

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 15, 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. 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		

Public Comments

- Don Briggs, Mayor of Emmitsburg
- Michelle Marshall
- Cynthia Tern
- Ken Oldham
- Joe Parsley

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 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		

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

Business Items:

Approval of Minutes from April 16, April 17, April 24, April 25, April 26, May 1, and Closed Session Minutes from April 10, 2018

Council Vice President M.C. Keegan-Ayer moved to approve the minutes as presented. 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		

Confirmation of County Executive's Appointments and Reappointments to Boards and Commissions – Joyce Grossnickle, Office of the County Executive

Ms. Grossnickle presented the appointments and reappointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments and reappointments as presented.

Adult Public Guardianship Review Board

Council Vice President M.C. Keegan-Ayer moved to approve Geoffrey Littrell, Marcy Gouge and Tanya Shoemaker to the Adult Public Guardianship Review Board to terms as presented by staff. 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		

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Containment Laboratory Community Advisory Committee

Council Vice President M.C. Keegan-Ayer moved to approve Dr. J. Craig Reed and Sandra Wastler to the Containment Laboratory Community Advisory Committee to terms as presented by staff. 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		

Defined Contribution Plans Committee

Council Vice President M.C. Keegan-Ayer moved to approve Susan Keller, Tony Pellegrino and Daniel Lewis to the Defined Contribution Plans Committee to terms as presented by staff. 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		

Human Relations Commission

Council Vice President M.C. Keegan-Ayer moved to approve Francisco Alves, Marguerite Vacca-Kaye and Blair Pettrey to the Human Relations Commission to terms as presented by staff. 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		

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Insurance Committee

Council Vice President M.C. Keegan-Ayer moved to approve Dan Oldham and Clarence "Chip" Jewell to the Insurance Committee to terms as presented by staff. 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		

Roads Board

Council Vice President M.C. Keegan-Ayer moved to approve Barbara Wyatt to the Roads Board to terms as presented by staff. 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		

Solid Waste Advisory Committee

Council Vice President M.C. Keegan-Ayer moved to approve Peter Blood to the Solid Waste Advisory Committee to terms as presented by staff. 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		

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At-large – Shreve	X		
Presiding Officer - Otis	X		

Transportation Services Advisory Council

Council Vice President M.C. Keegan-Ayer moved to approve Neil Fay and Jamie McKay to the Transportation Services Advisory Council to terms as presented by staff. 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		

**Affirm the Confirmation of Appointments to the Frederick County Ethics Commission –
Mary Ellen Rhoderick, Ethics Commission Nominating Committee and Linda Thall, Office
of the County Attorney**

Ms. Rhoderick and Ms. Thall presented the appointments to the Frederick County Ethics Commission made by the Ethics Commission Nominating Committee. Ms. Rhoderick and Ms. Thall requested the Council's confirmation of the appointments and reappointments as presented.

Council Vice President M.C. Keegan-Ayer moved to approve M. Shane Canfield, Deborah Lundahl, Deidre Davidson and Reverend Douglas Jones to the Ethics Commission to terms as presented by staff. 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		

Vote on Comcast Agreement – Michael Chomel, Office of the County Attorney

Mr. Chomel presented the terms of the Comcast Agreement to the Council.

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Council Vice President M.C. Keegan-Ayer moved to authorize the County Executive to sign the Comcast Franchise Agreement and the associated Institutional Network (I-NET) Indefeasible Right of Use (IRU) Agreement. Council Member Jessica Fitzwater seconded the motion that passed 4-3 with Council Members 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 – Shreve		X	
Presiding Officer - Otis	X		

Budget Adjustment J 18-257 – Rick Harcum, Director, Budget Office

Mr. Harcum presented budget adjustment J 18-257 to the Council.

Council Vice President M.C. Keegan-Ayer moved to budget adjustment J 18-257 as presented. Council Member Tony 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		

Tax Rate Adoption – Rick Harcum, Director, Budget Office and Diane Fox, Director Treasury

Mr. Harcum and Diane Fox presented the tax rate adoption to the Council.

