

COUNTY COUNCIL OF CECIL COUNTY
WORK SESSION MINUTES
June 7, 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, Jackie Gregory, William Coutz, Al Miller, and Donna Culberson; 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.

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 May 24, 2022, as presented. The motion approved unanimously.

Review of the Legislative Agenda

Council President Meffley began the review of the legislative agenda.

-Introduction of Bills

Bill No. 2022-07 Supplemental Appropriation – Fund Balance – Courthouse –Parking Lot, will be introduced at tonight’s session. James Appel, Finance Director, provided comments. Council questions ensued. Mr. Appel will provide the number of bidders and project description.

Bill No. 2022-08 Requested for Expediting – Establishment – Police Accountability Board, will be introduced at tonight’s session. Steve Overbay, Acting Director of Administration, provided comments. He also stated that the administration requests to expedite this legislation because of the State’s deadline to have this program in place. Councilman Miller commented that he was opposed to expediting legislation that has not been explained.

-Introduction of Resolutions

Resolution No. 37-2022 Supplemental Appropriation – Grant Funds – Liquor Board-Youth Empowerment Source – Drug Free Cecil, will be introduced at tonight’s session. James Appel, Finance Director, provided comments. Councilwoman Culberson clarified that the funds will be used for the Drug Free Cecil programs.

Resolution No. 38-2022 Supplemental Appropriation – Grant Funds – Solid Waste Division – Public Works Department – Scrap Tire Event, will be introduced at tonight’s session. James

Appel, Finance Director, provided comments. Councilman Miller clarified that this event is for all citizens, unlike the previous event that was offered to county farmers.

Resolution No. 39-2022 Appointment – Board of Appeals – Norman Anderson, will be introduced at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. Council President Meffley clarified the responsibilities of the Board of Appeals and the qualifications that Mr. Anderson offers.

Resolution No. 40-2022 Appointment – Emergency Medical Services Advisory Board – Leslie Cheyney, will be introduced at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

-Consideration of Resolutions

Resolution No. 28-2022 Charter Amendment- Vacancy- County Council, will be considered for approval at tonight's session. Charles MacLeod, Council Attorney, provided comments. There were no comments from the administration. There were no Council questions or comments.

Resolution No. 29-2022 Charter Amendment- Redistricting Commission, will be considered for approval at tonight's session. Charles MacLeod, Council Attorney, provided comments. There were no comments from the administration. Vice President Gregory stated that she was opposed to excluding current central committee members from being eligible to serve on the redistricting commission. Councilman Coutz stated that he supports the ineligibility of central committee members.

Resolution No. 30-2022 Charter Amendment- Vacancy-County Executive, will be considered for approval at tonight's session. Charles MacLeod, Council Attorney, provided comments. There were no comments from the administration. There were no Council questions or comments.

Resolution No. 31-2022 Charter Amendment- Ethics Commission, will be considered for approval at tonight's session. Charles MacLeod, Council Attorney, provided comments. Councilwoman Culberson requested that this legislation be tabled until the Ethics Commission can determine if any Council Members have a conflict of interest. Discussion ensued. Mr. MacLeod, Council Attorney, provided guidance in the State's public ethics process and governing bodies. Vice President Gregory suggested that the nominees of the Council should be confirmed by the Executive and vice versa. Discussion ensued. Council President Meffley polled Council Members to determine if this legislation should be revised. Councilman Miller, Councilman Coutz and Council President Meffley supported the legislation as proposed. Councilwoman Culberson and Vice President Gregory were opposed.

Resolution No. 32-2022 Charter Amendment- Council Review of Contracts, will be considered for approval at tonight's session. Council President Meffley asked that the Council Manager read the amendments into the record.

Mr. Massey read Amendment Nos. 1-3 to Resolution No. 32-2022 into the record as follows:

**AMENDMENT NO. 1
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To clarify that review includes only contracts to be directly awarded by County and to specify the information to be provided in review by county administration.

Introduced by: Council President

On Page 3, Line 43, insert the following:

- (D) FOR EACH CONTRACT OVER \$100,000 AND ALL REAL ESTATE TRANSACTIONS, WHICH WILL BE DIRECTLY AWARDED BY CECIL COUNTY GOVERNMENT, THE ADMINISTRATION WILL REVIEW AT AN OPEN COUNCIL WORK SESSION WITH THE FOLLOWING INFORMATION:
- 1) DESCRIPTION OF ITEM OR SERVICE,
 - 2) THE PRICE,
 - 3) NAME OF VENDOR,
 - 4) SOURCE OF FUNDING (OPERATING, CAPITAL, REQUIRING DEPARTMENT),
 - 5) NUMBER OF RESPONSIBLE BIDS RECEIVED

**AMENDMENT NO. 2
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To clarify that review includes only contracts to be directly awarded by County and to specify the information to be provided in review by county administration.

