

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, AUGUST 22, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, August 22, 2013, at 9:40 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray, and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Joyce Grossnickle, Administrative Officer.

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 consider a reorganization of county positions impacting a current county employee.

Motion to go into closed session – Passed 4-0-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	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, August 22, 2013, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray, and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary.

Invocation and Pledge of Allegiance

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

Business Recognition – Liganore Winecellars

The Board recognized Liganore Winecellars for their contributions to the community.

Commissioner Comments

Comments were provided by Commissioners Young, Smith, 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

None.

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Approval of Minutes

By unanimous consent the Board approved the August 8, 2013, minutes.

CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #14-025 - Bid #13-079, On-call Patching, Repair and Pavement Sealing for Frederick County Parking Lots and Access Roads
- #BT-14-023, Housing and Community Development, Citizens Services Division
- #BT-14-024, Frederick County Public Libraries
- Design Change Order No. 18, New Design Water Treatment Plant
- Installment Purchase Program – Goertemiller Unrestricted Lot Request

Motion to approve the consent agenda 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			

PUBLIC HEARINGS

To Consider an Offer to Sell Property at 7516 Hayward Road to The City of Frederick – Richard McCain, Office of the County Attorney

Mayor Randy McClement and Mr. Scott Waxter, Esquire, The City of Frederick, commented on the property.

There were no public comments.

Motion to accept the City's offer of \$430,000.00 for the property and that the property be sold, subject to Board of Public Work's consent, under the terms of the proposed contract and noting that Frederick County government does not need the property – Passed 5-0.

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

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Solid Waste Management Plan Updates and Amendments – Phil Harris and Lori Finafrock, Utilities and Solid Waste Management Division

Mr. Harris and Ms. Finafrock presented the updates and amendments to the Plan. Mr. Kevin Demosky, Utilities and Solid Waste Management Division, commented on the Plan.

Motion to approve the updates and amendments as presented including the editorial changes – Passed 5-0.

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.)

AGENDA BRIEFING

Commissioner Young noted the following public hearings were scheduled for Thursday, August 29, 2013, at 10:00 a.m.: Proposed Increase in Length of Service Awards Program and Proposed Designation of the “Hoover House” (12328 Harp Hill Road, Wolfsville, Maryland) to Frederick County Register of Historical Places.

WORKSESSION

Proposed Changes to the Frederick County Personnel Rules – Mitch Hose and Sophia Dobransky, Human Resources Division

Mr. Hose and Ms. Dobransky presented the proposed changes.

Public comment was heard from:

- Nadine Autrey

Motion to take the proposed changes to public hearing on September 19 – Passed 5-0.

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

(Commissioner Young passed the gavel to Commissioner Smith and left the meeting.)

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Update on Proposed Taxi Voucher Program for Demand Response Transportation for Seniors and Persons with Disabilities – Pat Rosensteel and Nancy Norris, Citizens Services Division

Ms. Rosensteel and Ms. Norris gave an update from the public meetings that were held regarding the proposed taxi voucher program.

Public comment was heard from:

- Dave Shoemaker
- Josh Rouch
- Nadine Autrey
- Paul Hartman

Motion to adopt the pilot taxi voucher program as presented and to accept the \$200,000.00 grant from the Maryland Department of Transportation. The motion was amended to include updating the Board following the first three (3) months of activity or the expenditure of \$50,000 (whichever happens first) – Passed 3-1.

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

ADMINISTRATIVE BUSINESS

Motion to suspend the agenda to take action on the Extension of WASHCOG Contract #09-031 for Employer Outreach – Passed 4-0.

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

Extension of WASHCOG Contract #09-031 for Employer Outreach – Nancy Norris, Citizens Services Division

Ms. Norris presented the request to extend the period of performance through FY 2014 on the contract for Employer Outreach.

Motion to approve the contract between WASHCOG and TransIT Services of Frederick County through June 30, 2014, to fund the Employer Outreach Program and associated budget transfers – Passed 4-0.

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

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(Commissioner Smith passed the gavel back to Commissioner Young who reentered the meeting.)

