

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 21, 2024

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, Chief of Staff, County Council; Sydnee Klimko, Legislative Analyst, 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, May 21, 2024, 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 Member M.C. Keegan-Ayer moved to approve the agenda for 05/21/2024 with one edit- to act on the Motion to Allocate Fiscal Year 2025 Surplus in the Proposed Budget to Frederick County Board of Education before action on the Final FY 2025 Budget Adoption is taken. 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		

Public Comment

Public Comment was heard from:

- Brian Fouche
- Ray Gallagher
- Dean Rose
- John & Elizabeth

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- Chani & Claire Dima

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

Approval of Minutes

*Council Member Jerry Donald moved to approve the minutes from 04/30 & 05/07, 2024.
 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		

Budget Adjustments – Kelly Weaver, Director, Budget Office

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

- **J-24-291** – Division of Energy & Environment
- **J-24-293** – Division of Finance and Board of Education School Construction Fund Budget Amendment #24-13
- **J-24-294** – Division of Finance and Board of Education School Construction Fund Budget Amendment #24-12
- **J-24-297** – Division of Housing
- **J-24-298** – Division of Energy & Environment

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		

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

Council Member Steve McKay moved to approve the County Executive's appointment of Lisa Gaver to the Agricultural Preservation 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 Jerry Donald moved to approve the County Executive's appointment of Thomas Barce, Victoria Robinson, Brian Sweeney, and Sarah Welty to the Agriculture Business Council to terms as described by staff. 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		

Council Member Renee Knapp moved to approve the County Executive's appointment of Meg Alexander, Esquire to the Domestic Violence Coordinating Council 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		

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At Large – Knapp	X		
Presiding Officer – Young	X		

Council Member Renee Knapp moved to approve the County Executive's appointment of Chip Horn and Scott Mercer to the Electrical 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 M.C. Keegan-Ayer moved to approve the County Executive's appointment of Dr. Anita Mwalui, Patricia Rosensteel, and Latrice Shanklin-Lewis to the Local Management Board to terms as described by staff. 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		

Council Member Jerry Donald moved to approve the County Executive's appointment of Jenny D'Agostino, Mary Jo Richmond, and Daryl Ellen Grisbraber to the Public Library Board to terms as described by staff. 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		

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At Large – Knapp	X		
Presiding Officer – Young	X		

Council Member Renee Knapp moved to approve the County Executive's appointment of Lysmaria Valladares-Pena to the Social 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 Steve McKay moved to approve the County Executive's appointment of The Honorable William Folden to the Veterans Advisory Council to terms as described by staff. 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 Member Mason Carter moved to approve the County Executive's appointment of Lara Fritts, Jenna Freeman, and Courtney Cline to the Workforce Development Board to terms as described by staff. 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		

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District 5 – Carter	X		
At Large – Knapp	X		
Presiding Officer – Young	X		

Motion to Allocate Fiscal Year 2025 Surplus in the Proposed Budget to Frederick County Board of Education – Council President Brad Young

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

Council President Brad Young moved to allocate the FY 2025 surplus in the proposed budget to the Frederick County Board of Education. Council Member Renee Knapp seconded the motion that passed 5-2, with Council Members Mason Carter and 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 Brad Young regained the gavel in order to once again preside over the meeting.

Final FY 2025 Budget Adoption – Council President Brad Young

Council Vice President Kavonté Duckett moved to approve the FY 2025 Operating Budget, the FY2025 Capital Budget, the FY2025-2030 Capital Improvement Program, and the budget message. Council Member Renee Knapp seconded the motion that passed 5-2, with Council Members Mason Carter 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		

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Final FY 2025 Tax Rate Adoption Resolution – Council President Brad Young

Council Member M.C. Keegan-Ayer moved to adopt the FY 2025 real property tax levy in the amount of \$1.1100 on each one hundred dollars (\$100) worth of assessed taxable real property in Frederick County, Maryland, except that the general real property tax levy for assessed taxable property within the City of Frederick shall be the sum of \$1.0077 and within the incorporated municipality of Myersville shall be the sum of \$1.0198; and that \$0.0500 on each one hundred dollars (\$100) worth of net assessed taxable real property in Frederick County will be dedicated to the exclusive use for the Dedicated Reserve for Future Years for School Construction project in Frederick County's Capital Improvement Program budget; and the tax year 2025 tax rate on the operating personal and real property shall be \$2.775 on each one hundred dollars (\$100) of assessed valuation of such property. Council Vice President Kavonté Duckett seconded the motion.

