

**COUNTY COUNCIL OF CECIL COUNTY
LEGISLATIVE SESSION MINUTES
LSD 2022-19
September 6, 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 September 6, 2022, was called to order by Council President Meffley at 7:00 p.m. Council President Meffley asked Hank Passi to lead the Pledge of Allegiance.

OPENING PRAYER

Council Member Miller introduced Reverend Rob Townsend from Moore's Chapel United Methodist Church in Elkton, who led the opening prayer.

Council President Meffley asked for a moment of silence in memory of former Delegate Michael Smigiel.

APPROVAL OF AGENDA

On motion made by Councilman Coutz, seconded by Councilwoman Culberson, the Council moved to approve the legislative agenda of September 6, 2022. Motion was approved unanimously.

PRESENTATION OF PROCLAMATIONS

The Council recognized the 2022 Elkton Senior Girls Softball Team as the Maryland Champions and 5th Regional Champions.

The Council presented a proclamation for National Recovery Month to Lauren Levy, Health Officer, and a group of recovery professionals and members of Voices of Hope.

The Council presented a proclamation for Suicide Prevention Awareness Month to Sheila Murphy, Community Wellness Chief and members of Families and Communities Experiencing Suicide.

PUBLIC HEARINGS

Council Manager Massey stated for the record:

Rezoning File: 2022-03 APPLICANT: Marion Richard Payne. REQUEST: to rezone .423 acres from Northern Agricultural Residential (NAR) to Business Local (BL) PROPERTY LOCATION: 9 Lewisville Road, Elkton, MD 21921. Election District: 4, Tax Map: 13, Parcel: 54. PROPERTY OWNER: Marion Richard Payne and Marianne Payne. PRESENTLY ZONED: Northern Agricultural Residential (NAR)

Notice of public hearing was published on August 17, 2022 and August 24, 2022.

Witnesses presenting testimony were sworn in by Council Manager Massey.

Marion Richard Payne, applicant, presented his request of rezoning, based on a mistake in the comprehensive rezoning plan of May 1, 2011.

Aaron Harding, Zoning Administrator, presented the findings of facts. Steve O'Connor, Land Use and Development Services Director, presented the staff report that recommended disapproval, based on the applicant not demonstrating that a mistake was made in the comprehensive rezoning plan. Mr. O'Connor stated that the Planning Commission recommended approval of the application.

Councilwoman Culberson clarified that the property was rezoned to NAR in 2011 when the comprehensive rezoning plan was adopted. Mr. O'Connor stated that the applicant must show the burden of proof; and he stated that the use of the property can continue as non-conforming. Councilman Coutz clarified that the presumption that the Board of County Commissioners were aware of this change.

Mr. Payne asked the Council to rezone the property as BL because of its use as a local produce market in the rural community.

Council Attorney MacLeod asked in reference to the Planning Commission report, was there any evidence on which they based their recommendation.

Council President Meffley concluded the hearing and announced that the rezoning case will be considered at the next legislative session on September 20, 2022.

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 August 16, 2022. Motion was approved unanimously.

PUBLIC COMMENTS

There were no public comments.

PRESIDENT AND COUNCIL COMMENTS

Councilman Coutz reviewed statistics from the Sheriff's Office intel meeting that there were three non-fatal overdoses and one fatal.

Vice President Gregory thanked the audience for attending and congratulated the groups that were recognized for their community involvement. She wished that everyone had a nice Labor Day weekend. She expressed good wishes to schoolteachers who were starting the new year.

Councilman Miller thanked the audience for attending. He attended the Fair Hill Foundation Board meeting and reported on their construction progress. He also stated that he brought his ninety-four year old father to the Maryland State Fair.

Councilwoman Culberson thanked the audience for attending and commended the Elkton Girls Softball Team on their championships. She thanked the Recovery and Suicide Prevention groups for their important service to the community.

Council President Meffley stated his appreciation for the three groups who help people. He met with the Board of Education about issues with the Bohemia Manor Middle/High School parking lot and entrance. He attended the Elkton Rotary Club.

Councilman Coutz left the chamber.

INTRODUCTION OF BILLS

Council Manager Massey stated for the record:

Bill No. 2022-12 Amendment – Zoning Ordinance – Floodplain District

A Bill to amend Article XI, Part III (Floodplain District) of the Cecil County Zoning Ordinance including: updates to references to federal statutes, updates to definitions, clarifications in administration and procedures, clarifications to requirements in all flood zones, clarifications to requirements in flood zones that are not high hazard or coastal A zones (A zones), clarifications to requirements to high hazard or coastal A flood zones(V zones or Coastal A zones), and updates to variance requirements within a flood zones.

