

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2022-13
June 7, 2022**

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
Al Miller, Council Member
Donna Culberson, 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 June 7, 2022, was called to order by Council President Meffley at 7:00 p.m.

OPENING PRAYER

Council Member Miller introduced Pastor Matt Norwood from Calvary Missionary Baptist Church in Rising Sun, who led the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilman Coutz, seconded by Councilwoman Culberson, the Council moved to approve the legislative agenda of June 7, 2022. Motion was approved unanimously.

APPROVAL OF MINUTES

On motion made by Councilman Coutz, seconded by Councilwoman Culberson, the Council moved to approve the minutes of the legislative session of May 17, 2022. Motion was approved unanimously.

On motion made by Councilman Coutz, seconded by Councilwoman Culberson, the Council moved to approve the minutes of the budget hearing of May 19, 2022. Motion was approved unanimously.

PUBLIC COMMENTS

Dave Dollinger, Rising Sun, commented in support of public school funding.
Jim Leitgeb, Principal of Elkton High School, commented in support of public school funding.

PRESIDENT AND COUNCIL COMMENTS

Councilman Coutz attended the School of Technology graduation, the Economic Development Commission meeting, the Elkton High School graduation, the Rising Sun Sunfest, and the Army Alliance dinner. There was no Sheriff's Office intel meeting.

Councilwoman Culberson attended the School of Technology graduation, the Perryville High School graduation, and the Rising Sun Sunfest. She thanked the audience for attending.

Councilman Miller attended the Rising Sun High School awards assembly, the Perryville High School awards assembly, Elkton's Memorial Day Parade, the School of Technology graduation, the Rising Sun High School graduation, and the Rising Sun Sunfest. He recognized Charles Wood Jr., a teacher at the School of Technology, for his cheering for all the students. He congratulated Bud McFadden and, Carol and Norm Hunter, who have been volunteering at Sunfest for forty years.

Council President Meffley attended the opening of the Maryland Rural Development Corporation's new Aberdeen facility, the Bohemia Manor High School awards assembly and graduation, the Elkton Rotary meeting, and the Rising Sun Sunfest. He stated that he enjoyed visiting Kenmore Elementary School and recognizing Lydia Roland, a student who established a summer library for students.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2022-07 Supplemental Appropriation – Fund Balance – Courthouse – Parking Lot Capital Project.

A Bill to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2022, to move expenditure authority from the fund balance to the Courthouse Parking Lot, in the amount of \$120,000.

James Appel, Finance Director, provided comments. Council questions and comments ensued. Mr. Appel clarified that this project adds \$120,000 to the original budget of \$400,000 because of the increase in cost. This project includes redesigning of parking lot, grading, and the installation of conduits and lighting.

Introduced, read first time, and order posted on June 7, 2022. The Bill will be scheduled and advertised for public hearing on July 5, 2022.

Council Manager Massey stated for the record:

Bill No. 2022-08 Establishment - Police Accountability Board

To establish a Cecil County Police Accountability Board, including an Administrative Charging Committee, pursuant to the Maryland Police Accountability Act of 2021, in order to receive police misconduct complaints from the public and follow specified procedures to improve police accountability in Cecil County. This legislation is requested to be expedited under Council's policy #15-19 because of State requirements.

Steve Overbay, Acting Director of Administration, provided comments and requested that this legislation be considered for expediting because of the State's requirement that counties implement the program by July 1, 2022. He explained that Lawrence Scott, County Attorney, is attending a conference and unavailable tonight, but has been scheduled for a Council presentation at the next work session.

Vice President Gregory made a motion to expedite Bill No. 2022-08, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz- N, Miller- N, Culberson- Y, Gregory- Y, Meffley- N

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

Introduced, read first time, and order posted on June 7, 2022. The Bill will be scheduled and advertised for public hearing on July 5, 2022.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 37-2022 Supplemental Appropriation – Grant Funds –Liquor Board - Youth Empowerment Source – Drug Free Cecil

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2022, in order to provide a total of \$10,000 to the Special Revenue Other Grant Funds- Liquor Board, to record the grant awarded from the Youth Empowerment Source as part of Drug Free Cecil.

