

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 6, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, March 6, 2014, at 9:30 a.m. at Winchester Hall. 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 a moment of silence followed by the recitation of the Pledge of Allegiance.

Proclamation – Irish-American Heritage Month

The Board proclaimed the month of March as Irish-American Heritage Month in Frederick County.

FrederickWORKS! One Job at a Time Recognition – The Way Station, Inc.

The Board recognized The Way Station, Inc. for their participation in the FrederickWORKS! One Job at a Time initiative.

Commissioner Comments

Comments were provided by Commissioners 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.

Approval of Minutes

The minutes for February 20, 2014, were approved by unanimous consent.

PUBLIC COMMENTS

- Julie Stewart
- Matt Seubert

CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #14-109 – MD 85 Short-term Improvements Project and Budget Transfer
- Purchasing Memo #14-112 – Legal Services for the Department of Social Services
- Purchasing Memo #14-117 – Jefferson Technology Park Waterline

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- Purchasing Memo #14-118 – Mowing and Turf Service
- Purchasing Memo #14-121 – Information Technology Contracted Services (Piggyback Contract)
- Purchasing Memo #14-124 – To Provide and Install Lighting for Ballenger Creek Park Synthetic Turf Field (Piggyback Contract)
- Purchasing Memo #14-125 – To Provide and Install Bleachers and a Press Box at Ballenger Creek Park (Piggyback Contract)
- BT-14-128, Department of Aging, Citizens Services Division
- Board of Education Current Expense Fund Amendment #2-14
- Board of Education School Construction Expense Fund Amendment #14-06 and #BT-14-127
- FY 2015 Governor’s Office of Crime Control and Prevention – Sex Offender Compliance and Enforcement in Maryland Grant Application
- FY 2015 Governor’s Office of Crime Control and Prevention – Domestic Violence Unit Program Grant Application
- Emergency Number Systems Board Grant Funding
- FY 2015 Office of Problem Solving Court Discretionary Grant Application for Drug Treatment Court
- Women’s Giving Circle Grant

Commissioner Smith requested to remove Purchasing Memo #14-12 from the consent agenda.

Commissioner Gray requested to remove Purchasing Memo #14-117 from the consent agenda.

Motion to approve the consent agenda as amended – 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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ADMINISTRATIVE BUSINESS

**Purchasing Memo #14-112 – Legal Services for the Department of Social Services –
Diane George, Finance Division**

Motion to approve Purchasing Memo #14-112 as presented – Passed 4-0-1.

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

**Purchasing Memo #14-117 – Jefferson Technology Park Waterline – Diane George,
Finance Division**

Motion to approve Purchasing Memo #14-117 as presented – Passed 5-0.

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

PUBLIC HEARINGS

**To Consider an Offer to Purchase 520 North Market Street, Frederick – Crystal
Chamberlain, Public Works Division**

A public hearing was held, as duly advertised, on the sale of 520 North Market Street.

Ms. Chamberlain and Mr. Chuck Nipe, Public Works Division; Mr. Richard McCain, Office of the County Attorney; and Mr. Michael Long, purchaser, commented on the sale of the property.

Commissioner Gray expressed concern over the loss of the “On the Mark Adolescent Program” which was moved from 520 North Market Street to Montevue Lane.

There was no public comment.

Motion to accept Mr. Michael Long’s offer of \$1,800,000 for the property at 520 North Market Street with a 90-day study period and noting the county has no further need for the property – Passed 3-1-1.

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

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**Results of the Needs Assessment of the Older Adult Population in Frederick County –
Carolyn True, Citizens Services Division**

A public hearing was held, as duly advertised, on the needs assessment of the older adult population.

Ms. True noted the assessment was originally presented to the Board on October 17, 2013. Due to the fact the study was funded by a Community Development Block Grant, a public hearing was required.

Ms. True presented a summary of the results of the study.

Public comment was heard from:

- Carol Krimm
- Sonja Sperlich, Ph.D.

Motion to accept the report – Passed 5-0.