Steve O'Connor, Land Use and Development Services Director, provided introductory comments and stated that the Planning Commission recommended approval of the legislation. There were no Council questions or comments.

Introduced, read first time, and order posted on September 6, 2022. This Bill will be scheduled and advertised for public hearing on October 4, 2022.

INTRODUCTION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 52-2022 Amendment- Policies and Procedures of Cecil County Council- Rezoning Cases

A Resolution to amend Chapter 7, Rezoning Cases, Section 7-1, in the County Council's Policies and Procedures to update the processes to reflect current procedures.

James Massey, Council Manager, provided introductory comments. Charles MacLeod, Council Attorney, stated that the legislation is consistent with State regulations. Steve Overbay, Director of Administration, stated that they would review and provide comments. There were no Council questions or comments.

Introduced, read first time, and order posted on September 6, 2022. This Resolution will be scheduled and advertised for public hearing on October 4, 2022.

Council Manager Massey stated for the record:

Resolution No. 53-2022 Appointment – Bainbridge Development Corporation Board of Directors – David Rudolph

A Resolution to approve the reappointment of David Rudolph, as recommended by the Mayor and Town Council of Port Deposit, to the board of Directors of the Bainbridge Development Corporation for a four-year term to expire October 1, 2026.

James Massey, Council Manager, provided introductory comments.

Steve Overbay, Director of Administration, provided Council Members with a letter, dated June 18, 2019, from Kathryn Rowe, Assistant Attorney General, which stated that the reference to “County Commissioners” in the Bainbridge Development Corporation legislation should be construed to refer to the President or Chairman and County Council provided for whenever such construction would be reasonable. Ms. Rowe states that the County Executive and County Council together have the ability to appoint.

Charles MacLeod, Council Attorney, stated that the Council should continue with its process to consider the appointment.

Vice President Gregory stated her concern that the Council has confirmed the appointments made by the County Executive at least four times; and that the language in the State statute has not changed.

Introduced, read first time, and order posted on September 6, 2022. This Resolution will be considered for approval on September 20, 2022.

Council Manager Massey stated for the record:

Resolution No. 54-2022 Appointment—Economic Development Commission – Kimberly Justus

A Resolution to confirm the appointment by the County Executive of Kimberly Justus to the Economic Development Commission; to complete the vacated term of Bruce England, which will expire on September 6, 2025.

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

Introduced, read first time, and order posted on September 6, 2022. This Resolution will be considered for approval on September 20, 2022.

CONSIDERATION OF RESOLUTIONS

Council Manager Massey stated for the record:

Resolution No. 46-2022 Approval – Franchise Agreement – Breezeline

A Resolution to execute the renewal of a non-exclusive cable service franchise agreement by and between Cecil County, Maryland, and Breezeline (formerly Atlantic Broadband), operated by Cogeco US (Delmar), LLC, for the installation, operation, maintenance and extension of the cable system for subscribers within the County, upon the terms and conditions and subject to the agreement.

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

The Resolution was introduced and posted on July 26, 2022, public hearing held on August 16, 2022, and scheduled for consideration on September 6, 2022.

Vice President Gregory made a motion to approve Resolution No. 46-2022, which was seconded by Councilman Miller.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y

The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

Council Manager Massey stated for the record:

Resolution No. 50-2022 Supplemental Appropriation – Fund Balance – Public Works Department– Public Schools Stormwater Retrofit Project

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland for the fiscal year ending June 30, 2023, in order to provide a total of \$580,000 to the Stormwater Management Division of the Department of Public Works with expenditure authority from the fund balance to be used for the Cecil County Public Schools Administrative Services stormwater retrofit project.

The Resolution was introduced and posted on August 16, 2022 and scheduled for consideration on September 6, 2022.

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

Councilman Miller made a motion to approve Resolution No. 50-2022, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y

The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

Council Manager Massey stated for the record:

Resolution No. 51-2022 Supplemental Appropriation – Private Funds – Public Works Department– Belvidere Road Bridge Replacement Project.

