

COUNTY COUNCIL OF FREDERICK COUNTY MEETING  
MINUTES

Tuesday, November 19, 2019

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

Also present were Ragen Cherney, Chief of Staff, County Council; Bryon Black, Assistant County Attorney; Sarah Ambrosio, Recording Secretary; and Nancy Luna, Executive Assistant, County Council.

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 Jerry Donald moved to approve the agenda, as presented. Council Member Kai Hagen seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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:**

- Craig Giangrande

**Business Items:**

**Budget Adjustments**

- J-20-131 – Department of Housing and Community Development, Citizens Services Division
- J-20-132 – Department of Housing and Community Development, Citizens Services Division
- J-20-133 – Department of Housing and Community Development, Citizens Services Division
- J-20-134 – Department of Emergency Preparedness, Emergency Management Division
- J-20-135 – Administrative Services Section, Fire and Rescue Services Division

*Council Member Jerry Donald moved to approve the budget adjustments, as presented. Council Member Kai Hagen seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater*

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*and Council Member Steve McKay were absent.*

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 October 29, and November 5, 2019**

*Council Member Jerry Donald moved to approve the minutes from October 29, and November 5, 2019, as presented. Council Member Michael Blue seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

**Quarterly Financial Briefing**

Ms. Lori Depies, Director, Finance and Ms. Melanie Thom, Director, Accounting presented the quarterly financial briefing to the Council.

**Public Hearing:**

**Triennial Update of the Water and Sewerage Plan**

The Triennial Update of the Water and Sewerage Plan was presented to the council by Jim Gugel, Functional Plans Coordinator.

Public comment was heard from:

- Stephen Barrett
- Thomas Powell

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*Council Member Jerry Donald moved to approve the Triennial Update of the Water and Sewerage Plan as presented. Council Member Kai Hagen seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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 Hearing re. Summer Cycle 2019 Water and Sewerage Plan**

Those that were giving testimony for this issue were sworn in by Mr. Ragen Cherney.

A public hearing was held, as duly advertised, on the Summer 2019 Cycle Water and Sewer Amendments.

Mr. Jim Gugel, Functional Plans Coordinator, presented the Summer 2019 Cycle Water and Sewer Amendments to the Council.

**WS 19-05**

Public comment was heard from:

- None

*Council Member Jerry Donald moved to approve Water and Sewer Case WS 19-05 to reclassify parcel 192, 40 consisting of 20.22 acres from S-5/W-5 to S-3/W-3. Council Member Kai Hagen seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

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**WS 19-06**

Public comment was heard from:

- None

*Council Member Kai Hagen moved to approve Water and Sewer Case WS 19-06 to reclassify parcel 769 consisting of 0.48 acres from S-5 to S-3. Council Member Michael Blue seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

**WS 19-07**

Public comment was heard from:

- None

*Council Member Michael Blue moved to approve Water and Sewer Case WS 19-07 to reclassify parcel 2114, 2115 and 2116 consisting of 18.83 acres from S-4/S-5 to S-3 and W-5 to W-3. Council Member Jerry Donald seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

**WS 19-08**

Public comment was heard from:

- None

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*Council Member Kai Hagen moved to approve Water and Sewer Case WS 19-08 to reclassify parcel 215 consisting of 69.22 acres from Multiuse sewer and No Planned Service to S-4 and Multi-Use water and No Planned Service to W-4. Council Member Michael Blue seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

**WS 19-09**

Public comment was heard from:

- None

*Council Member Jerry Donald moved to approve Water and Sewer Case WS 19-09 to reclassify parcel 102 and 190 consisting of 16 acres from S-4 to S-3 and Parcel 190(11.6 acres) from W-5 to W-3. Council Member Michael Blue seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

**WS 19-10**

Public comment was heard from:

- None

*Council Member Kai Hagen moved to approve Water and Sewer Case WS 19-10 to reclassify parcel 95 consisting of 3.8 acres from S-5/W-5 to S-4/W-4. Council Member Jerry Donald seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member*

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Steve McKay were absent.

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		

**First Reading Calendar:**

**Prohibit the Release of Non-Biodegradable Balloons within Frederick County, Maryland**

Council Member Kai Hagen introduced legislation the Council on a proposed bill that would prohibit, with specific exceptions, the intentional release of helium-filled balloons within Frederick County.

Council President M.C. Keegan-Ayer passed the gavel to Council Vice President Michael Blue at 7:28 pm.

**Third Reading Calendar:**

**Bill No. 19-15 Revisions to the Retiree Benefit Trust of Frederick County, Maryland – Change in Composition of Investment Committee – Council President M.C. Keegan-Ayer**

*Council Member M.C. Keegan-Ayer moved to approve Revisions to the Retiree Benefit Trust of Frederick County, Maryland – Change in Composition of Investment Committee as presented. Council Member Jerry Donald seconded the motion that passed 5-0-2. Council Member Jessica Fitzwater and Council Member Steve McKay were absent.*

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		

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Presiding Officer – Keegan-Ayer	X		
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(A copy of the adopted/enacted bill can be obtained from the County’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

Council Vice President Michael Blue passed the gavel back to Council President M.C. Keegan-Ayer at 7:30 pm.

**Discussion of Board of Education Vacancy Appointment Process**

Council President M.C. Keegan-Ayer asked the Council Members if all names of those applying for the Board of Education Vacancy should be made public, by show of hands Council Members Michael Blue, Jerry Donald, Kai Hagen and Phil Dacey were all in agreement.

If more than ten (10) applicants, Council Vice President Michael Blue was in favor of each Council Member choosing two (2) applicants. Council Members Jerry Donald, Kai Hagen and Phil Dacey were in favor of each Council Member marking their top three (3) choices and applicants with the most votes move forward. It was decided that marking the top three (3) choices would move forward.

Council Members Michael Blue, Jerry Donald, Kai Hagen and Phil Dacey were all in favor of the interviews being done in closed session and will be publicly shared after all interviews were complete.

Council Members Michael Blue, Jerry Donald, Kai Hagen and Phil Dacey were all in favor asking five (5) questions with the ability of asking follow up questions.

Council Members Michael Blue, Jerry Donald, Kai Hagen and Phil Dacey were all in favor of public comment on the interviews that have been made public noting that the public may only comment on the applicant’s position on the issue, not on the applicant personally. The public comment will be held before the vote.

Council Member Steve McKay and Council Member Jessica Fitzwater were absent for this discussion.

**Public Comment was heard from:**

- None

**Council Member Comments:**

Council Member comments were provided.

**Adjourn**

**FINAL**

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The meeting adjourned at 8:00 p.m.

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M.C. Keegan-Ayer, President  
County Council