

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

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**

- Tom Barse
- Eric Aellen
- Mark Long
- Debbie Newcomer

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

- J-17-153 – Department of Aging, Citizens Services Division

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

*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.*

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 January 26, 2017**

*Council Member Keegan-Ayer moved to approve the minutes for January 26, 2017, 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 Frederick County Boards and Commissions – Joyce Grossnickle, Office of the County Executive**

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

**Commission on Aging**

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

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

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		

Fire and Rescue Advisory Board

*Council Member Keegan-Ayer moved to approve the appointment of Mr. Gunnar Pederson for a term to expire June 30, 2019. 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		

Human Relations Commission

*Council Member Keegan-Ayer moved to approve the appointment of Mr. Jethro (Jet) Reid (Frederick County Public Schools Representative) with no term assigned. 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, February 21, 2017**

Social Services Board

*Council Member Keegan-Ayer moved to approve the appointment of Ms. Danielle Haskin for a term to expire June 30, 2019. 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		

Transportation Services Advisory Board

*Council Member Keegan-Ayer moved to approve the appointment of Mr. Jim Gugel (Transportation Planner, Planning and Permitting Division) to serve as the Division's representative with no term assigned. 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		

**Bond Authorizing Resolution for March 2017 Sale of General Obligation Bonds,  
Series 2017A – Lori Depies, Finance Division**

Ms. Depies and Mr. Jim Cumbie, Esquire, Venable LLC (County Bond Counsel) presented the proposed resolution to approve the issuance and sale of the General Obligation Public Facilities Bonds Series 2017A in an amount not to exceed \$90,000,000.

*Council Member Keegan-Ayer moved to approve the proposed resolution as presented. Council Member Donald seconded the motion that passed 7-0.*

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

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/approved resolution can be obtained from the county's website  
<http://www.frederickcountymd.gov/>)

**First Reading Calendar:**

**Introduction of a Bill regarding General Obligation Bond Authorization – Council President Bud Otis (On behalf of the County Executive)**

Ms. Depies and Mr. Jim Cumbie, Esquire, Venable LLC (County Bond Counsel) introduced a draft bill that would authorize and empower Frederick County to borrow not more than \$100,000,000 for the purpose of financing the costs of certain public facilities in Frederick County.

It was noted a public hearing would be held on Tuesday, March 21, 2017, at 7:00 p.m.

**Introduction of a Bill regarding Farm Distilleries and Tasting Rooms, and Limited Farm Brewery, Distillery and Winery Tasting Rooms – Council President Bud Otis (On behalf of the County Executive)**

Mr. Steve Horn, Planning and Permitting Division, briefed the Council on the draft bill that would amend the County Code to allow Limited Winery, Brewery and Distillery Tasting Rooms in the Agriculture and Resource Conservation zoning districts.

It was noted a public hearing would be held on Tuesday, March 21, 2017, at 7:00 p.m.

**Introduction of a Bill regarding Farm Winery Tasting Rooms & Farm Brewery Tasting Rooms, Site Plan Approval, Size Limits, Agritourism, Roadside Stand, Limited, & Lot Frontage Requirements – Council Member Tony Chmelik**

Council Member Chmelik pulled his draft bill and noted he would revise it and bring it back to a future meeting.

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

**Introduction of a Bill regarding Limited Private Event Venues – Council Member Tony Chmelik**

Council Member Chmelik introduced a draft bill that would amend the County Code to allow Limited Private Event Venues to be established as an Accessory Use in the Agriculture zoning district.

It was noted a public hearing would be held at a future Council meeting.

**Third Reading Calendar:**

**Amended Bill No. 16-18 – Establishing a Small Business Real Property Tax Credit within Frederick County – Council Member M.C. Keegan-Ayer (On behalf of the County Executive)**

*Council Member Keegan-Ayer moved to approve and enact amended Bill No. 16-18 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](http://www.FrederickCountyMD.gov).)

(The Council adjourned the meeting at 5:30 p.m. and reconvened at 7:00 p.m.)

**Public Hearing:**

**Urbana Rezoning Application #R-16-01 – Jim Gugel and Denis Superczynski, Planning & Permitting Division**

A public hearing was held, as duly advertised, on a proposed rezoning application submitted by Natelli Communities.

Council Member Otis swore in all those who would testify.

Mr. Superczynski presented the staff report noting the application combined Phase I Plan amendments for three developments under one application involving the Villages

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

of Urbana Planned Unit Development, Northern Town Center Mixed Use Development (MXD), and the Southern Employment MXD.

The Council questioned staff on issues with the application.

Mr. Gugel and Mr. Supercyznski were cross-examined by the following:

- Steve McKay
- Matt Seubert
- Pam McKay
- Mark Jafari
- Doug Kaplan
- John Gretz
- Craig Hicks
- Victor Montalbo
- Stan Mordensky
- Jeanette Montalbo
- Brent Simmons
- Teddy Kroll
- Allyson Coffey

(The Council took a break at 9:00 p.m. and reconvened at 9:10 p.m.)

Mr. Tom Natelli, applicant, presented his requests for the rezoning case. Ms. Krista Davisson, Natelli Communities, and Mr. Eric Soter, Rodgers Consulting, representing the applicant also commented on the case.

The Council questioned the applicant and his representatives.

The applicant was cross-examined by the following:

- Steve McKay
- Matt Seubert
- Pam McKay
- Brent Simmons
- Teddy Kroll
- Maggie Dawson

**Public Comments**

- None

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, February 21, 2017**

**Adjourn**

The meeting adjourned at 11:00 p.m. and it was noted the public hearing would continue on Tuesday, February 28 at 7:00 p.m. beginning with the public comment portion of the public hearing.

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Bud Otis, President  
County Council