

**BOARD OF COUNTY COMMISSIONERS/MUNICIPALITIES MEETING**  
**MINUTES FOR THURSDAY, MAY 26, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") and the municipal officials of Frederick County for Thursday, May 26, 2011, at 5:30 p.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter.

Elected municipal officials present were Carroll Jones, Mayor, and Karin Tome, Councilman, City of Brunswick; Debbie Burgoyne, Mayor, Town of Burkittsville; Jim Hoover, Mayor, and Patrick Joy, Councilman, Town of Emmitsburg; Shelly Aloï and Karen Young, Aldermen, The City of Frederick; Jake Romanell, Councilman, Town of New Market; Glenn Muth, Commissioner, Town of Thurmont; Ralph Whitmore, Burgess, Town of Walkersville; and Gary Smith, Burgess, Town of Woodsboro. Also present was Patti Morrow, Recording Secretary.

Frederick County Senator David Brinkley and Frederick County Delegates Kathy Afzali and Kelly Schulz were also present.

The meeting began with the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Mr. Romanell moved to approve the minutes for Thursday, April 14, 2011. Mayor Hoover seconded the motion that passed unanimously.

**BUSINESS**

**Chesapeake Bay Total Maximum Daily Load (TMDL) Issues – Shannon Moore, Community Development Division**

Ms. Moore and Mr. Zach Kerschner, The City of Frederick, reported to the elected officials regarding the Maryland Department of the Environment's (MDE) Watershed Implementation Plan (WIP). It was indicated that the requirements for the Phase I WIP were onerous, costly and could take away the local government's ability to make land use decisions.

Dr. Richard Eskin, Science Services Administration, MDE, commented on the WIP.

Commissioner Smith suggested the county and municipalities connect with whoever is going to legally challenge the WIP.

Ms. Aloï commented on the regional coalition and what is happening with Metropolitan Washington Council of Governments (COG).

Senator Brinkley commented on the septic tank bill.

Delegate Shultz requested information regarding the WIP be sent to the delegation. She indicated that Delegate Patrick Hogan was planning to attend today's meeting but was caught up in traffic.

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**Discussion on How to Interpret the “Five-Year Rule” When Express Approval of an Annexation is Denied by the Board of County Commissioners – Jim Gugel, Community Development Division**

Mr. Gugel, as requested, provided information on the interpretation of language in the state code regarding what kind of development activity may occur during the five-year waiting period when an annexation does not receive express approval by the county. The staff provided two (2) interpretations.

Mr. Romanell indicated the municipalities would discuss the two (2) interpretations and return with a consensus to the Board.

**Proposed Adequate Public Facilities Ordinance (APFO) School Mitigation Fee Ordinance – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the proposed ordinance to the elected officials as requested by the Board. She explained the provisions of the ordinance and how it differed from the Frederick County Builders Association Land Use Council / Frederick County Chamber of Commerce’s proposal.

Mr. Romanell indicated each municipality would make their own decision regarding the proposal.

Ms. Mitchell said the proposal would be on the Board’s agenda for Thursday, June 2, 2011, for a decision.

Public comment was heard from Ms. Janice Spiegel.

**Yard Waste Site at Walkersville Heritage Farm Park – Kevin Demosky and Phil Harris, Utilities and Solid Waste Management Division**

Mr. Demosky and Mr. Harris briefed the Board and elected officials on staff’s recommendation to discontinue the county’s involvement in the Heritage Farm Park yard waste recycling center.

Mr. Dave Dunn, Acting County Manager, and Burgess Ralph Whitmore commented on the site.

Public comment was heard from Mr. George Rudy.

**Miscellaneous**

Mr. Romanell indicated the June meeting would be cancelled and the next meeting would be held on Thursday, July 14, 2011, at 5:30 p.m.

Mr. Romanell also announced as of July 1, 2011, Mayor Carroll Jones would be the president of the Frederick County Chapter of the Maryland Municipal League and Mayor Debby Burgoyne would be the vice president.

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**PUBLIC COMMENTS**

None.

**ADJOURN**

The meeting adjourned at 7:50 p.m.

Patti Morrow  
Recording Secretary