

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 19, 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.

Action on the Agenda

Council Member Keegan-Ayer moved to approve the agenda 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		

Public Comments

- None

Consent Agenda

The following items were considered on the consent agenda:

- BT-16-266 – Department of Aging, Citizens Services Division
- BT-16-268 – Fire and Rescue Services Division
- BT-16-270 – Planning and Permitting Division
- J-17-014 – Department of Aging, Citizens Services Division
- J-17-015 – Housing and Community Development, Citizens Services Division

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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		

Business Items:

Approval of Minutes

Council Member Keegan-Ayer moved to approve the minutes for June 28, 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/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.

Adult Public Guardianship Review Board

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Joanna Mullinix for a term to expire June 30, 2019. Council Member Donald 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 on Aging

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Dianne Lewis and Dr. John Brown for new terms to expire June 30, 2019, and the appointment of Ms. Karen Lewns for a term to expire June 30, 2018. 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 appointment of Ms. Edith "Penny" Jurchak 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		

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Containment Laboratory Community Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointment of Dr. Dat Duthinh for a new 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		

Historic Preservation Commission

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Tyler Bastian, Mr. Bernie Callan, and Mr. Eytan Moked for new 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		

Roads Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Stephen Haller for a new term to expire June 30, 2021. Council Member Donald 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		

Transportation Services Advisory Council

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Janet Fogle for a new 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		

Workforce Development Board

Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Elizabeth Cromwell, Dr. Jhy-Jhu Lin, and Dr. Jamie White for new terms to expire June 30, 2020, and the appointment of Ms. Trisha Holmes 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		

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Confirm the County Executive’s Appointment to the Frederick County Planning Commission (FcPc) – Paul Dial, Acting Chief Administrative Officer, Office of the County Executive

Mr. Dial presented the appointment recently made by County Executive Gardner. Mr. Dial requested the Council’s confirmation of the appointment as presented.

Council Member Keegan-Ayer moved to affirm the confirmation of the appointment of Mr. Sam Tressler to the FcPc. 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		

Charter Amendments – John Mathias, Office of the County Attorney

Mr. Mathias presented the 3 charter amendments that were approved by the Council 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 and
- Amending §506(d) to change the deadline for the Council to act on the budget from May 25 to May 31.

There was no public comment.

Council Member Keegan-Ayer moved to approve the amendment to §305(e) as presented and the corresponding resolution. Council Member Donald seconded the motion.

Council Member Fitzwater moved to amend the motion to strike two days and replace with five days. Council Member Chmelik seconded the motion. Council Member Fitzwater changed the five days to four days. Council Member Chmelik was in favor of the change.

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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		

The vote on the original motion as amended was 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		

Council Member Keegan-Ayer moved to approve the amendment to §506(b) as presented and the corresponding resolution. 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		

Council Member Keegan-Ayer moved to approve the amendment to §506(d) as presented and the corresponding resolution. Council Member Donald 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		

Council Member Keegan-Ayer moved to direct staff to make the necessary changes to the amendments and combine the amendments into two resolutions and two ballot questions: one dealing with budget and the other dealing with §305(e). 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		

First Reading Calendar:

Introduction of a Bill regarding an Amendment to Section 1-19-3.110.7, Chapters 1-19, Frederick County Code, Zoning – Council Member Jerry Donald

Council Member Donald presented the proposed bill to amend the County Code regarding the notification provisions for comprehensive zoning or rezoning actions.

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

Introduction of a Bill to allow “Medical Cannabis Grower” to Grow Medical Cannabis as a Pilot Program, in the Agricultural Zoning District; and Creating Conditions and Restrictions on Each Activity – Council Member M.C. Keegan-Ayer

Council Member Keegan-Ayer presented the proposed bill to allow medical cannabis to be grown as a pilot program in the Agricultural Zoning District.

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

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**Introduction of a Bill regarding Frederick County's Hotel Rental Tax Rate –
Council President Bud Otis (On behalf of the County Executive)**

Council President Otis presented the proposed bill to raise the hotel rental tax rate.

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

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

Public Hearing:

Second Reading Calendar:

**To Consider Bill No. 16-08 - Extension of the Expiration of Section 1-6A-5-1 to
Allow Payment of a Fee in Lieu of Building MPDUs until June 30, 2017 – Council
Member Jessica Fitzwater**

A public hearing was held, as duly advertised, on a request 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.

Council Member Fitzwater noted the extension is need to allow for the completion of the housing study.

Ms. Margaret Nusbaum, Office of the County Executive, introduced Mr. Milton Bailey, newly appointed director of the Department of Housing and Community Development, Citizens Services Division. Mr. Bailey provided a summary of the housing study.

Public comment was heard from:

- Bruce Zavros– Chair, Affordable Housing Council
- Kandy Alexander - Affordable Housing Council
- Denise Jacoby – Frederick County Building Industry Association and the Land Use Council

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.

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Adjourn

The meeting adjourned at 7:20 p.m.

Bud Otis, President
County Council