

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, July 11, 2013, at 9:10 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Ms. Lori Depies, County Manager, and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent.

**MOTION TO GO INTO CLOSED SESSION/ADMINISTRATIVE FUNCTION**

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.

**Topic** – To discuss the reorganization of a county division including the impact on specific county employees.

*Motion to go into closed session – Passed 4-0.*

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

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, July 11, 2013, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present was Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent.

**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, Smith, Shreve and Delauter.

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

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

**PUBLIC COMMENTS**

- Paul Allen

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**Approval of Minutes**

By unanimous consent the Board approved the following minutes: April 25, June 6, June 13, June 18, June 20, June 25 and June 27, 2013.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #14-003 - Asphalt and Stone Materials
- Purchasing Memo #14-004 - Bid #13-064, #13-071 and #13-088, Commodity Purchases for Various Water/Wastewater Chemicals for Utilities and Solid Waste Management Division
- Purchasing Memo #14-005 – Medium Voltage and Equipment Testing Preventative Maintenance and Emergency Repair Services for Utilities and Solid Waste Management Division
- BT-14-003, Accounting, Finance Division
- Board of Education Current Expense Fund Amendment #3-13 (No county budget transfer required.)
- Construction Change Order No. 86, Ballenger-McKinney Enhanced Nutrient Removal, Wastewater Treatment Plant Expansion
- Montevue Adaptive Reuse Project Easement
- FFY 2013 Emergency Solutions Grant Renewal Application

*Motion to approve the consent agenda 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			

**WORKSESSION**

**Appointment of Frederick County Board of Education (BOE) Member – Commissioner Blaine Young**

Commissioner Young commented on the passing of BOE member Jimmy Reeder and requested Ms. Colleen Cuisimano, who was the next in line based on votes from the 2012, election be appointed.

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*Motion to appoint Ms. Cusimano to the BOE to fill the unexpired term of the late Jimmy Reeder – Passed 4-0.*

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

(It was noted Ms. Cusimano's term would become effective after being sworn in by the Clerk of the Circuit Court.)

**Proposed Revision to the Technology of Frederick County's Bylaws – Sherry Weakley, III**

Ms. Weakley noted the changes to be made to the bylaws.

*Motion to approve the proposed amended revisions to the bylaws – Passed 4-0.*

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

**ADMINISTRATIVE BUSINESS**

**Installment Purchase Program (IPP) Agreement – Michael E. Stambaugh et al. – Anne Bradley, Community Development Division**

Ms. Bradley and Mr. Jim Cumbie, Esquire, Venable LLP, requested the Stambaugh property located on the north side of Hoovers Mill Road, be considered for an IPP easement.

*Motion to approve Resolution #13-16, the IPP agreement and the Deed of Easement for 104 acres owned by Michael E. Stambaugh et al. – Passed 4-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	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).)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, JULY 11, 2013**

**Present for Signature Purposes the Ordinance for Rezoning Amendment #R-12-01 – Linganore/Oakdale PUD (Public Hearing Held 6/18/13) – Michael Chomel, Office of the County Attorney**

Mr. Chomel presented for signature the ordinance regarding Rezoning Amendment #R-12-01.

*No action was taken.*

(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).)

**Present for Signature Purposes the Linganore/Oakdale PUD Development Rights and Responsibilities Agreement (Public Hearing Held 6/18/13) – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell and Mr. Soter presented the Linganore/Oakdale PUD DRRA for Commissioner Young’s signature.

*No action was taken.*

**Bid Awards – Diane George, Finance Division**

**Purchasing Memo #14-001, FY 2014 Hardware/Software Maintenance Renewals for IIT**

*Motion to approve Purchasing Memo #14-001 – Passed 4-0.*

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

**Purchasing Memo #14-002, Architecture and Engineering Services (IDQ Contract)**

*Motion to approve Purchasing Memo #14-002 – Passed 4-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**Memorandum of Understanding (MOU) Between the Frederick County Sheriff's Office  
and the National Park Service (NPS) – Major Scot Hopkins, Sheriff's Office**

Major Hopkins and Mr. Jeremy Murray, NPS, presented the MOU.

*Motion to approve the MOU – Passed 4-0.*

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

**Recommendation to Execute Addendums to the Comcast Master Service Level  
Agreement – Sherry Weakley, IIT**

Ms. Weakley and Ms. Leigh Fields, IIT, presented the recommendation. It was noted in order to add a fiber connected site to the original agreement, a separate Master Service Agreement addendum must be signed by Comcast and the county. Ms. Weakley thanked the IIT staff for their efforts in implementing the projects.

