



NAC 7 Meeting Minutes July 9, 2019

Recorder: Michele Bowman
Location: City of Frederick Annex
Start Time: 7:00 pm **End Time:** 10:00 pm
Attendance: 45

POLICE REPORT: Sgt. Mark Pecor

CRIME STATS: May 14 – July 5, 2019

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| Calls for service (total) | 1214 |
| Proactive Enforcement | Patrol checks: 231 Traffic Stops: 105 |
| Arrests | 16 (11 from traffic stops) |
| Significant Issues | <p>Homicide: The Frederick Police Department – Criminal Investigations Division is investigating a double shooting that occurred last night in the 1000 block of Columbine Drive, which left one person dead and one seriously wounded.</p> <p>On Thursday, June 27 at approximately 9:39 pm, the Frederick Police Department received a call reporting a possible firearm's discharge in the area of the 1000 block of Columbine Drive in Frederick. Officers responded to the scene and found a deceased male identified as Gregory Allen Bair Knight, age 30 of Frederick, MD, suffering from multiple gunshot wounds and a 27-year-old female in the passenger seat also suffering from multiple gunshot wounds. The first responding officers immediately provided medical assistance to the female victim until EMS arrived. The female victim was transported by Maryland State Police helicopter to a local trauma center, where she is listed in stable but serious condition.</p> <p>At this time, we are not releasing the name of the female victim. Several pieces of evidence were recovered from the scene and will be processed.</p> |
| Other: | |
| Robbery: | 0 |
| Burglary: | 4 Unit block of E. 8 th Street – bicycle from fenced yard 1400 block of Taney Avenue – bicycle from porch 1400 block Dockside Drive – suspect entered home and left quickly, nothing taken 1300 block Taney Avenue – apartment broken into and various items taken |
| Theft of Auto | 0 |
| Theft from Auto | 2 |

CRIME PATTERNS/TRENDS/MISC

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| Community Crime Notifications | - City has seen an uptick in theft of property from motor vehicles. Please keep property out of sight and secure your vehicle. If have surveillance video system, please make a check of the video if hear of reported thefts in your area. To view crime information: www.communitycrimemap.com |
| Additional Needs | - |
| Resident Concerns | <ul style="list-style-type: none"> - Dairy Maid noise concerns FPD has a noise meter and they were out at Dairy Maid yesterday and the reading was in compliance. Sgt. Pecor did walk the area on a very hot day and will reach out to Code Enforcement to see if there are any violations on their end. On Vernon there the truck refrigeration can be also heard. Sgt. Pecor will keep the NAC posted as he gets more information and will stop by the Dairy on Friday. A resident said that the noise is louder at random times. Residents cannot open windows or doors, as the noise is loud. Email Sgt. Pecor if you are interested in information on the issue. mpecor@frederickmdpolice.org - Fairview accident concerns. Cherian Eapen is the City of Frederick Traffic |

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| | <p>Engineer: ceapen@cityoffrederick.com</p> <ul style="list-style-type: none"> - Crossing guard at 12th and Motter Ave. A resident asked if one could be added to, the kids do not have to walk past the school to get to the other guard. Captain Sommers said that SOD will be conducting an analysis of all requests for school crossing guards. Afterwards, the priority intersection will be added to the contract if funds are available. |
| Additional Info: | <ul style="list-style-type: none"> - Looking for entry level police officers and lateral officers - FPD has collaborated with the Neighbors app (by Ring) as an additional avenue to provide crime info. - Why do the fire engines have to be so loud – very loud in the middle of the night? - |
| FPD In The Community | <ul style="list-style-type: none"> - National Night Out: Tuesday, August 6th from 6-9 pm at Mullinix Park, Hill Street Park, Lucas Village Community, and Carrollton Park |

PLANNING:

- Brandon Mark – City of Frederick 2020 Comprehensive Plan <see attached>

OLD BUSINESS:

- **Recovery House discussion – 439 Delaware Road**
Sean Nicholson attended from Solid Ground Recovery. Sean provided residents with the background of the house as well as other properties in the city and county that he has been involved with.

The Mayor told the residents about a memo and will be included in these minutes. Numerous residents had questions regarding the use and occupancy of the property as well as if it is considered a business.

NEW BUSINESS:

COMMENTS:

- Some residents on Motter are having basement flooding issues and concerned about the new apartments being built at the old Sharpe Flower location. The Mayor said the Army Corp of Engineers will be issuing a report to the city about ideas how to mitigate some of these occurrences. He said that he has also had issues with his basement flooding and understands.

