

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2020-22
October 20, 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 20, 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 Reverend Tim Beardsley from St. John's United Methodist Church of Elkton, 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 20, 2020. Motion was unanimously approved.

PRESENTATION OF PROCLAMATIONS/CERTIFICATES

Councilman Al Miller presented a proclamation to recognize Economic Development Week, October 19-24, 2020, to Sandra Edwards, Acting Director of the Department of Economic Development.

APPROVAL OF MINUTES

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the minutes of the legislative session of October 6, 2020. Motion was approved unanimously.

PUBLIC COMMENTS

There were no public comments.

PRESIDENT AND COUNCIL COMMENTS

Vice President Gregory thanked the audience for connecting to the session. She attended the Consolidated Transportation Plan meeting with the Maryland Department of Transportation and commended the State for having unified priorities with the County. She reminded the audience that it was Breast Cancer Awareness Month and urged all women to have regular breast screenings.

Councilman Coutz reminded all citizens to exercise their right to vote and urged them to take advantage of early voting. He attended the Sheriff's intel meeting and reported that calls have been up and down, but overdose statistics have continued to surpass last year's. He stated that the total number of fatal overdoses has risen to 71 for the year. He commended the Elkton Police Department for their handling of the recent protests and traffic flow without incidents. He congratulated Captain Joe Zurolo and Lieutenant Larry Waldrige for their outstanding performance.

Councilman Miller attended the Consolidated Transportation Plan meeting with the Maryland Department of Transportation. He commended the County's delegation for working together on behalf of Cecil County. He stated that State officials shared valuable information on their plans. He noted that there will likely be large cutbacks in funding because of the economy. He encouraged the public to support the online chicken sale that is sponsored by the Cecil County Fair board.

Councilman Patchell attended the Consolidated Transportation Plan meeting with the Maryland Department of Transportation. He commended Delegate Hornberger for his efforts for Cecil County's transportation needs. He requested MDOT to address the need for a sidewalk along Perryville High School, which has been planned since 2015. He noted the dangerous situation that students walk on the shoulder of MD 222. He also asked the State to assess the intersection of Jackson Station Road and US 40 because of the multiple accidents.

Council President Meffley attended the Consolidated Transportation Plan meeting with the Maryland Department of Transportation. He asked State officials to assess the need for a traffic light at the intersection of Elk Forest Road and MD 213 because of the traffic volume caused by Elkton Soccer League

participants. MDOT officials agreed to conduct a study. He stated that most of State government will be taking 12% to 15% reduction in their budget because of the economy. He presented a proclamation in recognition of White Cane Awareness Day to Dan Hause of Chesapeake City. He participated in a Classroom Teachers Association candidate forum. He also stated that he has worked with citizens on individual issues of septic hookups, traffic on Hatem Bridge and trash removal.

CONSIDERATION OF RESOLUTIONS

Council President Meffley reminded the Council that they agreed to allow all the Resolutions regarding amendments to the Council Policies and Procedures to be read into the record first, and then considered for approval by separate motions.

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

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

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
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 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.

Resolution Nos. 53-2020 through 58-2020 were introduced on September 1, 2020, public hearings held and concluded on October 6, 2020, and scheduled for approval on October 20, 2020. There were no Council questions or comments.

Council President Meffley asked for consideration of each Resolution by separate motions.

Vice President Gregory moved to approve Amendment No. 01 to Resolution No. 53-2020, which was seconded by Councilman Coutz.

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

Councilman Coutz moved to approve Resolution No. 53-2020 as amended, which was seconded by Vice President Gregory.

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

Councilman Miller moved to approve Resolution No. 54-2020, which was seconded by Vice President Gregory.

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

Councilman Coutz moved to approve Amendment No. 01 to Resolution No. 55-2020, which was seconded by Councilman Miller.

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

Councilman Coutz moved to approve Resolution No. 55-2020 as amended, which was seconded by Vice President Gregory.

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

Vice President Gregory moved to approve Amendment No. 01 to Resolution No. 56-2020, which was seconded by Councilman Coutz.

