

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 18, 2017**

Council Members Bud Otis, President; M.C. Keegan-Ayer, Vice-President; Jerry Donald, Tony Chmelik, Jessica Fitzwater, Kirby Delauter and Billy Shreve were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office; and Nancy Luna, Recording Secretary.

Council Member Otis called the meeting to order at 5:30 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 Chmelik 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

- Peggy Kaplan
- Doug Kaplan

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

- J 18-008 – Budget Office
- J 18-009 – Budget Office
- J 18-011 – Sheriff's Office
- J 17-247 – Division of Emergency Management

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

Business Items:

Approval of Minutes for May 23 and June 6, 2017

Council Member Keegan-Ayer moved to approve the minutes for May 23 and June 6, 2017, as presented. Council Member Chmelik seconded the motion that passed 6-0-1, 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		

Ordinance to Open/Close/Alter a Portion of Conestoga Trail and Cloverleaf Drive

Wendy Kearney, Office of the County Attorney gave a brief overview of this ordinance and the Council members who approved the ordinance during the Council Meeting on June 20, 2017 signed the document.

Confirmation of the County Executive's Appointments/Reappointments/Nominees to Boards and Commissions – Patti Morrow, Office of the County Executive

Ms. Patti Morrow presented the appointments and reappointments recently made by County Executive Gardner. Ms. Morrow requested the Council's confirmation as presented.

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Commission on Aging

Council Member Keegan-Ayer moved to confirm the appointment of Ms. Cynthia Kokoski for a 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		

Commission on Disabilities

Council Member Keegan-Ayer moved to confirm the appointments of Ms. Amy Crehan and Ms. Barb Trader for terms 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		

Containment Laboratory Community Advisory Committee

Council Member Keegan-Ayer moved to confirm the reappointments of Mr. Ray Hunter and Dr. Robert Hawley to new terms to expire June 30, 2020 and the appointment of Dr. C. Matthew Sharkey to a term to expire June 30, 2020. 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		

Human Relations Commission

Council Member Keegan-Ayer moved to confirm the reappointments of Ms. Annette Breiling, Ms. Lisa Clark and Mr. David Kaye to new terms to expire June 30, 2020 and the appointments of Dr. Michael Baran and Ms. Christine Isleib to terms 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		

Local Management Board

Council Member Keegan-Ayer moved to confirm the appointments of Dr. Eric Levine, Mr. Ken Oldham and Ms. Grace Rodriguez for terms 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		

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Social Services Board

Council Member Keegan-Ayer moved to confirm the reappointment of Ms. Tracy Bowie for a new term to expire June 30, 2020 and appointments of Ms. Kerri Burson and Mr. Jeffery Reynolds for terms 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		

Third Reading Calendar:

Bill No. 17-11 – Antique, Artisan, and Craft Shops in the Limited Industrial District – Sponsor: Council President Bud Otis

Council Member Keegan-Ayer moved to enact and adopt in to law Bill No. 17-11. 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 bill can be obtained from the county's website, www.FrederickCountyMD.gov)

Bill No. 17-12 – Frederick County Employee Retirement Plan - Sponsor: Council President Bud Otis (On Behalf of the County Executive)

Council Member Keegan-Ayer moved to enact and adopt in to law Bill No. 17-12. Council Member Chmelik 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		

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

Bill No. 17-13 – Limited Wood Waste Recycling in the General Commerical District –
Sponsor: Council Member Billy Shreve

Council Member Shreve moved to enact and adopt in to law Bill No. 17-13. Council Member Delauter seconded the motion.

Discussion on Bill No. 17-13 occurred. Council Member Chmelik moved to table Bill No. 17-13 until August 22, 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		

Motion to Go into Closed Session

A motion was made by Council Member Keegan-Ayer to go into closed session at 6:40 p.m. in accordance with Maryland Annotated Code State Government 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. The motion was seconded by Council Member Chmelik and passed 7-0.

Topic for Discussion: To interview County Executive Appointee under Charter Sections 410 and 412(a).

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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 went into closed session at 6:45 p.m. and reconvened in open session at 7:00 p.m.)