Amendment 1 – Council Member Steve McKay

Council Member Steve McKay moved to approve amendment 1 to the FY 2025 Tax Rate Adoption Resolution.

AMENDMENT 1 to Tax Levy Resolution for July 1, 2024 - June 30, 2025

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: May 21, 2024
Adopted/Rejected/Withdrawn: **Rejected**

Proposed Amendment to the Tax Levy Resolution for July 1, 2024 – June 30, 2025

Paragraph 4.

The Council has determined that \$0.0500 on each one hundred dollars (\$100) worth of net assessed taxable real property in Frederick County will: 1) be dedicated to the exclusive use for the Dedicated Reserve for Future Years for School Construction project in Frederick County's Capital Improvement Program budget; 2) **MAY BE EXPENDED ONLY ON PROJECTS THAT REPLACE, MODIFY, OR UPDATE OLDER SCHOOLS; AND 3) ARE SUPPLEMENTAL TO AND MAY NOT SUPPLANT FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE STATED USES; AND**

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Paragraph 9.

BE IT FURTHER RESOLVED that \$0.0500 on each one hundred dollars (\$100) worth of net assessed taxable real property in Frederick County will: 1) be dedicated to the exclusive use for the Dedicated Reserve for Future Years for School Construction project in Frederick County's Capital Improvement Program budget; **2) MAY BE EXPENDED ONLY ON PROJECTS THAT REPLACE, MODIFY, OR UPDATE OLDER SCHOOLS; AND 3) ARE SUPPLEMENTAL TO AND MAY NOT SUPPLANT FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THESE STATED USES; AND**

Council Member Mason Carter seconded the motion that failed 2-5, with Council Members Jerry Donald, Kavonté Duckett, M.C. Keegan-Ayer, Renee Knapp, and 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	

Due to amendment 1 failing, the Council returned to the original motion.

Council Member M.C. Keegan-Ayer moved to adopt the FY 2025 real property tax levy in the amount of \$1.1100 on each one hundred dollars (\$100) worth of assessed taxable real property in Frederick County, Maryland, except that the general real property tax levy for assessed taxable property within the City of Frederick shall be the sum of \$1.0077 and within the incorporated municipality of Myersville shall be the sum of \$1.0198; and that \$0.0500 on each one hundred dollars (\$100) worth of net assessed taxable real property in Frederick County will be dedicated to the exclusive use for the Dedicated Reserve for Future Years for School Construction project in Frederick County's Capital Improvement Program budget; and the tax year 2025 tax rate on the operating personal and real property shall be \$2.775 on each one hundred dollars (\$100) of assessed valuation of such property. Council Vice President Kavonté Duckett seconded the motion that passed 4-3, with Council Members Mason Carter, Jerry Donald, and Steve McKay opposed.

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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 Hearing on Community Development Block Grant (CDBG) Resolution for State Fiscal Year 2025 Application – Capital Improvements at Bell Court Senior Apartments - Vin Rogers, Division Director, and Susan Brown, Director of Operations, Division of Housing

Vin Rogers and Susan Brown briefed the Council on the Community Development Block Grant (CDBG) Resolution for State Fiscal Year 2025 Application – Capital Improvements at Bell Court Senior Apartments.

Public Comment was heard from:

- None.

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

Recess at: 7:25 p.m.

Reconvened at: 7:35 p.m.

Council President Brad Young noted that all members were once again present, thus reestablishing a quorum.

First Reading Calendar:

- a) Backyard Chicken Regulations – Council Member Mason Carter

Council Member Mason Carter introduced a bill titled Backyard Chicken Regulations.

