

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 21, 2025**

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, January 21, 2025, 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 roll and a quorum was established.

Action on the Agenda

Council Member M.C. Keegan-Ayer moved to approve the agenda for 01/21/2025 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 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.

Approval of Minutes

Council Member M.C. Keegan-Ayer moved to approve the minutes from 01/07 & 01/14, 2025 as presented. Council Vice President Kavonté Dukett seconded the motion that

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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-25-202 – Housing
- J-25-205 – Accounting – Board of Education Budget Amendment # 25-02
- J-25-206 – Accounting – Board of Education Budget Amendment # 25-03
- J-25-207 – Accounting – Board of Education Budget Amendment # 25-05
- J-25-208 – Accounting – Board of Education Budget Amendment # 25-06
- BOE Construction Amendment #25-04

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		

Carrollton Manor Rural Legacy Area to the Department of Natural Resources

Resolution - Kim Gaines, Livable Frederick Director, Planning & Permitting Division, and Shannon O’Neil, Land Preservation Program Administrator, Office of Agriculture

Kim Gaines and Shannon O’Neil briefed the Council on the Carrollton Manor Rural Legacy Area to the Department of Natural Resources Resolution.

Proposed Resolution - Revise the Soil Conservation District Fee Schedule –

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Council President Brad Young

Council President M.C. Keegan-Ayer moved to approve Proposed Resolution - Revise the Soil Conservation District Fee Schedule. Council Member Renee Knapp seconded the motion that passed 6-1, with Council Member Mason Carter 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:

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

a) Bill 24-20 - Amendment to Frederick County Uniformed Employees Retirement Plan – Deferred Retirement Option Program – Council President Brad Young

Council President Brad Young moved to approve Bill 24-20 - Amendment to Frederick County Uniformed Employees Retirement Plan – Deferred Retirement Option Program. 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 President Brad Young regained the gavel in order to preside over the remainder of the meeting.

b) Action on the 2024 Middletown Comprehensive Plan Reconciliation – Kim Gaines, Division of Planning and Permitting

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Council Member Jerry Donald moved to approve the Action on the 2024 Middletown Comprehensive Plan Reconciliation. Council Member Steve McKay seconded the motion.

Amendment 1 – Council Member Steve McKay

Council Member Steve McKay moved to approve amendment 1 to the 2024 Middletown Comprehensive Plan Reconciliation.

AMENDMENT 1 to The Middletown Comprehensive Plan Reconciliation

Introduced By: Council Member Steve McKay
Introduction Date: January 21, 2025
Adopted/Rejected/Withdrawn: **Adopted**

An Amendment to the Livable Frederick Comprehensive Plan.

On Page 11, Table 3, the Recommendation for parcel 48 – lot 1, parcel 94, and parcel 103 – lots 1 and 2 will be “No Change” and the last sentence of Paragraph 2, Page 9 will be deleted. The Proposed Comprehensive Plan Map on Page 10 will be revised to reflect this amendment.

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		

The Council returned to the original motion as amended 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		

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c) Action on the 2024 Myersville Comprehensive Plan Reconciliation – Kim Gaines, Division of Planning and Permitting

Council Member Jerry Donald moved to approve the Action on the 2024 Myersville Comprehensive Plan Reconciliation. Council Member Mason Carter seconded the motion.

Amendment 1- Council Member Steve McKay

Council Member Steve McKay moved to approve amendment 1 to the 2024 Myersville Comprehensive Plan Reconciliation.

AMENDMENT 1 to The Myersville Comprehensive Plan Reconciliation

Introduced By: Council Member Steve McKay
Introduction Date: January 21, 2025
Adopted/Rejected/Withdrawn: **Adopted**

An Amendment to the Livable Frederick Comprehensive Plan.

On Page 9, Table 2, the Recommendation for parcels 52 and 20 will be “No Change” and the last sentence of Paragraph 1, Page 9 will be deleted. The Proposed Comprehensive Plan Map on Page 12 will be revised to reflect this amendment.

