

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, April 18, 2023

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

Also present were Catherine Keller, Assistant County Attorney; Ragen Cherney, County Council Chief of Staff; 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 welcome to the Legislative Day for Tuesday, April 18, 2023, and information on how to watch and participate in the meeting. Council President Brad Young asked staff to call role and a quorum was established.

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

Action on the Agenda

Council Member M.C. Keegan-Ayer moved to approve the agenda for 4/18/2023 with an amendment to rearrange the order of items XIII. Public Hearing - Windridge G1 Rezoning Case #R-22-03 and XVI. Cromwell Rezoning Decision. Council Member Renee Knapp seconded the motion that passed 6-1, with Council Member Steve McKay 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		

Public Comment

Public Comment was heard from:

- Richard Kaplowitz
- MaryAnn Ford
- Alisha Bretz
- Nick Carrera

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

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Approval of Minutes

Council Member M.C. Keegan-Ayer moved to approve the minutes from 04/04/2023 and 04/04/2023 confidential Closed Session minutes 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 Confidential Closed Session Minutes 04/04/2023

Council Member Mason Carter moved to unseal the confidential closed session minutes from 04/04/2023. Council Member Steve McKay seconded the motion that failed 3-4, with Council Members Jerry Donald, M.C. Keegan-Ayer, Renee Knapp, 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 M.C. Keegan-Ayer moved to approve the following budget adjustments:

- *J-23-254 – Housing & Community Development, Citizens Services Division*
- *J-23-256 – Administration & Finance, Health Services Division*
- *J-23-257 – Administration & Finance, Health Services Division*
- *J-23-263 – Area Agency on Aging/Operations, Senior Services*
- *Board of Education Current Expense Fund Budget Amendment 3-23*

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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		

Confirmation of County Executive’s Appointments to Boards and Commissions

Council Member M.C. Keegan-Ayer moved to confirm the appointments of Joseph Fitzgerald, Dr. Joany Jackman, Dr. Garth Patterson, and Dr. J. Craig Creed to the Frederick County Containment Laboratory Community Advisory Committee to terms as described by staff. 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 Take Constant Yield Tax Rate to Public Hearing

Council Member M.C. Keegan-Ayer moved to take the proposed constant yield tax rate and the proposed FY24 tax rate to a public hearing for public comment. Council Member Jerry Donald seconded the motion that passed 6-0-1, with Council Member Mason Carter abstaining.

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

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At Large – Knapp	X		
Presiding Officer – Young	X		

Public Hearing – Proposed Listing on County register of Historic Places – Peter of P Grossnickel (CR# 23-03)

Public Comment was heard from:

- James Ryder

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

Council Member Jerry Donald moved that the Frederick County Council add the Peter P. Grossnickel Farm, located at 11720 Wolfsville Rd, Myersville, to the Frederick County Register of Historic Places. 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		

Resolution of Support for the Re-Designation of the Downtown Frederick Arts & Entertainment District

Council Vice President Kavonté Duckett moved to approve the resolution of support to redesignate the Downtown Frederick Arts & Entertainment District. Council Member Renee Knapp seconded the motion that passed 6-0-1, with Council Member Mason Carter abstaining.

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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Cromwell Rezoning Decision

Council Member M.C. Keegan-Ayer moved to approve the amended version of the Planned Unit Development for the Cromwell property to include an additional 2.4 acre public use site located along the future extension of Lake Linganore Boulevard, and to strike condition 13 from the approved ordinance, which established a 5 year moratorium on building permits that would expire on November 10, 2025. Council Member Renee Knapp seconded the motion that passed 6-1, with Council Member Steve McKay 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		

First Reading Calendar:

- a) FEMA and MDE Directed Update on the Zoning Ordinance Flood Plain Provisions Bill was introduced by the Council.

Third Reading Calendar:

- a) Bill 23-06 - Establishing a Board of Health Bill – Council Member Jerry Donald

Council Member Jerry Donald moved to approve Bill 23-06 to establish a Board of Health in Frederick County. Council Member Steve McKay seconded the motion.

Proposed Amendment to Bill 23-06

Council Member Mason Carter moved to approve the proposed amendment to Bill 23-06. Council Member Steve McKay seconded the motion that failed 2-5, with Council Members Jerry Donald, Vice President Kavonté Duckett, M.C. Keegan-Ayer, Renee Knapp, and President Brad Young opposed.

