

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 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, November 6, 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 – Manpower**

The Board recognized Manpower for their contributions to the Community.

**Commissioner Comments**

Comments were provided by the Board.

**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**

- Brent Simmons

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- BT-15-073, Water and Sewer Department, Utilities and Solid Waste Management Division
- State Alien Assistance Program Grant

*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			
Gray		X	X			
Delauter			X			

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**Approval of Minutes**

The minutes for October 23, 2014, and the events from October 16 – October 31, 2014, were approved by unanimous consent.

**WORKSESSION**

**Resolution Regarding Frederick County Maryland, General Obligation Public Facilities Refunding Bonds, Series 2014C – Erin White, Finance Division**

Mr. Jim Cumbie, Esquire, Venable LLP (County Bond Counsel), commented on the sale of bonds to refinance certain maturities of outstanding bonds.

There was no public comment.

*Motion to approve the issuance of the General Obligation Public Facilities Refunding Bonds, Series 2014C, in an amount not to exceed \$32,000 – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	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](http://www.FrederickCountyMD.gov).)

**ADMINISTRATIVE BUSINESS**

**Installment Purchase Program (IPP) Easement Agreements Cramer, Spilman and Stevens Properties – Anne Bradley, Community Development Division**

Ms. Bradley presented the following properties to enter into IPP easement agreements and proposed resolutions:

- John J. and Patricia S. Cramer – 97.113 acres located on the east side of Dublin Road, south of Devilbiss Bridge Road
- Robert Clayton Stevens and George C. Stevens – 115.559 acres located on the south side of Dollyhyde Road, east of Timmons Road
- Thomas Edward and Linda L. Spilman – 136.81 acres located on the west side of Green Valley Road, south of Artie Kemp Road

Mr. Jim Cumbie, Esquire, Venable LLP (County Bond Counsel), commented on the proposed resolutions.

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*Motion to approve and adopt the resolutions to enter into IPP easements on the Cramer, Stevens, and Spilman properties – Passed 5-0.*

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

(A copy of the approved/adopted resolutions can be obtained in the County Manager’s Office or from the county’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**PUBLIC HEARINGS**

**Carroll Manor Recreation Council Request for Real Property Tax Credit – Diane Fox, Finance Division**

A public hearing was held, as duly advertised, on a request by the Carroll Manor Recreation Council for a real property tax credit against the county’s real property tax imposed on their property at 5800 Adamstown Road in Adamstown.

Ms. Fox presented the request.

There was no public comment.

*Motion to approve the draft ordinance to grant a property tax credit to the Carroll Manor Recreation Council for property at 5800 Adamstown Road in Adamstown – 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 ordinance can be obtained in the County Manager’s Office or from the county’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)

**Proposed Resolution to Revise the General Conditions and Standard Specifications for Water Mains, Sanitary Sewers and Related Structures – Rod Winebrenner and Robert Creighton, Utilities and Solid Waste Management Division**

A public hearing was held, as duly advertised, on the revision to the General Conditions and Standard Specifications for Water Mains, Sanitary Sewers and Related Structures.

Staff presented the proposed ordinance.

Public comments were heard from:

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- John Mazellan, Frederick County Building Industry Association

*Motion to approve and adopt the resolution with the amendments with an effective date of January 1, 2015 – Passed 4-0-1.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	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](http://www.FrederickCountyMD.gov).)

**Petition to Remove Covell Road from the Rural Roads Program – Dave Olney, Public Works Division**

A public hearing was held, as duly advertised, on request to remove Covell Road from the Rural Roads Program.

Mr. Jim Gilman, the petitioner, commented on his request.

There were no public comments.

*Motion to remove Covell Road from the Rural Roads Program – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith			X			
Shreve		X	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).)

**2014 Summer Cycle of Water and Sewerage Plan Amendments – Tim Goodfellow**

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

Commissioner Young swore in all who would testify.

Mr. Goodfellow presented the proposed water and sewer amendments.

#WS-13-28 – Urbana Corporate Center, LLC

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There was no public comment.

