

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, NOVEMBER 21, 2013**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 21, 2013, at 9:30 a.m. at Winchester Hall. 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 – Business Recycling and Waste Reduction**

The Board presented the Business Recycling and Waste Reduction awards to Circle of Life Preschool and Life Technologies.

**Presentation of the 2014 Legislative Package to the Frederick County Delegation – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager**

The following officials from the Frederick County Delegation were present: Senator David Brinkley, *Chairman*; Delegate Galen Clagett, *Vice–Chairman*; Senator Ronald Young, Delegates Pat Hogan, Kathy Afzali, Kelly Schulz, and Michael Hough.

The elected officials reviewed the following proposed Frederick County legislative bills:

- Removal/Modification of Mandatory Stormwater Management Fee;
- Elimination to Reference to Maximum Value of Gaming Permits Issued for Raffles;
- Amendments to the Annotated Code of Maryland Pertaining to Charter Government Transition;
- Property Tax Exemption for Properties Owned by a Land Trust;
- Authority to Allow Payment of Wages with a Debit Card;
- Salary Adjustments (Frederick County Sheriff and Judges of the Orphans Court); and
- Modification to Frederick County Hotel/Motel Tax for Tourism

It was noted the delegation’s public hearing on the proposed 2014 legislative issues would take place on Saturday, December 14, 2013, at 10:00 a.m. in the first floor hearing room of Winchester Hall.

**Commissioner Comments**

Comments were provided by Commissioners Young, Smith, Shreve 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.

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**Approval of Minutes**

*Motion to approve the following minutes as amended: Events of October 31 through November 6, October 31 and November 7, 2013 – Passed 5-0.*

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

**PUBLIC COMMENTS**

None.

**CONSENT AGENDA**

The following items were considered on the consent agenda:

- Purchasing Memo #14-052 – Storm Drain Repair (Piggyback Contract)
- Purchasing Memo #14-064 - Bid #14-024, Tree Trimming, Maintenance, Removal, Stump Grinding and Planting Services
- #BT-14-080, Department of Aging, Citizens Services Division
- #BT-14-081, Department of Aging, Citizens Services Division
- Conservation Reserve Enhancement Program (CREP) – Prongas Easement Request
- FFY 2013 State Homeland Security Grant Program Award and Associated Budget Transfer(s) and Subgrants to Sheriff's Office, The City of Frederick and City of Brunswick
- EmPOWER Clean Energy Communities Fiscal Year 2014 Low-to-Moderate Income Grant Program
- EmPOWER Clean Energy Communities Fiscal Year 2014 Low-to-Moderate Income Competitive Grant Program
- Street Acceptance – Robert Shen, Public Works Division

*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	X			
Delauter			X			

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**AGENDA BRIEFING**

Commissioner Young noted the Board would hold public hearings on Thursday, December 5 at 9:30 a.m. on the possible sale of property located at 115 and 117 East Church Street, Frederick; a proposed resolution regarding the solid waste management administration landfill accounts, and the amendments to the Ethics Ordinance.

**WORKSESSION**

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

Commission on Aging

There were no public comments.

*Motion to approve the appointments of Ms. Hazel LaCoste, Ms. Katie Rhinehart and Ms. Elizabeth Chung to serve terms to expire June 30, 2015 – Passed 5-0.*

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

Social Services Board

There were no public comments.

*Motion to approve the appointment of Ms. Theresa Harrison to serve a term to expire June 30, 2015 – Passed 5-0.*

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

**Proposed Resolution to Accept Surety Bonds to Guarantee Sediment and Erosion Control and Stormwater Management Improvements – Gary Hessong, Community Development Division**

Mr. Hessong presented the proposed resolution.

Public comment was heard from:

- Steve Oder, Land Use Council

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 21, 2013**

*Motion to approve the proposed resolution to accept surety bonds to guarantee sediment and erosion control and stormwater management improvements 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			

(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).)

**Transfer of Development Rights (TDR) Work Group Update - Anne Bradley, Community Development Division**

The following members of the TDR participated in the discussion: Mr. Jim Gugel, Community Development Division; Mr. Steve Oder, Land Use Council; Mr. Dave Wilkinson; and Mr. Charles Brault, President, Frederick County Farm Bureau

Public comment was heard from:

- Rolan Clarke
- Kai Hagen

*Consensus for staff to return with a draft TDR Program document for the Board's December 19 meeting.*

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #14-065, Employee Assistance Program Services for Frederick County Government and Frederick County Public Schools – Diane George, Finance Division**

*Motion to approve Purchasing Memo #14-065 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			

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 21, 2013**

**Installment Purchase Program (IPP) – Hawker Tenant House Request – Anne Bradley, Community Development Division**

*Motion to approve a tenant house on the 131-acre IPP easement owned by Douglas Hawker – Passed 5-0.*

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

**Collective Bargaining for FY 2015 with the Career Fire Fighters Association of Frederick County, IAFF#3666 – Mitch Hose and Sophia Dobransky, Human Resources Division**

*Motion to authorize staff to participate in negotiations with the Career Fire Fighters Association of Frederick County, IAFF #3666 – Passed 5-0.*

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

**New Lease for Old National Pike District Park Farmland – Paul Hanyok, Parks and Recreation Division**

*Motion to approve the proposed new lease for Old National Pike District Park farmland – Passed 5-0.*

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

**Asian American Center Partnership with the Business and Employment Center (BEC) – Laurie Holden, Citizens Services Division**

Ms. Holden presented the request from the Asian American Center of Frederick to lease space at the BEC for the purpose of providing employment assistance to refugees, enrollment into the Maryland Health Connection, and case coordination for health and human services.

*Motion to approve the proposed Memorandum of Understanding to allow the Asian American Center of Frederick to lease space at the BEC – 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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**Business Updates – Helen Propherer, Community Development Division**

Ms. Propherer presented an update on businesses in Frederick County.

This item was informational, no action was taken.

**PUBLIC COMMENT**

None.

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

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 and staff the resolution of claims related to a construction project.

Topic – To discuss with the county’s attorneys and county staff the legal impact of a recently received legal notice.

*Motion to go into closed session – Passed 5-0.*

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 12:00 p.m.

Patricia Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, NOVEMBER 21, 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:**

Commissioner Smith moved to go into closed session in accordance with 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. Commissioner Shreve seconded the motion that passed 5-0.

**Time and Location:**

12:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys and staff the resolution of claims related to a construction project.

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Patti Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, DECEMBER 5, 2013,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 21, 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:**

Commissioner Smith moved to go into closed session in accordance with 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. Commissioner Shreve seconded the motion that passed 5-0.

**Time and Location:**

12:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, L. Depies, M. Marschner, K. Demosky, R. McCain, K. Mitchell, R. Winebrenner and R. Santangelo.

**Topic Discussed:**

To discuss with the county's attorneys and staff the resolution of claims related to a construction project.

**Action Taken:**

The Board gave direction to staff.

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Patti Morrow  
Recording Secretary



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**Time and Location:**

12:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys and county staff the legal impact of a recently received legal notice.

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**Topic Discussed:**

To discuss with the county's attorneys and county staff the legal impact of a recently received legal notice.

**Action Taken:**

No action was taken.

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Patti Morrow  
Recording Secretary