

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 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 Chmelik moved to remove the following item from the agenda:

Introduction of Bill Regarding Agricultural Rights Transfer Option (ARTO) – Council Member Bud Otis (On Behalf of the County Executive)

Council Member Shreve seconded the motion that failed 3-4 with Council Members Otis, Keegan-Ayer, 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	

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

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

CONSENT AGENDA

The following items were considered on the consent agenda:

- BT-16-218 – Fire and Rescue Services Division
- BT-16-224 – Child Advocacy Center, Citizens Services Division
- BT-16-225 – Housing and Community Development, Citizens Services Division
- BT-16-226 – 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.

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		

Mr. Rick Harcum, Budget Office, clarified the difference between transfers of appropriations and supplemental appropriations that come before the County Council for approval.

Business Items:

Approval of Minutes

Council Member Keegan-Ayer moved to approve the minutes for February 23, April 5 (Closed Session), April 12, April 19, April 20, April 21, and April 22, 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

Introduction of Bond Authorization Resolution for June 2016 General Obligation Public Facilities Bonds – Lori Depies, Finance Division

Ms. Depies and Mr. Jim Cumbie, Esquire, Venable LLC (County Bond Counsel) presented the proposed resolution to approve the issuance of the General Obligation Public Facilities Bonds of 2016 in an amount not to exceed \$135,000,000.

Mr. Doug Browning, Chief Administrative Officer, County Executive’s Office, commented on the North Frederick Elementary School line item.

Council Member Keegan-Ayer moved to approve the proposed resolution as presented. Council Member Chmelik seconded the motion that passed 4-3 with Council Members Chmelik, 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/approved resolution can be obtained from the county’s website <http://www.frederickcountymd.gov/>)

Adoption of the FY 2017 Operating and Capital Budgets and Approval of the FY 2017-2022 Capital Improvements Program (CIP) (Public Hearings held 4/18 and 4/19/2016) – Council President Bud Otis

Council Member Keegan-Ayer moved to adopt the FY 2017 Operating and Capital Budgets and to approve the FY 2017-2022 CIP. Council Member Donald seconded the motion that passed 4-3 with Council Members Chmelik, 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

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

Adoption of the FY 2017 General Property Tax (Public Hearing held 5/3/16) – Council President Bud Otis

Council Member Keegan-Ayer moved to adopt the FY 2017 general property tax levy of \$1.06 per \$100 of assessment; and the FY 2017 general property tax levy (tax differential property tax rates) of \$0.9374 in The City of Frederick and \$0.9351 in the Town of Myersville. Council Member Donald seconded the motion that passed 4-3 with Council Members Chmelik, 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 approved/adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

Affirm the Confirmation of the County Executive's Appointments/Reappointments 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.

Board of Gaming Appeals

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Dan Yeeles to serve a three-year term to expire June 30, 2019. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 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		

Commission For Women

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Constance Baptist and Ms. Evelyn Stephenson for three-year terms to expire June 30, 2019. 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		

Commission on Disabilities

Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Malorie Marti for a term to expire June 30, 2018; and the appointments of Mr. Jay Croft and Ms. Jennifer Mitchell for terms to expire June 30, 2016, and also to be appointed to serve new terms effective July 1, 2016, and to expire June 30, 2019. 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

Electrical Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Dave Clements for a term to expire June 30, 2019. 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		

Insurance Committee

Council Member Keegan-Ayer moved to confirm the appointments of Mr. Dan Oldham for a term to expire June 30, 2018, and Mr. Matthew Stegle for a term to expire June 30, 2019. 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		

Mental Health Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointment of Dr. Pamela Blake for a new term to expire June 30, 2019; the appointments of Mr. Ray Brown, Ms. Abigail Murrell, and Mr. David Pearce for terms to expire June 30, 2017; and the appointments of Captain Ted Nee and Dr. William Prescott for terms to expire June 30, 2018. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 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		

Monocacy Scenic River Citizens Advisory Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Sam Roop to serve a new term to expire May 17, 2020. 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		

Social Services Board

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Tracy Bowie for a term to expire June 30, 2017. 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

Sustainability Commission

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Tom Anderson and Mr. Ron Kaltenbaugh for new terms to expire June 30, 2019; the appointments of Mr. John Ferri and Ms. Elizabeth Peterson for new terms to expire June 30, 2019; and the appointment of Ms. Rachel Armistead for a term to expire June 30, 2017. 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		

Irene Balch Bequest – Linda Shea, Animal Control Division

Ms. Shea noted the amount of the bequest was \$18,277.00

Council Member Keegan-Ayer moved to approve the bequest from Ms. Irene Balch as a supplemental appropriation to the Animal Control Division. 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		

First Reading Calendar

Introduction of Bill Regarding Agricultural Rights Transfer Option (ARTO) – Council Member Bud Otis (On Behalf of the County Executive)

*Council Member Chmelik moved to reject the ARTO bill. Council Member Shreve seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater opposed.*

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 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	

The proposed bill will be scheduled for a public hearing on a future Council agenda.

Public Hearing:

Request for Historic Designation on the Frederick County Register of Historic Places (Glenellen Farm, 4940 Mussetter Road, Ijamsville) - Denis Superczynski, Planning and Permitting Division

Council Member Otis swore in all those who would testify.

A public hearing was held, as duly advertised, on a request to add the Glenellen Farm to the Frederick County Register of Historic Places.

Mr. Superczynski presented the request. He noted the Historic Preservation Commission determined the property to be eligible for the County Register and the applicant had received a special exception to operate the facility for functions on the property.

Public comment was heard from:

- Tom Smith
- Noel Manalo, Esquire, Miles and Stockbridge, on behalf of the applicant
- Debbie Dewitt Brunink, applicant

The decision on the request would be scheduled for a future Council meeting agenda.

Motion to go into Closed Session

Maryland Annotated Code General Provisions Article §3-305(b) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Topic: To consider the acquisition of an interest in property for agricultural preservation purposes.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016**

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

- Craig Giangrande

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 6:20 p.m.

Bud Otis, President
County Council

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016

FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, MAY 17, 2016

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

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) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Time and Location:

6:30 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes.

Bud Otis, President
County Council

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 17, 2016

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MAY 24, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, MAY 17, 2016

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b): (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

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) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Time and Location:

6:30 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

R. Cherney, M. Chomel, S. Horn, J. Gugel, and A. Bradley

Topic to be Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes.

Action Taken:

Staff was authorized to make offers to the top three ranked properties for agricultural easements.

Bud Otis, President
County Council