

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2021-03
February 1, 2022**

The County Council of Cecil County met in legislative session at the County Administration Building, 200 Chesapeake Blvd., Elk Room, Elkton, MD. The following members of the Council were present:

Robert Meffley, Council President
Jackie Gregory, Vice President
William H. Coutz, Council Member
Al Miller, Council Member
Donna Culberson, Council Member

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

CALL TO ORDER

The meeting of the County Council of Cecil County of February 1, 2022 was called to order by Council President Meffley at 7:00 p.m. Councilman Coutz introduced Curt and Casey Granger who led the audience in the Pledge of Allegiance.

OPENING PRAYER

Council Member Miller introduced Rev. Jason Cornish of Providence United Methodist Church in Elkton, who led the opening prayer.

APPROVAL OF AGENDA

On motion made by Councilman Coutz, seconded by Vice President Gregory, the Council moved to approve the legislative agenda of February 1, 2022. Motion was approved unanimously.

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 January 18, 2022. Motion was approved unanimously.

PUBLIC COMMENTS

Dwayne Maeser, Edgewood, commented on the Indian Acres management demolishing properties without a permit.

Tanya Emkey, Churchville, commented on the Indian Acres management violating the law and the county's failure to enforce the law.

Tim Lyons, North East, read a letter to thank the Council for their work on a backyard chicken legislation and commented in support of the Bill.

Donna Shelton, Elkton, commented in support of the backyard chicken legislation and amendment to permit on lots of 20,000 square feet.

Joe McDevitt, Elkton, thanked the Council for supporting the backyard chicken legislation.

Harold McCanick, Elk Neck, commented in opposition to the backyard chicken legislation and comments about the Clean Chesapeake Coalition.

PRESIDENT AND COUNCIL COMMENTS

Councilman Coutz reported on statistics from the Sheriff's Office Intel meeting. He stated that there were five drug overdoses this week and one fatality. He recognized the importance of law enforcement to the County. He congratulated the State's Attorney for his program that successfully collected seventy-five illegal firearms and a large quantity of control substances. He attended the final walk of Chief Just who retired as Chief of Police for the Town of North East.

Vice President Gregory thanked the audience for attending and for their comments.

Councilman Miller thanked the audience for attending. He attended the Young Farmers Legislative Breakfast and commented on Congressman Harris and all the members of the delegation in attendance.

Councilwoman Culberson thanked the audience for attending and she expressed her appreciation for their comments.

Council President Meffley thanked the audience for attending and expressing their opinions. He thanked the people who spoke about the problems with the management at Indian Acres. He also thanked all the backyard chicken supporters.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 02-2022: Appointment – Board of Library Trustees – Tanya Area

A Resolution to confirm the reappointment by the County Executive of Tanya Area to the Cecil County Board of Library Trustees, to a five year term which will expire on February 14, 2027.

Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Introduced, read first time, order posted on February 1, 2022, and scheduled for consideration on February 15, 2022.

Council Manager Massey stated for the record:

Resolution No. 03-2022: Appointment – Emergency Medical Services Advisory Board – Dr. Morganne Castiglione

A Resolution to confirm the appointment by the County Executive of Dr. Morganne Castiglione, to the Cecil County Emergency Medical Services Advisory Board for a two (2) year term to expire June 1, 2024.

Steve Overbay, Acting Director of Administration, provided comments. There were no Council questions or comments.

Introduced, read first time, order posted on February 1, 2022, and scheduled for consideration on February 15, 2022.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 01-2022: Appointment - Board of Library Trustees – Shirley Simmons-McCrary

A Resolution to confirm the appointment by the County Executive of Shirley Simmons-McCrary to the Cecil County Board of Library Trustees, completing the term of Linda Burris which will expire on January 7, 2024.

The Resolution was introduced and posted on January 18, 2022, and scheduled for consideration on February 1, 2022.

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

Councilman Coutz made a motion to approve Resolution No. 01-2022, which was seconded by Vice President Gregory.

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

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

BILL NO. 2021-16: Amendment – Zoning Ordinance – Animal Husbandry – Backyard Chickens

An Act to amend the Cecil County Zoning Ordinance, Article V, Part I, Section 58, Animal Husbandry in order to add and define backyard chickens raised in specific residential zones.

