

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, April 16, 2019**

Council Members M.C. Keegan-Ayer, President; Vice-President; Michael Blue, Steve McKay, Jerry Donald, Kai Hagen, and Phil Dacey were present for the meeting. Council Member Jessica Fitzwater was absent.

Also present were Ragen Cherney, Council Chief of Staff; John Mathias, County Attorney; Nancy Luna, Executive Assistant and Lisa Bigelow, Recording Secretary.

Council President M.C. Keegan-Ayer called the meeting to order at 5:40 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.

Public Comment was heard from:

- Mary Ann Ford
- Eileen Bernke
- Joe Berman
- John Meake

Action on the Agenda:

Council Member Jerry Donald moved to approve the agenda as presented. Council Member Kai Hagen seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Business Items:

Budget Adjustments – Becky Weaver, Budget Office, Office of the County Executive

- J-19-239 – Frederick County Public Libraries
- J-19-240 – Circuit Court
- J-19-241 – Animal Control Division
- J-19-246 – Sheriff’s Office

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Council Member Jerry Donald moved to approve the budget adjustments, as presented. Council Member Kai Hagen seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Approval of Minutes

Council Member Jerry Donald moved to approve the minutes for March 19, 2019, as presented. Council Member Kai Hagen seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	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.

Advisory Plumbing Board

Council Member Jerry Donald moved to approve the appointment of Christopher Allen and Jeremy Peterson to the Advisory Plumbing Board for terms specified by staff. Council Member Kai Hagen seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Social Services Board

Council Member Jerry Donald moved to approve the appointment of Patrick Hammett to the Social Services Board for terms specified by staff. Council Member Kai Hagen seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

FY 2020 Constant Yield Tax Rate (Motion to move to Public Hearing)

Diane Fox, Director of Treasury, Finance Division presented an overview of the FY 2020 Constant Yield Tax Rates and answered questions from the Council Members.

Council Member Jerry Donald moved to move the FY 2020 Constant Yield Tax Rates and the proposed FY 2020 tax rates to public hearing. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

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*** Council President M.C. Keegan-Ayer passed the gavel to Vice President Michael Blue while she made motions to approve the following amendments;*

2017 Monocacy River Plan Amendments (23-26)

AMENDMENT 23 to Monocacy Scenic River Management Plan, August 2, 2017 Recommended Plan

Introduced By: M.C. Keegan-Ayer (President)
Introduction Date: April 16, 2019
Adopted/Rejected/Withdrawn: _____

Appendix – Glossary of Terms, are hereby amended by adding the following definition to the terms as follows:

CORRIDOR - THE RIVER CHANNEL ITSELF, THE RIVER BANKS AND THE ADJACENT RIPARIAN AREAS. CORRIDOR IS MEANT TO DESCRIBE THE LINEAR FEATURE OF THE MONOCACY RIVER AND ITS IMMEDIATE SURROUNDING AREAS VERSUS A BROADER GEOGRAPHIC AREA DESCRIPTION SUCH AS THE ENTIRE WATERSHED.

Council Member M.C. Keegan-Ayer moved to approve **AMENDMENT 23 to Monocacy Scenic River Management Plan, August 2, 2017 Recommended Plan**. Council Member Steve McKay seconded the motion that passed 5-1-1, with Council Member Phil Dacey opposed and Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey		X	
Presiding Officer – Keegan-Ayer	X		

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**AMENDMENT 24 to Monocacy Scenic River Management Plan, August 2, 2017
Recommended Plan**

Introduced By: Council President Keegan-Ayer (District 3)
Introduction Date: April 16, 2019
Adopted/Rejected/Withdrawn: _____

Page 8-3 Recreation, Public Parkland, and Open Space, second to the last paragraph, is hereby amended by changing the following date to the sentence as follows:

Frederick County’s [1999] **2018** Bikeways and Trails Plan [~~contains a recommendation for a~~ **SUBSTANTIALLY REMOVED A PREVIOUSLY PROPOSED** trail along the Monocacy river [~~from glade creek to the Potomac river, but lacks key details such as which side of the river the trail would be located~~] **WHILE RECOMMENDING CONNECTIONS BETWEEN EXISTING TRAIL SECTIONS NEAR THE CITY OF FREDERICK, AND A SHORT SEGMENT IN THE VICINITY OF THE C&O CANAL.** [~~Since 1999, Frederick County has not actively acquired and access easements or purchased land along the river for a trail in this area~~]. The river management plan does not support development of public trails on private lands.

