

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, March 21, 2023**

Council Members Mason Carter, Jerry Donald, Kavonté Duckett, M.C. Keegan-Ayer, Renee Knapp, Steve McKay, and Brad Young were present for the meeting.

Also present were Ragen Cherney, County Council Chief of Staff; Bryon Black, County Attorney; Nancy Luna, Executive Assistant, County Council; and Abby Boroughs, Administrative Assistant, County Council.

Council President Brad Young called the meeting to order at 5:30 p.m.

Opening Statement from Council President Brad Young

Council President Brad Young provided an opening statement at the start of the meeting. Included in that statement was a welcoming to the Legislative Day Meeting for Tuesday, March 21, 2023, and information on how to watch and participate in the meeting.

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

President Young then established a quorum.

Action on the Agenda

Council Member M.C. Keegan-Ayer moved to approve the agenda for 3/21/2023 as presented. Council Member Renee Knapp seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Public Comment

Public Comment was heard from:

- None.

With no further comments, Council President Brad Young closed Public Comment.

Approval of Minutes

Council Member M.C. Keegan-Ayer moved to approve the minutes for 3/7/2023 and the

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confidential Closed Session minutes for 3/7/2023 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 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X	/	
At Large – Knapp	X		
Presiding Officer – Young	X		

Motion to Unseal Closed Session Minutes 3/7/2023

Council Member Mason Carter moved to unseal the confidential Closed Session minutes from 3/7/2023. Council Vice President Kavonté Duckett seconded the motion that failed 2-5, with Council Members Jerry Donald, M.C. Keegan-Ayer, Renee Knapp, Vice President Kavonté Duckett, and President Brad Young opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 3 – Keegan-Ayer		X	
District 4 – Duckett		X	
District 5 – Carter	X		
At Large – Knapp		X	
Presiding Officer – Young		X	

Budget Adjustments

Council Member Steve McKay moved to approve the following budget adjustments:

- J-23-227 – Family Partnership, Citizens Services Division
- J-23-228 – Administration, Citizens Services Division
- J-23-231 – Engineering & Construction Management, Public Works Division
- J-23-233 – Engineering & Construction Management, Public Works Division
- J-23-234 – Livable Frederick Planning & Design Office, Planning & Permitting Division
- J-23-235 – Area Agency on Aging/Operations, Senior Services Division

Council Member M.C. Keegan-Ayer 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 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Confirmation of Division of Energy and Environment Director

Council Member M.C. Keegan-Ayer moved to confirm Shannon Moore as the director of the Division of Energy & Environment. 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 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Transit FY 24 Grant Application and Authorizing Resolution - Roman Steichen, Division Director, and Jaime McKay, Deputy Director, Transit Services Division

Council Member M.C. Keegan-Ayer moved to approve the resolution authorizing the grant application to the Maryland Department of Transportation transit administration for the FY24 grant cycle. 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 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

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FY 2024 Board of Education Non-Recurring Cost Exclusion - Kelly Weaver, Budget Director, Budget Office

Council Member M.C. Keegan-Ayer to approve the Non-Recurring Cost Exclusion being considered by the Department of Education when they are doing their MOE calculation for 2024. Council Vice President Kavonté Duckett seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Resolution of Support for DRS Signal Solutions Inc., a Subsidiary of Leonardo DRS, Inc. - Jodie Bollinger, Acting Executive Director, and Beth Woodring, Director, Business Attraction & Finance, Office of Economic Development

Council Member Jerry Donald moved to approve the resolution of support for DRS Signal Solutions Inc., a subsidiary of Leonardo DRS Inc.. Council Member Renee Knapp seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Resolutions of Support for Kite Pharma Inc. Expansion - Jodie Bollinger, Acting Executive Director, and Beth Woodring, Director, Business Attraction & Finance, Office of Economic Development

Council Member Steve McKay moved to approve the Resolutions of Support for the Kite Pharma expansion under the Maryland Economic Development Assistance Fund Conditional Loan Program. Council Member Mason Carter 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 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Third Reading Calendar:

a) Bill 23-02 - Amend the Tax Credit for the Surviving Spouse of a Disabled Veteran
- Council Member Steve McKay

Council Member Steve McKay moved to approve Bill 23-02. Council Vice President Kavonté Duckett seconded the motion that passed 6-1, with Council Member Jerry Donald opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

b) Bill 23-03 - Amend Senior Citizens Local Supplement to Homeowners Property Tax Credit – Council Member Steve McKay

Council Member Steve McKay moved to approve Bill 23-03. Council Member Mason Carter seconded the motion.

