

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, July 26, 2022**

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

Also present were Ragen Cherney, County Council Chief of Staff; Catherine Keller, Assistant County Attorney; Sarah Grabowski, Executive Assistant, County Council; Nancy Luna, Executive Assistant, County Council and Lee Redmond, Executive Assistant, County Council.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 p.m.

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 welcome to the Legislative meeting for Tuesday, July 26, 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 Jerry Donald moved to approve the agenda as presented with the addition of Public Comment and Council Member Comments at the end of the meeting. 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:

- Johanna Springston
- Steve Black
- Tommy Davis
- Ingrid Rosenkrantz
- Buzz Macintosh

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Business Items:

Presentation:

Chuck Bean, Executive Director of the Metropolitan Washington Council of Governments (MWCOG), presented an update to the Council.

Budget Adjustments

- J-22-378 – Workforce Services, Office of Economic Development
- J-22-383 – Housing & Community Development, Citizens Services Division
- J-22-384 – Housing & Community Development, Citizens Services Division
- J-22-387 – Accounting, Finance Division
- J-23-013 – Frederick County Public Libraries
- J-23-016 – Accounting, Finance Division
- J-23-017 – Area Agency on Aging, Senior Services Division

Council Member Jerry Donald moved to approve Budget Adjustments J-22-378, Workforce Services, Office of Economic Development, J-22-383, Housing & Community Development, Citizens Services Division, J-22-384, Housing & Community Development, Citizens Services Division, J-22-387, Accounting, Finance Division, J-23-013, Frederick County Public Libraries, J-23-016, Accounting, Finance Division, J-23-017, Area Agency on Aging, Senior Services Division 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		

Approval of Minutes from July 5, 2022, July 12, 2022, and Closed Session Minutes from July 12, 2022.

Council Member Steve McKay moved to approve the minutes from July 5, 2022, July 12, 2022, and the Closed Session Minutes from July 12, 2022 as presented. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present

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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		

Confirmation of County Executive's Appointments

Rick Harcum, Chief Administrative Officer, County Executive's Office, briefed the Council on the Confirmation of the County Executive's Appointment of Jason Stitt to the position of Division Director of Public Works.

Council Member Steve McKay moved to confirm the appointment of Jason Stitt, 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		

Board of Appeals

Council Member Jerry Donald moved to confirm the appointment of Gerald Ziembra to the Board of appeals as a member, to serve a three-year term beginning July 1, 2022 and ending on June 30, 2025. 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		

Payment in Lieu of Tax Agreement

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Lauren Metz, Department of Housing and Community Development, requested approval from the Council for a Payment in Lieu of Tax Agreement for Apartment Four and Apartment Nine, Crestwood Manor.

Council Member Jerry Donald moved to approve the Pilot Program Agreement for Apartment Four in Crestwood Manor and the attached Resolution. Council Member Steve McKay seconded the motion 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		

Council Member Jerry Donald moved to approve the Pilot Program Agreement for Apartment Nine in Crestwood Manor and the attached Resolution. Council Member Steve McKay seconded the motion 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		

At 6:36 pm, Council President MC Keegan-Ayer passed the gavel to Council Member Jerry Donald.

First Reading Calendar

Council President Keegan-Ayer, on behalf of the County Executive, Proposed a Bill to revise Section 1-16-106 of the Frederick County Subdivision Regulations – Water and Sewer Facilities.

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Council President Keegan-Ayer, on behalf of the County Executive, Proposed a Bill to Amend the County's Ethics Law.

At 6:38 pm, Council Member Jerry Donald passed the gavel back to Council President MC Keegan-Ayer.

Third Reading Calendar

Jessica Fitzwater moved to approved Bill No. 22-12 – Facilities for Functions. 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		

Proposed Charter Ballot Questions (Council Decision)

Council Member Steve McKay moved to approve Charter Amendment 1 – Allowing the County Council to Increase a Budget Item in Limited Circumstances. Council Member Phil Dacey seconded the motion which failed 2-5.

AMENDMENT 1 to Frederick County Charter

Introduced By: Council Member McKay (District 2)
Introduction Date: July 5, 2022
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Action on the Budget by the Council

Article 5. Budget and Finance, Section 506. Action on the Budget by the Council

- (a) After a public hearing, the Council may decrease, **INCREASE** or delete any items in the Budget, except those required by State law, by provisions for debt services on obligations then outstanding for estimated cash deficits. The Council shall have no power to change the form of the Budget as submitted by the Executive, to alter revenue estimates, or to increase [any expenditure] **THE BUDGET** recommended by the Executive, unless

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expressly provided in State law and except to correct mathematical errors. **AN INCREASE OF ANY ITEM SHALL NOT RESULT IN THE CREATION OF A NEW PROJECT, PROGRAM OR OFFICE, AND SHALL HAVE AN OFFSETTING AND EQUAL DECREASE IN THE FISCAL YEAR BUDGET.**

