

**COUNTY COUNCIL OF FREDERICK COUNTY  
WORKSHOP AND PUBLIC HEARING MINUTES  
Tuesday, April 10, 2018**

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 workshop 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.

The Council recognized the Frederick High School Girls Basketball State Champions.

**Proposed Bill Update to the Act to Establish Sustainability Commission**

Ms. Shannon Moore, Manager, Office of Sustainability and Environmental Resources presented the proposed bill to the Council.

**Proposed Bill Amendment to Ethics Law**

Ms. Linda Thall, Office of the County Attorney, presented the proposed bill to the Council.

**Proposed Bill County Council Staff Compensation**

Council President Bud Otis, presented the proposed bill to the Council.

Council President Otis passed the gavel to Vice President Keegan-Ayer.

**Motion to Reconsider the Vote and Request Return of Bill No. 18-03 Elderly Individual and Retired Military Tax Credit**

Lori Depies, Director, Finance Division, presented several administrative issues with the bill that was adopted on April 3, 2018.

Council President Otis moved to reconsider Bill No. 18-03 Elderly Individual and Retired Military Tax Credit for the purpose of making administrative amendments to clarify the effective date, assessment cap and deadlines of receipt of applications. The motion was seconded by Council Member Fitzwater which passed 6-1, with Council Member Shreve opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 - Donald	X		
District 2 - Chmelik	X		
District 4 - Fitzwater	X		
District 5 - Delauter	X		
At-large - Otis	X		
At-large - Shreve		X	
Presiding Officer - Keegan-Ayer	X		

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**Motion to Go Into Closed Session**

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:00 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (7) to consult with counsel to obtain legal advice, and under Maryland Annotated Code, General Provisions Article §3-305(b)(14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. The motion was seconded by Council Member Fitzwater which 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		

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:03 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. The motion was seconded by Council Member Fitzwater which passed 5-1-1, with Council Member Shreve opposed and Council Member Chmelik absent for the vote.

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		

(The council went into closed session at 6:05 p.m. and reconvened in open session at 7:00 p.m.)

**Public Hearing:**

**To Consider Amended Bill No. 18-05 – Public Safety Facilities Exemption – Council Member Billy Shreve**

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A public hearing was held, as duly advertised, on Amended Bill No. 18-05.

Council Member Billy Shreve introduced the amended bill.

Public comment was heard from:

- Ray Barnes

**To Consider Amended Bill No. 18-06 – Temporary Limited Wood Waste Recycling in the GC Zone – Council Member Tony Chmelik**

A public hearing was held, as duly advertised, on Amended Bill No. 18-06.

Council Member Tony Chmelik introduced the amended bill.

Public comment was heard from:

- Ray Barnes
- Rick Bussard

**To Consider Bill No. 18-07 – Senior Citizens Local Supplement to Homeowners Property Tax Credit – Council Member Jerry Donald**

A public hearing was held, as duly advertised, on Bill No. 18-07.

Council Member Jerry Donald introduced the bill.

Public comment was heard from:

- Ray Barnes

**To Consider Bill No. 18-08 – Senior Citizens Local Supplement to Homeowners Property Tax Credit – Council Member Kirby Delauter**

A public hearing was held, as duly advertised, on Bill No. 18-08.

Council Member Kirby Delauter introduced the bill.

Public comment was heard from:

- Ray Barnes

**To Consider Bill No. 18-09 – Location of Private Amenities and Recreational Facilities in Planned Development Districts – Council Vice President M.C. Keegan-Ayer**

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A public hearing was held, as duly advertised, on Bill No. 18-09.

Wendy Kearney, Office of the County Attorney introduced the bill.

Public comment was heard from:

- Ray Barnes
- Eric Soter
- Denise Jacoby

**Adjourn**

The meeting adjourned at 8:00 p.m.

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
WORKSHOP AND PUBLIC HEARING MINUTES  
Tuesday, April 10, 2018**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, APRIL 10, 2018**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §3-305(b) (7) and (14)**

(7) To consult with counsel to obtain legal advice on a legal matter, and (14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process;

**State Government Article §3-305(b) (3)**

(3) To consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

**Motion:**

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:00 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (7) to consult with counsel to obtain legal advice, and under Maryland Annotated Code, General Provisions Article §3-305(b)(14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. The motion was seconded by Council Member Fitzwater which passed 6-1, with Council Member Shreve opposed.

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:03 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. The motion was seconded by Council Member Fitzwater which passed 5-1-1, with Council Member Shreve opposed and Council Member Chmelik absent for the vote.

**Time and Location:**

6:10 p.m. – County Council Conference Room, First Floor, Winchester Hall

**Topics for Discussion:**

- a. To discuss with the County's attorneys and other staff the consideration of the County obtaining interests in real property and evaluating the acquisition of several interests in land.
- b. To discuss with the County's attorneys and other staff the contents and negotiating strategy for a contract proposal.

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Bud Otis, President  
County Council

**COUNTY COUNCIL OF FREDERICK COUNTY  
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Tuesday, April 10, 2018**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 10, 2018,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, APRIL 10, 2018**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §3-305(b) (7) and (14)**

To consult with counsel to obtain legal advice on a legal matter, and (14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process;

**State Government Article §3-305(b) (3)**

To consider the acquisition of real property for a public purpose and matters directly related to the acquisition and (7) to consult with counsel to obtain legal advice.

**Motion:**

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:00 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (7) to consult with counsel to obtain legal advice, and under Maryland Annotated Code, General Provisions Article §3-305(b)(14) to discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process. The motion was seconded by Council Member Fitzwater which passed 6-1, with Council Member Shreve opposed.

A motion was made by Council Vice President Keegan-Ayer to go into closed session at 6:03 p.m. in accordance with Maryland Annotated Code, General Provisions Article §3-305(b) (3) to consider the acquisition of real property for a public purpose and matters directly related to the acquisition. The motion was seconded by Council Member Fitzwater which passed 5-1-1, with Council Member Shreve opposed and Council Member Chmelik absent for the vote.

**Time and Location:**

6:10 p.m. – County Council Conference Room, First Floor, Winchester Hall

**Others in Attendance:**

Ragen Cherney, Chief of Staff, County Council Office; Michael Chomel, Senior Assistant County Attorney; Nancy Luna, Recording Secretary; Ray Barnes, Chief Administrative Officer, Office of the County Executive; Anne Bradley, Land Preservation Program Administrator, Planning and Permitting Division; Shannon O'Neil, Planner I, Planning and Permitting Division.

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**Topic Discussed:**

To discuss with the County's attorneys and other staff the consideration of the County obtaining interests in real property and evaluating the acquisition of several interests in land.

**Action Taken:**

Voted to authorize offers to the top 3 applicants on the list by consensus (Vote 7-0).

This portion of the closed session adjourned at 6:15 p.m.

**Time and Location:**

6:20 p.m. – County Council Conference Room, First Floor, Winchester Hall

**Others in Attendance:**

Ragen Cherney, Chief of Staff, County Councils Office; Michael Chomel, Senior Assistant County Attorney; Nancy Luna, Recording Secretary; Ray Barnes, Chief Administrative Officer, Office of the County Executive; Tom Dixon, CIO/Director, IIT Division; Vivian Laxton, Communications Director, Office of the County Executive; Robert Duchen, Vice President, River Oaks Communication Corp.

**Topic Discussed:**

To discuss with the County's attorneys and other staff the contents and negotiating strategy for a contract proposal.

**Action Taken:**

None. Information Briefing.

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Bud Otis, President  
County Council