Council Member M.C. Keegan-Ayer moved to approve **AMENDMENT 24 to Monocacy Scenic River Management Plan, August 2, 2017 Recommended Plan.** Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

**AMENDMENT 25 to Monocacy Scenic River Management Plan, August 2, 2017
Recommended Plan**

Introduced By: Council President MC Keegan-Ayer (District 3)

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Introduction Date: April 16, 2019
Adopted/Rejected/Withdrawn: _____

Executive Summary, Paragraph 6 and 7, is hereby amended as follows:

~~During its preparation, this Plan was provided to the governments of Frederick and Carroll Counties, the City of Frederick, and the Town of Walkersville for review and comment. Six (6) public comment sessions were held by the River Board to give opportunity for all interested people and groups to comment on the Plan. Verbal and written comments were considered and assessed as part of the due diligence employed by the River Board in the development of its final, approved Plan.~~

~~The recommendations contained in this Plan should be tracked and the Plan should be reviewed by the River Board for update, as appropriate, as least every ten years.~~

THE UPDATE OF THE 1990 MONOCACY RIVER STUDY AND MANAGEMENT PLAN BEGAN WITH THE RELEASE OF THE RIVER BOARD'S INITIAL DRAFT OF THE MONOCACY RIVER MANAGEMENT PLAN IN OCTOBER 2016. FOLLOWING SEVERAL COMMUNITY MEETINGS AND PUBLIC HEARINGS IN 2016 AND 2017, THE RIVER BOARD REVISED ITS 2016 INITIAL DRAFT PLAN AND SUBSEQUENTLY APPROVED A RECOMMENDED MONOCACY RIVER MANAGEMENT PLAN IN AUGUST 2017. THIS 2017 RECOMMENDED PLAN WAS TRANSMITTED TO FREDERICK COUNTY AND CARROLL COUNTY FOR REVIEW AND ADOPTION. AS THE FORMAL APPROVING AUTHORITY FOR THE MONOCACY RIVER PLAN IN FREDERICK COUNTY, THE COUNTY COUNCIL CAN APPROVE, MODIFY, OR REJECT THE RIVER BOARD'S RECOMMENDED PLAN.

PRIOR TO FINAL APPROVAL OF THE RIVER BOARD'S 2017 RECOMMENDED PLAN BY FREDERICK COUNTY AND CARROLL COUNTY, THE RIVER BOARD IN MARCH OF 2018 REVERSED ACTION BY PRIOR RIVER BOARD MEMBERSHIP AND VOTED TO REVISE THE 2017 MONOCACY RIVER PLAN. IN NOVEMBER 2018, THE RIVER BOARD APPROVED A NEW RECOMMENDED MONOCACY RIVER MANAGEMENT PLAN AND SUBMITTED IT TO FREDERICK COUNTY FOR REVIEW AND ADOPTION.

THE FREDERICK COUNTY COUNCIL, AS THE FINAL APPROVED AUTHORITY OF THE RIVER BOARD'S RECOMMENDATIONS, HAS MODIFIED THE MONOCACY RIVER PLAN THAT WAS RECOMMENDED BY THE RIVER BOARD IN 2017. THIS PLAN WAS APPROVED BY THE FREDERICK COUNTY COUNCIL ON APRIL 16, 2019.

THE EXTENSIVE PUBLIC REVIEW CONDUCTED BY THE FREDERICK COUNTY PLANNING COMMISSION AND COUNTY COUNCIL ON THE RIVER BOARD'S RECOMMENDED PLAN INCLUDED THE FOLLOWING WORKSHOPS AND

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PUBLIC HEARINGS IN ORDER FOR ALL INTERESTED PEOPLE AND GROUPS TO COMMENT AND PROVIDE INPUT.

PUBLIC WORKSHOPS

- SEPTEMBER 13, 2017 – PLANNING COMMISSION**
- NOVEMBER 8, 2017 – PLANNING COMMISSION**
- DECEMBER 12, 2018 – PLANNING COMMISSION**
- FEBRUARY 13, 2019 – PLANNING COMMISSION**
- NOVEMBER 14, 2017 – COUNTY COUNCIL**
- MAY 22, 2018 – COUNTY COUNCIL**
- JULY 24, 2018 – COUNTY COUNCIL**
- JULY 26, 2018 – COUNTY COUNCIL**
- NOVEMBER 13, 2018 – COUNTY COUNCIL**
- FEBRUARY 5, 2019 – COUNTY COUNCIL**
- FEBRUARY 12, 2019 – COUNTY COUNCIL**
- MARCH 5, 2019 – COUNTY COUNCIL**
- APRIL 2, 2019 – COUNTY COUNCIL**
- APRIL 16, 2019 – COUNTY COUNCIL**

PUBLIC HEARINGS

- OCOTOBER 18, 2017 – PLANNING COMMISSION**
- JANUARY 16, 2019 – PLANNING COMMISSION**
- FEBRUARY 28, 2018 – COUNTY COUNCIL**
- JUNE 5, 2018 – COUNTY COUNCIL**
- FEBRUARY 26, 2019 – COUNTY COUNCIL**
- APRIL 9, 2019 – COUNTY COUNCIL**

Council Member M.C. Keegan-Ayer moved to approve **AMENDMENT 25 to Monocacy Scenic River Management Plan, August 2, 2017 Recommended Plan**. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

