

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2018-16
September 4, 2018**

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:

Joyce Bowsbey, Council President
Dan Schneckenburger, Vice President
Bob Meffley, Council Member
George Patchell, Council Member
Jackie Gregory, Council Member

NOTE: The audio and video recording with transcription of this meeting is available on the County website at www.ccgov.org.

CALL TO ORDER

The meeting of the County Council of Cecil County of September 4, 2018 was called to order by Council President Bowsbey at 7:00 p.m. and opened with the Pledge of Allegiance.

OPENING PRAYER

Vice President Schneckenburger introduced Rev. John r. Schaeffer from St. Mary Anne's Episcopal Church in North East who lead the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilwoman Gregory, seconded by Councilman Meffley, the Council moved to approve the legislative agenda of September 4, 2018. Motion was carried unanimously.

PRESENTATION OF PROCLAMATIONS/CERTIFICATES

The Council presented a proclamation in honor of National Recovery Month to Ken Collins, Director of Addiction Services, Cecil County Health Department, John Bennett, Chair of the Cecil County Alcohol and Drug Abuse Council, and members of the recovery community. Mr. Collins provided a video that highlighted Cecil County residents who are recovered addicts and alcoholics.

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Rezoning Case: 2018-03; Applicant: Mohamed Sharkawy; Request: To rezone 1.229 acres from Rural Residential (RR) to Business General (BG); Property Location: Telegraph Road, North East, MD 21901; Election Map: 4, Tax Map: 12, Parcel: 336, Lot 30; Property Owner: Mohamed Sharkawy

Notice of the public hearing was published on August 22, 2018 and August 29, 2018.

Witnesses presenting testimony were sworn in by Council Manager Massey.

Mohamed Sharkawy, applicant, presented his request for rezoning, based on a mistake in the 2011 Comprehensive Rezoning.

Eric Sennstrom, Director of Land Use and Development Services, stated that the Planning and Zoning staff recommended disapproval but the Planning Commission recommended approval, based on a mistake in the 2011 Comprehensive Rezoning.

Mr. Sennstrom presented the findings of facts

There were no Council questions or comments.

Council President Bowsbey opened the public hearing for public comments.
Hope Mitchell Lee, North East, commented in opposition of the application.

Council President Bowsbey asked the applicant for any final comments. Mr. Sharkawy declined.

Council President Bowsbey concluded the public hearing and announced that the rezoning case will be considered at the next legislative session on September 18, 2018.

Council Manager Massey stated for the record:

Bill No. 2018-14 Budget Transfer - Capital Budget – Board of Education – Various School Capital Projects.
A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2019 to transfer existing bond appropriation authority within the Board of Education Capital Projects Budget in the amount of \$210,521.87 from a completed School Capital Project (North East High Schools' Girls' Locker Room Renovation Project \$14,931.42) and an awarded but not completed project (Bohemia Manor High Roof Replacement \$195,590.45) to five incomplete projects (Cecil Manor Elementary Waterline Installation \$43,455.77, Bohemia Manor High Water Line Installation \$104,196, Cecil Manor Elementary Roof Replacement \$31,250, Perryville High Boiler Replacement \$18,500 and Conowingo Elementary Boiler replacement \$13,120.10) .

The Bill was introduced on August 7, 2018, advertised on August 22, 2018 and August 29, 2018; and public hearing scheduled on September 4, 2018.

There were no Council questions or comments.

Council President Bowsbey opened the hearing for public comments:
There were no public comments.

Council President Bowsbey concluded the public hearing on Bill No. 2018-14 and announced that final consideration of this Bill will be held on September 18, 2018.

Council Manager Massey stated for the record:

Resolution No. 37-2018 Grant Application – Maryland Community Development Block Grant – Warwick Mushrooms

A Resolution to authorize the Cecil County Department of Community Services, Housing and Community Development Division, to apply for funds from the Maryland Community Development Block Grant program through the Maryland Department of Housing and Community Development.

The Resolution was introduced on August 7, 2018, advertised on August 22, 2018 and August 29, 2018; and public hearing scheduled on September 4, 2018.

