

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 19, 2018**

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

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

Council President Bud 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 Vice President M.C. Keegan-Ayer moved to approve the agenda. Council Member Tony Chmelik seconded the motion that passed 5-1-1, with Council Member Billy Shreve opposed and Council Member Kirby Delauter absent.

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

- Richard Lee

Business Items

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

Council Vice President M.C. Keegan-Ayer moved to approve the budget adjustments as presented. Council Member Tony Chmelik seconded the motion that passed 5-0-2, with Council Member Billy Shreve abstaining and Council Member Kirby Delauter absent.

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

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At-large - Shreve			X
Presiding Officer - Otis	X		

Business Items:

Approval of Minutes from June 5, and June 12, 2018 and Closed Session Minutes from June 12, 2018

Council Vice President M.C. Keegan-Ayer moved to approve the minutes as presented. Council Member Tony Chmelik seconded the motion that passed 5-0-2, with Council Member Billy Shreve abstaining and Council Member Kirby Delauter absent.

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		

Installment Purchase Program – Request for Approval of Six (6) Resolutions to Enter into Installment Purchase Agreements (FY 2017 Cycle) AND J-18-294

Ms. Anne Bradley, Land Preservation Program Administrator, Planning and Permitting Division and Mr. Jim Cumbie, Partner, Venable, LLC presented the Installment Purchase Agreements to the Council.

Council Vice President M.C. Keegan-Ayer moved to approve Resolution 18-06 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by John C. and Ellen W. Nicodemus, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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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Council Vice President M.C. Keegan-Ayer moved to approve Resolution 18-07 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by Sandy Run Farm, LLC, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Vice President M.C. Keegan-Ayer moved to approve Resolution 18-08 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by Worthy View Farm, LLC, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Vice President M.C. Keegan-Ayer moved to approve Resolution 18-09 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by Michael A. Wivell, Sr., as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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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Council Vice President M.C. Keegan-Ayer moved to approve Resolution 18-10 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by Robert Clayton Stevens and George C. Stevens, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Vice President M.C. Keegan-Ayer moved to approve Resolution 18-11 to allow the County to enter into an Installment Purchase Program and an IPP Easement on the property owned by Charles Franklin Kolb, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Vice President M.C. Keegan-Ayer moved to approve budget adjustment J-18-294, as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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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Affirm the Confirmation of the Appointments to the Frederick County Planning Commission

Mr. Ray Barnes, Chief Administrative Officer, Office of the County Executive presented the appointments to the Frederick County Planning Commission. Mr. Barnes requested the Council's confirmation of the appointments as presented.

Council Vice President M.C. Keegan-Ayer moved to approve Terry Bowie to the Frederick County Planning Commission to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Vice President M.C. Keegan-Ayer moved to approve Joel Rensberger to the Frederick County Planning Commission to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 County Executive's Appointments and Reappointments to Boards and Commissions – Joyce Grossnickle, Office of the County Executive

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

Affordable Housing Council

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Council Vice President M.C. Keegan-Ayer moved to approve Kim Ashkenazi, Malcolm Furgol, Mark Long and Marva J.L. Younger to the Affordable Housing Council to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Agricultural Preservation Advisory Board

Council Vice President M.C. Keegan-Ayer moved to approve Sam Tressler to the Agricultural Preservation Advisory Board to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Commission for Women

Council Vice President M.C. Keegan-Ayer moved to approve Rosario Campos, Karen Czapanskiy, and Dr. Lakshmi Darbha and the appointment of Maura Page to the Commission for Women to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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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Commission on Aging

Council Vice President M.C. Keegan-Ayer moved to approve Thomas Lawler and Thea Uhlig-Ruff to the Commission on Aging to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Local Management Board

Council Vice President M.C. Keegan-Ayer moved to approve Jenifer Winkler to the Local Management Board to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Mental Health Advisory Committee

Council Vice President M.C. Keegan-Ayer moved to approve Theresa Hiegel to the Mental Health Advisory Committee to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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

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At-large – Shreve	X		
Presiding Officer - Otis	X		

Parks and Recreation Commission

Council Vice President M.C. Keegan-Ayer moved to approve Richard Bohn to the Parks and Recreation Commission to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Social Services Board