*Motion to continue #WS-13-28 to November 20, 2014 – Passed 5-0.*

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

**#WS-14-05 – Beshers Land Company Number Two, LLC**

Mr. Bruce Dean, Esquire, Linowes and Blocher LLP, representing the applicant commented on the request.

There was no public comment.

*Motion to approve #WS-14-05 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-14-06 – PVI, LLC**

Mr. Ray Norris, representing the applicant, commented on the request.

There were no public comments.

*Motion to approve #WS-14-06 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-14-07 – MS Justron Farm, LLC (Smith Farm)**

Mr. Dave Severn, Esquire, Offut Kerman, representing the applicant, commented on the request.

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There were no public comments.

*Motion to approve #WS-14-07 as presented – Passed 4-1.*

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

**#WS-14-08 – MS Charlyn Farm, LLC (Cline Farm)**

Mr. Dave Severn, Esquire, Offut Kurman, representing the applicant, commented on the request.

There were no public comments.

*Motion to approve #WS-14-08 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			

**#WS-14-09 – MS Gladhill Farm, LLC (Tallyn Ridge)**

Mr. Dave Severn, Esquire, Offut Kurman, representing the applicant, commented on the request.

There were no public comments.

*Motion to continue #WS-14-09 to November 20, 2014 – Passed 4-1.*

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

**#WS-14-10 – WBP Partners II, LLC and ITB2, LLC**

There were no public comments.

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*Motion to approve #WS-14-10 as presented – Passed 4-1.*

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

#WS-14-11 – Payne Investments, LLC (Monrovia Town Center); #WS-14-12 – 75-80 Properties, LLC (Monrovia Town Center); #WS-14-13 – Wilcom Family Partnership/75-80 Properties, LLC (Monrovia Town Center); #WS-14-14 – 75-80 Properties, LLC (Monrovia Town Center); and #WS-14-15 – 75-80 Properties, LLC (Monrovia Town Center)

Mr. Noel Manalo, Esquire, Miles and Stockbridge, representing the applicants, commented on the requests.

There were no public comments.

*Motion to continue #WS-14-11; #WS-14-12; #WS-14-13; #WS-14-14; and #WS-14-15 to November 20, 2014 – Passed 4-1.*

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

#WS-14-16 – Hogan Realty Capital, LLC (Ratley Property)

Mr. Victor White, representing the applicant, commented on the request.

There were no public comments.

*Motion to approve #WS-14-16 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			

#WS-14-17 – Hogan Realty Partners, LLC (Rayburn Property)

Mr. Victor White, representing the applicant, commented on the request.

There were no public comments.

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*Motion to approve #WS-14-17 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			

**#WS-14-19 – Crumland Farm Development, LLC/Foulger-Pratt Development, LLC**

Mr. Bruce Dean, Esquire, Linowes and Blocher, representing the applicant and Ms. Kathy Mitchell, Office of the County Attorney, commented on the request.

There were no public comments.

*Motion to approve #WS-14-19 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			

**#WS-14-20 – Eugene B. Casey Foundation**

Mr. Mark Friis, Rodgers Consulting, representing the applicant, commented on the request.

There were no public comments.

*Motion to approve #WS-14-20 as presented – Passed 4-1.*

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

**#WS-14-21 – Jefferson Park West, LLC**

Mr. Mark Friis, Rodgers Consulting, representing the applicant, commented on the request.

There were no public comments.

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*Motion to approve #WS-14-21 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			

**#WS-14-22 – Oakdale Investments, LLC (Linganore Town Center)**

Mr. Jason Wiley, Oakdale Investments, representing the applicant and Ms. Kathy Mitchell, Office of the County Attorney, commented on the request.

There were no public comments.

*Motion to continue #WS-14-22 to November 20, 2014 – Passed 5-0.*

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

**#WS-14-23 – West Park Village, LLC**

Mr. Mark Friis, Rodgers Consulting, representing the applicant, commented on the request.

There were no public comments.

*Motion to approve #WS-14-23 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-14-24 – Frederick County Community Development Division**

There were no public comments.

