

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2020-21
October 6, 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
Jackie Gregory, Vice President
William H. Coutz, Council Member
George Patchell, 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 October 6, 2020 was called to order by Council President Meffley at 7:00 p.m. Council President Meffley led the audience in the Pledge of Allegiance.

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 legislative 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 approved unanimously.

OPENING PRAYER

Councilman Miller introduced Pastor Josh McCord, Conowingo Baptist Church, who delivered 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 October 6, 2020. Motion was unanimously approved.

PRESENTATION OF PROCLAMATIONS/CERTIFICATES

Vice President Gregory presented a proclamation to recognize October as 2020 Breast Cancer Awareness Month.

PUBLIC HEARINGS

Council President Meffley stated that Rezoning Cases #2020-05-A through 2020-05-H York Building Products have been postponed until further notice at the applicant's request.

Council Manager Massey stated for the record:

Rezoning Case # 2020-06 APPLICANT: Samuel Stanley, REQUEST: Request to rezone 7.5 acres from High Density Residential (RM) to Business-General (BG), PROPERTY LOCATION: 1436 Pulaski Highway, Elkton, MD 21921, Election District: 5, Tax Map: 26G, Parcel: 517. PROPERTY OWNER: Samuel Stanley, PRESENTLY ZONED: High Density Residential (RM)

Notice of the public hearing was published on September 23, 2020 and September 30, 2020.

Witnesses presenting testimony were sworn in by the Council Manager.

Samuel Stanley, applicant, presented his request for rezoning, based on a mistake in the Comprehensive Rezoning of May 1, 2011. The application included a diagram of the parcel.

Eric Sennstrom, Director of Land Use and Development Services, stated that the Planning and Zoning staff and Planning Commission had recommended approval based on a demonstrated mistake in the Comprehensive Rezoning. Bryan Lightner, Planner, presented the staff report of findings of facts, which recommended approval based on a mistake in the Comprehensive Rezoning.

Council President Meffley opened the public hearing for public comments. Russ Johnson, Elkton, commented in support of the application.

There were no closing remarks.

Council President Meffley concluded the public hearing and announced that the rezoning case will be considered at the next legislative session on October 20, 2020.

Council Manager Massey stated for the record:

Bill No. 2020-11 Agricultural Preservation District – Darrell and Eva Byerly – Byerly Farm
A Bill to approve the petition of Darrell and Eva Byerly for property, located at

1285 Cecilton-Warwick Road, Warwick, Maryland, 21912, (Acres: 302.34, Election District 1, Tax Map 58, Grid 22 and 16, Parcels 13, 73, and 62), requesting the establishment of an agricultural preservation district.

The Bill was introduced on September 1, 2020, advertised on September 23, 2020 and September 30, 2020; and scheduled for public hearing on October 6, 2020.

Devyn King, Planner, provided comments. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comments.
Harold McCanick, Elk Neck, commented in opposition to the legislation.
Russ Johnson, Elkton, commented in support of the legislation.

Council President Meffley concluded the public hearing and announced that Bill No. 2020-11 will be considered for approval at the next legislative session on October 20, 2020.

Council Manager Massey stated for the record:

Bill No. 2020-12 Establishment – Opioid Litigation Settlement Trust Fund

An Act authorizing the establishment of the Cecil County, Maryland Opioid Litigation Settlement Trust Fund; approving the form of Trust Agreement relating thereto and the provisions therein regarding the administration of the Trust Fund; authorizing and empowering the trustees of the Trust Fund to invest and manage the assets of the Trust Fund; and generally providing certain matters with respect to the Trust Fund.

The Bill was introduced on September 1, 2020, advertised on September 23, 2020 and September 30, 2020; and scheduled for public hearing on October 6, 2020.

Al Wein, Director of Administration, provided comments.

Council President Meffley asked that Amendment No. 1 to Bill No. 2020-12 be read into the record.
Council Manager Massey stated for the record:

**Amendment No. 01
to Bill No. 2020-12**

Synopsis: To require any amendments to the Trust agreement must be proposed by the Executive and approved by the Council.

Introduced by: Council President Meffley, Councilman Coutz and Councilman Patchell

On page 3, lines 29-31, delete in its entirety and insert the following:

“Section 6. As set forth in Section 7.02 of the Trust Agreement, the Trust Agreement may be amended by a proposal by the County Executive by legislation and approval by the County Council.”

