

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 16, 2017**

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

Also present were Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office, and Patti Morrow, Recording Secretary.

Council President 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 that 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		

Recognition of the Top Frederick County Public Schools Award Winning Teachers

The Council recognized the following award winning teachers:

- Ms. Karima Sharper – Centerville Elementary School – Frederick County Teacher of the Year
- Ms. Kelly Smith – Centerville Elementary School – Frederick County Nominee for Washington Post Teacher of the Year
- Mr. Phil Arnold – Frederick County Career and Technology Center – Charles E. Tressler Distinguished Teacher Award
- Green School Award – Myersville Elementary School
 - Ms. Kathy Swire – Principal
 - Ms. Michelle Carpenter
 - Ms. Melissa Hargreaves

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Mr. John Mathias, County Attorney’s Office, introduced Ms. Sukanya Mukherjee as the newly hired Assistant County Attorney.

Public Comments

- Peggy Kaplan
- Nick Carrera
- Tom Wheatley

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

Council Member Keegan-Ayer moved to approve the following budget journal. Council Member Shreve requested to remove Budget Journal #J-17-212 from the consent agenda. Council Member Donald seconded the motion that passed 6-0.

- #J-17-199 – Frederick County Public Libraries

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-17-212 – Rick Harcum, Budget Office, Office of the County Executive

Mr. Chuck Nipe, Public Works Division, and Mr. Harcum commented on the Middletown Fire Station.

Council Member Keegan-Ayer moved to approve Budget Adjustment #J-17-212 as presented. Council Member Donald seconded the motion that passed 5-1 with Council Member 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		

Business Items:

Approval of Minutes for April 24, April 26, and April 27, 2017

Council Member Keegan-Ayer moved to approve the minutes for April 24, April 26, and April 27, 2017, as presented. Council Member Fitzwater seconded the motion that 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		

Public Hearings:

Community Development Block Grant (CDBG) Resolution for FY 2018 – Milton Bailey, Citizens Services Division

A public hearing was held, as duly advertised, on a proposed resolution that would authorize staff to apply for a FY 2018 CDBG in the amount of \$400,000.

Ms. Sarah Nelson and Ms. Heather Sutton, Citizens Services Division, reviewed the CDBG program noting the public comment period would continue until May 22, 2017.

Public comment was heard from:

- Mark Long, Frederick County Affordable Housing Council

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Council Member Keegan-Ayer moved to approve the resolution that would authorize the Division of Citizens Services, Department of Housing and Community Development, to submit an application and accept CDBG funding for up to \$400,000 to fund Down Payment and Closing Cost Assistance for low to moderate income homebuyers in Frederick County. 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		

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

**Community Development Block Grant Resolution for FY 2018 – Dave Olney,
Public Works Division (DPW)**

A public hearing was held, as duly advertised, on a proposed resolution that would authorize the DPW staff to apply for a FY 2018 CDBG in the amount of \$400,000.

Mr. Olney and Mr. Robert Shen, Public Works Division, reviewed the CDBG application noting the funding would fund curb ramp improvements that would benefit persons with disabilities who are a presumed low or moderate income group. It was noted the public comment period would continue until May 19, 2017.

There were no public comments.

Council Member Keegan-Ayer moved to approve the resolution that would authorize the Public Works Division to submit an application and accept CDBG funding for up to \$400,000. Council Member Chmelik seconded the motion that passed 6-0.

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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		

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

Third Reading Calendar:

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

Council Member Keegan-Ayer moved to enact and adopt in to law Amended Bill No. 17-07. Council Member Fitzwater seconded the motion.

Council Member Shreve moved Amendment #10. Council Member Chmelik seconded the motion.

An ACT to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which zoning districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

Amend § 1-19-8.401. SOLAR FACILITY COMMERCIAL IN THE LI OR GI DISTRICTS to increase time periods relating to termination of approvals and removal of solar facilities.

On Exhibit 1, Page 3, Subsection 1-19-8.401(E) is hereby amended as follows:

(E) If for a period of 6 months, the solar facility ceases to generate electricity, AND HAS RECEIVED FORMAL NOTIFICATION FROM THE MARYLAND PUBLIC SERVICE COMMISSION THAT IT HAS BEEN DECOMMISSIONED, or is disconnected from the electric grid, the approval will terminate. The property owner shall remove the solar facility within 90 days after termination. The property owner shall ensure the solar facility removal and disposal by posting an acceptable monetary guarantee with the County on forms provided by the office of the Zoning Administrator.

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The guarantee shall be for an amount equal to a cost estimate approved by the Zoning Administrator for the removal and disposal of the solar facility, plus a 15% contingency. If a guarantee for the cost of removal and disposal of the solar facility is required by and provided to a state entity, the Zoning Administrator may accept documentation of the posting of the guarantee with the state entity as satisfaction of this requirement.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #10 failed 2-4 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	

Council Member Shreve moved Amendment #11. Council Member Chmelik seconded the motion.

