

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, OCTOBER 23, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, October 23, 2014, at 9:45 a.m. in the third floor meeting room of Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve, and Kirby Delauter. Also present was 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.

**Business Recognition – K&K Hearing Associates**

The Board recognized K&K Hearing Associates for their contributions to the community.

**Proclamation – National Business Appreciation Week**

The Board proclaimed the week of October 27 as National Business Appreciation Week in Frederick County.

**Commissioner Comments**

Comments were provided by the Board.

*Motion to send correspondence to the Maryland Department of Transportation Secretary James T. Smith requesting clarification regarding a recent letter to the county – Passed 4-1.*

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

**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.

**PUBLIC COMMENTS**

- George Rudy
- John Gretz

**CONSENT AGENDA**

The following items were considered on the consent agenda:

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, OCTOBER 23, 2014**

- Purchasing Memo #15-070 – Automotive Parts and Services for Fleet Services Department
- Invitation to Bid #15-041-CP – Guilford Drive at Frederick Crossing Traffic Signal Control Project
- Budget Transfer #BT-15-064, Department of Aging, Citizens Services Division (\$0)
- Design Change Order No. 1 (Construction Management Services) Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion
- Design Change Order No. 32 Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion
- Approval of FY 2015 50/50 Matching and Hardship Grant Application to Maryland Institute of Emergency Medical Services Systems (MIEMSS) and Associated Budget Transfers
- FFY 2014 State Homeland Security Program Grant and Associated Budget Transfers and Subgrants to Sheriff’s Office, City of Frederick, City of Brunswick and Town of Thurmont
- Application for Race-to-the-Top Early Learning Challenge “Make Access Happen” Coaching Mini-grant and Subsequent Budget Transfer

*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			

**Approval of Minutes**

The minutes for September 23, September 25, October 9 and the events from October 1 – October 15, 2014, were approved by unanimous consent.

**PUBLIC HEARING**

**Frederick County Affordable Housing Land Trust (FCAHLT) Request for Real Property Tax Exemption – Kelly Hammond, Office of the County Manager**

A public hearing was held, as duly advertised, on a request by the FCAHLT for a real property tax exemption against the county’s real property tax for properties it owns.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, OCTOBER 23, 2014**

Ms. Hammond, Mr. Richard McCain, Office of the County Attorney; Mr. Ron Cramer, Affordable Housing Land Trust; and Mr. Joe Baldi, The City of Frederick; were present for the discussion.

There was no public comment.

*Motion to approve the draft ordinance to exempt the real property taxes imposed by Frederick County for properties owned by the FCAHLT that are not subject to an Affordable Housing Land Trust agreement for tax year 2015 and subsequent tax years – 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](http://www.FrederickCountyMD.gov).)

**AGENDA BRIEFING**

Commissioner Young noted the following public hearings were scheduled for Thursday, November 6 at 9:30 a.m.: Carroll Manor Recreation Council Request for Real Property Tax Credit; Proposed Resolution to Revise Water and Sewer Standards Specifications and Details; Petition to Remove Covell Road from the Rural Roads Program; 2014 Summer Cycle of Water and Sewerage Plan Amendments; Triennial Update of the County’s Water and Sewerage Plan. The following are scheduled for Thursday, November 6 at 6:00 p.m. - Zoning Map Amendment #R-14-03 – Blentlinger Planned Unit Development (PUD) and Development Rights and Responsibilities Agreement (#DRRA 14-05) Blentlinger PUD

**WORKSESSION**

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

Adult Public Guardianship Review Board

There was no public comment.

*Motion to appoint Mr. Christopher Sparks to serve a term to expire June 30, 2015 – Passed 5-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

Historic Preservation Commission

There was no public comment.

*Motion to reappoint Mr. Gary Baker, Ms. Kristie Baynard, and Ms. Jennifer Grove to serve terms 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			

Social Services Board

There was no public comment.

*Motion to appoint Ms. Valarie Pearce to serve a term to expire 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			

Sustainability Commission

There was no public comment.

*Motion to appoint Mr. Joseph Richardson to serve a term 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			

Workforce Development Board

There was no public comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, OCTOBER 23, 2014**

*Motion to appoint Ms. Elizabeth Cromwell and Ms. Jamie White to serve terms to expire June 30, 2016; and Mr. Vaughn Thurman to serve a term to expire June 30, 2018 – Passed 5-0.*

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

**Invocation Policy – John Mathias, Office of the County Attorney**

Mr. Mathias presented a revised invocation policy that would be consistent with the *Town of Greece v. Galloway* opinion that was decided recently by the U.S. Supreme Court.

*Motion to approve the draft Invocation Policy as presented with an effective date of October 23, 2014 – 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**

**Emmitsburg Ambulance Company No. 26 – Chip Jewell, Volunteer Fire and Rescue Services Division (VFRSD)**

Mr. Eric Smothers , Frederick County Volunteer Fire and Rescue Association (FCVFRA); Mr. Ian Bartman, Esquire, Severn & Kresslein, P.A. (representing Company 26); and Ms. Mary Lou Little, President, Company No. 26; commented on the recommendation from Mr. Jewell regarding the lifting of the suspension from response operations for Company 26 as a result of meeting the standards set forth from the FCVFRA.

