

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, May 21, 2019

Council Members M.C. Keegan-Ayer, President; Vice-President; Michael Blue, Steve McKay, Jerry Donald, Kai Hagen, Jessica Fitzwater and Phil Dacey were present for the meeting.

Also present were Ragen Cherney, Council Chief of Staff; Bryon Black, Assistant County Attorney; Nancy Luna, Recording Secretary and Sydnee Sichert, Legislative Analyst.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 p.m. in the first floor hearing room, Winchester Hall, 12 East Church Street, Frederick, Maryland.

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

Action on the Agenda:

Council Member Steve McKay moved to approve the agenda as presented. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Public Comment was heard from:

- Mary Ann Ford
- Ed Burrell
- Joe Berman
- Eileen Benecke

Business Items:

Budget Adjustments – Rick Harcum, Budget Office, Office of the County Executive

J-19-260 – Department of Housing and Community Development, Citizens Services Div
J-19-262 – Office of Sustainability and Environmental Resources

Council Member Jessica Fitzwater moved to approve the budget adjustments, as presented. Council Member Jerry Donald seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Approval of Minutes

Council Member Steve McKay moved to approve the amended minutes for April 30, 2019; May 1, 2019; May 2, 2019; and May 7, 2019, as presented. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Confirmation of County Executive’s Appointments and Reappointments to Boards and Commissions

Ms. Joyce Grossnickle, Office of the County Executive, presented the appointments and reappointments recently made by County Executive Gardner. Ms. Grossnickle requested the Council’s confirmation of the appointments and reappointments, as presented.

Affordable Housing Council

Council Member Jessica Fitzwater moved to approve the appointment of Kandy Alexander, Diane Bill, Angie Liddiard, Ellen Mitchell, Jason Wiley, Bruce Zavos and Patricia Galloway to the Affordable Housing Council, to terms specified by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Agricultural Preservation Advisory Board

Council Member Jessica Fitzwater moved to approve the appointment of H. Richard Bittner and Andrew Toms to the Agricultural Preservation Advisory Board, to terms specified by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Agriculture Business Council

Council Member Jessica Fitzwater moved to approve the appointment of Robert Black, Gary Grossnickle and Tom Mullinex, to the Agriculture Business Council, to terms specified by staff. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

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Commission for Women

Council Member Jessica Fitzwater moved to approve the appointment of Kimba Green, Maura Page, Cindy Shubin, Desiree Tucker, and Marguerite Vacca-Kay, to the Commission for Women, to terms specified by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Historic Preservation Commission

Council Member Kai Hagen moved to approve the appointment of Tyler Bastian, G. Bernard Callan, Jr., Eytan Moked and Jack Lynch to the Historic Preservation Commission, to terms specified by staff. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Local Management Board

Council Member Jessica Fitzwater moved to approve the appointment of Wayne Horrell, Stacy Wantz and Monica Gatison to the Local Management Board, to terms specified by staff. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		

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At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Parks and Recreation Commission

Council Member Jerry Donald moved to approve the appointment of Mary Ann Brodie-Ennis and Austin Twigg to the Parks and Recreation Commission, to terms specified by staff. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Public Library Board

Council Member Jerry Donald moved to approve the appointment of Jenny D’Agostino, Karyn Spertzel and Suzette White to the Public Library Board, to terms specified by staff. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Confirmation of Ethics Commission Nominating Committee Appointments to Ethics Commission

Ms. Mary Ellen Rhoderick, Ethics Commission Nominating Committee and Linda Thall, Office of the County Attorney, presented the appointments recently made by Ethics Commission Nominating Committee. Ms. Rhoderick and Ms. Thall requested the Council’s confirmation of the appointments, as presented.

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Ethics Commission

Council Member Jessica Fitzwater moved to approve the appointment of Reverend Douglas Jones, Anna Johnson-Winegar and James Stanker to the Ethics Commission, to terms specified by staff. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Tax Rate Adoption

Ms. Diane Fox, Director, Treasury, presented the tax rate adoption to the Council.

Council Member Jessica Fitzwater moved to approve the property tax rate of \$1.06 for Frederick County, the tax equity rate of \$0.9423 in Frederick City and \$0.9325 in Myersville as presented by staff. Council Member Jerry Donald seconded the motion that passed 6-1 with Council Member Phil Dacey opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey		X	
Presiding Officer – Keegan-Ayer	X		

FY 2020 Budget Adoption Ordinance

Mr. Rick Harcum, Chief Administrative Officer, Ms. Kelley Weaver, Acting Director, Budget, presented the budget adoption ordinance to the Council.

