

COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
January 11, 2022

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, Al Miller, Donna Culberson and Jackie Gregory; 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 five Council Members present, which constitute a quorum.

Council President Meffley asked for a moment of silence in memory of Harlen Williams, John Kilby, Terry Goodwin and Brian Bristow.

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 January 4, 2022, as presented. The motion approved unanimously.

York Building Products Asphalt Plant

James Gawthrop from York Building Products provided information on a proposed asphalt plant to be located at 1079 Belvidere Road, Port Deposit. He stated that this plant will use stones from the quarry on site to create asphalt. He stated that a state of the art baghouse will filter 99% of the emissions released into the air. He stated that MDE Air and Radiation Manager Administration application was submitted and is in process for approval. He stated that the trucks will use Belvidere Road to the new I-95 interchange, which will minimize truck traffic on local roads. He stated that there will be 60 employees and drivers.

CARES Act and American Rescue Plan Act Update

James Appel, Finance Director, presented an update on the CARES Act funds. He provided Resolution No. 28-2020, which was approved by Council on June 16, 2020, which provided a supplemental appropriation of \$16,199,744 from CARES Act funding to be used for COVID related expenses. He also provided a COVID-19 Expense Plan, which noted planned budget of \$16,184,744 incurred between March 1, 2020 and December 30, 2020. He reviewed a spreadsheet that showed how funds were paid in FY 2020, FY 2021 by previous administration, FY 2021 by current administration, and FY22; which totaled \$16,199,744. He also provided a list of businesses that had received funding.

Council questions and comments ensued. Councilman Coutz clarified that the 6% COLA provided to county employees on January 1, 2022, was not from CARES act funding. Mr. Appel also stated that the renovation of the administration cost \$123,298, which included moving over 100 employees. Council President Meffley requested that the administration provide more expense detail on \$443,457 shown under miscellaneous category for FY 2022. Councilman Coutz clarified that \$1M

of miscellaneous expenses went to Information Technology, which was not listed as a separate expense.

Councilman Miller clarified that American Rescue Plan Act grant is still to come. Mr. Appel explained that he had just received the rules for spending from the Treasury Department, although the first half of funding had been received over a year ago. Mr. Appel stated that Cecil County will receive \$19,998,000 in total, which will be divided between \$9.1M in May 2021 and \$9.1M in May 2022. Mr. Appel stated that the county must develop a plan for use of the funds. All funding must be approved by the Council.

Backyard Chicken Legislation

Council Members discussed draft amendments to Bill No. 2021-16 Amendment – Zoning Ordinance – Animal Husbandry – Backyard Chickens.

AMENDMENT NO. 1A TO BILL NO. 2021-16

Title: Minimum Size of lot

Synopsis: To restrict the lot size to one-half acre

Introduced by: Councilman Miller

On page 3, line 40, delete “20,000 square feet” and insert “one-half acre”

“1. The minimum lot size is ~~20,000 square feet~~ ONE-HALF ACRE”

AMENDMENT NO. 1B TO BILL NO. 2021-16

Title: Minimum Size of lot

Synopsis: To restrict back yard to minimum of 2,500 square feet.

Introduced by: President Meffley

On page 3, line 40, delete “20,000 square feet” and insert

“1. The minimum ~~lot~~ BACK YARD size is ~~20,000~~ 2,500 square feet.”

AMENDMENT NO. 2 TO BILL NO. 2021-16

Title: Confinement to back yard

Synopsis: To confine backyard chickens to backyard.

Introduced by: Councilman Miller and President Meffley

On page 3, line 41-42, insert the following:

“CHICKENS MUST BE CONFINED TO BACKYARD AT ALL TIMES”

AMENDMENT NO. 3 TO BILL NO. 2021-16

Title: HOA Compliance

Synopsis: To require this ordinance to comply with HOA regulations, deed restrictions or private or private covenants.

Introduced by: Councilman Miller and President Meffley

On page 3, lines 44-45, insert the following:

“THIS ARTICLE SHALL NOT BE CONSTRUED TO SUPERSEDE OR ALLOW THE VIOLATION OF ANY HOMEOWNER ASSOCIATION REGULATIONS, DEED RESTRICTIONS, OR PRIVATE COVENANT”

**AMENDMENT NO.4A
TO BILL NO. 2021-16**

Title: Maximum number of chickens

Synopsis: To set the maximum number of permitted chickens for one acre at 8, and one-half acre at 4.