James Appel, Finance Director, provided comments. There were no Council questions or comments.

Introduced, read first time, and order posted on June 7, 2022. The legislation will be scheduled for consideration on June 21, 2022.

Council Manager Massey stated for the record:

Resolution No. 38-2022: Supplemental Appropriation – Grant Funds –Solid Waste Division – Public Works Department –Scrap Tire Event

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2022, to provide a total of \$17,500 to the Solid Waste Management Division – Department of Public Works, to record grant funding from the Maryland Environmental Service to be used to cover costs associated with conducting a Citizen Scrap Tire Drop-Off Day Event.

James Appel, Finance Director, provided comments. There were no Council questions or comments.

Introduced, read first time, and order posted on June 7, 2022. The legislation will be scheduled for consideration on June 21, 2022.

Council Manager Massey stated for the record:

Resolution No. 39-2022: Appointment—Board of Appeals – Norman Anderson

A Resolution to confirm the appointment by the County Executive of Norman Anderson to the Cecil County Board of Appeals, for a three-year term to expire on June 21, 2025.

Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Introduced, read first time, and order posted on June 7, 2022. The legislation will be scheduled for consideration on June 21, 2022.

Council Manager Massey stated for the record:

Resolution No. 40-2022 Appointment—Emergency Medical Services Advisory Board – Leslie Cheyney

A Resolution to confirm the appointment by the County Executive of Leslie Cheyney, to the Cecil County Emergency Medical Services Advisory Board, filling the vacancy of Donald Poist, Jr., which will expire on June 1, 2024.

Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Introduced, read first time, and order posted on June 7, 2022. The legislation will be scheduled for consideration on June 21, 2022.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 28-2022 Charter Amendment- Vacancy- County Council

A Resolution amending Article 2, County Council, Section 209, Vacancies, of the Cecil County Charter to provide that the County Council shall have thirty (30) days after receiving a list of nominees from the county central committee of the political party affiliated with the person vacating the office, to fill the Council vacancy. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection, in accordance with Section 602 of the Charter of Cecil County.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Charles MacLeod, had no comments. There were no comments from the administration. There were no Council questions or comments.

Vice President Gregory made a motion to approve Resolution No. 28-2022, which was seconded by Councilman Coutz.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was unanimously approved.

Council Manager Massey stated for the record:

Resolution No. 29-2022 Charter Amendment – Redistricting Commission

A Resolution amending Article 2, County Council, Section 214, Redistricting, of the Cecil County Charter to provide that the deadline for Council to establish Redistricting Commission shall be within

thirty days after receipt of census data; and to specify that current local central committee members are ineligible to be members of the Redistricting Commission. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Charles MacLeod, Council Attorney had no additional comments. There were no comments from the administration. There were no Council questions or comments.

Councilman Coutz made a motion to approve Resolution No. 29-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- 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. 30-2022 Charter Amendment- Vacancy-County Executive

A Resolution amending Article 2, County Council, Section 214, Redistricting, of the Cecil County Charter to provide that the deadline for Council to establish Redistricting Commission shall be within thirty days after receipt of census data; and to specify that current local central committee members are ineligible to be members of the Redistricting Commission. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Charles MacLeod, Council Attorney, had no comments. There were no comments from the administration. There were no Council questions or comments.

Councilman Coutz made a motion to approve Resolution No. 30-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was unanimously approved.

Council Manager Massey stated for the record:

Resolution No. 31-2022 Charter Amendment- Ethics Commission

A Resolution amending Article 6, Miscellaneous, to add a new Section 607, Ethics Commission, of the Cecil County Charter to re-establish the Ethics Commission as an independent agency with five-voting members, who shall serve a four-year staggered term; three members, including chair, appointed by the Executive; and two members appointed by the Council. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Council Attorney MacLeod made no comments. Steve Overbay, Acting Director of Administration, made no comments. Councilwoman Culberson stated that there should be checks and balances in this amendment to require Executive to approve Council's nominees, and vice versa. She also stated that if we have potential members who have an appearance of a conflict of interest in appointing Ethics Commission members, the amendment should recuse people who have either a direct conflict or the appearance of a conflict when voting on Ethics Commission members. Vice President Gregory agreed that Council nominees to the Ethics Commission should be confirmed by the Executive, and vice versa. She is opposed to the amendment.