Council Member Jerry Donald moved to adopt the ordinance adopting the annual budget and appropriate ordinance of Frederick County. Council Member Jessica Fitzwater seconded the motion that passed 7-0.

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Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

Public Hearing:

Community Development Block Grant Resolution Fiscal Year 2020 Application (Bell Court)

A public hearing was held, as duly advertised, on Community Development Block Grant Resolution Fiscal Year 2020 Application (Bell Court)

Mr. Milton Bailey, Director, Ms. Sarah Nelson, Director, Development Funds Program and Ms. Susan Brown, Director, Rental Housing Program presented the Community Development Block Grant to the Council.

The Council questioned staff on issues with the application.

Public comment was heard from:

- Melanie Cox

Council Member Jessica Fitzwater moved to approve the resolution authorizing the staff to apply and accept the FY 20 Community Development Block Grant funds up to \$400,000 to fund capital improvements at Bell Court Apartments in Woodsboro. Council Member Kai Hagen seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

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Community Development Block Grant Resolution Fiscal Year 2020 Application (Down Payment and Closing Cost Assistance for Low to Moderate Income Homebuyers)

A public hearing was held, as duly advertised, on Community Development Block Grant Resolution (Down Payment and Closing Cost Assistance for Low to Moderate Income Homebuyers)

Mr. Milton Bailey, Director, Ms. Sarah Nelson, Director, Development Funds Program and Ms. Susan Brown, Director, Rental Housing Program presented the Community Development Block Grant to the Council.

The Council questioned staff on issues with the application.

Public comment was heard from:

- None

Council Member Jessica Fitzwater moved to approve the resolution authorizing the staff to apply and accept the FY 20 Community Development Block Grant funds up to \$400,000 to fund Homebuyers Assistance Program down payment and closing cost assistance for low to moderate income homeowners. Council Member Steve McKay seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

(The Council took a break at 6:50 p.m. and reconvened at 7:05 p.m.)

Charter Review Commission Membership Interviews

The Council interviewed the applicants for the position of a member of the Charter Review Commission.

- Council Member Jerry Donald nominated Paul J. Gillian
- Council Member Steve McKay nominated Walter Olsen
- Council President M.C. Keegan-Ayer nominated Steven Slater
- Council Member Jessica Fitzwater nominated John Daniels
- Council Vice President Michael Blue nominated Dr. April Miller who was absent. She will

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attend the May 28, 2019 council meeting.

- Council Member Kai Hagen nominated Lisa Jarosinski
- Council Member Phil Dacey nominated Dylan Diggs

Council Member Kai Hagen moved to approve the nominations of all of the applicants, with the exception of April Miller. Council Member Jerry Donald seconded the motion that passed 7-0.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		
District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey	X		
Presiding Officer – Keegan-Ayer	X		

John Mathias reminded the applicants that they are an officially appointed board and anytime a quorum of them meets, they are subject to the Maryland Open Meeting Act.

First Reading Calendar:

Introduction of a Bill regarding Limited Anti-Discrimination, Chapter 1-2

Council Member Jessica Fitzwater briefed the Council on a proposed bill that would make unlawful in Frederick County, discrimination based upon gender identity or sexual orientation.

Introduction of a Bill regarding Limited Anti-Discrimination, Chapter 2-2

Council Member Jessica Fitzwater briefed the Council on a proposed bill that would make unlawful in Frederick County, discrimination based upon gender identity or sexual orientation.

Third Reading Calendar:

AMENDED Bill No. 19-05 – Development Rights and Responsibilities Agreements

Council Member Steve McKay moved to approve Amended Bill No. 19-05 – Development Rights and Responsibilities Agreements. Council Member Jessica Fitzwater seconded the motion that passed 6-1 with Council Member Phil Dacey opposed.

Council Members	Aye	Nay	Absent/ Abstain/ Present
District 2 – McKay	X		
District 4 – Fitzwater	X		

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District 5 – Blue	X		
District 1 – Donald	X		
At-large – Hagen	X		
At-large – Dacey		X	
Presiding Officer – Keegan-Ayer	X		

Public Comment was heard from:

- None

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 8:10 p.m.

M.C. Keegan-Ayer, President
County Council