On page 13 of Exhibit A. Trust Agreement, in Section 7.02 Amendment of the Trust Agreement, Subsection (c), delete in its entirety and insert the following:

“(c) Any amendment to this Trust Agreement shall be proposed by the County Executive by legislation and approved by the County Council.”

Council questions and comments ensued.

Council President Meffley opened the public hearing for public comments.

Harold McCanick, Elk Neck, commented in opposition to the legislation.

Keith Baynes (judge) Elkton, commented that more resources are needed to combat the opioid crisis.

Mary Carol, Elkton, commented that she supports more resources to fight this crisis.

Council President Meffley concluded the public hearing and announced that Bill No. 2020-12 will be considered for approval at the next legislative session on October 6, 2020.

Council Manager Massey stated for the record:

Bill No. 2020-13 Bond Authorization – Refunding Bonds – By Executive Order

An Act authorizing and empowering Cecil County, Maryland, from time to time, to issue and sell its general obligation bonds in one or more series for the purpose of refunding all or a portion of its outstanding general obligation bonds and the bonds authorized hereby; 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 provisions; 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 September 1, 2020, advertised on September 23, 2020 and September 30, 2020; and scheduled for public hearing on October 6, 2020.

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

Council President Meffley opened the public hearing for public comments.

Danielle Hornberger, North East, commented in opposition to the legislation.

Harold McCanick, Elk Neck, commented in opposition to the legislation.

Russ Johnson, Elkton, commented in opposition to the legislation.

Joyce Bowsbey, Elkton, commented in support of the legislation.

Mary Carol, Elkton, commented in opposition to the legislation.

Council President Meffley concluded the public hearing and announced that Bill No. 2020-13 will be considered for approval at the next legislative session on October 20, 2020.

Council President asked the Council to allow the public hearing for Resolution No. 53-2020 through Resolution No. 58-2020 to be held simultaneously because they are housekeeping amendments for the Council's Policies and Procedures. There were no objections.

Council Manager Massey stated for the record:

Resolution No. 53-2020 Amendment- Policies and Procedures of Cecil County Council- Legal Opinions.

A Resolution to amend Section 1-5 in the Council's Policies and Procedures to clarify that a Council Member may request a legal opinion to the Council President; and that the Council in session, may determine to request a legal opinion.

Council Manager Massey stated for the record:

**AMENDMENT NO. 01
TO RESOLUTION NO. 53-2020**

Synopsis: To clarify that the Council may request a legal opinion from the Council Attorney, approved by a majority of Council Members

Introduced by: Council President Meffley

On Page 3, Lines 31-32, delete in its entirety and insert the following:

e) During an open or closed Council session, the Council may request a legal opinion from the Council Attorney, approved by a majority of Council Members.

Council Manager Massey stated for the record:

Resolution No. 54-2020 Amendment- Policies and Procedures of Cecil County Council- Legislative Days

Synopsis: A Resolution to amend Section 2-1 in the Council's Policies and Procedures to add that the Council President, with Council approval, may determine additional legislative days, as needed.

Council Manager Massey stated for the record:

Resolution No. 55-2020 Amendment- Policies and Procedures of Cecil County Council- Council Work Session and Workshop Meetings

Synopsis: A Resolution to amend Section 2-2 in the Council's Policies and Procedures to remove specified times for sessions and workshops so that the Council has flexibility to set times as they determine.

Council Manager Massey stated for the record:

**AMENDMENT NO. 01
TO RESOLUTION NO. 55-2020**

Synopsis: To clarify that the Council President may schedule a work session or workshop on any Tuesday of the month in the Elk Room, or other authorized location, which will be specified in public announcement.

Introduced by: Council President Meffley

On Page 3, Lines 17-22, delete in its entirety and insert the following:

- a) The Council President may schedule a Council Work Session or Council Workshop on any Tuesday of the month, as needed. Scheduling will be based on the Council's need to discuss issues and/or allow presentations from other departments, agencies and the public.
- b) Council Work Sessions and Council Workshops will be held in the Elk Room, or such location as authorized by the Council with public announcement so that the business can be recorded. Minutes will be taken by the Council staff, subject to approval by the Council.

Council Manager Massey stated for the record:

Resolution No. 56-2020 Amendment- Policies and Procedures of Cecil County Council- Agenda Format

Synopsis: A Resolution to amend Section 4-2 in the Council's Policies and Procedures to specify that the Council may schedule public meetings on an as needed basis at an appropriate time, which will be listed on the agendas of the work session or legislative session.

