

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2021-07
April 6, 2021**

The County Council of Cecil County met in legislative session in an online virtual meeting because of the current health crisis and based on the Governor's orders to avoid public meetings. Council Members, presenters and members of the public participated in this meeting by going online to www.ccgov.org/council and selecting "livestream".

The following members of the Council were present:

Robert Meffley, Council President
Al Miller, Council Member
Jackie Gregory, Vice President
William H. Coutz, Council Member
George Patchell, Council Member

NOTE: The video and audio recording with transcription of this meeting is available on the County website at www.ccgov.org.

CALL TO ORDER

The meeting of the County Council of Cecil County of April 6, 2021 was called to order by Council President Meffley at 7:00 p.m. Council President Meffley led the audience in the Pledge of Allegiance.

ROLL CALL OF COUNCIL MEMBERS

Council President Meffley asked for a roll call of attending Council Members. The Council Manager called the roll and recorded the following Council Members in attendance:

Roll Call Vote: Coutz-Present, Miller-Present, Patchell-Present, Gregory-Present, Meffley-Present.

Council President Meffley announced that there were five Council Members present, which constitute a quorum.

SUSPENSION OF RULES

Councilman Coutz made a motion to suspend the rules to allow Council Members who are connected to participate and vote in this legislative session, because of the current health crisis and orders by the Governor to avoid public meetings. The motion was seconded by Vice President Gregory.

Roll Call Vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y
The motion was approved unanimously.

OPENING PRAYER

Councilman Miller introduced Pastor Harold Phillips from Pleasant View Baptist Church in Port Deposit who led the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilman Coutz, seconded by Councilman Miller, the Council moved to approve the legislative agenda of April 6, 2021. Motion was unanimously approved.

PRESENTATION OF PROCLAMATIONS

Councilman Miller presented a proclamation in recognition of Child Abuse Prevention Month to Joyce Bowlsbey, President, and Kristen Graham, program manager, of CASA of Cecil County.

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Rezoning Case #2021-03 APPLICANT: York Building Products. REQUEST: Request to rezone 47 acres from Suburban Transition, (ST) to Heavy Industrial, (M2). PROPERTY LOCATIONS: 1875 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30i, Parcel: 53. 1825 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30i, Parcel: 15. PROPERTY OWNER: Mason Dixon Sand and Gravel Co. of PA and York Building Products, Inc. PRESENTLY ZONED: Suburban Transition (ST).

Rezoning Case #2021-04 APPLICANT: York Building Products. REQUEST: Request to rezone 36.4 acres from Suburban Transition, (ST) to Heavy Industrial, (M2). PROPERTY LOCATIONS: 2040 W. Old Philadelphia Road, Perryville, MD 21903, Election District: 5, Tax Map: 30, Parcel: 18. Mountain Hill Road, Perryville, MD 21903, Election District: 5, Tax Map: 30i, Parcel: p/o 116. W. Old Philadelphia Road, Perryville, MD 21903, Election District: 5, Tax Map: 30, Parcel: 85. 1931 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Parcel: 125. 919 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Parcel: 13. 1909 W. Old Philadelphia Road, North East, MD 21901, Election District: 5, Tax Map: 30, Parcel: 14. PROPERTY OWNER: York Building Prod. Co., Inc., and Principio Iron Co. PRESENTLY ZONED: Suburban Transition, (ST).

Notice of the public hearing was published on March 24, 2021 and March 31, 2021.

Witnesses presenting testimony were sworn in by the Council Manager.

Charles R. Schaller, attorney for applicant, introduced Sean Davis and Amy DiPietro of Morris and Ritchie Associates, and Jim Gawthrop of York Building Products. Mr. Schaller presented the request for rezoning, based on a mistake in the Comprehensive Plan of 2011 and a change in the character of the neighborhood. He provided Exhibit A: PowerPoint presentation of thirteen slides, which he also provided copies.

Steve O'Connor, Acting Director of Land Use and Development Services, stated that the Planning and Zoning staff had recommended approval of both applications, based on the demonstration of a mistake in the Comprehensive Rezoning Plan. He stated that the Planning Commission also recommended approval of both applications, based on the demonstration of a mistake in the Comprehensive Rezoning Plan. He also presented the findings of facts on the applications.

