

PUBLIC MEETING MINUTES FOR TUESDAY, JULY 7, 2009

A public meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, July 7, 2009, was called to order at 7:00 p.m. by Commissioner Jan Gardner, *President*. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also in attendance were Barry Stanton, Assistant 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 web page. 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 web page at 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.

The meeting began with the recitation of the Pledge of Allegiance.

PUBLIC HEARINGS

#AT-09-01 – Proposed Ordinance to Amend Certain Sections of the Frederick County Adequate Facilities Ordinance (APFO) Regarding School Adequacy Testing – Gary Hessong, Permitting and Development Review; Eric Soter, Planning Division; Ray Barnes, Frederick County Public Schools and Kathy Mitchell, Office of the County Attorney

A public hearing was held, as duly advertised, on revisions to the school adequacy requirements of the Frederick County APFO.

Ms. Mitchell briefed the Board on a history of the APFO, noting the main changes reflected in the proposed ordinance.

Mr. Hessong and Mr. Barnes commented on the scenario chart (Exhibit 2.)

Public comment was heard from:

- Katie Maloney, Frederick County Builders Association
- MC Keegin-Ayer, PTA Council of Frederick County

Commissioner Jenkins moved to adopt the ordinance related to revisions to the school adequacy requirements of the Frederick County APFO; direct staff to create guidelines to incorporate scenario #4 to be the defining factor between approved and background data; and remove "projected" from page 5 (C) Adequacy Testing, with an effective date of September 1, 2009. Commissioner Gray seconded the motion that passed 5-0.

(A copy of Ordinance #09-19-523 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

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#AT-09-02 – Proposed Ordinance to Amend Certain Sections of the Frederick County Adequate Facilities Ordinance (APFO) Regarding Road Adequacy Testing – Ron Burns, Permitting and Development Review Division

A public hearing was held, as duly advertised, on a proposed ordinance and guidelines that would comprehensively modify the current APFO testing for roads and other changes to the APFO.

Mr. Burns presented the proposed ordinance and guidelines.

Betsy Smith, Permitting and Development Review Division, participated in the discussion.

Public comment was heard from:

- Michael Proffitt Frederick Area Committee for Transportation (FACT)
- Katie Maloney Frederick County Builders Association
- Chris Smariga Land Use Council
- Renee Bugby Maton Property Management
- Jeremy Holder
- Rand Weinberg, Esquire Weinberg and Miller
- Ric Adams Frederick County Chamber of Commerce
- Len Latkovski
- Julie Smith
- Heather Martin

A discussion ensued on the questions received during the public comments.

Commissioner Gray moved to adopt the ordinance to implement the text changes to the APFO roads and include the guidelines with the following changes:

- Section 1-20-31 Determination of Adequacy, (D)(3):

...The TMP shall be in accordance with the guidelines and ~~maybe in lieu of or supplement the specific standards set forth in subsections (B) and (C) above, as determined by the Planning commission.~~
- Page 19 the second paragraph:

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall apply to applications for subdivisions, re-subdivision, site plan or Phase II approval or re-approval filed on or after the effective date of this Ordinance. ~~This Ordinance shall apply retroactively to any application for subdivision, re-subdivision, site plan or Phase II approval which did not have a currently valid conditional or unconditional APFO approval as _____, 2009 (60 days after the effective date of this Ordinance.~~

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Commissioner Gardner seconded the motion. The effective date of the ordinance would be July 17, 2009.

Commissioner Thompson moved to amend Section 1-20-30 Thresholds (A): changing 25 to 5 in the first sentence and changing 50 to 10 in the fifth sentence. The motion died for lack of a second.

Commissioner Thompson moved to strike Section 1-20-31 Determination of Adequacy (D) (3) and any other mention of special events found in the guidelines. Commissioner Jenkins seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

The vote on the main motion was 5-0.

(A copy of Ordinance #09-20-524) can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

PUBLIC COMMENTS AND/OR REQUESTS

None.

ADJOURN

The meeting adjourned at 11:00 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary