

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, SEPTEMBER 25, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, September 25, 2014, at 9:30 a.m. at Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve, 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 - Wright Manufacturing**

The Board recognized Wright Manufacturing for their contributions to the community.

**Proclamation – National Recovery Month**

The Board proclaimed the month of September as National Recovery Month in Frederick County.

**Commissioner Comments**

Comments were provided by Commissioners Smith and Gray.

**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**

- John Gretz

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #15-049 – Cassidian VESTA/Sentinel v4.x Call Processing Equipment
- Purchasing Memo #15-050 – Commissary and Inmate Trust Fund Services for the Adult Detention Center
- Purchasing Memo #15-058 – On-call Agreements for Construction Inspection and Management Services for Building, NMDES and Parkland Development Projects
- Purchasing Memo #15-059 – On-call Agreements for Construction Inspection and Management Services for Roads and Bridge Projects (Renewal)

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- Purchasing Memo #15-062 – On-call Agreements for Civil/Structural/Traffic Engineering Services
- Board of Education School Construction Fund Amendment #15-04 and BT-15-049 (\$80,000)
- Change Order No. 10 – Ijamsville Road Improvements Phase II - Wetland Mitigation Feasibility Study Report
- Maryland Neighborhood Conservation Initiative Grant to Continue Activities
- FY 2015 Area Plan, FY 2015 Senior Care Annual Plan and FY 2015 Senior Medicare Patrol Grant
- Renewal of Promoting Safe and Stable Families Memorandum of Agreement and Budget Transfer
- FY 2015 Renewal of Maryland Family Network Services Contract Agreements for Family Support Center and Budget Transfer
- FY 2015 Advanced Life Support Education Grant Agreement and Budget Transfer(s)
- Grant/Contract Renewal with the Metropolitan Washington Council of Governments and UrbanTrans Consultants, Inc.

*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			

**Approval of Minutes**

The minutes for July 24, August 7, August 26, September 4, September 11, and the events from September 1 – September 15, 2014, were approved by unanimous consent.

**PUBLIC HEARINGS**

**Impact Fee Waiver for Family Farms – Jim Gugel, Community Development Division**

A public hearing, as duly advertised, was held on an amendment to the Development Impact Fee Ordinance regarding impact fee waivers for family farms.

Mr. Gugel presented the draft ordinance that would provide a waiver of impact fees for farm owners who provide a building lot for a family member. It was noted the draft ordinance was reviewed by the Frederick County Planning Commission and the agricultural organizations.

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Ms. Kathy Mitchell, Office of the County Attorney, and Ms. Regina Howell, Budget Office, Office of the County Manager, provided comments.

There were no public comments.

*Motion to approve the draft ordinance as presented with the following revisions: the fee waiver would be available to both children and grandchildren of farmers; and the maximum lot size of two (2) acres was deleted; and and staff was directed to bring back to the Board at a later date the ordinance for signature purposes – Passed 5-0.*

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

**Recalculated (Reduced) Benefit Assessments (BA) – Village of Rosemont Water Project – Kevin Demosky and Brenda Teach, Utilities and Solid Waste Management Division**

A public hearing, as duly advertised, was held on a proposed ordinance to establish a recalculated BA on certain lots served by the Rosemont Water System.

Mr. Demosky and Ms. Teach noted that due to overall project costs, financial arrangements with the Maryland Department of the Environment (MDE) and the contribution from the Village of Rosemont, the recalculated assessments were significantly lower than contemplated in 2013. Due to the large decrease, it was noted a 20-year payback period may want to be considered.

Mr. Tom Watson, Burgess, Village of Rosemont, commented on the water project.

There were no public comments.

*Motion to approve the draft ordinance with a 20-year term 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			

(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).)

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**AGENDA BRIEFING**

Commissioner Young noted the following public hearings were scheduled for Thursday October 9 at 9:30 a.m.: Amendment of the List of Exempt Employees; FY 2015/2016 MALPF Easement Acquisition Program; Development Rights and Responsibilities Agreement (#DRRA 14-02) Rayburn Property; Development Rights and Responsibilities Agreement (#DRRA 14-03) Ratley Property; Development Rights and Responsibilities Agreement (#DRRA 14-07) Hogan Property.

