

**COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
June 15, 2021**

**OPEN SESSION – Elk Room
4:30 P.M.**

NOTE: Recording and transcription of this meeting are available on the County website at www.ccgov.org.

PRESENT: Council Members: Robert Meffley, William Coutz, Al Miller, George Patchell and Jackie Gregory; James Massey, Council Manager; Terry Hale, Council Assistant; members of the administration, and members of the public.

Call to Order

Council President Meffley called the meeting to order at 4:30 pm and announced that there were five Council Members present, which constitute a quorum.

**CLOSED SESSION
May 25, 2021
6:38 P.M.**

On motion made by Councilman Coutz, seconded by Councilman Miller, the Council moved to convene in closed session pursuant to the Annotated Code of Maryland, General Provisions, Title 3, Subtitle 3, Section 3-305 (b)(7) to consult with counsel to obtain legal advice on a legal matter.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y.
The motion was carried unanimously by a vote of 5 to 0.

Present: Council Members: President Meffley, Vice President Gregory, Councilman Coutz, Councilman Miller, and Councilman Patchell; James Massey, Council Manager; Terry Hale, Council Assistant, and John Downs, Council Attorney.

John Downs, Council Attorney, provided legal advice regarding Cecil Land Trust and the proposed annexation by the Town of Rising Sun. No action was taken.

On motion made by Councilman Miller, seconded by Councilman Patchell, the Council moved to conclude the closed session at 7:01 P.M.

Approval of Minutes

Prior to approval of the minutes, Council President Meffley asked Councilman Coutz to read the following text from the minutes, "There are three public hearings regarding bond sales and refinancing, including Bill No. 2021-07 Bond Authorization – General Obligation Bonds; Bill No. 2021-08 Bond Authorization- General Obligation Refunding Bonds; and Resolution No. 25-2021 Authorization – Refunding of Bonds of 2021. Lawrence Scott, County Attorney, commented on two amendments to change the date of the sunset clause to June 30, 2022; and to provide a

report to the Council of the bond transactions within 60 days. The Bond Counsel also added language that specified that the Council's review of the bond sales would have no effect on the transactions. Mr. Scott stated that any savings of refinancing bonds would come back through the legislative process for Council approval."

On a motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the minutes of the Council work session of June 1, 2021, as presented. The motion was approved unanimously by voice vote.

Council President Meffley stated that the administration had withdrawn Resolution No. 30-2021 Amendment – Personnel Policies and Procedures Manual from the agenda.

Ethics Commission Appointments and Removal

Council President Meffley stated that he wanted a discussion on the Ethics Commission appointments and the process so that questions could be answered. He stated that Heather O'Rourke is listed as an Ethics Commission member and asked Dan Schneckenburger when she was appointed to the committee. Mr. Schneckenburger stated that she was introduced to the Council when the Executive appointed her, which was three days before the introduction of the Resolution. He stated that the Council failed to take action on her appointment so that she became effective 30 days after the Executive's appointment.

Council President Meffley stated that the Council follows Robert's Rules of Procedure and considers that the 30 day deadline is based from the date of introduction of the Resolution, the same process used since 2012 when the Charter was adopted. Mr. Schneckenburger asked why the Council did not take action when a special legislative session was announced. Council President Meffley stated that the special legislative session was cancelled because the Executive agreed to withdraw the appointment.

Council President Meffley asked about the vacant position on the Ethics Commission. Mr. Schneckenburger stated that Joe Graf resigned because he took a job promotion.

Council President Meffley and Councilman Coutz expressed their concern that the administration was taking advantages of loopholes in the Charter.

Council President Meffley asked John Downs, Council Attorney, for his opinion on the Ethics Commission appointments. Mr. Downs stated that Section 412 of the Charter is vague on the appointment process. He stated that there are two issues: when does the 30 days to take action start, and what constitutes taking action on an appointment.

Mr. Downs stated that it has been an accepted practice that the 30 day deadline is set when the legislation is introduced at a Council legislative session. He stated that the Executive had submitted only a list of names on January 14, 2021 without resumes. Three resumes were received on January 14 while two resumes, including Ms. O'Rourke, were received on January 15. The Charter gives Council Members an opportunity to perform due diligence to look into the background of the nominee, review their resume and possibly interview them. He stated that all of the appointees were introduced on January 19. Between January 14 and January 19, the names could have been switched around by the Executive. He stated that the only consistent date of the five nominees was the date that the Resolutions were introduced, which

should be the date when the 30 days begin. He stated that he believed that the courts would agree because the administration was taking advantage of the vagueness in the Charter. He suggested that the Council should consider legislation to develop a more specific procedure.

Mr. Downs stated that the other issue is what constitutes taking no action. He stated that a motion to approve a Resolution constitutes an action. He stated that if one person moves for action, but does not get a "second", the motion fails. He said that it is not necessary to make a motion to disapprove a motion or legislation when the motion to approve fails. He stated that the appointment failed because the Resolution failed.

The Council discussed the need for transparency and communication so that the legislative and executive branch of government work cooperatively. There was discussion about taking advantage of technicalities, loopholes and vagueness in the Charter.

Lawrence Scott, County Attorney, restated the administration's position that the Council took no action within 30 days started on the date that the names were submitted to the Council.

Councilman Miller asked why there were no minutes or agendas for the Ethics Commission since they were appointed. Mr. Scott stated that the agendas and minutes could not be listed on the website until after they were approved. He stated that the website was updated recently and those documents were added. He also stated that the meeting was telecast. He also stated that the Executive is looking at a replacement for Mr. Graf who resigned.

