

## **PUBLIC MEETING MINUTES FOR TUESDAY, NOVEMBER 10, 2009**

A public meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, November 10, 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.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))*

**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 HEARING**

#### **#AT-09-04 – Proposed Ordinance to Amend Certain Sections for the Frederick County Adequate Public Facilities Ordinance (APFO) to Apply School Adequacy Testing Countywide, Including Municipalities – Kathy Mitchell, Office of the County Attorney**

A public hearing was held, as duly advertised, on the proposed ordinance regarding school adequacy provisions to the county's APFO.

Commissioner Gardner swore in those who would testify.

Ms. Mitchell presented the staff report. The attachments and exhibits were reviewed as part of the record.

Ms. Mitchell noted the Board must find, based on evidence, that there would be a significant adverse impact on the public health, safety or welfare affecting residents of the county in unincorporated areas if such county legislation does not apply in all municipalities located in the county. She also stated at least 4 out of 5 commissioners must vote in favor of the legislation for it to pass.

Commissioner Thompson questioned Ms. Mitchell, John Kroll, Finance Division and Ray Barnes, Frederick County Public Schools.

Public comment was heard from:

- Brad Jones
- Alan Imhoff, Alderman, The City of Frederick
- John Miller, Burgess, Town of Middletown
- John Anderson
- Marty Burns, Mayor, Town of Thurmont
- Winslow Burhans, Mayor, Town of New Market

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- Mike Smariga
- Wendi Peters, Councilman, Town of Mount Airy
- Denise Jacoby
- Krista McGowan, Esquire, Miles and Stockbridge
- Kim Cable
- Jim Hoover, Mayor, Town of Emmitsburg
- Jeremy Holder
- Daphne Gabb, PTA Council of Frederick County
- Janice Wiles, Friends of Frederick County
- Janice Spiegel
- Carroll Jones, Mayor, City of Brunswick
- Tom Smith, Councilman, City of Brunswick
- M.C. Keegin-Ayer
- Angela Gladchuck

The Board discussed the retroactivity clauses in the proposed text amendment as well as how to implement the proposal.

Eric Soter, Planning Division and Gary Hessong, Permitting and Development Review Division, participated in the discussion.

Commissioner Jenkins moved to send a request to The City of Frederick's Mayor-Elect and Aldermen Elect to ask them to take a six (6) month period to revise The City of Frederick's APFO giving it some strength. The motion failed for lack of a second.

The Board noted the issue would be continued to Monday, November 16, 2009, at 9:00 a.m.

**PUBLIC COMMENTS AND/OR REQUESTS**

None.

**ADJOURN**

The meeting adjourned at 11:00 p.m.

Patricia A. Morrow  
Recording Secretary