

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 19, 2016**

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.

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

CONSENT AGENDA

The following item was considered on the consent agenda:

- #BT-16-139 – Department of Aging, Citizens Services Division

Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Donald 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 for January 5, 2016

Council Member Keegan-Ayer moved to approve the minutes for January 5, 2016, 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		

Briefing on the New Voting System and Changes Made to the Maryland Law on Elections – Stuart Harvey, Board of Elections

Mr. Harvey briefed the Council on the new voting system and the recent changes made to the Maryland law on elections.

First Reading Calendar:

Introduction of a Bill regarding Revisions to Public School and Library Development Impact Fees and Annual Adjustments – Council President Bud Otis (on behalf of the County Executive)

Council President Otis, on behalf of the County Executive, introduced a bill to revise the public school and library development impact fees and annual adjustments.

Council President Otis advised the public that proposed bill would be scheduled for a public hearing at a later date.

Introduction of a Bill regarding Revisions to Adequate Public Facilities Ordinance (APFO) School Construction Fees and Annual Adjustments – Council President Bud Otis (on behalf of the County Executive)

Council President Otis, on behalf of the County Executive, introduced a bill to revise the APFO school construction fees and annual adjustments.

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Council President Otis advised the public that the proposed bill would be scheduled for a public hearing at a later date.

Motion to go into Closed Session

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

Topic: To discuss with county staff and attorneys a recent court opinion in a pending lawsuit.

Council Member Keegan-Ayer moved to go into closed session. Council Member 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 - Otis			
At-large - Shreve	X		
Presiding Officer - Otis	X		

(The Council went into closed session at 6:25 p.m. and reconvened the open meeting at 7:00 p.m.)

Public Hearing:

Rezoning Case #R-97-03 (A) – Frederick Crossing MXD Phase I Plan Amendment – John Dimitriou, Planning and Permitting Division

Council President Otis swore in all those who would be testifying.

Mr. Dimitriou presented the applicant’s request to amend the Phase I Plan for the Frederick Crossing MXD to increase the amount of permitted commercial area to 45% and change the land use designation for the 7.56 acre site from “Office/R&D/Hotel” to “Commercial.”

It was noted the Frederick County Planning Commission recommended approval with several findings and conditions.

Commenting on the rezoning request were: Mr. Christopher Ruhlen, Esquire, Lerch, Early & Brewer; Mr. Eric Soter, Rodgers Consulting, and Mr. Christopher Ourisman, applicant.

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No public comments were heard.

Council Member Keegan-Ayer moved to direct staff to draft an ordinance to approve the rezoning request and come back at a later date for signature. 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		

Public Comments

- Stan Mordensky
- Margaret Hyndman (League of Women Voters)

Council Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 7:45 p.m.

Bud Otis, President
County Council

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FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 19, 2016

STATUTORY AUTHORITY TO CLOSE SESSION

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

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

6:25 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed: To discuss with county staff and attorneys a recent court opinion in a pending lawsuit.

Bud Otis, President
County Council

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FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 19, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 19, 2016

STATUTORY AUTHORITY TO CLOSE SESSION

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

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Time and Location:

6:25 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

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

Topic to be Discussed:

To discuss with county staff and attorneys a recent court opinion in a pending lawsuit.

Action Taken:

Staff was directed to draft a final decision and bring it to a future Council meeting for approval.

Bud Otis, President
County Council