

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2019-17
September 3, 2019**

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:

Robert Meffley, Council President
William H. Coutz, Council Member
Al Miller, Council Member
George Patchell, Council Member
Absent: Jackie Gregory, Vice President

NOTE: The video and audio 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 3, 2019 was called to order by Council President Meffley at 7:00 p.m. and opened with the Pledge of Allegiance.

OPENING PRAYER

Councilman Miller introduced Reverend Charles Rossiter from Baldwin United Methodist Church in Elk Mills, who led the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the legislative agenda of September 3, 2019. Motion was unanimously approved.

PRESENTATION OF PROCLAMATION AND CERTIFICATES

The Council presented a proclamation to celebrate National Recovery Month to John Bennett, chair, and members of the Cecil County Drug and Alcohol Abuse Council, and to Lauren Levy and staff of Cecil County Health Department.

SPECIAL PRESENTATION

Rod Heinze, chair, introduced members of the Cecil County Compensation Commission. He presented the recommendations of the committee. He stated that the committee recommended that the County Executive receive \$103,000 per year when seated and an annual cost of living adjustment based on the Consumer Price Index until 2024. The committee recommended that Council Members receive \$28,500 per year when seated and an annual cost of living adjustment based on the Consumer Price Index until 2024. He also stated that the Council President should receive \$1,000 per year additional compensation with no adjustment for cost of living until 2024.

Council President Meffley thanked the members of the Compensation Review Commission and Council Members joined in presenting certificates of appreciation to each member.

The Council President stated that the Council will be considering the committee's recommendation in the future.

PUBLIC HEARINGS

Council President Meffley asked that the public hearings for the legislation regarding the approval of recommendations for four properties to be submitted for applications to the Maryland Agricultural Land Preservation Foundation be presented together for their public hearing. The Council agreed by consensus to the change in the rules.

Council Manager Massey stated for the record:

Bill No. 2019-10 Maryland Agricultural Land Preservation Foundation – Mary Lee Howard Vosters

A Bill to approve the application of Mary Lee Howard Vosters for the property of 609 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.

Bill No. 2019-11 Maryland Agricultural Land Preservation Foundation – Farmington Acres, LLC

A Bill to approve the application of Farmington Acres, LLC, for the property of 755 Barnes Corner Road (Tax Map 10, Grid 24, Parcel 36) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

Bill No. 2019-12 Maryland Agricultural Land Preservation Foundation – Clay Farms, GP

A Bill to approve the application of Clay Farms, GP, for the property of 954 New Cut Road (Tax Map 57, Grid 9, Parcel 3) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

Bill No. 2019-13 Maryland Agricultural Land Preservation Foundation – James and Ann Higgins

A Bill to approve the application of James and Ann Higgins, for the property of 559 Theodore Road (Tax Map 23, Grid 6, Parcel 73) requesting a recommendation of approval to submit an application for the purchase of an easement to the Maryland Agricultural Land Preservation Foundation.

Bill Nos. 2019-10, 2019-11, 2019-12, and 2019-13 were introduced on August 6, 2019, advertised on August 21, 2019 and August 25, 2019; and scheduled for public hearing on September 3, 2019.

Al Wein, Director of Administration, stated that Devyn King, Planner, was available for any questions or comments. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comment. There were no public comments.

Council President Meffley concluded the public hearing on Bill Nos. 2019-10, 2019-11, 2019-12 and 2019-13, and announced that final consideration of this legislation will be scheduled on September 17, 2019.

Council Manager Massey stated for the record:

Bill No. 2019-14 Budget Transfer and Appropriation – Capital Budget – Roads and Bridges Capital Budget – Belvidere Road Culvert Project.

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 to transfer existing bond appropriation authority within the Roads & Bridges Capital Projects Budget in the amount of \$128,707.96 from a portion of the savings on the completed Upgrade Nottingham Roads Facility Project (\$18,353.68) and the completed Waibel Road Improvement Project (\$110,354.28); to be transferred to the Replace Belvidere Road Culvert Project (\$128,707.96).

Bill No. 2019-14 was introduced on August 6, 2019, advertised on August 21, 2019 and August 25, 2019; and scheduled for public hearing on September 3, 2019.

Al Wein, Director of Administration, stated that Scott Flanigan, Public Works Director, was available for any questions or comments. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comment. There were no public comments.

