

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 1, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 1, 2012, at 10:00 a.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.

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Comments were provided by Commissioners Young, Smith and Gray.

Commissioner Young thanked all the county employees for their work during Hurricane Sandy.

Mr. Jack Markey, Emergency Management Division, updated the Board on the power outages and other emergency issues from the storm.

Mr. John Mathias, County Attorney, presented an executive order to cease the local state of emergency as recommended by Mr. Markey.

*Motion to approve Executive Order No. 1.1.2012 that would terminate the local state of emergency in Frederick County as of 10:00 a.m. – Passed 5-0.*

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	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 and Ms. Depies briefed the public on the Board’s recent administrative actions.

**PUBLIC COMMENTS**

None.

**WORKSESSION**

**Lead Poisoning Prevention Week Proclamation**

The Board proclaimed the week of October 28 as Lead Poisoning Prevention Week.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 1, 2012**

**Business Recognition – Trinity Salon and Spa**

The Board recognized Trinity Salon and Spa for their contributions to the community.

**PUBLIC HEARING**

**Admissions and Amusement Tax Rates – Erin White, Finance Division**

A public hearing was held, as duly advertised, on the proposed reduction of the current rate of several categories of the Admissions and Amusement Tax.

Ms. White presented the proposed reduction and indicated the Board has the option to repeal the tax in its entirety.

Public comment was received from:

- Margaret Hindman

*Motion to approve a resolution that would reduce the admissions and amusement tax rate to 0% for all categories – Passed 4-1.*

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

*Motion to have the resolution become effective on February 1, 2013 – Passed 4-1.*

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

**CONSENT AGENDA**

The following item was pulled from the consent agenda:

- Purchasing Memo #13-060 – Tree Planting and Maintenance (Indefinite Quantity Contract)  
Award to: Conservation Services, Inc. in the estimated amount of \$242,647.95 (Hand Planting)  
Award to: Parkton Woodland Services, Inc. in the estimated amount of \$99,192.50 (Machine Planting)

The following items were presented on the consent agenda:

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 1, 2012**

- Purchasing Memo #13-056 – Hot Mix Asphalt Testing Services (Piggyback Contract)  
Award to: Specialized Engineering, Inc.  
Award amount: \$85,000.00
- Purchasing Memo #13-057 – Energy Efficient Audits and Retrofits for the Power Saver Retrofits Program  
Award to: Atlas Home Energy Solutions and Hawkeye Construction LLD  
Award amount: \$0 (Grant-funded and Homeowner Contribution)
- Purchasing Memo #13-058 – Montevue Campus Replacement Voice Equipment Upgrade (Piggyback Contract)  
Award to: Carousel Industries  
Award amount: \$71,397.70
- Purchasing Memo #13-059 – New Traffic Signal at Old National Pike and Bartholows Road (Piggyback Contract)  
Award to: Scott A. Duncan, Inc.  
Award amount: \$209,931.00
- #BT-13-056, Housing and Community Development, Citizens Services Division

*Motion to approve the consent agenda as amended – Passed 5-0.*

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

**ADMINISTRATIVE BUSINESS**

**Purchasing Memo #13-060 – Tree Planting and Maintenance (Indefinite Quantity Contract) – Shannon Moore, Community Development Division**

Ms. Moore noted the contract was solicited to allow staff to implement tree planting and maintenance projects to fulfill National Pollution Discharge Elimination System (NPDES) permit requirements and efforts to meet Total Maximum Daily Load (TMDLs)

*Motion to approve Purchasing Memo #13-060 – Failed 2-3.*

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

Mr. Eric Soter, Community Development Division, commented on Purchasing Memo #13-060.

*Motion to approve Purchasing Memo #13-060 – Passed 3-2.*

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 1, 2012**

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

**WORKSESSION**

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

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

**Appointment/Reappointments to Frederick County Solid Waste Advisory Committee – Joyce Grossnickle, Office of the County Manager**

There was no public comment.

*Motion to reappoint Mr. Rolan Clark and Mr. Bryan Malseed to serve three-year terms to expire June 30, 2015, and to appoint Mr. Robert Clark to serve as the Commercial Solid Waste/Recycling Company representative to fill an unexpired term to expire June 30, 2013 – Passed 5-0.*

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

**Meals on Wheels Program – Kitty Devilbiss and Pat Rosensteel, Citizens Services Division**

Ms. Rosensteel and Ms. Devilbiss gave an update to the Board on the status of the Meals on Wheels Program and what efforts have been taken to close the projected deficit. They indicated the department would address the program during the FY 2014 budget process.

No action was taken as this item was informational.

