

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 9, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, May 9, 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 an invocation followed by the recitation of the Pledge of Allegiance.

Proclamation – Mental Health Month

The Board proclaimed the month of May as Mental Health Month in Frederick County.

Business Recognition – Educare Learning Center

The Board recognized the Educare Learning Center for their contributions to the community.

Commissioner Comments

None.

Discussion of the 2013 Session of the Maryland General Assembly

Senators David Brinkley, *Chairman*, and Ron Young; Delegates Kathy Afzali, Patrick Hogan and Kelly Shulz were present to discuss the 2013 legislative session.

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 April 25, 2013, minutes were approved by unanimous consent.

PUBLIC COMMENTS

- Representative from “Easels in Frederick”
- Donald Lee

CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #13-131 – Financial Statement Audit Services (Contract Renewal)
- Purchasing Memo #13-141 - Bid #13-036-CP, Miscellaneous Bridge Painting

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- Purchasing Memo #13-143 – Automated Ticketing and Invoicing System for Department of Solid Waste Management **and** Attached Budget Transfer
- #BT-13-160, Budget Office, Office of the County Manager, for Highways and Transportation
- Design Change Order No. 45, Resolution of Error and Omissions Reimbursement – Citizens Care and Rehabilitation Center / Montevue Assisted Living
- Change Order No. 247, Phase 2 Site Work Deleted from Citizens Care and Rehabilitation Center / Montevue Assisted Living Contract and Attached Budget Transfer
- 2013 Bulletproof Vest Partnership Grant Application

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	X			
Gray			X			
Delauter			X			

WORKSESSION

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

Interagency Internal Audit Authority

Motion to reappoint Mr. Steve Darr to serve a four-year term effective immediately and to expire June 30, 2017 - Passed 5-0.

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

Sustainability Commission

Motion to reappoint Mr. Tom Anderson, Mr. Robert Black and Mr. Chis May to serve three-year terms to take effect July 1, 2013, and to expire June 30, 2016, and the appointment of Mr. Charles Dalphon to serve a term effective immediately and to expire June 30, 2015 – Passed 5-0.

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

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Workforce Development Board

Motion to reappoint Ms. Karen Barry, Ms. Christine Demas, and Mr. Jason Lee to serve four-year terms effective July 1, 2013, and to expire June 30, 2017 – 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

Business Updates – Helen Riddle, Community Development Division

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

**Adoption of the Property Tax Rate and the Electric Lighting Tax Rates for FY 2014
(Public Hearing Held 5/7/13) – Regina Howell, Budget Office, Office of the County
Manager**

Ms. Howell presented the proposed tax rate for FY 2014.

Motion to adopt the resolution regarding the FY 2014 General Property Tax Levy as presented - Passed 4-1.

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

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

Ms. Howell presented the proposed changes to the electric lighting districts.

Motion to adopt the ordinance to approve the changes to the electric lighting rates for the Braddock and New Addition lighting districts – Passed 4-0.

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

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

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Volunteer Fire and Rescue Funding Incentives for FY 2014 – Regina Howell, Budget Office, Office of the County Manager

Ms. Howell presented the proposal to provide additional funding in the FY 2014 budget for areas and companies that provide fire and/or rescue services without 24/7 paid career staffing.

Motion to incorporate the funds in the FY 2014 operating budget 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			

Reimbursement of Permits and Inspection Fees Associated with a Renovation Project of a Fire Station – Doug Orner, Volunteer Fire and Rescue Services, Office of the County Manager

Mr. Orner presented the request from the New Market Volunteer Fire Department (NMVFD). The following were present from NMVFD: Mr. Ben Nalborczyk, Mr. Paul Hackey and Mr. Bob Skelton.

Motion to reimburse the permit and inspection fees associated with the renovation and expansion of the operating facility of the NMVFD in the amount of \$74,764.85 – Passed 4-0.

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

Proposed Changes to the Length of Service Award Program (LOSAP) Resolution - Doug Orner, Volunteer Fire and Rescue Services, Office of the County Manager

Mr. Orner and Ms. Judy White, Chair of the LOSAP, presented the proposed changes.

Motion to approve the proposed changes to the LOSAP and direct staff to prepare a resolution reflecting the changes to be brought back to the Board at a future meeting – Passed 4-0.

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

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Bid Award - Purchasing Memo #13-144 – Amendment No. 2 Agreement for Extension of Management and Oversight Services for Citizens Care and Rehabilitation Center / Montevue Assisted Living to LW Consulting Services, Inc. – Diane George, Finance Division

Motion to approve Purchasing Memo #13-144 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			

Amendment to the Frederick County Code 1-8-411 – Extend the Expiration of the Downtown Frederick Arts and Entertainment Property Tax – Helen Riddle, Community Development Division

Ms. Riddle presented the request to advance to public hearing the continuation to provide property tax credits for renovations to buildings located in the Downtown Frederick Arts and Entertainment District.

Motion to take the amendment to public hearing – Passed 4-0.

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

Urbana District Park Pilot WiFi Project – Sherry Weakley, IIT Division and Paul Dial, Parks and Recreation Division (DPR)

Ms. Weakley and Mr. Dial presented the proposed pilot project for the Urbana District Park.

Motion to approve proceeding with the pilot program noting the costs would be incurred by DPR and IIT equally in their current operating budgets – Passed 4-0.

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

Capacity Fee Agreement – Pinehurst Lot No. 349 – Brenda Teach, Utilities and Solid Waste Management Division

Ms. Teach presented the requested capacity fee agreement to allow for the extended payment of capacity fees for the property.

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Motion to approve the capacity fee agreement for Pinehurst Lot No. 349 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			

Rosemont Maryland Department of the Environment (MDE) Loan Resolution – Mike Marschner, Office of the County Manager

Mr. Marschner presented the proposed resolution that would incur debt up to \$1.8 million for the proposed Rosemont Water System improvements using MDE Drinking Water State Revolving Loan which includes \$1.5 million grant.

Motion to approve the resolution and loan agreement with MDE 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			

(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.)

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

- Bethany Rogers – The Frederick News-Post
- Ryan Marshall – The Gazette

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 whether the term in office of a board member appointed by the County Commissioners should end.

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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			

ADJOURN

The meeting adjourned at 12:50 p.m.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 9, 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 Gray, the Board voted 4-0, with Commissioner Shreve 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:

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

Topic to be Discussed:

To discuss whether the term in office of a board member appointed by the County Commissioners should end.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 16, 2013,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 9, 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 Gray, the Board voted 4-0, with Commissioner Shreve 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:

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

Others in Attendance:

L. Depies, J. Mathias, J. Grossnickle, M. Ward

Topic Discussed:

To discuss whether the term in office of a board member appointed by the County Commissioners should end.

Action Taken:

The Board directed staff to dismiss the board member for failure to attend the regular monthly meetings.

Patti Morrow
Recording Secretary