Council moved to approve Amendment No. 1 to Bill No. 2013-10. Roll call vote: McCarthy - Y,

Bowlsbey - Y, Dunn - N, Broomell - N, Hodge - Y. Motion carried by a vote of 3 in favor and 2 in opposition to Amendment No. 1 to Bill No. 2013-10, and Amendment No. 1 was approved by the Council.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowlsbey, the Council moved to approve Bill No. 2013-10 As Amended.

Members of the Council provided their comments relative to Bill No. 2013-10.

Roll call vote: McCarthy - Y, Bowlsbey - Y, Dunn - N, Broomell - N, Hodge - Y. Motion carried by a vote of 3 in favor and 2 in opposition and Bill No. 2013-10 As Amended was enacted by the Council.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

INTRODUCTION OF RESOLUTIONS:

Council Manager Massey stated for the record:

Resolution No. 84-2013 Appointments—Public Safety Employee Pension Plan Board of Trustees. A Resolution to confirm the re-appointment of Craig Whiteford, Stephen Brownhill, and James Alfree by the County Executive to the Public Safety Employee Pension Plan Board of Trustees.

Director of Administration Wein presented an overview of Resolution No. 84-2013.

President Hodge advised the public that the Resolution will be considered at the October 1, 2013 Council Legislative meeting.

Resolution No. 85-2013 Appointment—Commission on Aging. A Resolution to confirm the reappointment of Polly Gray and Agnes Hopewood and the appointment of Francis D. Orbin made by the County Executive to the Commission on Aging.

Director of Administration Wein presented an overview of Resolution No. 85-2013.

President Hodge advised the public that the Resolution will be considered at the October 1, 2013 Council Legislative meeting.

CONSIDERATION OF RESOLUTIONS:

Council Manager Massey stated for the record:

Resolution 79-2013 – Approval – Lease and Purchase Agreement – 912 Appleton Road, Elkton. A Resolution to approve, upon the terms more fully set forth in an Option Agreement dated July 29, 2013 by and between the Appleton Road Business Trust, Optionor, and the Board of Education of Cecil County, Optionee, a capital lease and purchase agreement by Optionee for the acquisition of a 90.081(+/-) acre parcel of real property and the improvements thereon at 912 Appleton Road, Elkton, Maryland 21921, which is designated as Parcel 115, Map 21, Parcel

115, Third Election District, Cecil County Maryland. Resolution was introduced at the August 6, 2013 and a public hearing was held at the September 3, 2013 Council Legislative meeting.

Director of Administration Wein requested the Council's favorable consideration and approval of Resolution 79-2013.

Councilwoman Broomell requested an amendment to Resolution 79-2013 regarding disclosure of the members of the LLC.

Council Manager Massey stated for the record Amendment No. 1 to Resolution 79-2013:

Amendment No. 1 to Resolution 79-2013

On page 4, line 60, insert the following:

IT IS FURTHER RESOLVED by the County Council of Cecil County, that the individual identities of the Optionor, Appleton Road Business Trust, must be disclosed before the agreement of sale can be signed by the Optionee, Board of Education of Cecil County. If the Optionor is unwilling to disclose the names of their shareholders, the agreement of sale shall not be approved by the Optionee.

Discussion, questions and comments ensued regarding legal concerns for disclosure of the names of the Optionor, Appleton Road Business Trust.

County Attorney Allison advised the Council that there are no legal grounds with the way the parties are set forth in the agreement, and there is a process in place to look for potential conflicts of interest with the financial disclosures.

On motion made by Councilwoman Broomell, seconded by Councilman Dunn, the Council moved to approve Amendment No. 1 to Resolution 79-2013.

Discussion and comments ensued regarding the Council requiring the condition that the Optionor discloses the member of the LLC; importance of disclosure by county employees, school employees and members of the Board of Education who may benefit from the sale of the property; and information that was provided by the seller of the people involved in the sale.

Roll Call Vote: McCarthy - N, Bowsbey - N, Dunn - Y, Broomell - Y, Hodge - N. Motion failed by a vote of 2 in favor and 3 in opposition and Amendment No. 1 to Resolution 79-2013 was not approved.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution 79-2013.