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

Motion to set aside additional funds to expand the Senior Tax Credit Program – Passed 5-0.

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

**To Consider a Community Development Block Grant (CDBG) Application for the Human
Development Council, Inc. – Jenny Short, Citizens Services Division**

A public hearing was held, as duly advertised, on a CDBG application for the Human Development Council, Inc.

Ms. Short, Ms. Pat Rosensteel, Citizens Services Division, and Mr. Ron Harsh, Executive Director of the Human Development Council, Inc., commented on the request to approve a resolution that would authorize the submission of a CDBG application. The grant would aid in the purchase of property at 5430 Mount Zion Road, Frederick, to house an adult medical day care facility for disabled adults.

There was no public comment.

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Motion to adopt the resolution as presented, approve the updated Residential Anti-displacement and Relocation Assistance Plan; accept the funds if awarded and approve any subsequent related budget transfers – Passed 4-0-1.

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.)

Rezoning Case #R-06-01 (B) – Urbana Northern Mixed Use Development (MXD) to Amend a Condition of the Prior Phase I Approval – Jim Gugel, Community Development Division

Commissioner Young swore in those who would testify.

A public hearing was held, as duly advertised, on a revision to the condition of approval from Rezoning Case #R-06-01(A) per Ordinance #12-31-626.

Mr. Gugel presented the amendment. He noted staff and the Frederick County Planning Commission recommended approval.

Ms. Krista McGowan, Esquire and Mr. Paul Coleman, Natelli Communities, commented on the amendment.

Motion to approve a request to amend Condition #3 of Ordinance #12-31-626 regarding Rezoning Case #R-06-01 (B) - Urbana Northern MXD as presented and direct staff to prepare the ordinance for signature purposes for a future Board meeting – Passed 4-1.

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

Commissioner Young noted the Board would hold public hearings on Thursday, March 6 at 7:00 p.m. regarding the Oakdale – Lake Linganore Tax Increment Financing and Community Development Authority; Tuesday, March 18 at 7:00 p.m. regarding the Proposed FY 2015-2020 Capital Improvements Program (CIP) and FY 2015 Capital Budget; and Thursday March 20 at 9:30 a.m. regarding the Fall 2013 Water and Sewerage Plan Amendments.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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WORKSESSION

Annual Transportation Priorities Review and Maryland Department of Transportation (MDOT) Priorities Letter – Ron Burns, Community Development Division

Mr. Burns and Mr. Dave Coyne, District 7 Engineer, State Highway Administration, reviewed the recommended transportation priorities that would be used by the MDOT in the preparation of the annual update to the Maryland Consolidated Transportation Program.

Public comment was heard from Carol Krimm, President, Frederick Area Committee for Transportation. She also commented on the proposed Meadow Road interchange.

Motion to send the transportation priorities letter to the MDOT as amended with Project Planning Funding – MD 75: I-70 to Lewisdale Road moved to the number one (1) priority – Passed 3-2.

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

(The Board took a lunch break at 12:30 p.m.)

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, March 6, 2014, at 1:30 p.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.

Second Quarter Financial Analysis – Reporting Financial Results for Six Months ended December 31, 2013 – Erin White, Finance Division

The following Finance Division staff presented the financial results for Frederick County for the six (6) months ended December 31, 2013:

- Melanie Thom – General Fund; and
- Kathi Tritsch – Water and Sewer Enterprise Fund and the Solid Waste Management Enterprise Fund.

There were no public comments.

No action was taken by the Board as this item was informational.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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Purchasing Memo #14-115 - Final Design Services for Boyers Mill Road Improvement Project and Purchasing Memo #14-122 – Engineering Design Services for Replacement Bridge on Ball Road over Peter Pan Run and Budget Transfer – Diane George, Finance Division

Motion to approve Purchasing Memos #14-115 and #14-122 as presented – Passed 5-0.

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

Revised Investment Policy – Diane Fox, Finance Division

Ms. Fox presented the revised policy. She noted the county last adopted an investment policy in 1996 and due to the many changes that have occurred in the investment arena as well as in the state guidelines, staff felt the policy should be revised to describe the investment policy and outline specific procedures to protect the public funds.

