

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, October 17, 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 Conf 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, October 17, 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.

Council President Brad Young asked staff to call role and a quorum was established.

Action on the Agenda

Council Vice President Kavonté Duckett moved to approve the agenda for 10/17/2023 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:

- Jim Graham

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

Approval of Minutes

Council Member Jerry Donald moved to approve the minutes from 09/26, 10/03, & 10/10, 2023 as presented. Council Member M.C. Keegan-Ayer seconded the motion

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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 | | |

Budget Adjustments

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

- J-24-070 – Office of Economic Development, Division of Economic Opportunity
- J-24-089 – Agricultural Preservation, Division of Planning & Permitting
- J-24-091 – Emergency Communications, Division of Emergency Management
- J-24-092 – Detention Center, Sheriff's Office

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 | | |

Confirmation of the County Executive's Appointments to Frederick County Boards and Commissions – Joyce Grossnickle, Administrative Office, Office of the County Executive

Council Member Renee Knapp moved to confirm the County Executive's appointment of Herbert Dennison III and Jeremy Peterson to the Advisory Plumbing Board to terms as described by staff. 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 | | |

Council Member Renee Knapp moved to confirm the County Executive’s appointment of Sandra Wastler to the Senior Services Advisory Board to terms as described by staff. Council Member M.C. Keegan-Ayer 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 | | |

Council Member Renee Knapp moved to confirm the County Executive’s appointment of Victoria Venable, Legislative Director, Office of the County Executive to serve as the new alternate on the Metropolitan Washington Council of Governments (MWCOC) Board of Directors and Deborah Carpenter, Division Director, Division of Planning and Permitting to serve as the new alternate on the MWCOC Region Forward Coalition to terms as described by staff. Council Member M.C. Keegan-Ayer 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 Hearing on Payment in Lieu of Tax Agreement – Overlook East Associates, LLC Resolution - Susan Brown, Director, Operations-Housing, Division of Housing

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Susan Brown briefed the Council on the Payment in Lieu of Tax Agreement – Overlook East Associates, LLC Resolution.

Public Comment was heard from:

- None.

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

Public Hearing on Proposed Listing on County Register of Historic Places – William Draper Farm (CR #23-06) - Amanda Whitmore, Historic Preservation Principal Planner II, Livable Frederick Planning & Design Office, Planning & Permitting Division

Amanda Whitmore briefed the Council on Proposed Listing on County Register of Historic Places - William Draper Farm (CR#23-06).

Public Comment was heard from:

- None.

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

Council Member Jerry Donald moved to approve proposed listing on the County Register of Historic Places – William Draper Farm (CR #23—06) under the following criteria:

The property has significant character, interest, or value as part of development, heritage, or cultural characteristics of the county, state, or nation, the property embodies the distinctive characteristics of a type, period, or method of construction or architecture, and the property represents a significant and distinguishable entity whose components may lack individual distinction.

Council Member M.C. Keegan-Ayer seconded the motion that passed 5-2.

| 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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Public Hearing - Out-of-Sequence (Summer 2023) Water and Sewerage Plan

Amendments – Kimberly Gaines, Director of Planning Livable Frederick, Division of Planning and Permitting, Karin Flom and Andrew Stine, Principal Planners I, Livable Frederick Planning & Design Office, Division of Planning and Permitting

WS-23-10 Quantum Maryland, LLC (Quantum Frederick)

Andrew Stine briefed the Council on WS-23-10 Quantum Maryland, LLC (Quantum Frederick).

The applicant presented their case and answered any Council questions.

Public Comment was heard from:

- Steve Black
- Hope Green

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

The applicant was then given 5 minutes for rebuttal.

Council Member M.C. Keegan-Ayer moved to approve the reclassification of 1,152 +/- acres from W-1, W-3/Dev, & W-5/Dev, S-1, S-4/Dev, & S-5/Dev to W-3/Dev, S-3/Dev. 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 | | |

WS-23-11 Aligned Data Centers (MD) PropCo, LLC (Aligned Data Centers)

Andrew Stine briefed the Council on WS-23-11 Aligned Data Centers (MD) PropCo, LLC (Aligned Data Centers).

