

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, April 3, 2014, 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 an invocation followed by the recitation of the Pledge of Allegiance.

Proclamation – National Child Abuse Prevention Month

The Board proclaimed the month of April as National Child Abuse Prevention Month in Frederick County.

Commissioner Comments

Comments were provided by Commissioners Young, Smith, Gray 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 March 20, 2014, and the events from March 16 – March 31 were approved by unanimous consent.

PUBLIC COMMENTS

- Julie Stewart
- Cindi Webb and Cathy Sipocz

CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #14-107 – Bioxide Deliveries to Various Utilities and Solid Waste Management Division Locations (Contract Renewal)
- Purchasing Memo #14-132 – Electrical Maintenance Services (Contract Renewal)
- Purchasing Memo #14-133 – Chemical Root Control (Piggyback Contract)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

- Purchasing Memo #14-136 - Mowing Services: Parks and Recreation, Highways, Citizens Care and Rehabilitation Center / Montevue Assisted Living
- Purchasing Memo #14-139 – Food Products (Piggyback Contract)
- Purchasing Memo #14-141 – Roadway Markings Services
- Purchasing Memo #14-142 – Transit Vehicle Advertising Services
- Purchasing Memo #14-145 – Purchase and Retrofit Two (2) Ford Vehicles (Piggyback Contract)
- BT-14-144, Housing and Community Development, Citizens Services Division
- BT-14-145, Child Advocacy Center, Citizens Services Division
- BT-14-146, Department of Aging, Citizens Services Division
- Declaration to Establish and Retain Easements for the Ballenger Creek Park Turf Field
- Emergency Number Systems Board Grant Funding
- Application for State Funding from Mediation and Conflict Resolution Office (MACRO)
- One-time Supplemental Discretionary Grant for the Frederick County Infants and Toddlers Program and Budget Transfer
- Simplified and Secure E-Discovery and Budget Transfer
- Board of Education Nonrecurring Costs Exclusion

The following item was **removed** from the consent agenda:

- Purchasing Memo #14-142 – Transit Vehicle Advertising Services

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	X			
Gray			X			
Delauter			X			

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

Purchasing Memo #14-142 – Transit Vehicle Advertising Services

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 3, 2014

Motion to approve Purchasing Memo #14-142 as presented – Passed 4-0.

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

(Commissioner Young returned to the meeting.)

AGENDA BRIEFING

Commissioner Young noted the Board would hold public hearings on Tuesday, April 8, Wednesday, April 9 and if necessary, Thursday, April 10 at 6:00 p.m. regarding Zoning Map Amendment #R-12-02 - Monrovia Town Center PUD and DRRA #12-02 – Monrovia Center PUD.

WORKSESSION

Presentation of the Frederick County Employees Retirement Plan Actuarial Valuation as of July 1, 2013 – Tracy Lobuts, Human Resources Division; Colin England, FSA, EA and Tom Lowman, FSA, EA, Bolton Partners, Inc.

Mr. England and Mr. Lowman presented the report.

There was no public comment.

No action was taken as this item was informational.

ADMINISTRATIVE BUSINESS

Bid Awards – Diane George, Finance Division

Purchasing Memo #14-119 – Police Patrol Vehicles and Budget Transfer
Purchasing Memo #14-131 – Police Interceptor Utility Vehicles and Budget Transfer
Purchasing Memo #14-143 – Computer Aided Dispatch System Administration Services (Sole Source)

Motion to approve Purchasing Memos #14-119, #14-131 and #14-143 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			

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

**County Budget Transfers – Regina Howell, Budget Office, Office of the County
Manager**

BT-14-147 – Highway and Facility Maintenance, Public Works Division

BT-14-148 – Highway and Facility Maintenance, Public Works Division

BT-14-149 – Finance and Administration, Fire and Rescue Services Division

Motion to approve BT-14-147, BT-14-148 and BT-14-149, 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			

**FY 2015 Water and Sewer Rate Increase – Kevin Demosky, Utilities and Solid Waste
Management Division (DUSWM)**

Mr. Demosky and Ms. Brenda Teach, DUSWM, presented the request. It was noted the Board had voted previously to move forward with a rate change option that revised the water and sewer rates gradually over a 5-year period.

No action was taken. The FY 2015 rate increase would take effect on July 1, 2014, as programmed.