**Legislative Update – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager**

Mr. Cherney and Mr. Mathias indicated the list of proposals and position statements that would go forward for consideration. It was noted the Board would meet with the Frederick County Legislative Delegation on Friday, December 7, 2012 and the Delegation would hold their public hearing on the proposals on Saturday, December 8, 2012.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 1, 2012**

<b><u>Legislative Proposal</u></b>	<b>Young</b>	<b>Smith</b>	<b>Shreve</b>	<b>Gray</b>	<b>Delauter</b>	<b>BOCC Vote</b>
1.) Permitting Video Lottery Terminals (Slots) for Local Charitable Organizations	✓	✗	✓	✓	✓	4-1
2.) Increase to the Annual Amount of Gaming Permits Issued for Raffles	✓	✓	✓	✓	✓	5-0
3.) Ethics – Formal Local Government Officials and Employees	✓	✓	✓	✓	✓	5-0
4.) Maryland Constitution – Congressional Districts – Requirements as to Territory, Form and Boundaries	✓	✓	✓	✓	✓	5-0
5.) Removal of mandatory stormwater fee.	✓	✓	✓	✗	✓	4-1
6.) Permitting tax rebate to all properties and not just properties of residence.	✓	✓	✓	✗	✓	4-1
7.) Grading erosion and sediment control, to amend the state law on several provisions regarding the standards and specifications for erosion and sediment control.	✓	✓	✓	✓	✓	5-0
8.) Repeal scooter/moped helmet mandate in Frederick County.	✓	✓	✓	✗	✓	4-1
9.) Permitting deer hunting with a rifle in Frederick County.	✓	✓	✓	✗	✓	4-1
10.) Repeal mandatory requirement provisions of the Davis-Bacon Act and the Minority Business Enterprise (MBE) for Frederick County to build one school.	✓	✓	✓	✓	✓	5-0
11.) Amending state law to provide for public safety agencies in Frederick County to operate All Terrain Vehicles and Utility Terrain Vehicles.	✓	✓	✓	✓	✓	5-0
12.) Requiring a Frederick County voter to show proof of identity in order to vote in the 2014 elections.	✓	✗	✓	✗	✓	3-2
13.) Exempting Frederick County Public Schools from the FRO requirements.	✓	✓	✓	✗	✓	4-1
14.) Authorizing non-corporate owned stores to sell beer and wine in Frederick County.	✓	✓	✓	✓	✓	5-0
15.) Authority for BOCC to ban synthetic drugs in Frederick County.	✓	✓	✓	✓	✓	5-0

<b><u>Position Statements</u></b>	<b>Young</b>	<b>Smith</b>	<b>Shreve</b>	<b>Gray</b>	<b>Delauter</b>	<b>BOCC Vote</b>
1.) State School Construction Funding for Frederick County Should Exceed the State Government Economic Assistance for Foreign (Out of State) Business Entities	✓	✓	✓	✓	✓	5-0
2.) Frederick County Public Schools Authority to Count and Report Undocumented Students	✓	✓	✓	✗	✓	4-1
3.) Maryland to be a “Shall Issue” State for a Right to Carry a Firearm	✓	✓	✓	✗	✓	4-1
4.) Reinstatement of Highway User Revenues to Local Governments	✓	✓	✓	✓	✓	5-0
5.) United States Constitutional Convention to Address Citizenship and Immigration	✗	✗	A	✗	✗	4-0-1

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 1, 2012**

Issues			1			
6.) Maryland Partial Birth Abortion Ban Act	✓	✓	✓	✓	✓	5-0
7.) Constitutional Amendment to Prohibit "Economic Development" Takings	✓	✓	✓	✓	✓	5-0
8.) Cooperative Enforcement of Federal Immigration Laws in Maryland	✓	✓	✓	✗	✓	4-1
9.) Negative Impact of State Stormwater Regulations to Local Government	✓	✓	✓	✓	✓	5-0
10.) Repeal or Modifications of the Work Place Fraud Act of 2009 (SB 909)	✓	✓	✓	✗	✓	4-1
11.) Reduction on Unemployment Insurance Fees on Businesses	✗	✗	✗	✗	✗	0-5
12.) Opposition to PlanMaryland	✓	✓	✓	✗	✓	4-1
13.) Opposition to Mandated State Septic Regulations on Local Governments	✓	✓	✓	✗	✓	4-1
14.) Supporting the Revision of Maryland's Tangible Personal Property Tax	✓	✓	✓	✓	✓	5-0
15.) Opposition to gas tax increase.	✓	✓	✓	✓	✓	5-0
16.) Supporting the modification of Maintenance of Effort funding requirements.	✓	✓	✓	✓	✓	5-0
17.) Repeal of Workers' Compensation Presumptions law.	✓	✓	✓	✓	✓	5-0

On Position Statement 5 Commissioner Shreve abstained.

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:40 p.m.

Patricia Morrow  
Recording Secretary