

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2020-09
May 5, 2020**

The County Council of Cecil County met in legislative session in an online virtual meeting because of the current health crisis and based on the Governor's orders to avoid public meetings. Council Members, presenters and members of the public participated in this meeting by going online to www.ccgov.org/council and selecting "livestream".

The following members of the Council were present:

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

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 May 5, 2020 was called to order by Council President Meffley at 7:00 p.m.

ROLL CALL OF COUNCIL MEMBERS

Council President Meffley asked for a roll call of attending Council Members. The Council Manager called the roll and recorded the following Council Members in attendance:

Roll Call Vote: Coutz-Present, Miller-Present, Patchell-Present, Gregory-Present, Meffley-Present.

Council President Meffley announced that there were five Council Members present, which constitute a quorum.

SUSPENSION OF RULES

Councilman Coutz made a motion to suspend the rules to allow Council Members who are connected to participate and vote in this legislation session, because of the current health crisis and orders by the Governor to avoid public meetings. The motion was seconded by Vice President Gregory.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y

The motion was unanimously approved.

OPENING PRAYER

Councilman Miller introduced Pastor Tim Beardsley from Cherry Hill United Methodist Church in Elkton, who led the opening prayer.

APPROVAL OF AGENDA

On motion made by Vice President Gregory, seconded by Councilman Coutz, the Council moved to approve the legislative agenda of May 5, 2020. Motion was unanimously approved.

PRESENTATION OF PROCLAMATIONS

The Council presented a proclamation in recognition of Cecil County Safe Boating Week, May 16 to 25, 2020, to Harry Albert, Public Affairs Officer, retired, Chesapeake City Flotilla of the US Coast Guard Auxiliary.

The Council presented a proclamation in recognition of the National Day of Prayer, May 7, 2020, to Frank Vari, representing the Chesapeake City Council and the Chesapeake City Ecumenical Council.

PUBLIC HEARING

Council Manager Massey stated for the record:

Rezoning Case 2020-02

APPLICANT: Cecil Real Properties, LLC, c/o Thomas C. Kleine, Esq. REQUEST: Request to rezone 395.37 acres from Suburban Transition, (ST) to Heavy Industrial (M2); PROPERTY LOCATION: 183 Zeitler Road, Elkton, MD 21921. Election District: 3, Tax Map: 305, Parcel: 23; PROPERTY OWNER: Cecil Properties, LLC, Attn: Tom Ahern; PRESENTLY ZONED Suburban Transition (ST).

Notice of the public hearing was published on April 1, 2020 and April 8, 2020.

Witnesses presenting testimony were sworn in by the Council Manager. Thomas C. Kleine, representing the applicant, presented the request for rezoning, based on a mistake in the Comprehensive Rezoning of May 1, 2011. He introduced Mark Ferguson, Site Design/RDA, Largo, MD, architect and planner, as a witness. Mr. Ferguson gave testimony on the history of the property and its uses.

Mr. Kleine provided Exhibits: A: titled Exhibit plan, by McCrone, dated March 2020; Exhibit B: Mark Ferguson vita; Exhibit C: Site Design, prepared by Mark Ferguson, 15 pages, dated April 20, 2020; and Exhibit D: Final Report, Phase 1 Environmental Site Assessment, dated August 27, 2013.

Eric Sennstrom, Director of Land Use and Development Services, presented the staff report and findings of facts. He stated that the Planning staff and Planning Commission recommended approval of the application, based on a demonstrated mistake in the Comprehensive Rezoning.

Councilman Coutz clarified that one-fourth of the parcel had been subject to environmental cleanup, groundwater cannot be drawn on parcel, and there are wetlands on site. Council President Meffley clarified that any development of property will require site approval, which can address any traffic volume issues. Councilman Coutz clarified that there were no specific businesses identified at this time.

Council President Meffley opened the public hearing for public comments.

Joyce Bowsbey, Elkton, commented that there are residential properties along the west side of the property that would not be compatible to heavy industrial use.

Dr. Jeff Lawson, School Superintendent, Cecil County Public Schools, asked if development of the property would require Council approval. Eric Sennstrom stated that site development would be handled by the administration, not the Council.

In Mr. Kleine's closing remarks, he stated that the request for rezoning as heavy industry is compatible to the south side of the parcel.

Council President Meffley asked if there is a way to protect the portion of the property that is adjacent to existing residential properties. Mr. Sennstrom stated that the only issue for the Council is whether the applicant has met the burden of proof and that the other matters are irrelevant.

Council President Meffley concluded the hearing and announced that the rezoning case will be considered at the next legislative session on May 19, 2020.

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 April 21, 2020. Motion was approved unanimously.

PUBLIC COMMENTS

There were no public comments.

PRESIDENT AND COUNCIL COMMENTS

Councilman Patchell thanked the audience for attending the budget hearings and invited the public to make comments on the budget at the hearing on May 12, 2020. He also hoped that the public will stay safe during this health crisis.