**WORKSESSION**

**Annual Maryland Department of Transportation Tour Meeting Briefing – Ron Burns and Jim Gugel, Community Development**

Mr. Burns and Mr. Gugel noted the state transportation officials would be presenting the Draft FY 2015-2020 Consolidated Transportation Program to local officials on Wednesday, October 1 at 1:00 p.m. The county priority list of projects was reviewed.

There was no public comment.

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

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

Commission on Aging

There was no public comment.

*Motion to appoint Mr. John Brown, Ms. Joy Hall-Onley, and Mr. John Hannan to serve terms to expire June 30, 2016; and to appoint Ms. Roberta Speace to serve a term to expire June 30, 2017 – 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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Containment Laboratory Community Advisory Committee

There was no public comment.

*Motion to appoint Dr. Bob Hawley to serve as the private-sector life sciences industry representative to serve a term to expire June 30, 2017, and to appoint Mr. George Rudy to serve as the first alternate to serve a term to expire June 30, 2016 – Passed 4-1.*

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

Solid Waste Advisory Committee

There was no public comment.

*Motion to appoint Mr. Phil LeBlanc to serve as the business/high-tech/financial representative for a term to expire June 30, 2016, and Mr. James Shabelski to serve as an at-large representative for a term to expire June 30, 2016 – Passed 5-0.*

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

**Revisions to the Interagency Internal Audit Authority (IIAA) Resolution – John Mathias, Office of the County Attorney**

Mr. Mathias presented the proposed resolution regarding the changes requested by the IIAA.

*Motion to approve the revised IIAA resolution 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			

(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](http://www.FrederickCountyMD.gov).)

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**Payment in Lieu of Tax (PILOT) for Taney Village Apartments – Jenny Short, Citizens Services Division**

Ms. Short presented the request for the Taney Village Limited Partnership (Owner) and The City of Frederick to enter into a PILOT agreement whereby the owner would pay a stipulated amount of money in lieu of regularly assessed property taxes following the rehabilitation of the Taney Village Apartments.

There was no public comment.

*Motion to approve and enter into the PILOT as presented and adopt the draft resolution to reflect the approval – Passed 5-0.*

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 resolution can be obtained in the County Manager’s Office or from the county’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Request to Convert Full-time Non-Regular, Non-Benefitted, Positions to Full-time Regular Benefitted Positions – Mitch Hose, Human Resources Division**

Mr. Paul Dial, Parks and Recreation Division; Ms. Regina Howell, Budget Office, Office of the County Manager; and Mr. Sean Lore, Scott Key Center, commented on the request.

Public comment was heard from:

- John Gretz

*Motion to convert 27 full-time non-regular, non-benefitted positions to budgeted full-time, regular benefitted positions and approval of a budget transfer – Passed 3-2.*

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

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**ADMINISTRATIVE BUSINESS**

**Bid Awards – Diane George, Finance Division**

Purchasing Memo #15-047 - Motorola Solutions Radio System Support and Maintenance (Sole Source) and Purchasing Memo #15-048 – Verizon Business Fiber-Optic Cable (Sole Source)

*Motion to approve Purchasing Memos #15-047 and #15-048 as presented – Passed 4-1.*

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

**Americans with Disabilities Act (ADA) Compliance - State Highway Administration (SHA) Agreement and Transition Plan - Dave Olney, Public Works Division**

Mr. Olney noted that in response to a complaint by a citizen alleging that the county was not in compliance with applicable ADA standards and requirements, the SHA directed the county to comply with specific requirements of the ADA. The SHA also is requiring the county to execute an agreement that compels the county to comply with the requirements of the ADA on a specific schedule.

Mr. Chuck Nipe, Public Works Division, commented on the agreement.

Public comment was heard from:

- John Gretz

*Motion to approve the draft agreement and draft transition plan with final execution of the agreement occurring administratively at a later date – Passed 5-0.*

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

(Commissioner Delauter left the meeting.)

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**Community Development Block Grant (CDBG) Required Resolutions/Plans – Pat Rosensteel, Citizens Services Division**

Ms. Short presented three (3) resolutions for the following plans: 1) Fair Housing/Equal Opportunity Plan 2) Section 3 Plan and 3) Minority Business Plan, that would enable the county to receive CDBG grant reimbursement funds of \$300,000 for the Washington County Human Development Council to purchase a property to provide an adult day care facility for disabled adults.

