

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 1, 2022**

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

Also present were Ragen Cherney, County Council Chief of Staff; Catherine Keller, 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. virtually.

Opening Statement from Council President M.C. Keegan-Ayer

Council President M.C. Keegan-Ayer provided an opening statement at the start of the meeting. Included in that statement was a welcoming to the Legislative meeting for Tuesday, March 1, 2022 and information on how to watch and participate in the meeting. President Keegan-Ayer called roll and a quorum was established for the meeting.

The meeting began with a moment of silence followed by the Pledge of Allegiance.

Action on the Agenda

Council Member Michael Blue moved to approve the agenda as presented. 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		

Public Comment was heard from:

- None

Business Items:

Budget Adjustments

- Board of Education School Construction Fund Budget Amendment No. 22-06 and J-22-215 – Accounting, Finance Division
- J-22-216 – Accounting & Finance, Water and Sewer Utilities Division

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- J-22-224 – Housing & Community Development, Citizens Services Division
- J-22-228 – Accounting, Finance Division

Council Member Steve McKay moved to approve Budget Adjustments Board of Education School Construction Fund Budget Amendment No. 22-06 and J-22-215, J-22-216, J-22-224 and J-22-228 as presented. Council Member Jessica Fitzwater 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 February 15, and February 22, 2022.

Council Member Jessica Fitzwater moved to approve the minutes from February 15, and February 22, 2022, 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		

Recommendation to Exercise the Second Renewal Option for Financial Statement External Audit Contract

Melanie Thom, Director, Department of Accounting, Finance Division, briefed the Council on the Recommendation to Exercise the Second Renewal Option for Financial Statement External Audit Contract.

Council Member Steve McKay moved to approve the second renewal option for its contract with SB & Company, LLC. as presented by staff. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

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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		

Third Reading Calendar:

At 5:41 p.m. Council President M.C. Keegan-Ayer passed the gavel to Council Vice President Michael Blue

Bill No. 22-01 – Electric Vehicle Charging Infrastructure for Charging Electric Vehicles in Certain New Residential Structures

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-01 – Electric Vehicle Charging Infrastructure for Charging Electric Vehicles in Certain New Residential Structures. Council Member Kai Hagen seconded the motion.

Council Member Phil Dacey moved to approve Amendment 1 on Bill 22-01 - Electric Vehicle Charging Infrastructure for Charging Electric Vehicles in Certain New Residential Structures. Council Member seconded the motion that Steve McKay that failed 2-5.

AMENDMENT 1 on Bill No. 22-01

Introduced By: Council Member Phil Dacey (At-Large)
Introduction Date: March 1, 2022
Adopted/Rejected/Withdrawn: _____

An ACT to Require electric vehicle charging infrastructure for certain new residential structures.

On Exhibit 1, it is hereby amended as follows:

§1-6-23. ELECTRIC VEHICLE CHARGING – RESIDENTIAL CONSTRUCTION.

(C) Installation of Electric Vehicle Charging Equipment.

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(1) SUBJECT TO SUBSECTION (2) BELOW, for each new residential dwelling unit construction subject to this section, the following must be installed:

(a) A dedicated electric line of sufficient voltage for level 2 charging for at least one vehicle at the garage, carport, parking pad or on lot parking area;

(b) An electric vehicle charging outlet capable of providing level 2 or higher charging at the garage, carport, parking pad or on lot parking area; and

(c) A label identifying the intended use of the electric vehicle charging outlet.

(2) A BUILDER OR BUILDER’S AGENT SHALL PROVIDE EACH BUYER OR PROSPECTIVE BUYER WITH THE OPTION TO OPT-OUT OF THE REQUIREMENTS OF SUBSECTION (1) ABOVE.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 4 – Fitzwater		X	
District 3 – Keegan-Ayer		X	
At-large – Dacey	X		
At-large – Hagen		X	
Presiding Officer – Blue		X	

Council President M.C. Keegan-Ayer moved to approve Amendment 2 on Bill 22-01 - Electric Vehicle Charging Infrastructure for Charging Electric Vehicles in Certain New Residential Structures. Council Member Jerry Donald seconded the motion that passed 6-1.

AMENDMENT 2 on Bill No. 22-01

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

Introduction Date: March 1, 2022

Adopted/Rejected/Withdrawn: _____

An ACT to Require electric vehicle charging infrastructure for certain new residential structures.