Council President Meffley concluded the public hearing on Bill No. 2019-14 and announced that final consideration of this legislation will be scheduled on September 17, 2019.

Council Manager Massey stated for the record:

Bill No. 2019-15 Expedited Legislation – Budget Transfer and Appropriation – Capital Budget – Roads and Bridges – Bethel Church Road Bridge Project.

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 to transfer existing bond appropriation authority within the Roads and Bridges Capital Projects Budget in the amount of \$75,000 from the following completed projects: a portion of the savings from the Upgrade Nottingham Roads Facility Project (\$13,050.11), the Racine School Road Improvements Project (\$11,081.64), and the Replace Bohemia Church Road Culverts Project (\$50,868.25); to be transferred to the Rehabilitation of Bethel Church Road Bridge Project (\$75,000). The Department of Public Works is requesting the Bill be considered for expedited legislation under the Council's Policy #5-19 as approved by Resolution No. 49-2015 due to the need to complete the project before weather related conditions impede completion.

Bill No. 2019-15 was introduced on August 6, 2019, advertised on August 21, 2019 and August 25, 2019; and scheduled for public hearing on September 3, 2019.

Council President Meffley stated that the Council approved Bill No. 2019-15 to be expedited when it was introduced because of the urgency to get the project completed before cold weather. Consideration of approval of this legislation is scheduled later in tonight's agenda.

Al Wein, Director of Administration, provided comments regarding Amendment No. 1 to Bill No. 2019-15, which adds \$120,000 to the project. He stated that the bids for the project had been open and that the low bid exceeded the budget estimate. He also stated that Scott Flanigan, Public Works Director, was available for any questions or comments.

Council President Meffley asked the Council Manager to read Amendment No. 1 to Bill No. 2019-15 into the record.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2019-15**

Expedited Legislation – Budget Transfer and Appropriation-Capital Budget- Roads and Bridges-Bethel Church Road Bridge Project

To add an additional transfer of \$120,000 from the current Replace Mechanics Valley Road Bridge over CSX Project to the Bethel Church Road Bridge Project because of the escalating cost of construction and the need for contingency funding.

Introduced by: Council President on behalf of County Executive

On page 1, within the Synopsis;

Insert the following language to the synopsis in the location noted above: “An additional transfer of \$120,000 will be added to the Bethel Church Road Bridge Project from the current Replace Mechanics Valley Road Bridge over CSX Project to provide the budget necessary to complete the project.

On page 2 line 8 delete the word “remaining”.

On page 2 line 9 delete the word “completed”.

On page 2 after line 13 add the following:

d) To transfer \$120,000 from the current Replace Mechanics Valley Road Bridge over CSX Project; and

On page 2, line 14 delete \$75,000 and insert \$195,000.

On page 2, line 17 delete \$75,000 and insert \$195,000.

On page 2 after line 22 insert the following:

b) On August 8, 2019 four bids were opened for the project and the lowest bid was \$760,518.00 compared to the engineer’s estimate of \$620,087.00. The largest discrepancies in the engineer’s estimate and low bid were costs for mobilization/demobilization, clearing and grubbing, maintenance of stream flow, and concrete deck/parapet removal. Due to the escalating cost of construction, adding an additional \$120,000 will allow the project a contingency and the ability to get the work completed now, instead of delaying and possibly increasing the future cost of the project.

On page 3, line 42 delete \$75,000 and insert \$195,000

On page 3, line 42 delete the word “completed”

On page 3 line 44 delete the word “and”

On page 3 line 44 after (\$50, 868.25) insert “and \$120,000 from the Replace Mechanics Valley Road Bridge over CSX Project”

On page 3 line 45 delete (\$75,000) and insert (\$195,000).

Council questions and comments ensued. Councilman Coutz clarified that the project is estimated to take forty days to complete.

Council President Meffley opened the public hearing for public comment.

Harold McCanick, Elk Neck, commented that the Council should reexamine the additional request for funding.

Council President Meffley concluded the public hearing on Bill No. 2019-15 and restated that final consideration of this legislation will be held later in tonight's agenda.

