

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JUNE 19, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, June 19, 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 Mr. Mike Marschner, 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 Dump the Pump Day

The Board proclaimed June 19 as National Dump the Pump Day in Frederick County.

Business Recognition – Spectrum Environmental Sciences, Inc.

The Board recognized Spectrum Environmental Sciences, Inc. for their contributions to the county.

Commissioner Comments

Comments were provided by Commissioners Smith, Shreve and Delauter.

Commissioner Smith noted on June 14 he attended a ceremony at Mount Olivet Cemetery recognizing the U.S.S. Francis Scott Key, a decommissioned submarine used during the Cold War. A plaque was also presented to the county.

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.

Mr. Mike Marschner, Office of the County Manager, commented on the issuance of a Request for Proposal (RFP) from the Northeast Waste Disposal Authority, for short-term and long-term waste transportation and disposal services.

Approval of Minutes

The minutes for May 13, May 22 and May 29 and the events for June 1 – June 15, 2014, were approved by unanimous consent (Commissioner Delauter was absent).

PUBLIC COMMENTS

- Rolan Clark

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CONSENT AGENDA

The following items were considered on the consent agenda:

- Purchasing Memo #14-202 – Reichs Ford Road Sampling and Analysis
- Purchasing Memo #14-203 – Hauling/Recycling of Scrap Metal/Appliances and Removal/Recovery of Refrigerant Gases at Frederick County Landfill (Piggyback Contract)
- Purchasing Memo #14-207 – Investment Advisory Consulting Services
- Purchasing Memo #14-208 – Health and Welfare Counseling
- Purchasing Memo #14-210 – Local Calling Services (Piggyback Contract)
- Purchasing Memo #14-212 – Planimetric Data Services (Piggyback Contract)
- Purchasing Memo #14-213 – Hardware/Software Maintenance Renewals for IIT
- Purchasing Memo #14-218 – Pipe Culvert Replacement/Construction of Concrete Headwalls and Endwalls
- Purchasing Memo #14-219 – Neighborhood Green Program
- Approval of Temporary Grading and Construction Easement – Kathy Mitchell, Office of the County Attorney
- FFY 2014 Emergency Solutions Grant Renewal Application – Jenny Short, Citizens Services Division
- FY 2015 State Health Insurance Assistance Program (SHIP) Funding/Award – Carolyn True, Citizens Services Division
- FY 2015 Home Visiting Grant Application – Derek Belz, Citizens Services Division
- Second Amendment to YMCA Lease – Crystal Chamberlain, Public Works Division
- Winchester Hall Parking Lot (Schrodell Property) Lease Renewal – Crystal Chamberlain, Public Works Division
- Maryland Department of Agriculture Noxious Weed Control Agreement – Regina Howell, Budget Office, Office of the County Manager

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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			

PUBLIC HEARING

Hotel Rental Tax Bill – John Fiesler, Tourism Council of Frederick County, Inc.

A public hearing was held, as duly advertised, on a proposed ordinance that would bring the Hotel Rental Tax into consistency with the Annotated Code of Maryland as a result of the legislation that was passed by the 2014 Maryland General Assembly.

Mr. Fiesler presented the proposed ordinance.

There was no public comment.

Motion to approve the ordinance to amend the Frederick County Hotel Rental Tax by altering the definition of a transient stay to be consistent with the Code of Maryland with an effective date of July 1, 2014 – 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 ordinance can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

AGENDA BRIEFING

Commissioner Young noted the following public hearings would be held on Tuesday, July 8 at 7:00 p.m.: Amendment to the Adequate Public Facilities Ordinance – School Construction Fees, and Carroll Manor PUD Rezoning (Continued from 5/13/14); and the following public hearings would be held on Thursday, July 10 at 9:30 a.m.: Spring 2014 Cycle Water and Sewerage Amendments, and the DRRA #14-04 – Woodbourne Manor.

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WORKSESSION

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

Board of Appeals

There was no public comment.

Motion to appoint Mr. John Greenwell (currently serving as the alternate) to serve a new three-year term beginning July 1, 2014, and expiring June 30, 2017 – Passed 5-0.

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

Commission on Disabilities

There was no public comment.

Motion to reappoint Mr. Keith Nolan to serve to serve a new three-year term beginning July 1, 2014, and expiring 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			

Containment Laboratory Community Advisory Committee

There was no public comment.

Motion to reappoint Mr. Pete Herz (currently serving as an at-large representative), Mr. David Kaye (currently serving as the private-sector life sciences industry representative) and Ms. Kim Loll (currently serving as an at-large representative) to serve new three-year terms beginning July 1, 2014, and expiring June 30, 2017 – Passed 5-0.

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

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Ethics Commission

There was no public comment.

Motion to reappoint Mr. Brian Duncan to serve a new three-year term beginning July 1, 2014, and expiring June 30, 2017 – Passed 5-0.

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

Human Relations Commission

There was no public comment.

Motion to reappoint Ms. Tonya Amedon, Ms. Lisa Clark, Mr. David Kaye, and Ms. Felicia Turner to serve new three-year terms beginning July 1, 2014, and expiring June 30, 2017 – Passed 5-0.

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

Motion to reappoint Ms. Annette Breiling to serve a new three-year term beginning July 1, 2014, and expiring June 30, 2017 – Passed 3-2.

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

Local Management Board

There was no public comment.

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Motion to reappoint Ms. Shannon Aleshire, Mr. Haywood Evans, and Mr. Ralph Hertges to serve new three-year terms to beginning July 1, 2014, and expiring June 30, 2017, and to appoint Mr. Miles Ward to serve as a public sector representative with no term assigned – Passed 5-0.

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

Public Library Board

There was no public comment.

