

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, October 25, 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 5:33 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 25, 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 Vice President Michael Blue moved to approve the Agenda for Tuesday, October 25, 2022, 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

Public Comment was heard from:

- County Executive, Jan Gardner
- Danielle Adams
- Tony Checchia
- Buzz Mackintosh
- Elizabeth Bower

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

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Resolution – Declaration of Surplus Property – 300 Scotty's Bus Lane

Council Member Jessica Fitzwater moved to approve the resolution that declares surplus of real property 300 Scotty's Bus Lane. Council Vice President Michael Blue 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 | | |

Sugarloaf Area Plan

a) Amendment #17- Council Member's Kai Hagen and Steve McKay

1 AMENDMENT 17 to the Sugarloaf Treasured Landscape Management Plan
 2
 3 Introduced By: Council Member Kai Hagen (At Large) and Council
 4 Member Steve McKay (District 2)
 5 Introduction Date: October 25, 2022
 6 Adopted/Rejected/Withdrawn: _____
 7
 8 A large area plan element of the Livable Frederick Comprehensive Plan.
 9
 10 The map on page 65 will be replaced with the map below, reflecting application of the Sugarloaf
 11 Rural Heritage Overlay to all properties, except those zoned RC, within the Sugarloaf Planning
 12 area. The following three properties, which were previously removed from, or not included in,
 13 the Overlay remain excluded from the Overlay: 8710 Fingerboard Road (Tax ID 07-200862),
 14 8709 Fingerboard Road (Tax ID 07-195044), and 3051 Thurston Road (Tax ID 07-214863).

15



Sugarloaf Rural Heritage Overlay District

Rural Heritage Overlay District

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Council Member Kai Hagen moved to approve Amendment #17. Council Member Steve McKay seconded the motion that failed 3-4, with Council Members Dacey, Blue, Fitzwater and Council President Keegan-Ayer opposed.

| 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 | |

b) Vote of Adoption of the Sugarloaf Area Plan

1st Motion:

Council Member Fitzwater moved that the Sugarloaf Treasured Landscape Management Plan be adopted by the council, with the exception of the following portions of the plan related to the proposed overlay: Page 53, Section titled Sugarloaf Rural Heritage Overlay Zoning District, page 65, identified as map 4-6, and appendices pages A-21 through A-26, which are hereby remanded to the Planning Commission for further consideration and discussion. The motion was seconded by Council Vice President Michael Blue. No vote was taken.

2nd Motion: *Council Member Jessica Fitzwater moved that Page 53, Section titled Sugarloaf Rural Heritage Overlay Zoning District, Page 65, identified as Map 4-6, and Appendices pages A-26, to be remanded to the Planning Commission for further consideration and discussion. Council Vice President Michael Blue seconded the motion that passed 4-3 with Council Members Kai Hagen, Jerry Donald, and Steve McKay opposed.*

| 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 | | |

3rd Motion: *Council Member Jessica Fitzwater moved that Sugarloaf Treasured Landscape Management Plan be adopted by the council to include the exceptions made in the previous motion. Council Vice President Blue 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 | | |

The Council stood in recess from 7:33 p.m. to 7:43 p.m. at which time Council President M.C. Keegan-Ayer reestablished quorum.

c) Third Reading on [AMENDED Bill No. 22-25](#) - Sugarloaf Rural Heritage Overlay District - Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to postpone indefinitely Amended Bill No. 22-25. Council Vice President Michael Blue seconded the motion that passed 6-1, with Council Member Kai Hagen abstaining.

| 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 | | |

d) Vote on [Rezoning Changes for Rezoning/Zoning Map](#)

Council Member Kai Hagen moved to approve the rezoning changes to the rezoning/zoning maps. 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 | | |

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|---------------------------------|---|--|--|
| At-large – Dacey | X | | |
| At-large – Hagen | X | | |
| Presiding Officer – Keegan-Ayer | X | | |

Council Member Steve McKay moved to amend the motion to remove properties listed on Layton Court from those changes. Council Member Kai Hagen seconded the motion that passed 4-3, with Council Members Phil Dacey, Jerry Donald, and Council President M.C. Keegan-Ayer opposed.

| 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

Bill No. 22-17 - Adequate Public Facilities Ordinance- Council Member McKay

Council Member Steve McKay moved to approve Bill No. 22-17. Council Member Kai Hagen seconded the motion that passed 6-1, with Council Member Phil Dacey opposed.

| 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. 22-18 - Common Driveways- Council Member Fitzwater and Vice President Blue

Council Member Jessica Fitzwater moved to approve Bill No. 22-18. Council Vice President Michael Blue seconded the motion that passed 6-1, with Council President M.C. Keegan-Ayer opposed.

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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 | |

Council President Keegan-Ayer passed the gavel to Vice President Blue to preside in order to make the following motions.

Bill. No 22-19 - General Obligation Bond Authorization – Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-19. 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 | | |

Bill No. 22-20 - Amendments to the Frederick County Code Ch. 1-2 – Administration – Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-20. 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 | | |

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Bill No. 22-21 - Amendments to the Frederick County MD Code of Ordinances – Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-21. 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 | | |

Bill No. 22-22 - Amend Frederick County Employees Retirement Plan - Cost of Living Adjustment – Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-22. 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 | | |

Bill No. 22-23 - Amend Frederick County Uniformed Employees Retirement Plan - Cost of Living Adjustment – Council President Keegan-Ayer on behalf of County Executive

Council President M.C. Keegan-Ayer moved to approve Bill No. 22-23. 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 | | |

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|---------------------------------|---|--|--|
| District 5 – Blue | X | | |
| At-large – Dacey | X | | |
| At-large – Hagen | X | | |
| Presiding Officer – Keegan-Ayer | X | | |

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

Council President M.C. Keegan-Ayer moved to approve Amended Bill No. 22-24. Council Member Jessica Fitzwater seconded the motion that passed 6-1, with Council Member Phil Dacey opposed.

| 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. 22-26 - Impact Fee Exemption for Relocating a Home – Council Member McKay

Council Member Steve McKay moved to approve Bill No. 22-26. Council Member Jessica Fitzwater seconded the motion that passed 6-1, with Council President M.C. Keegan-Ayer opposed.

| 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 | |

President Keegan-Ayer reclaimed the gavel and presided over the rest of the meeting.

Public Comment

Public Comment was heard from:

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- David Angel
- Pandora Gonzalez
- Leslie Novotny

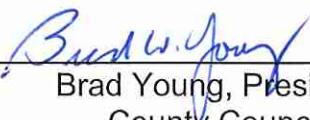
With no further comments, Council President M.C. Keegan-Ayer closed Public Comment.

Council Member Comments

Council member comments were provided.

Adjourn

The meeting adjourned at 9:00 p.m.



Brad Young, President
County Council