On Page 11, Table 3, the Recommendation for parcels 135, 123, and 69 will be “No Change” and the last sentence of Paragraph 3, Page 9 will be deleted. The Proposed Comprehensive Plan Map on page 12 will be revised to reflect this amendment.

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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Amendment 2 – Council Member Steve McKay

Council Member Steve McKay moved to approve amendment 2 to the 2024 Myersville Comprehensive Plan Reconciliation.

AMENDMENT 2 to The Myersville Comprehensive Plan Reconciliation

Introduced By: Council Member Steve McKay
Introduction Date: January 21, 2025
Adopted/Rejected/Withdrawn: **Adopted**

An Amendment to the Livable Frederick Comprehensive Plan.

On Page 11, Table 3, the Recommendation for parcel 375 will be “Add to County GA, Change land use of 1.901-acre NR area to LI” (as shown below). The Proposed Comprehensive Plan Map on page 12 will be revised to reflect this amendment.

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		

The Council returned to the original motion as amended 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		

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d) Action on the 2024 Water Resources Element - Kim Gaines, Division of Planning and Permitting

Council Member Jerry Donald moved to approve the Action on the 2024 Water Resources Element. 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 2024 Water Resources Element.

AMENDMENT 1 to The Water Resources Element Plan

Introduced By: Council Member Steve McKay
Introduction Date: January 21, 2025
Adopted/Rejected/Withdrawn: **Adopted**

An Amendment to the Livable Frederick Comprehensive Plan.

The proposed language below will be added to the Water Resource Element Plan in the Drinking Water Assessment Section (beginning at page 2-1). The proposed language will be inserted after the Major Water Issues, Water Conservation Section (page 2-17), prior to the Drinking Water Monitoring and Testing (page 2-20). The pages in the Water Resource Element Plan will be renumbered accordingly.

Water Resource-Intensive Industries

While the discussion of Commercial, Industrial, and Agricultural Withdrawal of water earlier in this assessment indicates that roughly 32% of permits issued by MDE for water withdrawals in Frederick County (since 1901) have been for commercial and industrial uses, new industries are seeking to establish themselves in the County with water needs that greatly exceed those typically associated with individual ground or surface water permits. As a result, these industries tend to rely on the capacity of public systems to meet water demands for activities like data hosting and data processing (data centers), for product washing or bottling, or for manufacturing processes and testing. These industries may bring economic benefits to Frederick County, but they can also exert significant influence on drinking water supplies and water resources if not prudently addressed through the planning process.

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As of the development of this Water Resources Element, data centers are at the forefront of the water resource-intensive industry discussion in Frederick County. This is due to a potentially significant water demand associated with evaporative cooling of the equipment used within them. While Frederick County has been home to several individual data hosting and processing facilities for the last decade, including the National Support Center for the Social Security Administration in Urbana that was opened in 2014, it was the commencement of development of the 2,100-acre data center campus on the former Alcoa Eastalco campus near Adamstown that elevated concerns about data center water demand.

Data center water demand has also become a central topic in neighboring states like Virginia, which currently leads the nation in the concentration of data center facilities. A 2024 report by the State of Virginia's non-partisan Joint Legislative Audit and Review Commission (JLARC) regarding the implications of data center development for the state indicated that approximately 54% of the data centers analyzed used between 0.5 and 3.99 million gallons of water in calendar year 2023 (enough to supply between 5 and 43 homes annually per data center facility). Approximately 23% of the data centers used between 4.0 and 9.99 million gallons of water in calendar year 2023 (enough to supply between 43 and 110 homes annually per facility). Lastly, approximately 16% of the data centers used between 10.0 and 99.99 million gallons of water in calendar year 2023 (enough to supply between 110 and 1,095 homes annually per data center facility).^{1,2} Only 1% of all the facilities surveyed by JLARC exceeded 100 million gallons in annual water use.³ This wide distribution in water utilization is the result of many factors, including the size of the data center, the type of computer equipment used within it, the associated electrical demand, and the type of cooling system(s) employed. Not all data centers utilize water for evaporative cooling, and those that employ alternative systems (also known as "dry cooling") tend to have higher electricity demands than water-cooled data centers.⁴