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***Council Vice President Michael Blue passed the gavel back to President M.C. Keegan-Ayer upon completion of her motions to approve the above mentioned amendments.*

**AMENDMENT 26 to Monocacy Scenic River Management Plan, August 2, 2017
Recommended Plan**

Introduced By: Council Member Phil Dacey (At-Large)
Introduction Date: April 16, 2019
Adopted/Rejected/Withdrawn: _____

Executive Summary, Paragraph 5, is hereby amended by adding the following sentence as the final bullet point .to the end of the paragraph as follows:

Implement through voluntary efforts key recommendations for consideration include, but are not limited to, the following:

- Environmental improvements to the River's riparian areas through targeted, voluntary, and incentivized programs.
- Reforestation of critical gaps for wildlife habitat, bank stability, flood attenuation, and viewsheds through targeted, voluntary, and incentivized programs.
- Promotion of additional river access and recreation on public lands while protecting private property rights. If additional access is deemed appropriate, any non-public lands acquired for this purpose should only be from willing and compensated land owners and should minimize any negative impacts on this plan's environmental recommendations for the river corridor.
- Increased public awareness about the River and its ecosystem through public relations and educational programs that also acknowledge and respect the property rights of owners of land along the river.
- Enhanced stewardship of all lands along the River corridor to ensure water quality protection, while meeting mandatory federal and state nutrient and sediment load reductions, enhancement of wildlife habitat for rare, threatened or endangered plant and animal species, and allowing for continued agricultural viability and economic contributions.
- Frederick County, Carroll County and all municipalities along the Monocacy river corridor are strongly encouraged to participate in and contribute to further studies of

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water quality in the river and its watershed. Such studies shall evaluate both area non-point sources and point sources of pollution which may negatively impact the Monocacy River and its corridor.

- **ANY LEGISLATION OR REGULATION BASED ON THE PLAN SHOULD SUPPORT THE RIGHTS OF PROPERTY OWNERS**

Council Member Phil Dacy moved to approve **AMENDMENT 26 to Monocacy Scenic River Management Plan, August 2, 2017 Recommended Plan**. Council Member Steve McKay seconded the motion that passed 5-1-1, with Council Member Kai Hagen opposed and Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen		X	
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Amended 2017 Monocacy Scenic River Management Plan & Accompanying Resolution

Council Member Michael Blue moved to approve the Amended 2017 Monocacy Scenic River Management Plan and Accompanying Resolution. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Third Reading:

Bill No. 19-06 Impact Fees

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Council Member Jerry Donald moved to approve Bill No. 19-06 to Amend Chapter 1-22 of the Frederick County Code (Development Impact Fee) to: (1) adjust current public school development impact fees and library development impact fees to the maximum supportable impact fees, as presented in the 2017 Impact Fee Study by the consultant TischlerBise, Inc.; (2) provide an annual report with adjustment recommendations for public school and library impact fees annually on or before January 15; (3) specify that annual adjustments to public school and library impact fees shall take effect on July 1 of the fiscal year immediately following the report recommendations; and (4) provide for an automatic adjustment of public school and Library impact fees, unless the County Council enacts a bill changing or maintaining the current impact fees, which takes effect on or before June 30 of the same year as the report. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

*** Council President Keegan-Ayer called a recess at 6:31 p.m.*

*** The Council reconvened at 7:00 p.m.*

Public Hearing:

Urbana CDA Expansion – Lori Depies, Director of Finance, Finance Division and James Cumbie, Attorney, Venable Law Firm, presented the Urbana CDA Expansion for approval from the Council to incorporate additional parcels to the Urbana Community Development Authority.

A public hearing was held, as duly advertised, on the Urbana CDA Expansion.

Public Comments:

- None

Council Member Jerry Donald moved to approve the Urbana CDA Expansion, as presented by staff. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

**Ragen Cherney, Legislative Director, swore in all parties giving testimony.*

Ballenger Run DRRA Amendment and Ballenger Run PUD Rezoning Amendment

Jim Gugel, Planning Director, Planning and Permitting Division, presented an overview of the Ballenger Run PUD Petition for Second Amendment to the DRRA – 12-07 (B) and the Ballenger Run PUD – Amendment – R-05-09 (C).

A public hearing was held, as duly advertised, on the Ballenger Run DRRA Amendment and the Ballenger Run PUD Rezoning Amendment.

Public Comment:

- None

Council Member Michael Blue moved for the County Attorney to prepare the appropriate ordinance to amend condition 9 as requested by the Applicant. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

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Council Member Michael Blue moved to authorize the County Attorney to prepare a resolution approving the amendment to the Ballenger Run DRRA and authorizing the County Executive to sign the DRRA amendment. Council Member Steve McKay seconded the motion that passed 6-0-1, with Council Member Jessica Fitzwater absent.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater			X
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Public Comment was heard from:

- None

Council Member Comments:

- Council Member comments were provided.

Adjourn

The meeting adjourned at 8:52 p.m.

M.C. Keegan-Ayer, President
County Council