

**PUBLIC MEETING MINUTES FOR TUESDAY, OCTOBER 1, 2013**

A public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Tuesday October 1, 2013, was called to order at 7:00 p.m. in Winchester Hall by Commissioner Blaine Young, *President*. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve and Kirby Delauter. Also in attendance were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**Recognition of Cooper Fisher, National Marbles Champion**

The Board recognized Cooper Fisher as the National Marbles Champion.

**PUBLIC HEARINGS**

**Rezoning Case #R-05-09(A) – Ballenger Run Planned Unit Development (PUD) – John Dimitriou, Community Development Division**

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on Rezoning Case #R-05-09(A).

Mr. Dimitriou presented the request to eliminate the current age restriction for all dwellings; add an independent / assisted living center to a portion of the plan; and remove or modify certain conditions of approval. He also noted the Frederick County Planning Commission (FcPc) recommended approval based on meeting the approval criteria in the Zoning Ordinance, with the proposed language to the conditions outlined in the staff report.

Representing the applicant were: Mr. Bruce Dean, Esquire, Linowes & Blocher; Mr. Steve Soder, Cavalier Development Consultants, Inc.; Ms. Trish Wolford, Patton, Harris, Rust and Associates; and Mr. Joe Caloggero, The Traffic Group, Inc.

Mr. Ron Burns, Community Development Division, commented on the traffic issues.

There was no public comment.

*Motion to approve Rezoning Case #R-05-09(A) – Ballenger Run PUD as presented by staff including the conditions recommended by the Frederick County Planning Commission and direct staff to prepare the ordinance for signature on October 17 – Passed 4-1.*

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

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**To Consider the Linganore/Oakdale PUD Development Rights and Responsibilities Agreement (DRRA) in Accordance with Chapter 1-25 of the Frederick County Code and to Consider a Combined Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) as Part of the DRRA Approval Process – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney**

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on a draft DRRA and a draft APFO LOU for the Ballenger Run PUD.

Mr. Soter and Ms. Mitchell presented the proposed draft DRRA and the draft LOU.

Representing the applicant were: Mr. Bruce Dean, Esquire, Linowes & Blocher; Mr. Steve Soder, Cavalier Development Consultants, Inc.; Ms. Trish Wolford, Patton, Harris, Rust and Associates; and Mr. Joe Caloggero, The Traffic Group, Inc.

There was no public comment.

*Based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence, a motion was made to make a determination of adequacy and approve the combined APFO LOU for the Ballenger Run PUD 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			

*Motion to approve the DRRA for the Ballenger Run PUD as presented and direct staff to prepare the final agreement for signature on October 17 – Passed 4-1.*

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

**PUBLIC COMMENTS AND/OR REQUESTS**

None.

**COMMISSIONER COMMENTS**

None.

**ADJOURN**

The meeting adjourned at 8:15 p.m.

Patti Morrow  
Recording Secretary