*Motion to approve #WS-14-24 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			

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

**Triennial Update of the Frederick County’s Water and Sewer Plan – Tim Goodfellow, Community Development Division**

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

Commissioner Young swore in all who would testify.

Mr. Goodfellow presented the revision to the county Water and Sewerage Plan as required triennially by the state of Maryland.

Public comments were heard from:

- Noel Manalo, Esquire, Miles and Stockbridge
- Tom Hyde, Frederick County Building Industry Association

*Motion to approve the recommended Water and Sewerage Plan as presented with one exception – to omit the proposed changes to require the criteria to be met at the time of application and transmit a final plan to the Maryland Department of Environment for approval – 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 following public hearing was scheduled for Thursday, November 13 at 9:30 a.m.: Proposed Changes to the Frederick County Code as a Result of Charter Government; and the following are scheduled for Thursday, November 13 at 7:00 p.m.: Zoning Map Amendment #/R-14-04 Daysville Glen Property and to Consider the Daysville Glen #DRRA 14-06.

**ADMINISTRATIVE BUSINESS**

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

- Request to Purchase 2014 SOTER RS Full Body Security Scanning System and Attached Budget Transfer (Sole Source)
- Request for Proposal 14-167 – Electrical Maintenance Services Change Order No. 1
- Invitation to Bid #14-117-CP – Preservation of Covered Bridges in Frederick County and Budget Transfer
- Advanced Life Support Medical Director (Sole Source)

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*Motion to approve the following bid awards – Passed 5-0:*

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

**Frederick County Benefit Plans – Annual Investment Review – Tracy Lobuts, Human Resources Division and Don Lybrook, Bolten Partners Investment Consulting Group**

Mr. Lybrook presented the Annual Investment Performance Review.

No action was taken, as this item was informational.

**Memorandum of Understanding (MOU) with MS Gladhill, LLC Regarding Infrastructure Improvements for Tallyn Ridge Planned Unit Development – Tim Goodfellow, Community Development Division**

Mr. Goodfellow presented an MOU with MS Gladhill Farm, LLC, for the construction of a paved trail and installation of water and sewer infrastructure within Pinecliff Park.

*Motion to approve the MOU as presented – Passed 5-0.*

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

**Second Amendment to the Memorandum of Understanding (MOU) Between the Board of County Commissioners and Russell Holdings, LLC – Ron Burns, Community Development Division**

Mr. Burns presented the amended MOU with Russell Holdings, LLC, to make minor adjustments in connection with procurement processing and dates for commencement of construction and payment from the county to Russell Holdings, LLC.

Mr. Dave Severn, Esquire, Offut Kurman, representing Russell Holdings, LLC, commented on the amendment.

*Motion to approve the second amendment to the MOU – Passed 5-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**PUBLIC COMMENTS**

None

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

None.

**CLOSED SESSION**

Maryland Annotated Code General Provisions Article §3-305(b)(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 consider an appeal under the Frederick County Personnel Rules.

**Topic** – To discuss the job assignment of 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			
Delauter		X	X			

After the vote was taken to go into closed session, it was noted the second closed session topic no longer needed to be discussed during the closed session.

**ADJOURN**

The meeting adjourned at 12:55 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, NOVEMBER 6, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

(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:**

Upon a motion by Commissioner Smith, seconded by Commissioner Delauter, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (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.

**Time and Location:**

12:57 p.m. – First Floor Hearing Room, Winchester Hall

**Topic to be Discussed:**

To consider an appeal under the Frederick County Personnel Rules.

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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 13, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 6, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):** (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:**

Upon a motion by Commissioner Smith, seconded by Commissioner Delauter, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (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.

**Time and Location:**

12:57 p.m. – First Floor Hearing Room, Winchester Hall

**Others in Attendance:**

J. Mathias, L. Depies, M. Chomel, and M. Hose

**Topic Discussed:**

To consider an appeal under the Frederick County Personnel Rules.

**Action Taken:**

Staff was authorized to uphold the determination of the division director.

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Patti Morrow  
Recording Secretary