Proposed Amendments to Bill 23-03

1. Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Amendment 1 on Bill 23-03. Council Member Jerry Donald seconded the motion that failed 3-4, with Council Members Mason Carter, Vice President Kavonté Duckett, Steve McKay, and Council President Brad Young opposed.

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AMENDMENT 1 on Bill No. 23-03

Introduced By: Council Member Keegan-Ayer (District 3)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Rejected

An ACT to Expand the income eligibility for senior citizens, revise the property tax credit to 30% and 50% for the two tiers of eligible income, and increase the home value limitation to \$500,000 for the senior citizens' supplement to homeowners property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-66. SENIOR CITIZENS' LOCAL SUPPLEMENT TO HOMEOWNERS PROPERTY TAX CREDIT.

(C) Eligibility for this senior citizens' local supplement.

(1) Taxpayers must be at least 65 years old as of the end of the calendar year preceding the taxable year for which the senior citizens' local supplement tax credit is sought; and

(2) Taxpayers must not have a combined gross household income exceeding **\$80,000.00** [\$100,000].

(a) If taxpayers have a combined gross household income of \$50,000 or less, the amount of the senior citizens' local supplement to the homeowners property tax credit is equal to 50% of the net Frederick County real property tax after adjustment for all other credits and exemptions.

(b) If taxpayers have a combined gross household income greater than \$50,000, but not more than **\$80,000.00** [\$100,000], the amount of the senior citizens' local supplement to the homeowners property tax credit is equal to **20% [30%]** of the net Frederick County real property tax after adjustment for all other credits and exemptions.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 3 – Keegan-Ayer	X		
District 4 – Duckett		X	
District 5 – Carter		X	
At Large – Knapp	X		
Presiding Officer – Young		X	

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2. Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Amendment 2 on Bill 23-03. Council Member Jerry Donald seconded the motion that passed 5-2, with Council Members Mason Carter and Steve McKay opposed.

AMENDMENT 2 on Bill No. 23-03

Introduced By: Council Member Keegan-Ayer (District 3)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Adopted

An ACT to Expand the income eligibility for senior citizens, revise the property tax credit to 30% and 50% for the two tiers of eligible income, and increase the home value limitation to \$500,000 for the senior citizens' supplement to homeowners property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-66. SENIOR CITIZENS' LOCAL SUPPLEMENT TO HOMEOWNERS PROPERTY TAX CREDIT.

(D) The amount of this senior citizens' local supplement tax credit may not exceed the amount due for net Frederick County real property tax. This senior citizens' local supplement tax credit does not apply to other than county real property tax; it does not apply to excise or other taxes such as fire or to special assessments. This property tax credit is only granted on the taxes resulting from the first [\$500,000] **\$350,000** of assessed value of the property.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter		X	
At Large – Knapp	X		
Presiding Officer – Young	X		

Council President passed the gavel to Vice President Kavonté Duckett. Vice President Kavonté Duckett presided over the Council during President Brad Young's amendment.

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3. Council President Brad Young

Council President Brad Young moved to approve Amendment 3 on Bill 23-03. Council Member Steve McKay seconded the motion that passed 4-3, with Council Members Vice President Kavonté Duckett, M.C. Keegan-Ayer, and Renee Knapp opposed.

AMENDMENT 3 on Bill No. 23-03

Introduced By: Council President Brad Young (At Large)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Adopted

An ACT to amend Chapter 1-8 of the Frederick County Code (Finance and Taxation) to expand the income eligibility for senior citizens, revise the property tax credit to 30% and 50% for the two tiers of eligible income, and increase the home value limitation to \$500,000 for the senior citizens' supplement to the homeowners property tax credit.

On Exhibit 1, Page 1, it is hereby amended by adding the text as follows:

(C) Eligibility for this senior citizens local supplement.

...

(2) Taxpayers must not have a combined gross household income exceeding ~~[\$80,000]~~\$100,000.

...

(c) The amount of the combined gross household income that shall be applied to subsection (2), including (2)(a) and (2)(b), shall be adjusted each year following the effective date of this bill, to reflect changes in the Consumer Price Index. The adjusted value of each combined gross household income value stated in subsection (2) shall be determined by multiplying the income amount by a fraction:

- (i) The numerator of which is the Consumer Price Index (as defined in subsection (iv) below) as of January of the year for which the adjustment is being made, and
- (ii) The denominator of which is the Consumer Price Index (as defined in subsection (iv) below) as of January of the preceding year for which the adjustment is being made.

