

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 1, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 1, 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, Acting 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).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Smith commented on PlanMaryland and noted the Synergies Committee had issued their interim report. He also recommended a book he recently read: My Bondage and My Freedom by Frederick Douglas.

Commissioner Young also commented briefly on PlanMaryland.

**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.

**WORKSESSION****Preparedness Month Proclamation**

The Board proclaimed the month of September as National Preparedness Month.

**Payroll Week Proclamation**

The Board proclaimed the week of September 5 – 9 as Payroll Week.

**National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11**

The Board noted a moment of remembrance would be held at 1:00 p.m. on Sunday, September 11, 2011.

**Flag Presentation to Commemorate the 10<sup>th</sup> Anniversary of September 11 by the Carrollton Manor Chapter DAR**

The DAR presented the Board with a flag to commemorate the 10<sup>th</sup> anniversary of September 11.

**ADMINISTRATIVE BUSINESS**

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**Reorganization of the Board of County Commissioners' Office and the Office of the  
County Manager and the Official Announcement of the County Manager – Dave Dunn,  
Office of the County Manager**

Commissioner Young announced the reorganization of the Board's and the County Manager's offices.

Commissioner Smith moved to officially appoint Mr. Dave Dunn as County Manager (Mr. Dunn was presently serving in an acting capacity). Commissioner Shreve seconded the motion that passed 5-0.

Commissioner Young moved to officially appoint Mr. Mike Gastley as Assistant County Manager (Mr. Gastley was presently serving in an acting capacity). Commissioner Smith seconded the motion that passed 5-0. However, it was also noted that Mr. Gastley would be retiring from Frederick County government on September 30, 2011.

Mr. Dunn briefed the Board on the proposed grants specialist position. Mr. Gastley commented on the position. There was a brief discussion on grant programs.

Commissioner Shreve moved to proceed with the advertising for the grants specialist position as presented. Commissioner Smith seconded the motion that passed 5-0.

**WORKSESSION**

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

**Adult Public Guardianship Review Board**

There were no public comments.

Commissioner Smith moved to reappoint Ms. Cathy Hanson to serve a three-year term to expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

**Commission for Women**

There were no public comments.

Commissioner Smith moved to appoint Ms. Christine Ferguson to fill an unexpired term to expire June 30, 2014. Commissioner Shreve seconded the motion that passed 5-0.

**Partnership (Privatization) and Efficiencies Citizens Advisory Committee**

There were no public comments.

Commissioner Smith moved to appoint Mayor Carroll Jones, City of Brunswick, as the municipal representative. Commissioner Young seconded the motion that passed 5-0. Commissioner Smith moved to appoint the following:

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- Citizens – Mr. Jim Grimes, Mr. Mark Kreslins, Mr. Don Linton and Seymour Stern, Esquire
- County Employees – Leigh Fields and Gary Hessong
- Municipal – Carroll Jones, Mayor, City of Brunswick

Commissioner Delauter seconded the motion that passed 5-0.

**Priority 2 Draft Text Amendments – Eric Soter and Shawna Lemonds, Community Development Division**

Mr. Soter and Ms. Lemonds presented the Priority 2 text amendments to the Board. It was noted the amendments were created as a result of a compiled list of potential amendments based upon a review of the previously presented Potential Text Amendment List and the Business Friendly Improvement Areas.

Staff briefed the Board regarding text changes from the previous meeting. By consensus the Board agreed with the following:

- Additional language regarding outdoor storage in the Light Industrial (LI) and General Industrial (GI); and
- LI/GI Industrial Standards – reviewed changes regarding liquefied petroleum gas.

There was no public comment.

Commissioner Smith moved to precede with the Priority 2 text amendments through the public review process. Commissioner Shreve seconded the motion that passed 5-0.

(Commissioner Delauter left the meeting.)

**Resolution to Accept Surety Bonds to Guarantee Certain Developer Funded and Constructed Public Improvements – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the proposed resolution that would allow the use of surety bonds in lieu of letters of credit or escrow accounts as guarantees for developer funded and constructed public improvements. Ms. Mitchell indicated this was one of the items on the Business Friendly Action Items List.

Public comments were heard from:

- Jeremy Holder, Ausherman Development Corporation
- Jason Wiley, Elm Street Development
- Steve Seawright, Frederick County Builders Association

Commissioner Smith moved to approve and adopt the resolution as amended with changes to #6 and #8. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

(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).)

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The meeting adjourned for a lunch break at 12:00 p.m.

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 1, 2011, at 12:45 p.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.

**AGENDA BRIEFING**

Staff reviewed with the Board the following items scheduled for public hearing on Tuesday, September 6, 2011, at 7:00 p.m.