*Motion to approve and adopt the required Plan Resolutions – Passed 4-0.*

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

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

**Amendment to the City/County Memorandum of Understanding (MOU) for Bus Shelter Advertising – Nancy Norris, Citizens Services Division**

Ms. Norris presented the proposed amended MOU for bus shelter advertising to add the options of advertising on bus stop benches and static digital copy signs in approved locations.

*Motion to approve an amended MOU between the City and the County for bus sheltering advertising as presented – Passed 3-0.*

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

(Commissioner Young returned to the meeting and the gavel was passed back to him.)

**Request for Public Hearing Regarding Carroll Manor Recreation Council (Rec Council) Request for Real Property Tax Credit – Diane Fox, Finance Division**

Ms. Fox and Mr. Chris Atwell, representing the Rec Council, commented on the request to authorize a real property tax credit for the 26.9 acres located in Adamstown which was donated by Alcoa. It was noted the current county taxes are \$1,138.44 for the property.



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*Motion to take to public hearing the request from Carroll Manor Recreation Council for a real property tax credit – Passed 5-0.*

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

**Request for Public Hearing Regarding Frederick County Affordable Housing Land Trust Request for Real Property Tax Exemption – Kelly Hammond, Office of the County Manager**

Ms. Jenny Short, Citizens Services Division, and Mr. Ron Cramer, Affordable Housing Land Trust, commented on the request.

*Motion to take to public hearing the request from the Frederick County Affordable Housing Land Trust for a real property tax exemption – Passed 5-0.*

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

(The Board adjourned the meeting at 12:30 p.m. for a lunch break.)

Commissioner Young reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, September 25 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.

**Development Rights and Responsibilities Agreement (#DRRA 14-005) Blentlinger Planned Unit Development (PUD) – Jim Gugel, Community Development Division**

*Motion to take through the public hearing process #DRRA 14-005 - Blentlinger PUD – 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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**Downtown Hotel and Conference Center Joint Resolution of Support (Frederick City/Frederick County) – Helen Propheter, Community Development Division**

Ms. Propheter, Mr. Richard Griffin, The City of Frederick and Mr. Earl Robbins, Downtown Hotel Advisory Committee, commented on the request for a joint resolution of support for the Downtown Hotel and Conference Center.

*Motion to approve and adopt the draft resolution of support 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			

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

Ms. Prophter presented the updates.

*No action taken as this item was informational.*

**PUBLIC COMMENTS**

None.

**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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Topic** – To discuss with the county’s attorneys and staff the legal and procedural issues involved with a request to assist with obtaining off-site easements for a development project.

**Topic** – To discuss with the county’s attorneys and other staff the legal issues involved with the issuance of a state permit.

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

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whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; and (7) To consult with counsel to obtain legal advice on a legal matter.

**Topic** – To discuss with the county’s attorneys the handling of a personnel appeal filed by individual county employees.

*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			

After the vote was taken to go into closed session, it was noted the third closed session item pertaining to (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; and (7) To consult with counsel to obtain legal advice on a legal matter (discuss with the county’s attorneys the handling of a personnel appeal filed by individual county employees) no longer needed to be discussed during the closed session.

**ADJOURN**

The meeting adjourned at 2:25 p.m.

Patricia Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 25, 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys and staff the legal and procedural issues involved with a request to assist with obtaining off-site easements for a development project.

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Patti Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 9, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 25, 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, K. Mitchell, B. Ramacciotti, K. Demosky and R. Santangelo,

**Topic Discussed:**

To discuss with the county's attorneys and staff the legal and procedural issues involved with a request to assist with obtaining off-site easements for a development project.

**Action Taken:**

Staff was provided direction regarding the request to assist with obtaining off-site easements for a development project.

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Patti Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 25, 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys and other staff the legal issues involved with the issuance of a state permit.

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Patti Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 9, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 25, 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 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 (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, S. Moore, K. Mitchell, and R. Santangelo,

**Topic Discussed:**

To discuss with the county's attorneys and other staff the legal issues involved with the issuance of a state permit.

**Action Taken:**

Staff was directed to submit comments regarding the issuance of a state permit.

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Patti Morrow  
Recording Secretary