

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, June 7, 2016**

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

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, 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.

*Council Member Keegan-Ayer moved to approve the agenda as presented. Council Member Chmelik seconded the motion that passed 5-1 with Council Member Shreve opposed.*

<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
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-16-227 – Department of Aging, Citizens Services Division
- BT-16-228 – Sheriff's Office
- BT-16-229 – Fire and Rescue Services Division
- BT-16-231 – Family Partnership, Citizens Services Division
- BT-16-232 – Animal Control Division
- BT-16-245 – Planning and Permitting Division
- BT-16-246 – Frederick County Developmental Center, Health Services Division
- Board of Education School Construction Amendment No. 16-10 and Associated BT-16-241
- Board of Education School Construction Amendment No. 16-11 and Associated BT-16-242

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*Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Donald seconded the motion that passed 5-0-1 with Council Member Shreve abstained.*

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:**

**Maryland Association of Counties (MACo) Update - President John Barr and Executive Director Michael Sanderson**

Mr. Barr and Mr. Sanderson reviewed the issues MACo was involved with during the 2016 Maryland Legislative Session.

**Affirm the Confirmation of the County Executive’s Appointment to the Maryland Fire Service Professional Qualifications Board – Joyce Grossnickle, Office of the County Executive**

Ms. Grossnickle presented the appointment recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointment as presented.

*Council Member Keegan-Ayer moved to affirm the confirmation of Battalion Chief David Barnes, Division of Fire and Rescue Services (DFRS), as the new primary representative and Lt. Christopher Mullendore, DFRS, to continue to serve as the alternate representative. Council Member Donald seconded the motion that passed 6-0.*

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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**Request for Historic Designation on the Frederick County Register of Historic Places (Glenellen Farm, 4940 Mussetter Road, Ijamsville) (Public Hearing Held 5/17/16) – Council President Bud Otis**

*Council Member Keegan-Ayer moved to approve the designation of the Glenellen Farm to the Frederick County Register of Historic Places based on the facts:*

- *The property has significant character, interest or value as part of the development, heritage, or cultural characteristics of the County, State, or Nation;*
- *The property is identified with a person or group of persons who influenced society;*
- *The property exemplifies the cultural, economic, social, political, or historic heritage of the county and its communities;*
- *The property possesses significant artistic value;*
- *The property represents an established and familiar visual feature of the neighborhood, community, or county, due to its singular physical characteristics, landscape of historical event;*
- *The property is a rare example of a particular period, style, material, or construction technique.*

*Council Member Chmelik seconded the motion that passed 6-0.*

<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
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		

**Renewal Option for External Audit Contract (RFP No. 15-218) – Erin White, Finance Division**

*Council Member Keegan-Ayer moved to approve the renewal option for the external audit contract as presented. Council Member Chmelik seconded the motion that passed 6-0.*

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<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
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		

**“What’s Next” Solid Waste Options Presentation – Jeremy Morris, Geosyntec  
(Consultant for the Solid Waste Steering Committee)**

Mr. John Daniels, Chair, Solid Waste Steering Committee, introduced Mr. Morris who presented an overview of the findings from Phase I of the study on solid waste options for the county.

No action was taken on this item as it was informational.

**Overview of the Frederick County Agricultural Preservation Programs – Anne Bradley, Planning and Permitting Division**

Ms. Bradley and Mr. Jim Gugel, Planning and Permitting Division, presented an overview of the Agricultural Preservation Programs for Frederick County.

No action was taken on this item as it was informational.

(The Council took a break at 5:55 p.m. and reconvened at 6:05 p.m.)

**Proposed Charter Amendments – John Mathias, Office of the County Attorney**

Mr. Mathias briefed the Council on the process to amend the County Charter.

Mr. Mathias presented the County Executive’s Proposed Amendments as follows. He also noted that Council President Bud Otis proffered the same amendments as the County Executive.