- b) Solar Design Criteria in the Ag Zone – Council Member M.C. Keegan-Ayer

Council Member M.C. Keegan-Ayer introduced a bill titled Solar Design Criteria in the Ag zone.

Third reading Calendar:

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

- a) Bill 24-04 – Update of the County Building Code – Council President Brad Young

Council President Brad Young moved to approve Bill 24-04 – Update of the County Building Code. 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		

- b) Bill 24-05 – Update of the County Electrical Code – Council President Brad Young

Council President Brad Young moved to approve Bill 24-05 – Update of the County Electrical Code. 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		

- c) Bill 24-06 – Update of the County Plumbing Code – Council President Brad Young

Council President Brad Young moved to approve Bill 24-06 – Update of the County Plumbing Code. 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		

Council President Brad Young regained the gavel in order to once again preside over the meeting.

Review of Potential Charter Amendments and Vote to Send Potential Ballot Questions to Public Hearing – Council President Brad Young

Council Member Steve McKay moved to approve the following charter amendments for public hearing on June 4, 2024, at 7:00 pm.

Amendment 1 – Council Vice President Kavonté Duckett

AMENDMENT 1 to Frederick County Charter

Introduced By: Council Vice President Duckett (District 4)

Introduction Date: May 21, 2024

Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment –Election of Council Officers

Article 2. County Council, Section 210. Officers

At the first scheduled meeting of the Council in December following an election ~~and biennially thereafter~~, the Council shall elect from among its members a President and Vice President of the Council **TO SERVE FOR THE DURATION OF THE TERM**. The President, or in the absence of the President, the Vice President, shall preside over meetings of the Council. The Council may provide for the selection of other officers as the Council may deem desirable for the exercise of its powers. **OFFICERS MAY BE REMOVED BY THE AFFIRMATIVE VOTE OF NO LESS THAN FIVE MEMBERS OF THE COUNCIL.**

Amendment 2 – Council Member Steve McKay

AMENDMENT 2 to Frederick County Charter

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Introduced By: Council Member Steve McKay (District 2)
Introduction Date: May 21, 2024
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment –Budget and Finance

Article 5. Budget and Finance, Section 510. Supplemental Appropriations

On the recommendation of the Executive, **AND AFTER A PUBLIC HEARING**, the Council may make supplemental appropriations from any contingency appropriations in the Budget; from revenues received from anticipated sources but in excess of budget estimates; or from revenues received from sources not anticipated in the Budget.

Amendment 3 – Council Member Mason Carter

AMENDMENT 3 to Frederick County Charter

Introduced By: Council Member Mason Carter (District 5)
Introduction Date: May 21, 2024
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Appointment and Removal of Department Heads and Others

412. Appointment and Removal of Department Heads and Others

(a) The Executive shall appoint an individual to head each principal operating department, agency or office under the control of the Executive, subject to confirmation of the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive.

(B) EXCEPT AS PROVIDED ELSEWHERE IN THIS CHARTER OR PRESCRIBED BY LAW, AFTER A PUBLIC HEARING ON THE MATTER, THE COUNCIL MAY REMOVE THE APPOINTED HEAD OF A DEPARTMENT, AGENCY, OR OFFICE UPON THE AFFIRMATIVE VOTE OF FIVE COUNCIL MEMBERS.

~~(b)~~ (C) Except as provided in subsection (c) **(D)** of this section or prescribed by law, the provisions of this Charter or by ordinance, the Executive shall appoint all members of boards and commissions. All members shall be subject to confirmation by the Council. Individuals appointed under this subsection shall serve at the pleasure of the Executive, unless otherwise provided by law, the provisions of this Charter or by ordinance.

~~(e)~~ **(D)** The membership of boards and commissions that are established exclusively to advise the Council shall be appointed and removed by the Council, at the Council's discretion, unless such matters are prescribed by law, the provisions of this Charter or by ordinance.

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(E) If the Council fails to take action within thirty days upon an appointment made by the Executive pursuant to this section, the appointment shall become effective.