Council Vice President M.C. Keegan-Ayer moved to approve Phyllis York, Karen Duffy, Tiffany Green, Linda Ramos and Allison Young to the Social Services Board to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Substance Abuse Council

Council Vice President M.C. Keegan-Ayer moved to approve Cynthia Terl to the Substance Abuse Council to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – Chmelik	X		

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District 3 - Keegan-Ayer	X		
District 4 – Fitzwater	X		
District 5 – Delauter			X
At-large – Shreve	X		
Presiding Officer - Otis	X		

Sustainability Commission

Council Vice President M.C. Keegan-Ayer moved to approve Mark Sankey to the Sustainability Commission to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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		

Workforce Development Board

Council Vice President M.C. Keegan-Ayer moved to approve Michael Dickson to the Workforce Development Board to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 Appointment to the Interagency Internal Audit Authority

Ms. Tricia Griffis, CPA, Director, Internal Audit Division presented the appointment to the Interagency Internal Audit Authority. Ms. Griffis requested the Council's confirmation of the appointment as presented.

Council Vice President M.C. Keegan-Ayer moved to approve Eric Wu to the Interagency Internal Audit Authority to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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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		

Review of Intergovernmental Service Agreement (IGSA) with the U.S. Department of Homeland Security U.S. Immigration and Customs Enforcement Office of Detention and Removal (ICE) and Analysis of Costs

Ms. Tricia Griffis, CPA, Director, Internal Audit Division presented the report to the Council.

Council Members had questions for Ms. Griffis regarding the report.

First Reading Calendar:

Introduction of a Bill regarding Construction of Accessory Dwelling Units in Frederick County

Council Member Jessica Fitzwater, briefed the Council on a proposed bill that would Amend Chapter 1-19 of the Frederick County Code to amend the conditions for construction of accessory dwelling units in Frederick County.

Introduction of a Bill regarding Impact Fees for Accessory Dwelling Units

Council Member Jessica Fitzwater, briefed the Council on a proposed bill that would exempt accessory dwelling units equal to or less than 800 square feet in size from payment of public school development impact fees.

Third Reading Calendar:

Bill No. 18-15 – Frederick County Sustainability Commission

Council Vice President M.C. Keegan-Ayer moved to approve Bill No. 18-15 Frederick County Sustainability Commission. Council Member Jerry Donald seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – Chmelik	X		

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District 3 - Keegan-Ayer	X		
District 4 – Fitzwater	X		
District 5 – Delauter			X
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:

Fall 2017 Cycle of Water and Sewerage Plan Amendments

A public hearing was held, as duly advertised, on Fall 2017 Cycle of Water and Sewerage Plan Amendments.

Council President Bud Otis swore in all those who would testify.

Mr. Tim Goodfellow, Principle Planner, Planning and Permitting Division presented the staff reports and his recommendations for approval to the Council.

#WS-17-11 – Walker House, LLC

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to approve #WS-17-11 as presented. Council Member Tony Chmelik seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

#WS-17-12 – Division of Planning and Permitting/Quynn Property

Public comment was heard from:

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- None

Council Vice President M.C. Keegan-Ayer moved to approve #WS-17-12 as presented. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1 with Council Member Kirby Delauter absent.

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 copy of the adopted resolution can be obtained from the county's website, www.FrederickCountyMD.gov.)

(The Council took a break at 5:50 p.m. and reconvened at 7:00 p.m.)

Public Hearing:

Proposed Charter Amendments

A public hearing was held, as duly advertised, on Proposed Charter Amendments.

Amendment #1: Charter Article 4 Executive, Subsection 411 County Attorney

Public comment was heard from:

- Gil House

Amendment #3: Charter Article 5 Budget and Finance, Subsection 506 Action on the Budget by the Council

Public comment was heard from:

- None

Amendment #4: Charter Article 7, Miscellaneous, Subsection 705 Collective Bargaining

Public comment was heard from:

- Gil House

Amendment #5: Charter Article 3 Legislative Process, Subsection 307 Effective Date of Laws and 308 Referendum

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Public comment was heard from:

- Gil House

Amendment #6: Charter Article 2, County Council, Subsection 209 Vacancies

Public comment was heard from:

- Gil House

Public Comments

- Patrick Schempp

Council Member Comments

Comments were provided by the Council Members.

Adjourn

The meeting adjourned at 7:30 p.m.

Bud Otis, President
County Council