Councilman Miller also stated that the Resolution appointing Ms. O'Rourke is listed on the Council's webpage as "failed."

Councilman Coutz questioned the administration's use of "intention" related to publishing the nominees for Ethics Commission before the Council had approved them; the "unintended" newspaper article that funding the library would be out of bond refunding.

Noise Ordinance

Council President Meffley stated that Council Members have received many complaints about noise in neighborhoods. He provided draft legislation for the Council's consideration. This legislation proposes to limit noise between 11pm and 6am in residential zones if the noise can be heard more than 50 feet from the source. After the first warning, law enforcement can give a civil fine of \$250 for the first violation, \$500 for the second, and \$1,000 for the third and each subsequent violation.

Council discussion ensued. There was agreement that this proposal should be discussed with Sheriff Adams for his consideration and its impact.

Review of Legislative Agenda

Resolution No. 30-2021 Amendment – Personnel Policies and Procedures Manual, was withdrawn by the administration and will be reintroduced at a later date.

Resolution No. 31-2021 Supplemental Appropriation-Grant Funds- Animal Services – Officer Certification Training, will be introduced at tonight's session. James Appel, Finance Director,

provided comments. Dave Trolio, Community Services Director, clarified that this training was to certify animal control officers and was funded by LGIT.

Resolution No. 32-2021 Supplemental Appropriation- Fund Balance - Board of Education- Maintenance of Effort, will be introduced at tonight's session. James Appel, Finance Director, provided comments. Council questions and comments ensued. Council President Meffley clarified that the additional funds were not included in the FY 22 budget proposal because the calculations for maintenance of effort had not been finalized. Dr. Jeff Lawson, School Superintendent, had requested Council Members consider this legislation for expediting because of his concern that the school system could lose \$11M if the additional funds for maintenance of effort were not approved by June 30, 2021. Councilman Coutz clarified that several counties received these requests because their funding did not meet the newly calculated maintenance of effort. He also clarified that the additional funding would come from the assigned fund balance. Councilman Miller expressed his concern that the Board of Education would also need to approve this additional funding by June 30.

Resolution No. 33-2021 Supplemental Appropriation – Grant Funds – Prevention and Overdose Response and Trauma Support, will be introduced at tonight's session. Dave Trolio, Community Services Director, provided comments. There were no Council questions or comments.

Resolution No. 34-2021 Supplemental Appropriation – Grant Funds – Broadband Expansion, will be introduced at tonight's session. Dan Schneckenburger, Director of Administration, provided comments. There were no Council questions or comments.

Resolution No. 25-2021 Authorization-Refunding of Bonds of 2021, will be considered for final approval at tonight's session. Council Manager Massey read Amendment No. 1 and Amendment No. 2 for the record. Lawrence Scott, County Attorney, provided comments. Council questions and comments ensued. Council President Meffley stated that the Executive is committed to providing the report on the bond transactions after the sale. Vice President Gregory stated that most charter counties allow the Executive to authorize the bond sale by executive order without Council involvement. Council President Meffley clarified that the savings from refinancing the bonds will reduce the debt service and annual payment.

Resolution No. 29-2021 Appointment- Property Tax Assessment Appeal Board-Dale K. DeWeese, will be considered for final approval at tonight's session.

Bill No. 2021-07 Bond Authorization- General Obligation Bonds, will be considered for final approval at tonight's session. Lawrence Scott, County Attorney, provided comments. There were no Council questions or comments.

Bill No. 2021-08 Bond Authorization-General Obligation Refunding Bonds, will be considered for final approval at tonight's session. Council Manager Massey read Amendment No. 1 and Amendment No. 2 for the record. Lawrence Scott, County Attorney, provided comments. There were no Council questions or comments.

Bill No. 2021-09 Transfer of Appropriations-Board of Education Capital Budget-FY 2022 to FY 2021, will be considered for final approval at tonight's session. James Appel, Finance Director, provided comments. There were no Council questions or comments.

Bill No. 2021-10 Transfer of Appropriations-Board of Education Capital Budget-North East Middle School, will be considered for final approval at tonight's session. Council Manager Massey read Amendment No. 1 for the record. James Appel, Finance Director, provided comments. Vice President Gregory clarified that the amendment to move funding to Chesapeake City Elementary School was needed because the project is being completed earlier and additional funding was needed for furnishings. Council President Meffley clarified that building material costs have increased because of the pandemic.

Bill No. 2021-11 Transfer of Appropriations-Board of Education Capital Budget-Chesapeake City Elementary School, will be considered for final approval at tonight's session. James Appel, Finance Director, provided comments. There were no Council questions or comments.

Under new business, Cecil County Public Schools budget amendment #87, in the amount of \$538,958 for May 2021 expenses will be considered for approval. There were no Council questions or comments.

Council Manager Report

Council Manager Massey announced that an EPA representative will be presenting an update on the Sand, Gravel, and Stone Superfund Site at a future work session. The Council will be asked to approve a new Executive Director of the Bainbridge Development Corporation.

Council Member Items

Councilman Miller attended the Local Management Board meeting and commended the group for their work with children.

Other Council Members agreed to hold their comments for the legislative session.

Adjournment

Vice President Gregory moved to adjourn the work session, which was seconded by Councilman Coutz. Council President Meffley adjourned the work session at 5:39 pm.

The next Council work session will be held on Tuesday, June 22, 2021 at 4:30 pm in the Elk Room of the County Administration Building. 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 contact the Council Office for instructions to be connected via telephone.

Approved:



Robert Meffley, Council President



James Massey
Council Manager

