

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 12, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 12, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve 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).)*

**INVOCATION AND PLEDGE OF ALLEGIANCE**

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

**COMMISSIONER COMMENTS**

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

The Board noted the recent passing of Mr. Kip Koontz, former City of Frederick Alderman, and Mr. Mike Cady, Orphan's Court judge and former county commissioner.

**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**

**One Job at a Time Business Recognition – Ron Cramer, Executive Director, Habitat for Humanity**

Mr. Cramer, Habitat for Humanity, was recognized for participating in the FrederickWorks One Job at a Time initiative.

**Commission on Disabilities Presentation of Distinguished Service Award**

The Board presented the Distinguished Service Award to Mr. Bill Derbyshire, a social worker at the Rock Creek School.

**Potential Sale of 117 East Church Street Property – Crystal Chamberlain, Public Works Division**

Ms. Chamberlain and Mr. Wayne Roach, Public Works Division, presented the request to piggyback on a contract the Board of Education has with McShea & Company for the sale of the 117 East Church Street property.

Commissioner Shreve indicated he was not in favor of discussing the contract in open session.

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Commissioner Shreve moved to go into closed session to discuss the proposed contract with McShea & Company. Commissioner Smith seconded the motion. Commissioner Shreve withdrew his motion.

By unanimous consent (with Commissioner Gray opposed) the Board decided to continue the discussion in closed session today.

**Redesign of Frederick County Real Property Taxes and Fees Bill – Lori Depies, Finance Division**

Staff was given direction regarding the property taxes and fees bill and to bring back a redesign of the bill to a future Board meeting.

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

Advisory Plumbing Board

Commissioner Smith moved to approve the appointment of Mr. Daniel Yeeles, Jr. to fill an unexpired term to expire June 30, 2015. Commissioner Gray seconded the motion that passed 5-0.

Affordable Housing Council

Commissioner Smith moved to approve the appointment of Ms. Diane Bauer to fill an unexpired term to expire June 30, 2013. Commissioner Gray seconded the motion that passed 5-0.

**CONSENT AGENDA**

The following items were presented on the consent agenda:

BID AWARDS

- Purchasing Memo #12-163 - Bid #12-25, Septic Tank and Other Pumping Services  
Award to: Burns Septic and Line Cleaning  
Estimated amount: \$25,470.00
- Request to Approve the Grant Application to the Emergency Number Systems Board and Approval of Purchasing Memo #12-165 – Workstations for the 911 Center (Piggyback Contract)  
Award to: Xybix Systems, Inc.  
Award amount: \$234,313.67

EASEMENT

- Declaration to Establish and Retain Easement for Water and Sewer – Bush Creek Interceptor – Beth Ramacciotti, Utilities and Solid Waste Management Division

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**GRANTS**

- FY 2013 Governor's Office of Crime Control and Prevention Body Armor Grant (BARM) Application – Marty Gallagher, Sheriff's Office
- FY 2012/2013 Division of Rehabilitation Services Youth Summer and Year Round Jobs – Laurie Holden, Citizens Services Division

**MISCELLANEOUS**

- Recommendation to Exercise Renewal Option for the Financial Statement Audit Contract – Lori Depies, Finance Division
- Law Enforcement Center Pole Building and \$150,000 Associated Budget Transfer – Jason Stitt, Public Works Division

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

**AGENDA BRIEFING**

Commissioner Young noted the following public hearing was scheduled for Tuesday, April 17, 2012, at 7:00 p.m.: Priority Three Text Amendments.

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

The following minutes were approved by unanimous consent:

- ◆ Thursday, January 26, 2012
- ◆ Thursday, January 26, 2012, Closed Session
- ◆ Tuesday, January 31, 2012
- ◆ Tuesday, January 31, 2012, Closed Session (Two sets)
- ◆ Tuesday, January 31, 2012, Evening
- ◆ Tuesday, February 7, 2012, Evening

**Letter of Support for the Safe Streets Grant – Lieutenant Dennis Dudley, The City of Frederick Police Department**

Commissioner Shreve moved to approve the letter of support for the Safe Streets Grant. Commissioner Delauter seconded the motion that passed 5-0.