¹ Joint Legislative Audit and Review Commission. (2024). Data centers in Virginia. In Report to the Governor and the General Assembly of Virginia (JLARC Report 598). Commonwealth of Virginia. The report analyzed data center water usage provided to JLARC by utility operators in Fairfax, Henrico, Loudoun, Mecklenburg, and Prince William counties and the Town of Wise (Figure 5-3, page 62). <https://jlarc.virginia.gov/pdfs/reports/Rpt598-2.pdf>

² Facilities refers to individual buildings and not data center sites or campuses with more than one building. Residential equivalents are not part of the JLARC report but have been included for comparison purposes. Estimates are based on 250 gallons-per-day-per-home or one "Equivalent Dwelling Unit (EDU)."

³ The JLARC report also notes that, statewide, data centers are estimated to use 2.1 billion gallons of water annually (equivalent to around 23,013 homes).

⁴ A discussion of electricity use by data centers is beyond the scope of this Water Resources Element.

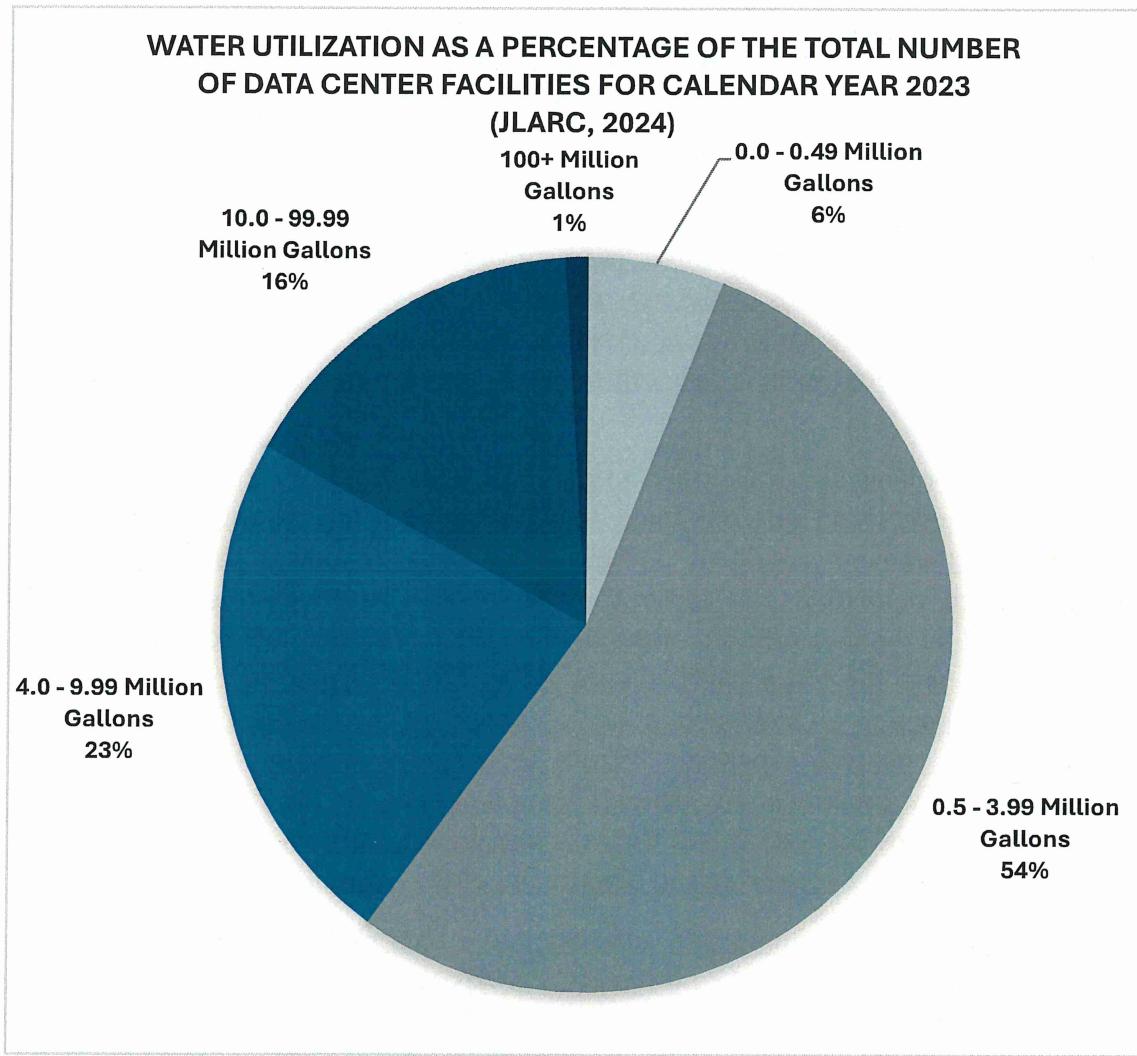


Image Source: Adapted from Joint Legislative Audit and Review Commission. (2024). Data centers in Virginia. In Report to the Governor and the General Assembly of Virginia (JLARC Report 598).

As noted in Table 2.01 of this Assessment, the current allocation for potable water to Quantum Frederick was included in projections of future drinking water utilization from the New Design Water Treatment Plant.⁵ Under the Amended and Restated Adequate Public Facilities Letter of Understanding (APF LOU) for Quantum Frederick, dated August 14, 2024, 0.2 mgd of potable water (maximum day) have been allocated to the data center campus for domestic use (such as bathrooms or drinking fountains) by the Division of Water and Sewer Utilities (DWSU). An additional 1.1 mgd of potable water (maximum day) have been allocated for use in cooling processes. Comparing this information with the data from the Virginia data centers cited earlier is challenging because the Virginia data represents total annualized water usage by individual data center facilities, while the Quantum Frederick data is a "maximum day" limit for the entire

⁵ Quantum Frederick is also identified in Table 3.01 in the Wastewater Assessment within the Ballenger McKinney WWTP service area.

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campus of data centers. "Maximum day" is the highest demand that is permitted on a given day throughout the year. It is not intended as a cumulative measure to estimate the total annual water demand of a customer. For data centers, evaporative cooling water demands are generally highest during four or five months of the year peaking in July with remaining months having much less demand. So, a data center, as an example, could use 33 million gallons a year but their max day or max month in that year can be much greater than their yearly average of 90,411 gpd.

