

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MAY 16, 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 16, 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.

**Proclamation – Asian Heritage Month**

The Board proclaimed the month of May as Asian Heritage Month in Frederick County.

**Proclamation – Nursing Home Week**

The Board proclaimed the week of May 12 as Nursing Home Week in Frederick County.

**FrederickWORKS! One Job at a Time Recognition – Cintas**

The Board recognized Cintas for their participation in the FrederickWORKS One Job at a Time initiative.

**Commissioner Comments**

Comments were provided by Commissioners Young and Smith.

**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 May 2 and May 7, 2013, minutes were approved by unanimous consent.

**PUBLIC COMMENTS**

- Judge Sam Barrick

(Commissioner Young passed the gavel to Commissioner Smith and left the meeting.)

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**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #13-146 – Firefighters Personal Protective Equipment (Piggyback Contract)
- #BT-13-166, Facilities Maintenance Department, Public Works Division
- #BT-13-167, Child Advocacy Center, Citizens Services Division
- Governor’s Office of Crime Control and Prevention – FY 2014 Body Armor Grant Application
- Maryland Smart Energy Communities Program Grant (Electric Bus for Transit Connector Service)

*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	X			
Delauter			X			

**WORKSESSION**

**Update on Proposed Taxi Voucher Program for Demand Response Transportation for Seniors and Persons with Disabilities – Pat Rosensteel and Nancy Norris, Citizens Services Division**

Ms. Norris presented a proposed taxi voucher program to supplement the county paratransit services using debit cards. She indicated the demand for paratransit was projected to increase in future years.

Public comment was heard from:

- Mary Kemp, The Freedom Center
- Jamey George, Executive Director, The Freedom Center
- Linda Hampt Schmidt
- Dianne Vander Weyden
- Kim Vander Weyden
- Joan Bicashihua
- Paul Hartman, The Freedom Center
- Marvin Lee Reid, Jr.
- Josh Rouch, The Freedom Center

The Board directed staff to gather data on the following options:

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- The proposed taxi voucher program;
- An expanded taxi voucher program (possibly to include Saturdays and evenings);
- An expanded taxi voucher program and TransIT-plus program;
- A taxi voucher program 24/7; and

Hold public forums on the options and return to the Board with input from the public and the data from the financials. At the same time move forward with applying for the grant from the Maryland Transit Administration.

(Commissioner Smith passed the gavel back to Commissioner Young who reentered the meeting.)

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #13-139, RFP #13-018, Electrical Maintenance Services for Utilities and Solid Waste Management Division - Diane George, Finance Division**

*Motion to approve Purchasing Memo #13-139 as presented.*

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

**FY 2013/2014 Maryland Agricultural Land Preservation Foundation (MALPF) Matching Request – Anne Bradley, Community Development Division**

Ms. Bradley presented the request to provide a full matching commitment to the FY 2013/2014 MALPF Easement Acquisition Program of \$1,333,334.

*Motion to approve the Agricultural Preservation Advisory Board's recommendation to commit \$1,333,334.00 in matching funds from a combination of agricultural transfer tax revenue and fund balance from past county general fund commitments to the MALPF program and approval of subsequent budget transfers – Passed 5-0.*

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

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**Development Rights and Responsibilities Agreement (DRRA) – Natelli Urbana Projects  
– Eric Soter, Community Development Division**

Mr. Soter presented a request to continue to proceed through the public review process for the draft DRRA for the Urbana/Natelli Communities.

*Motion for the draft Urbana/Natelli DRRA and the associated draft amended and restated Letter of Understanding (LOU) to proceed through the remainder of the review process – Passed 4-1.*

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

**Development Rights and Responsibilities Agreement (DRRA) – Oakdale/Linganore  
Planned Unit Development (PUD) – Eric Soter, Community Development Division**

Mr. Soter presented a request for the draft DRRA for the Oakdale/Linganore PUD to proceed through the public review process.

*Motion for the draft Eaglehead/Linganore PUD DRRA including the draft Adequate Public Facilities Ordinance (APFO) Letter of Understanding (LOU) to proceed through the remainder of the review process – Passed 4-1.*

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

**Adoption of Supporting Documents Related to Article IV – Fire and Rescue Services –  
Tom Owens, Fire and Rescue Services Division**

Mr. Owens presented the request regarding the adoption of the Fire and Rescue Advisory Board charter and bylaws and the job description for a Operationally Certified Volunteer Fire-Rescue Chief.

Mr. Chomel commented on the proposed amendments suggested by the Board.