UPCOMING EVENTS:

- Tuesday, August 6th 6 – 9 pm National Night Out, contact M. Bowman, Frederick Police

CONTACTS:

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| NAC Coordinators | Don Dean | jddean@comcast.net |
| | Gail Bradley | glgbradley@gmail.com |
| | Kris Fair | kris.g.fair@gmail.com |
| | Missy Conner | melissns@gmaol.com |

COF NAC Liaison:

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|-------------------------|--------------|------------------------------|
| Michele Bowman | 301-600-2091 | mbowman@frederickmdpolic.org |
| Frederick Police | | |
| Sgt. Mark Pecor | 240-674-6787 | mpecor@frederickmdpolic.org |
| Cpl. Kacie Strong | 240-578-5682 | kstrong@frederickmdpolic.org |
| Cpl. Jason Essel | 301-748-6199 | jessel@frederickmdpolic.org |

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| <p>NAC 7 MEETINGS – 7:00 pm East of Market Apartments</p> <p>2019 Schedule</p> <p>September 3 November 5</p> | <p>FREDERICK POLICE DEPARTMENT</p> <p>Emergency: 911 Non-Emergency: 301-600-2102 Anonymous Crime Tips 301-600 TIPS (8477) – phone 240-674-TIPS (8477) - text fpdcrimetip@frederickmdpolic.org</p> |
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Project Fact Sheet

July 9, 2019

Project Name: 2020 Comprehensive Plan Update

NAC: 7

Case Number: N/A

Project Location: Citywide

2020 Comprehensive Plan Update

The Division of Planning is launching efforts to draft the 2020 Comprehensive Plan Update.

With the 2010 Comprehensive Plan as the foundation, the Division will begin the process by gathering public input and collecting data to define goals and strategies that will guide the City's growth and development for the next ten to twenty years. The Plan will establish implementation measures and benchmarks to ensure that the community's vision is put into action and the goals are being met.

The Land Use Article from Maryland State Law requires that the City's Comprehensive Plan is updated every 10 years. The plan must include public input and the Planning Commission and Board of Aldermen are required to consider topics such as: Land Use, Transportation, Sensitive Areas, Community Facilities, Water Resources, and Municipal Growth, among others. In addition to the State requirements, the Plan will also consider Housing, Historic Preservation and Community Character and Design.

What is a Comprehensive Plan?

A Comprehensive Plan outlines the vision for future growth and development. The Comprehensive Plan is one of the most important decision-making and priority setting tools that is used by the Mayor and Board of Aldermen, Planning Commission and City Departments. It is also used by the development community and residents to predict future growth, infrastructure and service improvements.

The foundation of the Comprehensive Plan is derived from background data and input from residents and stakeholders as well as City Staff and the Planning Commission members. Ultimately, the Mayor and Board of Aldermen adopt a plan, the framework which guides coordinated development and high level of standards of public services and facilities in the City. A few examples of decisions that the Comprehensive Plan influences include:

- Zoning assigned to properties and land use regulations
- Pursuing investment in transportation infrastructure
- Building facilities such as schools, parks and emergency services facilities;
- Maintenance and expansion of water and sewer services;
- City code and ordinance amendments;
- Capital Improvement Plan (CIP); and
- Annual Budget;

These decisions result in the built environment that we experience every-day. A plan that gains consensus among citizens and the various stakeholder groups provides the Planning Commission and Mayor and Board of Aldermen the direction to make confident decisions about the future of our City. This is why community input is so vital to the development of the plan.

Public Participation

The public is encouraged to participate by completing a five minute survey or by leaving comments on the interactive mapping tool by going to www.cityoffrederick.com/2020compplan. With the interactive map, participants can zoom to neighborhood level and enter a comment on specific issues or can leave comments regarding larger issues that apply City-wide.

In addition to the survey and map, City staff will be presenting the efforts to the NACs and stakeholder groups beginning in July. The public is encouraged to stay engaged throughout the process, it is anticipated that the Planning Commission and Mayor and Board of Aldermen will be considering the Plan during workshops and public hearings during the Fall of 2019 and Spring 2020, public comments during these hearings are strongly encouraged.

