

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 2, 2015**

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

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; and Patti Morrow, Recording Secretary.

Council President 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 recitation of the Pledge of Allegiance.

Public Comments

- Stan Mordensky

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-15-217 – Engineering and Construction Management, Public Works Division
- #BT-15-218 – Adult Detention Center, Sheriff's Office
- #BT-15-230 – Emergency Management Division
- #BT -15-226 – Office of Sustainability and Environmental Resources, Community Development Division
- #BT-15-227 – Emergency Management Division
- #BT-15-231 – Housing and Community Development, Citizens Services Division
- #BT-15-232 – Housing and Community Development, Citizens Services Division
- #15-5 - Board of Education Current Expense Fund Amendment

Council Member Keegan-Ayer moved to approve the consent agenda 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 - Otis			
At-large - Shreve			X
Presiding Officer - Otis	X		

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BUSINESS ITEMS

Approval of Minutes

Council Member Keegan-Ayer made a motion to approve the April 29 and April 30, 2015, minutes. Council Member Donald 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

Confirmation of Appointment to the Frederick County Planning Commission (FcPc) – Doug Browning, Chief Administrative Officer

Mr. Browning presented County Executive Gardner’s appointment she recently made to the Frederick County Planning Commission. Mr. Browning requested the Council’s confirmation of the appointment.

Council Member Keegan-Ayer moved to affirm the appointment of Ms. Carole Jaar Sepe to serve a term effective July 1, 2015, and to expire June 30, 2020. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member 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 - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

The Council requested it would like to interview all future FcPc appointees before confirming their appointments.

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To Consider Designation of ‘Trout Run (Richey Lodge’ located at 12929 Catoctin Hollow Road, as a Listed Site on the Frederick County Register of Historic Places (Continued from 4/7/15 and 4/21/15) – Denis Superczynski, Community Development Division

Council Member Shreve moved to affirm the recommendation of the Historic Preservation Commission to place Trout Run/Richey Lodge on the Frederick County Register of Historic Places. Council Member Chmelik seconded the motion that failed 1-6 with Council Members Otis, Keegan-Ayer, Chmelik, Delauter, Donald, and 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

Discussion Regarding Continued Membership in the Clean Chesapeake Coalition (CCC) – Council President Bud Otis

Mr. Doug Browning, Chief Administrative Officer, and Ms. Shannon Moore, Community Development Division; participated in the discussion.

Council Member Shreve moved to allocate \$25,000 to continue the membership in the CCC. Council Member Delauter seconded the motion that failed 5-2 with Council Members Otis, Keegan-Ayer, Chmelik, Donald, and 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

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Introduction of a Bill to Amend Chapter 1-2, Administration, Article II of the Frederick County Code – Council President Bud Otis (On behalf of Council President Bud Otis and County Executive Jan Gardner)

Council Member Keegan-Ayer stated for the record: Bill No. 15-06: A bill to amend Frederick County Code Chapters 1-2: Administration Article II: Purchases to add the definitions: Business Entity, Direct Financial Interest, and Qualified Relative; to provide that Frederick County will not enter into contracts with County Council Members, the County Executive, or business entities in which a County Council Member, the County Executive or a qualified relative of a County Council Member or the County Executive has a direct financial interest; and generally relating to limitations on awards of County Contracts.

Questions and comments ensued.

Council Member Otis advised the public that Bill No. 15-07 would be scheduled for a public hearing on Tuesday, July 7, 2015.

Third Reading Calendar:

To Consider Bill #15-01 Concerning Amendment of the Frederick County Personnel Rules – Council President Bud Otis (On behalf of the County Executive)

Mr. Mitch Hose briefly reviewed the proposed changes in the Frederick County Personnel Rules.

Council Member Keegan-Ayer moved to adopt the changes to the Personnel Rules as presented and enact Bill No. 15-01. Council Member Fitzwater seconded the motion that passed 5-2 with Council Members 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 - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

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Public Hearings

To Consider Bill #15-03 Concerning an Update to the Frederick County Building Code – Chapter 1-6 – Council President Bud Otis (On behalf of the County Executive)

A public hearing was held, as duly advertised, on the update to the Frederick County Building Code.

Ms. Kathy Mitchell, Office of the County Attorney, and Mr. Gary Hessong, Community Development Division, commented on the update.

Public comment was heard from:

- Denise Jacoby – Frederick County Building Industry Association

Council Member Otis noted the record would be closed and the third reading of Bill #15-03 would occur on Tuesday, June 16, 2015.

To Consider Bill #15-04 Concerning an Update to the Frederick County Electric Code – Chapter 1-7 – Council President Bud Otis (On behalf of the County Executive)

A public hearing was held, as duly advertised, on the update to the Frederick County Electric Code.

Ms. Kathy Mitchell, Office of the County Attorney, and Mr. Gary Hessong, Community Development Division, commented on the update.

There were no public comments.

Council Member Otis noted the record would be closed and the third reading of Bill #15-04 would occur on Tuesday, June 16, 2015.

To Consider Bill #15-05 Concerning an Update to the Frederick County Plumbing Code – Chapter 1-14 – Council President Bud Otis (On behalf of the County Executive)

A public hearing was held, as duly advertised, on the update to the Frederick County Electric Code.

Ms. Kathy Mitchell, Office of the County Attorney and Mr. Gary Hessong, Community Development Division, commented on the update.

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Public comment was heard from:

- Denise Jacoby – Frederick County Building Industry Association

Ms. Jacoby provided several changes to the plumbing code that the Council may wish to consider.

Council Member Otis noted the record would be closed and the third reading of Bill #15-05 would occur on Tuesday, June 16, 2015.

Public Comments

None.

Council Comments

Council Member Chmelik moved to suspend the Council Rules of Procedure to allow consideration of sending a letter. Council Member Donald seconded the motion that passed 6-1 with Council Member 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 - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Council Member Donald moved to ask the County Executive to cease accepting all applications for the Frederick County Register of Historic Places until the County Council has had an opportunity to review the Frederick County Historic Preservation Ordinance. Council Member Fitzwater seconded the motion.

Council Member Shreve offered an amendment to the motion to ask the County Executive to stop taking ethics complaints until the Council can review the policy; reappoint the Frederick County Ethics Commission, and decide at what point the Council would take the role of the boards that exist. Council Member Delauter seconded the motion that failed 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, Donald and Fitzwater 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis		X	

The vote on the main motion to cease accepting all applications for the Frederick County Register of Historic Places until the County Council has had an opportunity to review the Frederick County Historic Preservation Ordinance passed 5-2 with Council Members 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 - Otis			
At-large - Shreve		X	
Presiding Officer - Otis	X		

Council Members Otis, Keegan-Ayer, Chmelik, Donald, Fitzwater and Shreve provided additional comments.

Adjourn

The meeting adjourned at 6:40 p.m.

Bud Otis, President
County Council