(Commissioner Gray left the meeting at 10:40 a.m.)

**Approval of License Agreement with Winchester Homes, Inc. – Gary Hessong,
Community Development Division and Kathy Mitchell, Office of the County Attorney**

Mr. Hessong presented the license agreement that would allow Winchester Homes, Inc., to construct, maintain and operate a sales trailer on a parcel of ground that was to be dedicated to the county.

Motion to approve the license agreement 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			

**Approval of Memorandum of Understanding Between the Board of County
Commissioners and the Frederick County Forest Conservancy District Board (FCFB)
– Gary Hessong, Community Development Division**

Mr. Hessong presented the proposed MOU that would continue all terms and conditions in the original MOU, including the same county funding level of \$650.00 annually, for the

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 3, 2014

FCEB beginning FY 2015. He noted the terms of the MOU included annual automatic renewals.

Motion to approve the MOU 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			

Development Rights and Responsibilities Agreement (DRRA) – Rayburn Property – Jim Gugel, Community Development Division

Mr. Gugel presented the petition to initiate the process for entering into a DRRA from Hogan Realty Partners, LLC, for the Rayburn Property.

Motion to accept the petition to enter into a DRRA as presented and initiate the public hearing process – Passed 4-0.

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 – Ratley Property – Jim Gugel, Community Development Division

Mr. Gugel presented the petition to initiate the process for entering into a DRRA from Hogan Realty Capital, LLC, for the Ratley Property.

Motion to accept the petition to enter into a DRRA as presented and initiate the public hearing process – Passed 4-0.

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

Town of New Market Annexation – Delaplaine Property – Jim Gugel, Community Development Division

Mr. Gugel presented the request for a finding of express approval for development on the proposed annexation of property into the Town of New Market.

Motion to find the allowable land use and density between the Town of New Market’s Economic Development Flex (EDF) zone and the county’s Agricultural zone are

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 3, 2014

substantially different and to grant the express approval for development of the subject property to proceed within five years of the effective date of municipal annexation – Passed 3-0-1.

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

Town of New Market Annexation – Smith-Cline Property – Jim Gugel, Community Development Division

Mr. Gugel presented the request for a finding of express approval for development on the proposed annexed properties into the Town of New Market.

Motion to find the allowable land use and density between the Town of New Market’s R-2 zone and the county’s Agricultural zone are substantially different and to grant the express approval for development of the subject properties to proceed within five years of the effective date of municipal annexation – Passed 4-0.

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

(The Board took a break from 10:45 a.m. to 11:00 a.m.)

Presentation of the FY 2015 Recommended Operating Budget – Regina Howell, Budget Office, Office of the County Manager

Ms. Howell reviewed the FY 2015 Recommended Operating Budget and summarized the changes since the Base Budget was introduced. She noted the Proposed Operating Budget would be released on April 18, 2014, and taken to public hearing on Tuesday, May 6, 2014, at Oakdale High School.

No action was taken as this item was informational.

Enrichment of County Senior Property Tax Credit – Diane Fox, Finance Division

Ms. Fox presented the request for a proposed modification to the Senior Property Tax Credit.

Ms. Carolyn True and Mr. Carroll Jones, members of the Senior Tax Credit Task Force, commented on the proposed modification.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

Motion to decouple the current senior property tax credit from the county supplement and to increase the income level to \$70,000 – Passed 3-1.

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

Updates from County Commissioners’ Liaison – Dave Dunn, Community Development Division

Mr. Dunn updated the Board.

No action was taken as this item was informational.

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.

No action was taken as this item was informational.

PUBLIC COMMENTS

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 county staff, including the County Attorney, the settlement of a matter in an effort to avoid litigation.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

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 11:45 a.m.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 3, 2014**

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 4-0 with Commissioner Gray absent.

Time and Location:

11:48 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with county staff, including the County Attorney, the settlement of a matter in an effort to avoid litigation.

Patti Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 3, 2014**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, APRIL 8, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 3, 2014**

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 4-0 with Commissioner Gray absent.

Time and Location:

11:48 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, L. Depies, K. Mitchell, G. Hessong and S. Moore.

Topic Discussed:

To discuss with county staff, including the County Attorney, the settlement of a matter in an effort to avoid litigation.

Action Taken:

Staff was given authorization to attempt to resolve and settle the matter.

Patti Morrow
Recording Secretary