

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 1, 2018**

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

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; and Nancy Luna, Recording Secretary.

Council President Bud 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 Vice President M.C. Keegan-Ayer moved to approve the agenda with one change, moving Item #6b – Budget Amendments to follow Item #9c. Council Member Tony Chmelik seconded the motion that passed 6-1 with Council Member Billy 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 – Shreve		X	
Presiding Officer - Otis	X		

Public Comments

- John Miller, Burgess, Town of Middletown

Business Items

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

Council Vice President M.C. Keegan-Ayer moved to approve the budget adjustments as presented. Council Member Jerry Donald seconded the motion that passed 6-0-1 with Council Member Billy 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 - Shreve			X
Presiding Officer - Otis	X		

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Business Items:

Approval of Minutes from April 10, 2018

Council Vice President M.C. Keegan-Ayer moved to approve the minutes of April 10, 2018 as presented. Council Member Jerry Donald seconded the motion that passed 6-0-1 with Council Member Billy 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 – Shreve			X
Presiding Officer - Otis	X		

First Reading Calendar:

Introduction of Bill Regarding Frederick County Sustainability Commission – Council President Bud Otis (On behalf of County Executive)

Council President Bud Otis, briefed the Council on a proposed bill that would establish the Frederick County Sustainability Commission.

Third Reading Calendar:

Reconsidered Bill No. 18-03 – Elderly Individual and Retired Military Tax Credit – Council Member Billy Shreve

Council Member Billy Shreve moved to approved Bill No. 18-03 – Elderly Individual and Retired Military Tax Credit. Council Member Tony Chmelik seconded the motion that passed 4-3 with Council Members Donald, Keegan-Ayer 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 – Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted/enacted bill can be obtained from the County’s website, www.FrederickCountyMD.gov)

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Amended Bill No. 18-10 Satellite Simulcast Betting Facility – Council Member Tony Chmelik

Council Member Tony Chmelik moved to approve Amended Bill No. 18-10 Satellite Simulcast Betting Facility. Council Member Billy Shreve seconded the motion that passed 6-1 with Council Vice President M.C. Keegan-Ayer 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 – Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted/enacted bill can be obtained from the County’s website, www.FrederickCountyMD.gov)

Amended Bill No. 18-11 Veterans Advisory Council – Council President Bud Otis, Council Vice President M.C. Keegan-Ayer and Council Member Tony Chmelik

Council Member Tony Chmelik moved to approve Amended Bill No. 18-11 Veterans Advisory Council. Council Vice President M.C. Keegan-Ayer 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 – Shreve	X		
Presiding Officer - Otis	X		

(A copy of the adopted/enacted bill can be obtained from the County’s website, www.FrederickCountyMD.gov)

Public Hearing:

FY 2018 Installment Purchase Program Applications – Anne Bradley, Land Preservation Program Administrator, Planning and Permitting Division

A public hearing was held, as duly advertised, on a FY 2018 Installment Purchase Program.

Ms. Bradley presented the top 10 ranked applications in the county-funded farmland

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preservation program.

The Council questioned staff on issues with the application.

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to the top 10 ranked applications as presented by staff to be moved to the FY 2018 Installment Purchase Program. Council Member Jessica 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 – Shreve	X		
Presiding Officer - Otis	X		

**City of Frederick Enterprise Zone for Golden Mile – Heather Gramm, Assistant Director,
Office of Economic Development**

A public hearing was held, as duly advertised, on adoption of a resolution declaring that an area of the Golden Mile in the City of Frederick be designated an Enterprise Zone as defined by the Maryland Department of Commerce.

Ms. Gramm presented the resolution to the Council.

The Council questioned staff on issues with the resolution.

Public comment was heard from:

- Melanie Day
- Justin Kiska
- Joe Parsley

Council Vice President M.C. Keegan-Ayer moved to approve the resolution to establish the Golden Mile Enterprise Zone in the City of Frederick as presented by staff. Council Member Tony Chmelik 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 – Shreve	X		
Presiding Officer - Otis	X		

Petition to Alter County Roads in Frederick City Watershed – Mr. Shen, Director, and Dave Olney, Project Manager, Engineering & Construction Management

A public hearing was held, as duly advertised, to approve a Petition from the Division of Public Works (DPW) to Alter County Roads in the Frederick City Watershed by transferring them to the City of Frederick.