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- (iii) The adjustment shall not result in a negative change to the combined gross household income value. Should the adjustment be lower, the combined gross household income shall remain the same as the previous year.
- (iv) Consumer Price Index: Adjustments to the combined gross household income will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Washington-Arlington-Alexandria, DC-VA-MD-WV, All Items, 1982-84=100, published bi-monthly by the Bureau of Labor Statistics. In the event the Bureaus of Labor Statistics abandons publication of the above-referenced index, the Frederick County Treasury Department shall adopt any other index which, in its judgment, provides an accurate measure of cost-of-living changes, pending amendment to this Section 1-8-66.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer		X	
District 4 – Duckett		X	
District 5 – Carter	X		
At Large – Knapp		X	
Presiding Officer – Young	X		

Council Vice President passed the gavel back to Council President Brad Young and Council President Brad Young continued presiding over the meeting.

- c) Bill 23-04 - Amend Elderly Individuals Uniformed Service Members Property Tax – Council Member Steve McKay

Council Member Steve McKay moved to approve Bill 23-04. Council Member Mason Carter seconded the motion.

Proposed Amendments to Bill 23-04

1. Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Amendment 1 on Bill 23-04. Council Member Jerry Donald seconded the motion that passed 4-3, with Council Members Mason Carter, Steve McKay, and President Brad Young opposed.

AMENDMENT 1 on Bill No. 23-04

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Introduced By: Council Member Keegan-Ayer (District 3)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Adopted

An ACT to Expand the income eligibility for elderly individuals, increase the property tax credit to 30%, and remove the 5-year limitation for the elderly individuals and uniformed service members property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-67. ELDERLY INDIVIDUALS AND UNIFORMED SERVICE MEMBERS PROPERTY TAX CREDIT.

(B) (1) In this section the following words have the meanings indicated.

(2) (a) "Dwelling" means:

(i) A house that is:

A. Used as the principal residence of the homeowner; and

B. Actually occupied or expected to be actually occupied by the homeowner for more than 6 months of a 12-month period

beginning with the date of finality for the taxable year for which the property tax credit under this section is sought; and

(ii) The lot or curtilage on which the house is erected.

(b) "Dwelling" includes:

(i) A condominium unit that is occupied by an individual who has a legal interest in the condominium;

(ii) An apartment in a cooperative apartment corporation that is occupied by an individual who has a legal interest in the apartment; and

(iii) A part of real property used other than primarily for residential purposes, if the real property is used as a principal residence by an individual who has a legal interest in the real property.

(3) "Eligible individual" means:

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(a) An individual who is at least 65 years old, has lived in the same dwelling for at least the preceding 40 years, and has a combined gross household income of **\$80,000** [**\$100,000**] or less;

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter		X	
At Large – Knapp	X		
Presiding Officer – Young		X	

2. Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Amendment 2 on Bill 23-04. Council Member Jerry Donald seconded the motion that passed 4-3, with Council Members Mason Carter, Steve McKay, and President Brad Young opposed.

AMENDMENT 2 on Bill No. 23-04

Introduced By: Council Member Keegan-Ayer (District 3)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Adopted

An ACT to Expand the income eligibility for elderly individuals, increase the property tax credit to 30%, and remove the 5-year limitation for the elderly individuals and uniformed service members property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-67. ELDERLY INDIVIDUALS AND UNIFORMED SERVICE MEMBERS PROPERTY TAX CREDIT.

(C) (1) The property tax credit allowed under this section is:

(a) **20%** [**30%**] of the County property tax imposed on the property net of any property tax credit granted under Md. Code Ann., Tax Property Article, § 9-105; and

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter		X	
At Large – Knapp	X		
Presiding Officer – Young		X	

3. Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Amendment 3 on Bill 23-04. Council Member Jerry Donald seconded the motion that passed 5-2, with Council Members Mason Carter and Steve McKay opposed.

AMENDMENT 3 on Bill No. 23-04

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

Introduction Date: March 21, 2023

Adopted/Rejected/Withdrawn: Adopted

An ACT to Expand the income eligibility for elderly individuals, increase the property tax credit to 30%, and remove the 5-year limitation for the elderly individuals and uniformed service members property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-67. ELDERLY INDIVIDUALS AND UNIFORMED SERVICE MEMBERS PROPERTY TAX CREDIT.

