

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 25, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 25, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

COMMISSIONER COMMENTS

Comments were provided by the Board.

Update of Board of County Commissioners’ Administrative Actions – Commissioner Blaine R. Young and Lori Depies, Office of the County Manager

Commissioner Young and Ms. Depies briefed the public on the Board’s recent administrative actions.

PUBLIC COMMENTS

None.

WORKSESSION

Business Recognition – Soldierfit

The Board recognized Soldierfit for their contribution to the community.

Maryland Association of Counties (MACo) Briefing – President Ingrid Turner and Executive Director Michael Sanderson, MACo

Ms. Turner and Mr. Sanderson reviewed the legislative initiatives with the Board.

There was no public comment.

No action was taken as this item was informational.

CONSENT AGENDA

The following items were presented on the consent agenda:

- #BT-13-051, Housing and Community Development, Citizens Services Division
- #BT-13-052, Parks and Recreation Division
- Maryland’s Stream Restoration Challenge Grant Program
- Emergency Number Systems Board Grant Application

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Motion to approve the consent agenda as presented – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

PUBLIC HEARING

Proposed Amendments to the Frederick County Water and Sewerage Plan Summer 2012 Cycle – Tim Goodfellow, Community Development Division

A public hearing was held, as duly advertised, on the proposed amendments to the Frederick County Water and Sewerage Plan.

Mr. Goodfellow presented the requested amendments.

WS-12-05

There was no public comment.

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

Motion to approve – Town of New Market, 150 West Main Street, reclassification of .34 acres from W-5 Dev. to W-3 Dev. - Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young						X
Smith			X			
Shreve		X	X			
Gray			X			
Delauter	X		X			

WS-12-06

There was no public comment.

Motion to approve - Kiplinger Washington Editors, Inc., 3514 Urbana Pike - reclassification of .42 acres from W-5 Dev. to W-3 Dev.- Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young						X
Smith			X			
Shreve		X	X			
Gray			X			
Delauter	X		X			

WS-12-07

There was no public comment.

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Motion to approve – YBC Investors, Inc., west side of New Design Road at the terminus of English Muffin Way – reclassification of 96 acres from W-4 Dev., S-4 Dev. to W-3 Dev., S-3 Dev. - Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young						X
Smith			X			
Shreve		X	X			
Gray			X			
Delauter	X		X			

WORKSESSION

Appointments/Reappointments to Boards/Commissions – Joyce Grossnickle, Office of the County Manager

Parks and Recreation Commission

There was no public comment.

Motion to appoint Mr. Richard Bohn and Mr. Timothy Jones – Failed 2-2.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young						X
Smith				X		
Shreve	X		X			
Gray				X		
Delauter		X	X			

(Commissioner Young returned to the meeting and Commissioner Smith passed the gavel back to him.)

Motion to appoint Dr. Howard Looney – Failed 2-3.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young				X		
Smith		X	X			
Shreve				X		
Gray	X		X			
Delauter				X		

Motion to appoint Mr. Richard Bohn to serve a term to expire June 30, 2014, and Mr. Timothy Jones to serve a term to expire June 30, 2016 – Passed 4-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith				X		
Shreve			X			
Gray			X			
Delauter		X	X			

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Water and Sewer and Solid Waste Enterprise Fund Cost of Service Analysis and Recommended FY 2014 (and beyond) Rates; Request to go to Public Hearing – Mike Marschner, Office of the County Manager and Kevin Demosky and Brenda Teach, Utilities and Solid Waste Management Division

Staff presented the request to go to public hearing to consider proposed changes to the user rates charged by the Water and Sewer Enterprise and the tipping fees charged by the Solid Waste Enterprise.

There was no public comment.

Motion to take the staff recommendation through the public review process, as presented, with the requirement to revisit the issue before each fiscal year – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith			X			
Shreve	X		X			
Gray		X	X			
Delauter			X			

AGENDA BRIEFING

Commissioner Young noted the Board would hold public hearings on Tuesday, October 30 at 7:00 p.m. on Rezoning Amendment #R-05-1(A) - Jefferson Technology Park (JTP) Mixed Use Development (MXD) Phase I and JTP Development Rights and Responsibilities Agreement; and would hold a public hearing on Thursday, November 1 at 10:00 a.m. on the admissions and amusement tax rates.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The minutes for Thursday, August 2, 2012, Tuesday, August 7, 2012, Thursday, August 9, 2012, Tuesday, August 14, 2012, and Thursday, August 23, 2012, were approved by unanimous consent.

