

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, December 6, 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; 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 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.*

<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 Comments**

- Patrick Schemppf
- Joe Parsley
- Stan Mordensky

**Budget Adjustments – Rick Harcum, Budget Office, Office of the County Executive**

- J-17-091 – Family Partnership, Citizens Services Division
- J-17-096 – Housing and Community Development, Citizens Services Division
- J-17-099 – Adult Detention Center, Sheriff's Office
- J-17-100 – Animal Control Division
- J-17-101 – Public Works Division
- J-17-107 – State's Attorney's Office

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- Board of Education Current Expense Fund Amendments No. 2-17 and No. 3-17

*Council Member Keegan-Ayer moved to approve the budget adjustments as presented. 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		

**Business Items**

**Approval of Minutes for November 15, 2016**

*Council Member Keegan-Ayer moved to approve the minutes for November 15, 2016, as presented. Council Member Fitzwater 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		

**Confirm the County Executive’s Appointment to the Transportation Services Advisory Council – Joyce Grossnickle, Office of the County Executive**

*Council Member Keegan-Ayer moved to confirm the appointment of Ms. Dianne Lewis for a term to expire June 30, 2019. Council Member Donald seconded the motion that passed 7-0.*

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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		

**Election of Council Officers – Council Member Bud Otis**

President of Council

Council Member Otis opened up the floor for nominations for the office of President of the County Council.

Council Member Keegan-Ayer nominated Council Member Otis.

Council Member Chmelik nominated Council Member Keegan-Ayer (who declined the nomination.)

Council Member Delauter nominated Council Member Shreve.

There were no other nominations.

The vote was 4-3 in favor of Council Member Otis for the office of President. Council Members Chmelik, Delauter, and Shreve voted for Council Member Shreve.

Vice-President of Council

Council Member Otis opened up the floor for nominations for the office of Vice-President of the County Council.

Council Member Otis nominated Council Member Keegan-Ayer.

Council Member Delauter nominated Council Member Chmelik.

There were no other nominations.

The vote was 4-3 in favor of Council Member Keegan-Ayer for the office of Vice-President. Council Members Chmelik, Delauter, and Shreve voted for Council Member Chmelik.

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**First Reading Calendar:**

**Introduction of Bill regarding Small Business Real Property Tax Credit – Council Member M. C. Keegan-Ayer (On behalf of the County Executive)**

Council Member Keegan-Ayer introduced a bill to adopt and codify a small business real property tax credit program.

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

**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 provide information to Council Members regarding recent developments in pending and potential litigation.

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

- Stan Mordensky

**Council Member Comments**

Comments were provided by the Council Members.

Mr. Paul Dial, Chief Administrative Officer, County Executive’s Office, commented on the Monocacy River Management Plan.

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**Adjourn**

The meeting adjourned at 5:55 p.m.

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Bud Otis, President  
County Council

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FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, DECEMBER 6, 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 6-1, with Council Member 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:**

6:00 p.m. – Council Conference Room, Winchester Hall

**Topic to be Discussed:**

To provide information to Council Members regarding recent developments in pending and potential litigation.

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Bud Otis, President  
County Council

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FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, DECEMBER 13, 2016,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 6, 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 6-1, with Council Member 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:**

6:00 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 provide information to Council Members regarding recent developments in pending and potential litigation.

**Action Taken:**

No action was taken.

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Bud Otis, President  
County Council