

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 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; 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 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.*

<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		

**CONSENT AGENDA**

The following items were considered on the consent agenda:

Budget Transfers – Rick Harcum, Budget Office

- BT-16-170 – Emergency Management Division
- BT-16-171 – Emergency Management Division
- BT-16-173 – Utilities and Solid Waste Management Division

*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.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

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 for February 9, 2016**

*Council Member Keegan-Ayer moved to approve the minutes for February 9, 2016, as presented. Council Member Chmelik 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		

**Installment Purchase Program Easements - John B. Offutt and Peggy S. Offutt, Tenants by the Entirety and Twin Creek Farm, LLC and Approval of BT-16-174 - Anne Bradley, Planning and Permitting Division**

Ms. Bradley and Mr. Jim Cumbie, Esquire, Venable, LLP, (County Bond Counsel) presented the easement requests.

*Council Member Keegan-Ayer moved to approve Resolution 16-02 – John and Peggy Offut to purchase an agricultural easement for 162.6 acres located on Clyde Young Road and Oak Hill Road. Council Member Fitzwater seconded the motion that passed 7-0.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

<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		

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

*Council Member Keegan-Ayer moved to approve Resolution 16-03 – Twin Creek Farm, LLC to purchase an agricultural easement for 152.6011 acres located on Clyde Young Road. 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		

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

*Council Member Keegan-Ayer moved to approve BT-16-174 to increase the FY 2016 budget to fund the agricultural preservation easement acquisitions. Council Member Fitzwater seconded the motion that passed 7-0.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

<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		

**Affirm the Confirmation of the County Executive’s Appointments to  
Boards/Commissions – Joyce Grossnickle, Office of the County Executive**

Ms. Grossnickle presented the appointments to the following boards and commissions recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointments as presented.

**Containment Laboratory Community Advisory Committee**

*Council Member Keegan-Ayer moved to confirm the appointments of Mr. Rolan Clark and Dr. J. Craig Reed to fill unexpired terms to expire June 30, 2018. Council Member Donald 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		

**Solid Waste Advisory Committee**

*Council Member Keegan-Ayer moved to confirm the appointment of Mr. Jack Fritz to fill an unexpired term to expire June 30, 2016, and to serve a full three-year term beginning July 1, 2016, through June 30, 2019; and Mr. Dave Langas to fill an unexpired term to expire June 30, 2017. Council Member Donald seconded the motion that passed 7-0.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

<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		

**Transportation Services Advisory Council**

*Council Member Keegan-Ayer moved to confirm the appointments of Ms. Janet Fogle and Mr. John Frawley to fill unexpired terms to expire June 30, 2018. Council Member Donald 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		

**Annual Transportation Priorities Review - Jim Gugel, Planning and Permitting Division**

Mr. Gugel briefed the Council on the 2016 annual transportation priorities.

Mr. Gugel noted the following projects were recommended as the three overall priorities to be forwarded to the Maryland Department of Transportation:

- Construction funding – US 15: I-70 to MD 26
- Project planning funding – MD 94: MD 26 to Devilbiss Bridge Road
- Design funding – MD 85 Phase II Spectrum Drive to Guilford Drive

This item was informational.

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

**Budget Update – Rick Harcum, Budget Office**

Mr. Harcum and Ms. Kelly Weaver, Budget Office, briefed the Council on the FY 2017 budget process.

This item was informational.

**Discussion of Council Budget Analyst Position – Council President Bud Otis**

Council President Otis noted there were no recommendations to present for this position currently.

Mr. Ragen Cherney, Council Chief of Staff, provided information he had obtained from several counties with similar charter forms of government regarding their budget staffing.

**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 discuss the hiring of a Council staff member.

*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		

**Public Comments**

- John Covell

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

**Council Member Comments**

Comments were provided by the Council Members.

**Adjourn**

The meeting adjourned at 6:15 p.m.

---

Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, MARCH 15, 2016**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

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.

**Time and Location:**

6:20 p.m. – Council Conference Room, Winchester Hall

**Topic to be Discussed:**

To discuss the hiring of a Council staff member.

---

Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, March 15, 2016**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, MARCH 22, 2016,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, MARCH 15, 2016**

**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.

**Time and Location:**

6:20 p.m. – Council Conference Room, Winchester Hall

**Others in Attendance:**

R. Cherney, M. Chomel, and the applicants for the receptionist position

**Topic to be Discussed:**

To discuss the hiring of a Council staff member.

**Action Taken:**

An offer would be extended for the position of receptionist.

---

Bud Otis, President  
County Council