The applicant presented their case and answered any Council questions.

Public Comment was heard from:

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- Steve Black

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

The applicant was then given 5 minutes for rebuttal.

Council Member M.C. Keegan-Ayer moved to approve the reclassification of 74.9 acres from W-1 & W-3/Dev, S-1 & S-4/Dev to W-3/Dev, S-3/Dev. 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 | | |

WS-23-12 Gambrill View Development, LLC (Gambrill View, Part 2)

Karin Flom briefed the Council on WS-23-12 Gambrill View Development, LLC (Gambrill View, Part 2).

The applicant presented their case and answered any Council questions.

Public Comment was heard from:

- None.

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

The applicant was then given 5 minutes for rebuttal.

Council Member M.C. Keegan-Ayer moved to approve the reclassification of 34.75 acres from W-4/Dev, S-4/Dev to W-3/Dev, S-3/Dev. 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 | | |

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|---------------------------|---|--|--|
| District 4– Duckett | X | | |
| District 5 – Carter | X | | |
| At Large – Knapp | X | | |
| Presiding Officer – Young | X | | |

First Reading Calendar:

- a) Amendments to Ch. 1-19 of the Frederick County Code, Zoning Ordinance - Add Cannabis Dispensary, Cannabis Growing Facility, and Cannabis Processing Facility – Council President Brad Young on behalf of the County Executive

Council President Brad Young introduced a bill to Amend Ch.1-19 of the Frederick County Code, Zoning Ordinance – Add Cannabis Dispensary, Cannabis Growing facility, and Cannabis Processing Facility.

Third Reading Calendar:

- a) Amended Bill 23-16 - Commercial and Industrial Business Tax Credit– Council Member Mason Carter

Council Member Mason Carter moved to approve Amended Bill 23-16 - Commercial and Industrial Business Tax Credit. Council Member Steve McKay seconded the motion that failed 3-4, with Council Members Jerry Donald, Kavonté Duckett, M.C. Keegan-Ayer, 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 | | |

Council President Brad Young passed the gavel to Vice President Kavonté Duckett in order to make a motion.

- b) Bill 23-17 – Repeal the County Roads Board – Council President Brad Young on behalf of the County Executive

Council President Brad Young moved to approve Bill 23-17 – Repeal the County Roads Board. Council Member Renee Knapp 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 | | |

- c) Bill 23-18 – Establish a Rustic Roads Commission through Amendments to the Frederick County, Maryland Code of Ordinances, Ch.1-15, Roads & Bridges – Council President Brad Young on behalf of the County Executive

Council President Brad Young moved to approve Bill 23-18 – Establish a Rustic Roads Commission through Amendments to the Frederick County, Maryland Code of Ordinances, Ch.1-15, Roads & Bridge. Council Member Steve McKay seconded the motion.

Amendment 1 – Council Member Steve McKay

1 AMENDMENT 1 on Bill 23-18

2

3 Introduced By: Council Member Steve McKay (District 2)

4 Introduction Date: October 17, 2023

5 Adopted/Rejected/Withdrawn: _____

6

7 An Act to: Establish the Frederick County Rustic Roads Commission

8

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

10 § 1-15-52. Establishment, Powers

11 ...

12 (D) Among its powers and duties, the Rustic Roads Commission shall:

13 ...

14 4) ADVISE THE COUNTY ON [Assist the County with] the protection of Designated

15 Rustic Roads and Candidate Roads, to include the review of proposed substantial changes

16 to these roads;

Council Member Steve McKay moved to approve amendment 1 to Bill 23-18. Council Member Mason Carter 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 3 – Keegan-Ayer | X | | |
| District 4– Duckett | X | | |
| District 5 – Carter | X | | |
| At Large – Knapp | X | | |
| Presiding Officer – Young | X | | |

Amendment 2 – Council Member Steve McKay

1 **AMENDMENT 2 on Bill 23-18**

2

3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** October 17, 2023

5 **Adopted/Rejected/Withdrawn:** _____

6

7 An Act to: Establish the Frederick County Rustic Roads Commission

8

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

10 **§ 1-15-52. Establishment, Powers**

11 ...

