

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 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; John Mathias, County Attorney's Office; and Nancy Luna, 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 Vice President Keegan-Ayer moved to approve the agenda as presented with one change moving item #5, Recognition of Dr. Theresa Alban, to immediately after the agenda which would make it item #4 and moving public comment to Item #5. 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 – Shreve	X		
Presiding Officer - Otis	X		

Recognition of Dr. Theresa Alban

Council President Bud Otis, on behalf of the County Council, recognized Dr. Alban for receiving the 2018 Tom Cookerly Exceptional School Superintendent Leadership Award.

Public Comments

- Melanie Cox

Business Items

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

- J-18-196 – Workforce Services, Office of Economic Development
- J-18-197 – Animal Control Division
- J-18-205 – IIT Division
- J-18-214 – Planning and Permitting Division

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

- J-18-216 – Circuit Court
- J-18-217 – Public Works Division

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

Business Items:

Approval of Minutes from March 13, 2018 and March 14, 2018

Council Vice President Keegan-Ayer moved to approve the minutes of March 13, 2018 and March 14, 2018 as presented. Council Member Fitzwater seconded the motion that passed 6-0-1 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 – Shreve			X
Presiding Officer - Otis	X		

Vote on County Executive Appointment of a Division Director

Council Vice President Keegan-Ayer moved to approve the appointment of Kevin Fox to the position of Deputy Chief and Director of Division of Volunteer Fire and Rescue Services as presented. 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

District 5 – Delauter	X		
At-large – Shreve	X		
Presiding Officer - Otis	X		

First Reading Calendar:

Introduction of a Bill regarding Adequate Public Facilities – Adjustment of School Construction Fees – Council President Bud Otis (on behalf of the County Executive)

Council President Otis, on behalf of the County Executive, introduced a draft bill to adjust school construction fees in accordance with § 1-20-62(G) of the Frederick County Code. The public hearing will be held on May 1, 2018 at 7:00 p.m.

Third Reading Calendar:

Bill No. 18-01 – Increase Mandated General Fund (Increase Committed Fund Balance) – Council President Bud Otis (on behalf of the County Executive)

A public hearing was held on 03/06/2018, as duly advertised, on Bill No. 18-01.

Council Vice President Keegan-Ayer moved to approve Bill No. 18-01 Increase Mandated General Fund (Increase Committed Fund Balance) as presented. Council Member Donald seconded the motion which 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)

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

A public hearing was held on 03/06/2018, as duly advertised, on Bill No. 18-03.

Council Member Shreve moved to approve Bill No. 18-03 Elderly Individual and Retired Military Tax Credit as presented. Council Member Chmelik seconded the motion which passed 4-3 with Council Members Donald, Keegan-Ayer and Fitzwater opposed.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

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)

Bill No. 18-05 – Public Safety Facilities Exemption – Council Member Billy Shreve

A public hearing was held on 03/06/2018, as duly advertised, on Bill No. 18-05.

Council Member Shreve moved to approve Bill No. 18-05 Public Safety Facilities Exemption as presented. Council Member Delauter seconded the motion.

Council Member Chmelik provided Amendment #1, to Bill No. 18-05, as follows:

On Exhibit 1, Page 1, Amend Chapter § 2-8-4(a) as follows:

§ 2-8-4(a) Fees Levied Against Volunteer Fire or Rescue Companies & Properties Owned by the Department of Fire and Rescue.

(a) Any volunteer fire department, rescue department, or ambulance department that is incorporated, designated, and approved and recognized by the Frederick County Volunteer Fire and Rescue Association, Inc., and the county governing body, shall be exempt from any and all fees levied FOR NEW CONSTRUCTION, RENOVATIONS, ALTERATIONS AND DEMOLITIONS by the Frederick County Division of Planning and Permitting and the Frederick County Division of Utilities and Solid Waste Management, including training/community rooms used for classroom-style training, or other uses.

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and Strikethrough] indicate matter deleted from the bill.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

Council Member Chmelik moved to approve Amendment #1 to Bill No. 18-05 as presented. Council Member Shreve seconded the motion which passed 6-1 with Council Vice President 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		

Bill No. 18-06 – Temporary Limited Wood Waste Recycling in the GC Zone – Council Member Tony Chmelik

A public hearing was held on 03/06/2018, as duly advertised, on Bill No. 18-06.

