

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JANUARY 31, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, January 31, 2013, 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 the Board.

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

- Amy Rayes
- Pam Abramson
- Teddy Kroll
- Diane Smoley
- Linda Lane
- Pat Setters

WORKSESSION

Recognition of TransIT Drivers of the Year and Recognition of Maryland Best Fixed Transit Route System Award

The Board recognized Mr. Henry Matthews as the fixed route driver of the year and Ms. Lorna Wisner as the paratransit driver of the year. The Board also recognized the Department of TransIT for receiving the Maryland Best Transit Route System Award.

Frederick County Commission on Disabilities FY 2012 End of Year Report – Mary Kemp, Commission on Disabilities

The following members of the Commission on Disabilities were present: Mr. Gil House, Ms. Linda Werner and Mr. Keith Nolan.

Ms. Kemp presented the FY 2012 report.

There was no public comment.

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FOR THURSDAY, JANUARY 31, 2013**

No action was taken as this item was informational.

CONSENT AGENDA

The following items were considered on the consent agenda:

- #BT-13-111, Solid Waste, Utilities and Solid Waste Management Division
- Construction Change Order No. 1, Frederick County Landfill Leachate

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			
Delauter		X	X			

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #13-092, Amendment No. 1 to Agreement for Management and Oversight Services for Billing Support Services at Citizens Care and Rehabilitation Center / Montevue Assisted Living and Budget Transfer – Diane George, Finance Division

Mr. Gary Heinrich and Mr. Steve Ryan, LW Consulting, Inc., provided information regarding the amendment to the agreement for management and oversight services for billing support services.

Ms. Lori Depies and Ms. Erin White, Finance Division, also contributed to the discussion.

Motion to approve Purchasing Memo #13-092 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			

Decision Regarding the Amendment to the List of Exempt Employees (Public Hearing Held 1/17/13) – Linda Thall, Office of the County Attorney

Ms. Thall presented the resolution to amend the list of exempt employees.

Motion to approve and adopt the resolution to amend the list of exempt employees as presented – Passed 4-1.

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FOR THURSDAY, JANUARY 31, 2013**

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

Compliance with HB 987 - Stormwater Management Fee – Shannon Moore, Community Development Division

Mr. Eric Soter, Community Development Division, and Ms. Moore briefed the Board on HB 987 which would require jurisdictions to establish and collect a stormwater remediation fee.

By unanimous consent, staff was directed to come back to the Board with proposals regarding stormwater management fee calculating methodologies.

Consideration to Accept Petition to Enter into a Development Rights and Responsibilities Agreement (DRRA) – Ballenger Run Planned Unit Development (PUD) – Eric Soter, Community Development Division

Mr. Soter presented the petition submitted by RBG Family LLC, the owners and developers of the Ballenger Run PUD, to initiate the process for further consideration of entering into a DRRA.

Motion to accept the petition – Passed 4-1.

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

Update on Municipal Activities and Benefit of Membership to Metropolitan Washington Council of Governments (MWCOC) – Dave Dunn, Office of the County Manager

Mr. Dunn presented an update on the municipal liaison activities. He also briefed the Board on the benefits of the county's membership to MWCOC.

No action was taken as this item was informational.

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

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

By unanimous consent, the MBE/Davis Bacon exemption language and sunset provision was approved.

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FOR THURSDAY, JANUARY 31, 2013**

Motion to send correspondence to the delegation opposing Senate Bill 281 / House Bill 294 – Firearm Safety Act of 2013 – Passed 4-1.

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

COMMISSIONER COMMENTS

Comments were provided by Commissioners Gray and Delauter.

Mr. Soter commented on current development proposals. He indicated he would come back to the Board with dates for possible open houses to be held in the areas of the developments.

PUBLIC COMMENTS

- Mary Ann Crossen
- Pam Abramson
- Amy Reyes

QUESTIONS – PRESS

None.

CLOSED SESSION

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 whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Topic: To discuss the appointment of an individual to an acting position in county government.

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			

The meeting adjourned at 12:50 p.m.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JANUARY 31, 2013**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JANUARY 31, 2013**

STATUTORY AUTHORITY TO CLOSE SESSION

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 whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Upon a motion by Commissioner Gray, seconded by Commissioner Smith, the Board voted 5-0 to go into closed session under the 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 whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

The appointment of an individual to an acting position in county government.

Patti Morrow
Recording Secretary

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FOR THURSDAY, JANUARY 31, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, FEBRUARY 7, 2013,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JANUARY 31, 2013**

STATUTORY AUTHORITY TO CLOSE SESSION

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 whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Upon a motion by Commissioner Gray, seconded by Commissioner Smith, the Board voted 5-0 to go into closed session under the 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 whom it has jurisdiction; or (ii) Any other personnel matter that

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

L. Depies, J. Mathias, M. Marschner, M. Hose

Topic Discussed:

The appointment of an individual to an acting position in county government.

Action Taken:

The Board appointed Ms. Kelly Hammond as the acting director of the IIAA Internal Audit.

Patti Morrow
Recording Secretary