Mr. Shen and Mr. Olney presented the petition to the Council.

The Council questioned staff on issues with the petition.

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to approve the petition which contains the ordinance to alter the county roads in the Frederick City watershed and turn them over to the City of Frederick and to authorize the County Executive to execute a quick claim deed. Council Member Jessica 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 – Shreve	X		
Presiding Officer - Otis	X		

Business Items:

FY 2019 Budget Amendments

Council Vice President M.C. Keegan-Ayer moved to delete Amendments #4, 5, 6, 7, 12, 17, 34, 35, and 36 as they reflect increases to the Budget which is a violation of Section 506 of the Charter. Council Member Jessica Fitzwater seconded the motion.

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The Council discussed whether to delete or table the Amendments.

Council Vice President M.C. Keegan-Ayer moved to table Amendments #4, 5, 6, 7, 12, 17, 34, 35 and 36 until after all reductions to the budget are completed and then the Council will hear these amendments. Council Member Jessica Fitzwater seconded the motion that passed 6-1 with Council Member Billy 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 – Shreve		X	
Presiding Officer - Otis	X		

Council Member Kirby Delauter moved Amendment #1 to the FY 2019 Budget as follows:

On Page 5, Subsection County Executive, Amend:

County Executive	[\$27,461]
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Additionally:

To provide for a reduction in that Departmental budget of \$27.461.

Council Member Kirby Delauter moved to approve Amendment #1 to the FY 2019 Budget. Council Member Tony Chmelik seconded the motion that failed 3-4 with Council Members Jerry Donald, M.C. Keegan-Ayer, Jessica Fitzwater and Bud Otis 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 – Shreve	X		
Presiding Officer - Otis		X	

Council Member Kirby Delauter moved Amendment #2 to the FY 2019 Budget as follows:

On Page 5, Subsection Administrative Services, Amend:

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Watersheds - NPDES	\$1,792,826 \$1,000,000
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Additionally:

To provide for a reduction in that Departmental budget of \$792,826.

Council Member Kirby Delauter moved to approve Amendment #2 to the FY 2019 Budget. Council Member Tony Chmelik seconded the motion that failed 3-4 with Council Members Jerry Donald, M.C. Keegan-Ayer, Jessica Fitzwater and Bud Otis 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 – Shreve	X		
Presiding Officer - Otis		X	

Council Member Kirby Delauter moved Amendment #3 to the FY 2019 Budget as follows:

On Page 5, Subsection Administrative Services, Amend:

Office of Economic Development	[\$23,203]
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Additionally:

To provide for a reduction in that Departmental budget of \$23,203.

Council Member Kirby Delauter moved to approve Amendment #3 to the FY 2019 Budget. Council Member Tony Chmelik seconded the motion that failed 3-4 with Council Members Jerry Donald, M.C. Keegan-Ayer, Jessica Fitzwater and Bud Otis 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 – Shreve	X		
Presiding Officer - Otis		X	

Council Member Kirby Delauter moved Amendment #8 to the FY 2019 Budget as follows:

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On Page 24, Funded Budget Appeals for Volunteer Fire and Rescue, Amend:

Volunteer Fire/Rescue Services: Assistant Director.	[\$124,902]
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Additionally:

To provide for a reduction in that Departmental budget of \$124,902 eliminating the request for the Deputy Director position.

Council Member Kirby Delauter moved to approve Amendment #8 to the FY 2019 Budget. Council Member Billy Shreve seconded the motion that passed 4-3 with Council Members Jerry Donald, M.C. Keegan-Ayer and Bud Otis 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 – Shreve	X		
Presiding Officer - Otis		X	

Council Member Kirby Delauter moved Amendment #9 to the FY 2019 Budget as follows:

On Page 24, Funded Budget Appeals for Family Partnership, Amend:

Division of Citizens Services, Family Partnership.	[\$35,100]
Replacement of agency owned van and related charges.	\$10,000

Additionally:

To provide for a reduction in that Departmental budget of \$25,100 eliminating the request for the replacement of agency owned van and related charges.