Councilman Coutz made a motion to approve Resolution No. 31-2022. At this point, Council Attorney MacLeod questioned if copies of this Resolution reflected the correct language on page three, line 39, which should read, "In the event of a conflict, the Commission may engage independent counsel for the duration of the conflict, to be paid by the county". Mr. MacLeod explained that the original draft version read, "If Commission Members determine that the County Attorney has a conflict of interest, the Commission may request independent legal counsel for the during of the conflict, to be paid by the county," which he had revised before the legislation was introduced. The Council recessed for five minutes to ensure that all copies of Resolution No. 31-2022 were correct, including the website and public copies. All copies of the Resolution and text on the website were found to be correct.

After the Council verified that all versions of this Resolution were correct, Council President Meffley asked that consideration of Resolution No. 31-2022 be repeated from the beginning to ensure the proper handling of this legislation.

Council Manager Massey stated for the record:

Resolution No. 31-2022 Charter Amendment- Ethics Commission

A Resolution amending Article 6, Miscellaneous, to add a new Section 607, Ethics Commission, of the Cecil County Charter to re-establish the Ethics Commission as an independent agency with five-voting members, who shall serve a four-year staggered term; three members, including chair, appointed by the Executive; and two members appointed by the Council. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

Council Attorney MacLeod had no comments. Mr. Overbay, Acting Director of Administration, had no comments. Councilwoman Culberson asked if the Resolution as presented at the public hearing has the same terminology. Council Manager Massey and Council Attorney MacLeod agreed that the Resolution as introduced contained the same language. Councilwoman Culberson asked if there was a problem with this Resolution. Council Attorney MacLeod stated that this was the same language used in the Resolution's introduction and public hearing. He also stated that he had recommended the change in language to be clearer, and that it reflected the same meaning as was in the draft legislation. Vice President Gregory stated that this terminology was the same as on the county website.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Councilman Coutz made a motion to approve Resolution No. 31-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- N, Gregory- N, Meffley- Y
The motion was approved by a vote of 3 to 2. Vice President Gregory and Councilwoman Culberson were opposed.

Council Manager Massey stated for the record:

Resolution No. 32-2022 Charter Amendment- Council Review of Contracts

A Resolution amending Article 5, Budget and Finance, to add a new Section 516, Council Review of Contracts, of the Cecil County Charter to require all county purchases above \$100,000; and all real estate purchases, sales and leases, be reviewed by County Council in public session before the contract is awarded or executed by the County Executive. To require submission of this amendment to the legally qualified voters of Cecil County for their adoption or rejection in accordance with Section 602 of the Charter of Cecil County.

The Resolution was introduced and posted on April 19, 2022, public hearing held and concluded on May 17, 2022, and scheduled for consideration on June 7, 2022.

Council President asked that Amendments Nos. 1, 2, and 3 to Resolution No. 32-2022 be read into the record.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To clarify that review includes only contracts to be directly awarded by County and to specify the information to be provided in review by county administration.

Introduced by: Council President

On Page 3, Line 43, insert the following:

(D) For each contract over \$100,000 and all real estate transactions, which will be directly awarded by Cecil County Government, the administration will review at an open Council work session with the following information:

- 1) Description of item or service,
- 2) The price,
- 3) Name of vendor,
- 4) Source of funding (operating, capital, requiring department),
- 5) Number of responsible bids received

**AMENDMENT NO. 2
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To clarify that review includes only contracts to be directly awarded by County and to specify the information to be provided in review by county administration.