Introduced by: Council President

On Page 4, Line 60, insert the following:

- (D) FOR EACH CONTRACT OVER \$100,000 AND ALL REAL ESTATE TRANSACTIONS, WHICH WILL BE DIRECTLY AWARDED BY CECIL COUNTY GOVERNMENT, THE ADMINISTRATION WILL REVIEW AT AN OPEN COUNCIL WORK SESSION WITH THE FOLLOWING INFORMATION:
- 1) DESCRIPTION OF ITEM OR SERVICE,
 - 2) THE PRICE,
 - 3) NAME OF VENDOR,
 - 4) SOURCE OF FUNDING (OPERATING, CAPITAL, REQUIRING DEPARTMENT),
 - 5) NUMBER OF RESPONSIBLE BIDS RECEIVED

**AMENDMENT NO. 3
TO RESOLUTION NO. 32-2022**

Title: Charter Amendment – Council Review of Contracts

Synopsis: To provide review of county contracts after the County Executive awards or executes the contract.

Introduced by: Council President

On Page 1, Line 4, delete “before” and insert “after”.

On Page 3, Line 35, delete “before” and insert “after”.

On Page 4, line 58, delete “before” and insert “after”.

Charles MacLeod, Council Attorney, provided comments. Steve Overbay, Acting Director of Administration, commented that the administration supports the amendment to review contracts after the Executive has awarded or executed. He stated that there are about 120 contracts over \$100,000 annually and that at least half of these take place at the beginning of the fiscal year in July and August. Discussion ensued regarding the difficulty in presenting contracts prior to the award. Connie Kamit, Purchasing Agent, provided explanation of the procurement process and the need to keep information confidential during the award process. James Appel, Finance Director, commented that he would prefer to provide the review of contracts after they are awarded or executed. Council Members discussed the timing of the review in a public session. Vice President Gregory suggested that this issue should be proposed as an ordinance instead of a charter amendment. She also expressed concern that the proposed amendment requires the review during a public session would conflict with certain contracts that cannot be discussed in open session. Council Attorney MacLeod explained that a public body must adhere to the Open Meetings Act, which would allow the Council to review a specific contract in closed session. Vice President Gregory suggested that the language should be included in the legislation.

Steve Overbay, Acting Director of Administration, read a letter from County Executive Hornberger, which indicated her opposition to the charter amendment and her willingness to provide a review of contracts to the Council. She stated that this information is already available to the public on the county website.

Council President Meffley polled Council Members regarding a proposal for an amendment that would specify that the review of contracts is subject to the Open Meetings Act. Councilwoman Culberson and Vice President Gregory supported an amendment to specify that contract review is subject to the Open Meetings Act. Councilman Coutz, Councilman Miller and Council President Meffley opposed the amendment and agreed that the legislation should be adopted as proposed with amendments.

Resolution No. 34-2022 Appointment- Acting Economic Development Director-Sandra Edwards, will be considered for approval at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Resolution No. 35-2022 Supplemental Appropriation-Grant Funds-Parks and Recreation-Stoney Run Dredge Material Placement Site, will be considered for approval at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. Councilman Miller clarified that there will be no dredging at this site.

Resolution No. 36-2022 Appointment- Cecil County Ethics Commission- Janet Pope, will be considered for approval at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

-Call for Final Reading of Bills

Bill No. 2022-04 Capital Improvement Plan – FY 2023-2027, will be considered for approval at tonight's session. James Appel, Finance Director, provided comments. There were no Council questions or comments.

Bill No. 2022-05 Annual Budget and Appropriation Ordinance- FY 23, will be considered for approval at tonight's session. Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Bill No. 2022-06 Residential Noise Ordinance will be considered for approval at tonight's session. Council President Meffley asked that the Council Manager read the amendments into the record.

Mr. Massey read Amendment Nos. 1-4 to Bill No. 2022-06 into the record as follows:

**AMENDMENT NO. 1
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Rules for day time restrictions

Synopsis: To clarify noise can be heard or felt as vibration at a distance of 200 feet on the receiving property.

Introduced by: Council President

On Page 4, Section 250-3, lines 77 to 82, revise as shown:

"§ 250-3. RULES AND REGULATIONS.

- A. Day Time Restrictions. A person may not, at any time, use, operate or permit the use or operation of a radio or other music producing device, a television, an amplified musical instrument, or any other audio producing device at an unreasonable loud volume, which can be heard or felt as vibration **ON THE RECEIVING PROPERTY** in a residential district at a distance of 200 feet away from the **NOISE SOURCE** property ~~LINE and distinctively hear the lyrics of the song or music that is playing."~~

**AMENDMENT NO. 2
TO BILL NO. 2022-06
Residential Noise Ordinance**

Title: Rules for night time restrictions

Synopsis: To clarify noise can be heard or felt as vibration at a distance of 200 feet on the receiving property.