Council Vice President M.C. Keegan-Ayer moved to adopt the real property tax rate for FY19 of \$1.06, unchanged from FY18, and the tax equitable rate for Frederick city of .9413 and for Myersville of .9333 and approve the resolution attached as well. Council Member Jerry Donald seconded the motion that passed 4-3 with Council Members 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 – Shreve		X	
Presiding Officer - Otis	X		

FY 2019 Budget Adoption Ordinance – Rick Harcum, Director, Budget Office

Council Member Tony Chmelik moved to approve Budget Amendment #44 as follows:

On Page 24, Funded Budget Appeals for County Steps, Amend:

County Steps	[\$5,221,771] \$2,551,771
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Additionally:

To provide for the reduction of funding for the proposed County employee salary step increases for a total budget reduction of \$3,000,000.

Council Member Tony Chmelik moved to approve Budget Amendment #44 as presented. Council Member Billy Shreve seconded the motion that failed 3-4 with Council Members Donald, Keegan-Ayer, Fitzwater and 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 Jerry Donald moved to rescind Council approval of Budget Amendment #21 adopted on Tuesday, May 8, 2018 which had deleted \$8,000.00 from the budget for the Town of Emmitsburg, and thereby, reinstating \$8,000 for the Town sidewalk project back into the FY2019 County budget. Council Vice President M.C. Keegan-Ayer seconded the motion that failed 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 – Shreve		X	
Presiding Officer - Otis	X		

Mr. Harcum presented the budget adoption ordinance to the Council.

Council Vice President M.C. Keegan-Ayer moved to adopt the ordinance adopting the annual budget and appropriate ordinance of Frederick County. Council Member Jessica Fitzwater seconded the motion that passed 4-3 with Council Members 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 – Shreve		X	
Presiding Officer - Otis	X		

Budget Adjustment J 19-001 – Rick Harcum, Director, Budget Office

Mr. Harcum presented budget adjustment J 19-001 to the Council.

Council Vice President M.C. Keegan-Ayer moved to budget adjustment J 19-001. 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		

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Third Reading Calendar:

Amended Bill No. 18-07 – Senior Citizens Local Supplement to Homeowner’s Property Tax Credit – Council Members Jerry Donald and Kirby Delauter

Council Member Jerry Donald moved to approved Bill No. 18-07 – Senior Citizens Local Supplement to Homeowner’s Property Tax Credit. Council Member Kirby 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 – 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:

Payment in Lieu of Tax Agreement – Orchard Park Residential, LLC – Milton Bailey, Housing Director and Sarah Nelson, Housing Program Manager, Citizens Services Division

A public hearing was held, as duly advertised, on Payment in Lieu of Tax Agreement – Orchard Park Residential LLC.

Mr. Bailey presented the PILOT – Orchard Park Residential, LLC Agreement to the Council.

The Council questioned staff on issues with the application.

Public comment was heard from:

- Mark Long, Affordable Housing Council of Frederick County

Council Member Jessica Fitzwater moved to approve and enter into a Payment in Lieu of Tax Agreement with Orchard Park Residential, LLC and adopt the accompanying resolution. Council Vice President M.C. Keegan-Ayer 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		

(Council Members took a break at 6:15 p.m. and reconvened at 7:00 p.m.)

Public Hearing:

**To Consider Bill No. 18-14 – Amendment to Frederick County Code, Chapter 1.7-1: Ethics
– Council President Bud Otis (on behalf of the County Executive)**

A public hearing was held, as duly advertised, on Bill No. 18-14.

Linda Thall, Office of the County Attorney reviewed the proposed bill that would restate the law's purpose and intended construction; define certain terms, limit a former regulated lobbyist's ability to work for the County on certain matters for one year after the lobbyist's registration ends; expand the scope of the law's "use of prestige of office" provision; modify the deadline for a candidate to file a financial disclosure statement before the candidacy is deemed withdrawn; provide for nondisclosure of home addresses on financial disclosure statements; modify the financial disclosure requirements for employment with or interests in entities doing business with the County, indebtedness to entities doing business with or regulated by one's department or agency, and earned income received by a spouse who is a regulated lobbyist; increase late fees for failure to file a financial disclosure statement or a lobbyist registration or report by the filing deadline; and make certain housekeeping changes.

Public comment was heard from:

- Betty Mayfield

Public Comments:

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 7:20 p.m.

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Bud Otis, President
County Council