

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, April 5, 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 Member 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 6-0-1 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 items were considered on the consent agenda:

- BT-16-183 – Utilities and Solid Waste Management Division
- BT-16-186 – Housing and Community Development, Citizens Services Division
- BT-16-187 – Public Works Division
- BT-16-188 – Public Works Division
- BT-16-189 – Housing and Community Development, Citizens Services Division
- BT-16-192 and BT-16-193 – Department of Aging, Citizens Services Division
- BT-16-196 – Housing and Community Development, 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.

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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		

Business Items:

Approval of Minutes for March 8, March 15 and March 22, 2016

Council Member Keegan-Ayer moved to approve the minutes for March 8, March 15 and March 22, 2016, as presented. 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		

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

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

Adult Public Guardianship Review Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Ray Brown to serve a new three-year term to expire June 30, 2019; the appointment of Ms. Karen Czapanskiy to fill an unexpired term to expire June 30, 2018; and the appointment of Ms. Sarah Hooper to fill an unexpired term to expire June 30, 2017. Council Member Chmelik seconded the motion that passed unanimously.

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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		

Social Services Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. David Pearce to serve a three-year term to expire June 30, 2019; and the appointment of Ms. Phyllis York to fill an unexpired term to expire June 30, 2018. 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		

Substance Abuse Council

Council Member Keegan-Ayer moved to confirm the appointments of Ms. Wendy Millander and Ms. Santita Prather to fill unexpired terms to expire June 30, 2019. 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		

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Workforce Development Board

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Jill Hermes to fill an unexpired term to expire June 30, 2017; and the appointment of Ms. Leslie Slaby to serve as a Public Sector representative with no term assigned. 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 Hearings:

Fall 2015 Water and Sewerage Plan Amendments – Tim Goodfellow, Planning and Permitting Division

A public hearing was held, as duly advertised, on the proposed 2015 fall cycle of water and sewerage amendments.

Council Member Otis swore in all those who would testify.

Mr. Goodfellow presented the requested amendments.

#WS-15-11 – Various text amendments to the Water and Sewerage Plan – Division of Planning and Permitting

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-11 as presented. Council Member Chmelik seconded the motion that passed 7-0.

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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		

#WS-15-12 – Text Amendment to Section III (County Community Systems) of Chapter 3 of the Frederick County Water and Sewerage Plan – Division of Planning and Permitting

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-12 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		

Out-of-Sequence Water and Sewer Amendment #WS-15-13 (Lewistown Public Sewer Service Area) - Tim Goodfellow, Planning and Permitting Division

A public hearing was held, as duly advertised, on the proposed out-of sequence Water and Sewer Amendment #WS-15-13 to establish the Lewistown public sewer service area.

Council Member Otis swore in all those who would testify.

Mr. Goodfellow presented the requested amendment.

Mr. Kevin Demosky, Utilities and Solid Waste Management Division, commented on the proposed connection fees to the system.

There were no public comments.

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Council Member Keegan-Ayer moved to approve #WS-15-13 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		

(A copy of the approved/adopted resolutions can be obtained from the county's website, www.FrederickCountyMD.gov.)

Third Reading Calendar:

To Consider Bill No. 16-02 - Special Exception Uses in Connection with Historic Structures and Sites (Public Hearing held 2/2/16) – Council Members Jessica Fitzwater (Primary Sponsor) and Jerry Donald

Council Member Fitzwater moved to postpone Bill No. 16-02 indefinitely. 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		

To Consider Bill No. 16-03 – Amend Chapter 1-19 of the Frederick County Code – Medical Cannabis Grower (Public Hearing held 3/8/16) – Council Member M.C. Keegan-Ayer

Council Member Keegan-Ayer moved to postpone indefinitely Bill No. 16-03. Council Member Chmelik seconded the motion that passed 6-1 with Council Member Shreve 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		

To Consider Bill No. 16-04 (Amended) - Revisions to Public School and Library Development Impact Fees and Annual Adjustments (Public Hearing held 3/22/16)

Council Member Keegan-Ayer moved to adopt and enact into law Bill No. 16-04 as amended. Council Member Chmelik 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		

(A copy of the adopted/enacted bill can be obtained from the county's website, www.FrederickCountyMD.gov.)

To Consider Bill No. 16-05 (Amended) - Revisions to APFO School Construction Fees and Annual Adjustments (Public Hearing held 3/22/16) - Council President Bud Otis (on behalf of the County Executive)

Council Member Keegan-Ayer moved to adopt and enact into law Bill No. 16-05 as amended. Council Member Chmelik seconded the motion that passed 5-2 with Council Members Delauter and Shreve 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		

(A copy of the adopted/enacted bill can be obtained from the county's website, www.FrederickCountyMD.gov.)

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 provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Council Member Keegan-Ayer moved to go into Closed Session. 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		

Public Comments

- Mark Long

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Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 6:34 p.m.

Bud Otis, President
County Council

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FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, APRIL 5, 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 Donald, 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) (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:

6:42 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Bud Otis, President
County Council

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FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, APRIL 12, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, APRIL 5, 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 Donald, 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) (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:

6:42 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

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

Topic to be Discussed:

To provide an update on and discuss with the County's attorneys the upcoming proceedings in pending and potential litigation.

Action Taken:

No action was taken.

Bud Otis, President
County Council