

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 7, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 7, 2013, at 9:00 a.m. at Winchester Hall. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager, and Ms. Patti Morrow, Recording Secretary. Commissioner C. Paul Smith, *Vice President*, was absent from the meeting.

**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 impact of a possible reorganization of the Business Development and Retention Department on individual county employees.

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

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

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 7, 2013, at 9:40 a.m. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager, and Ms. Patti Morrow, Recording Secretary. Commissioner C. Paul Smith, *Vice President*, was absent from the meeting.

**Invocation and Pledge of Allegiance**

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

**Commissioner Comments**

Comments were provided by Commissioners Young, Shreve and Delauter.

**Proclamation – Veterans Day**

The Board proclaimed November 11, 2013, as Veterans Day in Frederick County.

**Business Recognition – Beckley’s Camping Center**

The Board recognized Beckley’s Camping Center for their contributions to the community.

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**Certificate of Achievement for Excellence in Financial Reporting – Finance Division**

The Board recognized the Frederick County Finance Division for receiving the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association.

**Achievement of Excellence in Procurement Award – Frederick County Procurement and Contracting Department**

The Board recognized the Frederick County Department of Procurement and Contracting for receiving the Certificate of Achievement for Excellence in Procurement Award.

**Toys for Tots Program**

The Board and representatives of the U.S. Marine Corps launched the Toys for Tots campaign.

**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.

(Commissioner Delauter left the meeting.)

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Change Order No. 2 – Rosemont Water Line Replacement Project
- Special State Funds in FY 2014 for Workforce Services
- Approval of FY 2014 Matching Fund Grant Agreement and Associated Budget Transfer(s)

*Motion to approve the consent agenda as presented – Passed 3-0.*

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

(Commissioner Delauter returned to the meeting.)

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**ADMINISTRATIVE BUSINESS**

**Installment Purchase Agreement – William L. Kemp – Anne Bradley, Community Development Division**

Ms. Bradley presented the proposed resolution.

Mr. Jim Cumbie, Esquire, Venable LLP (County Bond Counsel), commented.

*Motion to approve the proposed resolution to enter into an IPP Agreement/ easement on the William Kemp property – Passed 4-0.*

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

**Approval to Utilize Funding for On-going Part-time Non-benefited Liquor Inspectors – Kathy Vahle, Board of License Commissioners**

Also present for the discussion were Frederick County Liquor Board members Mr. Dick Zimmerman, Ms. Maggi Hays, Mr. Rick Stup; and Mr. Harold DeLauter, Alcoholic Beverages Inspector.

*Motion to approve the funding for the on-going part-time non-benefited inspector and add a second part-time non-benefitted inspector with the additional funds being retained by the county due to the change in Article 2B of the Annotated Code of Maryland – Passed 4-0.*

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

**PUBLIC HEARINGS**

**Petition to Close a Portion of Ridge Road in Blue Ridge Summit – Dave Olney, Public Works Division (DPW)**

A public hearing was held, as duly advertised, on a proposal to close a portion of Ridge Road in Blue Ridge Summit.

Mr. Olney presented the request from DPW staff to close the road at a point south of the railroad tracks.

There were no public comments.

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*Motion to approve the proposal to close the portion of Ridge Road at the railroad crossing 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 ordinance can be obtained in the County Manager’s Office or from the county’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Water and Sewerage Plan Amendments (Summer 2013 Cycle) – Tim Goodfellow, Community Development Division**

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

Commissioner Young swore in all those who were testifying.

Mr. Goodfellow presented the summer 2013 cycle of amendment requests.

(Commissioner Delauter left the meeting.)

WS-13-04 – Buckeye Horn, LLLP

Recommendation: Planning staff and Utilities and Solid Waste Management Division (DUSWM) recommended approval of W-3 Dev./S-3 Dev. and the Frederick County Planning Commission (FcPc) found the request consistent with the Frederick County Comprehensive Plan.

Noel Manalo, Esquire, Miles and Stockbridge, commented on the request on behalf of the applicant.

There were no public comments

*Motion to approve WS-13-04 to reclassify 45 acres to W-3 Dev./S-3 Dev. – Passed 3-0.*

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

(Commissioner Delauter returned to the meeting.)

WS-13-05 – Jefferson Valley, LLC

Recommendation: Planning staff and DUSWM recommended approval of W-3 Dev./S-3 Dev. and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

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Noel Manalo, Esquire, Miles and Stockbridge, and Mr. Jonathan Pembroke commented on the request on behalf of the applicant.

Public comment was heard from:

- Chris Clark

Kevin Demosky, DUSWM, commented on the request.

*Motion to approve WS-13-05 to reclassify 86.4 acres to W-3 Dev./S-3 Dev. – Passed 4-0.*

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

WS-13-06 – Division of Community Development

Recommendation: Planning staff approved; DUSWM had no objections to the proposed map amendment; and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

There were no public comments.

*Motion to approve WS-13-06 to update the Frederick County Water and Sewer Infrastructure Map – Passed 4-0.*

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

WS-13-07 – Division of Community Development

Recommendation: Planning staff approved; DUSWM had no objections to the proposed text amendment; and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

There were no public comments.

*Motion to approve WS-13-07 to amend the referenced sections in Chapter 1 of the Frederick County Water and Sewerage Plan – Passed 4-0.*

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

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WS-13-08 – Jefferson Park Development, LLC

Recommendation: Planning staff and DUSWM recommended approval of W-3 Dev./S-3 Dev. and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

Mr. Donovan Corum, Rodgers Consulting, commented on the request on behalf of the applicant.

There were no public comments.

*Motion to approve WS-13-08 to reclassify 173 acres to W-3 Dev./S-3 Dev. – Passed 4-0.*

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

WS-13-09 – Matan Acquisitions, LLC

Recommendation: Planning staff denied the request to reclassify 22 acres from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev. DUSWM recommended approval to reclassify to W-4 Dev./S-4 Dev. FcPc found the request consistent with the Frederick County Comprehensive Plan.

Noel Manalo, Esquire, Miles and Stockbridge, and Mr. Chris Smariga, Harris Smariga and Associates, commented on the request on behalf of the applicant.

Rod Winebrenner, DUSWM, commented on the request.

There were no public comments.

*Motion to continue WS-13-09 to the 2013 fall cycle of Water and Sewerage Plan Amendments – Passed 4-0.*

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

WS-13-10 – Oakdale Investments, LLC

Recommendation: Planning staff recommended approval of the W-4 Dev./S-4 Dev.; DUSWM recommended approval of W-4 Dev. with the addition of various infrastructure symbols and the approval of S-4 Dev. with the addition of infrastructure lines; and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

Mr. Chris Smariga, Harris Smariga and Associates, commented on the request on behalf of the applicant.

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There were no public comments.

*Motion to approve WS-13-10 to reclassify 122 acres to W-4 Dev./S-4 Dev. plus the depiction of the infrastructure symbols as described – Passed 3-0-1.*

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

WS-13-11 – Oakdale Investments, LLC

Recommendation: Planning staff and DUSWM recommended approval of W-4 Dev./S-4 Dev. and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

Mr. Chris Smariga, Harris Smariga and Associates, commented on the request on behalf of the applicant.

There were no public comments.

*Motion to approve WS-13-11 to reclassify 249 acres to W-4 Dev./S-4 Dev. – Passed 4-0.*

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

(Commissioner Delauter left the meeting.)

WS-13-12 – Oakdale Investments, LLC

Recommendation: Planning staff and DUSWM recommended approval of W-4 Dev./S-4 Dev. and the FcPc found the request consistent with the Frederick County Comprehensive Plan.

Mr. Chris Smariga, Harris Smariga and Associates, commented on the request on behalf of the applicant.

There were no public comments.

*Motion to approve WS-13-12 to reclassify 318 acres to W-4 Dev./ S-4 Dev. – Passed 3-0.*

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

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(Commissioner Delauter returned to the meeting.)

**WS-13-13 – Crum Farm Land Development, LLC/Crum Farm Commercial Development, LLC**

Recommendation: Planning staff recommended approval. DUSWM had no comment on the request for W-5 Dev. (city water system) and recommended approval of S-5 Dev. The FcPc found the request consistent with The City of Frederick Comprehensive Plan.

Mr. Bruce Dean, Esquire, Linowes and Blocher, commented on the request on behalf of the applicant.

There were no public comments.

*Motion to approve WS-13-13 to reclassify 265 acres to W-5 Dev./S-5 Dev. – Passed 3-1.*

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

**AGENDA BRIEFING**

Commissioner Young noted the Board would hold a public hearing on Tuesday, November 19 at 7:00 p.m. on Rezoning Case #R-13-02, MS Gladhill/Plankstone Branch PUD.

**WORKSESSION**

**The Journey Through Hallowed Ground (JTHG) Presentation – Cate Magennis Wyatt, JTHG Partnership**

Ms. Magennis Wyatt provided an update on the JTHG project.

The Board took no action on this agenda item.

**Synthetic Turf Multi-Purpose Field and Associated Budget Transfer – Paul Dial, Parks and Recreation Division**

Mr. Dial gave a PowerPoint presentation on the possible development of a synthetic turf multi-purpose field for Ballenger Creek Park. Mr. Jeremy Kortright, Parks and Recreation Division, commented.

There were no public comments.



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*Motion to approve a capital development project to design and construct a synthetic turf field at Ballenger Creek Park and the approval of the budget transfer to provide the funding – Passed 4-0.*

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

**ADMINISTRATIVE BUSINESS**

**Fleet Utilization Study, Phase 2 (Rescheduled from the 10/31/13 BOCC Meeting) – Pat Hannah, Public Works Division**

Mr. Hannah presented the Phase 2 study.

*Motion to accept Phase 2 of the Fleet Utilization Study as presented – Passed 4-0.*

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

**Memorandum of Understanding – Monocacy Boulevard Center Section, Phase II – Lori Depies, Office of the County Manager**

Mr. Zach Kerschner, The City of Frederick; and Ms. Regina Howell and Ms. Kelly Weaver, Budget Office, Office of the County Manager, commented.

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

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

**Change in Policy for Establishing and Maintaining Solid Waste Disposal or Recycling Accounts – Phil Harris and Lori Finafrock, Utilities and Solid Waste Management Division**

Mr. Harris and Ms. Finafrock presented the proposed change in policy.

*Motion to take the change in policy to public hearing – Passed 4-0.*

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

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**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

None.

**ADJOURN**

The meeting adjourned at 12:40 p.m.

Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 7, 2013**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, NOVEMBER 7, 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:**

Commissioner Shreve moved to go into closed session in accordance with 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 Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Time and Location:**

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

**Topic to be Discussed:**

To discuss the impact of a possible reorganization of the Business Development and Retention Department on individual county employees.

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Patti 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, NOVEMBER 7, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 7, 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:**

Commissioner Shreve moved to go into closed session in accordance with 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 Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Time and Location:**

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

**Others in Attendance:**

J. Mathias, L. Depies, M. Marschner, G. Hessong, K. Schulz, D. Ishler, D. MacMaster, P. Plamondon, Jr. and R. Santangelo.

**Topic Discussed:**

To discuss the impact of a possible reorganization of the Business Development and Retention Department on individual county employees.

**Action Taken:**

The Board took no action.

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Patti Morrow  
Recording Secretary