

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, September 4, 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, Assistant 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 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

- None

Business Items

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

Rick Harcum, Director, Budget and Paul Lebo, Chief Operating Officer, Frederick County Public Schools answered questions from Council Member Kirby Delauter.

Council Vice President M.C. Keegan-Ayer moved to approve the budget adjustments as presented. Council Member Tony Chmelik seconded the motion that passed 6-0-1; Council Member Billy Shreve abstained.

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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 August 14 and 21, 2018

Council Vice President M.C. Keegan-Ayer moved to approve the minutes as presented. Council Member Tony Chmelik seconded the motion that passed 6-0-1; 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		

Priority Funding Area (PFA) Map Revision – Hamptons West

Jim Gugel, Director, Planning, presented an overview of the proposed map revisions.

Council Vice President M.C. Keegan-Ayer moved to agree with staff finding that the properties meet the Counties Priority Funding criteria, and therefore move to approve the designation of the proposed Hamptons West as part of the Priority Funding Area and the County PFA Map. 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		

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Discussion of New Business

Council Member Billy Shreve suggested a workshop on the cost of construction of homes and a workshop on existing Priority Funding Areas and any new areas that could be focused on to become PFAs.

First Reading Calendar:

Introduction of a Bill regarding Limited Food Waste Composting

Council President Bud Otis (on behalf of the County Executive) briefed the Council on a proposed bill that would allow food waste compost processing, with certain conditions, for agricultural and commercial uses.

Introduction of a Bill regarding Senior Services Advisory Board of Frederick County

Council President Bud Otis (on behalf of the County Executive) briefed the Council on a proposed bill that would create a Senior Services Advisory Board of Frederick County, state the powers and duties of the Board, set standards for the appointment of Board members, provide for the terms of the Board members, provide for certain ex officio members on the Board, describe the process for election of a Board Chairperson and Vice-Chairperson, designate the Board as an advisory council to the Senior Services Division as defined in federal law, abolish the Commission on Aging that the Board replaces and provide for the members of the Commission on Aging serving at the time of that Commission's abolishment to serve on the Senior Services Advisory Board for the remainder of their terms without the need for appointment or confirmation.

Introduction of a Bill regarding Farm-based Craft Brewery Promotional Events

Council President Bud Otis (on behalf of the County Executive) briefed the Council on a proposed bill that would amend Chapters 1-19 of the Frederick County Code to allow farm-based craft beverage promotional events.

Introduction of a Bill regarding Impartiality of Planning Commission and Board of Appeals Members

Council Member Tony Chmelik briefed the Council on a proposed bill that would assure the impartiality of Planning Commission and Board of Appeals Members.

Introduction of a Bill regarding Amendment to Frederick County Code, Chapter 1-7.1: Ethics

A bill that would repeal previously amended language in the Frederick County Code, Chapter 1-7.1 Ethics, to repeal the establishment of an Independent Ethics Commission Nominating Committee: which had set forth the eligibility requirements for appointments to the Committee,

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the composition of the Committee and the process for selecting its members; to describe the role of the Committee in the appointment process for Ethics Commission members; to define the duties of the Committee; to require the County Executive to select a nominee for appointment to the Ethics Commission from the applicants recommended by the Committee; and to allow the County Executive to appoint the Ethics Commission's alternate member to fill the unexpired term of a regular member without a referral to the Committee was introduced.

Third Reading Calendar:

Bill No. 18-18 – Amendment to Elderly Individual and Retired Military Tax Credit

Council Member Jerry Donald moved to approve Bill No. 18-18 Amendment to Elderly Individual and Retired Military Tax Credit. Council Vice President M.C. Keegan-Ayer seconded the motion that passed 4-3; with Council Members Tony Chmelik, Kirby Delauter and 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		

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

Bill No. 18-19 Concerning Revisions to the Retiree Benefit Trust of Frederick County, MD – Change in Composition of Investment Committee

Council Vice President M.C. Keegan-Ayer moved to approve Bill No. 18-19 Concerning Revisions to the Retiree Benefit Trust of Frederick County, MD – Change in Composition of Investment Committee. 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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Bill No. 18-20 County Council Responsibility for Council Employees

Council Vice President M.C. Keegan-Ayer moved to approve Bill No. 18-20 County Council Responsibility for Council Employees. Council Member Tony Chmelik seconded the motion that passed 4-3; with Council Members M.C. Keegan-Ayer, Jerry Donald and Jessica 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)

Public Hearing:

FY 2019 MALPF Applicants

A public hearing was held, as duly advertised, on FY 2019 MALPF Applicants.

Council President Bud Otis swore in all those who would testify.

Anne Bradley, Land Preservation Program Administrator presented the following FY 2019 MALPF Applicants to the Council: 19-1CF Kathy Baker; 19-2CF Graceham Properties, LLC; 19-3CF Grossnickle, Joshua Upton, LLC; 19-4NG Brian and Kim Horman; 19-5CF Kline Farm Properties (N of 15); 19-6CF R&S Farms; 19-7CF Ryan Seiler and 19-8CF Eric and Vickey Troxell.

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to approve sending applications 19-1CF through 19-8CF as presented by staff forward to the State for further review and appraisal. Council Member Jerry Donald 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		

Public Comments

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 6:05 p.m.

Bud Otis, President
County Council