Councilman Coutz thanked the audience for attending the budget hearings. He attended the Sheriff's Office Intel Meeting recently and expressed concern that domestic violence, fatal overdoses, and the use of Methamphetamines mixed with Fentanyl have increased during this health crisis. He thanked the first responders for their service.

Councilman Miller stated that the farm communities are up and running, and working hard every day. He praised the work of the Health Department, volunteer fire companies and emergency medical technicians. He asked for prayers for the Calvert Manor Nursing Home efforts to combat the health crisis. He expressed his hope that the public will stay safe and our community can get through this crisis so we can get together again.

Vice President Gregory reminded the public to turn in their Census forms. She also encouraged everyone to participate in the primary election, which requires the voters to mail in their ballots.

Council President Meffley stated that the Elkton Rotary is presenting a scholarship to a student in Cecil County Public Schools. He thanked the first responders for their good works. He commented on losing Lee Hutton, a close friend and outstanding businessman from Chesapeake City.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 20-2020 Supplemental Appropriation – Grants Fund –Cecil Transit –Transportation Needs - Recovery Houses

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 \$562,845 to the Community Services Fund – Cecil County Transit to record the award of the Federal Integrated Mobility Innovation (IMI) Grant administered by the Maryland Transit Administration for a pilot program to address unmet transportation needs of residents in recovery houses.

The Resolution was introduced and posted on April 21, 2020.

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

On motion by Councilman Coutz, seconded by Councilman Miller, the Council moved to approve Resolution No. 20-2020.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
The motion was approved unanimously.

Council Manager Massey stated for the record:

Resolution No. 21-2020 Supplemental Appropriation and Budget Transfer – Emergency Medical Services – COVID-19 Expenses

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 transfer expenditure authority from various departmental expenditures per Appendix 1 to provide a total of \$450,000 in additional expenditure authority to the General Fund Emergency Medical Services Department to provide funding for COVID-19 pandemic related expenses.

The Resolution was introduced and posted on April 21, 2020.

Al Wein, Director of Administration, provided comments.

Councilman Coutz clarified that the funds are earmarked for a convalescent care facility, to be designated, and Union Hospital extended care facility. He also clarified that Cecil County is not using FEMA funds, which require match of 25%. He clarified that the county will be using CARE Act funds to get reimbursed and that Cecil County should receive \$9M in reimbursements.

Council President Meffley clarified that there are 196 affected by the COVAD19 virus in Cecil County.

Vice President Gregory clarified that if the funds are not used, they will be returned to the general fund.

On motion by Councilman Miller, seconded by Vice President Gregory, the Council moved to approve Resolution No. 21-2020.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
The motion was approved unanimously.

OLD BUSINESS

Rezoning Case #2020-01

APPLICANT: Roger D. & Glendora Dvorak. REQUEST: Request to rezone 39.41 acres from Low Density Residential, (LDR) to Northern Agricultural Residential, (NAR); PROPERTY LOCATION: 119 Nottingham Road, Elkton, MD 21921. Election District: 3, Tax Map: 26, Parcel: 10; PROPERTY OWNER: Roger D. & Glendora Dvorak; PRESENTLY ZONED Low Density Residential, (LDR)

Councilman Coutz made a motion to approve the application of Roger and Glendora Dvorak to rezone 39.41 acres located at 119 Nottingham Road, Elkton, MD, from Low Density Residential (LDR) to Northern Agricultural Residential (NAR), based upon a mistake in the zoning classification of the property during the last comprehensive rezoning. The motion was seconded by Vice President Gregory.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
The motion was approved unanimously.

NEW BUSINESS

Cecil County Public Schools – Budget Amendment #73

Councilman Miller made a motion, seconded by Councilman Coutz, to approve CCPS Budget Amendment #73, in the amount of \$88,200 for March 2020.

The motion was approved unanimously by a voice vote of 5 to 0.

ADJOURNMENT

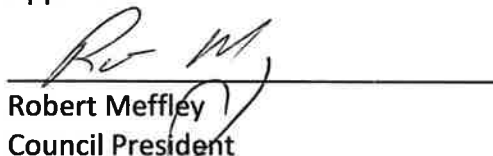
On motion made by Councilman Coutz, seconded by Vice President Gregory, Council President Meffley adjourned the meeting at 8:10 p.m.

The next Council Legislative Session is scheduled on Tuesday, May 19, 2020 at 7:00 p.m., which is planned as a virtual meeting because of the current health crisis and Governor's orders to avoid public meetings. The session will be livestreamed on the County Council's webpage at www.ccgov.org/council. Members of the public who do not have broadband access, should call the Council Office for instructions to connect to the session via telephone.

Attest:


James Massey
Council Manager

Approved:


Robert Meffley
Council President