An ACT to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which zoning districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

Amend § 1-19-10.700. SOLAR FACILITY – COMMERCIAL FLOATING ZONE DISTRICT to add certain approval criteria.

On Exhibit 1, Page 8, Subsection 1-19-10.700(E) is hereby amended as follows:

(3) PRIOR TO ANY ACTION ON AN APPLICATION PENDING BEFORE THE COUNTY COUNCIL, THE COUNTY COUNCIL SHALL HOLD A MINIMUM OF ONE (1) SITE VISIT TO THE PROPERTY ON THE APPLICATION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

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Ms. Wendy Kearney, County Attorney's Office, commented on the amendment.

The vote on Amendment #11 failed 2-4 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	

Council Member Shreve moved Amendment #12. Council Member Chmelik seconded the motion.

An ACT to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which zoning districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

Amend § 1-19-11.100. DEFINITIONS to amend the definitions to remove references to the amount of electricity use by the principal use.

On Exhibit 1, Page 9, § 1-19-11.100 is hereby amended as follows:

SOLAR FACILITY, ACCESSORY. A photovoltaic solar energy system mounted on a building or on the ground which generates electricity in an amount that does not exceed two hundred percent of the electric consumption of the principal use [.], **HOWEVER, THE COUNTY COUNCIL MAY INCREASE THE MAXIMUM PERCENTAGE BEYOND TWO HUNDRED PERCENT IN ORDER TO UTILIZE THE EFFECIENCY OF THE AFFECTED PROPERTY.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #12 failed 2-4 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	

Council Member Shreve moved Amendment #13. Council Member Chmelik seconded the motion.

An ACT to: Delete existing Code provisions related to solar collection systems and adopt new provisions defining three categories of solar energy systems, identifying in which zoning districts the solar energy systems may be located as a permitted use, establishing a Commercial Solar Facility Floating Zone and certain other criteria.

Amend § 1-19-10.700. SOLAR FACILITY – COMMERCIAL FLOATING ZONE DISTRICT to add certain approval criteria.

On Exhibit 1, Page 8, Subsection 1-19-10.700(E) is hereby amended as follows:

(3) THE MEMBERS OF THE COUNTY COUNCIL SHALL TAKE THE SAME ONLINE PLANNING TRAINING AS THE MEMBERS OF THE FREDERICK COUNTY PLANNING COMMISSION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #13 failed 1-5 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	

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The vote on the main motion to adopt and enact into law Amended Bill No. 17-07 passed 4-2 with Council Members Chmelik 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		

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

Bill No. 17-08 - Considering Zoning Amendments During an Election Year - Council Member Bud Otis (on behalf of the County Executive)

Council Member Keegan-Ayer moved to adopt and enact into law Bill No. 17-08. Council Member Fitzwater seconded the motion.

Council Member Fitzwater's Amendment.

Council Member Fitzwater moved Amendment #1. Council Member Keegan-Ayer seconded the motion.

On the Cover page, the Bill intent is hereby amended as follows:

An ACT to: provide that the County Council may not consider certain zoning map amendments for a period beginning [six (6) months] **ON JULY 1**, [prior to] through [three (3) months] **ONE (1) DAY** after the [general election for] **THE** Council Members **TAKE OFFICE**.

On the Bill page, the first paragraph is hereby amended as follows:

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the County Code to provide that the County Council may not consider an application for zoning map amendment or floating zone reclassification during the time [six (6) months] **BEGINNING ON JULY 1**, [before] and [three (3) months] **ONE (1) DAY** after the [general election for] **THE** Council Members **TAKE OFFICE**.

On Exhibit 1, Page 1, Subsection 1-19-3.110.2.(E) is hereby amended as follows:

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(E) The County Council may not consider an application for **AN** individual zoning map amendment or floating zone reclassification during the time [six months] **BEGINNING ON JULY 1**, before the general election for County Council Members and ending [three months] **ONE (1) DAY** after [this election] **THE BEGINNING OF THE COUNTY COUNCIL’S TERM OF OFFICE.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #1 passed 4-2 with Council Members Chmelik 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’s Amendments

Council Member Shreve moved Amendment #1. Council Member Chmelik seconded the motion.

An ACT to: Provide that the County Council may not consider certain zoning map amendments for a period beginning six (6) months prior to through three (3) months after the general election for Council Members.

Amend § 1-19-3.110.2. APPLICATION to add certain criteria.

On Exhibit 1, Page, Subsection 1-19-3.110.2 is hereby amended as follows:

(F) PRIOR TO ANY ACTION ON AN APPLICATION PENDING BEFORE THE COUNTY COUNCIL, THE COUNTY COUNCIL SHALL HOLD A MINIMUM OF ONE (1) SITE VISIT TO THE PROPERTY ON THE APPLICATION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #1 failed 1-5 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	

Council Member Shreve moved Amendment #3. Council Member Chmelik seconded the motion.

