

**COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
November 2, 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/council.

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 Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the minutes of the Council work session of October 19, 2021, as presented. The motion was approved unanimously.

MACo Legislative Priorities

Vice President Gregory, MACo Legislation Committee Member, provided an update of the legislative priorities for 2022. She stated that the first priority is reinvesting in local transportation infrastructure, which includes restoration of the highway user funds to counties. She stated that the second priority is to extend protection from threats and intimidations to non-elected officials who face public criticism and pressure for their duties. She stated that the third priority is to ensure funding fairness in elections to promote state and county cost sharing. She said that the fourth priority is to reset emergency transport as a realistic recognition of care so that volunteer fire companies that provide emergency transportation can be reimbursed for their care.

Vice President Gregory also stated that the State will be receiving funds from the opioid settlement that will be distributed to counties through the grant process.

Review of Legislative Agenda

Council President Meffley led a review of the legislative agenda.

Bill No. 2021-15 Supplemental Appropriation-Fund Balance-Roads and Bridges Capital Budget-Belvidere Road, will be introduced at tonight's session. Scott Flanigan, Public Works Director, explained that the proposed project will provide funding for design of the "gap" between the State's I-95 interchange project and the county's replacement of the Belvidere Road Bridge over CSX. Council questions and comments ensued. Councilman Coutz clarified that American Rescue Plan Act funding could not be used for this project.

Resolution No. 55-2021 Supplemental Appropriation – Grants – Sheriff’s Office – Crime Control and Prevention, will be introduced at tonight’s session. Rebecca Anderson, Budget Manager, provided comments. Major George Stanko provided additional comments about the need for financial incentives to encourage recruitment and retainage of law officers. Council questions and comments ensued. Vice President Gregory clarified that a portion of this funding will be used to cover the cost of cleaning officers’ uniforms. Major Stanko clarified that Cecil County’s compensation for law officers is less than Delaware, Pennsylvania and Harford County; which has caused 29 vacancies at the Detention Center. Councilman Miller and Council President Meffley expressed their appreciation to the Cecil County deputies and correction officers for their dedication and performance.

Resolution No. 56-2021 Supplemental Appropriation – Grants – Economic Development – Online Sales and Teleworking, will be introduced at tonight’s session. Rebecca Anderson, Budget Manager, provided comments. Steve Overbay, Acting Director of Administration, stated that the Economic Development Office will offer grants to local businesses for training in online sales and teleworking opportunities. There were no Council questions or comments.

Resolution No. 57-2021 Supplemental Appropriation – Fund Balance – Volunteer Fire Service – Vehicle Replacement Program, will be introduced at tonight’s session. Rebecca Anderson, Budget Manager, provided comments. She explained that this funding had been budgeted in the previous year but equipment had not arrived by June 30, 2021. She stated that this legislation will allow the county to use these carryover funds to cover the cost of fire equipment, which had been ordered during FY 2021. There were no Council questions or comments.

Resolution No. 58-2021 Approval – MRI Software – Multiple Year Agreement, will be introduced at tonight’s session. Rebecca Anderson, Budget Manager, provided comments. Council President Meffley clarified that the three-year contract will result in a savings of \$3,800.

Bill No. 2021-14 Public Schools- Bus Safety- Cameras, will be considered for final approval. Council President Meffley asked the Council Manager to read the proposed amendment.

**AMENDMENT NO.1
TO BILL NO. 2021-14**

Synopsis: To assign any remaining revenue to Cecil County Sheriff’s Office

Introduced by: Council President on behalf of the Cecil County Public Schools

On Page 3, line 45, insert the following:

“3) Any revenue remaining will be assigned to the Cecil County Sheriff’s Office for their use.”

Lawrence Scott, County Attorney, stated that the administration had worked with the Board of Education to resolve their issues; and stated their support for the legislation and amendment. There were no Council questions or comments.

Under Old Business, the Council discussed the veto by the County Executive of Bill No. 2021-12 As Amended Residential Noise Ordinance. Council President Meffley asked the Council Manager to read the Executive’s veto message.

**Statement Submitted to the County Council on 10/20/2021 with the
Vetoed Legislation**

In accordance with Section 306(c) of the Cecil County Charter, my reasons (in writing) for vetoing Legislation 2021-12 Residential Noise Ordinance is that while the legislation is well intended and seeks to solve a problem in Cecil County of unwarranted noise, the legislation is flawed in the following six ways:

First, the legislation's noise standard of "noise that can be heard 50 feet away" is too broad and will capture innocent and otherwise non-disturbing noise. This standard will make innocent activity illegal.

Second, the legislation arbitrarily sets a 10 pm noise curfew on most establishments that play music. During the summer and on the weekends, there are many business establishments that respectfully utilize music and singing that will now have to shut their doors early. This is effectively a taking of private property.

Third, the legislation exempts business that make non vocal noise past 10 pm. So, for example, a bar could be playing music (without voices) and be exempt from the ordinance. While this issue is counter to my second issue (above), it shows that the legislation is not consistent.

Fourth, the legislation only applies to noises made vocally thus exempting all other noises. This exemption undermines the purpose of the ordinance.

Fifth, the legislation is somewhat duplicative of the State noise ordinance (see Section 10-201(c)(5)). Thus a local noise ordinance is not necessarily needed.

Finally, the legislation, as testified to by the Cecil County Sheriff, is not needed as he (the Sheriff) currently has sufficient tools to mitigate, reduce or stop excessive noise.

I am sympathetic to residents on the receiving end of excessive noise and encourage them to report excessive noise emanating from an establishment holding a liquor license to the Cecil County Liquor Board, excessive noise emanating from a neighbor to the Cecil County Sheriff's Office, and excessive noise emanating from a source within a municipality to the municipal government or municipal police department.

Council President Meffley stated that the Council will not be voting on an override to this legislation. He asked Lawrence Scott, County Attorney, why the administration had not stated any opposition to this legislation so that it could be discussed. Mr. Scott stated that the legislation needed to have higher standards. Councilman Coutz commented that there were many opportunities for the administration to have expressed their opposition. Council President Meffley also stated his disagreement with the reasons given by the Executive to veto the

legislation. Vice President Gregory stated that she had conducted additional research and cited that some counties assign noise enforcement to the county's land enforcement.

After discussion, Council President Meffley suggested that an ad hoc committee should be formed to involve citizens, business, and law enforcement to reconsider a residential noise ordinance. Lawrence Scott, County Attorney, agreed with this proposal.

Council Manager Report

Council Manager Massey reported that the Redistricting Commission has completed their work and plan to present their report to Council Members on November 12. Carl Roberts, Chair, will make a presentation of the redistricting plan at the next legislation session on November 16.

Mr. Massey reviewed the Charter regarding redistricting and stated that a public hearing on the proposed plan will be held on December 7 at the legislative session. He stated that unless the Council adopts another redistricting plan within 90 days of the Commission's presentation, the Commission's plan becomes law.

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 5:22 pm.

The next Council work session will be held on Tuesday, November 9, 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