

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 20, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 20, 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, 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 AND INVOCATION**

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

**COMMISSIONER COMMENTS**

Commissioner Smith commented on the proposed redistricting in the state of Maryland.

**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**

**National Business Women’s Week Proclamation**

The Board proclaimed the week of October 17 as National Business Women’s Week.

**Lights on Afterschool Initiative**

The Board recognized the Lights on Afterschool Initiative.

**Recognition of TransIT Drivers and Paratransit Award**

The Board recognized the TransIT driver award winners and the TransIT Services for receipt of the “2011 Best Paratransit System” award.

**PUBLIC HEARING**

**Proposed Amendments to the Frederick County Water and Sewerage Plan Summer 2011 Cycle – Tim Goodfellow, Community Development Division**

Commissioner Young swore in all those who were testifying.

Mr. Goodfellow presented the summer 2011 amendment requests as duly advertised.

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WS-11-05: The Drees Corporation, Tax Map 37, Parcel 0033, Catoctin Meadows Subdivision on the west side of US 40, east of Easterday Road: request addition of a public water supply well symbol on the Water Plan map.

Recommendation: Community Development Division (CDD) staff recommended approval; Utilities and Solid Waste Management Division (DUSWM) had no comment as it was within a municipality; and the Frederick County Planning Commission (FcPc) found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Smith moved to approve WS-11-05 (The Drees Corporation) request to add a water supply well symbol to the Water Plan map. Commissioner Gray seconded the motion that passed 5-0.

(Commissioner Shreve left the meeting at 10:35 a.m.)

WS-11-06: Dewey Jordan, Inc. / CDD, Tax Map 77, Parcel 0133, southeast corner of the intersection of Monocacy Boulevard and MD 144, adjacent to I-70: request reclassification from NPS (No Planned Service) to S-3 Dev.

Recommendation: CDD staff recommended denial of the S-3 Dev. request; DUSWM had no comment as it was within a municipality; and the FcPc found the request consistent with The City of Frederick Comprehensive Plan.

Mr. Andrew DiPasquale, Esquire, Miles and Stockbridge and Mr. George McCreary, Dewey Jordan, Inc., representing the applicant, commented on the request.

There were no public comments.

Decision: Commissioner Smith moved to approve WS-11-06 (Dewey Jordan, Inc.) request to reclassify Tax Map 77, Parcel 0133 on the southeast corner of the intersection of Monocacy Boulevard and MD 144 from NPS to S-3 Dev. because of a mapping error. Commissioner Young seconded the motion that passed 4-0 with Commissioner Shreve absent.

**AGENDA BRIEFING**

Staff reviewed with the Board the following item scheduled for public hearing on Thursday, October 27, 2011, at 10:00 a.m.:

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

**WORKSESSION**

**Discussion Regarding the Frederick County Small Business Loan Fund (Tabled from 10/6/11) – Laurie Boyer, Community Development Division**

Ms. Boyer briefed the Board on the loan fund.

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Ms. Erin White, Finance Division, and Ms. Kathy Mitchell, Office of the County Attorney, commented on the loan fund.

(Commissioner Shreve entered the meeting at 11:00 a.m.)

There were no public comments.

Commissioner Shreve moved to suspend the fund until further notice and have staff look at other options for job enhancement. Commissioner Young seconded the motion that passed 3-2 with Commissioners Smith and Gray opposed.

**Resolution to Allow Administrative Approval of Easement Release Agreements – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the resolution to the Board.

There were no public comments.

Commissioner Smith moved to approve the proposed resolution as presented with the addition of “storm drain” on Exhibit B. Commissioner Gray seconded the motion that passed 5-0.

It was noted that the Board would receive notification of the easement release easements as they are signed by the Board president.

(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](http://www.FrederickCountyMD.gov).)

**ADMINISTRATIVE BUSINESS**

**Board of County Commissioners’ Execution of Documents to Facilitate Tax-Exempt Status of Loan to the Brunswick Volunteer Fire Company (BVFD) – Michael Chomel, Office of the County Attorney**

Mr. Mike Delauter, Esquire, Miles and Stockbridge and Mr. Tom Watson, BVFD, presented the request to the Board.