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

Councilman Coutz moved to approve Resolution No. 56-2020 as amended, which was seconded by Councilman Miller.

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

Vice President Gregory moved to approve Resolution No. 57-2020, which was seconded by Councilman Miller.

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

Councilman Miller moved to approve Resolution No. 58-2020, which was seconded by Councilman Coutz.

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

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.

Resolution No. 59-2020 was introduced on September 1, 2020, public hearings held and concluded on October 6, 2020, and scheduled for consideration on October 20, 2020. There were no Council questions or comments.

Vice President Gregory moved to approve Resolution No. 59-2020, which was seconded by Councilman Coutz.

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

Council Manager Massey stated for the record:

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

Synopsis: 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.

The Resolution was introduced and posted on October 6, 2020, and scheduled for consideration on October 20, 2020.

Councilman Coutz moved to approve Resolution No. 62-2020, which was seconded by Councilman Miller.

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

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.

The Resolution was introduced and posted on October 6, 2020, and scheduled for consideration on October 20, 2020.

Councilman Miller moved to approve Resolution No. 63-2020, which was seconded by Vice President Gregory.

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

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.

The Resolution was introduced and posted on October 6, 2020, and scheduled for consideration on October 20, 2020.

Vice President Gregory moved to approve Resolution No. 64-2020, 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. 2020-11 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, and public hearing held and concluded on October 6, 2020, and scheduled for final consideration on October 20, 2020.

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

Councilman Miller moved to approve Bill No. 2020-11, which was seconded by Councilman Coutz.

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

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.

**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.”

The Bill was introduced on September 1, 2020, and public hearing held and concluded on October 6, 2020, and scheduled for final consideration on October 20, 2020.

There were no administration comments. Council questions and comments ensued.

Councilman Miller was opposed to the amendment without the inclusion of the requirement that two thirds of the trustees must approve any changes to the trust agreement. Councilman Patchell and Vice President Gregory agreed with Councilman Miller.

Amendment No. 01 was amended to reflect the following change:

**Amendment No. 01 (as amended)
to Bill No. 2020-12**

Synopsis: To require any amendments to the Trust agreement must be proposed by the Executive, after such amendment has been approved by the vote of 2/3 of the trustees; and approved by the Council.

Introduced by: Councilman Miller, Councilman Patchell and Vice President Gregory

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, after such amendment has been approved by the vote of 2/3 of the trustees, 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, after such amendment has been approved by the vote of 2/3 of the trustees, and approved by the County Council.”

Councilman Coutz moved to approve Amendment No. 01 as amended, to Bill No. 2020-12, which was seconded by Vice President Gregory.

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

Councilman Miller moved to approve Bill No. 2020-12 as amended, which was seconded by Councilman Coutz.

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

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, and public hearing held and concluded on October 6, 2020, and scheduled for final consideration on October 20, 2020.

There were no administration comments. Council questions and comments ensued.

Councilman Miller moved to approve Bill No. 2020-13, which was seconded by Councilman Patchell.

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

The motion failed by a vote of 2 to 3. Councilman Coutz, Vice President Gregory and Council President Meffley were opposed.

OLD BUSINESS

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)

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

Councilman Coutz made a motion to approve the application of Samuel Stanley to rezone 7.5 acres located at 1436 Pulaski Highway, Elkton, MD., from High Density Residential (RM) to Business General (BG), based upon a mistake in the zoning classification of the property during the last comprehensive rezoning.

The motion was seconded by Councilman Miller.

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

NEW BUSINESS

Cecil County Public Schools – Budget Amendment #79

Councilman Miller made a motion to approve Budget Amendment #79, in the amount of \$187,318 for September 2020, which was seconded by Councilman Coutz. The Council unanimously approved the motion 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 8:04 p.m.

The next Council Legislative Session is scheduled on Tuesday, December 8, 2020 at 7:00 p.m., which will be held in the Elk Room of the County Administration Building, unless otherwise noted.

Approved:



Robert Meffley
Council President

Attest:



James Massey
Council Manager