

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, August 20, 2019**

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

Also present were Ragen Cherney, Chief of Staff, County Council; Bryon Black, Assistant County Attorney; Nancy Luna, Executive Assistant, County Council; Sydnee Sichert, Legislative Analyst, County Council; and Lee Redmond, Executive Assistant.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 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 Member Jessica Fitzwater moved to approve the agenda, as presented. Council Member Kai Hagen seconded the motion that passed 7-0.

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

Public Comment was heard from:

- David Burd
- Al Dawson
- Lisa Shereika
- Stephens Dempsey
- Bud Price

Business Items:

Budget Adjustments

- J-20-045 – Frederick County Public Libraries
- J-20-046 – Senior Services Division
- J-20-047 – Dept of Housing and Community Development, Citizens Services Division
- J-20-048 – Sheriff's Office

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Council Member Jessica Fitzwater moved to approve the budget adjustments, as presented. Council Member Michael Blue seconded the motion that passed 7-0.

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

Approval of Minutes from July 16 and July 23, 2019 and Closed Session Minutes from July 23, 2019

Council Member Jessica Fitzwater moved to approve the minutes from July 9, July 23 and Closed Session minutes from July 23, 2019, as presented. Council Member Jerry Donald seconded the motion that passed 7-0.

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

Overview and Timeline on 2020 Legislative Considerations

Mr. Roger Wilson, Director, Governmental Affairs, Office of the County Executive gave an overview to the Council on the timeline for the 2020 Legislative Considerations.

Gas House Pike – Partial Road Transfer to the City of Frederick

Mr. Jason Stitt, P.E., Chief, Division of Public Works and Mr. Robert Shen, Department Head, Division of Public Works, presented the Gas House Pike – Partial Road Transfer to the City of Frederick to the Council.

Council Member Jessica Fitzwater moved to authorize the County Executive to execute quit claim deed to transfer to the City of Frederick approximately 4,275 linear feet of Gas House Pike right-of-way, as identified in the Gas House Pike – Road Transfer MOU, as presented by

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staff. Council Member Steve McKay seconded the motion that passed 7-0.

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

Third Calendar Reading:

**Amended Bill No. 19-09 Automobile Filling and Service Stations and Convenience Stores
– Council Member Phil Dacey**

Council Member Phil Dacey moved to approve Amended Bill No. 19-09 Automobile Filling and Service Stations and Convenience Stores. Council Member Steve McKay seconded the motion that passed 7-0.

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

Bill No. 19-12 Allocation of Recordation Tax Proceeds to the Housing Initiative Fund for the Facilitation of Affordable Housing in Frederick County – Council Member Jessica Fitzwater (on behalf of the County Executive)

Council Member Jessica Fitzwater moved Bill No. 19-12 Allocation of Recordation Tax Proceeds to the Housing Initiative Fund for the Facilitation of Affordable Housing in Frederick County. Council Member Steve McKay seconded the motion.

Council Member Jessica Fitzwater moved Amendment No. 1 to Bill No. 19-12 Allocation of Recordation Tax Proceeds to the Housing Initiative Fund for the Facilitation of Affordable Housing in Frederick County. Council Member Kai Hagen seconded the motion that passed 4-3 with Council Members Steve McKay, Michael Blue and Phil Dacey opposed.

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

Motion to go Into Closed Session

A motion was made at 6:30 p.m., by Council Member Jerry Donald, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice. The motion was seconded by Council Member Kai Hagen, which passed 7-0.

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

***The council went into closed session at 6:45 p.m.*

(The Council took a break at 6:35 p.m. and reconvened at 7:10 p.m.)

Public Hearing:

Livable Frederick Master Plan

Public comment was heard from:

- Linda Norris-Waldt
- Lindsay Mickey
- Lisa Bell
- Peggy Elgin
- Greta Nettleton
- Graham Nettleton
- Susan Hanson
- Mary Posey
- Eytan Moked
- Kimberly Golden Brandt
- Dr. Larry Romane
- Betty Ray Romane
- Rodney Ross
- Mehrl Mayne
- Earl Bell
- James Grose
- Steve Black
- Annie Garnett
- Tom Wheatley
- Mike Little
- Homer Yost
- Terri Carr
- Ed Rozelle

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(The Council took a break at 8:35 p.m. and reconvened at 8:45 p.m.)

- Mark Long
- Eric Soter
- Mark Stiffler
- Maureen Ford
- Bruce Dean
- Jeannette Bartell
- Susan Singley
- Alyce Gregoire
- Dave Honchalk
- Dusty Rood
- Dave Twigg
- Harry George
- Matt Seubert
- Tom Natelli
- Barb Trader
- Catherine Randazzo
- Elizabeth Burkell
- Dale Dowling
- Frederick Fisher
- Harold Forney
- Debby Moone
- Kathleen O'Connor
- Drake Russell
- Anthony Moscato
- Sam Roop
- Barbara Wyatt
- Alan Feinberg
- Teddy Kroll
- Jim Racheff
- Teresa May
- Brent Simmons
- John Whitmore
- Julia Spencer
- Richard Strauter

Public Comment was heard from:

- Colleen Cusimano
- Mark Shaff
- Bill Ashton
- Mary Posey
- Craig Giangrande

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 10:40 p.m.

M.C. Keegan-Ayer, President
County Council

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, AUGUST 20, 2019**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §3-305(b) (7)

To consult with counsel to obtain legal advice on a legal matter.

Motion

A motion was made at 6:30 p.m., by Council Member Jerry Donald, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter. The motion was seconded by Council Member Kai Hagen and passed 7-0.

Time and Location:

6:45 p.m. – County Council Conference Room, First Floor, Winchester Hall

Topic for Discussion:

To discuss with the counsel to obtain advice on a pending legal matter and litigation.

M.C. Keegan-Ayer, President
County Council

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 20, 2019
FOLLOWING THE CLOSED MEETING OF TUESDAY, AUGUST 20, 2019**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §3-305(b) (7)

To consult with counsel to obtain legal advice on a legal matter.

Motion:

A motion was made at 6:30 p.m., by Council Member Jerry Donald, to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (7) To consult with counsel to obtain legal advice on a legal matter. The motion was seconded by Council Member Kai Hagen and passed 7-0.

Time and Location:

6:45 p.m. – County Council Conference Room, First Floor, Winchester Hall

Others in Attendance:

Ragen Cherney, Council Chief of Staff; John Mathias, County Attorney; Bryon Black, Assistant County Attorney; Kevin Karpinski, Karpinski, Colaresi & Karp, P.A.; and Nancy Luna, Executive Assistant.

Topic Discussed:

To discuss with the counsel to obtain advice on a pending legal matter and litigation.

Action Taken:

None

M.C. Keegan-Ayer, President
County Council