

COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
February 1, 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, Charles MacLeod, Council Attorney, 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.

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 25, 2022, as presented. The motion approved unanimously.

On a motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the minutes of the Council closed session of January 25, 2022, as presented. The motion approved unanimously.

Cecil College Update

Dr. Mary Way Bolt, College President, presented an update on Cecil College. She stated that the pandemic had been a challenge for the community college, which continued to operate during the health crisis. She stated that community colleges have a key impact on the economy by offering students degrees and certificates. She provided statistics of the college's impact on jobs to the economy, economic investments and support of social programs. She highlighted new programs offered in bio production, pest management, home inspection, marine yard worker and early childhood education that are needed. She discussed the college marketing to Cecil County high school students and the availability of scholarships.

Council questions and comments ensued. Dr. Bolt described the college capital projects, which included a college entrance project and facilities building. Dr. Bolt was asked if Cecil County waives the permit fees on college constructions. She explained that enrollment has decreased during the pandemic, which is a national trend. Councilman Miller suggested that the college consider a program in bio energy. Lawrence Scott, County Attorney, stated that Governor Hogan is fully funding the Cade Funding Formula for the first time. Dr. Bolt will respond to other Council questions after her research.

Review of Legislative Agenda

Resolution No. 02-2022 Appointment – Board of Library Trustees – Tanya Area, will be introduced at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Resolution No. 03-2022 Appointment—Emergency Medical Services Advisory Board-Dr. Morganne Castiglione, will be introduced at tonight’s session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Resolution No. 01-2022 Appointment - Board of Library Trustees – Shirley Simmons-McCrary, will be considered for approval at tonight’s session. There were no comments from the administration. There were no comments from the Council.

Bill No. 2021-16 Amendment – Zoning Ordinance – Animal Husbandry – Backyard Chickens, will be considered for final approval at tonight’s session. The following amendments were read into the record:

AMENDMENT NO.1

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. 2

Title: HOA Compliance

Synopsis: To require this ordinance to comply with HOA regulations, deed restrictions 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 NEGATE ANY RESTRICTIVE COVENANTS, DEED RESTRICTIONS, OR OTHER COVENANTS OF RECORD, SUCH AS HOMEOWNER ASSOCIATION COVENANTS, THAT ARE MORE RESTRICTIVE THAN THE PROVISIONS OF THIS ARTICLE.”

AMENDMENT NO.3

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, delete the text “eight (8)” and insert the text, “six (6) on lots less than one acre” as in the following:

“5. The maximum number of chickens permitted is ~~eight (8)~~ SIX (6) ON LOTS LESS THAN ONE ACRE.”

AMENDMENT NO. 4

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 text “County” and “Chicken Licenses are not transferable; and delete text “unless the owner is exempt from registration under state law” as in the following:

“7. A COUNTY License must be obtained prior to obtaining chickens for the 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.”

AMENDMENT NO. 5

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" as in the following.

"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. 6

Title: Enforcement

Synopsis: To add County's responsibility of enforcement.

Introduced by: Vice President Gregory

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

"9. ENFORCEMENT

THE COUNTY MAY TAKE ANY LAWFUL ACTION AS IS NECESSARY, INCLUDING SUSPENSION AND REVOCATION OF LICENSES, TO PREVENT OR REMEDY VIOLATIONS."

AMENDMENT NO. 7

Title: Property setback

Synopsis: To remove "solid" for clarity.

Introduced by: Council President Meffley and Vice President Gregory

On page 3, line 43, delete the text "solid" as in following:

3. All chickens shall be within an enclosed continuous ~~solid~~ fence at least four (4) feet in height.

AMENDMENT NO. 8

Title: License process

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

Introduced by: President Meffley and Vice President Gregory

On page 3, line 52, insert the text "Licensees must be at least 18 years of age" as in following:

"LICENSEES MUST BE AT LEAST 18 YEARS OF AGE"

AMENDMENT NO. 9

Title: Reference to Animal Care and Control Regulations

Synopsis: To refer handling of waste and dead animals, sheltering and care to the County's Animal Care and Control regulations.

Introduced by: Councilwoman Culberson

On page 3, line 54, insert the following sections:

"10. THE HANDLING OF ANIMAL WASTE AND DEAD OR DECAYING ANIMALS MUST ADHERE TO THE COUNTY'S ANIMAL CARE AND CONTROL REGULATIONS, CHAPTER 209.

11. THE SHELTERING AND CARE OF CHICKENS SHALL BE IN ACCORDANCE WITH THE STANDARDS OF CARE FOR ANIMALS DEFINED IN THE COUNTY'S ANIMAL CARE AND CONTROL REGULATIONS, CHAPTER 209."

The Council discussed and revised several of the amendments. Councilman Coutz stated his concern that the proposed lot size could be a slippery slope for future Councils to consider.

Under Old Business, Rezoning Cases #2021-06, 2021-07, and 2021-08, Applicant: 109-111 Providence Road LLC, will be considered for approval at tonight's session. Charles MacLeod, Council Attorney, reminded Council Members that they must act on each case by separate motion. He noted that the letter to the Council from LUDS was not factually correct.

Council Manager Report

Council Manager Massey reported on the State of the State ceremony, Route 222 closure, grand opening of Financial Salvation in Elkton and mail-in ballot request forms.

Council Member Items

Councilman Coutz will reserve his comments for tonight's session.

Vice President Gregory attended the Young Farmers Legislative Breakfast. She reported that the state's highway user funds will be increased, but not to the full level. She attended the MACo legislative committee and reported on several Bills. She reported on the following legislation:

SB 268/HB 387 that proposes to shift the responsibility for pesticides and mosquito spraying from the Department of Agriculture to the Department of the Environment. Councilman Miller suggested that the Council oppose this bill, which was agreed by consensus.

SB 110/HB 440 proposes to expand the maximum size of community solar from 2mhz to 5mhz. Councilman Miller suggested that the Council oppose this bill, which was agreed by consensus.

HB 184 proposes to exempt farm composting under 40,000 sf from permit requirements. The Council agreed by consensus to support.

Councilman Miller attended the Young Farmer Breakfast and commented that it was well attended, including Congressman Harris and the entire Cecil County delegation. He stated that the farm community is pleased that the tire recycling program at the landfill will be continued. He also stated that Cecil County resident, Steve Connelly, was appointed as the Assistant Secretary of Agriculture.

Councilwoman Culberson will reserve her comments for tonight's session.

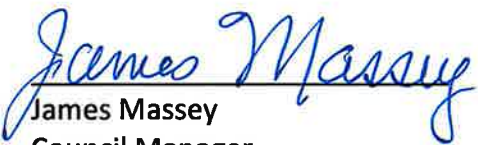
Council President Meffley reported on the Cecil County Department of Social Services Board meeting. The Boys and Girls of Harford and Cecil County have requested \$25,000 for a new bus. The Board discussed the Donaldson Brown Center budget. There are several Board reappointments to be approved by the County. He stated that Cecil County has declared a "Code Blue" because of the extreme temperature. Persons in distress may contact Meeting Ground during the day and the Department of Social Services at night.

Council President Meffley also reported that the Residential Noise Committee met last week and will be compiling their recommendations for legislation. The majority of the committee oppose the use of sound meters because of the impracticality.

Adjournment

Vice President Gregory made a motion to adjourn, which was seconded by Councilman Miller. Council President Meffley adjourned the session at 5:42 pm.

The next Council work session will be held on Tuesday, February 8, 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