**FY 2013 Public School Construction Capital Improvements Program (CIP) Local Fiscal Support – Lori Depies, Finance Division**

Commissioner Smith moved to approve a letter expressing support in the local government support of the state approved projects in the FY 2012 CIP. Commissioner Gray seconded the motion that passed 5-0.

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**Continued Membership and Participation in the Metropolitan Washington Council of Governments (MWCOC) and the National Capital Region Transportation Planning Board – Lori Depies, Finance Division**

Mr. Hal Good, Finance Division, and Ms. Nicole Hange, MWCOC, participated in the discussion.

By unanimous consent the Board moved to continue to keep the membership of MWCOC in the budget.

By unanimous consent the Board moved to continue to keep the membership of the Maryland Association of Counties in the budget.

By unanimous consent, with Commissioner Gray opposed, the Board moved to continue to keep the membership of the Maryland Rural Counties Coalition in the budget.

**FY 2013 Recommended Operating Budget Discussions (Including Proposed Tax Rebate Discussion) – Regina Howell, Finance Division**

Ms. Howell reviewed the proposed FY 2013 appeals with the Board (see attached document).

Ms. Lori Depies, Finance Division, requested a trust fund be included in the operating budget with \$1 million as seed money to respond to new legislation recently passed by the Maryland General Assembly – House Bill #1101 – Workmens' Compensation Medical Presumptions.

The following comments were made:

- Mr. Doug Browning, Frederick Community College, commented on the \$1 million increase to the FY 2013 operating budget for FCC;
- Mr. Tom Owens, Fire and Rescue Services Division, commented on the fire tax;
- Mr. Kevin Demosky and Mr. Phil Harris, Utilities and Solid Waste Management Division, commented on the requested purchase of a rubber tire loader and a used flatbed trailer; and
- Ms. Leigh Fields, IIT, commented on the request for Montevue Campus voice hardware upgrade.

Staff was requested to bring back the FY 2013 operating budget for further review.

The Board adjourned for the lunch hour.

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 12, 2012, at 1:55 p.m. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Joyce Grossnickle, Office of the County Manager.

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**Consideration to Accept Petition to Enter into a Developers Rights and Responsibilities Agreement (DRRA) with Owner/Developer of Lansdale Development – Eric Soter, Community Development Division**

Commissioner Shreve moved to accept the petition and initiate the process for further consideration of entering into a DRRA with the owner/developer of Lansdale Development. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Legislative Update – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager**

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

- Diane Smoley
- Bonnie Bailey-Baker

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Smith moved to go into closed session under 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; and (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 2:20 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, APRIL 12, 2012**

**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; and (7) To consult with counsel to obtain legal advice on a legal matter.

**Motion:**

A motion was made by Commissioner Smith to go into closed session under 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; and (7) To consult with counsel to obtain legal advice on a legal matter. The motion was seconded by Commissioner Gray and passed 5-0.

**Time and Location:**

2:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic for Discussion:**

Legal status of surplus county property.

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Joyce M. Grossnickle  
Administrative Officer

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 17, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 12, 2012**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

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**Motion:**

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**Time and Location:**

2:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, R. McCain, C. Chamberlain, W. Roach, and J. Grossnickle.

**Topic Discussed:**

Legal status of surplus county property.

**Action Taken:**

Staff was directed to proceed with the sale of county property.

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Joyce M. Grossnickle  
Administrative Officer

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**Time and Location:**

2:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic for Discussion:**

The acquisition of real property for a road construction project.

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Joyce M. Grossnickle  
Administrative Officer



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**Others in Attendance:**

D. Dunn, J. Mathias, K. Mitchell, R. McCain, K. Demosky, T. Meunier, R. Shen, C. Nipe, C. Chamberlain, J. Stitt, and J. Grossnickle

**Topic Discussed:**

The acquisition of real property for a road construction project.

**Action Taken:**

The Board directed staff to make an offer regarding the properties.

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Joyce M. Grossnickle  
Administrative Officer