

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 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, Office of the County Executive; 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 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		

**Maryland Association of Counties (MACo) Visit – The Honorable Ike Leggett, Montgomery County Executive/MACo President and Michael Sanderson, MACo Executive Director**

County Executive Leggett and Mr. Sanderson noted they have been touring the state talking with elected officials about MACo, including the common challenges and similar opportunities for the future the counties in Maryland share. They both indicated it was important to work together on the current challenges facing county governments.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- #BT-16-061 – Fire and Rescue Services Division
- #BT-16-064 – Planning and Permitting Division
- #BT-16-065 – Housing and Community Development, Citizens Services Division

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 2015**

- #BT-16-067 – Board of License Commissioners
- #BT-16-069 – Fire and Rescue Services Division
- #BT-16-070 – Emergency Management Division
- #BT-16-071 – Fire and Rescue Services Division
- #BT-16-077 and #BT-16-078 – Department of Aging, Citizens Services Division

*Council Member Keegan-Ayer moved to approve the consent agenda as presented. Council Member Fitzwater 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 – August 18, September 1, September 3 and September 15, 2015**

*Council Member Keegan-Ayer moved to approve the minutes for August 18, September 1, September 3 and September 15, 2015, as presented. Council Member Donald 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		

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 2015**

**Confirmation of County Executive’s Reappointments to the Adult Guardianship Review Board - Joyce Grossnickle, Office of the County Executive**

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

*Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Kathleen Hutchins, R.N. and Mr. Christopher Sparks to serve three-year terms 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		

**FY 2015 Installment Purchase Program (IPP) Agreements (Wivell and Wivell) – Anne Bradley, Planning and Permitting Division**

Ms. Bradley and Mr. Jim Cumbie, Esquire, Venable LLP (County Bond Counsel), requested the Tammy and Adam Wivell property, located on the north side of Four Points Road, east of Wivell Road, and Tammy Wivell’s property located on the east side of Wivell Road, be considered for IPP easements.

*Council Member Delauter made a motion to approve Resolutions No.15-20 and 15-21 that would authorize the County Executive to enter into IPP agreements for 113.37 acres owned by Tammy Wivell and Adam Wivell (surviving joint tenants of Jeffrey P. Wivell who is deceased) and for 141.63 acres owned by Tammy Wivell. Council Member Fitzwater seconded the motion that passed 7-0.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 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		

(A copy of the approved/adopted resolutions can be found on the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Approval of Mutual Aid Agreement between Frederick County Sheriff's Office and Baltimore Police – Sheriff Chuck Jenkins**

Sheriff Jenkins presented the request for the agreement.

*Council Member Delauter moved to approve the resolution that would adopt the agreement, 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 resolution can be found on the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 2015**

**First Reading Calendar**

**Introduction of Bill to Modify Permitted Uses in Waterbody Buffers - Council Member Jerry Donald (Primary Sponsor) and Council Member Jessica Fitzwater (Co-Sponsor)**

Council Member Donald noted the proposed bill would remove a few of the exceptions of the Waterbody Buffer Ordinance put into place by the previous Board of County Commissioners.

President Otis noted that Bill No. 15-12 would be scheduled for a public hearing on Tuesday, November 3, 2015.

**Third Reading Calendar:**

**To Consider Bill No. 15-10 to Amend Chapter 1-18 of the Frederick County Code (Waters, Sewers and Sewage Disposal) - Council President Bud Otis (On Behalf of County Executive Jan Gardner)**

Mr. Kevin Demosky, Utilities and Solid Waste Management Division, commented on the proposed bill.

*Council Member Keegan-Ayer moved to adopt and enact into law Bill No. 15-10 as presented. Council Member Donald seconded the motion that passed 6-1 with Council Member Shreve opposed. It was noted that Mr. Demosky would report back in one-year to share the citation statistics with the Council.*

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/>)

**Public Comments**

- Doug Kaplan
- Peggy Kaplan

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 6, 2015**

- Paul Allen

**Council Comments**

Comments were provided by the Council Members.

Council Member Otis noted that he had recently requested the Interagency Internal Audit Authority (IIAA) to conduct a review of the Frederick County permitting to analyze the average days permits are in process by the Department of Permits and Inspections. He reported there was no significant change in the average days taken for permit applications to be processed to permit issuance between the two time periods reviewed.

(The Council took a break at 5:50 p.m. and reconvened at 6:00 p.m.)

**Workshop:**

**To Discuss Bill No. 15-11 - to Amend Frederick County Code, Chapter 1-7.1: Ethics (Introduced on 9/15/15) - Council President Bud Otis**

Ms. Linda Thall, Office of the County Attorney, reviewed the amendments to the Ethics Ordinance as presented in the proposed bill.

Ms. Thall noted that due to comments from the State Ethics Commission, the County Executive would not pursue the penalty provisions reflected in the proposed bill at this time.

The following members of the County Executive's Ethics Task Force were present for comments: Ms. Linda Norris - Waldt, Mr. John Helms, Mr. Karl Bickel, and Mr. Craig Hicks.

Council President Otis noted the public hearing on Bill No. 15-11 would be held at a later date.

**Adjourn**

The meeting adjourned at 8:35 p.m.

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Bud Otis, President  
County Council