

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, October 18, 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; Nancy Luna, Executive Assistant, County Council; Sydnee Klimko, Legislative Analyst, County Council; and Abby Boroughs, Administrative 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 welcoming to the meeting for Tuesday, October 18, 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 Steve McKay moved to approve the Agenda for Tuesday, October 18, 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		

Public Comment

Public Comment was heard from:

- Johanna Springston
- Steve Black
- Sue Trainor
- Nick Carrera
- Ingrid Rosencrantz

Budget Adjustments

J-23-080 – Sheriff's Office

J-23-081 – Office for Children & Families, Citizens Services Division

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J-23-083 – Housing & Community Development, Citizens Services Division
J-23-084 – Sheriff's Office
J-23-085 – Area Agency on Aging, Senior Services Division
J-23-091 – Circuit Court
J-23-097 – Parks & Recreation Division
J-23-100 – Administration, Finance Division

Council Member Steve McKay moved to approve the Budget Adjustments J-23-080 - Sheriff's Office; J-23-081 - Office for Children & Families, Citizens Services Division; J-23-083- Housing & Community Development, Citizens Services Division; J-23-084 - Sheriff's Office; J-23-085 - Area Agency on Aging, Senior Services Division; J-23-091- Circuit Court; J-23-097 - Parks & Recreation Division; and J-23-100 - Administration, Finance Division. 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

Council Member Steve McKay moved to approve the council minutes from September 13, September 20, and September 27, 2022. 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		

Review the Final Draft of the 2023 Legislative Package

Joy Schaefer, Director, Government Affairs briefed the council on the Final Draft of the 2023 Legislative Package.

Council Member Jessica Fitzwater moved to support the County Executive's Draft of the 2023 Legislative Package as presented. Council Member Kai Hagen seconded the motion that

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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 Hearing on a Resolution – Declaration of Surplus Property – 300 Scotty’s Bus Lane

Michelle Hurney, Chief of Capital Assets, Lease, and Acquisition Management, Department of Professional Services, Division of Public Works briefed the council on the Declaration of Surplus Property – 300 Scotty’s Bus Lane.

Public Comment was heard from:

- None

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Public Hearing on Summer 2022 Water and Sewer Plan Amendments

WS 22-09: Division of Planning & Permitting (Walz property)

Tim Goodfellow, Environmental Planner, Livable Frederick Planning & Design Office, Planning & Permitting Division presented WS application 22-09.

Public Comment was heard from:

- None

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Steve McKay moved to approve case number WS-22-09 for the reclassification of .47 acres from S1 to S5 Dev; located on the East side of Bethel Road, North of Crestview Drive. Council Member Jerry Donald 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		

WS 22-10: Maureen Wood/Frank Campbell

Tim Goodfellow, Environmental Planner, Livable Frederick Planning & Design Office, Planning & Permitting Division presented WS application 22-10.

Public Comment was heard from:

- None

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Jerry Donald moved to approve case number WS-22-10 for reclassification of .36 acres from W5-S5 to W4-S4; located on the North side of Urbana Church Road, South of Maryland 325 Urbana Pike. 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		

WS 22-11: Division of Planning & Permitting (Text Amendment)

Tim Goodfellow, Environmental Planner, Livable Frederick Planning & Design Office, Planning & Permitting Division presented WS application 22-11.

Public Comment was heard from:

- None

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Jessica Fitzwater moved to approve case number WS 22-11 to amend section 3 of Chapter 1 of the Water and Sewage Plan. Council Member Jerry Donald seconded the

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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		

WS 22-12: Division of Planning & Permitting (75-80 Properties, LLC)

Tim Goodfellow, Environmental Planner, Livable Frederick Planning & Design Office, Planning & Permitting Division presented WS application 22-12.

Public Comment was heard from:

- None

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Steve McKay moved to approve case number WS-22-12 for reclassification of 2 acres from W3-S3 to Plan Service; located at 4601 Ed McClain Road. 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		

WS 22-13: Division of Planning & Permitting (McFarland; Edgerly)

Tim Goodfellow, Environmental Planner, Livable Frederick Planning & Design Office, Planning & Permitting Division presented WS application 22-13.

Public Comment was heard from:

- None

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With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Jerry Donald moved to approve case number WS-22-13 for reclassification of 2.2 acres from the W1-S1 to Plan Service. 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		

The Council stood in recess from 6:57 p.m. to 7:07 p.m. at which time Council President M.C. Keegan-Ayer reestablished quorum.

Second Reading

AMENDED Bill No. 22-24 – Private Park in the Resource Conservation Zoning District – Council President Keegan-Ayer on behalf of County Executive

Public Comment was heard from:

- Steve Poteat
- Stan Mordesnky
- Karen Russel

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

AMENDED Bill No. 22-25 – Sugarloaf Rural heritage Overlay District – Council President Keegan-Ayer on behalf of County Executive

Public Comment was heard from:

- Johanna Springston
- Nick Carrera
- Sue Trainor
- Ingrid Rosencrantz

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- Steve Poteat
- Steve Black
- Margy Simpson
- Elizabeth Law
- Susan Hanson
- Tina Brown
- Tom Natelli
- Lauren Greenburger
- Sherry Stephenson
- Stan Mordensky
- Abigail Brown
- Kristen Morrison
- Orlando Morales
- Elizabeth Franklin
- Matt Seubert
- James Wagner
- Jay Cinque
- Sophia Jennings
- Pandora Gonzales
- Jaimie Fields
- Ellen Gordon
- Maryellen Perry
- Patrice Gallagher

With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Sugarloaf Area Plan Vote of Adoption

Council Member Jessica Fitzwater moved to postpone consideration of the Sugarloaf Area Plan to a date certain of next Tuesday, October 25, 2022. Council Member Phil Dacey 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		

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Discussion Continuation on Rezoning Changes for Rezoning/Zoning Map

Vice President Michael Blue left the meeting at 9:06 p.m.

Third Reading

Bill No. 22-27 - Requirements to Build Moderately Priced Dwelling Units (MPDUs) and Changes to Sale or Rentals – Council Member Fitzwater

Council Member Jessica Fitzwater moved to approve Bill 22-27 – Requirements to Build Moderately Priced Dwelling Units (MPDUs) and Changes to Sale or Rentals. Council Member Kai Hagen seconded the motion that passed 4-2-1, with Council Members Jerry Donald and Phil Dacey opposed and Council Vice President Michael Blue 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		

Bill No. 22-28 - Density Bonuses for Moderately Priced Dwelling Units (MPDUs) – Council Member Fitzwater

Council Member Jessica Fitzwater moved to approve Bill 22-28 – Density Bonuses for Moderately Priced Dwelling Units (MPDUs). Council Member Kai Hagen seconded the motion that passed 5-1-1, with Council Member Phil Dacey opposed and Council Vice President Michael Blue 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		

Bill. No 22-29 - Exemption for Moderately Priced Dwelling Units (MPDUs) From

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Development Impact Fees – Council Member Fitzwater

Council Member Jessica Fitzwater moved to approve Bill 22-29 – Exemption for Moderately Priced Dwelling Units (MPDUs) from Development Impact Fees. Council Member Steve McKay seconded the motion that passed 4-2-1, with Council Member Jerry Donald and Council President Keegan-Ayer opposed and Council Vice President Michael Blue 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:

- Ryan Trout
- David Angel
- Nick Carrera

Council Member Comments

Council member comments were provided.

Adjourn

The meeting adjourned at 9:50 p.m.

M.C. Keegan-Ayer, President
County Council