Council Manager Massey stated for the record:

Resolution No. 47-2019 Expedited Legislation - Approval – Grant Application – Community Development Block Grant – Homeless Initiative

A Resolution to authorize the Cecil County Department of Community Services, Housing and Community Development Division, to apply for Maryland Community Development Block Grant Homeless Initiative funds. The Community Services Department requests that this Resolution be considered as expedited legislation due to the need to submit the application by the deadline of September 13, 2019.

Resolution No. 47-2019 was introduced on August 6, 2019, advertised on August 21, 2019 and August 25, 2019; and scheduled for public hearing on September 3, 2019.

Council President Meffley stated that the Council approved Resolution No. 47-2019 to be expedited when it was introduced because of the deadline for the submission of the grant application is September 15, 2019.

David Trolio, Community Services Director, provided comments. Council questions and comments ensued. Councilman Coutz asked about the opposition from Mayor Alt. Mr. Trolio explained that this grant will fund 2.5 positions for two years for existing shelters only. Mr. Trolio stated that he will be meeting with Mayor Alt to explain the grant in depth.

Council President Meffley opened the public hearing for public comment.

Tina Poffenberger, representing Meeting Ground, commented in support of the legislation and that additional staff are needed to serve the homeless in current shelters.

Jean Schedler, Meeting Ground board member, commented in support of the legislation and stated that the organization is very underfunded.

Richard Lemen, Elkton, commented in opposition to the legislation because this will encourage other homeless people to come to Elkton.

Harold McCanick, Elk Neck, commented in opposition to this legislation because these county services are taking advantage of taxpayers.

Council President Meffley concluded the public hearing on Bill No. 2019-14 and announced that final consideration of this legislation will held later in tonight's agenda.

APPROVAL OF MINUTES

On motion made by Vice President Gregory, seconded by Councilman Coutz, the Council moved to approve the minutes of the legislative session of August 20, 2019. Motion was approved unanimously.

PUBLIC COMMENTS

Harold McCanick, Elk Neck, commented in opposition to Resolution No. 50-2019, regarding the proposed enterprise zone, and asked Council Members to recuse themselves if they received funding from Cecil Business Leaders. He also commented in opposition to funding the Cecil County Farm Museum and the recommendations of the Compensation Review Commission.

PRESIDENT AND COUNCIL COMMENTS

Councilman Patchell attended the Parks and Recreation Advisory Board meeting and stated that dredging of the Elk River will start in late fall. He also stated that they discussed the issue of playing on turf fields in extreme heat.

Councilman Miller attended the Voices of Hope candlelight vigil and listened to volunteers who work as a recovery team. He attended an open house at the Horst farm, the poultry CAFOs farm.

Councilman Coutz thanked the audience for their attendance. He attended the Singerly Fire Company's Fire Apparatus Muster and commended the fire company for their efforts and expressed his hope that this will become an annual event. He plans to attend First Fridays in Elkton and the open house at Showcase on Main, a new downtown business.

Vice President Gregory thanked the audience for attending and the citizens who made comments at tonight's session. She thanked the members of the Compensation Review Commission for their efforts. She expressed her appreciation to the members of the Drug and Alcohol Abuse Council for their work on recovery. She also thanked the peer advocates for their dedicated work with recovering addicts.

Council President Meffley stated that he had attended many events last week but commented on the BEPAC New Teacher Reception and their excitement at getting supplies for their classrooms. He congratulated parents for getting their children to the first day of school and commented on the danger of cars passing stopped school buses. He stated that he was pleased that the Upper Shore Regional Council has awarded \$25,000 grant to the Cecil Farm Museum for a new educational center. He stated that USRC had provided \$66,000 to Cecil County projects. He stated that the Drug Free Cecil Youth Coalition will receive a Baltimore Ravens Honor Roll Award at Ravens Stadium in recognition of their efforts to prevent substance use among Cecil County youth. He also recognized Beth Creek of Youth Empowerment Source, and Virgil Boysaw from the Health Department for their efforts in supporting this group.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 50-2019 Enterprise Zone - Elkton

A Resolution to expand the existing Cecil County Enterprise Zone by 1,788± acres of which 372± acres fall within the Town of Elkton.

Council President Meffley stated that this legislation will not be expedited in order to allow the Elkton Town Commissioners to indicate their support. He also stated that the Elkton Town Commissioners will be introducing legislation on September 4, 2019.

There were no comments from the administration. There were no Council questions or comments.

