

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 3, 2016**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; Kirby Delauter, Jerry Donald, Jessica Fitzwater, and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; John Mathias, County Attorney's Office; Joyce Grossnickle, Office of the County Executive; and Patti Morrow, Recording Secretary.

Council Member Otis called the meeting to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The meeting began with a moment of silence followed by the Pledge of Allegiance led by Boy Scout Troop 279.

Council Member Keegan-Ayer moved to approve the agenda as amended. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

CONSENT AGENDA

The following items were considered on the consent agenda:

- BT-16-202 – State's Attorney's Office
- BT-16-208 – Fire and Rescue Services Division
- BT-16-209 – Department of Aging, Citizens Services Division
- BT-16-210 – Public Works Division
- BT-16-211 – Department of Aging, Citizens Services Division
- BT-16-213 – Frederick County Public Libraries
- Board of Education Current Expense Fund Amendments #4-16, #5-16 and #6-16

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

Business Items:

Approval of Minutes for April 5 and April 18, 2016

Council Member Keegan-Ayer moved to approve the minutes for April 5 and April 18, 2016, as presented. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Session for Budget Amendments from Council Members

Mr. Rick Harcum and Ms. Kelly Weaver, Budget Office; and Mr. Doug Browning, Chief Administrative Officer, Office of the County Executive, were present to answer questions during the session.

Agricultural Land Preservation (ALP)

*Council Member Chmelik moved to amend the ALP budget on Page 24 to eliminate the Planner for Program Management position in the amount of \$73,786 with a correlating reduction to the departmental budget on Page 6. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Pay

*Council Member Chmelik moved to amend the Pay budget on Page 25 by reducing the Resource Pool for Pay Adjustments by 50% for a cut of \$1,825,276 with a correlating reduction across the departmental budgets starting on Page 6. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Office of Economic Development (OED)

*Council Member Chmelik moved to amend the OED budget on Page 24 by eliminating the Small Business Loan Fund totaling \$228,937 with a correlating reduction to the departmental budget Page 6. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Human Resources Division (HR)

Council Member Delauter moved to amend the HR budget on Page 24 by reinstating the HR Technician in Talent Acquisition & Management position in the amount of \$32,344. Council Member Chmelik seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Independent Agencies

*Council Member Delauter moved to amend the Independent Agencies budget on Page 8 by reducing the funding for Revenue Stabilization by \$500,000. Council Member Chmelik seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

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Ms. Lori Depies, Finance Division, commented on the Revenue Stabilization.

Non County Agencies

*Council Member Delauter moved to amend the Non County Agencies budget on Page 26 by the elimination of the contribution to the Maryland Ensemble for \$5,000. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

*Council Member Delauter moved to amend the Non County Agencies budget on Page 26 by reducing the donation to the Frederick Arts Council by \$10,000. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Office of Economic Development (OED)

*Council Member Delauter moved to amend the OED budget on Page 24 to eliminate the funding for a Senior Business Development Specialist position for \$95,856 and FITC! funding for \$42,000. Council Member Chmelik seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

County Council

*Council Member Delauter moved to amend the County Council budget on Page 24 to reduce the funding for a County Council Attorney position totaling \$115,711. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Planning and Permitting Division (PPD)

*Council Member Delauter moved to amend the PPD budget on Page 6 by reducing the funding to National Pollution Discharge Elimination System (NPDES) by \$1,000,000. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

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Ms. Shannon Moore, PPD, commented on the NPDES permit requirement.

Watershed Retrofits

*Council Member Delauter moved to reduce the funding of the Industrial Facility Retrofit and the Reforestation by \$1,692,726. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Ms. Shannon Moore commented on the retrofit and reforestation.

Public Works Division (PWD)

*Council Member Delauter moved to reduce Highway Operations budget (PWD) on Page 6 (category 52464) from \$3,599,513 to \$1,000,000 for a total cut of \$2,599,513. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Mr. Chuck Nipe and Mr. Pat Hannah, PWD, commented on equipment usage.

*Council Member Delauter moved to amend the Highway Operations (CIP) budget on Page 48 by reducing funding to the satellite facilities by \$354,450. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Mr. Nipe commented on this amendment.

Public Hearing

Community Development Block Grant (CDBG) Application for ADA Curb Ramps – Dave Olney, Public Works Division

A public hearing was held, as duly advertised, on a request to submit an application to the Maryland CDBG Program to remove architectural barriers in county rights of way.

Mr. Olney and Mr. Robert Shen, Public Works Division (DPW), presented a proposed resolution that would authorize DPW to submit a CDBG grant application and accept CDBG funding for curb ramp improvements if awarded.

