

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 17, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, November 17, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary.

*(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)*

**PLEDGE OF ALLEGIANCE AND INVOCATION**

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

**COMMISSIONER COMMENTS**

Commissioner Delauter noted he had attended a recent Fort Detrick Alliance meeting where Ruth Anne Callaham, Commissioner for Washington County, was the speaker. She thanked the Board for joining Washington County in the Maryland Rural Counties Coalition.

Commissioner Smith commended the Weinberg Center for the Arts, Inc. Board for their dedication to fund-raising.

Commissioner Smith reported on a recent Frederick County Community College's (FCC) Board of Trustees meeting he attended and commented how impressed he was with the presentations from various FCC employees on their sabbatical projects.

Commissioner Gray noted he had attended the recent Frederick County Planning Commission meeting regarding the comprehensive plan update and he encouraged residents to attend. Mr. Eric Soter, Community Development Division, provided the schedule of meetings.

Commissioner Young commented on the comprehensive plan update process.

Commissioner Young and Sheriff Jenkins met with the Chamber of Commerce Executive Board regarding the E-Verify bill.

Commissioner Young also attended the Fort Detrick Alliance.

Commissioner Young noted he has requested Mr. Gary Hessong, Community Development Division, to provide a list of those who would be receiving an excise tax refund pending permit applications.

**Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager**

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

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**ADMINISTRATIVE BUSINESS**

**Request to Match Funding with Administrative Office of the Courts (AOC) to Provide for  
Drug/Alcohol Testing for Clients in Drug Treatment Court – Barb Domer, Circuit Court**

The Honorable G. Edward Dwyer Jr and The Honorable Julie R. Stevenson Solt; Nancy Hamm, Deputy States Attorney; and Paul Wolford, Circuit Court, were present for the request.

Ms. Lori Depies, Finance Division, commented on the source for the funding request.

Commissioner Smith moved to approve the funding request of \$10,739.00 and also approve the budget transfer to take the money from the contingency fund. Commissioner Gray seconded the motion that passed 5-0.

(Commissioner Smith left the meeting at 10:30 a.m.)

**PUBLIC HEARING**

**To Consider the Triennial Update of the Frederick County Water and Sewerage Plan  
(Plan) – Tim Goodfellow, Community Development Division**

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

Commissioner Young swore in all who were to testify.

Mr. Goodfellow indicated the update is required by the state of Maryland every three years.

Mr. Goodfellow briefed the Board on the two (2) substantive policy changes and reviewed the other revisions to the Plan.

Mr. Goodfellow noted the Frederick County Planning Commission found the Plan to be consistent with the Frederick County Comprehensive Plan.

Mr. Eric Soter and Mr. Jim Gugel, Community Development Division, participated in the discussion.

Mr. Goodfellow indicated the Plan would be transmitted to the Maryland Department of the Environment for final acceptance.

Public comment was heard from:

- Rand Weinberg, Esquire, Weinberg and Miller, LLC

Commissioner Shreve moved to approve the Triennial Update of the Frederick County Water and Sewerage Plan, including the additional changes as presented by staff and noted on the addendum provided at the hearing. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

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**AGENDA BRIEFING**

Commissioner Young noted the following item was scheduled for a public hearing on Tuesday, November 22 at 10:00 a.m.:

- Zoning Text Amendment #ZT-11-14, Mixed Use Euclidean – Eric Soter and Shawna Lemonds, Community Development Division

**CONSENT AGENDA**

The following items were presented on the consent agenda:

**BID AWARD**

- Purchasing Memo #12-071 – RFP#12-07, Legal Services for Frederick County Retirement Plans  
Award to: Whiteford, Taylor and Preston, LLP  
Estimated cost of 18-month term: \$168,000.00

**BUDGET TRANSFERS**

- #BT-12-075, Sheriff's Office
- #BT-12-076, Housing, Citizens Services Division
- #BT-12-077, Construction Management (Public Works Division) / Utilities and Solid Waste Management Division

**SCHOOL CONSTRUCTION EXPENSE FUND AMENDMENTS**

- #12-02 and BT-12-073
- #12-03 and BT-12-074
- #12-04 (No county budget transfer is required.)

**MISCELLANEOUS**

- 2011 Street Acceptance – Tom Meunier, Public Works Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

(Commissioner Smith returned to the meeting.)

**WORKSESSION**

**Revision of the Frederick County Ethics and Lobbying Ordinances – Linda Thall, Office of the County Attorney**

Ms. Thall presented a draft ordinance with recommended amendments in order to obtain approval by the Maryland State Ethics Commission.

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A discussion was held on the state's post-employment restrictions and a lobbying compensation number.

Public comment was heard from:

- Eric Soter

Commissioner Gray moved to approve the revision of the ordinances as recommended. Commissioner Young seconded the motion that passed 4-1 with Commissioner Shreve opposed.

Commissioner Gray moved to draft correspondence to the local legislative delegation requesting clarity on the current law and revise the timeframe on post-employment restrictions. Commissioner Smith seconded the motion that passed 5-0

**Discussion of the Real Property Tax Credit for Senior Citizens – Lori Depies, Finance Division**

Ms. Depies noted the Commission on Aging had been encouraging the Board to pursue and enact a tax credit program for senior citizens.

Ms. Carolyn True, Citizens Services Division; Diane Fox, Finance Division; and Carroll Jones, Mayor, City of Brunswick, contributed to the discussion. It was noted they were members of the work group formed to discuss the tax credit issue for seniors. Ms. Blanche King, also a member, was present in the audience.

Public comment was heard from:

- David Twinhoffer

Commissioner Gray moved to take the real property tax credit for senior citizens recommendation through the public review process. Commissioner Shreve seconded the motion that passed 5-0

(Commissioners Smith and Delauter left the meeting.)

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #12-076 – Three-month Contract Extension for Actuarial Consulting Services for Frederick County Retirement Plans and Purchasing Memo #12-081 – Design Services (30%) for Boyers Mill Road - Hal Good, Finance Division**

Ms. Tracy Lobuts, Human Resources Division, commented on the Purchasing Memo #12-076 contract extension.

Commissioner Gray moved to approve Purchasing Memos #12-076 and #12-081. Commissioner Shreve seconded the motion that passed 3-0 with Commissioners Smith and Delauter absent.

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**Request for Reimbursement of Permit and Inspection Fees for Braddock Heights  
Volunteer Fire Company – Doug Orner, Office of the County Manager**

Mr. John Patton, Braddock Heights Volunteer Fire Company, was present.

Commissioner Gray moved to approve the reimbursement of the revised fees with the money to come from the contingency fund. Commissioner Shreve seconded the motion that passed 3-0 with Commissioners Smith and Delauter absent.

**Collective Bargaining for FY 2013 with Career Firefighters Association of Frederick  
County, IAFF #3666 – Sophia Dobransky, Human Resources Division**

Ms. Dobransky presented a request from the International Association of Career Firefighters Local #3666 to commence negotiations to bargain a successor agreement that would become effective July 1, 2012, when the current memorandum of understanding expires.

(Commissioner Delauter returned to the meeting.)

Commissioner Gray moved to direct staff to commence with the collective bargaining. Commissioner Shreve seconded the motion that passed 3-0-1 with Commissioner Smith absent and Commissioner Delauter abstained.

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow  
Recording Secretary