12 **(D) Among its powers and duties, the Rustic Roads Commission shall:**

13 ...

14 5) **Develop and encourage community efforts and resources for action on Designated Rustic**

15 **Roads;[-and]**

16 6) **Consult with County staff, the County Executive, and the County Council as requested**

17 **relative to specific RUSTIC road preservation issues and related needs that may arise[-];**

18 **AND**

19 7) **DEVELOP ADVISORY STANDARDS AND PRACTICES TO BE CONSIDERED**

20 **TO MAINTAIN DESIGNATED AND CANDIDATE RUSTIC ROADS,**

21 **PROMOTE PRESERVATION, MAINTAIN THE ROADS' ELIGIBILITY,**

22 **PRESERVE CHARACTER DEFINING FEATURES, AND ENSURE SAFETY.**

23 **THE ADVISORY STANDARDS AND PRACTICES WILL ALSO IDENTIFY**

24 **ACTIONS THAT ARE NOT CONSIDERED MAINTENANCE, BUT CHANGES**

25 **OR MODIFICATIONS THAT MAY NEGATIVELY IMPACT FEATURES THAT**

26 **CONTRIBUTE TO A RUSTIC ROAD'S ELIGIBILITY FOR DESIGNATION.**

Council Member Steve McKay moved to approve amendment 2 to Bill 23-18. 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 | | |

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| | | | |
|---------------------------|---|--|--|
| Presiding Officer – Young | X | | |
|---------------------------|---|--|--|

Amendment 3 – Council Member Steve McKay

1 **AMENDMENT 3 on Bill 23-18**

2

3 **Introduced By:** Council Member Steve McKay (District 2)

4 **Introduction Date:** October 17, 2023

5 **Adopted/Rejected/Withdrawn:** _____

6

7 An Act to: Establish the Frederick County Rustic Roads Commission

8

9 On Exhibit 1, Page 2, it is hereby amended as follows:

10 **§ 1-15-52. Establishment, Powers**

11 ...

12 **(G)WHEN FREDERICK COUNTY RECEIVES A PETITION TO OPEN, CLOSE, OR**
 13 **ALTER A DESIGNATED OR CANDIDATE RUSTIC ROAD, THE PETITION WILL**
 14 **BE SUBMITTED TO THE RUSTIC ROADS COMMISSION FOR TIMELY**
 15 **COMMENT. ANY COMMENTS FROM THE COMMISSION WILL BE INCLUDED**
 16 **IN THE STAFF REPORT SUBMITTED TO THE COUNTY EXECUTIVE AND**
 17 **COUNTY COUNCIL.**

Council Member Steve McKay moved to approve amendment 3 to Bill 23-18. 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 | | |

Council President Brad Young regained the gavel in order to preside.

d) Bill 23-19-Childcare in the Office Research Industrial Zone Bill – Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve Bill 23-19-Childcare in the Office Research Industrial Zone Bill. Council Member Jerry Donald 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 | | |

Public Comment

Public Comment was heard from:

- None.

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

Council Member Comments

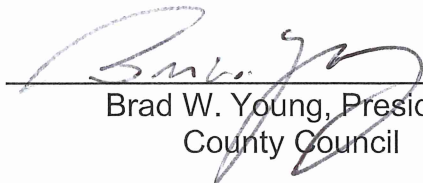
Council Member comments were provided.

Upcoming Meetings

- Tuesday, October 24, 2023 – Workshop
- Tuesday, October 31, 2023 – Workshop

Adjourn

The meeting adjourned at 8:03 p.m.


 Brad W. Young, President
 County Council