Any increase to the potable water allocation to the data center campus would require a data center developer to work with Frederick County to either permit additional withdrawal capacity or create additional treatment capacity at the New Design Water Treatment Plant (or both). Per the APF LOU, design, permitting, and construction of any necessary infrastructure to provide that capacity would be the responsibility of the developer. An amended APF LOU that outlines the scope of work, and the responsibilities assigned to the developer, to create additional capacity would also need to be presented to, and approved by, the Frederick County Planning Commission prior to any such expansion. Permits associated with water withdrawal and/or potable water treatment capacity are administered and issued by the Maryland Department of the Environment, and any increase in the County's withdrawal permit for the Potomac River would need to be approved by the Maryland Department of the Environment.

The current APF LOU for the campus also indicates that a data center developer may opt to undertake the design, permitting, and construction of a wastewater effluent supply system that utilizes treated effluent from the Ballenger McKinney WWTP for cooling operations rather than potable water from the New Design WTP. As part of the design and construction of the wastewater effluent system, the developer would also be responsible for ensuring that the leftover treated effluent (wastewater) from cooling operations is safely and securely conveyed back to the Ballenger McKinney WWTP via a sewer system for retreatment prior to release to waterways or for future reuse in cooling operations. It should be noted that evaporative cooling (including cooling utilizing potable water sources) can produce wastewater with elevated levels of salts and minerals, as these elements are not typically released during the cooling process and can become concentrated with repeated circulation.⁶ Measures to address this condition are already in place in Frederick County, as all wastewater discharges from data centers (potable or treated effluent sources, regardless of specific use) are subject to Frederick County's Industrial Wastewater Pretreatment Ordinance.⁷ The Pretreatment Ordinance requires all commercial and

⁶ A cooling efficiency parameter often referred to as "cycles of concentration" or COC.