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>County Executive’s amended language</i>
[Single boldface brackets]	<i>Deleted from existing law by County Executive</i>
<u>Double underlining</u>	<i>Added by Council amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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**County Executive's Amendment No. 1**

**307. Effective Date of Laws**

- (a) The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, except for expedited legislation, shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.
- (b) Expedited legislation is legislation containing a section declaring that it is necessary for the immediate protection of the public health, safety, or welfare and has the same meaning as "emergency legislation: in Article SI-A, Section 3 of the Maryland Constitution.
- (c) Expedited legislation shall take effect on the date it is enacted unless a different date is prescribed in the legislation.

**County Executive's Amendment No. 2**

**308. Referendum**

- (d) Whenever a petition complying with all the provisions of law and this Charter is filed, the referred law, or the referred portion of law, other than expedited legislation, may not take effect until thirty days after approval by a majority of voters. Expedited legislation shall remain in effect from the date it becomes law notwithstanding the filing of a petition for referendum, but shall be repealed thirty days after its rejection by a majority of the registered voters voting on the question.

**County Executive's Amendment No. 3**

**305. Enactment of Legislation**

- (e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least four council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, may not be enacted into law until [the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.] a public hearing is held on the amendment and a fair summary of the amendment and the date, time and place of a public hearing are posted on the County website at least twenty-four hours in advance of this public hearing.

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**County Executive's Amendment No. 4**

**305. Enactment of Legislation**

(f) A Bill not enacted within [ninety days] six months of introduction is void. A Bill not enacted prior to the month of November in any year in which council members are elected to office is void.

**County Executive's Amendment No. 5**

**506. Action on the Budget by the Council**

(b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring [compliance with the public hearing, notice and publication requirements of a newly enacted Bill pursuant to Section 305 of this Charter:] that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least twenty-four hours in advance of the public hearing.

**County Executive's Amendment No. 6**

**506. Action on the Budget by the Council**

(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than [May 25,] June 8, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick County." If the Council fails to adopt the Budget by [May 25] June 8 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

Ms. Lori Depies, Finance Division commented on the timeline for the preparation of the real estate tax bills.

The Council made the following motions to amend the County Executive's amendments.

- *Council Member Keegan Ayer moved to approve **County Executive's Amendment No. 1** as presented. Council Member Donald seconded the motion.*

*Council Member Keegan-Ayer moved to amend the **County Executive's Amendment No. 1** as follows:*

**307. Effective Date of Laws**

(a) The Annual Budget and Appropriations Ordinance shall take effect on the first day of the fiscal year to which it applies. All other laws, except for expedited legislation,

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shall take effect sixty calendar days after enactment, except in the event a law provides for a later effective date or is referred to the voters under Section 308 of this Charter.

- (b) Expedited legislation is legislation containing a section declaring that it is necessary for the immediate protection of the public health, safety, or welfare and has the same meaning as “emergency legislation: in Article SI-A, Section 3 of the Maryland Constitution.
- (c) Expedited legislation shall take effect on the date it is enacted unless a different date is prescribed in the legislation.
- (d) The expedited legislation requires a super majority (5) Council Members in order for passage.

*Council Member Shreve seconded the motion that passed 4-2 with Council Members 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		

*The vote on the amended original motion **failed** 2-4 with Council Members Otis, 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	

- *Council Member Shreve moved to request Mr. Chomel to provide a legal review of the charter. Council Member Chmelik seconded the motion that passed 5-1 with Council Member Keegan-Ayer 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		

- Council Member Donald moved to approve **County Executive's Amendment No. 2** as presented. Council Member Keegan-Ayer seconded the motion that **failed** 2-4 with Council Members Otis, 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	

- Council Member Keegan-Ayer moved to approve the **County Executive's Amendment No. 3** as presented. Council Member Chmelik seconded the motion.  
  
