

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, SEPTEMBER 15, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, September 15, 2009, at 8:35 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen (note arrival time), Charles Jenkins and John L. Thompson, Jr. Also present were Barry Stanton, Assistant County Manager and Mary Baker, 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)

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 Gray noted the Frederick County Public Libraries established a sustainability action team.

Commissioner Thompson requested an update on the Bioport situation.

Commissioner Jenkins congratulated Ralph Whitmore, Burgess, Walkersville, on his re-election.

Commissioner Gardner noted the county’s food drive was taking place; drop-off boxes were located at various locations throughout the county.

WORKSESSION

Business Appreciation Week Proclamation

Commissioner Gardner presented the proclamation.

Constitution Week Proclamation

Commissioner Thompson presented the proclamation.

Middletown Community Park Master Plan Revision - Potential Skate Spot - Paul Dial, Parks and Recreation Division

Mr. Dial presented the master plan revision that included a skate spot being located in the Middletown Community Park.

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(Commissioner Hagen entered the meeting.)

Public comment was taken from:

- Commissioner Richard Dietrick, Town of Middletown
- Mayor Wayne Creadick, Jr., Town of Myersville

Commissioner Hagen moved approval of the master plan revision to include a possible skate spot. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Fort Detrick Central Utility Plant Payment in Lieu of Taxes Agreement - Mike Penland, Keenan Fort Detrick Energy LLC; Col. Judy Robinson, Fort Detrick and Andy Scott, Maryland Department of Transportation

Colonel Robinson, Mr. Penland, Mr. Scott and Richard McCain, Assistant County Attorney, presented the proposed agreement. One condition of a base realignment and closure (BRAC) zone being designated in Frederick County, the Board was required to have “good faith negotiations for a payment in lieu of tax (PILOT) agreement with all private developers of federal enclave property.” On May 22, 2008, the Army requested the Board enter into a proposed PILOT with Keenan Fort Detrick Energy, LLC for the central utility plant which supported the National Interagency Bio-defense Campus at Fort Detrick.

Mr. Thomas Cretzschmar, United States Corps of Engineers, Baltimore, Maryland, and Gary Zoleak, Fort Detrick attorney, also presented information regarding this issue.

There was no public comment.

Commissioner Hagen moved approval of the PILOT agreement. Commissioner Gray seconded the motion.

Commissioner Thompson moved to table the topic until further tax information was forthcoming. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

The main motion was voted on and passed 4-1 with Commissioner Thompson opposed.

Commissioner Gray moved to reconsider the PILOT agreement. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Jenkins moved approval of entering the PILOT agreement and a maximum amount of \$25,000.00 for a 20-year period. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

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(Commissioner Hagen left the meeting.)

**Memorandum of Understanding (MOU) with the Board of County Commissioners and
the Board of Managers of the Great Frederick Fair, Inc. - Marc McNeal, Fire and Rescue
Services Division**

The Fire and Rescue Services Division (DFRS) provided on-site fire, rescue and emergency medical services for the duration of the Frederick Fair.

Mr. McNeal presented the proposed MOU which would provide the services, noting the cost to DFRS was estimated at \$5,000. The MOU would renew automatically for succeeding one-year terms unless terminated by the Board of Managers of the Great Frederick Fair, Inc. (Fair Board) or the Board. The MOU did not include services rendered by the Frederick County Volunteer Fire and Rescue Association.

There was no public comment.

Commissioner Gray moved approval of the MOU as presented. Commissioner Jenkins seconded the motion.

Commissioner Thompson amended the motion for the Fair Board to pay the \$5,000 for the services rendered by DFRS staff. The motion failed due to lack of a second.

The main motion was voted on and passed 4-1 with Commissioner Thompson opposed.

**Fire and Emergency Medical Services Adequate Public Facilities Ordinance (APFO) -
Tolson Desa, Permitting and Development Review Division**

Mr. DeSa and Betsy Smith, Permitting and Development Review Division, presented the proposed APFO regarding a possible fire and emergency medical service component to the APFO consisting of impact fees, residential and non-residential mitigation, and a master plan.

There was no public comment.

Commissioner Gray requested staff to explore impact fees countywide if legally possible.

There was consensus from the Board to request the inclusion of water adequacy testing for the fire companies, response time evaluation, response rate, road adequacy issues for response, hold off on an APFO component at this time and to obtain a fee quote for the impact updates.

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COMMISSIONERS COMMENTS

Commissioner Thompson noted the Board and the Board of Education should be meeting today rather than going to visit the Earth and Space Science Laboratory and West Frederick Middle School.

PUBLIC COMMENTS

- Janice Spiegel
- M.C. Keegan-Ayer

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 1:35 p.m.

Mary E. Baker
Recording Secretary