⁷ Frederick County Ordinance 12-33-628, with an effective date of January 15, 2013. The Industrial Wastewater Pretreatment Ordinance allows Frederick County to establish more stringent standards for non-residential wastewater discharges to the County's Publicly Owned [Wastewater] Treatment Works (POTW). A copy of the Pretreatment Ordinance can be viewed online here: <https://www.frederickcountymd.gov/DocumentCenter/View/1094/Industrial-Waste-Ordinance?bidId=>.

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industrial wastewater contributors in the County to complete a survey prior to issuance of a building permit and, if conditions are met, secure coverage under a County-issued wastewater discharge permit. Permits are renewable on a 5-year basis, and permittees are subject to monitoring and reporting of wastewater discharges to ensure compliance. The requirements of permits can vary based on the type of commercial or industrial use, but commercial or industrial users discharging an average of 25,000 GPD or more of process water may qualify as a Significant Industrial User (SIU). SIUs are also subject to yearly inspection, wastewater sampling, and analysis of wastewater discharge characteristics including strength, volume, and content to ensure compliance. Permittees who exceed any required local, state, or federal parameters for wastewater are required to provide their own pretreatment to applicable standards before releasing wastewater to the County's system.⁸

Additionally, in either future development scenario (potable water expansion or wastewater effluent utilization), the developer would also be responsible for addressing the implications of the Low Flow Allocation Agreement (LFAA) for the Potomac River if a significant expansion of evaporative cooling capacity is proposed that will utilize water from the New Design Water Treatment Plant and the Potomac River. The LFAA, and an associated, enforceable threshold for consumptive use of Potomac River water in Maryland, is discussed in more detail later in this Drinking Water Assessment (see Low-Flow Augmentation). In order to monitor consumptive use, the total amount of water entering and wastewater leaving each data center lot will be metered by the Division of Water and Sewer Utilities. It is anticipated that water consumption associated with evaporative cooling operations will be highest during the summer months.

Beyond those data center facilities currently in operation, such as the National Support Center for the Social Security Administration, the former Eastalco site represents the only site in Frederick County with entitlements for data center uses. No data centers have been constructed on the campus as of the development of this WRE, but multiple parcels are currently proceeding through the entitlement and permitting processes. The Frederick County Council is currently considering the legislation that would address both siting and performance standards for data center facilities in all unincorporated areas of the County, and this legislation could determine where (and how many) data centers could be permitted in Frederick County in the future. At this time, County zoning regulations permit data centers in only the General Industrial (GI) and Limited Industrial (LI) zoning districts.

Additionally, the creation of any new data center site would require a developer to work with Frederick County Government to determine if adequate water capacity exists in the vicinity of a

⁸ Violations of the conditions associated with discharge permits can result in citations, fines, and imprisonment if parties are found to have willfully or negligently introduced substances into a County POTW by a court of competent jurisdiction.

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site and if capacity would be available to serve the project. If adequate capacity does not exist for a particular project site, then the developer could explore entering into an APF LOU to design, permit, and potentially construct additional capacity at their expense. It should be noted that there are locations in Frederick County where data centers may not be appropriate for any number of reasons (water availability, zoning, neighborhood compatibility, environmental impact, etc.), and permitting and construction of them are not guaranteed.

As noted earlier, data centers are not the only industry with the potential to consume significant amounts of water. Other industries withdrawing water from the Potomac River or any waterway in Frederick County that flows to the Potomac River, or any public system that eventually returns water to the Potomac River, should also be evaluated under the same standards established for data centers. Drinking water capacity is a valuable resource for Frederick County, and the allocation of it, along with the implications of the Low Flow Allocation Agreement, should be considered in each instance where the consumptive use of water might occur. Frederick County Government actively cooperates with the Water and Science Administration at the Maryland Department of the Environment (MDE) to ensure that established public water system capacities and Maryland's obligations under the LFAA are observed and respected.

