

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, April 18, 2013, at 9:20 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

**MOTION TO GO INTO CLOSED SESSION/ADMINISTRATIVE FUNCTION**

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 impact of potential budgetary decisions on individual county employees.

*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
Delauter		X	X			

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, April 18, 2013, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Ms. Lori Depies, Office of the County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

**Invocation and Pledge of Allegiance**

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

**Commission on Disabilities (COD) Presentation of Distinguished Service Award –  
Feagaville Lutheran Parish-Hearts and Hammers Program**

The COD presented the members of the ministry with the Distinguished Service Award.

**Proclamation – Healthcare Decisions Day**

The Board proclaimed Tuesday, April 16 as Healthcare Decisions Day in Frederick County.

**Business Recognition – Frederick Mutual Insurance Company**

The Board recognized Frederick Mutual Insurance Company for their contributions to the community.

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**Commissioner Comments**

Comments were provided by Commissioners Young, Smith and Delauter.

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

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

**Approval of Minutes**

The minutes for April 7 and April 9, 2013, were approved by unanimous consent.

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- FY 2014 Governor's Office of Crime Control & Prevention – Sex Offender Compliance and Enforcement in Maryland (SOCEM) Grant
- FY 2013/2014 Division of Rehabilitation Services (DORS) Summer and Year Round Youth Jobs
- Application to the Meals on Wheels Association of America to Request an Award for the March for Meals/Mayors for Meals
- Substance Abuse and Mental Health Services Administration (SAMHSA) Grant to Expand Substance Abuse Treatment Capacity in Drug Court
- FFY 2013 Hazard Mitigation Grant Program Hazard Mitigation Plan Update Application

*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	X			
Gray						X
Delauter	X		X			

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**SPECIAL ORDER**

**Online Sale of Frederick County General Obligation Public Facilities Bonds - Sam Ketterman, Davenport & Company LLC (County Financial Advisor); James Cumbie, Esquire, Venable LLP (County Bond Counsel) and Erin White, Finance Division**

Mr. Ketterman, Mr. Cumbie and Ms. White explained to the Board the procedure of selling the bonds. The bids arrived at 11:00 a.m. with the apparent low bidder being PNC Capital Markets.

*Motion to adopt a resolution to give the Acting Finance Director the authority to award the bonds to the lowest bidder – Passed 4-0.*

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

**ADMINISTRATIVE BUSINESS**

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

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

**Bid Award – Purchasing Memo #13-118 – Montevue Adaptive Reuse Project (MARP) Building Elevator Modernization Services – Diane George, Finance Division**

Ms. Sue Barthol and Mr. Dave Ennis, Public Works Division, commented on the bid award.

*Motion to approve Purchasing Memo #13-118 as presented – Passed 3-1.*

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

**Adoption of the Revised Base Emergency Operations Plan – Seamus Mooney, Emergency Services Division**

Mr. Mooney presented the revision and the proposed resolution.

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*Motion to adopt the 2013 revision to the Base Emergency Operations Plan as submitted and adopt the associated resolution – Passed 4-0.*

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

**Variance in the Use of EMS Billing Fees – Doug Orner, Volunteer Fire and Rescue Services – Office of the County Manager**

Mr. Orner and Mr. Lowman Keeney, Thurmont Community Ambulance Service, Inc. (TCAS), presented a request for an exception to the current rules for use of EMS billing funds to give the TCAS the option to use funds toward the non-operational portion of the proposed community hall. Currently, the funds collected under the Subscription Club and/or Transport Fees Program (Program) may be utilized only for expenses directly related to fire, rescue or emergency medical services.

Mr. Michael Chomel, Office of the County Attorney, noted the change would need to be made by resolution and a public hearing.

*Motion to direct staff to take through the public hearing process a proposed change to the Ambulance Transport Fee Program that would allow ambulance billing funds, in excess of what is needed for emergency services, to be allocated for the use of specific non-operational projects, with the Board's approval.*

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

**FY 2014 Electric Lighting District Tax Rates – Regina Howell, Budget Office – Office of the County Manager**

Ms. Howell presented the proposed changes to the Braddock Heights and New Addition Electric Lighting Districts noting the current rates were insufficient to cover the electric costs in those areas.

*Motion to take the rates to public hearing as presented – Passed 4-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**Constant Yield Tax Rate Discussion – Regina Howell, Budget Office – Office of the County Manager**

Ms. Howell presented the constant yield tax rate and the proposed FY 2014 tax rate.

*Motion to place an ad in The Frederick News-Post regarding the constant yield tax rate and the proposed real property tax rate; hold a public hearing on May 7, and adopt the property tax rate on May 9, 2013 – Passed 4-0.*

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

**Approval of the FY 2014 Proposed Operating Budget to take to Public Hearing – Regina Howell, Budget Office – Office of the County Manager**

Ms. Howell reviewed with the Board the changes from the recommended to the proposed FY 2014 budget.

*Motion to incorporate the changes and take the proposed FY 2014 operating budget to public hearing on May 7, as recommended – Passed 4-0.*

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

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

- Donald Lee

**QUESTIONS – PRESS**

- Bethany Rogers, The Frederick News-Post

**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.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**Topic:** To discuss with the county attorneys and staff the response to a complaint filed against the county.

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

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

**ADJOURN**

The meeting adjourned at 12:20 p.m.

Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, APRIL 18, 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 Smith, seconded by Commissioner Delauter, the Board voted

4-0, with Commissioner Gray absent, 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:**

9:20 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the impact of potential budgetary decisions on individual county employees.

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Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, APRIL 18, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 18, 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 Smith, seconded by Commissioner Delauter, the Board voted 5-0, with Commissioner Gray absent, 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:**

9:20 a.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, M. Hose, R. Howell, E. White

**Topic Discussed:**

To discuss the impact of potential budgetary decisions on individual county employees.

**Action Taken:**

The Board gave direction to staff to eliminate county positions as part of a reorganization.

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Patti Morrow  
Recording Secretary



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, APRIL 18, 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 Smith, seconded by Commissioner Shreve, the Board voted 4-0, with Commissioner Gray 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:**

12:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county attorneys and staff the response to a complaint filed against the county.

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Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 18, 2013**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, APRIL 23, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 18, 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 Smith, seconded by Commissioner Shreve, the Board voted 4-0, with Commissioner Gray 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:**

12:20 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, K. Mitchell, T. Meunier, C. Nipe, R. Shen, E. Soter, G. Hessong and D. Dunn.

**Topic Discussed:**

To discuss with the county attorneys and staff the response to a complaint filed against the county.

**Action Taken:**

The Board authorized staff to move forward with a plan to address the complaint.

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Patti Morrow  
Recording Secretary