

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, JULY 13, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, July 13, 2010, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, John L. Thompson, Jr. and Blaine Young. 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.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.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Young mentioned he may not be present at the Thursday, July 15, 2010, meeting due to testifying at a trial in Baltimore.

Commissioner Gardner congratulated Shuan Butcher, Executive Director, Frederick Arts Council, who was recently elected Vice President of the Community Arts Alliance of Maryland.

Commissioner Gardner announced the Board was invited to tour the completed Area B, Fort Detrick at 1:00 p.m.

The insert that was included in the tax bills regarding comparison of county/municipalities services was briefly discussed.

PUBLIC HEARING

Proposed Text Amendment Regarding Historic Preservation Ordinance – Janet Davis, Planning Division

A public hearing was held, as duly advertised, on the adoption of a text amendment to change the Frederick County Code regarding the Historic Preservation Program of Frederick County.

Ms. Davis presented the text amendment.

There were no public comments.

Commissioner Gray moved to approve the adoption of the ordinance as presented. Commissioner Hagen seconded the motion that passed 5-0.

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(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

WORKSESSION

Informational Presentation on Agricultural Preservation Funding – Tim Blaser, Planning Division and Daniel Patrick O’Connell, Evergreen Conservation Finance

Mr. O’Connell presented a PowerPoint presentation on options to continue the critical farms program. He reviewed with the Board the Maryland Agricultural and Resource Based Industry Development Corporation (MARBIDCO) which was established by the Maryland General Assembly to assist in business development for the state in farming, forestry, and seafood industries.

Sam Ketterman, Davenport and Company, LLC (county’s financial consultant), commented.

There were no public comments.

It was suggested the county could offer a selling option where the county offers a certain amount of money per year to buy an easement at a fixed price. Legal staff would be consulted regarding the possible use of recordation tax for the option idea.

By unanimous consent the Board directed staff to implement a pilot program using the Aggie bonds for critical farms approach of agricultural preservation. Commissioner Thompson added the stipulation it would require the county putting money aside for the program.

It was also indicated total nutrient daily load (TMDL) would be watched to note any reductions.

ADMINISTRATIVE BUSINESS

Notifying Property Owners Impacted by the Proposed City of Frederick’s North/South Parallel Road – Board of County Commissioners

Commissioner Gardner noted a letter was sent to The City of Frederick (“City”) officials requesting a feasibility study be conducted regarding the proposed road alignment. Commissioner Gardner indicated there had been no response to the request.

Public comments were heard from:

- Kelly Russell, Alderman, The City of Frederick
- Joe Adkins, Planning Department, The City of Frederick
- Paul Smith
- Ralph Whitmore, Burgess, Town of Walkersville

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Commissioner Gray moved to draft a letter to notify the property owners within 200 feet of either side of the North/South parallel road as reflected in the City's comprehensive plan. The following adjacent neighborhoods would be included:

- Portion of Spring Ridge
- Linganore Road
- River Oaks
- Pinecliff
- Reels Mill Road
- Araby Road
- Biggs Ford Road

It was noted the letter would be circulated to The City of Frederick and Town of Walkersville elected officials for comments. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Young opposed.

Eric Soter and Jim Gugel, Planning Division, commented on the notification.

Century Center Annexation – Town of Walkersville – Denis Superczynski, Planning Division

Mr. Soter reviewed the Board policy regarding municipal annexations.

Staff reviewed the draft letter to the Town of Walkersville.

Commissioner Gray moved to submit the letter with the recommendations to the Town of Walkersville. Commissioner Hagen seconded the motion that passed 5-0.

Public comment was heard from:

- Ralph Whitmore, Burgess, Town of Walkersville
- David Severn, Esquire, Severn, O'Connor and Kresslein, P.A., representing the Town of Walkersville

Commissioner Hagen moved to add a component to the municipal annexation process for the Board to have a discussion with staff prior to the request for express approval for the annexation by the municipality. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

COMISSIONER COMMENTS

None.

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PUBLIC COMMENTS

None.

QUESTIONS – PRESS

Meg Tully, The Frederick News-Post

CLOSED SESSION

Commissioner Hagen moved to go into closed session according to Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:00 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JULY 13, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the acquisition of real property for parks purposes.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JULY 15, 2010,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JULY 13, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, M. Chomel, R. McCain, P. Dial, B. Hicks, C. Chamberlain and P. Morrow.

Topic Discussed:

To consider the acquisition of real property for parks purposes.

Action Taken:

Staff was directed to negotiate with the property owners regarding the specific properties

Patricia Morrow
Recording Secretary

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State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the proposed resolution of an outstanding claim.

Patricia Morrow
Recording Secretary

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STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Hagen moved to go into closed session at in accordance with Maryland Annotated Code State Government Article §10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:00 p.m. - Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, R. McCain and P. Morrow.

Topic Discussed:

To consider the proposed resolution of an outstanding claim.

Action Taken:

Staff was directed to accept a settlement offer.

Patricia Morrow
Recording Secretary