Introduced by: Council President

On Page 4, Line 60, insert the following:

(D) For each contract over \$100,000 and all real estate transactions, which will be directly awarded by Cecil County Government, the administration will review at an open Council work session with the following information:

- 1) Description of item or service,
- 2) The price,
- 3) Name of vendor,
- 4) Source of funding (operating, capital, requiring department),
- 5) Number of responsible bids received

**AMENDMENT NO. 3
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To provide review of county contracts after the County Executive awards or executes the contract.

Introduced by: Council President

On Page 1, Line 4, delete “before” and insert “after”.

On Page 3, Line 35, delete “before” and insert “after”.

On Page 4, line 58, delete “before” and insert “after”.

Council Attorney MacLeod made no comments. Steve Overbay, Acting Director of Administration, stated that the administration is willing to provide this review without creating a charter amendment. He stated that the amendments provide clarification of some of the issues in the original legislation. Vice President Gregory stated that the review of contracts should be a Bill and not a charter amendment. She stated that this legislation does not fit with the current purchasing process and this amendment is adding another layer instead of working with the current process.

Councilman Coutz made a motion to approve Amendment No. 1 to Resolution No. 32-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- N, Gregory- Y, Meffley- Y
The motion was approved by a vote of 4 to 1. Councilwoman Culberson was opposed.

Councilman Coutz made a motion to approve Amendment No. 2 to Resolution No. 32-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Councilman Coutz made a motion to approve Amendment No. 3 to Resolution No. 32-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Councilman Coutz made a motion to approve Resolution No. 32-2022 As Amended, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- N, Gregory- N, Meffley- Y
The motion was approved by a vote of 3 to 2. Vice President Gregory and Councilwoman Culberson were opposed.

Council Manager Massey stated for the record:

Resolution No. 34-2022 Appointment – Acting Economic Development Director – Sandra Edwards
A Resolution to extend the appointment of Sandra Edwards as the Acting Economic Development Director for an additional four months, pursuant to Chapter C, Article 4, Section 413 of the Charter of Cecil County.

The Resolution was introduced and posted on May 17, 2022 and scheduled for consideration on June 7, 2022.

Steve Overbay, Acting Director of Administration, commented in support of the Resolution. There were no Council questions or comments.

Vice President Gregory made a motion to approve Resolution No. 34-2022, which was seconded by Councilman Coutz.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Resolution No. 35-2022 Supplemental Appropriation – Grant Funds – Parks and Recreation – Stoney Run Dredge Material Placement Site

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2022, to provide a total of \$200,000 to the Special Revenue Other Grants Fund- Parks and Recreation to record the grant awarded from the Maryland Department of Natural Resources Water Way Improvement, to be used for the Engineering and Design of the Stoney Run, Route 7 (Old Philadelphia Road), Dredge Material Placement site (\$200,000).

The Resolution was introduced and posted on May 17, 2022 and scheduled for consideration on June 7, 2022.

James Appel, Finance Director, commented in support of the Resolution. There were no Council questions or comments.

Councilman Coutz made a motion to approve Resolution No. 35-2022, which was seconded by Vice President Gregory.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Council Manager Massey stated for the record:

Resolution No. 36-2022 Appointment- Cecil County Ethics Commission- Janet Pope

A Resolution to confirm the reappointment of Janet Pope made by the County Executive to the Cecil County Ethics Commission, term to expire October 3, 2025.

The Resolution was introduced and posted on May 17, 2022 and scheduled for consideration on June 7, 2022.

Steve Overbay, Acting Director of Administration, commented in support of the Resolution. There were no Council questions or comments.

Vice President Gregory made a motion to approve Resolution No. 36-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2022-04 Capital Improvement Plan – FY 2023-2027

A Bill to approve the Capital Improvement Program for Cecil County for Fiscal Years 2023 through 2027

The Bill was introduced and posted on April 4, 2022, public hearing held and concluded on May 19, 2022, and scheduled for consideration on June 7, 2022.

James Appel, Finance Director, commented that the capital improvement program totals \$42.8M, which includes \$17M in county funds, \$11M in state and federal funds, and \$11M in enterprise funds. There were no Council questions or comments.