Public Hearing:

**10-Year Solid Waste Management Plan (SWMP) 2018-2037 – Kevin Demosky,
Utilities and Solid Waste Management Division (County's 10-Year (2018-2037)
SWMP**

A public hearing was held, as duly advertised, on the 10-Year Solid Waste Management Plan (SWMP) 2018-2037.

Mr. Kevin Demosky, Director, Utilities and Solid Waste Management presented the plan to the Council and members of the public.

Public comment was heard from:

- None

Council Member Keegan-Ayer moved to approve the 10-Year Solid Waste Management Plan (SWMP) 2018-2037 and Resolution No. 17-21 provided by staff this evening. 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		

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Rezoning Case #R-16-01(A) – Villages of Urbana Planned Unit Development –
Denis Superczynski, Planning and Permitting Division

Denis Superczynski, Planning and Permitting Division presented the rezoning case to the Council and members of the public.

A public hearing was held, as duly advertised, on Rezoning Case #R-16-01(A).

Public comment was heard from:

- Ken Beal
- Matt Seubert/RALE
- Robert Ludner
- Jerry Rusnock
- Lisa Jarosinski
- Steve McKay
- Teddy Kroll
- Peggy Kaplan

Council Member Chmelik moved to approve Rezoning Case #R-16-01(A) as proposed and including the recommendations by the staff. Council Member Shreve seconded the motion that passed 5-2 with Council Member Donald and Keegan-Ayer 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		

Rezoning Case #R-16-01(B) – Northern Town Center Mixed Use Development
Phase I – Denis Superczynski, Planning and Permitting Division

Denis Superczynski, Planning and Permitting Division presented the rezoning case to the Council and members of the public.

A public hearing was held, as duly advertised, on Rezoning Case #R-16-01(B).

Public comment was heard from:

- Matt Seubert/RALE

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- Steve McKay
- Teddy Kroll

Council Member Keegan-Ayer moved to approve Rezoning Case #R-16-01(B) including the staff recommendations as presented on pages 22 and 23 in the staff report 1-7. 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		

Rezoning Case #R-16-01(C) – Southern Employment District – Denis Superczynski, Planning and Permitting Division

Denis Superczynski, Planning and Permitting Division presented the rezoning case to the Council and members of the public.

A public hearing was held, as duly advertised, on Rezoning Case #R-16-01(C).

Public comment was heard from:

- Doug Kaplan
- Kris Colville
- Matt Seubert/RALE
- Lisa Jarosinski
- Steve McKay
- Verna Hines

Council Member Keegan-Ayer moved to table Rezoning Case #R-16-01(C) until Tuesday, July 25, 2017. Council Member Fitzwater seconded the motion that passed 5-2.

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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		

Public Comments

- Joe Parsley

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 10:40 p.m.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
TUESDAY, JULY 18, 2017**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JULY 18, 2017**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government 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:

A motion was made by Council Member Keegan-Ayer to go into closed session at 6:40 p.m. in accordance with Maryland Annotated Code State Government 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. The motion was seconded by Council Member Chmelik and passed 7-0.

Time and Location:

6:45 p.m. – County Council Conference Room, First Floor, Winchester Hall

Topic for Discussion:

To interview County Executive Gardner's appointment as Director of the Human Resources Division.

Bud Otis, President
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
TUESDAY, JULY 18, 2017**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 18, 2017,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JULY 18, 2017**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government 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:

A motion was made by Council Member Keegan-Ayer to go into closed session at 6:40 p.m. in accordance with Maryland Annotated Code State Government 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. The motion was seconded by Council Member Chmelik and passed 7-0.

Time and Location:

6:45 p.m. – County Council Conference Room, First Floor, Winchester Hall

Others in Attendance:

Ragen Cherney, Council Chief of Staff; Wendy Kearney, County Attorney's Office; Paul Dial, Chief Administrative Officer, Appointee and Nancy Luna, Recording Secretary.

Topic Discussed:

To interview County Executive Gardner's appointment as Director of the Human Resources Division.

Action Taken:

The Council took no action.

Bud Otis, President
County Council