An ACT to: Provide that the County Council may not consider certain zoning map amendments for a period beginning six (6) months prior to through three (3) months after the general election for Council Members.

Amend § 1-19-3.110.2. APPLICATION to add certain criteria.

On Exhibit 1, Page, Subsection 1-19-3.110.2 is hereby amended as follows:

(G) THE MEMBERS OF THE COUNTY COUNCIL SHALL TAKE THE SAME ONLINE PLANNING TRAINING AS THE MEMBERS OF THE FREDERICK COUNTY PLANNING COMMISSION.

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

Mr. John Mathias, County Attorney's Office, commented on the provisions in the Charter relating to Bill No. 17-08.

The vote on Amendment #3 failed 1-5 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	

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It was noted a public hearing would be held on Amended Bill No. 17-08 on Tuesday, June 6 at 7:00 p.m.

Bill No. 17-09 – Dog Tethering Law – Council Member Jerry Donald

Council Member Donald moved to adopt and enact into law Bill No. 17-09. Council Member Fitzwater seconded the motion.

Council Member Shreve's Amendments

Council Member Shreve moved Amendment #1. Council Member Chmelik seconded the motion.

An ACT to: Amend Frederick County Code § 1-5-26 (A) (1) To reduce from ten to four, the number of hours a dog may be fastened, tied or restrained to any stationary or inanimate object for the purpose of confinement.

Amend § 1-19-5.26 (A)(1). PROPER RESTRAINT, SHELTER, PROTECTION AND CARE FOR DOGS to add certain criteria.

On Exhibit 1, Page 1, Section 1-19-5.26 (A)(1) is hereby amended as follows:

(A) *Restraint requirement*

(1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied, or restrained to any stationary or inanimate object by means of a rope, chain, strap, or other physical restraint for the purpose of confinement for more than [ten hours] four (4) hours, cumulatively in any 24-hour period. **STATIONARY OR INANIMATE OBJECT DOES NOT INCLUDE DOG TROLLEY CABLE SYSTEM EXCEEDING TEN FEET IN LENGTH.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #1 failed 2-4 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	

Council Member Shreve moved Amendment #2. Council Member Chmelik seconded the motion.

An ACT to: Amend Frederick County Code § 1-5-26 (A) (1) To reduce from ten to four, the number of hours a dog may be fastened, tied or restrained to any stationary or inanimate object for the purpose of confinement.

Amend § 1-19-5.26 (A)(1). PROPER RESTRAINT, SHELTER, PROTECTION AND CARE FOR DOGS to add certain criteria.

On Exhibit 1, Page 1, Section 1-19-5.26 (A)(1) is hereby amended as follows:

(A) Restraint requirement

(1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied, or restrained to any stationary or inanimate object by means of a rope, chain, strap, or other physical restraint for the purpose of confinement for more than [ten hours] four (4) hours, cumulatively in any 24-hour period. **UPON THE EFFECTIVE DATE OF THE AMENDED TETHERING TIME RESTRAINT, THE REDUCED HOURS OF TETHERING WILL EXPIRE IN ONE YEAR AND REVERT TO THE TEN HOUR CONFINEMENT RESTRICTION.**

The vote on Amendment #2 failed 2-4 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	

Council Member Shreve moved Amendment #3. Council Member Chmelik seconded the motion.

An ACT to: Amend Frederick County Code § 1-5-26 (A) (1) To reduce from ten to four, the number of hours a dog may be fastened, tied or restrained to any stationary or inanimate object for the purpose of confinement.

Amend § 1-19-5.26 (A)(1). PROPER RESTRAINT, SHELTER, PROTECTION AND CARE FOR DOGS to add certain criteria.

On Exhibit 1, Page 1, Section 1-19-5.26 (A)(1) is hereby amended as follows:

(A) Restraint requirement

- (1) It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied, or restrained to any stationary or inanimate object by means of a rope, chain, strap, or other physical restraint for the purpose of confinement for more than [ten hours] **four (4) hours**, cumulatively in any 24-hour period. **UPON ENACTMENT OF THIS NEW TIME CONSTRAINT, THE DIVISION OF ANIMAL CONTROL SHALL PROVIDE QUARTERLY REPORTS AND FINANCIAL ANALYSIS TO THE COUNTY COUNCIL IN LEGISLATIVE SESSION.**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #3 failed 1-5 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	

The vote on the adoption and enactment into law of Bill No. 17-09 passed 4-2 with Council Members Chmelik 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		

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

Bill No. 17-10 – Continuation of the Payment in Lieu Option for Moderately Priced Dwelling Units and Adjustment to the Payment Amount – Council Member Jessica Fitzwater

Council Member Fitzwater moved to adopt and enact into law Bill No. 17-10. Council Member Donald seconded the motion.

