

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MARCH 20, 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 20, 2014, at 9:40 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 an invocation followed by the recitation of the Pledge of Allegiance.

**Business Recognition – Fitzgerald’s Shamrock Restaurant**

The Board recognized Fitzgerald’s Shamrock Restaurant for celebrating their 51<sup>st</sup> anniversary and for their contributions to the community.

**Business Recognition – Avery’s Grill and Restaurant**

The Board congratulated Avery’s Grill and Restaurant for the expansion of their business.

**Commissioner Comments**

Comments were provided by Commissioners Young, Smith, Shreve and Delauter.

Commissioner Young directed staff to prepare a proposal to waive impact fees for farmers who give land to a family member to live on.

Ms. Depies noted members of the Charter Transition Team would be traveling to Cecil County to observe their transition to a charter form of government.

**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 March 6, 2014, and the events from March 1 – March 15 were approved by unanimous consent.

**PUBLIC COMMENTS**

- Gerry Blank

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**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #14-120 – Roof Replacement and Skylight Removal at the Middletown Library
- BT-14-142, Housing and Community Development, Citizens Services Division
- Board of Education Current Expense Fund Amendment #3-14
- FY 2015 Body Armor Grant – Governor’s Office of Crime Control and Prevention
- Federal Farmland Preservation Program – Eidel Lot Request
- Conservation Reserve Enhancement Program, Hanson Easement Request and Budget Amendment

*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	X			
Gray			X			
Delauter			X			

**AGENDA BRIEFING**

Commissioner Young noted the Board would hold public hearings on Tuesday, April 1 at 7:00 p.m. regarding Economic Development Revenue Bonds for Homewood Retirement Centers and Zoning Map Amendment #R-13-04 – Rayburn Planned Unit Development.

**PUBLIC HEARING**

**Fall 2013 Cycle – Water and Sewerage Plan Amendments – Tim Goodfellow, Community Development Division**

Commissioner Young swore in all who would testify.

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

Mr. Goodfellow presented the requested amendments.

WS-13-09 Matan Acquisitions, LLC - Tax Map 96, Parcel 60 - Located on the south side of MD 355, east of MD 80 in Urbana.

There was no public comment.

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Mr. Goodfellow noted #WS-13-09 had been continued because the property did not satisfy the criteria for a “3” category. He noted that it now met the criteria to reclassify the property from W-5 Dev., S-5 Dev. to W-3 Dev., S-3 Dev.

*Motion to approve Case #WS-13-09 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			

#WS-13-14 – Thurmont Ambulance Company – Tax Map 25, Parcel 484 – Located on the northwest corner of Lawyer Lane and Stratford Drive adjacent to the Town of Thurmont.

There was no public comment.

*Motion to approve the reclassification of 21.5 acres to W-3 Dev., S-3 Dev. 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			

#WS - 13-15 – Frall Developers, Inc. – Tax Map 79, Parcel 9 – Located on the south side of Yeagertown Road.

Mr. Rand Weinberg, Esquire, Miles and Stockbridge, LLC, representing the applicant, commented on the request.

*Motion to reclassify 5.19 acres to W-3 Dev. as presented and to continue the S-3 Dev. request – Passed 5-0.*

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

#WS-13-16 – Town of New Market/Paul and Kelly Hill – Tax Map 801, Parcels 3795 and 3796 - Located on the south side of Main Street, east of Eighth Alley.

There was no public comment.

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*Motion to reclassify 0.42 acres to W-3 Dev. 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			

#WS-13-17 – Homewood at Frederick, Maryland, Inc. – Tax Map 57, Parcel 328 - Located on the north side of Willow Road, west of US 15 within The City of Frederick.

There was no public comment.

*Motion to reclassify 72 acres to W-3 Dev., S-3 Dev. 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			

#WS-13-18 – Natelli Holdings III, LLC (Worthington Square) – Tax Map 96, Parcels 34, 174, 257, Lot 302R - Located on the south sides of MD 355, Urbana Pike and Urbana Church Road, west of Sugarloaf Parkway.

There was no public comment.

*Motion to reclassify 3.23 acres to W-3 Dev., S-3 Dev. 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			

#WS-13-19 – Monocacy Land Company, LLC (Boxwood) – Tax Map 96, Parcel 210 - Located on the south side of Tabler Road at the terminus of Bealls Farm Road, adjacent to Urbana District Park in the northwest corner of the Villages of Urbana PUD.

There was no public comment.

*Motion to reclassify 24.3 acres to W-3/Dev. as presented and to continue the S-3/Dev. request – 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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#WS-13-20 – Urbana Investments Properties, II, LLC (Urbana Town Center) – Tax Map 96, Parcels 22 and 184 - Located on the southwest side of MD 355, north of I-270.

There was no public comment.

*Motion to reclassify 190 acres to W-3/Dev., S-3/Dev. as presented and the depiction of a 16-inch water line on the water map – Passed 4-0-1*

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

#WS-13-21 – 75-80 Properties, LLC - Tax Map 88, Parcels 27,21; Tax Map 97, Parcel 2 - Located on the west side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road, east of Ed McClain Road.

#WS-13-22 – Payne Investments, LLC - Tax Map 88, Parcel 22 - Located on the east side of Ed McClain Road, west of MD 75, Green Valley Road.

#WS-13-23 – 75-80 Properties, LLC - Tax Map 88, Parcel 28 - Located on the east side of MD 75, Green Valley Road, north of MD 80, Fingerboard Road.