Council Member Shreve moved to approve Bill No. 18-06 Temporary Limited Wood Waste Recycling in the GC Zone as presented. Council Member Delauter seconded the motion.

Council Member Chmelik provided Amendment #1, to Bill No. 18-06, as follows:

On Exhibit 1, Page 1, Amend Chapter § 1-19-8.349 as follows:

(B) Frontage. The site shall have a minimum of [24] **80 feet frontage on a public road.**

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~Strikethrough~~] indicate matter deleted from the bill.

Council Member Chmelik moved to approve Amendment #1 to Bill No. 18-06 as presented. Council Vice President Keegan-Ayer seconded the motion which 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

Presiding Officer - Otis	X	
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Council Member Chmelik provided Amendment #2, to Bill No. 18-06, as follows:

On Exhibit 1, Page 2, Amend Chapter § 1-19-8.349(E) as follows:

(E) Required Setbacks. No active grinding operations associated with the use shall be located less than 150 feet from the property lines **PROVIDING THAT THE ACTIVE GRINDING OPERATION SHALL BE LOCATED NO LESS THAN 250 FEET FROM AN ADJOINING RESIDENTIAL STRUCTURE.**

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~Strikethrough~~] indicate matter deleted from the bill.

Council Member Chmelik moved to approve Amendment #2 to Bill No. 18-06 as presented. Council Member Delauter seconded the motion which 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		

Council Member Chmelik provided Amendment #3, to Bill No. 18-06, as follows:

On Exhibit 1, Page 2, Amend Chapter § 1-19-8.349(F) as follows:

(F) A [solid waste operation] **LIMITED WOOD WASTE RECYCLING FACILITY in the general commercial district may only adjoin **AGRICULTURAL OR** the following uses designated “general commercial, or limited industrial” by § 1-19-5.310:**

- (1) Forestry**
- (2) Farm equipment sales or service**
- (3) Sawmill**
- (4) Other Solid Waste Operations**
- (5) Feed and grain mill**

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

(6) Lumber yard

(7) Stone monument sales

[(8) Carpentry, electrical, plumbing, welding, printing, upholstering]

[(9)] (8) Landscape contractor

[(10)] (9) Wholesaling and processing facilities permitted in GC, LI, or GI zones

[(11)] (10) Salvage yard

[(12)] (11) Motor Freight Terminal

[(13)] (12) Industrial Uses permitted in the GC, LI, or GI zones

[(14)] (13)Mineral extraction and mineral processing

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~Strikethrough~~] indicate matter deleted from the bill.

*Council Member Chmelik moved to approve Amendment #3 to Bill No. 18-06 as presented.
Council Member Donald seconded the motion which 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		

Council Member Chmelik provided Amendment #4, to Bill No. 18-06, as follows:

On Exhibit 1, Page 2, Amend Chapter § 1-19-8.349 to add new (G) as follows:

**(G) USES NOT IN THE AGRICULTURAL, GENERAL COMMERCIAL, OR
INDUSTRIAL ZONES LISTED IN SECTION F ABOVE MAY ELECT TO BE SITED
ADJACENT TO AN EXISTING LIMITED WOOD WASTE OPERATION.**

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EXPLANATION:

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

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Council Member Chmelik moved to approve Amendment #4 to Bill No. 18-06 as presented. Council Member Fitzwater seconded the motion which 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		

(The Council went into closed session at 5:15 p.m. and reconvened in open session at 7:00 p.m.)

Public Hearing:

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

A public hearing was held, as duly advertised, on Bill 18-10.

Council Member Tony Chmelik introduced the bill.

Public comment was heard from:

- Ray Barnes
- Maurice Gladhill
- Colby Hubble
- Patrick Schempp
- Greg Hiteshew
- Robert Ramsburg
- Steve McKay
- Rand Weinberg

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

A public hearing was held, as duly advertised, on Bill 18-11.

Council President Bud Otis introduced the bill.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Wednesday, April 3, 2018**

Public comment was heard from:

- Ray Barnes
- Jason Miller
- Laura Goodpaster
- David Perez
- Danny Farrar

To Consider Bill No. 18-12 – Interagency Internal Audit Authority – Council President Bud Otis

A public hearing was held, as duly advertised, on Bill 18-12.

Council President Bud Otis introduced the bill.

Public comment was heard from:

- Tricia Griffis
- Bill Adams
- Bill Seymour
- Sean Walker
- Steve Darr

Public Comments:

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 8:45 p.m.

Bud Otis, President
County Council