The Bill was introduced on December 21, 2021, public hearing held and concluded on January 18, 2022, and scheduled for final reading on February 1, 2022.

Council President Meffley stated that there were nine amendments being introduced. He asked the Council Manager to read them into the record:

**AMENDMENT NO.1
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. 2
TO BILL NO. 2021-16

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
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, 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
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 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
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" 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
TO BILL NO. 2021-16**

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
TO BILL NO. 2021-16**

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
TO BILL NO. 2021-16**

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
TO BILL NO. 2021-16**

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."

Council President Meffley polled Council Members to determine if they wish to vote individually on each amendment or as a group. By consensus, Council Members agreed that they want to consider Amendment Nos. 1 to 9 at one time.

Discussion of the amendments ensued. Councilman Coutz expressed his concern that setting the minimum lot size at 20,000 square feet would lead to further reductions of lot size. Councilman Miller expressed his concern for the security of the chickens, migratory birds that could expose local chickens to disease, and the proper care of chickens. Council President Meffley discussed the difference between 20,000 square feet lot and one-half acre lot.

Vice President Gregory made a motion to approve Amendment Nos. 1 to 9 to Bill No. 2021-16. The motion was seconded by Councilman Miller

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

Vice President Gregory made a motion to approve Bill No. 2021-16 As Amended. The motion was seconded by Councilwoman Culberson.

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

OLD BUSINESS

Council Manager Massey stated for the record:

File #2021-06: 109-111 Providence Road LLC, Request to rezone 0.5924 acres from Rural Residential (RR) to Light Industrial (M1). Property Location: 109-111 Providence Road, Elkton, MD 21921. Election District: 04, Tax Map: 0013, Parcel: 0767. Property Owner: 109-111 Providence Road LLC. Presently Zoned: Rural Residential (RR)

File #2021-07: 109-111 Providence Road LLC, Request to rezone 0.7 acres from Northern Agricultural Residential (NAR) to Light Industrial (M1). Property Location: 109-111 Providence Road, Elkton, MD 21921. Election District: 04, Tax Map: 0013, Parcel: 0360. Property Owner: 109-111 Providence Road LLC. Presently Zoned: Northern Agricultural Residential (NAR)

File #2021-08: 109-111 Providence Road LLC, Request to rezone 7.29 acres from Northern Agricultural Residential (NAR) to Light Industrial (M1). Property Location: 109-111 Providence Road, Elkton, MD 21921. Election District: 04, Tax Map: 0013, Parcel: 0349. Property Owner: 109-111 Providence Road LLC. Presently Zoned: Northern Agricultural Residential (NAR)

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

Council President Meffley reminded Council Members that each rezoning case requires a separate motion and vote.

Councilman Coutz made a motion to deny the application of 109-111 Providence Road LLC to rezone 0.5924 acres located at Providence Road, Elkton MD from Rural Residential (RR) to Light Industrial (M1), based upon no convincing evidence of a mistake in the zoning classification of the property during the last comprehensive rezoning.

The motion was seconded by Vice President Gregory.

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

Councilman Coutz made a motion to deny the application of 109-111 Providence Road LLC to rezone 0.7 acres located at Providence Road, Elkton MD. from Northern Agricultural Residential (NAR) to Light Industrial (M1), based upon no convincing evidence of a mistake in the zoning classification of the property during the last comprehensive rezoning.

The motion was seconded by Vice President Gregory.

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

Councilman Coutz made a motion to deny the application of 109-111 Providence Road LLC to rezone 7.29 acres located at Providence Road, Elkton MD. from Northern Agricultural Residential (NAR) to Light Industrial (M1), based upon no convincing evidence of a mistake in the zoning classification of the property during the last comprehensive rezoning.

The motion was seconded by Vice President Gregory.

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

ADJOURNMENT

On motion made by Vice President Gregory and seconded by Councilman Miller. Council President Meffley adjourned the meeting at 7:37 p.m.

Council President Meffley announced that the next Council Legislative Session is scheduled on Tuesday, February 15, 2022 at 7:00 p.m. in the Elk Room of the County Administration Building. The public may attend and participate. The legislative session will continue to be livestreamed in real time at the county's webpage at www.ccgov.org/council. The recording and transcription will be uploaded to the county's website as soon as possible.

Approved:



Robert Meffley
Council President

Attest:


James Massey
Council Manager