Introduced by: Council President

On Pages 4-5, Section 250-3, lines 83 to 90, revise as shown:

"§ 250-3. RULES AND REGULATIONS.

- B. Night Time Restrictions. A person may not, between the hours of 10:00 p.m. and 6:00 a.m., use, operate, or permit the use or operation of radio, music from other sources, late night loud parties, recreational vehicles, motor vehicles such as racing cars, diesel trucks running while parked overnight, motorcycles, dirt bikes, ATVs and the operation of

construction equipment for personal use on a property at an unreasonably loud volume or vibration that can be heard or felt as vibration **ON THE RECEIVING PROPERTY** in a residential district at a distance of 200 feet away from the **NOISE SOURCE** property LINE ~~and distinctively hear the lyrics of the song or music that is playing."~~

AMENDMENT NO.3
TO BILL NO. 2022-06
Residential Noise Ordinance

Title: Enforcement

Synopsis: To clarify that the law officer will issue a verbal warning for the initial violation before issuing a citation for a second violation.

Introduced by: Council President

On Pages 5-6, Section 250-5, lines 117 to 122, revise as shown:

"§ 250-5. ENFORCEMENT; VIOLATIONS AND PENALTIES.

- A. A person who violates this ordinance is subject to a civil fine for a class e civil offense as provided in this ordinance; **PROVIDED, HOWEVER, THAT** ~~and a~~ police officer SHALL ~~may~~ issue a **VERBAL citation, as a warning FOR AN INITIAL VIOLATION** before **ISSUING A CITATION charging a violation.** ~~Any person who has been ordered by a police officer to cease using, operating, or permitting the use or operation of a device in violation of this ordinance is guilty of a misdemeanor."~~

AMENDMENT NO.4
TO BILL NO. 2022-06
Residential Noise Ordinance

Title: Violations

Synopsis: To clarify that after the third violation, any subsequent violation occurring within six months from the previous fine, would result in a larger fine of \$1,000.

Introduced by: Council President

On Page 6, Section 250-5, line 130, revise as shown:

"§ 250-5. ENFORCEMENT; VIOLATIONS AND PENALTIES.

- B. The general schedule of fines is as follows:
- (1) A verbal warning for the first violation.
 - (2) A fine of \$100 for the second violation for a class e civil offense.
 - (3) A fine of \$500 for the third violation for a class e civil offense.
 - (4) After the third violation, any subsequent violation that occurs within six months from the **PREVIOUS first** violation, a fine of \$1,000 for each and subsequent violation for a class E civil offense.

Council Attorney MacLeod provided comments. The administration had no comments. Vice President Gregory stated that James Dellmyer, State's Attorney, stated that he was opposed to the legislation in its present form because it would be difficult to prosecute and he recommends

use of audio meters to record noise levels. Vice President Gregory recommended that this legislation should be tabled so that Mr. Dellmyer could discuss with the Council. Council President Meffley stated that the Sheriff's Office is opposed to the use of audio meters and is supportive of the legislation as proposed. Councilman Coutz supports the legislation as proposed. Councilman Miller stated that Mr. Dellmyer told him that he was satisfied with the proposed legislation. Vice President Gregory suggested that this legislation should include a sunset clause after six months to determine its effectiveness.

Vice President Gregory made a motion to propose an amendment to sunset this legislation after six months, which was seconded by Councilwoman Culberson. Council President Meffley asked for a roll call vote.

Roll Call Vote:

Coutz-N, Miller-N, Culberson-Y, Gregory-Y, Meffley-N.

The motion fails by a vote of 3 to 2. Vice President Gregory and Councilwoman Culberson supported the motion. Councilman Coutz, Councilman Miller and Council President Meffley opposed. Council President Meffley stated that final vote on this legislation will be held at the legislative session.

-Adoption of Tax Rate

Resolution No. 27-2022 Adoption- Real Property and Personal Property Tax Rates- FY 23, will be considered for approval at tonight's session. James Appel, Finance Director, provided comments. There were no Council questions or comments.

Council Manager Report

The Council Manager Report was suspended because of time.

Council Member Items

The Council Member Items were suspended because of time.

Adjournment

Vice President Gregory made a motion to adjourn, which was seconded by Councilwoman Culberson. Council President Meffley adjourned the session at 6:37 pm.


James Massey
Council Manager

Approved:


Robert Meffley, Council President