

**COUNTY COUNCIL OF FREDERICK COUNTY
MEETING MINUTES
Tuesday, January 23, 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, County Council Chief of Staff; 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 23, 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 Renee Knapp moved to approve the agenda for 01/23/2024 with one correction, marking item X as Council Decision instead of Council Information. 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		

Public Comment

Public Comment was heard from:

- None.

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

Approval of Minutes

Council Member Jerry Donald moved to approve the minutes from 12/19/2023, 01/02

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01/09, & 01/09 Confidential Closed Session Minutes, 2024. 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		

Budget Adjustments – Joyce Grossnickle, Administrative Office, Office of the County Executive

Council Member M.C. Keegan-Ayer moved to approve the following budget adjustments:

- *J-24-156 – Fleet Services, Division of Public Works*
- *J-24-162 – Broadband & Enterprise Projects, Division of Interagency Information Technologies*
- *J-24-166 – Agricultural Preservation, Division of Planning & Permitting*
- *J-24-170 – Behavioral Health Services, Division of Health Services*
- *J-24-174 – Division of Housing*
- *J-24-179 – Division of Human Resources*

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		

Confirmation of First Housing Division Director Designee

Council Member Renee Knapp moved to confirm the appointment of Vincent Rogers to the First Housing Division Director Designee. Council Member M.C. Keegan-Ayer seconded the motion that passed 6-1, with Council Vice President Kavonté Duckett

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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		

Confirmation of County Council’s Designee to the Frederick County Boards of Appeals

Council Member Jerry Donald moved to confirm the appointment of Jack Felton to serve on the Frederick County Board of Appeals for the remainder of the term expiring 6/30/2025 and the appointment of Dwaine Robbins to serve as an alternate on the Frederick County Board of appeals with a term expiring 6/30/2024. Council Member M.C. Keegan-Ayer seconded the motion that passed 5-2, with Council Vice President Kavonté Duckett and Council Member Renee Knapp 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		

2024 Transportation Priority Letter - Draft - Mark Mishler, Planning and Permitting Staff

Mark Mishler briefed the Council on the 2024 Transportation Priority Letter Draft.

Council Member Jerry Donald moved to approve the Draft 2024 Transportation Priority Letter. 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		

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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 23-25 – Residency Requirements for Planning Commission Members – Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve Bill 23-25 – Residency Requirements for Planning Commission Members. Council Member Renee Knapp seconded the motion.

Amendment to Bill 23-25

Council Member M.C. Keegan-Ayer moved to approve the amendment to Bill 23-25. Council Member Steve McKay seconded the motion that failed 3-4, with Council Member Jerry Donald, Council Vice President Kavonté Duckett, Council Member Renee Knapp, and Council President Brad Young 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	

With the amendment to Bill 23-25 failing, the Council returned to the original motion, 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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- b) Bill 23-26 - Residency Requirements for Board of Appeals Members – Council Vice President Kavonté Duckett

Council Vice President Kavonté Duckett moved to approve Bill 23-26 - Residency Requirements for Board of Appeals Members. Council Member Renee Knapp seconded the motion.

Amendment to Bill 23-26

Council Member M.C. Keegan-Ayer moved to approve the amendment to Bill 23-26. Council Member Steve McKay seconded the motion that failed 3-4, with Council Member Jerry Donald, Council Vice President Kavonté Duckett, Council Member Renee Knapp, and Council President Brad Young 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	

With the amendment to Bill 23-26 failing, the Council returned to the original motion, 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		

Transfer of a Segment of Yellow Springs Road to The City of Frederick - Michelle Hurney, Chief, Office of Capital Asset, Lease and Acquisition Management, Department of Professional Services, Division of Public Works

Michelle Hurney briefed the Council on the Transfer of a Segment of Yellow Springs Road to the City of Frederick.

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Council Member Jerry Donald moved to approve the Transfer of a Segment of Yellow Springs Road to the City of Frederick and to authorize the County Executive to execute a Quit Claim Deed to effectuate the transfer. 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		

Workshop on Proposed Bill - Amendments to Ch. 1-23 of the Frederick County Code - Historic Preservation Ordinance - Kimberly Gaines, Director, Amanda Whitmore, Historic Preservation Principal Planner II, and Beau Lockard, Historic Preservation Principal Planner I, Livable Frederick Planning & Design Office, Division of Planning & Permitting

Kimberly Gaines, Amanda Whitmore, and Beau Lockard briefed the Council on Proposed Bill - Amendments to Ch. 1-23 of the Frederick County Code - Historic Preservation Ordinance and the proposed edit to Proposed Bill - Amendments to Ch. 1-23 of the Frederick County Code - Historic Preservation Ordinance.

Motion to go into Closed Session

At 8:07 p.m., Council Member Jerry Donald moved to go into closed session under Maryland Annotated Code General Provisions Article §3-305(b)(3) To consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Topic: To consider updated applications to the Critical Farms program.

Council Vice President Kavonté Duckett 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		

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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.

