

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 9, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, June 9, 2009, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Patti Morrow, Recording Secretary.

*(Official Minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the County's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the County's website at [www.co.frederick.md.us](http://www.co.frederick.md.us))*

**NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.**

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Jenkins mentioned he had attended the roof replacement project on the Roddy Road Bridge and thanked Dean Fitzgerald and his company (Fitzgerald Heavy Timber Construction, Inc.) for undertaking the project.

Commissioner Jenkins requested Commissioner Gardner to reschedule, as administrative business, the vote on the proposed waste to energy facility project.

Commissioner Hagen reported he had attended The City of Frederick's worksession regarding the three (3) proposed annexations north of the city.

Commissioner Thompson noted the Thompson Board had set the stage for the proposed annexations. He was sorry he was correct in predicting the deluge of annexations.

Commissioner Gardner remarked she and Commissioner Gray had also participated in the bridge project and wished to thank the Frederick County Highway Operations as well as Dean Fitzgerald for their assistance.

**WORKSESSION**

**Recognition of the Finance Division Staff on Receiving the Certificate of Achievement for Excellence in Financial Reporting – Government Finance Officers Association of the United States and Canada (GFOA)**

The Board recognized the Finance Division staff.

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**PUBLIC HEARING**

**Request to Amend Condition No. 26 from Rezoning Ordinance #04-03-347 (Linton at Ballenger Planned Unit Development) - Tim Goodfellow, Planning Division**

Commissioner Jenkins disclosed he had received a campaign contribution from Stuart Terl, an officer of The Drees Company.

A public hearing was held, as duly advertised, on a request to amend condition #26 from Rezoning Ordinance #04-03-347 to allow accumulation of unrecorded lots to be recorded in subsequent years.

Mr. Goodfellow presented the staff report. Eric Soter and Mark Depo, Planning Division and Kathy Mitchell, Office of the County Attorney, participated in the discussion.

Andrew DiPasquale, Esquire, Miles and Stockbridge; Mark Friis, Rodgers Consulting and Stuart Terl, The Drees Company, commented on the request on behalf of the applicant.

There were no public comments.

Commissioner Hagen moved to amend condition #26 from Rezoning Ordinance #04-03-347 changing the lot recordation cap from 150-225 maximum per year. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

(A copy of Ordinance #09-25-529 can be obtained in the County Manager's Office or from the county's website, [www.co.frederick.md.us](http://www.co.frederick.md.us))

**WORKSESSION**

**Discussion of Ownership of the Jefferson Tech Park Bridge - Board of County Commissioners**

Commissioner Gardner summarized the history of the acceptance of the bridge into the county road system. Staff had a concern about owning a bridge over a major highway. A proffer was drafted to try to resolve the issue. State Highway Administration (SHA) proposed a road transfer of state roads to the county in exchange for maintaining the ownership of the bridge.

Galen Clagett, District 3A, Maryland House of Delegates, summarized his involvement in the project.

Neil Pederson, Administrator; Steve Foster, Chief of Engineering Access Permit Division; and David Coyne, District 7 Engineer, SHA, commented on the proposed road transfer.

Public comment was heard from:

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- Krista McGowan, Esquire, Miles and Stockbridge
- Brad Kline, Jefferson Park

Al Hudak, Public Works Division, commented on the road transfer options.

Keenan Rice, MuniCap, Inc., commented on the revenue side of the Jefferson Tech Park project.

Commissioner Gardner suggested a compromise with the developer contributing \$500,000 for 10 years to cover costs.

Mr. Kline indicated the developer had no interest in a three way agreement.

It was indicated the issue would be rescheduled to a meeting to be scheduled for July 7, 2009. Public Works Division would provide an estimate of highway maintenance involved with the proposed road transfers.

**Appointments to the Deferred Loan Program – Loan Review Committee – Joyce Grossnickle, County Manager’s Office**

There were no public comments.

Commissioner Hagen moved to appoint Jim Schmersahl to serve as the Affordable Housing Council (AHC) representative and Mickey Fyock to serve as the AHC alternate representative on the Loan Review Committee for unexpired terms to expire June 30, 2011. Commissioner Gray seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

Commissioner Thompson commented on the proposed City of Frederick annexations.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 11:45 a.m.

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Respectfully submitted,

Patricia A. Morrow  
Recording Secretary