*Motion to approve the recommendation from the Frederick County Volunteer Fire and Rescue Association to reinstate Company 26; have them become fully operational by November 1, 2014; and strike the probationary level of service recommendation – Passed 5-0.*

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, OCTOBER 23, 2014**

**Presentation for Signature Purposes – Zoning Map Amendment #R-13-03 – Casey Property – Michael Chomel, Office of the County Attorney**

Mr. Chomel presented the ordinance for signature.

*No action was taken.*

(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](http://www.FrederickCountyMD.gov).)

**Presentation for Signature Purposes - Development Rights and Responsibilities Agreement (#DRRA 13-01) Casey Planned Unit Development Property and Determination of Adequacy for the Adequate Public Facilities Ordinance Review and Approval of the Letter of Understanding – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the DRRA and the LOU for signature.

*No action was taken.*

(Commissioner Gray left the meeting.)

**Decision on List of Exempt Employees (Public Hearing Held 10/9/14) – John Mathias, Office of the County Attorney**

Mr. Mathias presented the draft resolution and noted the public hearing was held on October 9, 2014.

*Motion to approve and adopt the draft resolution to revise the list designating exempt employees by adding the position of the Director of the Division of Volunteer Fire and Rescue Services and by removing the positions of the Administrator of the Citizens Nursing Home (Citizens Care and Rehabilitation Center) and the Administrator of the Montevue Home (Montevue Assisted Living) – Passed 4-0.*

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

(Commissioner Gray returned to the meeting.)

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

**Request for Public Hearing Regarding Proposed Changes to the Frederick County Code in Anticipation of Charter Government – John Mathias, Office of the County Attorney**

Mr. Mathias briefed the Board on the need for a public hearing to consider the three proposed ordinances and the proposed resolution to begin the implementation of the Frederick County Charter by revising these legislative acts.

*Motion to take to public hearing the proposed changes to the Frederick County Code as a result of Charter Government taking place beginning December 1, 2014 – Passed 5-0.*

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

**Yard Waste Processing Facilities in Frederick County – Information Briefing on Upcoming Composting Regulatory Changes – Kevin Demosky and Phil Harris, Utilities and Solid Waste Management Division**

A PowerPoint presentation was given on the upcoming composting regulatory changes.

*No action was taken as item was informational.*

**Resource Sharing Agreement (RSA) with the Department of Labor, Licensing and Regulation (DLLR) – Laurie Holden, Citizens Services Division**

*Motion to approve the RSA to DLLR for reimbursement of mutual expenditures; reimbursements to be received and kept within the Workforce Services budget; the administrative processing of necessary related documents for execution by the Board president; and any subsequent budget transfers 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			

**Purchasing Memo #15-085, Recommendation to Approve Amendment No. 3 to Agreement 14-036 with AquaLaw PLC for Services Related to the County's NPDES MS4 Permit and Budget Transfer – Diane George, Finance Division**

Ms. Shannon Moore, Community Development and Ms. Regina Howell, Budget Office, Office of the County Manager, commented on the purchasing memo.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

*Motion to approve Purchasing Memo #15-085 as presented with a temporary budget transfer – Passed 5-0.*

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

**Business Updates – Helen Propheter, Community Development Divison**

Ms. Propheter presented the business updates.

*No action taken as this item was informational.*

**PUBLIC COMMENTS**

- John Gretz

**QUESTIONS – PRESS**

None.

**COMMISSIONER COMMENTS**

**CLOSED SESSION**

Maryland Annotated Code General Provisions Article §3-305(b)(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 provide an update of and to discuss the possible resolution of pending lawsuits.

Topic – To discuss with the county’s attorneys and county’s staff the application of a prior court decision to a pending application.

After the vote was taken to go into closed session, it was noted the second closed session item pertaining to (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(discuss with the county’s attorneys and county’s staff the application of a prior court decision to a pending application) was no longer needed to be discussed during the closed session.



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

*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 2:25 p.m.

Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, OCTOBER 23, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

(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:**

Upon a motion by Commissioner Smith, seconded by Commissioner Delauter, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (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.

**Time and Location:**

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

**Topic to be Discussed:**

To provide an update of and to discuss the possible resolution of pending lawsuits.

---

Patti Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 23, 2014**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, NOVEMBER 6, 2014,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 23, 2014**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**Maryland Annotated Code General Provisions Article §3-305(b):**

(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:**

Upon a motion by Commissioner Smith, seconded by Commissioner Delauter, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b): (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.

**Time and Location:**

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

**Others in Attendance:**

J. Mathias, L. Depies, K. Mitchell, and K. Demosky

**Topic Discussed:**

To provide an update of and to discuss the possible resolution of pending lawsuits.

**Action Taken:**

No action was taken.

---

Patti Morrow  
Recording Secretary