Introduced, read first time and order posted on September 3, 2019. The public hearing for this legislation will be advertised and scheduled on October 1, 2019. Final consideration will be scheduled on October 15, 2019.

Council Manager Massey stated for the record:

Resolution No. 51-2019 Supplemental Appropriation – Fund Balance – Volunteer Fire Service

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 in order to provide the Volunteer Fire Service Department Budget within the General Fund additional expenditure appropriation authority in the amount of \$164,154. The additional expenditure authority will fund the FY20 allocation budget shortfall resulting from the error by the Maryland State Assessment Office in the assignment of fire district codes to new County properties.

Al Wein, Director of Administration, provided comments. Councilman Coutz and Council President Meffley congratulated the State Department of Assessment and Taxation for finding the error.

Introduced, read first time and order posted on September 3, 2019, and scheduled for final consideration on September 17, 2019.

Council Manager Massey stated for the record:

Resolution No. 52-2019 Supplemental Appropriation – Child and Adult Care Food Program – Community Service Fund

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 in order to provide a total of \$102,120 to the Community Services Fund – Help Center Division to record the Child and Adult Care Food Program (CACFP). Funding and oversight for the program will be passed from the Department of Social Services to Cecil County as part of the consolidation efforts between the two government agencies.

Al Wein, Director of Administration, provided comments. There were no Council questions or comments.

Introduced, read first time and order posted on September 3, 2019, and scheduled for final consideration on September 17, 2019.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 47-2019 Expedited Legislation - Approval – Grant Application – Community Development Block Grant – Homeless Initiative

A Resolution to authorize the Cecil County Department of Community Services, Housing and Community Development Division, to apply for Maryland Community Development Block Grant Homeless Initiative funds. The Community Services Department requests that this Resolution be considered as expedited legislation due to the need to submit the application by the deadline of September 13, 2019.

Council President Meffley stated that the Council had approved Resolution No. 47-2019 at introduction to be expedited because the deadline for submission of the grant application is September 15, 2019.

There were no comments from the administration. Councilman Coutz clarified that this application is for a competitive grant award.

The Resolution was introduced on August 6, 2019, the public hearing was held on September 3, 2019, and final consideration was scheduled on September 3, 2019.

On motion made by Vice President Gregory, seconded by Councilman Coutz, the Council moved to approve Resolution No. 47-2019

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
Motion was unanimously approved.

Council Manager Massey stated for the record:

Resolution No. 49-2019 Appointment - Board of Library Trustees – Jonathan Stauffer

A Resolution to confirm the appointment of Jonathan Stauffer to the Cecil County Board of Library Trustees, to a five year term to expire September 3, 2024.

The Resolution was introduced and posted on August 20, 2019, and scheduled for consideration on September 3, 2019.

There were no comments from the administration. There were no Council questions or comments.

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve Resolution No. 49-2019

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
Motion was unanimously approved.

CALL FOR FINAL READING OF BILLS

Council Manager Massey read into the record:

Bill No. 2019-09 General Obligation Bond Authorization

An Act authorizing and empowering Cecil County, Maryland, from time to time, to borrow not more than Forty Seven Million Dollars (\$47,000,000) 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 19-205 and 19-206 of the Local Government Article of the Annotated Code of Maryland, or successor provision; authorizing the County to issue and sell bond anticipation notes in one or more series pursuant to the authority of Sections 19-211 through 19-221 of the Local Government Article of the Annotated Code of Maryland, 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.

The Bill was introduced on July 16, 2019, and the public hearing was held and concluded on August 20, 2019.

Councilman Coutz introduced Amendment No. 1 to Bill No. 2019-09.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2019-09**

Title: General Obligation Bond Authorization

Synopsis: To require a member of the County Council to accompany administrative staff to the meeting with the bond rating firms

Introduced by: Councilman Coutz

On page 6, line 118 of the Bill, insert the following:

AND BE IT FURTHER ENACTED BY THE COUNTY COUNCIL OF CECIL COUNTY, MARYLAND, that a Council Member, as designated by the Council, is to attend the meeting with the bond rating firms with the administrative staff in order to observe the process.

Al Wein, Director of Administration, stated his objection to the amendment. There were no Council questions or comments.

Councilman Coutz made a motion to approve Amendment No. 1 to Bill No. 2019-09. The motion was seconded by Vice President Gregory.

