

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, November 1, 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.*

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

- Jeannette Bartelt
- Rev. Julie Wilson
- Stan Mordensky
- Thomas Meyer, Food and Water Watch
- Mike Coos
- John Gretz

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

- J-17-079 – Emergency Management Division
- J-17-084 – Parks and Recreation Division

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Council Member Keegan-Ayer moved to approve the budget adjustments 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 for September 20, October 4, and October 11, 2016

Council Member Keegan-Ayer moved to approve the minutes for September 20, October 4 and October 11, 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		

Confirm the County Executive’s Appointment to the Fire and Rescue Advisory Board – Joyce Grossnickle, Office of the County Executive

Ms. Grossnickle presented the appointment to the Fire and Rescue Advisory Board recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointment as presented.

Council Member Keegan Ayer moved to confirm the appointment of Mr. Micky Fyock 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		

**Final Legislative Package for 2017 Session for Review and Input – Roger Wilson,
Office of the County Executive**

Mr. Wilson presented the proposed bills and position statements included in the Frederick County Legislative Packet for the 2017 General Assembly Session.

He noted the County Executive would present the package to the Frederick County Delegation on Thursday, November 17 at noon and the Delegation would hold their public hearing on Saturday, December 3, 2016.

Council Member Keegan-Ayer moved to approve the 2017 Legislative Package as presented. Council Member Fitzwater seconded the motion.

Council Member Chmelik made a motion to remove the position statement regarding hydraulic fracking in the State of Maryland. The motion did not receive a second.

The vote on the original motion 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		

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Third Reading Calendar:

Bill No. 16-15 - Nuisance – Noise Levels and Enforcement Amending Frederick County Code Chapter 1 Sections 1-11-6 & 1-11-7 – Council President Otis (On behalf of the County Executive)

Sheriff Chuck Jenkins noted he would forward the policy regarding the noise enforcement to the Council when available.

Council Member Keegan-Ayer moved to adopt and enact Bill No. 16-15 as amended. 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		

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

Public Hearing:

Human Trafficking Resolution – Council Member Jessica Fitzwater

A public hearing was held, as duly advertised, on a proposed resolution to form a task force to study the issues associated with human trafficking.

Council Member Fitzwater presented the proposed resolution and briefed the Council on the issues that would be discussed with definitive recommendations to be forwarded to the Council and the County Executive.

Public comment was heard from:

- Christine Ferguson, Commission For Women
- Annie Jones, Coalition to End Trafficking
- Tonya Amedon, Human Relations Commission
- Kimba Green, Commission For Women
- Tawanda Bailey
- Chief Ed Hargis, Frederick City Police Department

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- Sargeant Alcorn, Frederick City Police Department
- Stan Mordensky
- Mary Soliva
- Mari Lee, Human Relations Commission
- Margaret Fonta-Kaye
- Susan Reeder Jesse
- Sheriff Chuck Jenkins

Council Member Fitzwater moved to support and adopt the proposed resolution as presented. Council Member Donald seconded the motion that passed 5-2 with Council Members 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 resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

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: 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.

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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 Council took a break to go into Closed Session at 5:39 p.m. The Council reconvened the open session meeting at 7:00 p.m.)

Second Reading Calendar:

To Consider Bill No. 16-17 – Establishing a Clean Energy Program for Commercial Properties – Council President Bud Otis (On Behalf of the County Executive)

A public hearing was held, as duly advertised, on amended Bill No. 16-17.

Ms. Diane Fox, Finance Division, presented the bill.

There were no public comments.

Bill No. 16-17 would be scheduled for decision at a future Council meeting.

Public Comments

- Michael Trumble

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 8:00 p.m.

Bud Otis, President
County Council

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, NOVEMBER 1, 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:

5:47 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

**COUNTY COUNCIL OF FREDERICK COUNTY
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, NOVEMBER 1, 2016,
FOLLOWING THE CLOSED MEETING OF TUESDAY, NOVEMBER 1, 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:

5:47 p.m. – Council Conference Room, Winchester Hall

Others in Attendance:

W. Kearney, P. Dial, J. Kortright, 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