

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, December 13, 2012, at 10:00 a.m. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner C. Paul Smith, *Vice President*, was absent from the meeting.

**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 and Delauter.

**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**

**FrederickWORKS! One Job at a Time Recognition – Seamless Gutter Supply**

The Board recognized Seamless Gutter Supply for their participation in the FrederickWORKS! One Job at a Time initiative.

**CONSENT AGENDA**

The following items were presented on the consent agenda:

- Design Change Order No. 4 – Ijamsville Road Improvements Phase II
- Change Order No. 188 – Vent Room Upgrades for Citizens Care and Rehabilitation Center / Montevue Assisted Living
- State Criminal Alien Assistance Program (SCAAP) Grant Application
- 2012 Street Acceptance

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

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

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

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

Citizens Nursing Home Board of Trustees

There was no public comment.

*Motion to appoint Ms. D. Sue Thomson to fill an unexpired term to expire June 30, 2013 – Passed 4-0.*

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

Commission on Aging

There was no public comment.

*Motion to reappoint Ms. Virginia Skelley to serve a three-year term ending June 30, 2015 – Passed 4-0.*

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

Metropolitan Washington Council of Governments

There was no public comment.

*Motion to continue for 2013 with the same policy boards/committee liaison assignments as currently assigned for 2012 – Passed 4-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

**Training Memorandum of Understanding (MOU) – Erin White, Finance Division**

Ms. White and Mr. J.R. Huntsberry, Finance Division, presented the MOU that would allow the staff from Frederick County, Frederick Community College, Frederick County Public Schools, and The City of Frederick to offer training to employees of each other's organizations when available space permits.

There was no public comment.

*Motion to approve the joint training MOU - Passed 4-0.*

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

**Ijamsville Road Corridor Projects Update – Jason Stitt, Public Works Division**

Mr. Meunier and Mr. Shen, Public Works Division, updated the Board on the projects.

Public comment was received from:

- A.I. Smith, President, Ijamsville Community Association
- Jeanine Young
- Steve Stephan

Staff was directed to contact the Maryland State Highway Administration regarding a possible traffic light at the intersection of Prices Distillery Road and MD/80; and obtain an estimated cost for the "hybrid" approach.

*This item was continued to the Thursday, December 20 meeting in order to allow staff to provide more information on this issue.*

**AGENDA BRIEFING**

Commissioner Young noted the Board would hold public hearings on Tuesday, December 18 at 7:00 p.m. regarding the Industrial Wastewater Pretreatment Ordinance and on Tuesday, December 18 at 7:00 p.m. and Tuesday, January 8, 2013, at 7:00 p.m. regarding an ordinance to delegate authority for fire and rescue system management to a countywide chief of fire and rescue services.

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

*By unanimous consent the Board approved the minutes for Thursday, November 29 and Tuesday, December 4, 2012.*

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

**Bid Award - Purchasing Memo #13-071 – Architectural and Design Services for  
Middletown Fire Station – Diane George, Finance Division**

Ms. Sue Barthol, Public Works Division, and Mr. Tom Owens, Fire and Rescue Services Division, presented Purchasing Memo #13-071.

(Commissioner Gray left the meeting.)

*Motion to approve Purchasing Memo #13-071 as presented – Passed 3-0.*

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

(Commissioner Gray returned to the meeting.)

**Frederick County Open Parcel Disposition Assessment – Wayne Roach, Public Works  
Division**

Mr. Roach and Ms. Crystal Chamberlain, Public Works Division, presented a “plan of action” for the properties.

*Motion to approve the “plan of action” as presented with the property values based on appraisals – Passed 4-0.*

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

**Amendment of the List of Exempt Employees – Linda Thall, Office of the County  
Attorney**

Ms. Thall presented the proposed amendment to the Board.

*Motion to take the amendment through the public review process – Passed 3-1.*

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

**Maryland State Highway Administration Salt Utilization Agreement and Supplemental  
Letter of Agreement – Donnie Crum, Public Works Division (DPW)**

Mr. Crum and Mr. Robert Shen, DPW, presented the agreement.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, DECEMBER 13, 2012**

*Motion to approve the Salt Utilization Agreement and the supplemental letter of agreement; and delegate the signature authority of subsequent supplemental letters of agreement and any amendments to the Salt Utilization Agreement to the DPW director for the duration of the agreement – Passed 4-0.*

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

**Fourth Amendment to the New Market Water Service Area Agreement (WSAA) – Mike Marschner, Office of the County Manager**

Mr. Marschner briefed the Board on the amendment to the WSAA that would set aside additional taps for use within the Town of New Market and modify certain language in the WSAA that would clarify the county and town’s responsibilities and process associated with water and wastewater system capacity allocations.

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

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

**Consideration to Accept a Development Rights and Responsibilities Agreement (DRRA) Petition for Westview South MXD – Eric Soter, Community Development Division**

Mr. Soter presented the petition to the Board.

*Motion to accept the petition – Passed 3-1.*

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

**Consideration to Accept a Development Rights and Responsibilities Agreement (DRRA) Petition for Monrovia Town Center PUD – Eric Soter, Community Development Division**

Mr. Soter presented the petition to the Board.

*Motion to accept the petition – Passed 3-1.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

**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 consider legal issues involved with the possible disposition of surplus property.

*Motion to go into closed session – Passed 4-0.*

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

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:00 p.m.

Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, DECEMBER 13, 2012**

**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:**

Commissioner Shreve moved to go into closed session under 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. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Time and Location:**

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider legal issues involved with the possible disposition of surplus property.

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Patti Morrow, Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 13, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, DECEMBER 18, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, DECEMBER 13, 2012**

**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:**

Commissioner Shreve moved to go into closed session under 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. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

**Time and Location:**

12:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, R. McCain, T. Meunier, C. Nipe, W. Roach, C. Chamberlain

**Topic Discussed:**

To consider legal issues involved with the possible disposition of surplus property.

**Action Taken:**

Staff was directed to offer a counteroffer proposal with flexibility to the staff to close the sale.

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Patti Morrow, Recording Secretary