- (b) Except as provided in subsection (c) of this section, any change in the proposed Budget to decrease, **INCREASE** or delete an item in the Budget made pursuant to subsection (a) of this section shall constitute a change of substance requiring that a public hearing be held following the posting of a fair summary of the change plus the date, time and place of the public hearing. This notice must be posted on the County website at least two days in advance of the public hearing.
- (c) A decrease, **INCREASE**, or deletion of one or more items in the Budget may not constitute a change of substance in the proposed Budget if the decrease, **INCREASE**, or deletion constitutes less than one percent change in the total Budget or less than fifty percent decrease in any one line item in the Budget

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	

Council Member Jessica Fitzwater moved to approve Charter Amendment 2, Allowing the County Council Members to have access to Fringe Benefits. Council Member Steve McKay seconded the motion which passed 4-3.

AMENDMENT 2 to Frederick County Charter

Introduced By: Council Member Fitzwater (District 4)
Introduction Date: July 12, 2022
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – County Council - Salary

207. Salary

For the performance of public duties under this Charter, each council member shall receive a

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Salary of \$22,500 per annum. **IN ADDITION TO SALARY, THE COUNCIL MEMBERS MAY BE ENTITLED TO RECEIVE ALLOWANCES AND FRINGE BENEFITS AS THOSE TERMS ARE DEFINED IN THIS CHARTER.** A council member may not accrue annual leave or be entitled to any payment in lieu thereof. The Salary **AND ANY ALLOWANCES AND FRINGE BENEFITS ALLOCATED IN THE BUDGET** shall be in full compensation for all services performed, but may not preclude reasonable and necessary expenses as may be provided in the Budget. The Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's salary **AND FRINGE BENEFITS** in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland. The Council may accept, reduce, or reject the Commission's recommendation, but it may not increase any recommended item.

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	

Council Vice President Michael Blue moved to approve Charter Amendment 3, Allowing Career Fire Firefighters to the Right to Organize, Collectively Bargain, and Access Binding Arbitration. Council Member Steve McKay seconded the motion which passed 6-1.

AMENDMENT 3 to Frederick County Charter

Introduced By: Council Vice President Blue (District 5)
Introduction Date: July 12, 2022
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Right to Organize, Collectively Bargain, and Binding Arbitration for Career Fire Fighters

Article 7. Miscellaneous, 705. Right to Organize, Collectively Bargain, and Binding Arbitration for Career Fire Fighters.

(a) Career fire fighters shall have the right to organize and bargain collectively regarding wages, benefits, working conditions and/or terms and conditions of employment through representative employee organizations of their own choosing as provided by ordinance of the

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County Council.

(b) In addition to the rights granted in subsection (a) of this Section to organize and bargain collectively, the County Council shall provide by ordinance for binding arbitration with authorized representatives of the appropriate employee bargaining unit in order to resolve labor **NEGOTIATION** disputes with the County's career fire fighters. The ordinance shall provide for the appointment of a neutral arbitrator by the parties to the arbitration who shall issue **AN AWARD** [a binding decision] to be implemented as part of the following year's budget process. **THAT AWARD SHALL BE BINDING ON THE COUNTY EXECUTIVE, PROVIDED THAT DECISION IS FINAL NO LATER THAN MARCH 1. THE COUNTY EXECUTIVE SHALL PROPOSE A BUDGET FOR THE FOLLOWING FISCAL YEAR THAT FUNDS THE ARBITRATOR'S AWARD IN ACCORDANCE WITH SECTION 503 OF THIS CHARTER. ANY ARBITRATION AWARD MADE PURSUANT TO SUCH ORDINANCE SHALL NOT BE BINDING ON THE COUNTY COUNCIL IN ACCORDANCE WITH SECTION 506 OF THIS CHARTER.**

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 stood in recess from 7:23 pm to 7:33 pm.

At 7:33 pm, Council President MC Keegan-Ayer called the meeting back to order and reestablished quorum.

Workshop:

Kimberly Brandt, Director, Livable Frederick Planning and Design Office, and Tim Goodfellow, Principal Planner II, Department of Planning and Permitting, presented Chapters 4 and 5 of the Sugarloaf Area Plan to the Council and announced a Community Meeting for the Public held by Planning Staff on August 18, 2022, from 5:00 pm – 8:00 pm at Urbana High School.

Public Comment was heard from:

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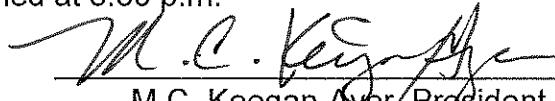
- Rob Macintosh
- Margaret Kugel
- Hugh Gordon
- Greg Bryant
- Nicholas Carerra

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 8:50 p.m.



M.C. Keegan-Ayer, President
County Council