

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 7, 2013, at 10:05 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

None.

WORKSESSION

Children of Alcoholics and Addicts Proclamation

The Board proclaimed the week of February 10 as Children of Alcoholics and Addicts Week.

Business Recognition – Hampton Inn

The Board recognized the Hampton Inn for their contributions to the community.

CONSENT AGENDA

The following items were removed from the consent agenda:

School Construction Expense Fund Amendments:

- #13-01 and BT-13-115
- #13-02 and BT-13-116
- #13-03 (No county budget transfer necessary.)

- National Fish and Wildlife Foundation Five Star Urban Waters Grant Application

The following items remained on the consent agenda:

- #BT-13-117, Fleet Services, Public Works Division

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

- FY 2014 Rural Legacy Grant Application
- FY 2013 Computer Aided Dispatch (CAD) Interface Grant Application
- Grant Application to the Maryland Historic Trust for the Covered Bridge Preservation Project

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			
Delauter	X		X			

ADMINISTRATIVE BUSINESS

School Construction Expense Fund Amendments:

- #13-01 and BT-13-115
- #13-02 and BT-13-116
- #13-03 (No county budget transfer necessary.)

Motion to approve the amendments as presented – Passed 3-2.

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

**National Fish and Wildlife Foundation Five Star Urban Waters Grant Application –
Shannon Moore, Community Development Division**

Mr. Eric Soter, Community Development Division, commented on the grant.

Motion to approve the grant application – Passed 3-2.

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

**Repeal the Alarm System Registration Ordinance – Request for Public Hearing – Gary
Hessong, Community Development Division**

Mr. Hessong presented the proposed ordinance. Sheriff Chuck Jenkins commented on the alarm system registration program.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

Motion to take the repeal of the ordinance through the public hearing process – Passed 5-0.

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

**Staff Recommended FY 2014–2019 Capital Improvements Program – Kelly Weaver,
Budget Office, Office of the County Manager**

Ms. Weaver briefed the Board on the major changes, major requests not granted, new projects, and new projects not funded.

Commissioner Young noted the proposal from Matan Acquisitions, Inc. to assist in the funding of the completion of the addition to Urbana Middle School.

Motion to direct staff to move the Urbana Middle School fit-out up two (2) years in the CIP with the stipulation it would be developer funded and also utilize school mitigation fees – Passed 5-0.

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

Commissioner Delauter requested information regarding the Walkersville Public Library, the pump station at the Frederick County landfill, and the Hanson System. It was noted that staff would be present on Thursday, February 14 to discuss these issues.

Commissioner Shreve questioned the Green Valley Fire Station expansion. Mr. Jim Gugel and Mr. Eric Soter, Community Development Division, and Mr. Rick Himes, Fire and Rescue Services Division, commented. He also questioned the upgrades of various county roadways as well as the issue of redistricting students in overcrowded schools versus the cost of portable classrooms.

WORKSESSION

Business Updates – Helen Riddle, Community Development Division

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

(Commissioner Delauter left the meeting at 12:15 p.m.)

**Town of Middletown Annexation – Middletown Community Park – Jim Gugel,
Community Development Division**

Mr. Gugel and Mr. Paul Dial, Parks and Recreation Division, noted that county staff had no issues with the annexation of the park.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

Public comment was received from:

- Drew Bowens, Town Administrator, Town of Middletown

Motion to concur with the Town of Middletown regarding the annexation of the Middletown Community Park – Passed 4-0.

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

**Reappointment to the Frederick County Commission on Aging – Joyce Grossnickle,
Office of the County Manager**

There was no public comment.

Motion to reappoint Mr. Stephen Wilhide to serve a three-year term to expire June 30, 2015 – Passed 4-0.

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

**Potential Parkland Dedication - The Manor at Holly Hills - Paul Dial and Bob Hicks,
Parks and Recreation Division**

Mr. Dial indicated the Frederick County Parks and Receptions Commission reviewed the 27.3 acre site and recommended that it continue to be owned and maintained by The Manor at Holly Hills Home Owners Association (HOA).

There was no public comment.

Motion to support the staff recommendation for the Manor at Holly Hills parkland to continue to be owned and maintained by the HOA in perpetuity as a wildlife corridor, stream buffer, and open space – Passed 4-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Motion to approve the minutes for Thursday, January 17 and Thursday, January 24, 2013 – Passed 4-0.

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

Request Approval of Clinical Training Agreement – Rick Himes, Fire and Rescue Services Division

Mr. Himes presented the agreement.

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

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

Consider the Concept of Leasing Water and Sewer System Capacity for Certain Non-residential, Production or Manufacturing Based Operations – Mike Marschner, Office of the County Manager

Mr. Marschner briefed the Board on the concept, noting it was one of the business friendly action items.

Motion to take the concept of leasing water and sewer system capacity through the public hearing process – Passed 4-0.

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

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.

(Commissioner Shreve left the room.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

Motion to send correspondence to the delegation in support of House Bill 256 - Land Use Development Rights and Responsibilities – direct judicial review – Passed 2-1.

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

(Commissioner Shreve returned to the room.)

COMMISSIONER COMMENTS

Comments were provided by Commissioner Smith.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

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 discuss with the county’s attorneys the possible resolution of a threatened lawsuit.

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

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, FEBRUARY 7, 2013**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, FEBRUARY 7, 2013**

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:

Upon a motion by Commissioner Gray, seconded by Commissioner Smith, the Board voted 4-0, with Commissioner Delauter absent, to go into closed session under the 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.

Time and Location:

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

Topic to be Discussed:

To discuss with the county's attorneys the possible resolution of a threatened lawsuit.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 7, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, FEBRUARY 14, 2013,
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 7, 2013**

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:

Upon a motion by Commissioner Gray, seconded by Commissioner Smith, the Board voted 4-0, with Commissioner Delauter absent, to go into closed session under the 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.

Time and Location:

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

Others in Attendance:

L. Depies, J. Mathias, M. Hose

Topic Discussed:

To discuss with the county's attorneys the possible resolution of a threatened lawsuit.

Action Taken:

The Board authorized staff to settle the lawsuit.

Patti Morrow
Recording Secretary