1 AMENDMENT 1 on Bill 23-06

2

3 Introduced By: Council Member Mason Carter (District 5)

4 Introduction Date: April 18, 2023

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Adopted/**Rejected**/Withdrawn: _____

An Act to: Establish a Board of Health in Frederick County.

Exhibit 1, Page 3, it is hereby amended as follows:

§1-2-902. LIASONS

(G) Vacancies shall be filled on the same basis as the original appointments for

unexpired terms and shall be filled with a person of the same or similar background of the liaison

being replaced. Liaisons shall continue in office until their successors are appointed and qualified.

(H) Liaisons shall serve as a resource, provide information and data, and answer

questions as needed or requested by the Board of Health.

(I) Liaisons shall be a resident and registered voter of Frederick County, Maryland.

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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With the amendment failing, President Brad Young returned to the original motion for Bill 23-06 for a vote which passed 4-3, with Council Members Mason Carter and Vice President Kavonté Duckett, and Renee Knapp 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 23-07 - Establishing a Behavioral Health Advisory Council – Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer moved to approve Bill 23-07 to establish a Behavioral Health Advisory Council in Frederick County. Council Member Kavonté Duckett seconded the motion.

Proposed Amendment to Bill 23-07

Council Member M.C. Keegan-Ayer moved to approve the proposed amendment for Bill 23-07. Council Member Kavonté Duckett seconded the motion that passed 7-0.

1 **AMENDMENT 1 on Bill No. 23-07**

2

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

7 **Introduction Date:** April 18, 2023

8 **Adopted/Rejected/Withdrawn:**

6

7

8 An ACT to establish a Behavioral Health Advisory Council.

9 On Exhibit 1, it is hereby amended as follows:

10 **§ 1-2-1002. Terms.**

11

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- 12 (D) *Compensation*. Members of the Council shall receive no **COMPENSATION**
 13 **FOR**
 14 **THEIR SERVICES** [~~salaries but shall be reimbursed for all expenses necessarily~~
 15 ~~incurred in the~~
 16 ~~performance of their duties in accordance with the appropriations approved by the County~~
 17 ~~Council~~].

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		

With the amendment not being constituted as substantial, Council President Brad Young returned to the original motion for Bill 23-07 which 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		

Break at 6:52 p.m.

Reconvened at 7:02 p.m.

Council President Brad Young asked staff to call the roll after the break and a quorum was established.

Second Reading Calendar:

- a) Council Member Steve McKay briefed the Council on the Amended Bill 23-03 - Amend Senior Citizens Local Supplement to Homeowners Property Tax Credit

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Public Comment was heard from:

- None.

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

- b) Council Member Steve McKay briefed the Council on the Amended Bill 23-04 – Amend Elderly Individuals Uniformed Service Members Property Tax Credit

Public Comment was heard from:

- None.

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

Public Hearing – Windridge GI Rezoning Case #R-22-03

Deputy County Attorney, Wendy, Kearney, and Assistant County Attorney, Kathy Mitchell provided information to the council regarding the standard in change for mistake, piecemeal rezonings. Dennis Superczynski, then began discussion specific to the Windridge Rezoning. Noel Manalo, Robert Butts, and Bill Brennan testified as the applicant.

Cross examination was heard by:

- George Graves
- Steve Black
- Michael Roschinni

Public Comment was heard from:

- Joshua Heebner
- Steve Black
- Elizabeth Bauer
- Brian Ricketts
- Pam Ion
- H. Kirk Horstman
- Diane Daugherty
- James Ryder
- Jonathan Warner
- Ann Garrett
- Michelle Rosenfeld, Esq.
- Richard Strawder
- Hope Green
- Steve Poteet

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- Michael Roschinni
- Ken Anderson
- Catherine Thompson
- Luke Tate

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

Council Vice President moved to provide an addition five minutes to the clock, giving the applicant 10 minutes for rebuttal. Council Member Jerry Donald seconded the motion that passed 4-3, with Council Members Mason Carter, M.C. Keegan-Ayer, and Steve McKay 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		

Noel Manalo, Robert Butts, and Bill Brennan then made their rebuttal as the applicant.

Public Comment

Public Comment was heard from:

- Gene Butler
- Mark Liesher
- Vladimir Tolsky
- Catherine Weld
- Chaz Packman
- Audria Marah

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

Council Member Comments

Council Member comments were provided.

Upcoming Meetings

- Tuesday, April 25, 2023 – Workshop

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- Tuesday, May 2, 2023 – Legislative Day

Adjourn

The meeting adjourned at 10:12 p.m.



Brad W. Young, President
County Council