Council Manager Massey stated for the record:

**AMENDMENT NO. 01
TO RESOLUTION NO. 56-2020**

Synopsis: To clarify that the Council, by a majority vote, will schedule public meetings with citizens as needed and will post the public notice on the agenda.

Introduced by: Council President Meffley

On Page 2, Lines 19-22, delete in its entirety and insert the following:

b) The Council President, by majority vote, will schedule public meetings with citizens on an as needed bases, the date and time of the meeting will be included in the agenda of the work session or legislative session.

Council Manager Massey stated for the record:

RESOLUTION NO. 57-2020 Amendment- Policies and Procedures of Cecil County Council- Final Reading of Bills

A Resolution to amend Section 5-12 in the Council's Policies and Procedures to remove a reference to Rule 5-13, which had been previously been removed from document.

Council Manager Massey stated for the record:

RESOLUTION NO. 58-2020 Amendment- Policies and Procedures of Cecil County Council- Format Legislative Session Agenda

A Resolution to amend Appendix D in the Council's Policies and Procedures to update format of the legislative session agenda.

The Resolutions introduced on September 1, 2020, advertised on September 23, 2020 and September 30, 2020; and scheduled for public hearing on October 6, 2020.

James Massey, Council Manager, provided comments. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comments.

Harold McCanick, Elk Neck, commented that he did not see the value in this legislation.

Council President Meffley concluded the public hearing and announced that Resolution Nos. 53-2020 through Resolution Nos. 58-2020 will be considered for approval at the next legislative session on October 20, 2020.

Council Manager Massey stated for the record:

RESOLUTION NO. 59-2020 Chesapeake Country Scenic Byway – Zoning Regulations

A Resolution to request that the Planning and Zoning Division to develop zoning regulations for scenic byways; and to request the extension of the Chesapeake County Scenic Byway to begin at Long Creek on Augustine Herman Highway.

The Resolution introduced on September 1, 2020, advertised on September 23, 2020 and September 30, 2020; and scheduled for public hearing on October 6, 2020.

Council President Meffley provided comments. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comments.

Rich Taylor, Mayor of the Town of Chesapeake City, commented in support of this legislation and will be sending a letter of support from the Town Council.

Councilman Coutz commented that the County should have adopted the Corridor Management Plan twenty years ago.

Council President Meffley concluded the public hearing and announced that Resolution No. 59-2020 will be considered for approval at the next legislative session on October 20, 2020.

APPROVAL OF MINUTES

On motion made by Councilman Coutz, seconded by Councilman Miller, the Council moved to approve the minutes of the legislative session of September 15, 2020. Motion was approved unanimously.

PUBLIC COMMENTS

Harold McCanick, Elk Neck, commented on the need for an emergency road plan when there are closures of I-95 or Route 40. He also objected to a recent march that caused traffic backup on Route 40. He also acknowledged the passing of Bob Dollinger, who had been very active in the community.

Russ Johnson, Elkton, commented in opposition to Resolution No. 47-2020 Enterprise Zone and commented that this legislation rewarded the Southfields developer who had already committed to Cecil County.

PRESIDENT AND COUNCIL COMMENTS

Vice President Gregory thanked the audience for connecting to the session. She attended the ribbon cutting for the new Courtroom #3 renovations and commended the design for efficiency. She reminded the public to keep up with their health screening through this pandemic.

Councilman Coutz thanked the audience for connecting to the session. He reported that this week's Intel Meeting showed a dramatic reduction of emergency calls, but overdoses continue to rise. There have been 65 fatal overdoses this year, which is 45% above last year. He attended the retirement of Maryland State Police First Sergeant Ronald Stevens.

Councilman Patchell provided his comments during the work session.

Councilman Miller encouraged the public to complete their 2020 Census as the deadline has been extended until October 31. He announced that National 4H Week is this week. He commended Krista Gilmore and Bryan Lightner for their efforts on behalf of Cecil Cares Day.

Council President Meffley attended an Upper Shore Regional Council Finance Committee meeting and learned that the State has cut their budget by 12%. He announced the Maryland Rural Development Corporation had six adult graduates from their adult education program. He also stated that a new MRDC building for head start is under construction in Cecilton and there are twenty-one senior housing units being constructed. He stated that he was working on resolving the issue on Edgar Price Road.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 62-2020 Supplemental Appropriation – Casino Local Impact Fund – Various Grants

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2021 in order to provide \$23,654 in carry forward expenditure authority for the Video Lottery Terminal (VLT) Local Community Grant Funds within the Casino Local Impact Fund Budget.