Council Member Chmelik moved to amend **County Executive's Amendment No. 3** as follows:

**305. Enactment of Legislation**

(e) After a public hearing, the Council may enact a Bill into law, with or without amendment, by an affirmative vote of at least four council members. In the event a Bill is amended before enactment, and the amendment or amendments constitute a change of substance, the Bill, as amended, may not be enacted into law until [the Bill meets the public hearing, notice, and publication requirements of a newly introduced Bill.] a public hearing is held on the amendment and a fair summary of the amendment and the date, time and place of a public hearing are posted on the County website at least [twenty-four hours] two (2) days in advance of this public hearing.

*Council Member Keegan-Ayer seconded the motion that passed 4-2 with Council Members Delauter and Shreve 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		

*The vote on the amended original motion passed 5-1 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		

- *Council Member Keegan-Ayer moved to approve the **County Executive's Amendment No. 4** as presented. Council Member Donald seconded the motion.*

*Council Member Keegan-Ayer moved to amend the **County Executive's Amendment No. 4** as follows:*

**305. Enactment of Legislation**

(e) A Bill not enacted within [ninety days] ~~[[six months]]~~ four months of introduction is void. A Bill not enacted prior to the month of November in any year in which council members are elected to office is void.

*Council Member Donald seconded the motion that **failed** 2-4 with Council Members Otis, Chmelik, Delauter, and Shreve 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	

The vote on the main motion **failed** 2-4 with Council Members Otis, 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	

- Council Member Keegan-Ayer moved to approve the **County Executive's Amendment No. 5** as presented. Council Member Donald seconded the motion.

Council Member Chmelik moved to amend the **County Executive's Amendment No. 5** as follows:

**506. Action on the Budget by the Council**

(b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring [compliance with the public hearing, notice and publication requirements of a newly enacted Bill pursuant to Section 305 of this Charter:] that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least [twenty-four hours] two days in advance of the public hearing.

Council Member Donald seconded the motion that passed 4-2 with Council Members Delauter and Shreve 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		

*The vote on the amended original motion passed 4-2 with Council Members 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		

- *Council Member Keegan-Ayer moved to approve the County Executive's Amendment No. 6 as presented. Council Member Chmelik seconded the motion.*

*Council Member Chmelik moved to amend the County Executive's Amendment No. 6 as follows.*

**506. Action on the Budget by the Council**

(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than [May 25,] ~~[[June 8]]~~, May 31, which shall be known as the "Annual Budget and Appropriations Ordinance of Frederick County." If the Council fails to adopt the Budget by [May 25] ~~[[June 8]]~~ May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

*Council Member Keegan-Ayer seconded the motion that passed 4-2 with Council Members Delauter and Shreve 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		

*The vote on the amended original motion passed 4-2 with Council Members 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		

Council Member Chmelik offered the following amendments to the Charter.

**Council Member Chmelik's Amendment No. 2**

- *Council Member Chmelik moved to amend the Frederick County Charter Article 2, County Council:*

**209. Vacancies**

(a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section 208 of this Charter.

(b) The Council shall provide by law for the conduct of special elections to fill any vacancy on the Council that occurs during the first three years of a term. When a vacancy occurs during the last year of a term, a majority of the remaining members of the Council shall appoint a qualified person to fill the vacancy.

(bc) When a vacancy occurs in the last year of a term, the remaining council members within forty-five days shall appoint a person to serve the unexpired term of

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office. The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a party member, shall be a member of the same political party as the person who vacated office.

(ed) When succeeding a party member in the last year of a term, the appointee shall be selected from a list of three persons submitted to the Council by the County central committee of the political party affiliated with the person vacating office, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (b) of this section.

(de) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy. If the County central committee submitted a list of names pursuant to subsection (c) of this section, the person appointed shall be selected from the list. If no such list has been submitted, the Executive shall appoint the person the Executive deems best qualified to hold office regardless of the person's party affiliation, if any, provided the appointee meets the same qualifications and residence requirements as the person who vacated office.