(E) This property tax credit shall be calculated only on the lesser of:

(1) **\$350,000** [\$500,000]; or

(2) The assessed value of the dwelling reduced by the amount of any assessment on which a property tax credit is granted under Md. Code Ann., Tax Property Article, § 9-105.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay		X	
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter		X	
At Large – Knapp	X		
Presiding Officer – Young	X		

4. Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve Amendment 4 on Bill 23-04. Council Member Steve McKay seconded the motion. One Amendment to Amendment 4 was made as follows:

a. *Council Vice President Duckett moved to amend section (a) of Amendment 4 to change 25 years to 30 years. Council Member Steve McKay seconded the motion, which the Council unanimously agreed to consider.*

AMENDMENT 4 on Bill No. 23-04

Introduced By: Council Vice President Duckett (District 4)

Introduction Date: March 21, 2023

Adopted/Rejected/Withdrawn: Adopted

An ACT to Expand the income eligibility for elderly individuals, increase the property tax credit to 30%, and remove the 5-year limitation for the elderly individuals and uniformed service members property tax credit.

On Exhibit 1, it is hereby amended as follows:

§ 1-8-67. ELDERLY INDIVIDUALS AND UNIFORMED SERVICE MEMBERS PROPERTY TAX CREDIT.

(3) "Eligible individual" means:

(a) An individual who is at least 65 years old, has lived in the same dwelling for at least the preceding [40] ~~25~~ **30** years, and has a combined gross household income of \$100,000 or less;

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The Council then returned to the original motion by Council Vice President Duckett to approve Amendment 4 on Bill No. 23-04, as amended. The motion passed 6-1, with Council Member Jerry Donald opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald		X	
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Council President passed the gavel to Vice President Kavonté Duckett. Vice President Kavonté Duckett presided over the Council during President Brad Young's amendment.

5. Council President Brad Young

Council President Brad Young moved to approve Amendment 5 on Bill 23-04. Council Member Steve McKay seconded the motion that passed 5-2, with Council Members M.C. Keegan-Ayer and Renee Knapp opposed.

AMENDMENT 5 on Bill No. 23-04

Introduced By: Council President Brad Young (At Large)
Introduction Date: March 21, 2023
Adopted/Rejected/Withdrawn: Adopted

An ACT to amend Chapter 1-8 of the Frederick County Code (Finance and Taxation) to expand the income eligibility for elderly individuals, increase the property tax credit to 30%, and remove the 5-year limitation for the elderly individuals and uniformed service members property tax credit.

On Exhibit 1, Page 1, it is hereby amended by adding the text as follows:

(B)

...

(3) “Eligible individual” means:

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...

(f) The amount of the combined gross household income that shall be applied to subsection (3)(a), shall be adjusted each year following the effective date of this bill, to reflect changes in the Consumer Price Index. The adjusted combined gross household income value stated in subsection (3)(a) shall be determined by multiplying the income amount by a fraction:

- (i) The numerator of which is the Consumer Price Index (as defined in subsection (iv) below) as of January 1 of the year for which the adjustment is being made, and
- (ii) The denominator of which is the Consumer Price Index (as defined in subsection (iv) below) as of January 1 of the preceding year for which the adjustment is being made.
- (iii) The adjustment shall not result in a negative change to the combined gross household income value. Should the adjustment be lower, the combined gross household income shall remain the same as the previous year.
- (iv) Consumer Price Index: Adjustments to the combined gross household income will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Washington-Arlington-Alexandria, DC-VA-MD-WV, All Items, 1982-84=100, published bi-monthly by the Bureau of Labor Statistics. In the event the Bureaus of Labor Statistics abandons publication of the above-referenced index, the Frederick County Treasury Department shall adopt any other index which, in its judgment, provides an accurate measure of cost-of-living changes, pending amendment to this Section 1-8-66.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer		X	
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp		X	
Presiding Officer – Young	X		

Council Vice President passed the gavel back to Council President Brad Young and Council President Brad Young continued presiding over the meeting.

- d) Bill 23-05 - Amendments to Ch. 1-14 of the Frederick County Code - Plumbing Ordinance – Council Member M.C. Keegan-Ayer

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Council Member M.C. Keegan-Ayer moved to approve Bill 23-05. Council Member Mason Carter seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 1 – Donald	X		
District 2 – McKay	X		
District 3 – Keegan-Ayer	X		
District 4 – Duckett	X		
District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Public Comment

Public Comment was heard from:

- Connor Han
- James Han

With no further comments, Council President Brad Young closed Public Comment.

Council Member Comments

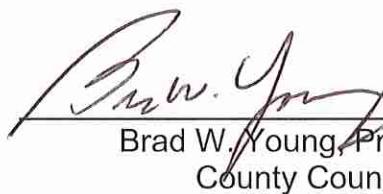
Council Member comments were provided.

Upcoming Meetings

- Tuesday, March 28, 2023 – Workshop
- Tuesday, April 4, 2023 – Legislative Day

Adjourn

The meeting adjourned at 7:17 p.m.



Brad W. Young, President
County Council