

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JUNE 28, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, June 28, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

*(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 recitation of the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Comments were provided by Commissioners Young, Smith and Shreve.

**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.

**PUBLIC COMMENT**

None.

**WORKSESSION**

**Business Recognition – Dental Office of Doctors Rudman, Kane, Weedon and Associates**

The Board recognized the dental office of Doctors Rudman, Kane, Weedon and Associates for their contributions to the community.

**Introduction of the Jefferson Technology Park (JTP) Tax Increment Financing (TIF) and Community Development Authority (CDA) – Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)**

Mr. Mathias, County Attorney, introduced the proposed TIF and CDA to the Board. Mr. Cumbie provided detailed information on the pieces of legislation to take to public hearing.

There was no public comment.

Commissioner Smith moved to take the JTP TIF and CDA to public hearing on Thursday, July 19 at 10:00 a.m. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

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**PUBLIC HEARINGS**

**Proposed Amendments to the Frederick County Water and Sewerage Plan Spring 2012  
Cycle – Tim Goodfellow, Community Development Division**

A public hearing was held, as duly advertised, to consider the spring 2012 amendments to the Frederick County Water and Sewerage Plan

Mr. Tim Goodfellow reviewed the cases.

Commissioner Young swore in those who would testify.

**WS-12-01 - Town of New Market** – Request to reclassify .12 acres from W-5/Dev. to W-3/Dev. located at 80 West Main Street (Tax Map 801, Parcel 3760).

Recommendation: The Planning and Utilities and Solid Waste Management Division (DUSWM) staff recommended approval and the Frederick County Planning Commission (FcPc) found it consistent with the Comprehensive Plan.

There was no public comment.

Decision: Commissioner Smith moved to approve WS-12-01, Town of New Market's request to reclassify .12 acres located at 80 West Main Street, (Tax Map 801, Parcel 3760) from W-5/Dev. to W-3/Dev. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**WS-12-02 - Town of New Market**, Request to reclassify 0.34 acres from W-5/Dev. to W-3 Dev. at 146 West Main Street (Tax Map 801, Parcel 3741).

Recommendation: Planning and DUSWM staff recommended approval and the FcPc found it consistent with the Comprehensive Plan.

There was no public comment.

Decision: Commissioner Smith moved to approve WS-12-02, Town of New Market's request to reclassify .34 acres located at 146 West Main Street, (Tax Map 801, Parcel 3741) from W-5/Dev. to W-3/Dev. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**WS-12-03 - Homewood Retirement Centers**, Request reclassification at Willow Road and US 15 in The City of Frederick, of 27 acres (Tax Map 57, Parcel 320) from W-4/Dev., S-4/Dev. to W-3/Dev., S-3/Dev. and reclassification of 72 acres (Tax Map 57, Parcel 328) from W-5/Dev., S-5/Dev. to W-4/Dev., S-4/Dev.

Recommendation: Planning staff recommended approval and the FcPc found it consistent with the Comprehensive Plan. DUSWM staff had no recommendation for water (municipal system). DUSWM recommended denial to change to S-3/Dev. for Parcel 320 and recommended approval for Parcel 328 to change to S-4/Dev.

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Mr. Mark Friis, Rodgers Consulting, and Mr. Andrew DiPasquale, Esquire, Miles and Stockbridge, representing the applicant, commented on the request.

There was no public comment.

Mr. Kevin Demosky, DUSWM and Ms. Kathy Mitchell, Office of the County Attorney, commented on the request.

Commissioner Young moved to continue the case for 60 days. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**WS-12-04 - Frederick County Division of Community Development** – Request for a Water and Sewerage Plan text amendment to add the definition of “Public Service Facility” and describe conditions for public water and sewer service to such facilities.

Recommendation: Planning and DUSWM staff recommended approval and the FcPc found it consistent with the Comprehensive Plan.

There was no public comment.

Decision: Commissioner Shreve moved to approve WS-12-02 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**To Consider the Land Preservation, Parks and Recreation Plan (LPPRP) – Jim Gugel, Community Development Division**

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

Mr. Gugel presented the draft plan indicating it was a state mandated plan to be updated every six (6) years.

He noted the Frederick County Planning Commission found the plan consistent with the County Comprehensive Plan and recommended its approval.

Mr. Paul Dial, Parks and Recreation Division, commented on the plan.

There was no public comment.

Commissioner Shreve made a motion to move forward with the 2012 LPPRP as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Shreve made a motion to move forward using the 30-acre state standard for park adequacy. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

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**FY 2013 Commercial Insurance Report and Renewal – Mike Beard, Finance Division and  
the Frederick County Insurance Committee Members**

Commissioner Young disclosed that Committee Member Mr. Paul Brunner was his insurance agent.

Mr. Brunner presented the insurance report.

