

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, MAY 22, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, May 22, 2014, at 9:30 a.m. at Winchester Hall. 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.

**Invocation and Pledge of Allegiance**

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

**Proclamation – National Public Works Week**

The Board proclaimed the week of May 18 as National Public Works Week in Frederick County.

**Commissioner Comments**

Comments were provided by the Board.

*Motion to take to public hearing a one-time transfer to the County’s general fund of \$1 million of recordation tax revenues designated for parks and recreational purposes to be used for Frederick County Public Schools’ technology enhancement. The motion was amended to include a postponement of the adoption of the FY 2015 – 2020 Capital Improvements Program to June 24, 2014 – Passed 4-0.*

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

**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 minutes for April 29, May 6, May 8 and the events for May 1 – May 15, 2014, were approved by unanimous consent.

**PUBLIC COMMENTS**

None.

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**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #14-185 – Surface Coat of Various County Roadways
- Purchasing Memo #14-196 – Web Based Contractor Hosted Management Training Program for Volunteer Firefighters (Piggyback Contract)
- Board of Education School Construction Expense Fund Amendments: #14-12 and BT-14-172, #14-13 and BT-14-173 and #14-14 and BT-14-174
- Construction Change Order No. 120 – Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion
- Construction Change Order No. 121 – Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion
- Construction Change Order No. 122 – Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion
- Bush Creek Linear Trail Deed of Easement for Trail Access to Open Space Associated with the Landsdale PUD
- Service Linked Housing Grant Renewal Application State FY 2015
- Approval of FFY 2014 Emergency Management Performance Grant and Associated Budget Transfer
- FY 2014 Edward J. Byrne Memorial Justice Assistance Grant Application for Drug Treatment Court

*Motion to approve the consent agenda as presented – Passed 4-0.*

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

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**PUBLIC HEARING**

**Zoning Text Amendment #ZT-14-01 – Residential Accessory Structures – Larry Smith,  
Community Development Division**

A public hearing was held, as duly advertised, on Zoning Textg Amendment #ZT-14-01 to revise the provisions in the Zoning Ordinance related to residential accessory structures.

Mr. Smith and Ms. Kathy Mitchell, Office of the County Attorney, presented the proposed ordinance.

There were no public comments.

*Motion to approve Zoning Text Amendment #ZT-14-01 to revise the provisions related to accessory structures in the Residential Zoning District as presented with an effective date of June 2, 2014 – Passed 4-0.*

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

(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).)

**WORKSESSION**

**Briefing with the Maryland Association of Counties (MACo) – Tom Duncan, President,  
and Mike Sanderson, Executive Director, MACo**

Mr. Duncan and Mr. Sanderson gave an overview of the 2014 Legislative Session in Annapolis.

There were no public comments.

*No action was taken as this item was informational.*

**Impact Fee Study Update – Kelly Weaver, Budget Office, Office of the County  
Manager and Dwayne Guthrie, TischlerBise**

Mr. Guthrie presented the finalized study of impact fees for library and schools.

Public comment was heard from:

- Eric Bisch

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*Motion to take to public hearing an increase in the Development Impact Fees – Passed 4-0.*

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

*Motion to take the School Mitigation Fees through the public hearing process – Passed 3-0-1.*

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

**MD 355 (Urbana Pike) Road Transfer Agreement – Jason Stitt, Public Works Division**

Mr. Stitt presented the request from State Highway Administration to transfer three (3) segments of Urbana Pike to the county with a total distance of approximately 0.901 miles.

There were no public comments.

*Motion to approve the road transfer agreement as presented – Passed 4-0.*

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

**ADMINISTRATIVE BUSINESS**

**Request to go to Public Hearing to Amend the Frederick County Hotel Rental Tax – John Fiesler, Tourism Council of Frederick County, Inc.**

Mr. Fiesler presented the request noting the proposed amendment would bring the Frederick County Hotel Rental Tax into compliance with the Annotated Code of Maryland following the passage of legislation included in the 2014 county’s legislative package.

*Motion to take the proposed amendment to the Frederick County Hotel Rental Tax to public hearing – Passed 4-0.*

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

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**Request to go to Public Hearing Regarding Proposed Issuance of Economic Development Revenue Bonds (Homewood Retirement Centers of the United Church of Christ, Inc., Homewood Foundation, Inc. and Homewood at Frederick MD, Inc.) – Jim Cumbie, Esquire, Venable LLC (County Bond Counsel)**

Mr. Cumbie presented the request for additional financing of Maryland Revenue Bonds for Homewood Retirement Centers.

*Motion to hold a public hearing and to consider the proposed resolution regarding the issuance of Economic Development Revenue Bonds – Passed 3-1.*

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

**Purchasing Memo #14-179 – Juvenile Entry Diversion Initiative and Purchasing Memo #14-186 – Electronics Recycling – Diane George, Finance Division**

*Motion to approve Purchasing Memos #14-179 and #14-186 as presented – Passed 4-0.*

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

**Budget Transfers – BT-14-170 and BT-14-171, Fire and Rescue Services Division Regina Howell, Budget Office, Office of the County Manager**

*Motion to approve budget transfers BT-14-170 and BT-14-171 as presented – Passed 4-0.*

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

**Interagency Agreement (IAA) with Maryland Department of the Environment (MDE) for Electronics Recycling Grant Application – Phil Harris and Lori Finafrock, Utilities and Solid Waste Management Division**

Ms. Finafrock presented the request to enter into an IAA with the MDE to allow the Department of Solid Waste Management to apply for grant funding for electronics recycling.

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*Motion to approve the IAA with MDE as presented – Passed 4-0.*

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

**Memorandum of Understanding (MOU) for the Section 8 Moderate Rehabilitation Program and the MOU for the Housing Choice Voucher Program - Jenny Short, Citizens Services Division**

Ms. Pat Rosensteel, Citizens Services Division, presented the MOUs.

*Motion to approve the MOUs as presented – Passed 4-0.*

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

**Memorandum of Understanding Between the Board of County Commissioners and the Catoctin Soil Conservation District and the Frederick Soil Conservation District (SCD) – Kathy Mitchell, Office of the County Attorney and Gary Hessong, Community Development Division**

Mr. Hessong and Ms. Mitchell presented the MOU. Mr. Steve Leatherman, SCD, commented on the MOU.

Public comment was heard from:

- Pam Abramson

*Motion to approve the proposed MOU as presented with the clarification that Soil Conservation is reviewing major grading permits – Passed 4-0.*

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

**Finalize FY 2015-2020 Capital Improvements Program and FY 2015 Capital Budget – Kelly Weaver, Budget Office, Office of the County Manager**

Ms. Weaver reviewed the new items not previously presented.

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Mr. Ray Barnes, Frederick County Public Schools, commented on the options regarding the overcrowding at Hillcrest Elementary School.

*Motion to approve Option 2 (keep funding as recommended for both the new Urbana area elementary school and the new West Frederick area elementary school and place two 12-room pods at Hillcrest Elementary School as an interim solution) – Passed 4-0.*

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

It was noted the CIP would be adopted on June 24, 2014.

**PUBLIC COMMENTS**

- Betsy Smith
- Pam Abramson
- Janice Sheffer

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

Commissioner Smith requested staff to revise the Frederick County Invocation Policy because of the recent Supreme Court decision on the Town of Greece vs. Galloway Case.

**ADJOURN**

The meeting adjourned at 12:20 p.m.

Patricia Morrow  
Recording Secretary