

COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, August 4, 2020

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

Also present were Ragen Cherney, Chief of Staff, County Council; Bryon Black, County Attorney; Catherine Keller, Assistant County Attorney; Sarah Ambrosio, Recording Secretary; and Nancy Luna, Executive Assistant, County Council.

Council President M.C. Keegan-Ayer called the meeting to order at 5:30 p.m. virtually via video conference.

Opening Statement from Council President M.C. Keegan-Ayer

Good Evening and welcome to the virtual meeting of the Frederick County Council. Today is Tuesday, August 4, 2020, and it is a legislative day for the County Council.

The Frederick County Council is continuing to conduct our meetings on-line during this time and it seems this may be the way we will be holding our meetings for the foreseeable future due to concerns about the spread of the COVID virus.

Our meetings are televised on Frederick County Government Channel 19, on Frederick County Government's website: www.FrederickCountyMD.Gov/FCGTV, and while we are meeting virtually, we will continue to use our software program which allows the public to watch and participate in our meetings. Please go to www.frederickcountymd.gov/councilmeetings in order to watch us on that format.

You may still send us comments via email at: (Councilmembers@frederickcountymd.gov), or by calling our office line (301) 600-1135 and leaving a voicemail message. Or using our virtual format, you may call toll free 855-925-2801 and enter meeting code 8365 to listen to our meetings live and to give public comment. I will be giving instructions for how to give public comment before each portion of our meeting when public comment will be received. As always, all comments received will be reflected in the minutes.

As a reminder during these virtual meetings, I will periodically stop to allow the members to ask any questions in a round robin type fashion, calling the council members by name to make sure the public is aware of which member has the floor.

As a continued caution to our Council Members – Please be respectful of each other's time and wait to be recognized before you begin to speak. Remember the microphone issue and please limit your questions to one at a time. I will come back around as often as necessary until all questions are heard.

To begin our meeting, I will start with a roll call vote to determine a quorum. Just

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respond with “here”. Again, going in alphabetical order: CM Blue, Dacey, Donald, Fitzwater, Hagen, and McKay. A quorum having been established, we will begin our meeting.

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

Action on the Agenda

Council Member Jerry Donald moved to approve the agenda. Council Member Kai Hagen seconded the motion that passed 7-0.

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

Public Comment was heard from:

- Paul Rose

Business Items:

Budget Adjustments

J-20-346 – Housing and Community Development, Citizens Services Division
J-21-011 – Accounting, Finance Division and Board of Education School Construction
Fund Budget Amendment #21-01
J-21-015 – Engineering and Construction Management, Public Works Division
J-21-016 – Budget Office
J-21-017 – Administrative Services, Fire and Rescue Services Division
J-21-018 – Sheriff's Office
J-21-021 – Sheriff's Office
J-21-023 – Budget Office

Council Member Jerry Donald moved to approve Budget Adjustments J-20-346, J-21-011, J-21-015, J-21-016, J-21-017, J-21-018, J-21-021 and J-21-023 as presented. Council Member Kai Hagen seconded the motion.

Council Member Jessica Fitzwater moved to pull Budget Adjustments J-21-016 and J-21-023 for further discussion. Council Member Steve McKay 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 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Budget Adjustments J-20-346, J-21-011, J-21-015, J-21-017, J-21-018, and J-21-021 as presented passed 7-0.

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

Council Member Jessica Fitzwater moved to approve Budget Adjustment, J-21-016 as presented. 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 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

Council Member Jessica Fitzwater moved to approve Budget Adjustment, J-21-023 as presented. Council Member Michael Blue 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 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	X		
Presiding Officer – Keegan-Ayer	X		

First Reading Calendar:

Modifying Waterbody Buffers

Council Member Jerry Donald provided information to the Council on Modifying Waterbody Buffers.

Defining a “Farmers Market”

Council Member Steve McKay provided information to the Council on Defining a “Farmers Market” in a Zoning Ordinance, as a specific type of Temporary Outdoor Activity in certain zones, and as a Customary Accessory Use on property zoned Institutional.

Third Reading Calendar:

Bill No. 20-07 Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update and Clarify Transportation, Environmental Resource Protection, and Historic Preservation Criteria on Rezoning Requests

Council Member Steve McKay moved to bring Bill 20-07 back for consideration. Council Member Kai Hagen seconded the motion that passed 7-0.

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

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Amendment 7 - Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update and Clarify Transportation, Environmental Resource Protection, and Historic Preservation Criteria on Rezoning Requests

AMENDMENT 7 on Bill No. 20-07

Introduced By: Council Member Phil Dacey (At-Large)

Introduction Date: July 21, 2020

Adopted/Rejected/Withdrawn:

An ACT to amend Chapter 1-19 of the Frederick County Code (Zoning Ordinance) to update and clarify transportation, environmental resource protection, and historic preservation criteria on rezoning requests.

On Exhibit 1, Page 16, it is hereby amended by adding the text as follows:

AND BE IT FURTHER ENACTED, THAT THE CODE PROVISION CHANGES ENACTED BY THIS BILL WILL NOT APPLY TO THE CURRENTLY PENDING REZONING APPLICATIONS R-19-01 AND R-19-02, BECAUSE THOSE APPLICATIONS WERE FILED PRIOR TO THE INTRODUCTION OF THIS BILL, AND THE HEARINGS ON THOSE REZONING APPLICATIONS HAVE BEEN DELAYED DUE TO THE COVID 19 EMERGENCY.

Council Member Phil Dacey moved to approve Amendment 7 - Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update and Clarify Transportation, Environmental Resource Protection, and Historic Preservation Criteria on Rezoning Requests as presented. Council Member Jessica Fitzwater seconded the motion that failed 3-4.

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

Council Member Kai Hagen moved to approve Bill 20-07 Amending Chapter 1-19 of the County Code (Zoning Ordinance) to Update and Clarify Transportation, Environmental Resource Protection, and Historic Preservation Criteria on Rezoning Requests as

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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 4 – Fitzwater	X		
District 5 – Blue	X		
At-large – Dacey	X		
At-large – Hagen	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 7:20 p.m.

M.C. Keegan-Ayer, President
County Council