

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, AUGUST 21, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, August 21, 2014, at 9:30 a.m. at Winchester Hall. 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 from the meeting.

**Invocation and Pledge of Allegiance**

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

**Business Recognition – Fenestra Technologies**

The Board recognized Fenestra Technologies for their contributions to the community.

**Commissioner Comments**

Comments were provided by Commissioners Young, Smith and Delauter.

**Naming of the Ballenger Creek Park Synthetic Turf Athletic Field**

Mr. Paul Dial, Parks and Recreation Division, was present for the discussion.

*Motion to recommend to the Parks and Recreation Commission the name “Chuck Foreman Field” and if confirmed, direct the Public Works Division and the Parks and Recreation Division to move forward with signage for the field – Passed 4-0.*

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

**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 July 10, July 15, July 22, and July 24, the events for July 16 – July 30 and the events for August 1 – August 15, 2014, were approved by unanimous consent.

**PUBLIC COMMENTS**

- Hugh Warner
- Rolan Clark

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- Barbara Craig
- Gil House
- John Gretz

Mr. Chuck Nipe, Public Works Division (DPW) commented on DPW’s transition plan regarding American Disabilities Act (ADA) compliance.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #15-019 – Chip Seal of Various Frederick County Roadways
- Purchasing Memo #15-022 – Traffic Barrier Repair and Installation
- Purchasing Memo #15-023 – Police Patrol Vehicles (Piggyback Contract)
- Purchasing Memo #15-025 – Custodial Services (Piggyback Contract)
- Purchasing Memo #15-028 – Bridge Painting
- Purchasing Memo #15-029 – Seasonal Paver and Dump Truck Rental with Operators
- Change Order No. 1 – Bituminous Overlay of Various Frederick County Roadways
- Change Order No. 1 – Full Depth Reclamation of Various Frederick County Roadways
- Maryland State Firemen’s Association, 2014 Public Fire and Life Safety Education Grant and Budget Transfer
- Maryland Community of Care Consortium Grant Application and Budget Transfer
- FY 2014 Emergency Number Systems Board Grant Award Project #14-196, Phone System for Primary and Back-up Public Safety Answering Points Acceptance of Award and Approval of Attached Budget Transfer
- FY 2015 Emergency Number Systems Board Grant Application for Fiber Optic Connectivity, for Primary and Back-up Public Safety Answering Points Award and Approval of Attached Budget Transfer

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

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

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**PUBLIC HEARING**

**Possible Sale of County Parcels on Crabapple Drive – Beth Ramacciotti, Utilities and Solid Waste Management Division**

A public hearing, as duly advertised, was held on the possible sale of county parcels of land on Crabapple Drive in Crestwood Village.

Ms. Ramacciotti presented the proposed contract to sell two (2) parcels of county-owned land to the Crestwood Village Homeowners Association (HOA).

There was no public comment.

*Motion to deem the parcels of no further use to the county and approve the raification of the Contract of Sale presented by the HOA for the sale of the two (2) parcels of land on Crabapple Drive as presented - Passed 3-0-1.*

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

**AGENDA BRIEFING**

Commissioner Young noted public hearings would be held on Tuesday, August 26 at 7:00 p.m. regarding Zoning Map Amendment #R-12-01(A) Linganore Planned Unit Development (PUD); Tuesday, September 2 at 7:00 p.m. regarding Zoning Map Amendment #R-14-03 Blentlinger PUD, and Thursday, September 4 at 9:30 a.m. regarding the Gapland Road Property Sale and the Proposed Ordinance to Amend the County Gaming Regulations.

**WORKSESSION**

**Agriculture Subdivision Potential Transfer Option Text Amendment – Anne Bradley, Community Development Division**

Ms. Bradley and Mr. Jim Gugel, Community Development Division, requested direction regarding the draft text amendment that originated as a request from the Frederick County Farm Bureau. The purpose of the proposed text amendment would be to allow the transfer of potential agricultural subdivision rights from a sending parcel to a receiving parcel and only between parcels zoned Agricultural. It was noted the work group assigned to evaluate the proposed option had issues with several of the revisions.

Public comment was heard from:

- Rolan Clark
- Rand Weinberg, Esquire

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- Charles Brault, Frederick County Farm Bureau
- Maurice Gladhill

It was requested by Commissioner Young that the public hearing format include two (2) panels: one in support and the other in opposition.

*Motion to take the proposed text amendment through the public hearing process – 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**

**Request for Public Hearing on the Proposed Ordinance to Amend the County’s Gaming Regulations – Article VIII of Chapter 1-2 of the Frederick County Code – Gary Hessong, Community Development Division**

*Motion to take the proposed ordinance to public hearing – Passed 4-0.*

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

**Request for Public Hearing Regarding the Recalculated (Reduced) Benefit Assessments – Village of Rosemont Water Improvements Project – Brenda Teach, Utilities and Solid Waste Management Division**

*Motion to take the recalculated benefit assessments for the Village of Rosemont Water Improvements Project to public hearing – Passed 4-0.*

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

**Middletown Fire Station No. 7 Update – Sue Barthol, Public Works Division**

Mr. Chuck Nipe, Public Works Division, and Mr. Drew Bowen, Town of Middletown, commented on the fire station proposal.

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*Direction was given for the Board and county staff to meet with the Middletown elected officials and the Middletown Volunteer Fire Department representatives to discuss the proposed construction of a new station.*

**Briefing by the Community Development Division – Kathy Mitchell, Office of the County Attorney and Gary Hessong, Community Development Division**

Ms. Mitchell and Mr. Hessong briefed the Board on the necessary steps involved in the recordation of a plat for a proposed subdivision located on Delauter Road owned by Robert and Barbara Craig.

Mr. George Keller, recently retired from the Health Services Division, commented on the condition requiring the completion of the well drilling prior to plant recordation in Frederick County.

Mr. Carl Thomas, B & R Designs, commented on the location and improvement plans for the common driveway on the Craig property.

*No action taken as this item was informational.*

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

*No action taken as this item was informational.*

**PUBLIC COMMENTS**

- George Rudy

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

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; 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 and staff the legal ramifications and contents of proposals received in response to a competitive process because public disclosure would

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adversely impact the County's ability to participate in the competitive process by prematurely disclosing confidential information to competitors.

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

**ADJOURN**

The meeting adjourned at 12:15 p.m.

Patricia Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, AUGUST 21, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**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.

**Motion:**

Upon a motion by Commissioner Shreve, seconded by Commissioner Delauter, the Board voted 4-0, with Commissioner Gray absent, to go into closed session in accordance with 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.

**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the County's attorneys and staff the legal ramifications and contents of proposals received in response to a competitive process because public disclosure would adversely impact the County's ability to participate in the competitive process by prematurely disclosing confidential information to competitors.

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Patti Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, SEPTEMBER 4,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 21, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**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.

**Motion:**

Upon a motion by Commissioner Shreve, seconded by Commissioner Delauter, the Board voted 4-0, with Commissioner Gray absent, to go into closed session in accordance with 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.

**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

M. Marschner, L. Depies, R. McCain, R. Santangelo, C. Skaggs, D. Reed, and J. Schutt III.

**Topic Discussed:**

To discuss with the County's attorneys and staff the legal ramifications and contents of proposals received in response to a competitive process because public disclosure would adversely impact the County's ability to participate in the competitive process by prematurely disclosing confidential information to competitors.

**Action Taken:**

The gave direction regarding the proposals received in response to a competitive process.

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Patti Morrow  
Recording Secretary