

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, DECEMBER 21, 2010**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 21, 2010, at 8:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Barry Stanton, 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.FrederickCountyMD.gov.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Gray noted he attended his grandson's graduation from Basic Training at Fort Jackson, South Carolina, last week.

AGENDA BRIEFING

Staff briefed the Board on the following public hearing item scheduled for:

Tuesday, January 4, 2011, at 7:00 p.m.

- Frederick County Employees Retirement Plan - Sixteenth Amendment - Tracy Lobuts, Human Resources Division; and Mary Claire Cheshire, Esquire, Whiteford, Taylor and Preston, LLC
- 2011 Legislative Issues - John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Commissioner Delauter moved to reconsider the vote from Tuesday, December 14, 2010, regarding the proposed repeal of certain portions of the state ethics law regarding Frederick County. The Board had previously recommend including a request for repealing Sections 15-853 through 15-858 of the State Article of the Maryland Code, regarding certain ethics compliance issues in the 2011 legislative package. Commissioner Young seconded the motion for reconsideration that passed 3-2 with Commissioners Smith and Shreve opposed.

Commissioner Delauter moved to pull the ethics item from the legislative package pending feedback from the State Ethics Commission and or the Frederick County Ethics Commission, as well as input from the Office of the County Attorney and the Office of the County Manager. Commissioner Gray seconded the motion that passed 5-0.

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CONSENT AGENDA

BUDGET TRANSFER

1. #BT-11-073, Aging, Citizens Services Division

Commissioner Smith moved approval of the consent agenda as presented. Commissioner Gray seconded the motion that passed 5-0.

PUBLIC HEARING

Zoning Text Amendment #ZT-10-05, Proposed Ordinance to Amend Certain Sections of the Frederick County Code Regarding Floodplain, Commercial and Business Schools, Public and Private Schools and Boarding Stables - Larry Smith, Planning Division

A public hearing was held, as duly advertised, on the proposed Zoning Text Amendment #ZT-10-05, Proposed Ordinance to Amend Certain Sections of the Frederick County Code Regarding Floodplain, Commercial and Business Schools, Public and Private Schools and Boarding Stables.

Mark Depo and Mr. Smith, Planning Division, presented the proposed text amendment.

Public comment was taken from:

- Tom Smith
- Arlene Atkins
- Colby Ferguson, Economic Development Division

Commissioner Smith moved approval of the proposed ordinance outlining the text amendment as presented noting the effective date of December 31, 2010. Commissioner Gray seconded the motion that passed 5-0.

A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or by accessing www.FrederickCountyMD.gov.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following set of minutes were approved by unanimous consent:

- ◆ Wednesday, December 1, 2010
- ◆ Monday, December 6, 2010 – Administrative Function
- ◆ Thursday, December 9, 2010 – BOCC/Delegation

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**American Recovery and Rehabilitation Act (ARRA) Transit Parking Improvements
Stormwater Management Easement - Darlene Bucciero, Public Works Division**

Commissioner Young recused himself from this item.

Ms. Bucciero presented the proposed easement.

Commissioner Shreve moved approval of the proposed easement as presented noting Commissioner Smith would sign all documents regarding transportation/Transit issues. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

**FY 2012 - 2017 Capital Improvements Program Overview - Kelly Weaver, Finance
Division**

Ms. Weaver presented the overview.

The Board recommended staying on track with Lincoln Elementary, Oakdale Elementary and North Frederick Elementary then evaluating critical systemic modifications on a case by case basis.

COMMISSIONERS COMMENTS

The Board wished everyone a Happy Holiday and Happy New Year.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 10:45 a.m.

Mary E. Baker
Recording Secretary