

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 31, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 31, 2013, at 9:30 a.m. at Winchester Hall. 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 a moment of silence followed by the recitation of the Pledge of Allegiance.

**Maryland Clean Energy Center Excellence in Public Service Award to Lisa Orr,
Community Development Division**

The Board recognized Ms. Orr for receiving the Maryland Clean Energy Center Excellence in Public Service Award.

Public Works Division Director – Appointment

Motion to appoint Mr. Chuck Nipe as director of the Public Works Division – passed 4-0-1.

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

Commissioner Comments

Comments were provided by Commissioners Young, Smith, Shreve and Delauter.

Mr. Jason Stitt, Public Works Division, commented on the conditions of the bridges in Frederick County.

Commissioner Young noted a request had been received regarding the county participating in a Memorandum of Understanding (MOU) for the Monocacy Boulevard Center Section, Phase II. By unanimous consent staff was directed to schedule the proposed MOU for the November 7 meeting.

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

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

Approval of Minutes

The Board approved the minutes for October 24, 2013, by unanimous consent.

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None.

CONSENT AGENDA

The following item was considered on the consent agenda:

- Purchasing Memo #14-061 - Bid #14-061, Purchase Promotional Testing Services (Piggyback Contract)

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 HEARINGS

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

Proposed Bond Resolution – Buckingham’s Choice – Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)

A public hearing was held, as duly advertised, on the proposed issuance of Frederick County, Maryland, Revenue Bonds for the benefit of Buckingham’s Choice, Inc.

Mr. Cumbie presented the resolution.

Public comment was heard from:

- Steve Bruns
- Bill Fisher, CEO, Episcopal Ministries for the Aging (Buckingham’s Choice)

Motion to approve the bond funding to Buckingham’s Choice as presented – Passed 3-1.

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

(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.)

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

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Proposed Bond Resolution – Brook Lane Health Services, Inc. – Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)

A public hearing was held, as duly advertised, on the proposed issuance of the Town of Smithsburg Economic Development Revenue Bonds for the benefit of Brook Lane Health Services, Inc.

Mr. Cumbie presented the resolution.

There were no public comments.

Motion to approve the bond funding to Brook Lane Health Services, Inc. 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			

(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.)

Keller Property Memorandum of Understanding (MOU) – Jason Stitt, Public Works Division

A public hearing was held, as duly advertised, on the proposed MOU.

Mr. Stitt noted the MOU was required by the Keller property annexation resolution between The City of Frederick and the county, to transfer ownership of portions of Yellow Springs Road, and dispose of any excess land that would result from the potential relocation of Walter Martz Road and Rocky Springs Road by quit claim deed.

Mr. Jeremy Holder, Ausherman Development, commented.

There were no public comments.

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

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

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Zoning Text Amendment #ZT-13-01 through ZT13-08 (Priority 4 Text Amendments) - Proposed Ordinance to Amend Certain Sections of the Frederick County Code – Eric Soter and Shawna Lemonds, Community Development Division

A public hearing was held, as duly advertised, on the proposed Priority 4 Zoning Ordinance Text Amendments #ZT-13-01 – #ZT-13-08.

Ms. Lemonds and Mr. Soter presented the text amendments.

A= Agriculture Zoning; LI = Light Industrial Zoning; GI = General Industrial Zoning; RC = Resource Conservation Zoning

ZT-13-01 - Private-Commercial Use Aircraft Landing and Storage in the A, LI and GI Zoning Districts

Ms. Lemonds noted the Frederick County Planning Commission (FCPC) made no formal recommendation.

Public comment was heard from:

- Richard Griffin, The City of Frederick

Motion to approve as presented by staff – Passed 5-0.

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

ZT-13-02 - Recreational Vehicle Storage in the A Zoning District

Ms. Lemonds noted the FCPC recommended approval.

There were no public comments.

Motion to approve 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			

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ZT-13-03 - Directional Signs

Ms. Lemonds noted the FCPC recommended approval.

There were no public comments.

Motion to approve 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			

ZT-13-04 - Planned Development Districts Landscaping and Lighting

Ms. Lemonds noted the FCPC recommended approval.

