

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 6, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, September 6, 2012, at 10:00 a.m. in the first floor hearing room. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Mike Marschner, Office of the County Manager and Ms. Patti Morrow, Recording Secretary.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Comments were provided by Commissioners Young, Gray and Delauter.

**Update of Board of County Commissioners’ Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager**

Commissioner Young briefed the public on the Board’s recent administrative actions.

**PUBLIC COMMENT**

- Dave Severn, Esquire, Severn, O’Connor and Kresslein, P.A.
- Larry Johnson

**WORKSESSION**

**Constitution Week Proclamation**

The Board proclaimed the week of September 17 as Constitution Week in Frederick County.

**Payroll Week Proclamation**

The Board proclaimed the week of September 3 as Payroll Week in Frederick County.

**CONSENT AGENDA**

The following items were presented on the agenda:

- Board of Education Current Expense Fund Amendment #5-12
- Design Change Order No. 11 – Engineering Services for Water and Sanitary Sewer Replacement, Upgrades and Extensions in Coldstream, Balmoral, and Meadows
- Change Order No. 15, Improvements to Ijamsville Road, Contract A – Extension of Limit of Work to Prices Distillery Road
- Request to Apply for a Grant through the Snyder Foundation for Animals

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*Motion to approve the consent agenda as presented.*

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

**PUBLIC HEARINGS**

**Zoning Text Amendment #ZT-12-14 – Nongovernmental Utilities and Nongovernmental Electric Substations – Eric Soter and Shawna Lemonds, Community Development Division**

A public hearing was held, as duly advertised, on zoning text amendment #ZT-12-14.

Ms. Lemonds summarized the zoning text amendment.

Mr. Michael Chomel, Office of the County Attorney, commented on the text amendment.

Public comment was received by:

- Dick Eishler
- Chad Baker, Sugarloaf Conservancy

*Motion to approve ZT-12-14 as presented – Passed 5-0.*

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).)

**Submission of a Grant Application to the Maryland Community Development Block Grant (CDBG) Program to Fund an Aging Planning Study – Pat Fleet, Office of the County Manager**

A public hearing was held, as duly advertised, to receive public comment regarding the submission of a grant to the CDBG to fund an aging planning study.

Ms. Fleet presented the resolution authorizing the submission of the grant.

(Commissioner Gray left the meeting.)

There was no public comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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*Motion to approve and adopt the resolution authorizing the submission of the grant application as presented – Passed 4-0.*

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

(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).)

(Commissioner Gray returned to the meeting.)

**WORKSESSION**

**Wells Fargo Home Mortgage Local Match – Helen Riddle, Business Development and Retention Division**

Ms. Riddle presented the proposed resolution.

Public comment was received from:

- Eric Dantzler, Atlas Insight, LLC
- Mark Franceschina, Wells Fargo
- Greg Cole, Acting Director, Maryland Department of Business and Economic Development

Ms. Lori Depies, Finance Division, commented the funding would come from unallocated Capital Improvements Program (CIP) funds.

*Motion to approve the resolution in support of a local match of \$100,000 for Wells Fargo Home Mortgage to receive a grant award from the Maryland Economic Development Assistance and Authority Fund (MEDAAF) of \$1 million and approval of the subsequent budget transfers also noting the funding revenue source would be from unallocated CIP funds.*

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

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

Mental Health Advisory Committee

There was no public comment.

*Motion to appoint Lieutenant Ted Nee to the Mental Health Advisory Committee to fill an unexpired term to expire June 30, 2013.*

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

**The City of Frederick Annexation for the Crum Property – John Dimetriou, Community Development Division**

Mr. Dimetriou and Mr. Jim Gugel presented the request.

There was no public comment.

*Motion to find the allowable land use and density between the City MO1 zone and the county's A zone are substantially different and to **grant** express approval for development to proceed within five-years of the date of municipal approval – Passed 4-1.*

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

**The City of Frederick Annexation for the Keller Property – John Dimetriou, Community Development Division**

Mr. Dimetriou and Mr. Jim Gugel presented the request.

There was no public comment.

*Motion to find the allowable land use and density between the City R4 zone and the county's A zone are substantially different and to **grant** express approval for development to proceed within five-years of the date of municipal approval – Passed 4-1.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, SEPTEMBER 6, 2012**

*Motion to send a letter to The City of Frederick regarding the donation of the Hargett farm school site – Passed 4-1.*

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

**ADMINISTRATIVE BUSINESS**

**Decision on Proposed Amendment to the List of Exempt Employees (Public Hearing held on 8/23/12) – Linda Thall, Office of the County Attorney**

Ms. Thall and Mr. Mitch Hose, Human Resources Division, reviewed the proposed changes.