Roll call vote: Coutz-Y, Miller-N, Patchell-Y, Gregory-Y, Meffley-Y
Motion was approved by a vote of 4 to 1. Councilman Miller was opposed.

On motion made by Vice President Gregory, seconded by Councilman Coutz, the Council moved to approve Bill No. 2019-09 as amended

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
Motion was unanimously approved.

Council Manager Massey read into the record:

Bill No. 2019-15 Expedited Legislation – Budget Transfer and Appropriation – Capital Budget – Roads and Bridges – Bethel Church Road Bridge Project

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2020 to transfer existing bond appropriation authority within the Roads and Bridges Capital Projects Budget in the amount of \$75,000 from the following completed projects: a portion of the savings from the Upgrade Nottingham Roads Facility Project (\$13,050.11), the Racine School Road Improvements Project (\$11,081.64), and the Replace Bohemia Church Road Culverts Project

(\$50,868.25); to be transferred to the Rehabilitation of Bethel Church Road Bridge Project (\$75,000). The Department of Public Works is requesting the Bill be considered for expedited legislation under the Council's Policy #5-19 as approved by Resolution No. 49-2015 due to the need to complete the project before weather related conditions impede completion.

Council President Meffley restated that the Council approved Bill No. 2019-15 to be expedited when it was introduced because of the urgency to get the project completed before cold weather.

The Bill was introduced on August 6, 2019, and the public hearing was held and concluded on September 3, 2019.

Council Manager Massey stated for the record:

AMENDMENT NO. 1
TO BILL NO. 2019-15

Title: Expedited Legislation – Budget Transfer and Appropriation-Capital Budget- Roads and Bridges- Bethel Church Road Bridge Project

Synopsis: To add an additional transfer of \$120,000 from the current Replace Mechanics Valley Road Bridge over CSX Project to the Bethel Church Road Bridge Project because of the escalating cost of construction and the need for contingency funding.

Introduced by: Council President on behalf of County Executive

On page 1, within the Synopsis;

Insert the following language to the synopsis in the location noted above: "An additional transfer of \$120,000 will be added to the Bethel Church Road Bridge Project from the current Replace Mechanics Valley Road Bridge over CSX Project to provide the budget necessary to complete the project.

On page 2 line 8 delete the word "remaining".

On page 2 line 9 delete the word "completed".

On page 2 after line 13 add the following:

d) To transfer \$120,000 from the current Replace Mechanics Valley Road Bridge over CSX Project; and
On page 2, line 14 delete \$75,000 and insert \$195,000.

On page 2, line 17 delete \$75,000 and insert \$195,000.

On page 2 after line 22 insert the following:

b) On August 8, 2019 four bids were opened for the project and the lowest bid was \$760,518.00 compared to the engineer's estimate of \$620,087.00. The largest discrepancies in the engineer's estimate and low bid were costs for mobilization/demobilization, clearing and grubbing, maintenance of stream flow, and concrete deck/parapet removal. Due to the escalating cost of construction, adding an additional \$120,000 will allow the project a contingency and the ability to get the work completed now, instead of delaying and possibly increasing the future cost of the project.

On page 3, line 42 delete \$75,000 and insert \$195,000

On page 3, line 42 delete the word "completed"

On page 3 line 44 delete the word "and"

On page 3 line 44 after (\$50, 868.25) insert "and \$120,000 from the Replace Mechanics Valley Road Bridge over CSX Project"

On page 3 line 45 delete (\$75,000) and insert (\$195,000).

There were no comments from the administration. There were no Council questions or comments.

Vice President Gregory made a motion to approve Amendment No. 1 to Bill No. 2019-15. The motion was seconded by Councilman Coutz.

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
Motion was approved unanimously.

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve Bill No. 2019-15 as amended


Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
Motion was unanimously approved.

ADJOURNMENT

On motion made by Vice President Gregory, seconded by Councilman Miller, Council President Meffley adjourned the meeting at 8:21 p.m.

The next Council Legislative Session is scheduled on Tuesday, September 17, 2019 at 7:00 p.m. in the Elk Room of the County Administration Building, 200 Chesapeake Blvd., Elkton, Maryland.

Approved:



Robert Meffley
Council President

Attest:



James Massey
Council Manager