Council Member Fitzwater's Amendment

Council Member Fitzwater moved Amendment #1. Council Member Donald seconded the motion.

An ACT to: Amend Chapter 1-6A (Moderately Priced Dwelling Units) of the Frederick County Code to continue in effect the option to pay a per dwelling unit payment in lieu of building moderately priced dwelling units, to adjust the amount of the payment, and to provide for a triennial adjustment of the payment in lieu amount.

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Amend §1-6A-5.1. Payment in Lieu of Building MPDU'S; Agreements.

On Exhibit 1, Page 1, Subsection 1-6A-5.1(C) is hereby amended as follows:

(C) The Affordability Gap is determined based on the following factors: (1) the Frederick County Median Home Price for the preceding calendar year; (2) the purchasing capacity of the moderate income buyer earning 70% of Area Median Income (AMI), based on prevailing FHA mortgage loan financing, [for the current year] including down-payment requirements **AT THE END OF THE PRECEDING CALENDAR YEAR**; and (3) maintaining a monthly **HOUSING** cost burden at or below 30% of net monthly income for a household earning 70% of AMI. The Affordability Gap as of [July 1, 2017] **DECEMBER 31, 2016** is \$26,500.

On Exhibit 1, Page 2, Subsection 1-6A-5.1(H) is hereby amended as follows:

(H) Triennial adjustment. On or before January 15, 2020, and on or before January 15 every three (3) years thereafter (2023, 2026, etc.), the County Executive shall provide to the County Council a report which [proposes an adjustment to] **IDENTIFIES** the Affordability Gap [by recalculating it] **RECALCULATED AS OF DECEMBER 31**, in accordance with the factors discussed in subsection (C)[, including the Median Home Price and Area Median Income in Frederick County in the 4th quarter of the preceding calendar year]. The [proposed triennial] **REPORT MAY PROPOSE AN** adjustment [will not take effect unless] **BE MADE BY** the County Council [enacts a bill adopting it].

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets] indicate matter deleted from the bill.

The vote on Amendment #1 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		

It was noted a public hearing would be held on Amended Bill No. 17-10 on Tuesday, June 6, 2017, at 7:00 p.m.

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Business Items:

Adoption of the FY 2018 Tax Levy Resolution (Public Hearing held on 5/2/17) – Council President Bud Otis

Council Member Keegan-Ayer moved to adopt the FY 2018 general property tax levy of \$1.06 per \$100 of assessment; and the FY 2018 general property tax levy (tax differential property tax rates) of \$0.9399 in The City of Frederick and \$0.9391 in the Town of Myersville. Council Member Fitzwater seconded the motion that passed 4-2 with Council Members Chmelik 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		

(A copy of the approved/adopted resolution can be obtained from the county’s website, www.FrederickCountyMD.gov.)

Adoption of the Annual Budget and Appropriations Ordinance of Frederick County (Public Hearings held 4/18/17 and 4/24/17) – Council President Bud Otis

Council Member Keegan-Ayer moved to adopt the FY 2018 Operating and Capital Budgets and to approve the FY 2018-2023 Capital Improvement Program (CIP). Council Member Fitzwater seconded the motion that passed 4-2 with Council Members Chmelik 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
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(A copy of the approved/adopted ordinance can be obtained from the county’s website, www.FrederickCountyMD.gov.)

(The Council took a break at 6:35 p.m. and reconvened at 7:00 p.m.)

Public Hearing:

Wedgewood West MXD Rezoning Case No. R-07-01(A) – Jim Gugel, Planning and Permitting Division

Council President Otis swore in all who would testify.

A public hearing was held, as duly advertised, on the Rezoning Case No. R-07-01(A)

Mr. Gugel presented the request from the applicant, Wellington III, LLC, to rezone a 2.8 acre parcel from Limited Industrial (LI) to Mixed Use Development (MXD) and to amend the Wedgewood West MXD Phase I Plan to add this parcel to the MXD for commercial use.

It was noted the Frederick County Planning Commission recommended approval with one condition.

Commenting on the rezoning on behalf of the applicant were: Mr. Rand Weinberg, Esquire, Miles and Stockbridge; Mr. Carl Morris, Mattan Companies; and Mr. Chris Smariga, Harris, Smariga & Associates, Inc.

There was no public comment.

Council Member Chmelik moved to direct staff to draft an ordinance to approve the rezoning request and come back at a later date for signature. Council Member Fitzwater 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
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Public Comments

- Connie Alspaugh

Council Member Comments

Comments were provided by the Council Members.

Adjourn

Meeting adjourned at 7:55 p.m.

Bud Otis, President
County Council