#WS-13-24 – 75-80 Properties, LLC - Tax Map 97, portion of Parcel '0' - Located at the northwest intersection of MD 75, Green Valley Road and MD 80, Fingerboard Road.

#WS-13-25 – 75-80 Properties, LLC - Tax Map 88, portion of Parcel 127 - Located on the southwest side of Weller Road, bisected by a powerline.

There was no public comment.

*Motion to continue #WS-13-21, #WS-13-22, #WS-13-23, #WS-13-24 and #WS-13-25 until the adoption of an ordinance that would grant approval for Rezoning Case #R-12-02 (Monrovia Town Center) – Passed 5-0.*

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

#WS-13-26 – Ballenger Enterprises, LLC - Tax Map 108, Parcels 54, 1 - Located on the north side of MD 28, Tuscarora Road at the eastern edge of Point of Rocks.

There was no public comment.

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*Motion to reclassify 7.8 acres to W-4 Dev. 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			

#WS-13-27 – Oakdale Properties, LLC - Tax Map 79, Parcels 112, 162 - Located on the north side of Old National Pike, 1,000 feet west of Eaglehead Drive.

There was no public comment.

*Motion to reclassify 52 acres to W-3 Dev., S-3 Dev. as presented – Passed 4-0-1.*

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

#WS-13-28 – Urbana Corporate Center, LLC - Tax Map 96, Parcel 172 - Located on the south west side of MD 355, Urbana Pike, 500 feet north of Campus Drive.

Mr. Craig Walsleben, Rodgers Consulting, representing the applicant, commented on the request.

*Motion to grant a continuance for #WS-13-28 until preliminary approval has been obtained – Passed 5-0.*

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

**WORKSESSION**

(Commissioner Gray left the meeting at 11:05 a.m.)

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

Commission on Aging

Ms. Louise Lynch, Commission on Aging commented on the request.

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*Motion to appoint Mr. Don Cilla to serve a term to expire June 30, 2016 – Passed 4-0.*

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

**Commission on Disabilities**

There was no public comment.

*Motion to appoint Ms. Monica Kirkpatrick to serve a term to expire June 30, 2016 – Passed 4-0.*

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

**ADMINISTRATIVE BUSINESS**

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

**Application to Volunteer Maryland for an AmeriCorps Volunteer for Meals on Wheels Program – Carolyn True, Citizens Services Division**

Ms. True and Ms. Kitty Devilbis, Department of Aging, presented the request.

*Motion to approve the application for the Volunteer Maryland AmeriCorps volunteer coordinator and the administration processing of necessary grant related documents for execution by the Board president and any subsequent related budget transfers – Passed 3-0.*

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

(The Board took a break from 11:15 a.m. to 11:30 a.m.)

**Request to Participate in an Amicus Brief – John Mathias, County Attorney**

Mr. Mathias presented the request.

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*Motion to authorize staff to participate in the amicus brief in the Court of Special Appeals challenging the Montgomery County MS4 permit – Passed 5-0.*

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

**FY 2015-2020 Capital Improvements Program and 2015 Capital Budget – Regarding Public Hearing Input (Public Hearing held 3/18/14) – Kelly Weaver, Budget Office, Office of the County Manager**

Ms. Weaver provided a summary of comments from the public hearing. She noted the Board of Education (BOE) requested that the new Urbana Elementary School be moved from FY 2017 to FY 2016 and the new West Frederick Elementary School be moved from FY 2018 to FY 2017. It was also noted the Hillcrest Elementary School was in need of more space.

Mr. Ray Barnes, Frederick County Public Schools, commented on the school projects. He was presented with several options to present to the BOE.

*Staff was given direction regarding school options. No action was taken.*

**Business Updates – Helen Prophter, Community Development Division**

Ms. Prophter updated the Board on business in Frederick County.

*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.

*No action was taken as this item was informational.*

**PUBLIC COMMENTS**

- M.C. Keegin-Ayre

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

None.



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**CLOSED SESSION**

Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Topic – To consider the acquisition of an interest in property for agricultural preservation purposes.

Maryland Annotated Code State Government Article § 10-508(a) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Topic – To discuss collective bargaining concerning employees within the Division of Fire and Rescue Services.

*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	X			
Delauter			X			

**ADJOURN**

The meeting adjourned at 12:15 p.m.

Patricia 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, MARCH 20, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

**Motion:**

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider the acquisition of an interest in property for agricultural preservation purposes.

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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 TUESDAY, APRIL 1, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 20, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

**Motion:**

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article §10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Gray seconded the motion that passed 5-0.

**Time and Location:**

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, L. Depies, M. Chomel, A. Bradley and R. Santangelo.

**Topic Discussed:**

To consider the acquisition of an interest in property for agricultural preservation purposes.

**Action Taken:**

Staff was directed to proceed with the acquisition of two (2) agricultural preservation easements.

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Patti Morrow  
Recording Secretary

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**Time and Location:**

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss collective bargaining concerning employees within the Division of Fire and Rescue Services.

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Patti Morrow  
Recording Secretary

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**Time and Location:**

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, L. Depies, L. Thall, M. Hose, S. Dobranksy, A. Keyser and R. Santangelo.

**Topic Discussed:**

To discuss collective bargaining concerning employees within the Division of Fire and Rescue Services.

**Action Taken:**

Direction was given to staff regarding an outstanding negotiating issue.

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Patti Morrow  
Recording Secretary