There were no public comments.

Motion to approve as presented – Passed 5-0.

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

ZT-13-05 - Institutional Floating Zone Size and Location Criteria

Ms. Lemonds noted the FCPC recommended approval.

There were no public comments.

Motion to approve 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			

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ZT-13-06 - Moderately Priced Dwelling Units

Ms. Lemonds noted the FCPC recommended approval.

There were no public comments.

Motion to approve 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			

ZT-13-07 - Public and Private Schools in the A District

Ms. Lemonds noted the FCPC made no formal recommendation.

There were no public comments.

Motion to approve as presented – Passed 4-1.

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

ZT-13-08 - Funeral Home as an Accessory Use in the A Zoning District

Ms. Lemonds noted the FCPC made no formal recommendation.

There were no public comments.

Motion to approve as presented – Passed 5-0.

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

Motion to direct legal staff to prepare an ordinance that would reflect the actions taken and would be effective in 10 days – Passed 5-0.

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

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(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.)

Zoning Text Amendment #ZT-13-09 (Waterbody Buffer) – Proposed Ordinance to Amend Certain Sections of the Frederick County Code – Eric Soter and Tim Goodfellow, Community Development Division

A public hearing was held, as duly advertised, on the proposed Waterbody Buffer Zoning Ordinance Text Amendment #ZT-13-09.

Mr. Goodfellow and Mr. Soter presented the text amendment.

Mr. Goodfellow noted the FCPC recommended approval.

Public comment was heard from:

- Hedrick Belin, Potomac Conservancy
- Kevin Anderson, Trout Unlimited
- Eric Roberts, Clean Water for Linganore
- Janice Wiles, Friends of Frederick County
- Mary Fletcher
- Dan Andrews, Sierra Club
- Joseph F. Richardson
- Dusty Rood, Land Use Council
- Andy Galli, Clean Water Action
- Amanda John, Potomac Conservancy
- Kai Hagen

Motion to approve ZT-13-09 as presented with an effective date of November 10, 2013 – Passed 3-2.

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

(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.)

AGENDA BRIEFING

Commissioner Young noted the Board would hold public hearings on Thursday, November 7 at 10:00 a.m. on a Petition to Close a Portion of Ridge Road in Blue Ridge Summit and Proposed Amendments to the Frederick County Water and Sewerage Plan.

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WORKSESSION

**Modification of the Loan Assumption Request (Frederick Arts Council) Previously
Approved by the Board of County Commissioners – Renee Lopez, Ausherman Family
Foundation**

Ms. Lopez presented the request by the Ausherman Family Foundation that the Performing Arts Center Statutory Trust be allowed to assume Frederick County's loan to the Frederick Arts Council.

There were no public comments.

Motion to approve the modification of the loan assumption 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			

**Proposed Amendments to the Frederick County Ethics Ordinance – Linda Thall, Office
of the County Attorney**

Ms. Thall presented the proposed amendments to the Ethics Ordinance that would ensure the candidates for County Executive and County Council Member would be required to file financial disclosure statements when they file their certificates of candidacy.

There were no public comments.

Motion to take the proposed amendments to public hearing – Passed 5-0.

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

Proposed Frederick County Transfer Tax – Erin White, Finance Division

State Senators David Brinkley and Ron Young and Mr. Michael Kurtianyck, Frederick County Association of Realtors, commented on the transfer tax issue.

There were no public comments.

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Motion to allocate \$70,000.00 to update the impact fee study for library and schools and to create a task force to study what other jurisdictions are doing regarding impact fees – Passed 5-0.

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

ADMINISTRATIVE BUSINESS

Resolution to Set Policies for the Maryland Smart Energy Communities Initiative – Shannon Moore, Community Development Division

Ms. Moore presented a resolution to adopt the Transportation Petroleum Consumption Policy and the Renewable Energy Policy as required by the Maryland Smart Energy Communities grant program.

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

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

Business Updates – Helen Propherer, Community Development Division

This item was informational, no action was taken.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

COMMISSIONER COMMENTS

None.

ADJOURN

The meeting adjourned at 12:40 p.m.

Patricia Morrow
Recording Secretary