Tentative Planning Commission Meeting Date: TBD

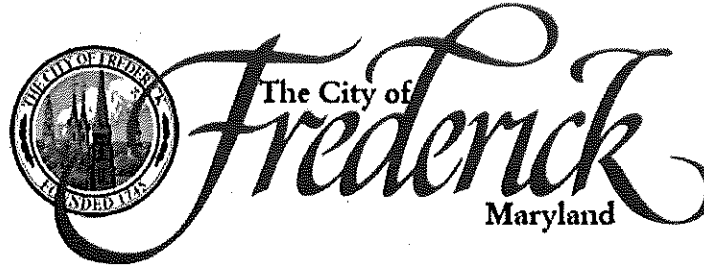
Planning Staff: Brandon Mark
301-600-1248
bmark@cityoffrederick.com

The information provided was taken from the plans submitted by the applicant. The project may change during the review process. Please check with the Planning Department to confirm the meeting date. Comments on this plan can be mailed or emailed to the Planner listed above.



Mayor

Michael C. O'Connor



Aldermen

Kelly Russell

President Pro Tem

Derek T. Shackelford

Roger A. Wilson

Donna Kuzemchak

Ben MacShane

MEMORANDUM

TO: Mayor O'Connor
FROM: Sandra Nickols, City Attorney
Joe Adkins, Deputy Director for Planning/Zoning Administrator
DATE: June 5, 2019
SUBJECT: 439 Delaware Road

This memorandum relates to a house that is being characterized as an "addiction recovery safe house", located at 439 Delaware Road (the "Property"). The Property is located within the R6 zoning district and its approved use is that of a single family dwelling. The LMC defines "single family dwelling" as "a dwelling designed for and used exclusively by one family". The LMC further defines "family" as "[t]wo or more persons living together as a single housekeeping unit, but not including a group of persons occupying a rooming house, tourist home, motel, hotel, group home, nursing home, fraternal or similar living arrangement." LMC § 1002.

Peter Fitzpatrick¹ has stated that the Property is being leased to an average of 12 individuals who are recovering alcoholics and/or drug addicts who have completed their treatment. The mission is to provide a drug and alcohol-free environment, wherein the individuals can act as a family unit, focus on their continued sobriety, and provide each other mutual encouragement and support. The residents act as a single housekeeping unit, sharing typical family duties such as cooking, cleaning, and laundry. No onsite professional services are provided to the residents, who rent individually on a week-to-week basis. In sum, on behalf of his clients, Mr. Fitzpatrick is taking the position that the Property is being used by individuals living together as a single housekeeping unit and is therefore properly classified as a single family dwelling within the meaning of the LMC.

Based on the facts as alleged, at this time we cannot state definitively that the Property is appropriately considered a single family dwelling as opposed to an alternative living arrangement akin to a "regulated group home". (See LMC § 827.) If we deem the use to be that of a single family dwelling, the inquiry stops there; single family dwelling is a use permitted by right in the R6 zoning district, and thus no further zoning approvals would be necessary for the operation of such use. On the other hand, if we were



to conclude that we were not convinced that the residents were living as a single housekeeping unit, we would be obligated to consider the requirements of the federal Fair Housing Act (FHA).

It is well established that individuals recovering from drug or alcohol addiction are handicapped persons within the meaning of the FHA. A person can establish a violation under the FHA by showing the disparate impact of a policy on a particular group. It is likely that determining that the residents are not a family and requiring the residents and owners to cease the current use of the Property would actually or predictably result in discrimination, forming the basis for a disparate impact claim.

Even without a disparate impact claim, it is also a discriminatory practice under the FHA to fail to make reasonable accommodations in rules, policies, practices or services, when such accommodations may afford handicapped persons equal opportunity to use and enjoy a dwelling. Courts have widely applied the reasonable accommodations requirement to zoning ordinances and other land use regulations and practices. In situations substantially similar to ours, courts have held that reasonable accommodations such as modifying the definition of family are warranted in order to enable handicapped individuals the same opportunity to rent a house as persons without handicaps.

Based on the foregoing, we would not recommend attempting to impose any zoning-related enforcement actions at this time. This memorandum only addresses this matter from a zoning perspective. The Property remains subject to life/safety codes such as the building code, fire code, and property maintenance code.

¹ Peter Fitzpatrick is an attorney with Weaver & Fitzpatrick, P.A. He represents Solid Ground Recovery, LLC as well as its members, Bradley Meadors and Sean Nicholson, in their individual capacities. The LLC and Mr. Nicholson act as managers of the Property. Per SDAT, Mr. Meadors and Diane Schuster are the owners of the Property.