*The motion did not receive a second.*

**Council Member Chmelik's Amendment No. 3**

- *Council Member Chmelik moved to amend the Frederick County Charter Article 3, Legislative Procedures:*

**304. Legislative Procedures**

(f) The Council may enact emergency legislation with the support of at least five (5) Council members. The legislation shall take effect immediately and shall expire 180 days thereafter.

*Council Member Shreve seconded the motion that **failed** 1-5 with Council Members Otis, Keegan-Ayer, Delauter, Donald, and Shreve 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	

**Council Member Chmelik's Amendment No. 4**

- *Council Member Chmelik moved to amend the Frederick County Charter Article 4, Executive:*

**406. Compensation of the County Executive**

(a) Subject to subsection (b) of this section, the Executive shall receive a Salary of ~~\$ 95,000~~ \$180,000. In addition to Salary, the Executive shall be entitled to receive Allowances and Fringe Benefits as those terms are defined in this Charter. The Executive may not accrue annual leave or be entitled to any payment in lieu thereof.

*Council Member Shreve seconded the motion. After discussion, Council Member Chmelik withdrew his motion.*

**Council Member Chmelik's Amendment No. 5**

- *Council Member Chmelik moved to amend the Frederick County Charter Article 5, Budget and Finance:*

**506. Action on the Budget by the Council**

(a) After a public hearing, the Council may decrease, increase or delete any items in the Budget, except those required by State law, by provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the Budget as submitted by the Executive, to alter revenue estimates, or to increase ~~any expenditure~~ the Budget recommended by the Executive, unless expressly provided in State law and except to correct mathematical errors. An increase of any item shall have an offsetting and equal decrease.

(c) A decrease, addition, or deletion of one or more items in the Budget may not constitute a change of substance in the proposed Budget if the decrease, addition, or deletion constitutes less than a one percent change in the total Budget or less than a fifty percent decrease in any one line item in the Budget.

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(d) The adoption of the Budget shall be by the affirmative vote of not less than four members of the Council in a law enacted not later than ~~May 25~~ May 31, which shall be known as the “Annual Budget and Appropriations Ordinance of Frederick County.” If the Council fails to adopt the Budget by ~~May 25~~ May 31 pursuant to this subsection, the proposed Budget as submitted by the Executive shall become law.

*Council Member Shreve seconded the motion.*

Discussion was held on the suggestion to delete the following phrase: “to change the form of the Budget as submitted by the Executive.” Mr. Rick Harcum, Budget Office, commented on the language.

*Council Member Shreve moved to amend the amendment as follows:*

(a) After a public hearing, the Council may decrease, increase or delete any items in the Budget, except those required by State law, by provisions for debt service on obligations then outstanding or for estimated cash deficits. The Council shall have no power to change the form of the Budget as submitted by the Executive, to alter revenue estimates, or to increase ~~any expenditure~~ the Budget recommended by the Executive, unless expressly provided in State law and except to correct mathematical errors. An increase of any item shall have an offsetting and equal decrease.

*Council Member Chmelik seconded the motion that passed 6-0.*

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		

*The vote on the amended original motion **failed** 2-4 with Council Members Otis, Keegan-Ayer, Delauter, and Donald 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	

**Council Member Chmelik's Amendment No. 8**

- Council Member Chmelik moved to amend the Frederick County Charter Article 4, Executive:

**405. Qualifications of the County Executive**

(a) The Executive shall be a citizen of the United States and, for at least two years immediately preceding election or appointment, a resident and registered voter of the County.

(b) The Executive shall devote full-time to the duties of the office. ~~The Executive may not participate in any private occupation for compensation.~~ During the term of office, the Executive may not hold any other office of profit.

Council Member Shreve seconded the motion that **failed** 3-3 with Council Members Otis, Keegan-Ayer, and Donald 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 proposed the following amendments to the Frederick County Charter.