Ms. Laurie Jansen, BB&T Frederick Underwriters; and Committee Members Mr. Phil Smullen, Mr. Ric Adams and Mr. J.R. Ramsburg were also present. Mr. Rudolph Rose, Esquire, Semmes, Bowen and Semmes, was present to provide information regarding Worker's Compensation Insurance.

There was no public comment.

Commissioner Smith moved to approve the FY 2013 commercial insurance renewal excluding the Worker's Compensation Insurance and adding the medical professional liability. Commissioner Young seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Young moved to approve the Hartford plan for Worker's Compensation Insurance, as recommended by the Insurance Committee; to look at contractual opportunities for a position dealing with Worker's Compensation Insurance, and return in 30 days. The motion did not receive a second

Commissioner Smith moved to approve the Hartford plan as presented. The motion did not receive a second.

Commissioner Shreve moved to approve the allocation for the creation of a position to handle Worker's Compensation Insurance claims and the disbursement of funds on a contractual basis and report back in 30 days, if not accomplished. Commissioner Delauter seconded the motion that passed 3-1 with Commissioner Smith opposed and Commissioner Gray absent.

Commissioner Shreve moved to approve the Hartford Worker's Compensation Insurance plan as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray opposed.

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

**Affordable Housing Council**

There was no public comment.

Commissioner Shreve moved to reappoint Ms. Janet Fogle, Mr. R. Troy Linton, and Mr. Ryan Trout for three-year terms to expire June 30, 2015. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

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Companion Animal Welfare Advisory Committee

There was no public comment.

Commissioner Shreve moved to reappoint Ms. Jackie Barbour and Ms. Lauren Ireland for three-year terms to expire June 30, 2015. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Human Relations Commission

There was no public comment.

Commissioner Shreve moved to reappoint Reverend Dr. G. Kay Myers and Mr. Jack Thomas, Sr. to serve three-year terms to expire June 30, 2015. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**Draft Update to Section 1-10 Grading, Erosion and Sediment Control – Gary Hessong,  
Community Development Division**

Mr. Hessong presented the draft of the revised grading, erosion, and sediment control ordinance to be submitted to the Maryland Department of the Environment (MDE) for review and approval.

Commissioner Smith moved to direct staff to submit the draft ordinance to MDE as presented. Commissioner Young seconded the motion that passed 3-0-1 with Commissioner Gray absent and Commissioner Delauter abstained.

**AGENDA BRIEFING**

Commissioner Young noted the Board would hold a public hearing scheduled for Thursday, July 12 at 10:00 a.m. on the Brunswick Community Plan Amendment.

**CONSENT AGENDA**

The following item was removed from the agenda:

- Purchasing Memo #12-222 – Investment Advisory Services for the Various Retirement Plans for Human Resources (Piggyback Contract)

The following items remained on the consent agenda:

**BID AWARDS**

- Purchasing Memo #12-213 – Juvenile Entry Diversion Initiative (JEDI)  
Award to: Lead4Life, Inc.  
Award amount: \$107,026.00
- Purchasing Memo #12-223 – Patching and Repairs of Various County Roadways (FY 2013)

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Award to: L.W. Wolfe Enterprises, Inc.  
Estimated award amount: \$1,235,646.00

- Purchasing Memo #12-224 - Bid #12-CP-18, Bituminous Overlay of Various County Roadways  
Award to: C.J. Miller, LLC  
Estimated award amount: \$2,632,222.70
- Purchasing Memo #12-228 – Halfway House Services  
Award to: Gale Recovery, Inc.  
Award amount: \$291,740.00 (Funded with grant dollars provided by Alcohol and Drug Abuse Administration)
- Purchasing Memo #12-229 – Purchase of Cisco Network Equipment and Maintenance (Piggyback Contract)  
Award to: Presidio Networked Solutions, Inc.  
Award amount: \$950,000.00

**BOARD OF EDUCATION (BOE) CURRENT EXPENSE FUND AMENDMENT - #4-12**  
Revised

**GRANT**

- FFY 2013 Maryland Highway Safety Office Grant Application – Marty Gallagher, Sheriff's Office

**MISCELLANEOUS**

- Maryland Department of Agriculture Noxious Weed Control Agreement – Regina Howell, Finance Division

Commissioner Young moved to approve the consent agenda as amended, noting that Purchasing Memo #12 -213 would have three (3) renewal options. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Smith opposed and Commissioner Gray absent.

**Purchasing Memo #12-222 – Investment Advisory Services for the Various Retirement Plans for Human Resources (Piggyback Contract)**

Ms. Tracy Lobuts, Human Resources Division, commented on the purchasing request.