Commissioner Gray moved to approve the execution of a resolution and agreement in order to facilitate the issuance of tax-exempt bonds by the BVFD. Commissioner Smith seconded the motion that passed 5-0.

It was indicated the tax-exempt rate would be 3.75% for the first five (5) years and the building would be completed by the end of 2011.

(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](http://www.FrederickCountyMD.gov).)

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**WORKSESSION**

**Frederick County Freight and Freight Dependant Land Use Study – Cambridge Systematics Consultants**

Mr. Don Ludlow, Cambridge Systematics Consultants, presented a PowerPoint presentation of the freight land use study. Mr. Ludlow indicated this was the first study for any county.

Commissioner Young requested further information regarding grant programs for federal highways.

Public comment:

- Meg Tully, The Frederick News-Post

This item was informational only with no action taken.

**CONSENT AGENDA**

The following item was removed from the consent agenda and would be rescheduled for Thursday, October 27, 2011.

- #BT-12-053, Fire and Rescue Services Division

The following items remained on the consent agenda:

**BUDGET TRANSFERS**

1. #BT-12-052, Housing, Citizens Services Division

**EASEMENT**

1. Release and Abandonment of Deed of Easement – Land of Gilligan, LLC – Beth Ramacciotti, Utilities and Solid Waste Management Division

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

Commissioner Young recessed the meeting at 12:15 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 20, 2011, at 1:15 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.

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**ADMINISTRATIVE BUSINESS**

**Bid Awards – Hal Good, Finance Division**

**Purchasing Memo #12-063 – Approval to Refresh Government Finance Officers Association (GFOA) Technology Assessment and Attached Budget Transfer**

Commissioner Gray moved to approve Purchasing Memo #12-063 as presented.  
Commissioner Shreve seconded the motion that passed 5-0.

**Purchasing Memo #12-064 – Renewal of Oracle (PeopleSoft) Maintenance for Frederick County Government and Frederick County Public Schools (Sole Source)**

Commissioner Gray moved to approve Purchasing Memo #12-064 as presented.  
Commissioner Shreve seconded the motion that passed 5-0.

**Boundary Line Agreement and Easement Declaration for 115 and 117 East Church Street – Austin Abraham, Management Services Division**

Mr. Abraham presented the agreement and easement declaration with the Board of Education (BOE) that would address the encroachment of the county building at 117 East Church Street and the continuation of shared uses of the properties for the mutual benefit of the owners.

Mr. Jim Schmersahl, Frederick County Public Schools, participated in the discussion.

Mr. John Mathias, Office of the County Attorney, commented on the legalities of the agreement.

Commissioner Shreve moved to approve the boundary line agreement and easement declaration with an easement extension north from the chiller and to include 10 dedicated parking spaces. Commissioner Delauter seconded the motion that passed 3-2 with Commissioners Smith and Gray opposed.

**Recommendation to Execute Milestone Communications Telecommunications Site Lease Master Agreement – Sherry Weakley, Interagency Information Technologies Division**

Ms. Weakley presented the request to the Board. She indicated the agreement would allow Milestone Communications to identify, market and manage tower / antenna leases on county property as a revenue for the county.

Mr. Austin Abraham, Management Services Division, commented on the agreement.

Commissioner Shreve moved to approve the execution of the agreement with Milestone Communications to market and manage wireless communication towers / antennas on approved county properties and facilities. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Smith opposed.

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**Request for Additional Funding for Legal Expenses – Stuart Harvey, Board of Elections**

Mr. Harvey presented the request to the Board.

Commissioner Smith moved to approve up to \$30,000.00 to be set aside to pay any pending or ongoing legal expenses in defense of the lawsuit brought against the Frederick County Board of Elections by Ellis C. Burruss, et al. and noting that a budget transfer would incur to transfer the funds from the contingency fund to the Board of Elections. Commissioner Delauter seconded the motion that passed 5-0.

**PUBLIC COMMENTS**

- Diane Sully

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 2:15 p.m.

Patricia A. Morrow  
Recording Secretary