

**COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
October 12, 2021**

OPEN SESSION – Elk Room

4:30 P.M.

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

PRESENT: Council Members: Robert Meffley, William Coutz, Jackie Gregory, George Patchell, and Al Miller. 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 4:45 pm, due to technical difficulties, and announced that there were five Council Members present, which constitute a quorum.

Approval of Minutes

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 October 5, 2021, as presented. The motion was approved unanimously.

Amendments to Bill No. 2021-13 Amendment – Zoning Ordinance – Solar-related

Council President Meffley asked Lawrence Scott, County Attorney, to review the administration's comments on the proposed amendments to Bill No. 2021-13.

Mr. Scott requested revisions to Amendment No. 1, regarding agricultural conservation, to eliminate the first sentence. After discussion, the Council agreed to rephrase the sentence into a statement. He also requested to replace "should be" with "shall". He also requested that the second sentence be moved to a new section regarding soils under NAR and SAR. The Council agreed.

Mr. Scott requested that Amendment No. 2, regarding the limitation to 50 acres parcels and restriction of 25% of parcel, should not be applied to sites in the commercial or industrial zones. He was also opposed to allowing parcels to be combined to reach the minimum of 50 acres. After discussion, the Council agreed to move this amendment to the NAR and SAR section. The Council agreed to add "same owner" to combining properties text.

There were no requested changes to Amendment No. 3, regarding specification for a security fence.

Mr. Scott requested that Amendment 4, regarding bufferyard specifications, should be eliminated. He stated that "federal and state regulations could be less restrictive. He also stated that the Planning and Zoning Division has the authority to consider the bufferyard distance with each applicant. The Council agreed to delete the amendment.

There were no requested changes to Amendment No. 5, regarding signage.

Mr. Scott requested that Amendment No. 6, regarding who is responsible for decommissioning, should include "Applicant" as well as "operator and landlord". The Council agreed with this change.

Mr. Scott requested that Amendment No. 7, regarding soil testing responsibilities, add that the owner or operator shall provide certified results by (insert date) to Planning and Zoning; and that it will be presumed that the facility is abandoned if the tests are not submitted. The Council agreed with this addition to the amendment.

Mr. Scott requested that Amendment No. 8, regarding abandoned solar facilities, to delete reference to "condition of special exception approval"; to move reference of soil conditions under NAR and SAR section; and replace "must" with "should". The Council agreed with two of his requests, but requested Council Attorney to consider the change in verb.

Mr. Scott requested that Amendment No. 9, regarding specifying community based solar of 2MW should be eliminated because it opens loophole for facilities when the Public Service Commission raised the limit to 5MW. The Council proposed to insert "or as defined by the Public Service Commission" to the amendment.

There were no requested changes to Amendment No. 10, regarding design to minimize noise.

Mr. Scott requested that Amendment No. 11, regarding the distance of a facility from the edge of pavement or right of way, be eliminated. Steve O'Connor, Land Use and Development Services Director, explained that 300 feet buffers are consistent with other zoning specifications. The Council agreed to delete the amendment.

Mr. Scott requested that Amendment No. 12, regarding facilities that have received approval from the Board of Appeals are exempt from this legislation, be eliminated. He reviewed projects in process and stated that only two would be affected by this legislation. He stated that there was no need to grandfather these facilities because most of them can meet the new standards. The Council agreed to delete this amendment.

Vice President Gregory provided some additional issues to be considered in the solar legislation. She stated that Harford County prohibits solar facilities in natural critical areas. Mr. O'Connor stated that current zoning regulations prohibits solar facilities in resource conservation areas. He stated that solar facilities are not eligible in agricultural conservation areas. Vice President Gregory also stated that some counties prohibit solar facilities within a given distance to avoid clustering. The administration had no objection to this suggestion. Councilman Miller stated his concern for solar facilities to be located in rural legacy parcels. Mr. O'Connor stated that the rural legacy program is very restricted and would deny the request.

Council Manager Report

Council Manager Massey updated the Council on the arrangements for the tour of two superfund sites to be held on October 19, being conducted by the Environmental Protection Agency.

Council Member Items

Councilman Coutz thanked the administration for working with the Council on the solar facility legislation. He reported on statistics from the Sheriff's Office Intel meeting. He reported that there have been eight overdose cases this month with one fatality. He participated in the Economic Development Commission's virtual meeting about plans for the Five Star event. He attended the Harvest Dinner at the Wellwood and praised the event. He participated in the 100th anniversary parade for the Community Fire Company of Rising Sun and attended the banquet. He also attended the crab feast for Singerly Fire Company. He also attended the Apple Butter Festival at the Beehive.

Vice President Gregory encouraged everyone to attend the Maryland Five Star at Fair Hill. She attended the parade and festival to celebrate the 100th anniversary of the Community Fire Company of Rising Sun. She stated that she will miss George Patchell and wished him well in his new position.

Councilman Patchell made no comments.

Councilman Miller attended the Harvest Dinner at the Wellwood and described the event as "awesome". He stated that the Wellwood owner promised that he would work with local farmers to use their products in his restaurant. He praised Maureen O'Shea Fitzgerald, Agra Business Coordinator, for the outstanding success of the dinner. He attended the 100th anniversary of the Community Fire Company of Rising Sun. He expressed his enthusiasm for the Maryland Five Star at Fair Hill events. He will also be attending Heritage Day at the Farm Museum. He stated that he will miss Councilman Patchell and wished him well in his new position.

Council President Meffley attended the Harvest Dinner and commented that it was the best meal that he has ever eaten because it was all fresh and homegrown. He praised Maureen O'Shea Fitzgerald for her efforts. He attended the 100th anniversary of the Community Fire Company of Rising Sun and stated that fourteen fire companies participated in the celebration. He also attended the Apple Butter Festival at the Beehive and Singerly Fire Company crab feast.

Special Presentation

The Council presented a proclamation to Councilman George Patchell in recognition of his service to the County Council.

Adjournment

Councilman Patchell moved to adjourn the work session, which was seconded by Vice President Gregory. The work session was adjourned at 6:20 pm.

The next Council work session will be held on Tuesday, October 19, 2021 at 4:30 pm in the Elk Room of the County Administration Building. The session will also 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:


James Massey
Council Manager


Robert Meffley, Council President