Commissioner Smith moved to approve Purchasing Memo #12-222 as presented. Commissioner Delauter seconded the motion that passed 3-1 with Commissioner Shreve opposed and Commissioner Gray absent.

(The meeting adjourned at 12:35 p.m. for the lunch break.)

Commissioner Young reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, June 28, 2012, at 1:37 p.m. Present were

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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Commissioners C. Paul Smith, *Vice President*; Billy Shreve, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

**ADMINISTRATIVE BUSINESS**

**Adoption of the Frederick County Board of Education's (BOE) FY 2013 Operating and Capital Budgets – Leslie Pellegrino, Frederick County Public Schools**

Ms. Pellegrino presented the FY 2013 BOE budgets to the Board.

Commissioner Young moved to adopt the BOE FY 2013 Capital Budget and the Food and Nutrition Services Budget. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Smith moved to approve the Self Insurance Fund Budget. The motion did not receive a second.

Commissioner Smith moved to approve the FY 2013 Operating Budget. The motion did not receive a second.

Mr. John Mathias, Office of the County Attorney, commented on the budget approval process.

Commissioner Young made a motion that the BOE budget cease to be included on the BOCC agenda for approval. Commissioner Delauter seconded the motion that passed 3-0-1 with Commissioner Smith abstained and Commissioner Gray absent.

**Adoption of the Frederick County Community College (FCC) FY 2013 Budget (Operating Budget, Auxiliary Budgets, Capital Budget and Capital Improvements Program) – Doug Browning and Gerry Garbinski, FCC**

Mr. Browning and Mr. Dan Francis, FCC, presented the FY 2013 FCC budgets to the Board.

Commissioner Smith moved to approve the FY 2013 budgets as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**Bid Award – Purchasing Memo #12-225, RFP #12-26 Performance (Operational) Auditing Services – Bruce Johnson, Finance Division**

Ms. Lori Depies, Finance Division and Mr. Richard Kaplan, Interagency Internal Audit, commented on the auditing services requested.

Commissioner Young moved to approve Purchasing Memo #12-225 as presented. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Smith opposed and Commissioner Gray absent. It was noted the contracts were awarded for a initial two-year term with a one-year renewal.

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**FY 2014 Department of Natural Resources Water Way Improvement Fund 50/50  
Matching Fire and Rescue Grant – Tom Owens, Fire and Rescue Services Division**

Commissioner Shreve moved to approve the grant as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**FY 2012 Hazard Mitigation Grant Program Application – Seamus Mooney, Emergency  
Management Division**

Commissioner Young moved to approve the grant application as presented. Commissioner Smith seconded the motion that passed 3-1 with Commissioner Delauter opposed and Commissioner Gray absent.

**Vehicle Replacement Schedule – Pat Hannah, Public Works Division**

Commissioner Delauter moved to approve the schedule as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

**FY 2012 Inter-governmental Agreement for Reimbursed Positions in Department 9105 –  
Riley Carpenter, Department of Social Services**

Commissioner Young moved to approve the agreement as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

**Non-governmental Utility Text Amendment – Eric Soter and Shawna Lemonds,  
Community Development Division**

Commissioner Smith moved to take the text amendment through the public review process. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

**Request Waiver per Section 1-19-3.1102(B) 1 (B) to Proceed with an Application to  
Amend the Phase 1 Zoning Approvals for the Jefferson Technology Park Mixed Use  
Development – Eric Soter, Community Development Division**

Commissioner Smith moved to approve the waiver as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**Request Waiver per Section 1-19-3.1102(B) 1 (B) to Proceed with an Application to  
Amend the Phase 1 Zoning Approvals for the Urbana Office Research Center Mixed Use  
Development – Eric Soter, Community Development Division**

Commissioner Smith moved to approve the waiver as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

**COMMISSIONER COMMENTS**

None.



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**PUBLIC COMMENTS**

- Bill Ashton

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Young seconded the motion that passed 3-0-1 with Commissioner Shreve abstained and Commissioner Gray absent.

**ADJOURN**

The meeting adjourned at 3:05 p.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JUNE 28, 2012**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Smith moved to go into closed session under Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Young seconded the motion that passed 3-0-1 with Commissioner Shreve abstained and Commissioner Gray absent.

**Time and Location:**

3:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider the possible resolution of a disciplinary matter involving a county employee.

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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 THURSDAY, JULY 12, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 28, 2012**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Smith moved to go into closed session under Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Young seconded the motion that passed 3-0-1 with Commissioner Shreve abstained and Commissioner Gray absent.

**Time and Location:**

3:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Chomel, D. Dunn, M. Hose and P. Morrow.

**Topic Discussed:**

To consider the possible resolution of a disciplinary matter involving a county employee.

**Action Taken:**

The Board moved to resolve the disciplinary matter with the county employee.

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Patricia Morrow  
Recording Secretary