*Motion to approve the recommendation 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			

**Release of First Quarter Library Material Funding – Darrell Batson, Frederick County  
Public Libraries**

Mr. Batson presented the request to release the FY 2014 first quarter funds for library materials.

*Motion to approve the release of FY 2014 first quarter – Passed 4-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**Spectrum Drive Lease Renewal – Crystal Chamberlain, Public Works Division**

Ms. Chamberlain and Mr. Chuck Nipe, Public Works Division, presented the lease renewal request for the county rental space at 5340 Spectrum Drive.

*Motion to approve the 2013 lease extension agreement that included a one-year fixed term beginning September 1, 2013, and an additional one-year extension with a 3% escalation factor – Passed 4-0.*

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

**YMCA of Frederick County Lease Amendment – Crystal Chamberlain, Public Works Division**

Ms. Chamberlain and Mr. Nipe, Public Works Division, presented a one-year term lease extension to the YMCA for the rental space at Sagner Avenue.

*Motion to approve the 2013 lease amendment that included reimbursement and recovery of the facility costs – Passed 4-0.*

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

**2012 Annual Planning Report – Jim Gugel, Community Development Division**

Mr. Gugel and Mr. Eric Soter, Community Development Division, presented a PowerPoint presentation that included a summary of Planning & Development Review Department's activities conducted during 2012, an overview of development activity, and it also addressed the state reporting requirements for the Smart Growth Measures and Indicators.

*No action was taken, item was informational.*

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**Ordinance to Revise Chapter 1-25 of the Frederick County Code – Development Rights and Responsibilities Agreements (DRRAs) – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the draft ordinance that included amendments to reflect the changes made by the 2012 and 2013 General Assembly sessions.

*Motion to send the Frederick County Code revisions regarding DRRAs through the public review process – Passed 4-0.*

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

**Frederick County Employees Retirement Plan: Investment Management Services Agreements with Geneva Capital Management Inc. and Robeco Investment Management, Inc. – Tracy Lobuts, Human Resources Division**

Ms. Lobuts presented the request to diversify the domestic equity portfolio.

*Motion to approve the recommendation to hire a mid-cap growth asset manager and a mid-cap value asset manager – Passed 4-0.*

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

**Development Impact Fee Exemption – Commons of Avalon – Jenny Short, Citizens Services Division**

Ms. Short and Ms. Pat Rosensteel, Citizens Services Division, presented the issue. The Board discussed the authority under the Development Impact Fee Exemption of the Affordable Housing Ordinance, to approve an exemption of school and library impact fees for the Commons of Avalon, a proposed new workforce housing project. The Board determined the authority did exist for county staff to approve exemptions if the project met the criteria contained within the ordinance, and did not wish to change the ordinance at this time.

*No action was taken.*

**COMMISSIONER COMMENTS**

Commissioner Shreve provided comments.

**PUBLIC COMMENTS**

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Topic** – To discuss with the county’s attorneys, county staff and other individuals the legal requirements of an existing contract and the county’s options in addressing possible changed circumstances.

*Motion to go into closed session – Passed 4-0.*

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

**ADJOURN**

The meeting adjourned at 12:00 p.m.

Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JULY 11, 2013**

**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:**

Upon a motion by Commissioner Smith, seconded by Commissioner Young, the Board voted 4-0, with Commissioner Gray absent, 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.

**Time and Location:**

9:10 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the reorganization of a county division including the impact on specific county employees.

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Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, JULY 11 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 11, 2013**

**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:**

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**Time and Location:**

9:10 a.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, M. Hose, J. Mathias, L. Thall, E. White, R. Howell, and D. Pouget

**Topic Discussed:**

To discuss the reorganization of a county division including the impact on specific county employees.

**Action Taken:**

The Board approved the reorganization of the management structure of a county division.

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Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JULY 11, 2013**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Young, the Board voted 4-0, with Commissioner Gray absent, 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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Time and Location:**

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys, county staff and other individuals the legal requirements of an existing contract and the county's options in addressing possible changed circumstances.

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Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 11, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, JULY 25, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 11, 2013**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Young, the Board voted 4-0, with Commissioner Gray absent, 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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Time and Location:**

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, M. Marschner, R. McCain, C. Skaggs and J. Schott

**Topic Discussed:**

To discuss with the county's attorneys, county staff and other individuals the legal requirements of an existing contract and the county's options in addressing possible changed circumstances.

**Action Taken:**

No action was taken.

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Patti Morrow  
Recording Secretary