Council questions and comments ensued. Mr. O'Connor clarified the difference between a "Suburban Transition" (ST) zoning and "Heavy Industrial" (M2) zoning. He also explained what a "Mineral Extraction" (MEB) was and its impact on the zoning.

Council President Meffley opened the public hearing for public comment.

William Ames, 223 Conistoga Street, Charlestown, commented that there should be a compromise so that Charlestown's rural atmosphere can be preserved.

Jen Marie, Charlestown, commented in opposition to the applications.

Loucretia Wood, Charlestown, Town Commissioner, commented in opposition.

Karl Fockler, Charlestown, Town President, commented in opposition and stated that the parcels were deliberately zoned Suburban Transition to provide adequate buffers. He also submitted three aerial views (2019, 2010, 2005), three photographs of current roadway, two photographs of overrun stormwater management ponds, and four zoning maps (1962, 1979, 1993, 2011) of the area; and requested that they should be included as exhibits.

Elizabeth Bolt, Charlestown, commented in opposition to the applications and stated that York has not taken care of their current stormwater management ponds.

Harold McCanick, Elk Neck, commented that testimonies should be time limited.

Vincent Sammons, North East, commented that York has ignored complaints of their neighbors and made large political contributions.

Lorie Seiffert, Charlestown, commented in opposition to the applications.

Suzanne Fockler, Charlestown, commented in opposition to the applications because of its impact on Charlestown.

Geoff Doyle, 28 Carpenter's Point Road, commented in opposition to the applications and stated that York does not take care of their stormwater runoff on neighbors.

Heidi Gaultney, Elkton, commented in opposition to the applications and stated that York does not take care of their stormwater runoff on neighbors.

Barbara Payne, 1721 W. Philadelphia Road, commented in opposition to the applications and stated that York will not fix current runoff onto her property.

Phyllis Kilby, Colora, commented that Suburban Transition parcels were approved by County Commissioners to buffer the Town of Charlestown.

Thomas McFadden, commented on his concern on the impact on water quality.

E.B. Fockler, Carpenter's Point Road, commented that the applicant failed to prove that there was a mistake in the Comprehensive Rezoning Plan.

Kimberly Lloyd, Charlestown, commented in opposition to the applications.

Council Manager Massey stated that the Town of Charlestown delivered a petition in opposition to the zoning requests that was signed by 325 persons.

Mr. Schaller provided concluding remarks on the rezoning applications.

Council questions and comments ensued. Mr. O'Connor clarified the size and nature of buffers on M2 parcels. He provided information about the difference between Suburban Transition and Heavy Industrial classifications. He explained the reasons that the staff recommended approval of the applications.

Council President Meffley concluded the public hearing and announced that the rezoning cases will be considered at the next legislative session on April 20, 2021.

APPROVAL OF MINUTES

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the minutes of the legislative session of March 16, 2021. Motion was approved unanimously.

PUBLIC COMMENTS

Jen Maria, Charlestown, commented in opposition to Rezoning Cases 2021-03 and 04. Loucretia Wood, Charlestown, congratulated Giulia Hodge on her leadership of CASA. Karl Fockler, Charlestown, commented that Council should follow the law in Section 33-5 regarding MEA district.

Barbara Payne, Charlestown, commented in opposition to Rezoning Cases 2021-03 and 2021-04.

Thomas McFadden, Charlestown, commented on the Cecil County Master Gardeners program and commended CASA.

Joyce Bowlsbey, Elkton, thanked the Council and public for supporting CASA of Cecil County.

Elizabeth Bolt, Charlestown, thanked the Council for their questions about the Rezoning cases and expressed her opposition to Rezoning Cases 2021-03 and 04.

PRESIDENT AND COUNCIL COMMENTS

Council Members agreed to hold their comments until the next session.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2021-04 Lease and Purchase – Vehicles and Equipment

A Bill authorizing and empowering Cecil County, Maryland to enter into new financing under a lease purchase agreement or similar arrangement in an aggregate principal amount not to exceed Two Million Dollars (\$2,000,000) for Fiscal Year 2022 for the purpose of financing the acquisition of certain necessary and essential vehicles and equipment for use in the County's governmental programs; providing that the obligations of the County under the agreement shall not be a general obligation of the County, shall not constitute a pledge of the full faith and credit or the taxing power of the County and shall not constitute a debt of the County within the meaning of any statutory or constitutional provision, but shall be subject to appropriation in each and every fiscal year during the term of the agreement; empowering the County Executive to execute

and deliver an executive order prior to the execution and delivery of the agreement in order to award the agreement to the successful bidder and to fix, prescribe and determine the details of such financing; and relating generally to such financing.