Introduced by: Councilman Miller

On page 3, line 46, insert the following:

"5. The maximum number of chickens permitted is eight (8) ON AN ACRE LOT AND FOUR (4) ON A HALF-ACRE LOT"

**AMENDMENT NO.4B
TO BILL NO. 2021-16**

Title: Maximum number of chickens

Synopsis: To set the maximum number of permitted chickens at 6.

Introduced by: Council President Meffley

On page 3, line 46, insert the following:

"5. The maximum number of chickens permitted is ~~eight (8)~~ SIX (6)"

**AMENDMENT NO.5
TO BILL NO. 2021-16**

Title: Setback Compliance

Synopsis: To ensure setback compliance with all laws and regulations.

Introduced by: Councilman Miller and Council President Meffley

On page 3, lines 47-48, insert the following:

"6. Enclosures for backyard chickens shall meet the same setback restrictions for an accessory structure. NOTHING IN THIS ARTICLE SHALL BE CONSTRUED TO ELIMINATE THE NEED FOR COMPLIANCE WITH OTHER APPLICABLE LAWS OR REGULATIONS, INCLUDING BUT NOT LIMITED TO BUILDING, ZONING, PROPERTY MAINTENANCE, AGRICULTURE, OR HEALTH. CHICKENS OWNED UNDER THIS ARTICLE MUST BE REGISTERED WITH THE STATE DEPARTMENT OF AGRICULTURE ARTICLE, 3-80"

**AMENDMENT NO.6
TO BILL NO. 2021-16**

Title: Non-Transferability

Synopsis: To prohibit transfer or license to another owner or another location.

Introduced by: Councilman Miller and Council President Meffley

On page 3, lines 49-52, insert the following:

"7. A License must be obtained prior to obtaining chickens for property and must be renewed annually. Evidence of current registration with the Maryland Department of Agriculture registration must be included with application for a license, unless the owner is exempt from registration under state law. CHICKEN LICENSES ARE NOT TRANSFERABLE TO A NEW CHICKEN OWNER OR TO A NEW ADDRESS"

**AMENDMENT NO.7
TO BILL NO. 2021-16**

Title: Selling backyard chickens prohibited

Synopsis: To remove selling chickens from definition of Backyard Chickens

Introduced by: Councilman Miller and Council President Meffley

On page 3, lines 57-59, delete "and/or selling".

"Backyard Chicken" means the raising, boarding, ~~and/or selling~~ of a domestic female chicken and does not include roosters, ducks, turkeys, exotic fowl, goose or other bird, or fowl on parcels or lots under one acre"

**AMENDMENT NO.8
TO BILL NO. 2021-16**

Title: Add definitions

Synopsis: To add definitions of Waste storage and removal, Food and water, Death of a chicken

Introduced by: Councilman Miller and Council President Meffley

On page 3, line 60, insert the following:

"Waste storage and removal" means the license holder shall ensure that the property is kept free from excessive accumulated droppings and shall provide for storage and removal of chicken manure. Manure for composting or fertilizing must be contained in a well-aerated garden compost pile. All other manure not used for composting or fertilizing must be removed.

"Food and Water" means a license holder shall ensure that the license holder's chickens have access to adequate amounts of clean food and water at all times. All Grain and food stored for the use of the chickens shall be kept in a rodent-proof container.

"Death of a Chicken" means if a chicken dies, it must be buried or otherwise disposed of promptly and in a sanitary manner. MDA urges flock owners to report sick birds to the agency if more than one bird in a flock is ill, since that could be the start of a devastating outbreak. MDA may direct flock owners whose birds die of unknown causes to send the bird to one of the state's two animal health laboratories for testing. There is no charge for that service. Those labs will determine whether the bird died of a serious or contagious disease or some other cause. Call MDA Animal Health Program at 410-541-5810 to report an unusual disease in a flock"

**AMENDMENT NO.9
TO BILL NO. 2021-16**

Title: Enforcement

Synopsis: To add County's responsibility of enforcement.

