

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Tony Chmelik, Treasurer; 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, Administrative Officer and Patti Morrow, Recording Secretary.

Council President 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 recitation of the Pledge of Allegiance.

Council Member Keegan-Ayer moved to approve the agenda as written. 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		

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-16-004 – Emergency Management Division
- #BT-16-005 – Housing and Community Development, Citizens Services Division
- #BT-16-006 – Budget Office, Office of the County Executive
- #BT-16-008 – Sheriff's Office
- Board of Education School Construction Amendment #15-17 and County Budget Transfer #15-277
- Board of Education Current Expense Fund Amendment #6-15

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Council Member Keegan-Ayer moved to approve the consent 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		

BUSINESS ITEMS

Approval of Minutes

Council Member Keegan-Ayer made a motion to approve the June 16, 2015, minutes. 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		

Affirm the Confirmation of the County Executive’s Appointees – Joyce Grossnickle, Administrative Officer

Ms. Grossnickle presented the appointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointments as presented.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Agriculture Business Council

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Anthony Aellen, Ms. Arlene Atkins, Mr. Brian House, and Mr Tom Mullineaux for three-year terms to expire June 30, 2018; and the appointment of Mr. H. Richard Bittner and Ms. Charlotte Brewster to fill unexpired terms to expire June 30, 2017. Council Member Delauter 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 Aging

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Elizabeth Chung, Mr. Thomas Lawler, and Ms. Katie Rhinehart-Hemler for three-year terms to expire June 30, 2018. Council Member Delauter 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		

Containment Laboratory Community Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. Ray Hunter for a three-year term to expire June 30, 2018. Council Member Donald seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

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		

Human Relations Commission

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Francisco Alves and Mr. Kavonte´ Duckett for three-year terms to expire June 30, 2018; and the appointment of Mr. Eugene Stanton for a three-year term to expire June 30, 2018. 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		

Public Library Board

Council Member Keegan-Ayer moved to confirm the reappointment of Mr. George Laugelli for five-year term to expire June 30, 2020. 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		

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Sustainability Commission

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Tim Jones and Mr. David Lange for three-year terms to expire June 30, 2018; and the appointments of Mr. Michael Swanson and Ms. Susan Weber for three-year terms to expire June 30, 2018. 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		

Discuss Process to Select Board of Appeals (BOA) Members – Council President Bud Otis

Council President Otis noted there were two (2) openings on the BOA and currently there were four (4) applications on file.

Council Member Keegan-Ayer moved to interview the four (4) applicants in closed session on Tuesday, July 21, 2015, at 3:00 p.m. Council Member Delauter 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 7, 2015**

Third Reading Calendar:

To Consider Amended Bill No. 15-05 Concerning an Update to the Frederick County Plumbing Code – Chapter 1-14 – Council President Bud Otis (On behalf of the County Executive) (Second Reading Public Hearing Held on Tuesday, June 2, 2015)

Council Member Keegan-Ayer moved to adopt and enact into law amended Bill No. 15-05 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 <http://www.frederickcountymd.gov/>)

To Consider Amended Bill No. 15-06 - Updates to Chapter 1-6A of the Frederick County Code - Moderately Priced Dwelling Units – Council Member Jessica Fitzwater

Council Member Fitzwater moved to adopt and enact into law Bill No. 15-06 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		

(A copy of the adopted/enacted bill can be obtained from the county's website <http://www.frederickcountymd.gov/>)

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Public Hearings

**Sale of 115 and 117 East Church Street to Ausherman Development Corporation II
– Mike Marschner, Office of the County Executive**

A public hearing was held, as duly advertised, on a request to authorize the sale of 115 and 117 East Church Street.

Mr. Marschner presented the sales agreement for the properties. He noted three (3) proposals were received last year and evaluated by staff with a recommendation to finalize an Agreement of Sale with Ausherman Development Corporation II. Based on Ausherman’s price proposal, the 115 East Church Street property purchase value was \$1,100,000 and the 117 East Church Street property purchase value was \$350,000.

Comments were provided by Mr John Mathias, Office of the County Attorney; Mr. Doug Browning, Chief Administrative Officer and Ms. Lori Depies, Finance Division.

There were no public comments.

Council Member Keegan-Ayer moved to authorize the sale of 115 and 117 East Church Street to Ausherman Development Corporation II and adopt the resolution as presented. Council Member Delauter 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		

(A copy of the approved/adopted resolution can be obtained from the county’s website, www.FrederickCountyMD.gov.)

It was noted the Agreement of Sale for the properties would be presented to the County Executive for signature.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

Proposed Amendments to the Frederick County Water and Sewerage Plan (Spring 2015 Cycle) – Tim Goodfellow, Community Development Division

A public hearing was held, as duly advertised, on the proposed Spring 2015 cycle of water and sewerage amendments.

Council Member Otis swore in all those who would testify.

#WS-15-01 - The City of Frederick – Tax Map 57, Parcel 18, located on the east side of Walter Martz Road, south of Spring Run Drive, north of Christopher’s Crossing.

Mr. Jeff Love, The City of Frederick, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-01 as presented. Council Member Delauter 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		

#WS-15-02 - Verdant Development Group/Arthur and Shirley Graham – Tax Map 850, Parcel 768, located on the south side of Biggs Ford Road, east of Kenneth Drive within the Town of Walkersville.

Mr. Tom Poss, representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-02 as presented. Council Member Delauter seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

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		

#WS-15-03 - Hogan Realty Capital, LLC/Carroll Manor Fire Department – Tax Map 103, Parcel 822, located on Tuscarora Street, west of Mountville Road in Adamstown.

Mr. Victor White, representing the applicant, commented on the request.

Public comment was heard from:

- Chris Chaney

Council Member Keegan-Ayer moved to approve #WS-15-03 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		

#WS-15-04 - Christopher’s Crossing, LLC/Bartgis, Lasick and Rallas – Tax Map 57, Parcels 15, 212, located on the north side of Walter Martz Road at Christopher’s Crossing within Frederick City.

Mr. Victor White, representing the applicant, commented on the request.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-04 as presented. Council Member Delauter seconded the motion that passed 7-0.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

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		

#WS-15-05 - Community Development Division on behalf of Robert and Mary Shoemaker - Tax Map 49, Parcels 177, located on the south side of Devilbiss Bridge Road, west of MD 194, adjacent to the Town of Walkersville.

There were no public comments.

Council Member Keegan-Ayer moved to approve #WS-15-05 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 resolutions can be obtained from the county's website, www.FrederickCountyMD.gov.)

Public Comments

There were no public comments.

Council Comments

Comments were provided by Council Members Chmelik, Delauter, Donald, and Fitzwater.

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

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

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 the impact of a recent filing and associated court proceeding.

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

Adjourn

The meeting adjourned at 5:30 p.m.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JULY 7, 2015**

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; (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 Fitzwater, 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) (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; (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:

5:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

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

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 21, 2015,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JULY 7, 2015**

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; (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 Fitzwater, 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) (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; (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:

5:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, D. Browning, R. Cherney, M. Chomel, and T. Owens.

Topic to be Discussed:

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

Action Taken:

The Council confirmed the County Executive's appointee.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JULY 7, 2015**

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; (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 Fitzwater, 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) (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; (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:

5:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the county's attorneys the impact of a recent filing and associated court proceeding.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 7, 2015**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 21, 2015,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JULY 7, 2015**

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; (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 Fitzwater, 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) (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; (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:

5:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Chomel, and R. Cherney

Topic to be Discussed:

To discuss with the county's attorneys the impact of a recent filing and associated court proceeding.

Action Taken:

No action was taken.

Bud Otis, President
County Council