Councilman Coutz made a motion to approve Bill No. 2022-04, which was seconded by Vice President Gregory.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Council Manager Massey stated for the record:

Bill No. 2022-05 Annual Budget and Appropriation Ordinance- FY 23

A Bill to adopt the County Budget including the Current Expense Budget, Capital Budget, Special Purpose Budgets and Grants Budget for the fiscal year ending June 30, 2023, and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2022.

The Bill was introduced and posted on April 4, 2022, public hearing held and concluded on May 19, 2022, and scheduled for consideration on June 7, 2022.

James Appel, Finance Manager, thanked the Finance Department staff for their work on the budget. Councilman Coutz stated that he applauded the administration for their balanced budget and hoped that the administration can adhere to it. He stated his concern that there were a number of budget amendments that were funded from the budget surplus. He also stated that the administration had agreed to provide \$240,000 for the public schools' small capital funds to be used for school safety entrance projects and hoped that additional funds can be found to finish up these critical school safety projects.

Council President Meffley clarified that the administration will be submitting a Resolution after July 1, 2022 to provide \$250,000 in funding for the public schools' safe entrance project. Mr. Appel agreed that this funding will be requested. Council President Meffley thanked him for his work on the budget. Mr. Overbay acknowledged that the County Executive and School Superintendent have already met to discuss this project done. Council President Meffley thanked the County Executive for her support on the school safety entrance project. Councilwoman Culberson clarified that the administration has agreed to provide \$240,000 for the public schools' safe entrance project. Vice President Gregory clarified that the supplemental appropriations last year included funding for the school's budget relating to changes at the State level, and the Roads Division. James Appel stated there was also the Health Department roof and Courthouse parking lot.

Councilman Coutz made a motion to approve Bill No. 2022-05, which was seconded by Vice President Gregory.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Council Manager Massey stated for the record:

Bill No. 2022-06 Residential Noise Ordinance

An Act to add new Chapter 250, Noise in Residential Areas, of the Code of Cecil County; to prohibit certain noises in certain areas during specified hours; to establish certain exemptions to this prohibition; to establish fines for violating this prohibition; and generally relating to noise.

The legislation was introduced on April 19, 2022, and public hearing held and concluded on May 17, 2022, and scheduled for final consideration on June 7, 2022.

Council President asked that Amendments Nos. 1, 2, 3 and 4 to Bill No. 2022-06 be read into the record.

Council Manager Massey stated for the record:

**AMENDMENT NO.1
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Rules for day time restrictions

Synopsis: To clarify noise can be heard or felt as vibration at a distance of 200 feet on the receiving property.

Introduced by: Council President

On Page 4, Section 250-3, lines 77 to 82, revise as shown:

"§ 250-3. RULES AND REGULATIONS.

- A. Day Time Restrictions. A person may not, at any time, use, operate or permit the use or operation of a radio or other music producing device, a television, an amplified musical instrument, or any other audio producing device at an unreasonable loud volume, which can be heard or felt as vibration **ON THE RECEIVING PROPERTY** in a residential district at a distance of 200 feet away from the **NOISE SOURCE** property ~~LINE and distinctively hear the lyrics of the song or music that is playing."~~

**AMENDMENT NO.2
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Rules for night time restrictions

Synopsis: To clarify noise can be heard or felt as vibration at a distance of 200 feet on the receiving property.

Introduced by: Council President

On Pages 4-5, Section 250-3, lines 83 to 90, revise as shown:

"§ 250-3. RULES AND REGULATIONS.

- B. Night Time Restrictions. A person may not, between the hours of 10:00 p.m. and 6:00 a.m., use, operate, or permit the use or operation of radio, music from other sources, late night loud parties, recreational vehicles, motor vehicles such as racing cars, diesel trucks running while parked overnight, motorcycles, dirt bikes, ATVs and the operation of construction

equipment for personal use on a property at an unreasonably loud volume or vibration that can be heard or felt as vibration **ON THE RECEIVING PROPERTY** in a residential district at a distance of 200 feet away from the **NOISE SOURCE** property ~~LINE and distinctively hear the lyrics of the song or music that is playing."~~

**AMENDMENT NO.3
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Enforcement

Synopsis: To clarify that the law officer will issue a verbal warning for the initial violation before issuing a citation for a second violation.

Introduced by: Council President

On Pages 5-6, Section 250-5, lines 117 to 122, revise as shown:

"§ 250-5. ENFORCEMENT; VIOLATIONS AND PENALTIES.

- A. A person who violates this ordinance is subject to a civil fine for a class e civil offense as provided in this ordinance; **PROVIDED, HOWEVER, THAT and a police officer SHALL may issue a VERBAL citation, as a warning FOR AN INITIAL VIOLATION before ISSUING A CITATION charging a violation. Any person who has been ordered by a police officer to cease using, operating, or permitting the use or operation of a device in violation of this ordinance is guilty of a misdemeanor."**

**AMENDMENT NO.4
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Violations

Synopsis: To clarify that after the third violation, any subsequent violation occurring within six months from the previous fine, would result in a larger fine of \$1,000.

Introduced by: Council President

On Page 6, Section 250-5, line 130, revise as shown:

"§ 250-5. ENFORCEMENT; VIOLATIONS AND PENALTIES.

- B. The general schedule of fines is as follows:
- (1) A verbal warning for the first violation.
 - (2) A fine of \$100 for the second violation for a class e civil offense.
 - (3) A fine of \$500 for the third violation for a class e civil offense.
 - (4) After the third violation, any subsequent violation that occurs within six months from the **PREVIOUS first** violation, a fine of \$1,000 for each and subsequent violation for a class E civil offense.

Council Attorney MacLeod commented that these amendments clarify some of the issues raised. Steve Overbay, Acting Director of Administration, made no comments.

Councilman Coutz made a motion to approve Amendment No. 1 to Bill No. 2022-06, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Councilman Coutz made a motion to approve Amendment No. 2 to Bill No. 2022-06, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Councilman Coutz made a motion to approve Amendment No. 3 to Bill No. 2022-06, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Councilman Coutz made a motion to approve Amendment No. 4 to Bill No. 2022-06, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

Vice President Gregory stated that the State's Attorney requested an opportunity to offer some suggestions and clarifications before the Council votes on this legislation.

Vice President Gregory made a motion to table consideration of Bill No. 2022-06 in order to give the State's Attorney an opportunity to weigh in on this legislation. Councilwoman Culberson seconded the motion.

Roll Call Vote: Coutz- N, Miller- N, Culberson- Y, Gregory- Y, Meffley- N
The motion failed by a vote of 2 to 3. Councilman Coutz, Councilman Miller and Council President Meffley were opposed.

Councilman Coutz made a motion to approve Bill No. 2022-06 As Amended, which was seconded by Councilman Miller.

Roll Call Vote: Coutz- Y, Miller- Y, Culberson- N, Gregory- N, Meffley- Y
The motion was approved by a vote of 3 to 2. Councilwoman Culberson and Vice President Gregory were opposed.

ADOPTION OF TAX RATE

Resolution No. 27-2022 Adoption- Real Property and Personal Property Tax Rates- FY 23

James Appel, Finance Director, stated that the tax rate for FY 2023 included reductions to income tax, real property tax, and personal property tax. Councilman Coutz congratulated the administration for putting a budget together that allows these tax cuts. Councilman Coutz made a motion to approve Resolution No. 27-2022, which was seconded by Vice President Gregory.


Roll Call Vote: Coutz- Y, Miller- Y, Culberson- Y, Gregory- Y, Meffley- Y
The motion was approved unanimously.

ADJOURNMENT

On motion made by Vice President Gregory, seconded by Councilman Coutz, Council President Meffley adjourned the meeting at 8:19 p.m.

Council President Meffley announced that the next Council Legislative Session is scheduled on Tuesday, June 21, 2022, at 7:00 p.m. in the Elk Room of the County Administration Building. The legislative session will be livestreamed 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