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**Council Member Delauter’s Amendment No. 1**

- *Council Member Delauter moved to amend Frederick County Charter Article 5, Budget and Finance:*

**503. Preparation of the County Budget**

(a) ~~Not later than April 15 of each year, t~~The Executive shall prepare and submit a proposed Budget to the Council by April 1 for the ensuing fiscal year. The County Council has until June 15 to act on the budget. The proposed Budget shall present a complete financial plan for the Government reflecting anticipated revenues from all sources, expenditures, and any surplus or deficit in the general or special funds of the Government.

*Council Member Chmelik seconded the motion.*

*Council Member Chmelik moved to amend the amendment as follows:*

(a) ~~Not later than April 15 of each year, t~~The Executive shall prepare and submit a proposed Budget to the Council by April 1 for the ensuing fiscal year. The County Council has until ~~June 15~~ May 31 to act on the budget. The proposed Budget shall present a complete financial plan for the Government reflecting anticipated revenues from all sources, expenditures, and any surplus or deficit in the general or special funds of the Government.

*Council Member Delauter seconded the motion that passed 6-0.*

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		

*The vote on the amended original motion **failed** 3-3 with Council Members Otis, Keegan-Ayer, and Donald 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	

**Council Member Delauter’s Amendment No. 3**

- *Council Member Delauter moved to amend Frederick County Charter Article 5, Budget and Finance:*

**510. Supplemental Appropriations**

(a) After July 1, the Annual Budget and Appropriation Ordinance may, upon request of the County Executive, be amended by resolution approved by the affirmative vote of not less than three members of the Council. The Council may, but is not required to, hold a public hearing prior to taking action on a proposed budget amendment.

*Council Member Chmelik seconded the motion. After discussion Council Member Delauter withdrew his motion.*

Council Member Shreve proposed the following amendment to the Frederick County Charter.

**Council Member Shreve’s Amendment No.1**

- *Council Member Shreve moved to amend Frederick County Charter Article 2, County Council:*

**209. Vacancies**

(a) A vacancy occurs when a council member, prior to the expiration of the term for which elected, dies, resigns from office, or becomes disqualified to hold office pursuant to Section 208 of this Charter.

(b) When a vacancy occurs, the remaining council members within forty-five days shall appoint a person to serve the unexpired term of office. The appointee shall be selected by a majority vote of the remaining council members. The appointee shall meet the same qualifications and residence requirements and, when succeeding a ~~party~~ Council member who was elected as a member of a political party, the appointee shall be a

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member of the same political party as the ~~person~~ Council Member vacating office was in the most recent election.to vacated office ~~who vacated office.~~

(c) When succeeding a ~~party~~ Council member who was elected as a member of a political party, the appointee shall be selected from a list of three persons submitted to the Council by the County central committee of the political party affiliated with the ~~person~~ Council Member vacating office was in the most recent election ~~vacating office~~, provided the list is submitted within thirty days from the date a vacancy occurs. If no such list is submitted within thirty days, or if the council member vacating office is not a member of a political party, the Council shall appoint the person it deems best qualified to hold office regardless of the person’s party affiliation, if any, provided the appointee meets the qualifications and residency requirements provided in subsection (b) of this section.

(d) If the Council fails to fill a vacancy pursuant to the provisions of this section, the Executive shall appoint a person to fill the vacancy. If the County central committee submitted a list of names pursuant to subsection (c) of this section, the person appointed shall be selected from the list. If no such list has been submitted, the Executive shall appoint the person the Executive deems best qualified to hold office regardless of the person’s party affiliation, if any, provided the appointee meets the same qualifications and residence requirements as the person who vacated office.

*Council Member Delauter seconded the motion that **failed** 3-3 with Council Members Otis, Keegan-Ayer, and Donald 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**

- Steve Cassis

**Council Member Comments**

Comments were provided by the Council Members.

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**Adjourn**

The meeting adjourned at 8:40 p.m.

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Bud Otis, President  
County Council