David Trolio, Community Services Director, provided comments on the legislation. There were no Council questions or comments.

Council President Bowsbey opened the hearing for public comments:

There were no public comments.

Council President Bowsbey concluded the public hearing on Resolution No. 37-2018 and announced that final consideration of this Resolution will be held on September 18, 2018.

APPROVAL OF MINUTES

On motion made by Councilwoman Gregory, seconded by Vice President Schneckenburger, the Council moved to approve the minutes of August 21, 2018. Motion was carried unanimously.

PUBLIC COMMENTS

Donna Caudell, Elkton, commented in opposition to Res. No. 33-2018.

Ron Lobos, Elkton, commented in support of Res. No. 33-2018.

Dawn Branch, Rising Sun, commented in support of Res. No. 33-2018.

Stephen Stiles, North East, commented in opposition to Res. No. 33-2018.

Harold McCanick, Elk Neck, commented on recovering addicts, CCPS funding, and Farm Museum.

David Woodruff, Rising Sun, representing Republican Central Committee, commented in opposition to Res. No. 33-2018.

Frances Bowman, Perryville, commented in support of Res. No. 33-2018, the new Gilpin Manor Elementary School, state recognition of CCPS construction programs, and maintenance of effort.

PRESIDENT AND COUNCIL COMMENTS

Councilman Patchell welcomed the audience and commented on being on vacation last week.

Councilman Meffley attended the Chamber of Commerce mixer with New Castle County and commented on discussions on school security. He also commented on discussing the school security issue with citizens in the county. He stated his support for school security funding.

Vice President Schneckenburger commented on the importance of National Recovery Month and his support for the recovering addicts and alcoholics. He commented on the Council's discussion of the wastewater fees and recommended that the Council President attend the meetings with bond rating

agency in the future. He commented on the complex issue of school security funding but stated his support for full funding.

Councilwoman Gregory thanked the audience for attending and recognized the members of the recovery community. She will be attending the program to honor first responders at Harts Amphitheater on September 8. She discussed her research and assessment of the school system's request for security funding, their fund balance, and the history of school funding and supplemental requests for funding.

Council President Bowsbey will attend the 9-11 program on Tuesday, September 11, at Pell Gardens in Chesapeake City where she will be speaking.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2018-16 Agricultural Preservation District – Losten's Dairy, LP

A Bill to approve the petition of Kim and Scott Wilkinson for property located at 1059 Biddle Street, Chesapeake City, MD 21915, also known as Losten's Dairy, LP. (Acres 589.822, Election District 2, Tax Maps 38, 39 and 44, Parcels 460, 483, 266, 2 and 5), requesting the establishment of an agricultural preservation district.

Eric Sennstrom, Director of Land Use and Development Services, provided introductory comments on this legislation. There were no Council questions or comments.

Introduced, read first time, and order posted on September 4, 2018. The public hearing for this legislation will be advertised and scheduled on the Council legislative session on October 2, 2018.

Council Manager Massey stated for the record:

Bill No. 2018-17 Agricultural Preservation District – Bare Family Farm

A Bill to approve the petition of Maynard Bare, Shirley Bare, Terrill Bare, Norma Mitchell and Robin Mecinski for property located at 1711 North East Road, North East, MD 21901, also known as Bare Family Farm (Acres 156.76, Election District 9, Tax Map 19, Parcel 112) requesting the establishment of an agricultural preservation district.

Eric Sennstrom, Director of Land Use and Development Services, provided introductory comments on this legislation. There were no Council questions or comments.

Introduced, read first time, and order posted on September 4, 2018. The public hearing for this legislation will be advertised and scheduled on the Council legislative session on October 2, 2018.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 38-2018 Expedited Legislation - Enterprise Zone – North East and Perryville

An Expedited Resolution to expand the existing Cecil County Enterprise Zone to include the North East Commons in North East and Chesapeake Overlook in Perryville.

Christopher Moyer, Economic Development Director, provided introductory comments. He requested that the Council expedite the legislation because the application to Maryland State Department of Commerce is due October 15, 2018.