James Appel, Finance Director, provided introductory comments. Council questions and comments ensued. Mr. Appel clarified that the fleet maintenance costs are similar to last year but the administration is looking at options to lower the cost.

Introduced, read first time, and order posted on April 6, 2021. The Bill will be scheduled and advertised for public hearing on May 20, 2021 to be held at Elkton High School, 110 James Street, Elkton, MD.

Council Manager Massey stated for the record:

Bill No. 2021-05 Capital Improvement Program – FY2022-2026

A Bill to approve the Capital Improvement Program for Cecil County for Fiscal Years 2022 through 2026.

James Appel, Finance Director, provided introductory comments. There were no Council questions or comments.

Introduced, read first time, and order posted on April 6, 2021. The Bill will be scheduled and advertised for public hearing on May 20, 2021 to be held at Elkton High School, 110 James Street, Elkton, MD.

Council Manager Massey stated for the record:

Bill No. 2021-06 Annual Budget and Appropriation Ordinance – FY 2022

A Bill to adopt the County Budget including the Current Expense Budget, Capital Budget, Special Purpose Budgets and Grants Budget for the fiscal year ending June 30, 2022, and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2021.

James Appel, Finance Director, provided introductory comments. There were no Council questions or comments.

Introduced, read first time, and order posted on April 6, 2021. The Bill will be scheduled and advertised for public hearing on May 20, 2021 to be held at Elkton High School, 110 James Street, Elkton, MD.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 23-2021 Adoption - Real Property and Personal Property Tax Rates - Fiscal Year 2022

A Resolution to levy and impose a property and income tax for the fiscal year, beginning July 1, 2021 and ending June 30, 2022; setting the tax rates for property and providing for the collection of the property tax.

James Appel, Finance Director, provided introductory comments. Dan Schneckenburger, Director of Administration, provided additional comments. There were no Council questions or comments.

Introduced, read first time, and order posted on April 6, 2021. The Bill will be scheduled and advertised for public hearing on May 20, 2021 to be held at Elkton High School, 110 James Street, Elkton, MD.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 21-2021 Appointment – Board of Library Trustees – Ravi Gupta

A Resolution to confirm the appointment of Ravi Gupta to the Cecil County Board of Library Trustees, to a five year term to expire on April 6, 2026.

The Resolution was introduced on March 16, 2021; and scheduled for consideration on April 6, 2021.

There were no comments from the administration. There were no Council questions or comments.

Councilman Coutz made a motion to approve Resolution No. 21-2021, which was seconded by Vice President Gregory.

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y

The motion was approved unanimously.

Council Manager Massey stated for the record:

Resolution No. 22-2021 Appointment – Board of Parks and Recreation – Don Harmer

A Resolution to confirm the reappointment by the County Executive of Don Harmer to the Board of Parks and Recreation for a three (3) year term to expire April 6, 2024.

The Resolution was introduced on March 16, 2021; and scheduled for consideration on April 6, 2021.

There were no comments from the administration. There were no Council questions or comments.

Councilman Miller made a motion to approve Resolution No. 22-2021, which was seconded by Vice President Gregory.

Roll call vote: Coutz-Y, Miller-Y, Patchell-Y, Gregory-Y, Meffley-Y

The motion was approved unanimously.

NEW BUSINESS

2020 Annual Report – Department of Land Use and Development Services

Steve O'Connor, Acting Director of the department of Land Use and Development Services, presented copies of the 2020 Annual Report to the Council, as required by law. He provided statistics about department activities.

ADJOURNMENT

On motion made by Vice President Gregory, seconded by Councilman Coutz, Council President Meffley adjourned the meeting at 9:11 p.m.

The next Council Legislative Session is scheduled on Tuesday, April 20, 2021 at 7:00 p.m., which is planned as a virtual meeting because of the current health crisis. The session will be livestreamed on the County Council's webpage. Members of the public who do not have broadband access should contact the Council Office for instructions to be connected via telephone.

Attest:


James Massey
Council Manager

Approved:



Robert Meffley
Council President