

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday August 30, 2016**

3:30 P.M. - CLOSED SESSION – COUNTY COUNCIL CONFERENCE ROOM

Motion to Go into Closed Session

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. 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		

The closed session meeting ended at 3:55 p.m. and the Council reconvened at 4:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

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; Wendy Kearney, County Attorney's Office; Joyce Grossnickle, Office of the County Executive; and Patti Morrow, Recording Secretary.

Council Member Otis called the meeting to order.

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

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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

- Dave Severn, Esquire, Offit/Kurman
- Kevin Klink
- Shakil Siddiqui
- Peter Samuel

Consent Agenda

The following items were considered on the consent agenda:

- J-17-028 – Department of Aging, Citizens Services Division
- J-17-031 – Emergency Management Division
- J-17-034 – Workforce Services, Office of Economic Development

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		

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Business Item:

Affirm the Confirmation of the County Executive’s Appointment – President Bud Otis

Council Member Keegan-Ayer moved to confirm the appointment of Dr. Monica Grant to the position of director of Citizens Services Division. 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		

First Reading Calendar:

Introduction of a Bill Regarding the Establishment of a Clean Energy Loan Program for Commercial Properties – Council President Bud Otis (On behalf of the County Executive)

Council Member Otis introduced a bill that would allow owners of commercial property to finance qualifying energy efficiency and clean energy improvements through a voluntary assessment on their property.

The proposed bill will be scheduled for a public hearing at a future Council meeting.

Third Reading Calendar:

Bill No. 16-09 – Chapter 1-20 (Adequate Public Facilities) of the Frederick County Code – Council President Bud Otis (On behalf of the County Executive)

Council Member Keegan-Ayer moved to adopt and enact Bill No. 16-09 as presented. Council Member Fitzwater 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		

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

Bill No. 16-11 – Amendment to Section 1-19-3.110.7, Chapter 1-19, Frederick County Code – Zoning – Council Member Jerry Donald

Council Member Donald moved to adopt and enact Bill No. 16-11 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		

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

Bill No. 16-12 – Allowing "Medical Cannabis Grower" Pilot Program in the Agricultural Zoning District; and the Creation of Conditions and Restrictions on Each Activity – Council Member M.C. Keegan-Ayer

Council Member Keegan-Ayer moved to adopt and enact Bill No. 16-12. Council Member Fitzwater seconded the motion.

Council Member Keegan-Ayer moved to amend Bill No. 16-12. Council Member Fitzwater seconded the motion that passed 6-1 with Council Member Delauter 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		

It was noted the amended bill would be scheduled for a public hearing on a future Council agenda.

Bill No. 16-13 – Frederick County's Hotel Rental Tax Rate – Council President Bud Otis (On Behalf of the County Executive)

Council Member Keegan-Ayer moved to adopt and enact Bill No. 16-13 as presented. Council Member Fitzwater 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/enacted bill can be obtained from the county's website, www.FrederickCountyMD.gov.)

(The Council took a break at 5:44 p.m. and reconvened at 7:00 p.m.)

Second Reading Calendar

To Consider Bill No. 16-10 – Amendments to Chapter 1-19 (Zoning) 1-20 (Adequate Public Facilities Ordinance (APFO)) and 1-25 (Development Rights and Responsibilities Agreements) – Council Member Bud Otis (On Behalf of the County Executive)

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Mr. Steve Horn, Planning and Permitting Division, provided a summary of Bill No. 16-10 that would improve the public process for certain zoning decisions and restore the role of the Frederick County Planning Commission in APFO decisions.

Public comment was heard from:

- Melanie Cox, League of Women Voters
- Brent Simmons
- Patrick Schempf

The proposed bill will be scheduled for a decision at the September 6, 2016, Council meeting.

PUBLIC HEARINGS:

Solar Panel Installation in Various Zoning Districts – Steve Horn, Planning and Permitting Division and Kathy Mitchell, Office of the County Attorney

Mr. Steve Horn, Planning and Permitting Division, briefed the Council on the two (2) options that were discussed in a Council workshop on May 24, 2016.

Public comment was heard from:

- Fred Ugast
- Tom Mullineaux, Agricultural Business Council
- Robert Ramsburg, Frederick County Farm Bureau
- Ryan Gilchrest

No action was taken as the item was to receive public comments.

Public Comments

- Brent Simmons
- Patrick Schempf

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 8:15 p.m.

Bud Otis, President

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, AUGUST 30, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

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; and (7) To consult with counsel to obtain legal advice on a legal matter.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with 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.

Time and Location:

3:30 p.m. – Council Conference Room, Winchester Hall

Topic to be Discussed:

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

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 30, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, AUGUST 30, 2016**

STATUTORY AUTHORITY TO CLOSE SESSION

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.

Motion:

Upon a motion by Council Member Keegan-Ayer, seconded by Council Member Fitzwater, the Council voted 7-0 to go into closed session in accordance with 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.

Time and Location:

3:30 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

P. Dial, W. Kearney, and R. Cherney,

Topic to be Discussed:

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

Action Taken:

The Council discussed the qualifications of the County Executive's appointee.

Bud Otis, President
County Council