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

Introduced, read first time, order posted and scheduled for consideration on October 20, 2020.

Council Manager Massey stated for the record:

Resolution No. 63-2020 Supplemental Appropriation – Fund Balance – Pretrial Release Program

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2021, in order to provide the Community Corrections Division of the Cecil County Sheriff's Office additional General Fund expenditure appropriation authority in the amount of \$126,732. The additional expenditure authority will provide the necessary funding to support the Pretrial Release Program in Cecil County.

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

Introduced, read first time, order posted and scheduled for consideration on October 20, 2020.

Council Manager Massey stated for the record:

Resolution No. 64-2020 Supplemental Appropriation – Grant Funds – Board of Elections

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2021, in order to provide a total of \$45,975 to the Special Revenue Other Grants Fund - Board of Elections Department, to record the grant awarded from the Center for Tech and Civic Life, a nonprofit organization tax exempt under Internal Revenue Code section 501(c)(3), for the purpose of planning and operationalizing a safe and secure election administration in Cecil County.

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

Introduced, read first time, order posted and scheduled for consideration on October 20, 2020.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 47-2020: Approval – Application – Enterprise Zone Expansion

A Resolution to expand the existing Cecil County Enterprise Zone by 568.5 acres, more or less, of which 386.83 acres, more or less, are within the Town of Elkton.

The Resolution was introduced and posted on August 18, 2020, advertised for public hearing on September 2, 2020 and September 9, 2020. The public hearing was held and concluded on September 15, 2020.

Al Wein, Director of Administration, stated that Sandra Edwards, Acting Economic Development Director, can answer any Council questions. Council questions and comments ensued.

Councilman Miller made a motion to approve Resolution No. 47-2020, which was seconded by Councilman Coutz.

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-N, Meffley-Y

The motion was approved by a vote of 4 to 1. Vice President Gregory was opposed.

Council Manager Massey stated for the record:

Resolution No. 61-2020: Appointment—Board of Parks and Recreation—Megan K. Coleman

A Resolution to confirm the reappointment by the County Executive of Megan K. Coleman to the Board of Parks and Recreation for a three (3) year term to expire October 17, 2023.

The Resolution was introduced and posted on September 15, 2020, and scheduled for consideration on October 6, 2020.

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

Councilman Miller moved to approve Resolution No. 61-2020, which was seconded by Councilman Coutz.

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y

The motion was unanimously approved.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2020-10 Supplemental Appropriation and Budget Transfer – Roads and Bridges Capital Projects – Mechanics Valley Road over CSX Bridge Project

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2021 to transfer existing bond appropriation authority within the Roads and Bridges Capital Projects Budget from the completed Belvidere Road Culvert Project (\$32,505.11), the completed Painting of County Bridges Project (\$57,868.00) and remaining VLT casino funds leftover from various completed roads and bridges projects (\$34,626.89) to the Mechanics Valley Road over CSX Bridge Project (\$125,000).

The Bill was introduced on August 18, 2020, and public hearing held and concluded on September 15, 2020, and scheduled for final consideration on October 6, 2020.

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

Councilman Miller moved to approve Bill No. 2020-10, which was seconded by Councilman Coutz.
Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
The motion was unanimously approved.

OLD BUSINESS

Council Manager Massey stated for the record:

Rezoning Case # 2020-04 APPLICANT: 929 West Pulaski Hwy, LLC. REQUEST: Request to rezone .626 acres from Residential Mixed Use, (RMU) to Heavy Industrial, (M2). PROPERTY LOCATION: 927 West Pulaski Hwy., Elkton, MD 21921, Election District: 3, Tax Map: 26, Parcel: 55. PROPERTY OWNER: 929 West Pulaski Hwy, LLC c/o Charmie Polansky. PRESENTLY ZONED: Residential Mixed Use, (RMU).

There were no Council questions or comments.

Councilman Coutz made a motion to to approve the application of 929 West Pulaski Highway LLC to rezone 0.626 acres located at 927 West Pulaski Highway, Elkton, MD.; from Residential Mixed Use (RMU) to Heavy Industrial (M2); based upon a mistake in the zoning classification of the property during the last comprehensive rezoning.

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

ADJOURNMENT

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

The next Council Legislative Session is scheduled on Tuesday, October 20, 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