Bid Award – Purchasing Memo #13-055 – Design Proposal for Montevue Adaptive Reuse Project (Piggyback Frederick County Public Schools Contract 09-A-2) and Associated Budget Transfer - Diane George, Finance Division

Mr. Chuck Nipe, Public Works Division, commented on the purchasing request. It was noted a budget transfer would be included.

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Motion to approve Purchasing Memo #13-055 and associated budget transfer as presented – Passed 3-2.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young		X	X			
Smith	X		X			
Shreve				X		
Gray			X			
Delauter				X		

Extension of Metropolitan Washington Council of Governments (WashCOG) Contract #09-031 for Employer Outreach and Subsequent Award to Urbantrans Consulting – Nancy Norris, Citizens Services Division

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

Ms. Norris presented the request to extend the WashCOG contract.

Motion to approve the contract between WashCOG and TransIT Services of Frederick County through June 30, 2013, to fund the Employer Outreach Program and approve the budget amendments – Passed 3-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young						X
Smith	X		X			
Shreve				X		
Gray		X	X			
Delauter			X			

(Commissioner Young returned to the meeting and Commissioner Smith passed the gavel back to him.)

Consideration to Accept a Petition to Enter into a Development Rights and Responsibilities Agreement (DRRA) for the Natelli/Urbana Communities – Eric Soter, Community Development Division

Mr. Soter presented the petition to the Board.

Motion to accept the petition to enter into a DRRA for Natelli/Urbana Communities – Passed 4-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith			X			
Shreve	X		X			
Gray				X		
Delauter		X	X			

Consideration to Accept a Petition to Enter into a Development Rights and Responsibilities Agreement (DRRA) for Oakdale Investments – Eric Soter, Community Development Division

Mr. Soter presented the petition to the Board.

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Motion to accept the petition to enter into a DRRA for Oakdale Investments as presented – Passed 4-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray				X		
Delauter		X	X			

(Commissioner Delauter left the meeting.)

Briefing on the Maryland Department of Transportation (MDOT) Tour Meeting and Discussion of State Funding for Top Three Shovel-Ready Projects – Jim Gugel and Ron Burns, Community Development Division

Mr. Eric Soter, Community Development Division, Mr. Gugel and Mr. Burns briefed the Board on the upcoming meeting with MDOT to review the draft FY 2013-2018 Consolidated Transportation Program.

No action was taken as this item was informational.

(The Board adjourned the meeting at 12:30 p.m. for a lunch break.)

Commissioner Young reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 25, 2012, at 1:30 p.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, and David Gray. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner Kirby Delauter was absent from the meeting.

Fire Tax District Assumptions for FY 2014 Base Budget – Regina Howell, Budget Office, Office of the County Manager

Ms. Howell noted the current rate structure of the urban and suburban fire tax districts would not support the current operations. She reviewed the advantages and disadvantages of the consolidation of the countywide services.

Mr. Tom Owens, Fire and Rescue Services Division, and Mr. Vaughn Zimmerman, Frederick County Volunteer Fire and Rescue Association, commented on the issue.

Motion to direct staff to work on a plan to incorporate the fire tax expenditure into the general fund with a recalibrated property tax rate, a phase in plan or a single move into the general fund in FY 2014 – Passed 3-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith			X			
Shreve		X	X			
Gray				X		
Delauter						X

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Motion to direct the county manager to look at cost cutting measures within the general fund that the Board can discuss, including the sale of the Citizens Care and Rehabilitation Center – Passed 3-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith			X			
Shreve		X	X			
Gray				X		
Delauter						X

**Legislative Update – John Mathias, Office of the County Attorney and Ragen Cherney,
Office of the County Manager**

By consensus the following item from the Proposed 2013 Legislative Package was removed:

- *Removal of Census Cap on Amount of Liquor Licenses in Frederick County.*

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

- Ryan Marshall, The Gazette

ADJOURN

The meeting adjourned at 2:30 p.m.

Patricia Morrow
Recording Secretary