On Exhibit 1, it is hereby amended as follows:

AND BE IT FURTHER ENACTED, that the amendments shown on Exhibit 1 will be effective for building permits issued on or after **JULY 1, 2022** [~~the effective date of this Bill~~].

§1-6-23. ELECTRIC VEHICLE CHARGING- RESIDENTIAL CONSTRUCTION.

(A) Definitions.

(1) “Electric Vehicle” - a vehicle that uses electricity for propulsion.

(2) “Electric Vehicle Charging Outlet” - a connected point in an electrical wiring

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installation at which current is provided to charge an electric vehicle.

(3) “Level 2 Charging” - the charging capability of the electric vehicle charging outlet and lines that includes the ability to charge a battery or other storage device in an electric vehicle through an alternating current electrical service with a minimum of 240 volts/40 amps and which meets applicable industry safety standards.

(4) “RACEWAY” – AN ENCLOSED CHANNEL DESIGNED EXPRESSLY FOR HOLDING WIRES, CABLES, OR BUS BARS, WITH ADDITIONAL FUNCTIONS AS PERMITTED IN THE NATIONAL ELECTRICAL CODE.

(C) Installation of Electric Vehicle Charging INFRASTRUCTURE [Equipment].

(1) For each new residential dwelling unit construction subject to this section, the following must be installed **FOR A MINIMUM OF ONE DEDICATED PARKING SPACE:**

(a) AN ELECTRICAL PANEL WITH SUFFICIENT CAPACITY AND SPACE TO SUPPORT A MINIMUM 240 VOLT/40 AMPS BRANCH CIRCUIT [A dedicated electric line of sufficient voltage] for level 2 charging for at least one vehicle at the garage, carport, parking pad or on lot parking area;

(b) THE INSTALLATION OF RACEWAYS TO SUPPORT An electric vehicle charging outlet **TERMINATING AT A JUNCTION BOX AT THE PARKING SPACE** [capable of providing level 2 or higher charging at the garage, carport, parking pad or on lot parking area]; and

(c) [A] PERMANENT AND VISIBLE LABELS STATING “RESERVED FOR EV-RACEWAY” AT THE SERVICE PANEL AND “RESERVED FOR EV CHARGING OUTLET” AT THE TERMINATION POINT OR JUNCTION BOX

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 4 – Fitzwater	X		
District 3 – Keegan-Ayer	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Blue	X		

Bill No. 22-02 – Amendments to Ch. 1-7 of the Frederick County Code - Electrical Ordinance

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-02 – Amendments to Ch. 1-7 of the Frederick County Code - Electrical Ordinance. Council Member Jerry

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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 3 – Keegan-Ayer	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Blue	X		

At 6:18 p.m. Council Vice President Michael Blue passed the gavel back to Council President M.C. Keegan-Ayer

Bill No. 22-03 – Amendments to Ch. 1-19 of the Frederick County Code (Zoning Ordinance) – Update Certain Definitions Related to Agricultural Uses

Council Vice President Michael Blue moved to approve Bill No. 22-03 – Amendments to Ch. 1-19 of the Frederick County Code (Zoning Ordinance) – Update Certain Definitions Related to Agricultural Uses. 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		

Bill No. 22-04 – Amendments to Ch. 1-6 of the Frederick County Code (Building Code) – Create a New Exception for, and to Define, a Farm Stand

Council Member Jerry Donald moved to approve Bill No. 22-04 – Amendments to Ch. 1-6 of the Frederick County Code (Building Code) – Create a New Exception for, and to Define, a Farm Stand. Council Member Michael Blue seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		

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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 took a break from 6:22 p.m. to 7:00 p.m.

Public Hearing:

To Consider Bill No. 22-05 – Amending Chapter 1-19 of the County Code (Zoning Ordinance) to add Critical Digital Infrastructure as a New Use

Council President M.C. Keegan-Ayer presented information on Bill No. 22-05 - Amending Chapter 1-19 of the County Code (Zoning Ordinance) to add Critical Digital Infrastructure as a New Use.

Public Comment was heard from:

- Matt Seubert
- Michael Natelli
- Karen Cannon
- Kevin Sellner

Public Comment was heard from:

- Danielle Adams

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 7:36 p.m.

M.C. Keegan-Ayer, President
County Council

FINAL

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