WORKSESSION

Priority Four Draft Zoning Ordinance Text Amendments – Eric Soter and Shawna Lemonds, Community Development Division

Ms. Lemonds and Mr. Soter presented the next phase of the update of the zoning ordinance for direction.

A= Agriculture Zoning; LI = Light Industrial Zoning; GI = General Industrial Zoning;
RC = Resource Conservation Zoning

Private-Commercial Use Aircraft Landing and Storage in the A, LI and GI Zoning Districts

There were no public comments.

Motion to take through the public hearing process – Passed 5-0.

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

Recreational Vehicle Storage in the A Zoning District

Public comment was heard from:

- Noel Manalo, Esquire, Miles and Stockbridge, representing Beckley’s Camping Center

Motion to take through the public hearing process – Passed 5-0.

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

Directional Signs

There were no public comments.

Motion to take through the public hearing process – Passed 5-0.

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

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Planned Development Districts Landscaping and Lighting

There were no public comments.

Motion to take through the public hearing process – Passed 5-0.

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

Institutional Floating Zone Size and Location Criteria

There were no public comments.

Motion to take through the public hearing process – Passed 5-0.

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

Moderately Priced Dwelling Units

There were no public comments.

Motion to take through the public hearing process – Passed 5-0.

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

Public and Private Schools in the A District

There were no public comments.

Motion to take through the public hearing process – Passed 4-1.

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

Funeral Home as an Accessory Use in the A Zoning District

Public comment was heard from:

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- Seymour Stern, Esquire, Seymour B. Stern and Associates, representing Resthaven Memorial Gardens, Inc.

Motion to take through the public hearing process – Passed 5-0.

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

Reduced Lot Size in the RC Zoning District

By unanimous consent this item would not move forward through the public hearing process.

Mr. Soter indicated the draft text amendments may possibly be scheduled for a BOCC public hearing in October.

FY 2013 Annual Investment Performance Review Report Retirement Plan and OPEB Trusts – Carol Boykin, CFA, Bolton Partners and Tracy Lobuts, Human Resources Division

Ms. Boykin presented the annual review of the Frederick County Retirement Plan and OPEB.

No action was taken as this was informational.

Proposed Ordinance to Amend Article VIII, Chapter 1-2 of the Frederick County Code Regarding County Gaming Regulations – Gary Hessong, Community Development Division

Mr. Hessong presented the draft ordinance that would remove the restriction on the number of raffles an organization could have during each calendar year.

Motion to move the proposed ordinance forward to a public hearing on September 12 – Passed 5-0.

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

Transfer of Frederick County’s Housing Bond Allocation to the State Community Development Administration – Jenny Short, Citizens Services Division

Ms. Short presented the request.

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Motion to approve the annual transfer of housing bond allocation to the Maryland Department of Housing and Community Development for issuance of bonds to raise capital to fund mortgage loans under the Maryland Mortgage Program for use by homebuyers purchasing in Frederick County – Passed 5-0.

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

Development Rights and Responsibilities Agreement (DRRA) – Ballenger Run PUD – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney

Mr. Soter presented the draft DRRA.

Motion to take the DRRA through the public review process – Passed 4-1.

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

(Commissioner Delauter left the meeting at 1:05 p.m.)

Business Updates – Helen Propher, Community Development Division

No action was taken as this was informational.

COMMISSIONER COMMENTS

By unanimous consent the correspondence supporting the model official English ordinance text in other jurisdictions would be signed by Commissioner Young on his letterhead.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 1:15 p.m.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 22, 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 Shreve, the Board voted 4-0-1, with Commissioner Gray abstained, 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:

9:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider a reorganization of county positions impacting a current county employee.

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, AUGUST 22, 2013,
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 22, 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:

9:40 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

L. Depies, M. Hose, J. Mathias, J. Grossnickle

Topic Discussed:

To consider a reorganization of county positions impacting a current county employee.

Action Taken:

The Board approved the reorganization of a county department.

Patricia Morrow
Recording Secretary