

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2021-20
October 19, 2021**

The County Council of Cecil County met in legislative session at the County Administration Building, 200 Chesapeake Blvd., Elk Room, Elkton, MD. The following members of the Council were present:

Robert Meffley, Council President
Jackie Gregory, Vice President
William H. Coutz, Council Member
Councilman Al Miller, Member
Vacant, Council Member

NOTE: The recording with transcription of this meeting is available on the County website at www.ccgov.org/council.

CALL TO ORDER

The meeting of the County Council of Cecil County of October 19, 2021 was called to order by Council President Meffley at 7:00 p.m. Council President Meffley led the audience in the Pledge of Allegiance.

OPENING PRAYER

Council Member Miller introduced Rev. Delmer Duvall from Nottingham Missionary Baptist Church in Nottingham, PA, who led 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 19, 2021. Motion was approved unanimously.

PRESENTATION OF PROCLAMATIONS/ CERTIFICATES

The Council presented a proclamation for Economic Development Week to Steve Overbay, Economic Development Director.

PUBLIC HEARING

Council Manager Massey stated for the record:

Bill No. 2021-14 Public Schools – Bus Safety – Cameras

An Act to amend the Code of Cecil County, Chapter 101 Schools, to add Section 101-3 School Bus Safety Cameras in order to authorize the use of school bus monitoring cameras on school buses in Cecil County; to authorize certain enforcement and to provide that certain violations are a civil penalty; to provide for the use of fines; and generally relating to enforcement of traffic laws in Cecil County.

The Bill was introduced on September 21, 2021, advertised on October 6, 2021 and October 13, 2021, and scheduled for public hearing on October 19, 2021.

Lawrence Scott, County Attorney, stated that the administration is in support of this legislation. There were no Council questions or comments.

Council President Meffley opened the public hearing for public comments.

Delmer Duvall, Nottingham, PA, commented in favor of the legislation as a former bus driver.

Alex Lane, BusPatrol, commented on the merits of the BusPatrol system.

Council President Meffley concluded the public hearing and announced that Bill No. 2021-14 will be considered for approval at the next legislative session on November 2, 2021.

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 5, 2021. Motion was approved unanimously.

PUBLIC COMMENTS

Tim Karschner, North East, commented in opposition to the proposed backyard chicken legislation and the declining of the monarch butterfly in the County.

PRESIDENT AND COUNCIL COMMENTS

Councilman Coutz thanked the audience for attending. He recognized the Economic Development Department and Steve Overbay, Director, for their support of the Maryland Five Star at Fair Hill. He stated that the event, attended by 30,000, exceeded his expectations. He commented that most of the vendors were sold out before the end of the event. He reported on statistics from the Sheriff's Intel meeting and reported that there were five overdose incidents with one fatality.

Vice President Gregory thanked the audience for attending. She encouraged families to participate in Halloween Trunk or Treat events, sponsored by CASA at the Courthouse parking lot and DrugfreeCecil at Elkton High School. She thanked volunteers who had assisted the Maryland Five Star at Fair Hill and commended Economic Development for their support. She visited two Superfund sites in Elkton today and described the environmental cleanup supported by the Environmental Protection Agency. She also described their long term monitoring of wells.

Councilman Miller thanked the audience for attending and praised the success of the Maryland Five Star at Fair Hill. He stated that the thousand community volunteers were instrumental in its success. He applauded the international riders who participated in the events. He stated that Fair Hill was an exceptional landscape for the event. He also attended the Farm Museum's Heritage Day. He also attended the Cecil County Farm Bureau meeting, which is focusing on legislative issues that will be brought to the state and federal levels of the American Farm Bureau organization.

Council President Meffley stated that the Department of Social Services allocated \$76,000 for food and shelter for the homeless from a trust fund established by Donaldson Brown. He attended the Maryland Five Star at Fair Hill and commended the volunteers for their support. He stated that the international attendees were very impressed with the friendliness of our residents. He participated

in a regional Rotary Club project to pack meals, which will be donated to homeless shelters. He attended the Elkton Rotary Club and commented on Mayor Rob Alt's presentation about growth in Elkton. He discussed today's visit to two Superfund sites at Providence and West Elkton where he observed their treatment of soil and water in cleaning up contamination.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2021-13 Amendment – Zoning Ordinance – Solar Related – Definitions, Use and Generating Facilities

An Act to amend the Cecil County Zoning Ordinance, Article II, Part I, Section 12, Definitions in order to add and define solar generation terms; Article IV, Section 54.4 Table of Permissible Uses in order to add solar related uses; and Article IV, Part XII, Section 156 Power Generating Facilities; and to add Section 162 Solar, Community Based; and Section 163 Solar, Accessory in order to differentiate Non-Solar power generating facilities; Solar, Community Based; and Solar.

The Bill was introduced and posted on September 7, 2021; and public hearing held and concluded on October 5, 2021; and schedule for final consideration on October 19, 2021.

Council Manager Massey stated for the record:

AMENDMENT NO.1 TO BILL NO. 2021-13

Synopsis: To specify signage requirements

Introduced by: Council Member Miller

Amendment No. 1 (originally No. 5)

On Page 5, line 96, insert the following:

"6. The only signage permitted shall be no larger than six (6) square feet, which shall identify the solar facility operator and contact phone numbers. Signage shall be posted at each entrance and exit of the property at no less than two locations."

AMENDMENT NO.2 TO BILL NO. 2021-13

Synopsis: To require design of facility to minimize noise by centralizing hookups.