The Council discussed this request and agreed by a voice vote of 5-0 to expedite the legislation so that the public hearing and final consideration of this resolution will be held on the same date of October 2, 2018.

There were no further Council questions or comments.

Introduced, read first time, and order posted on September 4, 2018. The public hearing for this legislation will be advertised and scheduled on the Council legislative session on October 2, 2018.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 28-2018 Fees – Wastewater Rates

A Resolution to increase the rates of the Cecil County Wastewater system.

Al Wein, Director of Administration provided comments on the legislation and stated that the administration supports Amendment No. 1 as proposed by Councilman Meffley.

The Resolution was introduced, read first time, order posted on July 17, 2018. The public hearing held and concluded on August 21, 2018.

Council Manager Massey stated for the record:

AMENDMENT NO. 1 TO RESOLUTION NO. 28-2018

Title: Fees – Wastewater Rates

Synopsis: To eliminate the rate increases effective on 7/1/2020.

Introduced by: Councilman Meffley

On Appendix A, Wastewater User Rates section, strike proposed increases on all columns of 7/1/2020 effective date.

On Appendix A, Septage Disposal section, strike proposed increases on all column of 7/1/2020 effective date.

On Page 2, line 13, insert the following:

“AND, BE IT FURTHER RESOLVED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that the wastewater division fee schedule will be reexamined prior to July 1, 2020, to determine if the wastewater fee schedule should be adjusted”.

Council questions and comments ensued.

On motion made by Councilwoman Gregory, seconded by Councilman Meffley, the Council moved to approve Amendment No. 1 to Resolution No. 28-2018

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowlsbey-Y

Motion carried unanimously.

On motion made by Vice President Schneckenburger, seconded by Councilman Meffley, the Council moved to approve Resolution No. 28-2018 as amended.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Resolution No. 33-2018 Supplemental Appropriation – Board of Education – School Security

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2019, in order to provide the Board of Education Department's budget within the General Fund expenditure appropriation authority to authorize \$1,000,000 to be expended for securing entrances and upgrading security at various County schools.

Al Wein, Director of Administration provided comments on the legislation.

The Resolution was introduced, read first time, order posted on August 7, 2018. Final consideration of this legislation was tabled on August 21, 2018. Final consideration was scheduled on September 4, 2018.

Councilman Meffley commented that the county will pay any invoices submitted for work completed for each school project. Councilman Patchell stated that his vote is based on avoiding an increase in the maintenance of effort. Councilwoman Gregory discussed her research and objection to this legislation.

Councilwoman Gregory made a motion to disapprove Resolution No. 33-2018. The motion died for lack of a second.

On motion made by Councilman Meffley, seconded by Vice President Schneckenburger, the Council moved to approve Resolution No. 33-2018.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- N, Schneckenburger-Y, Bowsbey-Y
Motion carried by a vote of 4 to 0. Councilwoman Gregory was opposed.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2018-06 Amendment – Zoning Ordinance – Private Schools – Industrial Zones

An Act to amend the Cecil County Zoning Ordinance, Article V, Part IV, Section 88 Schools, Private in order to allow private schools in M1 and M2 zoning; and to amend the table of permissible uses to reflect this change.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Vice President Schneckenburger, seconded by Councilman Meffley, the Council moved to approve Bill No. 2018-06.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-07 Amendment – Zoning Ordinance – Solar Power Generating Facilities

An Act to amend the Cecil County Zoning Ordinance, Article V, Part XII, Section 156, Power Generating Facilities in order to permit solar power generating facilities in Business General zones as a special exception under certain conditions.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

Council questions and comments ensued. Vice President Schneckenburger stated that he was opposed to legislation that affected only one property in the county.

On motion made by Councilman Patchell, seconded by Councilman Meffley, the Council moved to approve Bill No. 2018-07.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- N, Schneckenburger-N, Bowsbey-Y
Motion carried by a vote of 3 to 2. Councilwoman Gregory and Vice President Schneckenburger were opposed.

