

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, October 23, 2018**

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

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 6-0-1; Council Member Billy Shreve was 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

- Brent Simmons
- Mary Posey

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 was 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 October 9, 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 was 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

Ms. Joyce Grossnickle, Office of the County Executive, 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.

Commission on Disabilities

Council Vice President M.C. Keegan-Ayer moved to confirm the appointment of Nadine Autry, Karen Duffy and Marsha Flowers to the Commission on Disabilities to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1; Council Member Billy Shreve was 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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Human Relations Commission

Council Vice President M.C. Keegan-Ayer moved to confirm the appointment of Paula Glascoe to the Human Relations Commission to terms as presented by staff. Council Member Tony Chmelik seconded the motion that passed 6-0-1; Council Member Billy Shreve was 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 Hearing:

Proposed Sale of County Surplus Real Property – 10 Prospect Street, Middletown, MD

Wendy Kearney, Senior Assistant County Attorney presented the sale and resolution to the Council.

Public comment was heard from:

- James Merkel

Council Vice President M.C. Keegan-Ayer moved to confirm that the property known as 103 Prospect Street, Middletown is surplus property; the County has no plans for using it, and approves the sale of the property to St. Thomas More Academy, Inc. and approve the resolution regarding the sale of the property as presented by staff. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1; Council Member Billy Shreve was 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 | | |

Third Reading Calendar:

Bill No. 18-27 Bodywork Establishment

Council Member Jessica Fitzwater moved to approve Bill No. 18-27 Bodywork Establishment.

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Council Vice President M.C. Keegan-Ayer seconded the motion that passed 5-1-1; Council Member Kirby Delauter was opposed and Council Member Billy Shreve was 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/enacted bill can be obtained from the County's website, www.FrederickCountyMD.gov)

Bill No. 18-28 Human Trafficking Landlord - Tenant

Council Member Jessica Fitzwater moved to approve Bill No. 18-28 Human Trafficking Landlord - Tenant. Council Vice President M.C. Keegan-Ayer seconded the motion that passed 5-1-1; Council Member Kirby Delauter was opposed and Council Member Billy Shreve was 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/enacted bill can be obtained from the County's website, www.FrederickCountyMD.gov)

Bill No. 18-29 Human Trafficking Lodging Employee Training

Council Member Jessica Fitzwater moved to approve Bill No. 18-29 Human Trafficking Lodging Employee Training. Council Vice President M.C. Keegan-Ayer seconded the motion that passed 5-1-1; Council Member Kirby Delauter was opposed and Council Member Billy Shreve was 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 |

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|--------------------------|---|--|
| Presiding Officer - Otis | X | |
|--------------------------|---|--|

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

(Council Members took a break at 5:00 p.m. and reconvened at 7:00 p.m. When the Council reconvened, Council Member Kirby Delauter was absent.)

Public Hearing:

To Consider Amended Bill No. 18-25 Impartiality of Planning Commission and Board of Appeals Members

A public hearing was held, as duly advertised, on Amended Bill No. 18-25.

Council President Bud Otis reviewed the proposed bill that would assure the impartiality of Planning Commission and Board of Appeals Members.

Public comment was heard from:

- None

Approve design for the new East County Area Elementary School \$3,069,924 (J-19-104)

A public hearing was held, as duly advertised.

Rick Harcum, Director, Budget Office, and Paul Lebo, Chief Operating Officer, Frederick County Public Schools, presented this FY 2019 Capital Budget Adjustments to the Council.

Public comment was heard from:

- Brad Young

Council Vice President M.C. Keegan-Ayer moved to approve budget adjustment J-19-104 authorizing supplemental appropriations to the FY2019 adopted budget for the design funding for a new East County Area Elementary School project. Council Member Tony Chmelik seconded the motion that passed 5-0-2; Council Members Billy Shreve and Kirby Delauter were 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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Approve design for the an addition to Oakdale Middle School \$800,000 (J-19-105)

A public hearing was held, as duly advertised.

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to approve budget adjustment J-19-105 authorizing supplemental appropriations to the FY2019 adopted budget for the design funding for Oakdale Middle School addition project. Council Member Tony Chmelik seconded the motion that passed 5-0-2; Council Members Billy Shreve and Kirby Delauter were 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 | | |

Approve modernization/addition feasibility study for Brunswick High School \$200,000 (J-19-103)

A public hearing was held, as duly advertised.

Public comment was heard from:

- None

Council Vice President M.C. Keegan-Ayer moved to approve budget adjustment J-19-103 the Board of Education school construction amendment 19-06 transferring surplus funds from the Frederick High School replacement project to the Brunswick High School modernization/ addition feasibility project. Council Member Jerry Donald seconded the motion that passed 5-0-2; Council Members Billy Shreve and Kirby Delauter were 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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Business Items (continued):

Public Safety Supplemental Budget Appropriation: \$2,439,405 (J-19-102)

Rick Harcum, Director, Budget Office; Chief Tom Owens, Director, Division of Fire and Rescue Services; and Jack Markey, Director, Emergency Preparedness and Management Division, presented this Public Safety supplemental budget appropriation to the Council.

Council Vice President M.C. Keegan-Ayer moved to approve budget adjustment J-19-102 authorizing the supplemental appropriations to the FY2019 adopted operating budget for Public Safety, funding 6 high priority public safety initiatives. Council Member Tony Chmelik seconded the motion that passed 5-0-2; Council Member Billy Shreve and Kirby Delauter were 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

- None

Council Member Comments

The Council Members provided comments.

Adjourn

The meeting adjourned at 8:00 p.m.

Bud Otis, President
County Council