

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, April 18, 2017**

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

Also present were Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office, 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.

Action on the Agenda

*Council Member Keegan-Ayer moved to approve the agenda as presented.
Council Member Chmelik seconded the motion.*

Council Member Chmelik moved to amend the agenda by removing the third reading of Bill No. 17-05 - Limited Private Event Venues in the Agricultural Zone. Council Member Delauter 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		

Council Member Delauter moved to remove Budget Adjustment #J-17-181 from the consent agenda. Council Member Chemlik seconded the motion that passed 4-3 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 Shreve moved to remove Budget Adjustment #J-17-168 from the consent agenda. 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		

The motion on the agenda as amended passed 6-1 with Council Member Delauter 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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Public Comments

- Patrick Schempp

Budget Adjustments – Rick Harcum, Budget Office, Office of the County Executive

Council Member Keegan-Ayer moved to approve the following budget journals as amended. Council Member Chmelik seconded the motion that passed 7-0.

- #J-17-169 – Department of Aging, Citizens Services Division
- #J-17-172 – Circuit Court
- #J-17-177 – Transportation Services Division
- #J-17-178 – Frederick County Public Libraries
- #J-17-179 – Workforce Services, Office of Economic Development

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		

Budget Adjustment #J-17-181 – Rick Harcum, Budget Office, Office of the County Executive

Ms. Lori Depies, Finance Division; Chief Tom Owens and Mr. Steve Leatherman, Fire and Rescue Services Division, and Mr. Harcum commented on the lease purchase of fire apparatus.

Council Member Keegan-Ayer moved to approve Budget Adjustment #J-17-181 as presented. Council Member Fitzwater seconded the motion that passed 5-1-1 with Council Member Delauter opposed and 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		

Budget Adjustment #J-17-168 – Rick Harcum, Budget Office, Office of the County Executive

Council Member Keegan-Ayer moved to approve Budget Adjustment #J-17-168 as presented. Council Member Chmelik seconded the motion.

The Honorable Scott Rolle, Circuit Court Judge, briefed the Council on the Veteran's Court.

The vote on the motion 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		

Business Items:

Approval of Minutes for March 21, 2017

Council Member Keegan-Ayer moved to approve the minutes for March 21, 2017, as presented. Council Member Fitzwater seconded the motion that passed 7-0.

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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		

Constant Yield Tax Rate - Diane Fox, Finance Division

Ms. Fox indicated the Constant Yield Tax Rate (CYTR) is calculated by the State Department of Assessments and Taxation (SDAT) for each taxing authority in Maryland. It represents the real property tax rate for the coming tax year that will generate the same amount of revenue that was generated during the current tax year. As assessments increase, the CYTR decreases. A tax rate at or below the existing tax rate is considered a tax increase if it is higher than the CYTR. Since the County Executive's FY 2018 proposed budget includes revenue estimates based on the FY 2017 tax rate, the County Council must advertise the CYTR and hold a public hearing even if the proposed tax rate is the same as the current tax rate.

It was noted for FY 2018 the County Executive has proposed a real property tax rate of \$1.06, unchanged from FY 2017. The FY 2018 proposed tax equity rates, as calculated by the Budget Office, are \$0.9399 in Frederick City and \$0.9391 in Myersville. SDAT has calculated the FY 2018 CYTR as \$1.0359; for Frederick City - \$0.9247; and for Myersville - \$0.9168.

Ms. Fox requested the Council's approval to schedule a public hearing on the CYTR during the Council's meeting on Tuesday, May 2, 2017.

Ms. Lori Depies, Finance Division, commented on the proposed property tax rate.

Council Member Keegan-Ayer moved to take the proposed property tax rate to public hearing on Tuesday, May 2, 2017, at 7:00 p.m. Council Member Fitzwater seconded the motion that passed 5-2 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		

Updated Frederick County Hazard Mitigation Plan - Jack Markey, Emergency Management Division

Mr. Markey presented the updated Hazard Mitigation Plan.

