

**COUNTY COUNCIL OF FREDERICK COUNTY  
MEETING MINUTES  
Tuesday, October 16, 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, Assistant County Attorney; 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 for as presented. Council Member Tony Chmelik seconded the motion that passed 6-1; with Council Member Billy Shreve opposed.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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**

- Melanie Cox
- George Rudy

**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 6-0-1; Council Member Billy Shreve abstained.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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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**Business Items:**

**Approval of Minutes from September 25, 2018 and October 2, 2018**

*Council Vice President M.C. Keegan-Ayer moved to approve the minutes as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1; Council Member Billy Shreve abstained.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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 Agreements**

Anne Bradley, Land Preservation Program Administrator and Mr. James Cumbie, Attorney, Venable, LLP presented the resolutions to the Council

*Council Vice President M.C. Keegan-Ayer moved to approve Resolution 18-22 as presented by staff to enter into an Installment Purchase Agreement and an IPP Easement on the property owned by Roger Mills. Council Member Jerry Donald seconded the motion that passed 7-0.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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 18-23 as presented by staff to enter into an Installment Purchase Agreement and an IPP Easement on the property owned by Gregory and Patti Burdette. Council Member Tony Chmelik seconded the motion that passed 7-0.*

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| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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 Hearing:**

**Financial Assurance Plan and Watershed Protection and Restoration Program Annual Report**

Shannon Moore, Director, Office of Sustainability and Environmental Resources presented the report to the Council.

Public comment was heard from:

- George Rudy

*Council Vice President M.C. Keegan-Ayer moved to approve the Financial Assurance Plan and Watershed Protection and Restoration Program Annual Report as presented by staff. Council Member Jerry Donald seconded the motion that passed 5-2; Council Members Kirby Delauter and Billy Shreve opposed.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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   |     |                                |

**Summer 2018 Cycle of Water and Sewer Plan Amendment**

Tim Goodfellow, Principal Planner, Planning and Permitting Division presented the water and sewer plan amendment to the Council.

Public comment was heard from:

- Craig Wassley

*Council Vice President M.C. Keegan-Ayer moved to approve the Summer 2018 Cycle Water and Sewer Plan Amendment as presented by staff. Council Member Tony Chmelik seconded the motion that passed 7-0.*

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| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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   |     |                                |

**PILOT Agreement – Sharpe Square Pax Buckeye, LLC**

Milton Bailey, Housing Director, Citizens Services Division and Scott Link, Vice President, Pax-Edwards presented the PILOT agreement to the Council.

Public comment was heard from:

- Melanie Cox

*Council Vice President M.C. Keegan-Ayer moved to approve the Payment in Lieu of Tax Agreement with Sharpe Square Pax Buckeye, LLC as presented by staff, enter into a joint City/County PILOT Agreement, and adopt the attached resolution to reflect this approval. Council Member Tony Chmelik seconded the motion that passed 7-0.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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 Management Plan Amendments 2018-2037; Fort Detrick MSW**

Kevin Demosky, Director, Utilities and Solid Waste Management Division presented the Solid Waste Management Plan Amendments to the Council.

Public comment was heard from:

- None

*Council Vice President M.C. Keegan-Ayer moved to approve the Solid Waste Management Plan Amendments 2018-2037, to allow the disposal of municipal solid waste on a permanent basis and to attach the attached resolution as presented by staff. Council Member Tony Chmelik seconded the motion that passed 7-0.*

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| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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:**

**AMENDED Bill No. 18-21 Adequate Public Facilities – Adjustment of School Construction Fees**

*Council Member Tony Chmelik moved to approve Amended Bill No. 18-21 Adequate Public Facilities – Adjustment of School Construction Fees. Council President Bud Otis seconded the motion that passed 5-2; Council Members Jerry Donald and M.C. Keegan-Ayer opposed.*

Council Vice-President M.C. Keegan-Ayer raised a Point of Order to clarify the reason why the Council was not taking this amended bill to a public hearing. Council President Bud Otis explained that the amendment was not substantive and per the County Attorney's Office, it was not necessary.