Council Member Comments

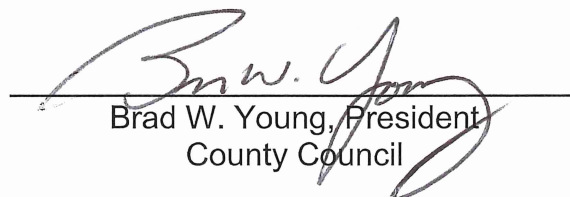
Council Member comments were provided.

Upcoming Meetings

- Tuesday, January 30, 2024 – Workshop
- Tuesday, February 6, 2024 – Legislative Day

Adjourn

The meeting adjourned at 8:19 p.m.



Brad W. Young, President
County Council

SUMMARY MINUTES OF CLOSED SESSION HELD ON January 23, 2024

1. Statement of the time, place and purpose of the closed session

Time of closed session: 8:26 p.m.

Place (location) of closed session: Winchester Hall, Council Conference Room

Purpose of the closed session: To consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

Record of the vote of each member as to closing the session

Name of members voting aye: Council President Brad Young, Council Vice President Kavonté Duckett, Council Member Jerry Donald, Council Member M.C. Keegan-Ayer, Council Member Renee Knapp, Council Member Steve McKay

Members Opposed: Council Member Mason Carter

Members Abstaining/Absent:

2. Statutory Authority to close session

This meeting was closed under the following provisions of General Provisions Article § 3-305(b):

Topic 3 - § 3-305(b)(3)

To consider the acquisition of real property for a public purpose and matters directly related to the acquisition.

3. Listing of each topic actually discussed, persons present, and each action taken in the session

Topic Descriptions:

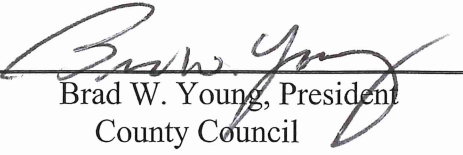
To consider updated applications to the Critical Farms program.

Persons present for discussion: Council Members Brad Young, President, Kavonté Duckett, Vice President, Mason Carter, Jerry Donald, Renee Knapp, Steve McKay, Ragen Cherney (Chief of Staff, County Council), Catherine Keller (Assistant County Attorney), Abby Boroughs (Administrative Assistant, County Council), Shannon O'Neil, and Beth Ahalt (Planning & Permitting).

Action Taken/ Each Recorded Vote:

Council Member Steve McKay moved for the County to make offers to all five applicants, as described by staff. Council Vice President Kavonté Duckett seconded the motion, and the motion was approved with unanimous consent.

The meeting adjourned: 8:34 p.m.



Brad W. Young, President
County Council

Frederick County Council

PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING "CLOSING STATEMENT" (General Provisions Article § 3-305)

Form to be completed before closing the meeting. May be prepared in advance.

1. Recorded vote to close the meeting
Date: 01/23/2024; Time 8:07 p.m.; Location: First Floor Hearing Room, Winchester Hall
Motion to close meeting made by: CM Donald Seconded by CVP Duckett;
Members in favor: Donald, Duckett, Keegan-Ayer, Knapp, McKay, Young; Opposed: Carter;
Abstaining: _____; Absent: _____.
2. Statutory Authority to close session (check all that apply).
This meeting will be closed under General Provisions Article § 3-305(b) only:
 - (1) ☐ To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
 - (2) ☐ Protect the privacy or reputation of an individual with respect to a matter that is not related to public business;
 - (3) ☒ Consider the acquisition of real property for a public purpose and matters directly related to the acquisition;
 - (4) ☐ Consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
 - (5) ☐ Consider the investment of public funds;
 - (6) ☐ Consider the marketing of public securities;
 - (7) ☐ Consult with counsel to obtain legal advice;
 - (8) ☐ Consult with staff, consultants, or other individuals about pending or potential litigation;
 - (9) ☐ Conduct collective bargaining negotiations or consider matters that relate to the negotiations;
 - (10) ☐ Discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans;
 - (11) ☐ Prepare, administer, or grade a scholastic, licensing, or qualifying examination;
 - (12) ☐ Conduct or discuss an investigative proceeding on actual or possible criminal conduct;
 - (13) ☐ Comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter;
 - (14) ☐ Discuss, before a contract is awarded or bids are opened, a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process; or
 - (15) ☐ Discuss cybersecurity, if the public body determined that public discussion would constitute a risk to: (i) security assessments or deployments relating to information resources technology; (ii) network security information, or (iii) deployments or implementation of security personnel, critical infrastructure, or security devices.
3. For each provision checked above, disclosure of the topic to be discussed and the Council's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§ 3-305(b) <u>(3)</u>	To consider updated applications to the Critical Farms program.	The Critical Farms Program involves open real estate contracts and contemplates the acquisition of easements on the subject properties. Public discussion of purchasing terms could adversely impact the ability of the County to negotiate and place properties in the Critical Farms Program.
§ 3-305(b) ____		
§ 3-305(b) ____		
§ 3-305(b) ____		

4. This statement is made by Brad W. Young, Presiding Officer.

