

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, NOVEMBER 22, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, November 22, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. 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](http://www.FrederickCountyMD.gov).)*

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**COMMISSIONER COMMENTS**

Commissioner Smith reported he had planned to file a lawsuit today in the Court of Special Appeals and the Circuit Court for Anne Arundel County regarding the proposed congressional redistricting.

Commissioner Young reviewed the comments he had made during the vote on the comprehensive plan in 2010. Mr. Soter commented on the downzoned properties.

The following motions were made regarding the 2012 legislative package:

Commissioner Smith moved to direct staff to draft a bill requesting a revision of the state ethics law regarding the timeframe on post-employment restrictions. Commissioner Shreve seconded the motion that passed 5-0.

Commissioner Smith moved to support adding a bill to the legislative package which would make Article III, Section 4, of the Maryland State Constitution specifically applicable to congressional districts. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Young moved to remove the granting of taxing authority to the Board of Education bill from the legislative package. Commissioner Smith seconded the motion that passed 5-0.

Commissioner Smith moved to include a position statement in the legislative package to indicate support of any efforts to modify the stringent Maintenance of Effort for the Frederick County Public Schools. Commissioner Young seconded the motion that passed 5-0.

The following motions were made regarding commissioner representation on the Frederick County Planning Commission (FcPc) and the Board of Education (BOE):

Commissioner Young moved to remove Commissioner Shreve from the FcPc effective December 2, 2011. Commissioner Delauter seconded the motion that passed 4-0-1 with Commissioner Gray abstained.

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Commissioner Young moved to appoint Commissioner Shreve as liaison to the BOE effective December 2, 2011. Commissioner Smith seconded the motion that passed 4-0-1 with Commissioner Gray abstained.

Commissioner Shreve moved to remove Commissioner Young as liaison from the BOE effective December 2, 2011. Commissioner Delauter seconded the motion that passed 4-0-1 with Commissioner Gray abstained.

Commissioner Shreve moved to appoint Commissioner Young as a member of the FcPc effective December 2, 2011. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

**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**

**To Consider Zoning Text Amendment #ZT-11-14, To Amend Certain Sections of the Frederick County Code to Create a New Mixed Euclidean (MX) Zoning District – Eric Soter and Shawna Lemonds, Community Development Division**

A public hearing was held, as duly advertised, on a proposed zoning ordinance text amendment to create a new MX zoning district.

Ms. Lemonds presented the text amendment to the Board. She indicated the FcPc did not send forward a favorable recommendation on the text amendment in its current form rather that the text amendment be re-presented with more detailed information as to where it could be applied as related to its intent.

Public comment was heard from:

- Rand Weinberg, Esquire, Weinberg and Miller, LLC

Commissioner Young moved to adopt the ordinance to approve zoning text amendment #ZT-11-14 with the changes suggested by staff and with an effective date of December 2, 2011. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Gray opposed.

(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](http://www.FrederickCountyMD.gov).)

**CONSENT AGENDA**

The following items were presented on the consent agenda:

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**BID AWARDS**

- Purchasing Memo #12-083 – Bulk Road Salt and Pre-treated Rock Salt (Piggyback Contract)  
Award to: International Salt Company, LLC  
Award amount: Bulk Road Salt - \$56.40/ton  
Pre-treated Bulk Road Salt - \$80.02
- Purchasing Memo # 12-084 – Approval to Contract with Independent Snow Removal Contractors  
Award to: Various Vendors  
Funding to come from Snow Removal Contractors Account

**GRANT**

- FY 2011 State Homeland Security Grant Program and Attached Budget Transfer and Subgrants to the Sheriff's Office, The City of Frederick, City of Brunswick and Town of Thurmont – Seamus Mooney, Emergency Management Division

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

**ADMINISTRATIVE BUSINESS**

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent:

- Thursday, October 13, 2011
- Thursday, October 13, 2011, Afternoon
- Tuesday, October 18, 2011, Evening

**Bid Awards – Hal Good, Finance Division**

**Purchasing Memo #12-080 – Preventive Maintenance Contract for Law Enforcement Center Generators**

Mr. Austin Abraham, Management Services Division, commented on the purchase request.

Commissioner Smith moved to approve Purchasing Memo #12-080 as presented. Commissioner Gray seconded the motion that passed 5-0.

**Purchasing Memo #12-082 – Approval of Storage Tank Rental Agreement and Liquid De-icing Material (Caliber M1000)**

Commissioner Smith moved to approve Purchasing Memo #12-082 as presented. Commissioner Delauter seconded the motion that passed 5-0.

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**Fire and Rescue Equipment Lease Financing – Lori Depies, Finance Division**

Ms. Depies presented the request to accept the JPMorgan Chase Bank, N.A. proposal to provide lease financing for fire and rescue equipment and to refinance the remaining principal of the 2006 fire and rescue equipment lease.

Mr. Sam Ketterman, Davenport and Company, LLC; and Mr. Tom Owens and Mr. Steve Leatherman, Fire and Rescue Services Division, commented on the proposal.

It was indicated Mr. Owens would commence a strategic plan that would include a tactical unit deployment plan.

Commissioner Shreve moved to approve the proposed resolution that would approve the selection of JPMorgan Chase Bank, N.A. to provide the financing for the FY 2012 equipment lease and the refunding of the 2006 lease financing and would authorize staff and the county bond counsel, Venable, LLP, to negotiate legal documents for an amount not to exceed \$2,700,000. Commissioner Delauter seconded the motion that passed 5-0.

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

**Community Development Division Enterprise Fund Designation and Related Issues –  
Eric Soter, Community Development Division (CDD)**

Mr. Soter provided background regarding the enterprise fund for the Department of Permits and Inspections (formerly the Permitting and Development Review Division).

Ms. Lori Depies, Finance Division, discussed the fund's decreasing revenues due to a lack of fees and charges.

Commissioner Gray moved to eliminate the enterprise fund designation as part of the upcoming FY 2013 budget cycle for the CDD. Commissioner Sheve seconded the motion that passed 5-0.

It was indicated a resolution or ordinance may be required to fully dissolve the fund and would be brought back in a separate action by legal staff.

**Letter to the Federal Energy Regulatory Commission Regarding Allegheny Storage  
Project – Eric Soter, Community Development Division**

Commissioner Young read the draft letter regarding the proposed natural gas compressor station in Myersville.

Commissioner Smith moved to authorize Commissioner Young to sign the letter on behalf of the Board. Commissioner Shreve seconded the motion that passed 5-0.

**COMMISSIONER COMMENTS**

The Board wished all a happy Thanksgiving.

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**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 11:45 a.m.

Patricia A. Morrow  
Recording Secretary