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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/enacted bill can be obtained from the County's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Bill No. 18-22 Limited Food Waste Composting**

*Council Vice President M.C. Keegan-Ayer moved to approve Bill No. 18-22 Limited Food Waste Composting. Council Member Jessica Fitzwater seconded the motion that passed 7-0.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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 |  |  |

(A copy of the adopted/enacted bill can be obtained from the County's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Bill No. 18-23 Senior Services Advisory Board of Frederick County**

*Council Vice President M.C. Keegan-Ayer moved to approve Bill No. 18-23 Senior Services Advisory Board of Frederick County. Council Member Jessica Fitzwater seconded the motion that passed 7-0.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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/enacted bill can be obtained from the County's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Bill No. 18-24 Farm-based Craft Beverage Promotional Events**

*Council Member Tony Chmelik moved to approve Bill No. 18-24 Farm-based Craft Beverage Promotional Events. Council Member Jessica Fitzwater seconded the motion that passed 7-0.*

| Council Members          | Aye | Nay | Absent/<br>Abstain/<br>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/enacted bill can be obtained from the County's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Bill No. 18-25 Impartiality of Planning Commission and Board of Appeals Members**

*Council Member Tony Chmelik moved to approve Bill No. 18-25 Impartiality of Planning Commission and Board of Appeals Members. Council Member Jerry Donald seconded the motion.*

Council Member Tony Chmelik presented Amendment #2 as follows:

On Exhibit 1, Page 1, Amend 1-13-22 **IMPARTIALITY OF PLANNING COMMISSION AND BOARD OF APPEALS MEMBERS** as follows:

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\* \* \*

**B. A Member shall:**

1. Act at all times in a manner consistent with independence, integrity and impartiality, and maintain the dignity appropriate to the body to which appointed;
2. With respect to a case, controversy, or issue that is [likely to come] **PENDING** before the Member, shall not make a commitment, pledge, or promise that is inconsistent with the impartial performance of the adjudicative duties of the office;
3. [Shall] not make any statement that would reasonably be expected to [affect the outcome or] impair the fairness of **DELIBERATIONS OR ACTIONS ON** a matter pending or [impending] before the Member;
4. [Shall] not disclose or use nonpublic information acquired in their role as a Member for any purpose unrelated to their official duties.

\* \* \* \* \*

*Council Member Tony Chmelik moved to approve Amendment #2 to Bill No. 18-25 Impartiality of Planning Commission and Board of Appeals Members. Council Member Jerry 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   |     |                          |

(This bill will have a public hearing on October 23, 2018 at 7:00 p.m.)

**Bill No. 18-26 Amendment to Frederick County Code, Chapter 1-7:1 Ethics**

*Council Member Billy Shreve moved to approve Bill No. 18-26 Amendment to Frederick County Code, Chapter 1-7.1: Ethics. Council Member Kirby Delauter seconded the motion that failed 2-5; Council Members Donald, Chmelik, Keegan-Ayer, Fitzwater and Otis opposed.*

| Council Members          | Aye | Nay | Absent/ Abstain/ Present |
|--------------------------|-----|-----|--------------------------|
| District 1 – Donald      |     | X   |                          |
| District 2 – Chmelik     |     | X   |                          |
| District 3 - Keegan-Ayer |     | X   |                          |

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|                          |   |   |  |
|--------------------------|---|---|--|
| District 4 – Fitzwater   |   | X |  |
| District 5 – Delauter    | X |   |  |
| At-large – Shreve        | X |   |  |
| Presiding Officer - Otis |   | X |  |

(Council Members took a break at 6:30 p.m. and reconvened at 7:00 p.m. When the Council reconvened Council Member Jerry Donald was absent.)

**Public Hearing:**

**To Consider Bill No. 18-27 Bodywork Establishment**

A public hearing was held, as duly advertised, on Bill No. 18-27.

Council Member Jessica Fitzwater reviewed the proposed bill that would define “Body-work” establishments within Frederick County, as a use within Frederick County Code, Chapter 1-19 (Zoning Ordinance).

Public comment was heard from:

- Pamela Slatt Fagelson
- Lakshmi Darbha
- Kimberly Scott

**To Consider Bill No. 18-28 Human Trafficking Lodging Employee Training**

A public hearing was held, as duly advertised, on Bill No. 18-28.

Council Member Jessica Fitzwater reviewed the proposed bill concerning Landlord-Tenants and Human Trafficking/Prostitution, to be codified as Frederick County Code Section 1-6-66.

Public comment was heard from:

- None

**To Consider Bill No. 18-29 Human Trafficking Lodging Employee Training**

A public hearing was held, as duly advertised, on Bill No. 18-29.

Council Member Jessica Fitzwater reviewed the proposed bill that would

Public comment was heard from:

- None

**Public Comments**

- None

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**Council Member Comments**

The Council Members provided comments.

**Adjourn**

The meeting adjourned at 7:20 p.m.

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Bud Otis, President  
County Council