Council Manager Massey stated for the record:

Bill No. 2018-08 Approval - Maryland Agricultural Land Preservation Foundation – Robert and Roberta Durgin

A Bill to approve the application of Robert and Roberta Durgin for the property of 255 Wilson Road (Tax Map 11, Grid 14, Parcel 24) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Councilman Meffley, seconded by Councilwoman Gregory, the Council moved to approve Bill No. 2018-08.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-09 Approval - Maryland Agricultural Land Preservation Foundation – Randalia Farms, LLC

A Bill to approve the application of Randalia Farms, LLC for the property of 1055 Randalia Road (Tax Map 42, Grid 18, Parcel 3) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Councilman Meffley, seconded by Councilwoman Gregory, the Council moved to approve Bill No. 2018-09.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-10 Approval - Maryland Agricultural Land Preservation Foundation – Janice Eggers-Abel

A Bill to approve the application of Janice Eggers-Abel for the property of 863 Lombard Road (Tax Map 5, Grid 15, Parcel 4) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Councilman Meffley, seconded by Councilwoman Gregory, the Council moved to approve Bill No. 2018-10.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-11 Approval - Maryland Agricultural Land Preservation Foundation – McKeown Family LLC

A Bill to approve the application of McKeown Family LLC for the property located on the north and east side of Locust Point Road (Tax Map 38, Grid 8, Parcels 511 and 532) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Councilman Meffley, seconded by Councilwoman Gregory, the Council moved to approve Bill No. 2018-11.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowlsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-12 Approval - Maryland Agricultural Land Preservation Foundation – Herring Creek Farm
A Bill to approve the application of Herring Creek Farm for the property of 662 Randalia Road (Tax Map 42, Grid 18, Parcel 3) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

The Bill was introduced on July 17, 2018 and public hearing held on August 21, 2018.

There were no Council questions or comments.

On motion made by Councilwoman Gregory, seconded by Councilman Meffley, the Council moved to approve Bill No. 2018-12.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowlsbey-Y
Motion carried unanimously.

Council Manager Massey stated for the record:

Bill No. 2018-13 Clean Energy Loan Program
A Bill to establish a clean energy loan program for commercial property owners to finance energy efficient projects and renewable energy projects.

There were no Council questions or comments.

Council Manager Massey stated for the record:

AMENDMENT NO. 1
TO BILL NO. 2018-13

Title: Clean Energy Loan Program

Synopsis: To correct errors from original legislation

Introduced by: Council President on behalf of County Executive

On page 5, line 94, delete “April” and insert “May”.

On page 5, line 114, delete “within 5 working days after the recordation”.

On page 6, line 139, delete “§123-32” and insert “§8”.

On page 6, line 140, insert the following: “and in accordance with Cecil County Code §45-1”.

On page 6, line 141, insert “so”.

On page 7, line 170, insert the following:

“AND BE IT FURTHER ENACTED that this Bill shall apply to any commercial property for which a clean energy loan was financed on or after July 1, 2018”.

Vice President Schneckenburger made a motion, which was seconded by Councilwoman Gregory, to approve Amendment No. 1 to Bill No. 2018-13.

Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

Councilwoman Gregory made a motion, which was seconded by Councilman Meffley, to approve Bill No. 2018-13 as amended.

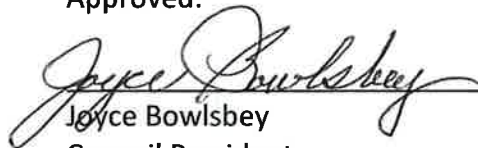
Roll Call Vote: Meffley-Y, Patchell-Y, Gregory- Y, Schneckenburger-Y, Bowsbey-Y
Motion carried unanimously.

ADJOURNMENT

On motion made by Councilwoman Gregory, seconded by Councilman Meffley, Council President Bowsbey adjourned the meeting at 8:29 p.m.

The next Council Legislative Session is scheduled on Tuesday, September 18, 2018 in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Approved:


Joyce Bowsbey
Council President

Attest:


Council Manager