

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, December 5, 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; Michael Chomel, County Attorney's Office; and Nancy Luna, 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.

Recognition was given to the President of the International Firefighters Local 3666, Steven Jones, Secretary, Dan Winters and Billy Rossomondo for the work they do on behalf of Operation Warm.

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 - Shreve		X	
Presiding Officer - Otis	X		

Public Comments

- Kathleen Rall
- Matt Seubert
- Pat Schempp
- Stan Mordensky

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

- J-18-107 Planning and Permitting Division
- J-18-109 Animal Control Division
- J-18-110 Animal Control Division
- J-18-111 Animal Control Division
- J-18-112 Sheriff's Office

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- J-18-113 Workforce Services, Office of Economic Development Division
- J-18-127 Board of Education School Construction Amendment #18-06

Council Member Keegan-Ayer moved to approve the budget adjustments 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 - Shreve		X	
Presiding Officer - Otis	X		

Business Items:

Approval of Minutes for November 7, 14 and 28, 2017

Council Member Keegan-Ayer moved to approve the minutes for November 7, 14, and 28, 2017, 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 – Shreve	X		
Presiding Officer - Otis	X		

Confirmation of the County Executive's Appointments/Reappointments to Boards and Commissions

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

MENTAL HEALTH ADVISORY COMMITTEE

Council Member Keegan-Ayer moved to confirm the reappointment of Ray Brown and Abigail Murrell to the Mental Health Advisory Committee to terms 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 - Shreve	X		
Presiding Officer - Otis	X		

MONOCACY SCENIC RIVER CITIZENS ADVISORY BOARD

Council Member Keegan-Ayer moved to confirm the appointment of Stan Mordensky and Matt Toms to the Monocacy Scenic River Citizens Advisory Board to terms as presented. Council Member Donald seconded the motion. Council Member Shreve asked to vote on the appointees separately.

Council Member Keegan-Ayer moved to confirm the appointment of Stan Mordensky to the Monocacy Scenic River Citizens Advisory Board to terms as presented. Council Member Donald seconded the motion that 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 - Shreve		X	
Presiding Officer - Otis	X		

Council Member Keegan-Ayer moved to confirm the appointment of Matt Toms to the Monocacy Scenic River Citizens Advisory Board to terms 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 - Shreve	X		
Presiding Officer - Otis	X		

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RETIREMENT PLAN COMMITTEE

Council Member Keegan-Ayer moved to confirm the appointment of Mike Mills to the Retirement Plan Committee to terms 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 - Shreve	X		
Presiding Officer - Otis	X		

SOLID WASTE ADVISORY COMMITTEE

Council Member Keegan-Ayer moved to confirm the reappointment of Zach Fleagle and David Langas to the Solid Waste Advisory Committee to terms 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 - Shreve	X		
Presiding Officer - Otis	X		

TRANSPORTATION SERVICES ADVISORY COUNCIL

Council Member Keegan-Ayer moved to confirm the appointment of Maria Lorenzana-Castro to the Transportation Services Advisory Council to terms 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 - Shreve	X		
Presiding Officer - Otis	X		

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WORKFORCE DEVELOPMENT BOARD

Council Member Keegan-Ayer moved to confirm the appointment of Adele Connolly and Kimberly Duncan to the Workforce Development Board no terms 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 - Shreve	X		
Presiding Officer - Otis	X		

Bond Authorizing Resolution for the December 2017 Sale of General Obligation Public Facilities Refunding Bonds, Series 2017B

Jim Cumbie and Lori Depies presented the details of the resolution to the council.

Council Member Keegan-Ayer moved to adopt the attached resolution for approval of the General Obligation Public Facilities Refunding Bonds, Series 2017B in accordance with staff presentation. 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 - Shreve	X		
Presiding Officer - Otis	X		

Bond Authorizing Resolution for the February 2018 Sale of General Obligation Public Facilities Bonds, Series 2018A

Jim Cumbie and Lori Depies presented the details of the resolution to the council.

Council Member Keegan-Ayer moved to adopt the attached resolution approving the General Obligation Public Facilities Bonds, Series 2018A in accordance with the staff report. 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 - Shreve	X		
Presiding Officer - Otis	X		

Discussion of New Workshop Items:

- None were presented

First Reading Calendar:

**Introduction of a Bill on Revisions to the County Forest Resource Ordinance –
Council President Bud Otis (on behalf of the County Executive)**

Council President Otis introduced a proposed bill to Amend Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to revise the forest planting, retention, and mitigation requirements.

**Introduction of a Bill on Development Rights and Responsibilities Agreements –
Council President Bud Otis (on behalf of the County Executive)**

Council President Otis introduced a proposed bill to Amend Chapter 1-25 of the Frederick County Code (Development Rights and Responsibilities Agreements – DRRAs) to: (1) limit DRRAs to residential developments of 1,500 or more dwelling units; (2) define and require enhanced public benefits; (3) specify the laws and fees that will apply to land developed under a DRRA; and (4) limit the term of DRRAs to no more than 5 years, with one possible extension of up to 5 years; and (5) make minor corrections to Section 1-25-1.
DEFINITIONS.

**Introduction of a Bill on Adequate Public Facilities-Adjustment of School
Construction Fees – Council President Bud Otis (on behalf of the County Executive)**

Council President Otis introduced a proposed bill to Adjust School Construction Fees in accordance with §1-20-62(G) of the Frederick County Code.

**Introduction of a Bill on Alterations to the County Forest Resource Ordinance –
Council President Bud Otis**

Council President Otis introduced a proposed bill to Amend Chapter 1-21 of the Frederick County Code (Forest Resource Ordinance) to revise certain administrative references and technical standards.

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Public Hearing:

Economic Development Bonds for Mount St. Mary's University

Jim Cumbie and Lori Depies presented the details of the bonds to the council.

Public Comments

- None

Council Member Keegan-Ayer moved to adopt the attached resolution approving the issuance of Economic Development Bonds by the County on behalf of Mount St. Mary's University in an amount not to exceed \$68,000,000.00 as presented by staff. 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 - Shreve	X		
Presiding Officer - Otis	X		

Third Reading Calendar:

Bill No. 17-15 – Wood Waste Recycling – Council Member Tony Chmelik

Council Member Chmelik withdrew his bill from consideration.

The council took a break from 5:30 p.m. to 7:00 p.m.

Second Reading Calendar:

To Consider Bill No. 17-16 – Veterans Advisory Council – Council President Bud Otis

Public Comments

- Delegate Carol Krimm
- Judge Scott Rolle
- Col. (Ret.) Wayne Green
- Maj. (Ret.) Dan Campbell
- Pat Schempp
- Craig Tyler

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- Ernest Muhly
- David Perez
- Sharon Jacko
- Ray Barnes (on behalf of the County Executive)
- Jim Patrick
- Richard Jones
- Robert Hartman
- David Pearce

Public Hearing:

Rezoning Amendment R-05-09(B) – Ballenger Run PUD

Jim Gugel, Planning and Permitting Division, Bruce Dean of Linowes and Blocher, LLP, Rob Aumiller and Steve Oder with SeD Maryland Development, LLC presented the details of Rezoning Amendment R-05-09(B) – Ballenger Run PUD to the council.

Public Comments

- None

Council Member Keegan-Ayer moved to approve the application for Rezoning Amendment R-05-09(B) – Ballenger Run PUD as presented by staff. 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 - Shreve	X		
Presiding Officer - Otis	X		

Public Comments

- None

Council Member Comments

Comments were provided by the Council Members.

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Adjourn

The meeting adjourned at 8:15 p.m.

Bud Otis, President
County Council