A public comment period was announced beginning on May 3 and ending on May 20, 2016.

There was no public comment at the hearing.

Council Member Keegan-Ayer moved to approve the resolution as presented by staff. Council Member Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

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(A copy of the adopted/approved resolution can be obtained from the county's website <http://www.frederickcountymd.gov/>)

Session for Budget Amendments from Council Members (Continued)

Parks and Recreation Division (PRD)

*Council Member Delauter moved to amend the PRD budget on page 24 by eliminating the remaining \$100,000 for two industrial mowers. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Mr. Paul Dial and Mr. Paul Hanyok, PRD, commented on the use of the mowers.

(The Council took a break at 6:50 p.m. and reconvened at 7:00 p.m.)

Public Hearing

To Consider Resolution to Adopt the Property Tax Rate – Lori Depies, Finance Division

A public hearing was held, as duly advertised, on the proposed property tax levy for FY 2017.

Ms. Lori Depies, Finance Division, presented the proposed FY 2017 real property tax rate of \$1.06 per \$100 of assessed value and the proposed FY 2017 tax equity rates of \$0.9374 in The City of Frederick and \$0.9351 in Myersville.

Public comment was heard from:

- Edward Burrell
- Rolan Clark
- Jennifer Giove
- Mark Long

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- Annette Brieling
- Mike Bunitsky

There was no action taken on this item. It was noted that the FY 2017 property tax rate would be set at the Tuesday, May 17, 2016, County Council meeting at 4:30 p.m. in Winchester Hall.

Session for Budget Amendments from Council Members (Continued)

Citizens Services Division (CSD)

*Council Member Delauter moved to amend the Department of Aging (CSD) budget by removing the increase to MAP/Meals on Wheels totaling \$22,792 and deleting the two (2) Housing Unit Staff positions cutting an additional \$139,908. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Ms. Pat Rosensteel and Ms. Carolyn True, CSD, commented on the Meals on Wheels program.

Animal Control Division (ACD)

*Council Member Delauter moved to amend the ACD budget by eliminating the Administrative position totaling \$50,517 and to eliminate the funding for a washing machine replacement totaling \$10,941. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Fire and Rescue Services Division (DFRS)

*Council Member Delauter moved to amend the DFRS budget on Page 25 to eliminate the Volunteer Recruiter position cutting \$93,543, and the Emergency Planner position for a cut of \$73,787. He withdrew the cut for the Hazmat Meter and Firefighters (from 12-7) from the original amendment. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Chief Tom Owens, DFRS; Chief Chip Jewell, Volunteer Fire and Rescue Services Division; and Mr. Jack Markey, Emergency Management Division, commented on the amendments.

Board of Education

*Council Member Delauter moved to amend the BOE budget on Page 26 to cut by 50% the funding for the PeopleSoft Upgrade and 50% of the WAN Upgrade for a total cut of \$1,400,000. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Public Libraries

*Council Member Delauter moved to amend the Public Libraries budget on Page 26 by deleting the funding for the three additional regional librarians totaling \$183,231. Council Member Shreve seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik		X	
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Mr. Darrell Batson, Frederick County Public Libraries, commented on the issue.

Independent Agencies

*Council Member Delauter moved to amend the Independent Agencies budget on Page 8 by deleting the Weed Control increase for a cut of \$42,925 and reducing the Council of Governments Dues for a cut of \$5,589. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Community Partnership/Non-County

*Council Member Delauter moved to amend Community Partnership budget on Page 8 by reducing the funding by \$200,000. Council Member Chmelik seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald		X	
District 2 - Chmelik	X		
District 3 - Keegan-Ayer		X	
District 4 - Fitzwater		X	
District 5 - Delauter	X		
At-large - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Liquor Board

Council Member Delauter moved to amend the Board of License Commissioners budget by deleting the electric fingerprint machine for \$81,556. Council Member Shreve seconded the motion.

Mr. Dick Zimmerman, Board of License Commissioners, commented on the requested budget item. Council Member Delauter withdrew his motion.

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Council Member Keegan-Ayer moved to close the submission of all additional budget amendments and convey this budget with the adopted amendments to the Budget Office for reprint and presentation of the final version to the County Council on May 17, 2016. Council Member Fitzwater seconded the motion that passed 4-3 with Council Members Chmelik, Delauter, and Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik		X	
District 3 - Keegan-Ayer	X		
District 4 - Fitzwater	X		
District 5 - Delauter		X	
At-large - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Public Comments

None.

Council Member Comments

It was noted the Rules of Procedure would be rescheduled for the Council Workshop on Tuesday, May 10, 2016, at 4:30 p.m.

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 8:45 p.m.

Bud Otis, President
County Council