

**COUNTY COUNCIL OF FREDERICK COUNTY
WORKSHOP MINUTES
Tuesday, July 12, 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 workshop.

Also present were Ragen Cherney, Council Chief of Staff; Michael Chomel, County Attorney's Office; and Patti Morrow, Recording Secretary.

Council President Otis called the workshop to order at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

The workshop began with a moment of silence followed by the Pledge of Allegiance.

Nongovernmental Solar Utility Projects

County staff present for this discussion were Mr. Steve Horn and Mr. Larry Smith, Planning and Permitting Division

Mr. Horn reviewed the direction staff received from the May 24 worksession. He noted conditions that were added to Option 2 that would allow larger scale solar panel arrays in the Agricultural zone with a special exception.

Mr. Smith briefed the Council on the zoning issues.

*Council Member Shreve moved to reject the proposal as presented. Council Member Delauter seconded the motion that **failed** 2-5 with Council Members Otis, Keegan-Ayer, Chmelik, 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 Donald moved to proceed with Option 1. Council Member Fitzwater seconded the motion that **failed** 3-4 with Council Members Otis, Keegan-Ayer, Donald, and Fitzwater 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	

Council Member Fitzwater moved to bring Option 1 and Option 2 to a public hearing as written. Council Member Shreve seconded the motion that passed 5-2 with Council Members Donald and Delauter 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		

Discussion of New Business Items

*Council Member Shreve moved to schedule a workshop to allow a discussion with stakeholders on solar issues. Council Member Chmelik 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	

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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 discuss with the county's attorneys and staff the future handling of a matter currently subject to litigation.

Council Member Keegan-Ayer moved to go into closed session. 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		

Adjourn

The meeting adjourned at 6:27 p.m.

Bud Otis, President
County Council

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FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JULY 12, 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 Chmelik, the Council voted 5-2, with Council Members Delauter and 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:

6:35 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

To discuss with the county's attorneys and staff the future handling of a matter currently subject to litigation.

Bud Otis, President
County Council

COUNTY COUNCIL OF FREDERICK COUNTY
WORKSHOP MINUTES
Tuesday, July 12, 2016

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 19, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JULY 12, 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 Chmelik, the Council voted 5-2, with Council Members Delauter and 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:

6:35 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

R. Cherney, P. Dial, J. Mathias, M. Chomel, W. Kearney, K. Mitchell, and S. Horn

Topic to be Discussed:

To discuss with the county's attorneys and staff the future handling of a matter currently subject to litigation.

Action Taken:

The Council provided direction to the county's attorneys and staff.

Bud Otis, President
County Council