*Motion to adopt the resolution and the changes to the list of exempt employees as presented.*

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

(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).)

**Comprehensive Plan / Zoning Review, Addressing Outstanding Issues – Jim Gugel, Community Development Division**

Proposed East-West Arterial Highway – Eastalco

Yes – DG & PS  
 No – KD & BS

Case #WA-14 - Beattie Renn property

To include in the Frederick growth area and remove the Priority Preservation Area (PPA) designation:

Yes – BY, PS, BS & KD  
 No – DG

Town of Walkersville Community Growth Area

Unanimous agreement with staff recommendation.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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Case #UR-40 - J.R.Ramsburg

Applicant's request – R1 zoning:

Yes – BY, PS, DG & KD

Abstained – BS

Case #NM-02 - Wimmer Property

Applicant's request – R1 zoning:

Yes – PS

No – BY, BS, DG & KD

Case #FR-3 – Quynn Property

Applicant's request – General Commercial zoning:

Yes – BY, PS & KD (for the entire parcel)

No – BS & DG

Water and Sewer Plan Amendment Revisions

Lafarge Quarry

The Board was unanimously in favor of the following:

- TM 418, Parcel 1018A – NPS to W-1  
Within the City of Frederick and has been confirmed to be hooked up to the City's water system. This parcel includes the administration offices for the site.
- TM 77, Parcels 13, 24, 25,77,88,152,298 – NPS to S-5, W-5  
Plan – Mineral Mining                                  Zoning – General Industrial (GI) and Mineral Mining (MM)

Staley Property

The Board was unanimously in favor of the following:

The total site (TM 49, Parcel 50) is 78 acres on the west side of Glade Road within the Town of Walkersville. Approximately 20 acres is zoned LI and R-4 and is designated LI and High Density Residential on the Town's Comprehensive Plan. Only the existing residence is hooked up to the sewer system so a portion of the S-1 classification will be retained around the house with the remaining S-1 and all of the W-1 proposed to change to S-5, W-5.

- Water Plan – NPS, PS, and W-1 to W-5
- Sewer Plan – NPS, S-1 to S-5

(Commissioner Gray left the meeting at 12:40 p.m. and returned at 12:45.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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White Rock

The Board was unanimously in favor of the following: (DG absent)

The following parcels or portions thereof are proposed to go from No Planned Service (NPS) to W-5:

- WWTP site – TM 47, Parcel 244, owned by Division of Utilities and Solid Waste Management. Plan – Institutional Zoning – R-1
- Shain Mellott property – TM 47, Parcel 151, 3.1 acres with an existing residence. Plan – Rural Residential Zoning – R-1
- Catherine Smith property – TM 47, Parcel 193, would only apply to portion zoned R-1 and R-3  
Plan – Rural Residential Zoning – R-1 and R-3 (7.3 acres)

Brunswick Community Plan Amendment

The Board was unanimously in favor of the following: (DG absent)

- Oxbridge Development LC property – TM 92, Parcel 127, NPS to PS  
Plan – Low Density Residential Zoning - A
- Robert Moller property – TM 92, Parcel 252, NPS to PS  
Plan – Low Density Residential Zoning - A

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

- Bruce Dean, Esquire, Linowes and Blocher

**QUESTIONS – PRESS**

Bethany Rogers, The Frederick News-Post

**CLOSED SESSION**

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.

Topic – To discuss with the county attorneys and staff the possible settlement of pending litigation involving the county (two items).

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*Motion to go into closed session.*

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

**ADJOURN**

The meeting adjourned at 1:10 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 6, 2012**

**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 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 5-0.

**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county attorneys and staff the possible settlement of pending litigation involving the county.

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Patti Morrow, Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 6, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, SEPTEMBER 13, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 6, 2012**

**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 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 5-0.

**Time and Location:**

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Marschner, K. Mitchell, E. Soter, and K. Demosky

**Topic Discussed:**

To discuss with the county attorneys and staff the possible settlement of pending litigation involving the county.

**Action Taken:**

The Board gave staff direction to resolve the litigation.

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Patti Morrow, Recording Secretary

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Patti Morrow, Recording Secretary

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1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, M. Marschner, K. Mitchell, E. Soter, and K. Demosky

**Topic Discussed:**

To discuss with the county attorneys and staff the possible settlement of pending litigation involving the county.

**Action Taken:**

The Board gave staff direction to accept the settlement agreement.

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Patti Morrow, Recording Secretary