Council Member Kirby Delauter moved to approve Amendment #9 to the FY 2019 Budget. Council Member Billy Shreve seconded the motion that failed 3-4 with Council Members Jerry Donald, M.C. Keegan-Ayer, Jessica Fitzwater and Bud Otis 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 – Shreve	X		
Presiding Officer - Otis		X	

Council Member Kirby Delauter moved Amendment #10 to the FY 2019 Budget as follows:

On Page 25, Funded Budget Appeals for Family Partnership, Amend:

Division of Citizens Services, Housing. Rental Housing Specialist.	[\$62,601]
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Additionally:

To provide for a reduction in that Departmental budget of \$62,601 eliminating the request for Rental Housing Specialist.

Council Member Kirby Delauter moved to approve Amendment #10 to the FY 2019 Budget. Council Member Tony Chmelik seconded the motion.

After discussion by the Council, Council Member Kirby Delauter moved to withdraw Amendment #10 to the FY 2019 Budget at this time.

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

Public Hearing:

Constant Yield Tax Rate – Diane Fox, Director, Treasury

A public hearing was held, as duly advertised, on the FY 2019 Constant Yield Tax Rate.

Ms. Fox presented the top 10 ranked applications in the county-funded farmland preservation program.

The Council questioned staff on issues with the application.

Public comment was heard from:

- Eric Cicmanec
- Nick Caruso
- Pat Schempp
- Norman Cornelius

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To Consider Amended Bill No. 18-07 – Senior Citizens Local Supplement to Homeowners Property Tax – Council Members Jerry Donald and Kirby Delauter

A public hearing was held, as duly advertised, on Amended Bill No. 18-07.

Council Member Jerry Donald reviewed the proposed bill that would increase the percentage adjustment applied to determine property tax credit for senior citizens whose gross household income is \$30,000.00 or less, and increase the combined gross household income eligibility amount to ~~[\$75,000.00]~~ **\$80,000.**

Public comment was heard from:

- Patrick Schempp

To Consider Amended Bill No. 18-09 – Location of Private Amenities and Recreational Facilities in Planned Development Districts – Council Vice President M.C. Keegan-Ayer

A public hearing was held, as duly advertised, on Amended Bill No. 18-09.

Council Vice President M.C. Keegan-Ayer reviewed the proposed bill that would Amend Frederick County Code Chapter 1-19 of the Frederick County Code to specify that amenities and recreational facilities serving only the residents of a Planned Development District are located within the Planned Development District, and are not to be included in the Outdoor Sports Recreation Facility category.

Public comment was heard from:

- Eric Soter
- Tom Natelli

To Consider Amended Bill No. 18-13 – Adequate Public Facilities – Adjustment of School Construction Fees – Council President Bud Otis (on behalf of the County Executive)

A public hearing was held, as duly advertised, on Amended Bill No. 18-13.

Ray Barnes, Chief Administrative Officer and Rick Harcum, Director, Budget, reviewed the proposed bill that would adjust school construction fees in accordance with § 1-20-62(G) of the Frederick County Code.

Public comment was heard from:

- Bruce Dean
- Noel Manalo
- Patrick Schempp
- Terry Kernan
- Shirley McDonald
- Hebba Hassanein

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- Ann Holt
- Poppy Saville
- Jordyn Beachy
- Mike Fanning
- Eric Soter
- Kai Hagen
- Denise Jacoby
- Steve Oder
- Chuck Honse
- Tom Natelli
- Jeremy Holder
- Chris Smuriga
- Tracie Claybaugh
- Jerry Connelly
- Mark Lancaster
- Brent Simmons
- Steve McKay
- John Burke
- Tom Hyde
- Joe Parsley
- Gail Dowling
- Jason Wiley

Public Comments:

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 10:05 p.m.

Bud Otis, President
County Council