

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, June 18, 2019**

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

Also present were Bryon Black, Assistant County Attorney; Nancy Luna, Executive Assistant; 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.

Public Comment was heard from:

- Juliana Downey
- Ed Burrell
- John Punchak
- Carol Autonrewicz
- James Carpenter
- Max Neely

Action on the Agenda:

Council Member Kai Hagen moved to approve the agenda, as presented. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

Business Items:

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

J-19-282 - Fire and Rescue Services Division

J-19-283 - Budget Office

J-19-286 – Sheriff's Office

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J-20-002 – Sheriff's Office
J-20-003 – Sheriff's Office

Council Member Jerry Donald moved to approve the budget adjustments, as presented. Council Member Michael Blue seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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.

Adult Public Guardianship Review Board

Council Member Jessica Fitzwater moved to approve the appointment of Scott Birdsall to the Adult Public Guardianship Review Board to terms as presented by staff. Council Member Michael Blue seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

Commission on Disabilities

Council Member Steve McKay moved to approve the appointment of Evan Evans, Theresa Posthuma, Karen Rushing and Jenn Metcalf Tousey to the Commission on Disabilities to terms

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as presented by staff. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

Containment Laboratory Community Advisory Committee

Council Member Jessica Fitzwater moved to approve the appointment of Alexi Franklin and Joany Jackman, Ph.D. to the Containment Laboratory Community Advisory Committee to terms as presented by staff. Council Member Kai Hagen seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

Human Relations Commission

Council Member Kai Hagen moved to approve the appointment of Mari Lee, V. Lee Whisner, Irene Packer-Halsey, Roger Sobkowiak, and Georgette Hughes to the Human Relations Commission to terms as presented by staff. Council Member Jessica Fitzwater seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

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

Roads Boards

Council Member Jessica Fitzwater moved to approve the appointment of Hilari Varnadore to the Roads Boards to terms as presented by staff. Council Member Michael Blue seconded the motion that passed 6-0-1 with Council Member Phil Dacey absent.

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		

(Council Member Phil Dacey arrived at 6:00 p.m.)

Sustainability Commission

Council Member Kai Hagen moved to approve the appointment of John Ferri, Ron Kaltenbaugh and Elizabeth Peterson to the Sustainability Commission to terms as presented 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		

Appointments to the Frederick County Board of Appeals

Council Member Jessica Fitzwater moved to approve the reappointment of Kenneth Farrell to the Board of Appeals as a regular member to terms as presented by staff. 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		

Council Member Jerry Donald moved to approve the appointment of Dan Lawton to the Board of Appeals as an alternate member to terms as presented 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		

First Reading Calendar:

Introduction of a Bill regarding Automobile Filling Stations and Service Stations and Convenience Stores

Council Member Phil Dacey briefed the Council on a proposed bill that would address the evolving uses associated with Automobile Filling and Service Stations and Convenience Stores.

Introduction of a Bill regarding Indoor Sports Recreation Facilities Without Race Tracks

Council Member Kai Hagen briefed the Council on a proposed bill that would add “indoor sports recreation facilities without race tracks” to the list of commercial uses permitted within the Planned Unit Development (PUD) Zoning District.

Introduction of a Bill regarding Hotel Rental Tax Audit

Council Member Steve McKay briefed the Council on a proposed bill that would change the frequency of the County’s Hotel Rental Tax Audit from once every two years to once every four years.

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Third Reading Calendar:

Bill No. 19-07 – Anti-Discrimination Bill, Chapter 1-2

Council Member Jessica Fitzwater moved to approve Bill No. 19-07 – Anti-Discrimination Bill, Chapter 1-2. 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		

Bill No. 19-08 – Anti-Discrimination Bill, Chapter 2-2

Council Member Jessica Fitzwater moved to approve Bill No. 19-08 – Anti-Discrimination Bill, Chapter 2-2. 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 Hearing:

Resolution of Support for Project Element Advantage Maryland Conditional Loan from the Maryland Department of Commerce

A public hearing was held, as duly advertised, on Resolution of Support for Project Element Advantage Maryland Conditional Loan from the Maryland Department of Commerce

Ms. Helen Propheter, Director, Office of Economic Development, and Ms. Heather Gramm, Assistant Director, Office of Economic Development, presented the Resolution of Support for Project Element to the Council.

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Public comment was heard from:

- None

Council Member Steve McKay moved that the County Council provide a resolution of support for Kite Pharma Advantage Maryland Conditional Loan. 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		

Spring 2019 Cycle Water and Sewer Amendments

Those that were giving testimony for this issue were sworn in by Ms. Sydnee Sichert.

A public hearing was held, as duly advertised, on Spring 2019 Cycle Water and Sewer Amendments

Mr. Jim Gugel, Fundamental Plans Coordinator, Planning and Permitting Division, presented the Spring 2019 Cycle Water and Sewer Amendments to the Council.

WS 19-01

Public comment was heard from:

- None

Council Member Kai Hagen moved to approve Water and Sewer Case WS 19-01 to reclassify parcel 708 consisting of 5.1 acres from Multiuse sewer to S4. 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		

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

WS 19-02

Public comment was heard from:

- None

Council Member Steve McKay moved to approve Water and Sewer Case WS 19-02 to reclassify parcel 1357 consisting of 77 acres from the W5 S5 category to the W3 S3. 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		

WS 19-03

Public comment was heard from:

- None

Council Member Steve McKay moved to approve Water and Sewer Case WS 19-03 for DH Airport Investment, LLC to reclassify parcel 1894 consisting of 6.1 acres from S4 to S3. 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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WS 19-03

Public comment was heard from:

- None

Council Member Steve McKay moved to approve Water and Sewer Case WS 19-04 on behalf of the Division of Planning and Permitting for the Ridpath Property to reclassify parcel 234 consisting of 0.23 acres from W5 to W3. 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		

Public Comment was heard from:

- None

Council Member Comments:

Council Member comments were provided.

Adjourn

The meeting adjourned at 6:45 p.m.

M.C. Keegan-Ayer, President
County Council