Motion to approve the revised policy as presented – Passed 5-0.

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

Introduction of the Maryland Revenue Bonds for Homewood Retirement Center – Jim Cumbie, Esquire, Venable LLC (County Bond Counsel)

Mr. Cumbie presented the request for the county to issue approximately \$76,000,000 of Economic Development Revenue Bonds on behalf of Homewood Retirement Centers of the United Church of Christ, Inc., Homewood at Frederick, Inc. and Homewood Foundation, Inc. (Homewood).

Mr. Merritt Nickols, Executive Director of Homewood, commented on the proposed expansion that would be funded with the bonds.

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

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

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**Urbana Community Development Authority (CDA) Expansion - Jim Cumbie, Esquire,
Venable LLC (County Bond Counsel)**

Mr. Cumbie presented the proposed resolution to expand the Urbana CDA.

Ms. Krista McGowan, Esquire and Mr. Paul Coleman, Natelli Communities, commented on the request for the CDA expansion.

*Motion to approve and adopt the resolution to expand the Urbana CDA as presented –
Passed 4-1.*

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.)

Consideration to Accept a Petition for a Development Rights and Responsibilities Agreement (DRRA) – Monocacy Glen PUD – Jim Gugel, Community Development Division

Mr. Gugel presented the request from Hogan Land Company, LLC, to initiate the process for entering into a DRRA.

*Motion to accept the petition and take the request through the public hearing process –
Passed 4-1.*

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

Updates from County Commissioners' Liaison – Dave Dunn, Community Development Division

Mr. Dunn presented the updates.

No action was taken as this item was informational.

Legislative Issues – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

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Motion to correspond to the Frederick County Delegation to support House Bill (HB) 1140 – Charitable Casino Events and HB 1092 – amending the Howard County – Casino Events legislation to add Frederick County – Passed 4-1.

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

Motion to correspond to the Frederick County Delegation to oppose SB 689 – Local Government Tort Claims Act and Maryland Tort Claims Act Repeal of Certain Notice Requirements – Passed 4-0-1.

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

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

COMMISSIONER COMMENTS

None.

CLOSED SESSION/ADMINISTRATIVE FUNCTION

Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter 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 consult with counsel and staff to obtain legal and other advice concerning negotiation strategy on the possible disposal of surplus property.

Maryland Annotated Code State Government Article § 10-508(a) (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State and (7) To consult with counsel to obtain legal advice on a legal matter.

Topic – To consider the optimal legal strategy in negotiating the modifications to existing contracts and in the location of a business in the county.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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Motion to go into closed session – Passed 5-0.

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 2:30 p.m.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 6, 2014**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 6, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter; 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:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter; 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. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

2:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consult with counsel and staff to obtain legal and other advice concerning negotiation strategy on the possible disposal of surplus property.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 6, 2014**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MARCH 6, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 6, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter; 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:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter; 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. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

2:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, L. Depies, M. Marschner, C. Nipe, C. Chamberlain R. McCain and R. Santangelo.

Topic Discussed:

To consult with counsel and staff to obtain legal and other advice concerning negotiation strategy on the possible disposal of surplus property.

Action Taken:

The Board gave direction to the staff to accept the modified contract terms, with conditions, for the disposal of the property.

Patti Morrow
Recording Secretary

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Motion:

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Time and Location:

2:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the optimal legal strategy in negotiating the modifications to existing contracts and in the location of a business in the county.

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, MARCH 6, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 6, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

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Motion:

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (4) To consider a preliminary matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; (7) To consult with counsel to obtain legal advice on a legal matter; 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. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

2:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, L. Depies, M. Marschner and R. Santangelo.

Topic Discussed:

To consider the optimal legal strategy in negotiating the modifications to existing contracts and in the location of a business in the county.

Action Taken:

The Board approved the settlement concept and any necessary agreements.

Patti Morrow
Recording Secretary