

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, June 21, 2016**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, 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.

There were no public comments.

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

*Council Member Shreve moved to amend the motion by removing the following item from the agenda:*

Frederick County Ethics Commission:

Review of Selection Process - Margaret Nusbaum, Office of the County Executive  
Affirm the Confirmation of the County Executive's Appointments – Joyce Grossnickle, Office of the County Executive

*Council Member Delauter 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	

*The vote on the original motion was 6-1 with Council Member Shreve opposed.*

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<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:

- BT-16-249 – Emergency Management Division
- BT-16-255 and BT-16-256 – Office of Sustainability and Environmental Resources, Planning and Permitting 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.*

<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		

**Business Items:**

**Approval of Minutes**

*Council Member Keegan-Ayer moved to approve the minutes for April 26, May 3, May 10, and May 17, 2016, as presented. Council Member Fitzwater seconded the motion that passed 7-0.*

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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		

**Adoption of the Frederick Community College (FCC) FY 2017 Budget (Operating Budget, Auxiliary Budgets, Capital Budget, and Capital Improvements Program) – Dana McDonald, FCC**

Ms. McDonald, Mr. John Wichser, and Mr. Bill Grutzkuhn, FCC, presented the FY 2017 budget and answered questions from the Council.

*Council Member Keegan-Ayer moved to adopt the FY 2017 Budget (Operating Budget, Auxiliary Budgets, Capital Budget, and Capital Improvements Program) 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		

**Appointments to the Frederick County Board of Appeals (BOA) – Council President Bud Otis**

*Council Member Keegan-Ayer moved to approve the appointment of Mr. Tom Conard to the BOA to serve a three-year term beginning July 1, 2016, and ending June 30, 2019. Council Member Donald seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

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<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		

*Council Member Keegan-Ayer moved to approve the appointment of Mr. Ken Farrell to the BOA to serve as the alternate for a three-year term beginning July 1, 2016, and ending June 30, 2019. Council Member Chmelik seconded the motion that passed 6-0-1 with Council Member Shreve abstained.*

<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		

**Frederick County Ethics Commission**

**Review of Selection Process - Margaret Nusbaum, Office of the County Executive**

Ms. Nusbaum provided information on the Ethics Nominating Committee and the selection process that was piloted by the League of Women Voters (The League), whose objective was to establish a more independent Ethics Commission.

The following representatives from The League were present: Ms. Melanie Cox, President, Ms. Mary Ellen Rhoderick, and Ms. Tish Honse.

**Affirm the Confirmation of the County Executive's Appointments – Joyce Grossnickle, Office of the County Executive**

Ms. Grossnickle presented the appointments to the Ethics Commission recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the two appointments as presented.

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*Council Member Keegan-Ayer moved to reappoint Mr. Chris Glass for a new three-year term to expire on June 30, 2019, and the appointment of Mr. Ernest Heller to serve as the alternate for a three-year term to expire on June 30, 2019. 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		

**Affirm the Confirmation of the County Executive's /Reappointments to Boards and Commissions – Joyce Grossnickle, Office of the County Executive**

Ms. Grossnickle presented the appointments and reappointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council's confirmation of the appointments and reappointments as presented.

Affordable Housing Council

*Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Kandy Alexander, Ms. Mary Ellen Mitchell, and Mr. Jason Wiley for new 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		

Agricultural Preservation Advisory Board

*Council Member Keegan-Ayer moved to confirm the appointment of Mr. H. Richard Bittner for a term to expire June 30, 2019. 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		

Commission For Women

*Council Member Keegan-Ayer moved to confirm the appointment of Ms. Lakshmi Darbha for a 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		

Interagency Internal Audit Authority

*Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Shaun Jones for a new term to expire June 30, 2020. 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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Loan Guarantee Committee

*Council Member Shreve moved to remove the nominations until legislation would be introduced to set term limits. The motion did not receive a second.*

*Council Member Keegan-Ayer moved to confirm the appointments of Ms. Shannon Humphreys and Ms. Cindy Palmer with no terms assigned. 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		

Local Management Board

*Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Stacy Wantz for a new term to expire June 30, 2019, and the appointment of Mr. Wayne Horrell for a term 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		

Mental Health Management Agency of Frederick County, Inc. Board

*Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Bill Derbyshire, Mr. Dick Kopp, Mr. David Pearce, Mr. Charles Reifsnider, and Ms. Ashley VanCleaf, Esquire, for new terms to expire June 30, 2019; the reappointment of Ms. Laura Hicks for a new term to expire June 30, 2018; the appointments of Mr. David Gray and Ms. Louise Lynch for terms to expire June 30, 2018, and the appointment of*

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*Ms. Santita Prather for a term to expire June 30, 2017. Council Member Chmelik 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		

Parks and Recreation Commission

*Council Member Keegan-Ayer moved to confirm the appointments of C. Howard Looney, Ph.D. (Brunswick Planning Region) and Ms. Mary Jo Richmond (Urbana Planning Region) for terms to expire June 30, 2020. Council Member Fitzwater 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		

Public Library Board

*Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Candy Greenway for a new term to expire June 30, 2021, and the appointment of Mr. Kyle Kane, Esquire, for a term to expire June 30, 2021. Council Member Chmelik seconded the motion that passed 7-0.*

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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 reappointments of Mr. Phillip LeBlanc and Mr. Patrick Miglio for new 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		

First Reading Calendar:

**Extension of the Expiration of Section 1-6A-5-1 to Allow Payment of a Fee in Lieu of Building Moderately Priced Dwelling Units (MPDUs) until June 30, 2017 – Council Member Jessica Fitzwater**

Council Member Fitzwater presented the proposed bill to extend the expiration of Section 1-6A-5-1 to allow payment of a fee in lieu of building MPDUs until June 30, 2017.

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

(The Council took a break at 5:50 p.m. and reconvened at 7:00 p.m.)

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**Public Hearing:**

**To Consider a Bill to Repeal the Agricultural Rights Transfer Option (ARTO) –  
Council President Bud Otis (On behalf of the County Executive)**

A public hearing was held, as duly advertised, on a repeal of the ARTO adopted in 2014 by the previous Board of County Commissioners.

Mr. Steve Horn, Planning and Permitting Division, briefed the Council on the history of ARTO noting the Maryland Department of Planning (MDP) suspended the county's Tier IV exemption as a result of the implementation of ARTO. Staff recommended the repeal of ARTO; pursue the reinstatement of the Tier IV exemption, and initiate a discussion of a traditional Transfer of Development Rights (TDR) program.

Public comment was heard from:

- Noel Manalo, Esquire, Miles and Stockbridge
- Mark Long
- Kai Hagen
- Chuck Honse
- Betsy Smith
- Steve McKay
- Stan Mordensky

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

**Public Comments**

- None

**Council Member Comments**

Comments were provided by the Council Members.

**Adjourn**

The meeting adjourned at 7:42 p.m.

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Bud Otis, President  
County Council