A Resolution to amend the Annual Budget and Appropriation Ordinance for Cecil County, Maryland, for the fiscal year ending June 30, 2023, to provide an additional \$200,000 to the Engineering and Construction Division – Department of Public Works with expenditure authority from private funding from Stewart Properties or its affiliates to be used to cover costs associated with the design of the Principio North Entrance to Principio Business Park as part of the County's project to replace Bridge CE-0055, Belvidere Road over CSX.

The Resolution was introduced and posted on August 16, 2022 and scheduled for consideration on September 6, 2022.

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

Councilman Miller made a motion to approve Resolution No. 51-2022, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y

The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

CALL FOR FINAL READING OF BILLS

Council Manager Massey stated for the record:

Bill No. 2022-11 Taxation – Tax Credit – Sworn Officers

A Bill to implement a Cecil County Sworn Officers Tax Credit Program to establish a property tax credit for certain Sworn Officers, the criteria for the property tax credit created; and generally relating to property tax discounts and credits.

The Bill was introduced and posted on July 26, 2022, public hearing held and concluded on August 16, 2022, and schedule for final consideration on September 6, 2022.

The Council President, on behalf of the Administration, introduced Amendment No. 1 to 4 to Bill No. 2022-11.

Council Manager Massey stated for the record:

**AMENDMENT NO. 1
TO BILL NO. 2022-11**

Title: Taxation – Tax Credit – Sworn Officers

Synopsis: To remove language to restrict tax credit to individuals only.

Introduced by: Council President on behalf of County Executive

On Page 2, Line 4, delete "companies, and real estate uses,"

**AMENDMENT NO. 2
TO BILL NO. 2022-11**

Title: Taxation – Tax Credit – Sworn Officers

Synopsis: To remove text that does not apply to legislative intent.

Introduced by: Council President on behalf of County Executive
On Page 2, Lines 8 - 16, delete in its entirety.

**AMENDMENT NO. 3
TO BILL NO. 2022-11**

Title: Taxation – Tax Credit – Sworn Officers

Synopsis: To specify that legislation applies to sworn officers.

Introduced by: Council President on behalf of County Executive

On Page 2, Line 22, delete “public safety officers” and insert “sworn officers”.

**AMENDMENT NO. 4
TO BILL NO. 2022-11**

Title: Taxation – Tax Credit – Sworn Officers

Synopsis: To define a sworn officer.

Introduced by: Council President on behalf of County Executive

On Page 3, Line 49, insert the following:

“Sworn Officer – An individual who have taken an oath to support the Constitution of the United States, their state, and the laws of their agency's jurisdiction”.

The Bill was introduced and posted on July 26, 2022, public hearing held on August 16, 2022 and scheduled for consideration on September 6, 2022.

James Appel, Finance Director, provided comments. After discussion, the Council President, on behalf of the County Executive, introduced Amendment No. 5 to Bill No. 2022-11

**AMENDMENT NO. 5
TO BILL NO. 2022-11**

Title: Taxation – Tax Credit – Sworn Officers

Synopsis: To specify that eligibility for sworn officer tax credit is limited to sworn officers of the Cecil County Sheriff's Office.

Introduced by: Council President on behalf of County Executive

On Page 3, Line 54, insert the following:

“(1) Sworn officers of Cecil County Sheriff's Office, including Correctional Officers.

After final discussion, Vice President Gregory made a motion, which was seconded by Council President Meffley, to consider approval of all amendments in one action.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y

The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

Vice President Gregory made a motion to approve Amendment No. 1-5 to Bill No. 2022-11, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y
The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

Vice President Gregory made a motion to approve Bill No. 2022-11 As Amended, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y
The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

NEW BUSINESS

Council President Meffley asked for a motion to confirm the appointment of Shon McCollum as Finance Director.

Vice President Gregory made a motion to confirm that appointment of Shon McCollum as the Finance Director, which was seconded by Councilwoman Culberson.

Roll Call Vote: Coutz-A, Miller-Y, Culberson-Y, Gregory-Y, Meffley-Y
The motion was approved by a vote of 4 to 0. Councilman Coutz left the meeting.

The Council congratulated Mr. McCollum and expressed their best wishes in his new position.

ADJOURNMENT

On motion made by Councilwoman Culberson, seconded by Vice President Gregory, Council President Meffley adjourned the meeting at 7:41pm.

Council President Meffley announced that the next Council Legislative Session is scheduled on Tuesday, September 20, 2022, at 7:00 p.m. in the Elk Room of the County Administration Building. The legislative session will be livestreamed 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