

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 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; John Mathias, County Attorney's Office; 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.

Public comment was heard from:

- Pat Schempp

Council Member Keegan-Ayer moved to amend the agenda by laying on the table the third reading calendar for Bill No. 16-07, repeal of the Agricultural Rights Transfer Option (ARTO) to allow for the Frederick County Planning Commission to review and to approve the amended agenda. Council Member Chmelik 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		

CONSENT AGENDA

The following items were considered on the consent agenda:

- BT-16-259 – Family Partnership, Citizens Services Division
- BT-16-260 – Permitting and Inspection, Planning and Permitting Division
- BT-16-261 – Child Advocacy Center, Citizens Services Division
- BT-16-262 – Circuit Court
- BT-16-264 – Housing, Citizens Services Division
- BT-16-265 – Housing, Citizens Services Division
- J-17-004 – Sheriff's Office
- J-17-007 – Frederick County Public Libraries

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016**

- J-17-008 – Sheriff’s Office
- J-17-009 – Utilities and Solid Waste Management Division
- J-17-012 – Circuit Court

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		

For Public Comment Only:

**FFY 2016 Edward J. Byrne Memorial Justice Assistance Grant Program
Application and Interlocal Agreement between The City of Frederick and
Frederick County - Marty Gallagher, Sheriff’s Office**

There were no public comments.

Business Items:

Approval of Minutes

Council Member Keegan-Ayer moved to approve the minutes for May 24, June 8, June 14, and June 21, 2016, as presented. 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016**

Resident Agent Designation – Wendy Kearney, Office of the County Attorney

Ms. Kearney presented a proposed resolution for adoption by the Council that would continue to have the County Attorney act as the resident agent for the county and direct the current and future County Attorneys to file the appropriate documents and register with the State Department of Assessments and Taxation (SDAT).

Council Member Keegan-Ayer moved to adopt the proposed resolution. 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 resolution can be obtained from the county’s website, www.FrederickCountyMD.gov.)

First Reading Calendar:

Revisions to Section 1-20-62 of the APFO School Construction Fees - Council President Otis (On behalf of the County Executive)

Council Member Otis presented the proposed bill that would allow the existing school construction fees to stay in place for those developments approved to use the school construction fee option prior to the sunset date.

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

Separation of Adequate Public Facilities Ordinance (APFO) from Developers Rights and Responsibilities Agreements (DRRA) - Council President Bud Otis (On behalf of the County Executive)

Council Member Otis presented the proposed bill that would amend the Frederick County Code in order to restore a longstanding public process of considering an application for rezoning separately from the DRRA and the APFO and to restore the adequate public facilities determination by the Frederick County Planning Commission (FCPC), after Phase I or zoning approval and prior to or at Phase II approval.

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

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016**

Public Hearings:

Spring 2016 Water and Sewerage Plan Amendment – Tim Goodfellow, Planning and Permitting Division

A public hearing was held, as duly advertised, on a proposed 2016 spring cycle of water and sewerage amendment.

Council Member Otis swore in all those who would testify.

Mr. Goodfellow presented the requested amendment.

#WS-16-01 – EMKAY, LLC – Tax Map 57, Parcels 109 and 208. Located on the east side of Worman’s Mill Road within the City of Frederick.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-16-01 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 resolution can be obtained from the county’s website, www.FrederickCountyMD.gov.)

Proposed Charter Amendments – John Mathias, Office of the County Attorney

Mr. Mathias presented the following proposed charter amendments that were voted to take to public hearing.

- Amending §305(e) to change the notice requirements for bill amendments to two days notice on the County website;
- Amending §506(b) to change the notice requirements for a budget change of substance to two days notice on the County website;
- Amending §506(d) to change the deadline for the Council to act on the budget from May 25 to May 31.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016**

There were no public comments.

Mr. Mathias noted the proposed charter amendments and resolutions would be scheduled for adoption at the July 19, 2016, Council meeting.

Motion to go into Closed Session on Wednesday, July 6, 2016, at 4:30 p.m.

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 Interview County Executive Appointee under Charter Sections 410 and 412(a).

Council Member Keegan-Ayer moved to go into closed session on Wednesday, July 6, 2016, at 4:30 p.m. 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

- None

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 5:10 p.m.

Bud Otis, President
County Council

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016

FORM OF STATEMENT FOR
CLOSING THE MEETING OF WEDNESDAY, JULY 6, 2016

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a)

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:

A motion was made by Council Member Keegan-Ayer to go into closed session on Wednesday, July 6 at 4:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (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. The motion was seconded by Council Member Chmelik and passed 7-0.

Time and Location

4:30 p.m. – County Council Conference Room, First Floor, Winchester Hall

Topic for Discussion:

To interview the candidates for the Frederick County Planning Commission.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 5, 2016**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 12, 2016,
FOLLOWING THE CLOSED MEETING OF WEDNESDAY, JULY 6, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

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:

A motion was made by Council Member Keegan-Ayer to go into closed session on Wednesday, July 6 at 4:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (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. The motion was seconded by Council Member Chmelik and passed 7-0.

Time and Location

4:30 p.m. – County Council Conference Room, First Floor, Winchester Hall

Others in Attendance:

R. Cherney and J. Mathias

Topic Discussed:

To interview the candidates for the Frederick County Planning Commission.

Action Taken:

The Council took no action.

Bud Otis, President
County Council