

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 18, 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; 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, June 18, 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 06/18/2024 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:

- Tera O'Rear
- Ahlam Majadli
- Khalil Elishazly
- Willie Mahone
- Eric Musa

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 06/04 as corrected, 06/11, and 06/11 Confidential Closed Session minutes, 2024. 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		

Budget Adjustments – Kelly Weaver, Director, Budget Office

Council Member Jerry Donald moved to approve the following budget adjustments:

- **J-24-258** – Accounting, Division of Finance
- **J-24-324** – Accounting & Finance, Division of Water and Sewer Utilities
- **J-24-327** – Division of Housing
- **J-24-331** – Division of Planning & Permitting
- **J-24-335** – Division of Planning & Permitting
- **J-24-336** – Office of Risk Management
- **J-24-338** – Circuit Court
- **J-24-342** – Division of Housing
- **J-24-343** – Division of Parks & Recreation
- **J-24-344** – Division of Housing

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		

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Confirmation of the Chief Information Officer/Interagency Information Technologies Division Director – Council President Brad Young

Council Member Steve McKay moved to confirm the County Executive's appointment of Ty Howard to the Chief Information Officer/Interagency Information Technologies Division Director. 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		

Frederick Community College Budget Ratification – Council President Brad Young

Council Member Renee Knapp moved to approve the following:

- *FY 2025 Operating budget of \$74,857,603*
- *FY 2025 Auxiliary Enterprise budgets*
- *FY 2025 CIP budget of \$3,167,875*

Council Vice President Kavonté Duckett 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		

Final Council Action on Potential Charter Amendments for the Ballot – Council President Brad Young

Amendment 1 – Council Vice President Kavonté Duckett

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Council Vice President Kavonté Duckett chose not to introduce charter amendment 1.

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

Council Member Steve McKay moved to approve charter amendment 2.

AMENDMENT 2 to Frederick County Charter

Introduced By: Council Member Steve McKay (District 2)
Introduction Date: May 21, 2024

Adopted/Rejected/Withdrawn: **Adopted**

Proposed Charter Amendment –Budget and Finance

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

On the recommendation of the Executive, 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

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anticipated in the Budget. **THE COUNCIL SHALL HOLD A PUBLIC HEARING ON ANY SUPPLEMENTAL APPROPRIATION TO THE GENERAL FUND IN EXCESS OF \$1,000,000.**

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		

Amendment 3 – Council Member Mason Carter

Council Member Mason Carter moved to approve charter amendment 3.

AMENDMENT 3 to Frederick County Charter

Introduced By: Council Member Mason Carter (District 5)
Introduction Date: May 21, 2024

Adopted/Rejected/Withdrawn: **Adopted**

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

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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.

(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.

Council Member Steve McKay seconded the motion that passed 5-2, with Council Members Jerry Donald and M.C. Keegan-Ayer 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		

Amendment 4 – Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve charter amendment 4.

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: **Rejected**

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

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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.

Council Member Renee Knapp seconded the motion that failed 3-4, with Council Members Mason Carter, Jerry Donald, 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		

Amendment 5 – Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve charter amendment 5.

AMENDMENT 5 to Frederick County Charter

Introduced By: Council Vice President Kavonté Duckett
Introduction Date: May 21, 2024

Adopted/Rejected/Withdrawn: **Rejected**

Proposed Charter Amendment – Forfeiture of Office

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;

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- (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 Renee Knapp seconded the motion that failed 3-4, with Council Members Mason Carter, Jerry Donald, 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		

Third Reading Calendar:

- a) Bill 24-07 - Amend the Frederick County Code, Chapter 1-19 (Zoning Ordinance) to Update the Definitions of Bodywork and Add New Approval Criteria - Council

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Members Renee Knapp and M.C. Keegan-Ayer on behalf of County Executive Fitzwater

Council Member Renee Knapp moved to approve Bill 24-07 Amend the Frederick County Code, Chapter 1-19 (Zoning Ordinance) to Update the Definitions of Bodywork and Add New Approval Criteria. 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		

b) Bill 24-08 - Establishing a Community Reinvestment and Repair Fund - Council President Brad Young on behalf of County Executive Fitzwater

Council Vice President Kavonté Duckett moved to approve Bill 24-08 Establishing a Community Reinvestment and Repair Fund. 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:

- Sulvey Mortinson
- Malec Camell
- Annette Breiling
- Nabal
- Grady O'Rear

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

Second Reading Calendar:

a) Bill 24-09 - Backyard Chicken Regulations – Council Member Mason Carter

Public Comment was heard from:

- None.

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

b) Bill 24-10 - Solar Design Criteria in the Ag Zone – Council Member M.C. Keegan-Ayer

Public Comment was heard from:

- Polly Matzinger
- Kevin Selner

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

Public Comment Continued

Public Comment was heard from:

- Andy Ballotia
- Polly Matzinger

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

Council Member Comments

Council Member comments were provided.

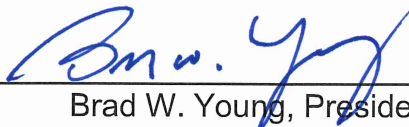
Upcoming Meetings

- Tuesday, June 25, 2024 – Workshop
- Tuesday, July 2, 2024 – Legislative Day

Adjourn

The meeting adjourned at 7:28 p.m.

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Brad W. Young, President
County Council

