

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 27, 2011, at 10:00 a.m. Present were Commissioners Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager, and Ms. Patti Morrow, Recording Secretary. Commissioner C. Paul Smith, *Vice President*, was absent from the meeting.

(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 AND INVOCATION

The meeting began with the Pledge of Allegiance followed by the invocation.

COMMISSIONER COMMENTS

Commissioner Young noted that Commissioner Smith was attending another meeting this morning.

Commissioner Delauter commented that the Town of Thurmont honored Mr. Calvin Saylor for his good works on Make a Difference Day.

Commissioner Young said that the Thurmont Lions Club donated approximately \$20,000.00 to five (5) different schools in the Thurmont area to be used for needy students.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

PUBLIC HEARING

Zoning Text Amendments #ZT-11-02 – #ZT-11-13 – Priority Two Text Amendments – Eric Soter and Shawna Lemonds, Community Development Division

Mr. Soter and Ms. Lemonds presented the proposed 12 text amendments, as duly advertised.

ZT-11-02: Light Industrial (LI) and General Industrial (GI) Standards

Ms. Lemonds noted the Frederick County Planning Commission (FcPc) recommended denial of the text amendment. She indicated the FcPc forwarded a recommendation for the Board to consider.

Public comments were heard from:

- Mr. Roberson, Southern States

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

Mr. Larry Smith, Community Development Division (CDD), commented on the text amendment.

Commissioner Shreve moved to approve ZT-11-02 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-03: Planned Development Residential (PDR) / Planned Development Employment (PDE) to Planned Unit Development (PUD) and Mixed Use Development (MXD).

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Shreve moved to approve ZT-11-03 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-04: Land Use Restrictions in the Priority Preservation Areas

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Shreve moved to approve ZT-11-04 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-05: Accessory Apartments

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Shreve moved to approve ZT-11-05 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-06: Temporary Mobile Homes

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Gray moved to approve ZT-11-06 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-07: Animal Hospital or Veterinary Clinic in General Commercial (GC)

Ms. Lemonds noted the FcPc recommended approval of the text amendment.
Mr. Smith, CDD, commented on the text amendment.

There were no public comments.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

Commissioner Gray moved to approve ZT-11-07 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-08: Auto Repair or Service Shop in LI

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Shreve moved to approve ZT-11-08 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-09: Sign Calculation Use vs. Zoning District

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

Mr. Smith, CDD, commented on the text amendment.

Public comment was heard from:

- Pastor Rivera

Commissioner Gray moved to approve ZT-11-09 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-10: Sign Calculation for Multiple Lot Frontage

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

Mr. Smith, CDD, commented on the text amendment.

There were no public comments.

Commissioner Gray moved to approve ZT-11-10 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-11: Outdoor Storage in the LI and GI

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Shreve moved to approve ZT-11-11 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

ZT-11-12: Limited Roadside Stand

Ms. Lemonds noted the FcPc had no recommendation on this text amendment

Public comment was heard from:

- Chuck Fry

Commissioner Delauter moved to approve ZT-11-12 as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Smith absent.

ZT-11-13: HS Zoning District

Ms. Lemonds noted the FcPc recommended approval of the text amendment.

There were no public comments.

Commissioner Gray moved to approve ZT-11-13 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

Commissioner Gray moved to adopt the proposed ordinance that would approve #ZT-11-02 – #ZT-11-13 with an effective date of November 7, 2011. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

(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.)

AGENDA BRIEFING

Staff reviewed with the Board the following items scheduled for public hearing on Tuesday, November 1, 2011, at 7:00 p.m.:

- To Consider a Reallocation of the Recordation Tax Revenues – Kelly Weaver, Finance Division
- To Consider a Proposed Ordinance to Decrease the Building Excise Tax – Kelly Weaver, Finance Division

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

WORKSESSION

Certificate of Recognition for Team H.O.P.E.

The Board presented a certificate of recognition to Team H.O.P.E.

Breast Cancer Awareness Month Proclamation

The Board proclaimed November as Breast Cancer Month.

CONSENT AGENDA

(Commissioner Young passed the gavel to Commissioner Shreve and left the meeting.)

The following item was removed from the consent agenda:

Purchasing Memo #12-069 – One 25´ Ford E450 Senator Bus

Commissioner Gray moved to approve Purchasing Memo #12-069 as presented. Commissioner Shreve seconded the motion that passed 3-0 with Commissioners Young and Smith absent.