*Motion to recommend the County Attorney's Office to prepare the revisions pertaining to certain provisions related to membership of the Fire and Rescue Advisory Board – Passed 5-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**Proposed Memorandum of Understanding (MOU) – School Construction Funds – Lori Depies, County Manager**

Ms. Depies presented the MOU with the Board of Education regarding the remaining funds of completed BOE capital projects.

Mr. Ray Barnes, Frederick County Public Schools, commented on the capital projects.

*Motion to approve the MOU as presented – Passed 5-0.*

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

**Finalize FY 2014 – FY 2019 Capital Improvements Program (CIP) and FY 2014 Capital Budget – Kelly Weaver, Budget Office, Office of the County Manager**

Ms. Weaver reviewed the FY 2014 Capital Budget and the FY 2014 – FY 2019 CIP. She also presented new items. The Board concurred on the following new items not previously presented:

- New water/sewer project as discussed during the operating budget discussion
  - \$250,000
- Additional state funding for Board of Education (BOE) / Frederick County Public Schools )(FCPS) projects
  - \$5,226,000
- Additional county funds for BOE/FCPS projects
  - \$1,500,000 as discussed during the operating budget discussion
  - \$175,000 additional - to match all of the state funded projects
- Urbana Area Elementary School: New - Move design forward one year to FY 2014, move \$5.0 million to FY 2016 for site work, and move the equipment funding of \$1.8 million to FY 2017 (leaving construction in FY 2017)
- Approve attached budget transfer that moves prior funds for Frederick Community College (FCC) Classroom Student Center project to its Building B Renovation project as matching funds for state funds (this is the approved concept in the FY 2014 capital budget. However, with the funds already allocated a budget transfer is needed.)
- Additional General Fund contribution to be determined – this will fluctuate as the operating budget is finalized. The funds will be used in future CIPs.
- Additional funding of \$120,000 to the Capital Budget for the MD 85 – I-270 short term improvements.

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*Motion to approve the proposed budget transfer and to take the FY 2014 Capital Budget and FY 2014- 2018 CIP to adoption on June 6 with the amendments as presented – Passed 5-0.*

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

**Potential FY 2014 Budget Discussions – Regina Howell, Budget Office, Office of the County Manager**

Ms. Howell provided an update on the FY 2014 budget from the May 7 public hearing and the changes made since the public hearing. She noted she would present an accurate finalization of the FY 2014 budget on Thursday, May 23 to take to adoption on June 6.

*Motion to allocate \$25,000 to the ARC of Frederick County and \$25,000 to the Mental Health Hotline (211) – Failed 2-3.*

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

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Topic** – To consider the acquisition of an interest in property for agricultural preservation purposes.

Maryland Annotated Code State Government Article § 10-508(a)(14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Topic** – To discuss the competitive bid proposals, negotiating strategies and the recommendations and evaluations of county staff and consultants for the possible sale of

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county facility so that the ability of the county to participate in this competitive process is not adversely impacted by the public disclosure of the contents of sealed bids.

*Motion to go into closed session immediately following adjournment for the first issue and to reconvene at 2:15 p.m. for the second issue – Passed 4-1.*

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

**ADJOURN**

The meeting adjourned at 1:30 p.m.

Patricia Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, MAY 16, 2013**

**STATUTORY AUTHORITY TO CLOSE SESSION**

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Motion:**

Upon a motion by Commissioner Smith, seconded by Commissioner Young, the Board voted 4-1, with Commissioner Shreve opposed, to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto immediately following adjournment and to reconvene at 2:15 p.m. for (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

**Time and Location:**

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider the acquisition of an interest in property for agricultural preservation purposes.

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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 TUESDAY, MAY 21, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 16, 2013**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; and (14) Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

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**Time and Location:**

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, M. Chomel, E. Soter, A. Bradley

**Topic Discussed:**

To consider the acquisition of an interest in property for agricultural preservation purposes.

**Action Taken:**

The Board directed staff to rescind one offer and offer that funding towards another agricultural preservation property.

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Patti Morrow  
Recording Secretary

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**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the competitive bid proposals, negotiating strategies and the recommendations and evaluations of county staff and consultants for the possible sale of county facility so that the ability of the county to participate in this competitive process is not adversely impacted by the public disclosure of the contents of sealed bids.

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Patti Morrow  
Recording Secretary

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**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

L. Depies, J. Mathias, R. McCain, E. White, S. Blum, M. Hose, D. George, V. Parmesano.

**Topic Discussed:**

To discuss the competitive bid proposals, negotiating strategies and the recommendations and evaluations of county staff and consultants for the possible sale of a county facility so that the ability of the county to participate in this competitive process is not adversely impacted by the public disclosure of the contents of sealed bids.

**Action Taken:**

No action was taken.

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Patti Morrow  
Recording Secretary