Motion to reappoint Ms. Debbie Kiser to serve a new five-year term beginning July 1, 2014, and expiring June 30, 2019 – Passed 5-0.

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

Roads Board

There was no public comment.

Motion to reappoint Mr. Paul Fitzgerald to serve a new five-year term beginning July 1, 2014, and expiring June 30, 2019 – Passed 5-0.

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

Sustainability Commission

There was no public comment.

Motion to appoint Mr. Ron Kaltenbaugh to fill an unexpired term to expire June 30, 2016 – 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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Workforce Development Board

There was no public comment.

Motion to reappoint Mr. Robert Collings and Ms. Rose Davis to serve new four-year terms beginning July 1, 2014, and expiring June 30, 2018, and to appoint Mr. Mike Dickson to serve a four-year term beginning July 1, 2014, and expire June 30, 2018 – Passed 5-0.

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

(Commissioner Delauter left the meeting.)

Urbana II Park – Synthetic Athletic Field Request for Proposal (RFP) – Paul Dial, Parks and Recreation Division

Mr. Dial requested direction regarding the construction of two (2) synthetic turf athletic fields at the Urbana II Park with a public/private partnership.

There was no public comment.

Motion to approve the development of an RFP to solicit bids for a public/private partnership to construct synthetic athletic fields with the latitude to evaluate the Urbana II Park and other county park property that might be appropriate – Passed 4-0.

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

(Commissioner Delauter returned to the meeting.)

FY 2015 Insurance Recommendation – Erin White, Finance Division

Mr. Paul Brunner, Finance Division; and Mr. Dennis Roney and Ms. Laurie Jansen, BB&T Frederick Underwriters, reviewed the insurance recommendations.

There was no public comment.

Motion to approve the FY 2015 insurance recommendation as presented – Passed 5-0.

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

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ADMINISTRATIVE BUSINESS

**Frederick County Courthouse Master's Hearing Room Funding and Budget Transfer –
Sue Barthol, Public Works Division**

Judge Dwyer commented on the request for funding to construct a Master's Hearing Room within the Courthouse.

Motion to approve the establishment of a Capital Improvements Program (CIP) project for the Master's Hearing Room and approve the budget transfer 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			

(The Board took a break from 11:00 – 11:18 a.m.)

**Resolution in Support of a Fund Raising Project at Mount Saint Mary's University –
Commissioner Blaine Young**

Mr. John Mathias, Office of the County Attorney and Mr. Carroll Galvin, Mount Saint Mary's University, commented on the draft resolution

Motion to adopt the resolution as presented – Passed 4-0-1.

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.)

Bid Awards – Diane George, Finance Division

**Purchasing Memo #14-191 – Pre-approve Health Department Professional Service
Contracts**

Motion to approve Purchasing Memo #14-191 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			

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Purchasing Memo #14-217 – Video System Upgrade for Winchester Hall

Ms. Sherry Weakley and Mr. John Mongan, IIT, commented on the upgrade.

Motion to approve Purchasing Memo #14-217 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			

Memorandum of Understanding (MOU) Between Frederick County and the Religious Coalition for Prescription Assistance Services – Pat Rosensteel, Citizens Services Division

Motion to approve the MOU 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			

Lewistown Sanitary Survey Results and Conceptual Sewerage Option – George Keller, Health Services Division and Kevin Demosky, Utilities and Solid Waste Management Division (DUSWM)

Mr. Keller noted that the results of an update to the 1994 Sanitary Survey of Lewistown revealed a core area of properties that were having sewerage disposal issues along Hessong Bridge Road.

Mr. Demosky briefed the Board on options to address the public health issues identified in the Sanitary Survey assuming adequate funding would be secured.

Motion to approve the following recommendations from DUSWM – Passed 5-0.

- *Transmit the sanitary survey to the Maryland Department of the Environment (MDE) and schedule a meeting with their infrastructure financing staff to determine, what if any, grant or loan (with loan forgiveness) opportunities may be available for such a project.*
 - *Request use of Bay Restoration Funds (BRF) for sewer system connections (including grinder pumps).*
 - *Determine if the use of BRF will be tied to Wastewater Treatment Plant Enhanced Nutrient Removal upgrade.*

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- *If MDE funding opportunities exist, refine the project costs estimate and prepare estimated costs on per-property-basis served using the Low Pressure Sewer System (LPSS) (grinder pump).*
- *Conduct a public informational meeting with the Lewistown residents. Inform them of both the results of the sanitary survey and estimated cost of the LPSS (grinder pump) and DUSWM's current sewer user rates.*
- *Report back to the Board the results of the meetings with MDE and the Lewistown residents.*
- *Based on the community's response to the project and its estimated costs, the Board may or may not decide to establish a Capital Improvements Program (CIP) project to address the problem.*
- *If a CIP project is established, prioritize the project based on MDE funding availability.*
- *If no CIP project is established, request Health Department to update the sanitary survey in five years.*

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

The Board presented Mr. Keller with a certificate congratulating him on his upcoming retirement from the Frederick County Health Department.

Business Updates – Helen Propheter, Community Development Division

Ms. Propheter presented the updates.

No action taken as this item was informational.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

COMMISSIONER COMMENTS

None.

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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 Attorney the legal consequences and legal strategy for complying with an existing agreement.

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

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

ADJOURN

The meeting adjourned at 12:25 p.m.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JUNE 19, 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the County Attorney the legal consequences and legal strategy for complying with an existing agreement.

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, JUNE 24, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 19, 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Marschner, R. Santangelo

Topic Discussed:

To discuss with the County Attorney the legal consequences and legal strategy for complying with an existing agreement.

Action Taken:

No action was taken. The issue was continued to June 24.

Patti Morrow
Recording Secretary