Council Member Keegan-Ayer moved to approve and adopt the resolution regarding the updated Plan. Council Member Donald 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		

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

2017 Transportation Priorities Review - Jim Gugel, Planning and Permitting Division

Mr. Gugel briefed the Council on the top three (3) highway priority projects to be forwarded to the Maryland Department of Transportation.

He noted there would be a public meeting held on June 13 at Governor Thomas Johnson High School.

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Council Member Keegan-Ayer moved to approve the 2017 Transportation Priorities Report as presented. 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		

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

Second Reading Calendar:

To Consider Amended Bill No. 17-04 – Farm Distilleries and Tasting Rooms, and Limited Farm Brewery, Distillery and Winery Tasting Rooms – Council Member Bud Otis (on behalf of the County Executive)

A public hearing was held, as duly averertised, on amended Bill No. 17-04.

Mr. Steve Horn, Planning and Permitting Division and Ms. Katie Albaugh, Office of Economic Development, commented on the bill to amend the code to allow farm distilleries and tasting rooms, and limited farm brewery, distillery and winery tasting rooms in the Agriculture and Resource Conservation zoning districts.

Public comment was heard from:

- Shannon Bohrer
- Rose Woodsmall
- Tom Barse
- Eric Aellen
- Robert Ramsburg, President, Frederick County Farm Bureau
- Joan Cartier
- Adam Frey
- Doug Kaplan

It was noted the amended bill would be scheduled for adoption on Tuesday, May 2, 2017.

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To Consider Bill No. 17-06 – Amendment to Frederick County Code, Chapter 1-7.1: Ethics – Council Member Bud Otis (on behalf of the County Executive)

A public hearing was held, as duly averertised, on proposed Bill No. 17-06.

Ms. Margaret Nusbaum, Office of the County Executive and Ms. Linda Thall, Office of the County Attorney, commented on the proposed bill that would amend the Frederick County Code Chapter 1-7.1: Ethics.

Public comment was heard from:

- Mary Ellen Rhoderick, League of Women Voters
- Melanie Cox – President, League of Women Voters

It was noted the proposed bill would be scheduled for adoption on Tuesday, May 2, 2017.

To Consider Bill No. 17-07 – Solar Facilities and Floating Zone – Sponsor: Council Member M.C. Keegan-Ayer; Co-sponsor: Council Member Jessica Fitzwater

A public hearing was held, as duly averertised on proposed Bill No. 17-07.

Council Member Keegan-Ayer commented on the proposed bill that would define three (3) types of solar facilities: Solar Facility Commercial, Solar Facility Accessory; and a Solar Facility, Community Energy Generating System.

Public comment was heard from:

- Doug Kaplan
- Moira Moynihan
- Ben Combs
- Noel Manalo, Esquire, Miles and Stockbridge
- Peter McMahon
- Carrol Crum
- Elizabeth McMahon
- Boyce Rensberger
- Linda Thomas
- Robert Ramsburg, President, Frederick County Farm Bureau
- Robert Collier
- Kai Hagen

It was noted the proposed bill would be scheduled for adoption on Tuesday, May 2, 2017.

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Public Hearing:

County Executive's FY 2018 Draft Operating Budget, Draft FY 2018-2023 Capital Improvements Program, Draft FY 2018 Capital Budget for all other Frederick County Divisions, Departments and Agencies - Rick Harcum, Budget Office

A public hearing was held, as duly advertised, on the County Executive's draft FY 2018 budgets.

Mr. Harcum delivered a PowerPoint presentation on the proposed budget.

Public comment was heard from:

- Elizabeth Brown
- Dana McDonald, Frederick Community College
- Jason Miller
- Melanie Cox, President, League of Women Voters
- Mark Schaf

It was noted a public hearing on the Board of Education portion of the County Executive's draft FY 2018 Budget would be held on Monday, April 24 at 7:00 p.m.

Public Comments

- Jason Miller

Council Member Comments

Comments were provided by the Council Members.

Adjourn

Meeting adjourned at 9:00 p.m.

Bud Otis, President
County Council