Discussion and comments ensued regarding the value of providing job skills to public school students who do not choose college; review of the current technology program; and the missed opportunity to review other options for the School of Technology.

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 to approve Resolution 79-2013.

Council Manager Massey stated for the record:

Resolution No. 82-2013 - Loan Agreement – MD Water Quality Financing Administration – “Sanitary District Bond, Series 2014”. A Resolution approving the form and authorizing the execution, issuance, sale and delivery by Cecil County, Maryland (the “County”) of a general obligation installment bond in an aggregate principal amount not exceeding \$21,523,000 pursuant to the authority of Sections 97-22 to 97-27, inclusive, of the Code of Cecil County, Maryland (2012 Edition, as amended) and the Maryland Water Quality Financing Administration Act (codified as Sections 9-1601 to 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland, as amended), such bond to be designated “Cecil County Sanitary District Bond, Series 2014” and by series or by such other designation as provided in this Resolution, the net proceeds of the sale thereof to be used and applied for the public purpose of financing the cost of acquiring, constructing and equipping certain facilities, each of which constitutes a “wastewater facility” as more particularly described herein, including the development of property, the acquisition and installation of equipment and furnishings and any related architectural, financial, legal, planning and engineering expenses; to authorize the execution of a loan agreement between the County and the Maryland Water Quality Financing Administration; to prescribe the form and tenor of the bond and the terms and conditions for the issuance and sale thereof at private sale to the Maryland Water Quality Financing Administration; to declare the official intent of the County with respect to the reimbursement of certain expenditures relating to such facilities made prior to the issuance of such bond from the proceeds of such bond; to provide for the prompt payment of the maturing principal of and interest on the bond; to covenant to levy and collect all taxes necessary to provide for the payment of the principal of and interest on such bond; and to provide generally for the issuance, sale and delivery of such bond. The Resolution was introduced at the September 3, 2013 Council Legislative meeting.

Director of Administration Wein requested Council approval for the Resolution with the amendment.

Council Manager Massey stated for the record Amendment No. 1 to Resolution 82-2013:

On Page 3, line 38, delete: “Twenty One Million Five Hundred Twenty Three Thousand Dollars (\$21,523,000)” and **insert:** “Twenty Million Eight Hundred Seventy Nine Thousand Dollars (\$20,879,000)”

On Page 4, line 60 delete: “Twenty One Million Five Hundred Twenty Three Thousand Dollars (\$21,523,000)” and **insert:** “Twenty Million Eight Hundred Seventy Nine Thousand Dollars (\$20,879,000)”

On Page 5, line 96, delete: “\$21,523,000.00.” and **insert:** \$20,879,000.00.”

On Page 8, line 168, delete: “Section 8:” and **insert:** “Section 10.”

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Amendment No. 1 to Resolution 82-2013. 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 and Amendment No. 1 was approved.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution 82-2013 As Amended. 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 to approve Resolution 82-2013, As Amended.

Council Manager Massey stated for the record:

Resolution No. 83-2013 - Approval - Development of residential housing – North Creek Run II. A resolution supporting the development of housing in Cecil County, Maryland to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through the Department’s Community Development Administration (the “Administration”) at North Creek Run II. The Resolution was introduced at the September 3, 2013 Council Legislative meeting.

Director of Administration Wein advised the Council that a previous Board of Commissioners provided a letter of support for this residential workforce housing project.

On motion made by Vice President McCarthy, seconded by Councilwoman Bowsbey, the Council moved to approve Resolution 83-2013.

Discussion and comments ensued regarding the location of the project.

Roll call vote: McCarthy - Y, Bowsbey - Y, Dunn - Y, Broomell - N, Hodge - Y. Motion carried by a vote of 4 in favor and 1 in opposition to approve Resolution 83-2013.

ADJOURNMENT

On motion made by Councilwoman Bowsbey, seconded Vice President McCarthy, the Council moved to adjourn the meeting. President Hodge adjourned the meeting at 8:32 p.m.

The next Council Legislative Meeting is scheduled for Tuesday, October 1, 2013 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton.