

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2023-04
February 21, 2023**

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:

Jackie Gregory, Council President
Robert Meffley, Vice President
Rebecca Hamilton, 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 February 21, 2023, was called to order by Council President Gregory at 7:00 p.m.

OPENING PRAYER

Councilman Miller introduced Pastor Kevin Brown of Wrights AME Church of Elkton who gave the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilwoman Culberson, seconded by Vice President Meffley, the Council moved to approve the legislative agenda of February 21, 2023. The motion was approved unanimously.

PUBLIC HEARING

Council Manager Culver read into the record:

Rezoning File: 2023-01 APPLICANT: Chris and Keri Diebold. REQUEST: to rezone 9.113 acres from Suburban Transition (ST) to High Density Residential (RM). PROPERTY LOCATION: 131 Old Bayview Road, North East, MD 21901. Election District: 5, Tax Map: 25, Parcel: 9. PROPERTY OWNER: Chris and Keri Diebold. PRESENTLY ZONED: Suburban Transition (ST)

Council Manager Culver swore all the witnesses in for the hearing.

The applicant, Chris Diebold, spoke on the history of this property and noted it was his belief that it was non-conforming. He noted that in 2011 during the Comprehensive Rezoning he requested a zoning change and believes a mistake was made on the current zoning of this property. He noted that he has 4 rental units on the site and that he recorded a volunteer deed restrictions on future development of this site if the zoning is approved. He noted that neither he nor the County could

locate any approved building permits for the site and that at various times people who lived at this site received housing vouchers from the County.

Director of Land Use and Development Services Stephen O'Connor and Aaron Harding, Chief of Planning and Zoning presented the history of the parcel. Chief Harding noted that one special exception was granted for the mobile home, which expired since it was no longer occupied by the tenants as specified in the special exception case. He also noted violation notices were sent but not appealed. He also played the audio of the 2011 Comprehensive Rezoning and noted that Mr. Diebold never mentioned the apartment units. Director O'Connor reviewed the rezoning standards and refuted the applicants argument of a mistake. Director O'Connor noted that based on the review of site no mistake was made on the zoning of the property and the owner, Mr. Diebold did not offer any evidence to the contrary. Director O'Connor reviewed the finding of facts on the property.

President Gregory opened the floor for public comments in favor or against the application.

Harold McCanick of Elk Neck questioned the amount of taxes paid on the property.

James Hodge of Bayview stated he was opposed to the rezoning and said the owner could sell once it is rezoned for further development.

Steve Russell of Bayview stated he was opposed to the rezoning and was concerned about traffic.

Council Manager Culver read two letters of opposition into the record from Denise Calder of Bayview and Karen Blankenship of Bayview.

In rebuttal, Chris Diebold indicated he could build single family homes and had approval to do so. He also noted that water and sewer were on the property and the County agreed he could have sewer if he granted an easement. He also noted the 2011 Comprehensive Rezoning was a mistake and he offered deed restrictions on the property. He also read a letter into the record from one of his tenants who supported the rezoning.

Councilwoman Hamilton asked Land Use to again review the previous zoning classification on the property and if apartments were ever a permitted use. Director O'Connor reviewed the previous zoning classification and noted that starting in 1993 apartments could have been permitted with a special exception, however, no records exist that they were ever granted. Councilwoman Culberson inquired about the deed restrictions and Director O'Connor noted that they are irrelevant as it relates to the rezoning request. Councilwoman Culberson also noted that this site could have single family homes and does not find that a mistake was made in the zoning. County Attorney Lawrence Scott noted for the record the applicant specifically noted mistake on the application not a change in the neighborhood. President Gregory clarified the change in the neighborhood argument must be since the last comprehensive plan and Attorney Scott concurred. Councilwoman Hamilton inquired about other properties rezoned in 2011 and Director O'Connor opined that the Comprehensive Rezoning is viewed as a blank slate and every property's zoning is considered. Councilwoman Culberson also inquired about the comprehensive rezoning process and if apartments were allowed in the ST District. Attorney Scott outlined the process and Director

O'Connor outlined the permissible uses in the ST District. Vice President Meffley asked if single family homes could still be built or would the owner have other options. Attorney Scott noted that this hearing is specifically on the rezoning of the property and not what development options are available to the owner.

Council had no further questions or comments and President Gregory closed the Public Hearing.

APPROVAL OF MINUTES

On motion made by Vice President Meffley, seconded by Councilwoman Culberson, the Council moved to approve the minutes of the legislative session of February 7, 2022. The motion was approved unanimously.

PUBLIC COMMENTS

Phyllis Kilby of Colora noted the suggestion made by Councilwoman Culberson that the Board of Education having revolving meeting sites should be considered and suggested Council do the same.

Russ Johnson of Elkton discussed the Board of Education, funding of the BOE and the values of the school system.

Jordan Seguin of Elkton discussed the need for additional funding of the Board of Education.

PRESIDENT AND COUNCIL COMMENTS

President Gregory noted that Council comments were made at the Work Session on February 21.