Amendment 4 – Council Member Brad Young on behalf of County Executive Jessica Fitzwater

AMENDMENT 4 to Frederick County Charter

Introduced By: Council President Brad Young on behalf of
County Executive Jessica Fitzwater
Introduction Date: May 21, 2024
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – County Council - Salary

207. Salary

For the performance of public duties under this Charter, each council member shall receive a Salary of \$22,500 per annum. **IN ADDITION TO SALARY, THE COUNCIL MEMBERS MAY BE ENTITLED TO RECEIVE ALLOWANCES AND FRINGE BENEFITS AS THOSE TERMS ARE DEFINED IN THIS CHARTER.** A council member may not accrue annual leave or be entitled to any payment in lieu thereof. The Salary **AND ANY ALLOWANCES AND FRINGE BENEFITS ALLOCATED IN THE BUDGET** shall be in full compensation for all services performed, but may not preclude reasonable and necessary expenses as may be provided in the Budget. The Council shall establish by ordinance a Compensation Review Commission every four years to review the Council's salary **AND FRINGE BENEFITS** in accordance with the provisions of Article 25A Subsection 5(AA) of the Annotated Code of Maryland. The Council may accept, reduce, or reject the Commission's recommendation, but it may not increase any recommended item.

Amendment 5 – Council Vice President Kavonté Duckett

AMENDMENT 5 to Frederick County Charter

Introduced By: Council Vice President Kavonté Duckett
Introduction Date: May 21, 2024
Adopted/Rejected/Withdrawn: _____

Proposed Charter Amendment – Forfeiture of Office

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208. Forfeiture of Office **OR REMOVAL FROM OFFICE**

a) A council member shall immediately forfeit office upon:

- (1) the council member ceasing to be a citizen of the United States, a registered voter of the County, or a resident of the Council District to which the council member was elected or appointed to represent;
- (2) the council member being convicted of or pleading guilty to a felony or a crime involving moral turpitude;
- (3) the council member being granted probation before judgment for a felony or a crime involving moral turpitude; or
- (4) acceptance by a court of a plea of nolo contendere for a felony or a crime involving moral turpitude.

b) REMOVAL OF A COUNCIL MEMBER FROM OFFICE. A COUNCIL MEMBER MAY BE REMOVED FROM OFFICE BY AN AFFIRMATIVE VOTE OF AT LEAST FIVE MEMBERS OF THE COUNCIL AFTER A PUBLIC HEARING AND UPON A FINDING THAT THE COUNCIL MEMBER HAS FAILED TO PERFORM THE DUTIES OF OFFICE FOR A CONTINUOUS PERIOD OF SIX MONTHS OR IS UNABLE BY REASON OF PHYSICAL OR MENTAL DISABILITY TO PERFORM THE DUTIES OF OFFICE. THE DECISION OF THE COUNCIL MAY BE APPEALED BY THE COUNCIL MEMBER WITHIN TEN DAYS TO THE CIRCUIT COURT FOR FREDERICK COUNTY BY PETITION. UPON THE FILING OF A PETITION, THE COURT MAY STAY THE REMOVAL PENDING ITS DECISION. THE COURT SHALL MAKE INDEPENDENT DETERMINATIONS OF FACT, AND ITS DECISION MAY BE APPEALED TO THE COURT OF APPEALS OF MARYLAND.

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		

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Presiding Officer – Young	X		
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Public Comment

Public Comment was heard from:

- Connor Campbell
- Amy Gonuru
- Ronia Dima
- Teresa Murran
- Marco Descarune
- Jonathan Bowman
- Rob Medwid
- Melissa Medwid
- Jessica Bowman
- Walden Dima
- Sherry Howard
- Samil Gonuru

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

Council Member Comments

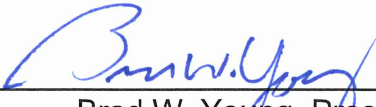
Council Member comments were provided.

Upcoming Meetings

- Tuesday, May 28, 2024 – Workshop
- Tuesday, June 4, 2024 – Legislative Day

Adjourn

The meeting adjourned at 8:56 p.m.


 Brad W. Young, President
 County Council

