

**COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
October 19, 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, 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 4:30 pm, and announced that there were four Council Members present, which constitute a quorum. The office of Council Member from the 4th Councilmanic District is currently vacant.

Approval of Minutes

On a motion made by Vice President Gregory, seconded by Councilman Coutz, the Council moved to approve the minutes of the Council work session of October 12, 2021, as presented. The motion was approved unanimously.

Council Vacancy

Council President Meffley asked the Council Manager to clarify the process of filling of Councilman Patchell, whose last day in office was October 17.

Mr. Massey reviewed Section 201 of the Charter that states that Council Members must appoint a person to the unexpired term within 30 days of the date that the former member resigned, which is November 16. The Charter states that the appointee must meet the same qualifications and residence requirements and be of the same political party as the outgoing member. He stated that the appointee must be a registered Republican voter who lives within the 4th Councilmanic District. In addition, the appointee shall be selected by a majority vote of the remaining Council Members. The Charter further states that the appointment will be selected from a list of three persons submitted to the Council by the county central committee of the outgoing Council Member's political party. He stated that the Republican Central Committee is to provide a list of three names within 30 days from the date that the vacancy occurs, which is November 16.

He further stated that if the Council fails to fill the vacancy within 30 days from the date that the vacancy occurs, the Executive may appoint a person who meets the qualifications and residency requirements.

Review of Legislative Agenda

Council President Meffley led a review of the legislative agenda.

The public hearing for Bill No. 2021-14 Public Schools – Bus Safety – Cameras, will be held at tonight's session. Dr. Jeff Lawson, School Superintendent, and Dr. Robert Buckley, Associate

Superintendent, provided comments regarding the legislation. They also requested an amendment to the legislation to allocate funding, after cost recovery, to the Cecil County Sheriff's Office. Lawrence Scott, County Attorney, stated that the administration was supportive of this legislation and proposed amendment. Council questions and comments ensued.

Bill No. 2021-13 Amendment – Zoning Ordinance – Solar Related – Definitions, Use and Generating Facilities, is scheduled for final consideration.

Council President Meffley asked the Council Manager to read the proposed amendments.

**AMENDMENT NO.1
TO BILL NO. 2021-13**

Synopsis: To specify signage requirements

Introduced by: Council Member Miller

Amendment No. 1

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."

Mr. Scott, County Attorney, requested that Amendment No. 5 should be revised to include the text "landowner". Council Members agreed to this revision. Council questions and comments ensued.

Under New Business, Cecil County Public Schools budget amendment #91, in the amount of \$840,156 for September 2021, will be considered for approval at tonight's session. There were no Council questions or comments.

Council Manager Report

Council Manager Massey updated Council Members on events that are scheduled next week, including the Bainbridge Development Corporation Annual Meeting on October 25 and the Martha Lewis program on October 28.

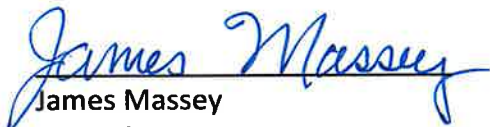
Council Member Items

Council Members agreed to hold their comments until tonight's legislative session.

Adjournment

Councilman Coutz moved to adjourn the work session, which was seconded by Vice President Gregory. The work session was adjourned at 4:52 pm.

The next Council work session will be held on Tuesday, October 26, 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.


James Massey
Council Manager

Approved:


Robert Meffley Council President