

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, August 21, 2018**

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

Also present were Ragen Cherney, Council Chief of Staff; John Mathias, County Attorney; 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 5-1-1; with Council Member Billy Shreve opposed and Council Member Tony Chmelik absent.

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

- Mark Lancaster

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 Tony Chmelik absent.

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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		

Business Items:

**Approval of Minutes from July 10, July 17 and July 24, 2018 and Closed Session Minutes
from July 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 5-0-2; Council Member Billy Shreve abstained and Council Member Tony Chmelik was absent.

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 Annexation – Renn Property Express Approval Review

Jim Gugel, Director, Planning, Mike Marschner, Special Administrative Director, Office of the County Executive, Mike O'Connor, Mayor of Frederick City and Tracy Coleman, Deputy Director of Engineering, City of Frederick presented an overview of the proposed express approval.

Council Vice President M.C. Keegan-Ayer moved the Renn Property (as identified in the staff report and Frederick City Resolution 17-20):

1. *the City zoning of RC (Resource Conservation) for the 60 acre portion does not allow for land uses substantially different or of a substantially higher density than the County zoning of A (Agricultural);*
2. *the City zoning of M1 Light Industrial for the remaining 327 acre portion does allow an authorized use at a substantially higher density of more than 50% of the density authorized under the County zoning of A (Agricultural);*

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3. *the City zoning of M1 Light Industrial for this remaining 327 acre portion does allow for land uses substantially different than the authorized uses in the County zoning of A (Agricultural);*
4. *The County does hereby expressly approve, notwithstanding Section 4-204 (b) of the Land Use Article of the Maryland Code, that the City of Frederick may place the 327-acre portion of the annexed land in the M1 Light Industrial zone and immediately allow development under the M1 Light Industrial zone.*

Council Member Jessica Fitzwater seconded the motion that passed 6-0-1; with Council Member Tony Chmelik absent.

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		

Town of Myersville Annexation – Harshman/Town Properties – Express Approval Review

Jim Gugel, Director, Planning presented an overview of the proposed express approval.

Council Vice President M.C. Keegan-Ayer moved to recognize that the R1 smart growth zoning is inconsistent with the Counties comprehensive plan, which will allow for substantially higher density than the existing agricultural zoning on the property. She moved to waive the inconsistencies and grant express approval based on the 2 points laid out in the staff report. The property will be included in the Myersville Comprehensive Growth Area and there will not be any negative impacts on the Counties facilities. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1; with Council Member Tony Chmelik absent.

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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First Reading Calendar:

Introduction of a Bill regarding Adequate Public Facilities – Adjustment of School Construction Fees

Council President Bud Otis, briefed the Council on a proposed bill that would adjust school construction fees as authorized by §1-20-62(G) of the Frederick County Code.

Third Reading Calendar:

Bill No. 18-16 – Construction of Accessory Dwelling Units in Frederick County

Council Member Jessica Fitzwater moved to approve Bill No. 18-16 Construction of Accessory Dwelling Units in Frederick County. Council Vice President M.C. Keegan-Ayer seconded the motion that passed 4-2-1; with Council Member Kirby Delauter and Billy Shreve opposed and Council Member Tony Chmelik absent.

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. 18-17 – Impact Fees for Accessory Dwelling Units

Council Member Jessica Fitzwater moved to approve Bill No. 18-17 Impact Fees for Accessory Dwelling Units. Council Vice President M.C. Keegan-Ayer seconded the motion that passed 4-2-1; with Council Member Kirby Delauter and Billy Shreve opposed and Council Member Tony Chmelik absent.

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)

(The Council took a break at 5:35 p.m. and reconvened at 7:00 p.m.)

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Public Hearing:

To Consider Bill No. 18-18 – Amend Elderly Individual & Retired Military Tax Credit – Council Member Jerry Donald

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

Council Member Donald reviewed the proposed bill that would amend requirements as to income and home value on Bill No. 18-03.

Public comment was heard from:

- Ray Barnes
- Guy Everhart, Capt., USN (Ret)
- Doug Reichard, Col, USA (ret)
- Jim Wilcom

To Consider Bill No. 18-19 – Concerning Revisions to the Retiree Benefit Trust of Frederick County, MD – Change in Composition of Investment Committee - Council President Bud Otis (on behalf of the County Executive)

A public hearing was held, as duly advertised, on Bill No. 18-19.

Council Member Fitzwater reviewed the proposed bill that would amend the Retiree Benefit Trust of Frederick County, Maryland to change the composition of the Investment Committee formed under the Trust to remove representatives of the Frederick County Board of Education.

Public comment was heard from:

- None

To Consider Bill No. 18-20 – County Council Responsibility for Council Employees

A public hearing was held, as duly advertised, on Bill No. 18-20.

Council President Bud Otis reviewed the proposed bill that would amend the Frederick County Personnel Rules to authorize the County Council, as the independent legislative branch, exclusive authority over the employees it appoints.

Public comment was heard from:

- None

Public Comments

- None

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Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 7:35 p.m.

Bud Otis, President
County Council