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		

The Council returned to the original motion as amended 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		

Council Rules Update – Council President Brad Young

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Council Member Mason Carter introduced two amendments to the Council Rules for discussion.

Amendment 1 – Council Member Mason Carter

AMENDMENT 1 to Frederick County Council Rules of Procedure

Introduced By: Council Member Carter

Introduction Date:

Adopted/Rejected/Withdrawn: _____

Rules of Procedure – Chapter 5 – Executive Appointments

5-2 Confirmation

- a) **EXCEPT AS PROVIDED FOR BELOW**, the Council may proceed in considering an appointment by the County Executive in any manner it deems prudent, which may include a public hearing on the appointment.
 - i. **IN ACCORDANCE WITH SECTION 412(A) OF THE FREDERICK COUNTY CHARTER, PERSONS APPOINTED BY THE EXECUTIVE TO HEAD A PRINCIPAL OPERATING DEPARTMENT, AGENCY OR OFFICE UNDER THE CONTROL OF THE EXECUTIVE SHALL BE INTERVIEWED BY THE COUNCIL IN AN OPEN SESSION. THE COUNCIL MAY, BY A MAJORITY VOTE, HOLD THE INTERVIEW IN CLOSED SESSION.**
 - ii. **INDIVIDUALS DESIGNATED BY THE EXECUTIVE, AND SUBJECT TO COUNCIL CONFIRMATION TO SERVE ON THE FREDERICK COUNTY PLANNING COMMISSION, SHALL BE INTERVIEWED BY THE COUNCIL IN AN OPEN SESSION. THE COUNCIL MAY, BY A MAJORITY VOTE, HOLD THE INTERVIEW IN CLOSED SESSION.**
 - iii. **INDIVIDUALS WHO APPLY TO SERVE ON THE FREDERICK COUNTY BOARD OF APPEALS SHALL BE INTERVIEWED BY THE**

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**COUNCIL IN AN OPEN SESSION. THE COUNCIL MAY, BY A
MAJORITY VOTE, HOLD THE INTERVIEW IN CLOSED SESSION.**

- b) When the Council is ready to consider the appointment, the President is to put the question to the Council as to whether the Council should confirm or reject the appointment.
- c) An affirmative vote of at least four Council Members is required to confirm an appointment.
- d) Pursuant to the Charter, if the Council fails to act on an appointment within 30 days after the question of appointment has been submitted to it, the appointment stands confirmed.

Amendment 2 – Council Member Mason Carter

AMENDMENT 2 to Frederick County Council Rules of Procedure

Introduced By:

Council Member Mason Carter
Council Member Steve McKay
Council Vice President Kavonté Duckett

Introduction Date:

Adopted/Rejected/Withdrawn: _____

Rules of Procedure – Chapter 4 – Workshops

4-3 Workshops

- d) Public comment will be ~~[received at each workshop and be limited to the topics of the workshop]~~ ALLOWED FOR FIFTEEN (15) MINUTES AT THE BEGINNING OF EACH WORKSHOP MEETING AND AT THE END OF EACH WORKSHOP MEETING AS LONG AS IS NECESSARY.

Public Comment

Public Comment was heard from:

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- Nick Carrera

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

Council Member Comments

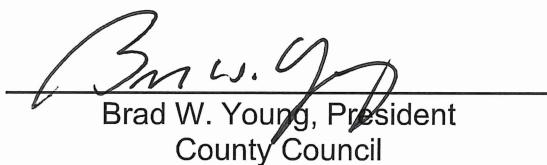
Council Member comments were provided.

Upcoming Meetings

- Tuesday, January 28, 2025 – Workshop
- Tuesday, February 4, 2025 – Legislative Day

Adjourn

The meeting adjourned at 6:49 p.m.



Brad W. Young, President
County Council