- Rezoning #R-11-01, Richard Choate – Denis Superczynski, Community Development Division
- Ordinance to Establish an Option for Payment in Lieu of Building Moderately Priced Dwelling Units – Jenny Short, Citizens Services Division
- Adequate Public Facilities Ordinance – Roads – Ron Burns, Community Development Division
- Revision of the Frederick County Ethics and Lobbying Ordinances – Linda Thall, Office of the County Attorney

**CONSENT AGENDA**

The following items were presented on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #12-031, PeopleSoft Pension Module Maintenance and Support (Sole Source Renewal)  
Award to: Oracle America, Inc.  
Award amount: \$36,048.73
2. Purchasing Memo #12-037, Long Distance, Toll Free and Conference Services (Piggyback Contract)  
Award to: Verizon  
Award amount: Estimated nine month contract cost: \$34,903.00

**BUDGET TRANSFERS**

1. #BT-11-189, Department of Aging, Citizens Services Division
2. #BT-12-034, Parks and Recreation Division

**GRANTS**

- Renewal of Promoting Safe and Stable Families Memorandum of Agreement – Shelly Toms, Citizens Services Division
- FY 2012 Services Contract Agreement for Family Support Center and Budget Transfer – Shelly Toms, Citizens Services Division

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- FY 2012 Emergency Medical Dispatchers Training Grant Application – Chip Jewell, Emergency Management Division

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

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #12-034, Legal Services for the Department of Social Services – Hal Good, Finance Division**

Mr. Bruce Johnson, Finance Division, presented the request.

Commissioner Smith moved to approve Purchasing Memo #12-034. Commissioner Shreve seconded the motion that passed 5-0.

**Communications Site Agreement Between the Board of County Commissioners and the City of Brunswick (City) – Jack Markey, Emergency Management Division**

Mr. Markey presented the agreement with the City for the installation of a telecommunications facility on a water tank located on property owned by the City.

Mayor Carroll Jones, City, commented on the agreement.

Commissioner Gray moved to approve the agreement as presented. Commissioner Delauter seconded the motion that passed 5-0.

**Frederick County GIS Consolidation and Budget Transfer – Sherry Weakley, Interagency Information Technologies Division**

Ms. Weakley presented the proposed consolidation that would realize reduced costs, additional efficiencies, and improved resiliency. She indicated the initial salary/fringes cost savings from this consolidation would be \$27,016.00 by downgrading one Grade 19 GIS manager to a Grade 16 Addressing Administrator and additional savings would be realized when vacant positions were eliminated or filled at lower grades. Ms. Weakley commented that no employees would be laid off.

Commissioner Smith moved to approve the consolidation plan for the Frederick County GIS as presented and the subsequent budget transfer. Commissioner Shreve seconded the motion that passed 5-0.

It was requested the IIT staff provide a presentation of the At-a Glance application at the County/Municipalities meeting in September.

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**COMMISSIONER COMMENTS**

Commissioner Gray reminded folks on Sunday, September 11 at 1:00 p.m. bells and sirens would sound in remembrance of all those who lost their lives on 9-11.

Commissioner Young announced the Charter Board meeting would be held this evening at 7:00 p.m.

**PUBLIC COMMENTS**

- Mr. George Rudy

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) to consider the acquisition of real property for a public purpose and matters directly related thereto; (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 1:20 p.m.

Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 1, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

1:25 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the acquisition of real property for a county road project.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, SEPTEMBER 6, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 1, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

1:25 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, R. McCain, T. Meunier, R. Shen, C. Chamberlain and P. Morrow.

**Topic Discussed:**

To discuss the acquisition of real property for a county road project.

**Action Taken:**

The Board approved the staff recommendation and the subsequent budget transfer.

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Patricia Morrow  
Recording Secretary



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 1, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 8, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Shreve moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Delauter seconded the motion that passed 3-0 with Commissioners Smith and Gray absent.

**Time and Location:**

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with staff and the county attorneys certain issues in connection with a construction contract.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 1, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, SEPTEMBER 6, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 1, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Shreve moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Delauter seconded the motion that passed 3-0 with Commissioners Smith and Gray absent.

**Time and Location:**

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, K. Mitchell, K. Demosky and P. Morrow.

**Topic Discussed:**

To discuss with staff and the county attorneys certain issues in connection with a construction contract.

**Action Taken:**

No action was taken.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 1, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 1, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

1:25 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the possible resolution of pending litigation with the county's attorneys, county staff and other individuals

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 1, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, SEPTEMBER 6, 2011,  
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**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

1:25 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, M. Marschner, C. Jones, R. Weldon, and P. Morrow.

**Topic Discussed:**

To discuss the possible resolution of pending litigation with the county's attorneys, county staff and other individuals

**Action Taken:**

Staff was directed to proceed forward with the concept presented as a resolution to a pending litigation.

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Patricia Morrow  
Recording Secretary