(Commissioner Shreve passed the gavel to Commissioner Young.)

The following items remained on the consent agenda:

BID AWARD

- **Purchasing Memo #12-067** – Removal and Disposal of Trash from County Buildings (Piggyback Contract)
Award to: Waste Management of Maryland, Inc.
Award amount: \$65,374.00

BUDGET TRANSFERS

- #BT-12-060, Transit Services Division (Capital Purchase)
- #BT-12-061, Management Services Division

Commissioner Gray moved to approve the consent agenda as amended. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Smith absent.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent:

- Thursday, September 8, 2011
- Thursday, September 8, 2011, Closed Session

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

- Thursday, September 15, 2011
- Tuesday, September 20, 2011, Evening

County Budget Transfer - #BT-12-053, Fire and Rescue Service Division – Kelly Weaver, Finance Division and Steve Leatherman, Fire and Rescue Services Division

Ms. Weaver and Mr. Leatherman presented the budget transfer for a replacement of an airboat.

Mr. Doug Orner, Office of the County Manager and Mr. Ed Arnold, Carroll Manor Fire Company, commented on the replacement request.

Commissioner Shreve moved to approve #BT-12-053 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

Annual Review of Investment Performance Results Report for the Retirement Plan and the Frederick County Government / Frederick County Public Schools Other Post Employment Benefits (OPEB) Trust Assets - FY 2011 Report – Carol Boykin, CFA, Bolton Partners and Tracy Lobuts, Human Resources Division

Ms. Boykin presented the annual report to the Board.

This item was informational, no action was taken.

Memorandum of Understanding (MOU) for Money Management, Inc. at the Frederick County Business and Employment Center – Wayne Roach, Management Services Division

Ms. Laurie Holden, Citizens Services Division, commented on the MOU.

Commissioner Gray moved to approve the MOU as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

2012 Frederick County Legislative Package (Public Hearing was held 10/18/11) – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney reviewed with the Board the proposed items that were taken to public hearing for possible inclusion in the 2012 Legislative Package.

The following proposals would be added to the 2012 Legislative Package:

1. Revision to inmate fees for the Frederick County Adult Detention Center.
2. Increase to the annual amount of gaming permits issued for raffles.
3. Permitting video lottery terminals (slots) for local charitable organizations.
4. Granting taxing authority to the Frederick County Board of Education.
5. Tax credit for job creation in small businesses.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

6. Increase in Frederick County auctioneer fees.
7. Increase to the Frederick County Bond Authority.
8. Authorization for expanded appropriation authority.
9. Terminology and technical changes for Frederick County fund balance.
10. Amending "on duty" definition for fire police.
11. Amending average weekly wage definition for volunteer emergency responders.

The following position statements would added to the 2012 Legislative Package:

1. State school construction funding for Frederick County should exceed the state government economic assistance for foreign (out of state) business entities.
2. Reinstatement of Highway User Revenues to local governments.
3. Support for the Maryland Partial Birth Abortion Ban Act.
4. Constitutional amendment to prohibit "economic development" takings.
5. Cooperative enforcement of federal immigration laws throughout Maryland.
6. Negative impact of the new state stormwater regulations to local governments.
7. Repeal or modifications of the Work Place Fraud Act of 2009 (SB 909).
8. Reduction or sunseting of issues on unemployment insurance fees on businesses.

The following position statements would be added to the 2012 Legislative Package with Commissioner Gray opposed and Commissioner Smith absent:

1. Frederick County Public Schools authority to count and report undocumented students.
2. Maryland to be a "Shall Issue" state for a right to carry a firearm.
3. Constitutional convention regarding those in the United States unlawfully.
4. Opposition to PlanMaryland.

The following position statement would be added to the 2012 Legislative Package with Commissioner Gray abstained and Commissioner Smith absent:

1. Opposition to mandated state septic regulations on local governments.

It was noted the Board would meet with the Frederick County delegation in November and the delegation would hold a public hearing on the proposals on Saturday, December 3, 2011.

PUBLIC COMMENTS

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 27, 2011**

QUESTIONS – PRESS

Bethany Rogers, The Frederick News-Post

ADJOURN

The meeting adjourned at 12:50 p.m.

Patricia A. Morrow
Recording Secretary