Introduced by: Council President Meffley

On page 3, line 55, insert the following section:

9. **ENFORCEMENT**

- (A) A VIOLATION OF ANY PROVISIONS OF THIS ORDINANCE IS SUBJECT TO A CIVIL VIOLATION FINE OF FIFTY DOLLARS (\$50). FOR VIOLATIONS OF A CONTINUING NATURE, EACH DAY A VIOLATION CONTINUES SHALL BE DEEMED A SEPARATE FINE.
- (B) THE COUNTY MAY, AT ALL REASONABLE TIMES AND IN A REASONABLE MANNER, ENTER UPON AND INSPECT THE PREMISES TO DETERMINE WHETHER THE LICENSE HOLDER IS IN COMPLIANCE WITH THIS ORDINANCE.
- (C) THE COUNTY MAY; SUSPEND A LICENSE ISSUED UNDER THIS ORDINANCE FOR A PERIOD OF UP TO THIRTY (30) DAYS, OR A LONGER PERIOD IF NECESSARY TO CARRY OUT THE INTENT OF THIS ARTICLE, IF THE COUNTY FINDS THERE IS A RISK TO PUBLIC HEALTH OR SAFETY.

- (D) THE COUNTY MAY IMPOUND OR REMOVE, OR CAUSE TO BE IMPOUNDED OR REMOVED, ANY CHICKENS FOR THE OWNER'S VIOLATION OF THIS ORDINANCE. THE OWNER OF THE CHICKENS IS RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH THE IMPOUNDMENT OR REMOVAL.

**AMENDMENT NO.10
TO BILL NO. 2021-16**

Title: Property setback

Synopsis: To require coops to be a minimum of 15 feet from property line.

Introduced by: Council President Meffley

On page 3, line 43, insert the following section:

3. All chickens shall be within an enclosed continuous solid fence at least four (4) feet in height AND COOPS MUST BE A MINIMUM OF 15 FEET FROM PROPERTY LINE.

**AMENDMENT NO.11
TO BILL NO. 2021-16**

Title: License process

Synopsis: To restrict backyard chicken licenses to 18 years of age and older.

Introduced by: Council President Meffley

On page 3, line 52, insert the following section:

THE COUNTY SHALL CREATE AND PROVIDE APPLICATION FORMS FOR LICENSES. AN INDIVIDUAL WHO IS AT LEAST 18 YEARS OF AGE MAY SUBMIT AN APPLICATION IN ACCORDANCE WITH THIS ORDINANCE. A LICENSE ISSUED IS VALID UNTIL IT IS REVOKED OR UNTIL THE LICENSE HOLDER REQUESTS, IN WRITING, THAT THE LICENSE BE TERMINATED.

Council Members were asked to review the amendments for the next session.

Council Manager Report

Council Manager Massey reported that General Edmonson, Commanding Officer at Aberdeen Proving Ground, will be updating the Council on March 1.

Council Member Items

Councilman Coutz thanked the administration for their update on the CARES Act funding. He attended the Economic Development Commission and stated that Christiana Care, Union Hospital is over capacity because of COVID patients. He attended the Cecil 22 delegation review online. He attended the memorial service for Harlan Williams. He reported on the Sheriff's Intel Meeting that showed all statistics had increased this week.

Vice President Gregory stated that the General Assembly's opening session begins on Wednesday, January 12. She attended the first MACo Legislative Committee meeting and will be reporting on proposed legislation at the next session.

Councilwoman Culberson attended the Economic Development Commission and commented on supplies issues and the overwhelming number of patients going to the Emergency Room of Christiana Care Union Hospital. She attended the Lower Susquehanna Heritage Greenway board meeting and reported on their grant application process. She attended the Cecil County Chamber of Commerce meeting and reported on Fair Hill funding and tax breaks for Bainbridge and Hollywood Casino. She also reported on Senator Gallion's proposal for ambulance reimbursement.

She toured Bainbridge with Carl Roberts and Toni Sprenkle today; and discussed phase 2 plans to repair the Tome School buildings.

Councilman Miller attended the Local Management Board and reported that the local board's outstanding referral statistics. He attended the Fair Hill International board meeting that discussed plans for the 2022 event. He plans to attend the Winter Lights Cecil Nights event in North East.

Council President Meffley has been working with several businesses in applying for building permits. He has also been discussing the backyard chickens legislation with residents. He thanked the administration for their update on the CARES Act funding.

Adjournment

Vice President Gregory made a motion to adjourn, which was seconded by Councilman Coutz. Council President Meffley adjourned the session at 6:18pm.

The next Council work session will be held on Tuesday, January 18, 2022, 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