CONSIDERATION OF RESOLUTIONS

Council Manager Culver stated for the record:

Resolution 04-2023 - Appointments—Charter Review Commission – Joe Zang, John T. Wilson, J. Lloyd Sanders, Derek Howell, Robert Carey, Robert Gorman and Barbara Cox to the Commission and Alice Crothers as alternate.

A Resolution to confirm the appointments of Joe Zang, John T. Wilson, J. Lloyd Sanders, Derek Howell, Robert Carey, Robert Gorman and Barbara Cox to the Commission and Alice Crothers as alternate as per Section 604 of the Cecil County Charter.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

No comments were made.

Councilman Miller made a motion to approve Resolution 04-2023, which was seconded by Councilwoman Culberson.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 05-2023 - Appointment – Commission on Aging – Denise Hill, Julianne Graham, Lisa Beeman, Mark Hill, and Jamie McCloskey.

A Resolution to confirm the County Executive's appointment of Denise Hill, Julianne Graham, Lisa Beeman, Mark Hill, and Jamie McCloskey to the Cecil County Commission on Aging, to fill vacant three-year terms that will each expire on January 31, 2026

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted the terms for appointments.

Councilwoman Culberson made a motion to approve Resolution 05-2023, which was seconded by Councilman Miller.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 06-2023 - Appointment—Adult Public Guardianship Review Board – Randall Schwandt.

A Resolution to confirm the appointment by the County Executive of the reappointment of Randall Schwandt to the Cecil County Adult Public Guardianship Review Board, to fill a three-year term that will expire on December 31, 2025.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted Mr. Schwandt's expertise on this Board.

Councilwoman Culberson made a motion to approve Resolution 06-2023, which was seconded by Vice President Meffley.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 07-2023 - Reappointment—Local Management Board - John W. Donohue.

A Resolution to confirm the reappointment of John W. Donohue to the Local Management Board to fill a vacant four-year term that will expire on December 31, 2026.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted Mr. Donohue's expertise on this Board.

Councilman Miller made a motion to approve Resolution 07-2023, which was seconded by Councilwoman Culberson.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 08-2023 - Appointment—Planning Commission – Russell Johnson and Charles Hicks.

A Resolution to confirm the appointment by the County Executive of Russell Johnson and Charles Hicks to the Planning Commission to fill vacant 3-year terms that will each expire on December 31, 2025.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted the need for these appointments. Councilwoman Hamilton asked when the new members could start attending meetings. County Attorney Lawrence Scott noted they can participate immediately but should recuse themselves on issues that were heard prior to being confirmed to the Board. Council Manager Culver read the language of the resolution that stated the appointments are effective immediately upon approval.

Councilwoman Hamilton made a motion to approve Resolution 08-2023, which was seconded by Vice President Meffley.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 09-2023 – Appointment – Board of Parks and Recreation – Jennifer Callaghan and Kristen Lehr.

A Resolution to confirm the appointment of Jennifer Callaghan, to the Board of Parks and Recreation to fill a vacant three (3) year term that will expire on December 31, 2025, and Kristen Lehr who is replacing Matthew Morris's whose term expires on April 1, 2025.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted the terms for appointments.

Councilwoman Culberson made a motion to approve Resolution 09-2023, which was seconded by Councilman Miller.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 10–2023 - Supplemental Appropriation – Fund Balance – Roads Division – Department of Public Works – Asphalt Overlay.

A resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2023, to move expenditure authority from the fund balance to the Roads Division – Department of Public Works in the amount of \$2,750,000, for the benefit of additional asphalt overlay of county roads.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay stressed the need for this work and was pleased they were able to allocate this funding.

Councilwoman Culberson made a motion to approve Resolution 10-2023, which was seconded by Vice President Meffley.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

Council Manager Culver stated for the record:

Resolution 11-2023 - Supplemental Appropriation – Landfill Enterprise Fund Balance – Solid Waste Management Division – Department of Public Works – Budget Amendment.

A resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2023, in the amount totaling \$150,000 from the Enterprise Landfill Fund Balance to mitigate increased fuel expense.

This resolution was introduced on February 7, 2023 and scheduled for consideration on February 21, 2023.

Director of Administration Steven Overbay noted that fuel costs have increased during the year and this will cover cost for the rest of FY23.

Councilman Miller made a motion to approve Resolution 11-2023, which was seconded by Councilwoman Culberson.

Roll call vote: Hamilton – Y, Miller -Y, Culberson – Y, Meffley – Y, Gregory- Y
The motion was approved unanimously.

NEW BUSINESS

Cecil County Public School – Budget Amendment #107

Councilman Miller made a motion to approve Budget Amendment #107 in the amount of \$294,011 for January expenses. The motion was seconded by Councilwoman Culberson. The motion was approved by voice vote of 5 to 0.

ADJOURNMENT

On motion made by Councilwoman Culberson, seconded by Councilman Miller, Council President Gregory adjourned the meeting at 8:38 pm.

Council President Gregory announced that the next Council Legislative Session is scheduled on Tuesday, March 7, 2023, 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:


Jackie Gregory
Council President

Attest:


David M. Culver
Council Manager