

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, December 1, 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; Joyce Grossnickle, Office of the County Executive, 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.

*Council Member Keegan-Ayer moved to approve the agenda as presented. 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		

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- #BT-16-109 – Planning and Permitting Division
- #BT-16-113 – Child Advocacy Center, Citizens Services Division
- #BT-16-115 – Utilities and Solid Waste Management Division
- #BT-16-116 – Health Services Division
- #BT-16-118 – Public Works Division

Mr. Steve Horn and Ms. Anne Bradley, Planning and Permitting Division, commented on #BT-16-109 regarding the Agricultural Preservation Program.

Mr. Kevin Demosky and Mr. Rod Winebrenner, Utilities and Solid Waste Management Division, commented on #BT-16-115 that would approve change order #7 for the White Rock Wastewater Treatment Plant upgrades. It was noted that staff would provide Council Member Delauter with the results of the change order.

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*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		

**Business Items:**

**Approval of Minutes – September 22, September 29, October 6, October 13 and October 20, 2015**

Council Member Keegan-Ayer moved to approve the minutes for September 22, September 29, October 6, October 13, and October 20, 2015, as presented. Council Member 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

**Affirm the Confirmation of the County Executive’s Appointments/Reappointments to the Affordable Housing Council – Joyce Grossnickle, Office of the County Executive**

Ms. Grossnickle presented the appointments and reappointments to the Affordable Housing Council recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointments/reappointments as presented.

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*Council Member Keegan-Ayer moved to confirm the appointments/reappointments of:*

- *Troy Linton and Ryan Trout – Reappointment for three-year terms to expire June 30, 2018.*
- *Mary Ellen Mitchell, Edward Schoder, Jason Wiley – Appointment to fill unexpired terms to expire June 30, 2016.*
- *Angela Brinkley-Morris and Katie Nash – Appointment to fill unexpired terms to expire June 30, 2017.*
- *Kimberly Ashkenazi and Mark Long – Appointment to fill unexpired terms to expire June 30, 2018.*
- *Mayor Karin Tome – Appointment to serve as the municipal representative with no term assigned.*

*Council Member Fitzwater seconded the motion that passed 7-0.*

<b>Council Members</b>	<b>Aye</b>	<b>Nay</b>	<b>Absent/ Abstain/ Present</b>
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		

**Third Reading Calendar:**

**To Consider Bill No. 15-12 - To Modify Permitted Uses in Waterbody Buffers - Council Member Jerry Donald (Sponsor) and Council Member Jessica Fitzwater (Co-Sponsor)**

*Council Member Donald moved to adopt and enact into law Bill No. 15-12 as presented. Council Member Fitzwater seconded the motion.*

Council Member Delauter had several questions regarding the bill. Mr. Tim Goodfellow, Planning and Permitting Division, commented on the proposed revisions being made to the waterbody buffer ordinance.

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*The motion 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		

(A copy of the adopted/enacted bill can be obtained from the county's website <http://www.frederickcountymd.gov/>)

**Motion to go into Closed Session**

Maryland Annotated Code General Provisions Article §3-305(b) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Topic: To interview County Executive Appointee under Charter Sections 410 and 412(a).

Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Topic: To discuss the status of a pending administrative proceeding.

*Council Member Keegan-Ayer moved to go into closed session. 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		

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**Public Comments**

None.

**Council Comments**

Comments were provided by the Council Members.

Mr. Cherney commented on a question from Council Member Shreve regarding the request for a budget review. Mr. Doug Browning, Chief Administrative Officer, commented on the issue of school construction costs and also the budget review.

**Adjourn**

The meeting adjourned at 5:35 p.m.

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, DECEMBER 1, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):** (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 6-1, with Council Member Shreve opposed, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (7) To consult with counsel to obtain legal advice; and (8) to consult with staff, consultants, or other individuals about pending or potential litigation.

**Time and Location:**

5:40 p.m. – Council Conference Room, Winchester Hall

**Topic to be Discussed:**

To interview County Executive Appointee under Charter Sections 410 and 412(a).

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, DECEMBER 8, 2015,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 1, 2015**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):** (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

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**Time and Location:**

5:40 p.m. – Council Conference Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Chomel, D. Browning, R. Cherney, and the County Executive's appointee.

**Topic to be Discussed:**

To interview County Executive Appointee under Charter Sections 410 and 412(a).

**Action Taken:**

No formal action was taken.

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**Motion:**

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**Time and Location:**

5:40 p.m. – Council Conference Room, Winchester Hall

**Topic to be Discussed:**

To discuss the status of a pending administrative proceeding.

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**Time and Location:**

5:40 p.m. – Council Conference Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Chomel, S. Horn, and R. Cherney.

**Topic to be Discussed:**

To discuss the status of a pending administrative proceeding.

**Action Taken:**

No action was taken.

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Bud Otis, President  
County Council