Introduced by: Council Member Miller

On Page 5, line 96, insert the following:

"7. Designs for hookup to the power grid, transformers, and inverters should be in proximity to utility pole and located near the center of the facility to minimize noise."

AMENDMENT NO.3 TO BILL NO. 2021-13

Synopsis: To specify that facilities permitted are limited to 2 MW

Introduced by: Council Member Miller

On page 5, line 96, insert the following:

"8. Community based solar facilities shall have a generating capacity that does not exceed two megawatts (2MW), as measured by the alternating current rating of the system's inverter."

**AMENDMENT NO.4
TO BILL NO. 2021-13**

Synopsis: To include operator and landowner to be responsible for decommissioning solar facility.

Introduced by: Council Member Miller

On Page 5, line 97 insert "operator, and landowner" after "The applicant,")

**AMENDMENT NO.5
TO BILL NO. 2021-13**

Synopsis: To give County right to enter solar facility if not operational.

Introduced by: Council Member Miller

On Page 6, line 103, insert the following:

- "c. The landowner and/or operator agree to allow entry to remove an abandoned, discontinued, or decommissioned community based or utility solar facility."

**AMENDMENT NO.6
TO BILL NO. 2021-13**

Synopsis: To indicate that solar facilities will have same reassessment of property as other real estate properties in Maryland.

Introduced by: Council Member Miller

On Page 7, line 140, insert the following:

- "c. Community based or utility solar facilities should be reassessed for taxation purposes every three years."

**AMENDMENT NO.7
TO BILL NO. 2021-13**

Synopsis: To require security fence as specified.

Introduced by: Council Member Miller

On page 7, line 140, insert the following:

- "11. Solar facilities shall be enclosed by a security fence that is located between the landscape buffer and the facility. The fence must be a minimum height of six (6) feet and suitable to prevent unauthorized access.
- a. The fence shall be constructed to meet any applicable State or Federal regulations and address the physical security of power system facilities.
- b. Fencing shall be designed and installed to allow for the passage of small wildlife.
- c. The fence shall not be used to display any signage except, as required by law."

**AMENDMENT NO.8
TO BILL NO. 2021-13**

Synopsis: To state the County's commitment to agricultural and preservation of rural life.

Introduced by: Council Member Miller

On page 7, line 140, insert the following:

- "12. The conservation of agriculture is very important to maintain a more rural lifestyle, And the preservation of scenic views as a quality of life issue.

**AMENDMENT NO.9
TO BILL NO. 2021-13**

Synopsis: To require solar facilities to be located on a minimum of 50 acres parcels and allow contiguous parcels under certain conditions.

Introduced by: Council Member Miller

On page 7, line 142, insert the following after "The minimum parcel size shall be 50 acres":
"Two (2) or more contiguous parcels may be used in cases where the parcels are in the Same ownership under one deed."

**AMENDMENT NO.10
TO BILL NO. 2021-13**

Synopsis: To prohibit locating solar facilities on class one soil.

Introduced by: Council Member Miller

On page 7, line 146, insert the following:

- "c. Soil Requirements
 - i. All Community based and Utility solar facilities shall not be permitted on class one soils in order to preserve the loss of prime agricultural soils."

**AMENDMENT NO.11
TO BILL NO. 2021-13**

Synopsis: To require solar facilities to submit results of yearly soil testing.

Introduced by: Councilman Miller

On page 7, line 146, insert the following:

- "ii. The landowner or operator shall provide yearly certified soil test results that occur between October 1 and December 1, prior to construction of the solar facility and every year thereafter to the Division of Planning and Zoning by December 31 of each year at the expense of the operator or landowner. It will be presumed that the solar facility is discontinued or abandoned if the test results are not submitted."

**AMENDMENT NO.12
TO BILL NO. 2021-13**

Synopsis: To require solar facilities to return soil to original conditions before County will release bonds and/or surety.

Introduced by: Council Members on behalf of Planning Commission

On Page 7, line 146, insert the following:

- "iii. Prior to the release of any bonding and financial surety, a certification must be submitted verifying that soil conditions have been returned to their pre-construction condition."

Councilman Coutz made a motion to approve Amendment Nos. 1 through 12 to Bill No. 2021-13 which was seconded by Councilman Miller

Roll Call Vote: Coutz-Y, Miller-Y, Gregory-Y, Meffley-Y
The motion was approved by a vote of 4 to 0.

Councilman Miller made a motion to approve Bill No. 2021-13 As Amended, which was seconded by Vice President Gregory.

Roll Call Vote: Coutz-Y, Miller-Y, Gregory-Y, Meffley-Y
The motion was approved by a vote of 4 to 0.

NEW BUSINESS

Cecil County Public Schools – Budget Amendment #91

Councilman Coutz made a motion to approve Budget Amendment #91, in the amount of \$840,156 for September 2021, which was seconded by Vice President Gregory. The Council unanimously approved by a vote of 4 to 0.

ADJOURNMENT

On motion made by Councilman Coutz, seconded by Vice President Gregory, Council President Meffley adjourned the meeting at 7:39 p.m.

Council President Meffley announced that the next Council Legislative Session is scheduled on Tuesday, November 2, 2021 at 7:00 p.m. in the Elk Room of the County Administration Building. The public may attend and participate. The legislative session will continue to be livestreamed in real time at the county's webpage at www.ccgov.org/council. The recording and transcription will be uploaded to the county's website as soon as possible.

Approved:



Robert Meffley
Council President

Attest:



James Massey
Council Manager