

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, DECEMBER 14, 2010**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 14, 2010, at 8:35 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Barry Stanton, County Manager and Mary Baker, Recording Secretary. Commissioner David Gray was absent.

(Official minutes of the Board of County Commissioners' meetings are kept on file in the County Manager's Office; the meetings are also video recorded. Approved minutes are available on the county's website. To receive a copy of meetings recorded on videotape or DVD, please contact the Board of County Commissioners at 301-600-1100 or visit the county's website at www.FrederickCountyMD.gov.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Young noted Commissioner Gray would be absent this week as he was out of town attending a graduation ceremony.

CONSENT AGENDA

BID AWARD

1. Purchasing Memo #11-102 - Bid #11-CP-53, Adult Detention Center Shower Renovations
Award to: GRC General Contractors, Inc.
Award amount: \$162,235 and 10% construction contingency of \$16,223

BUDGET TRANSFERS

1. #BT-11-069, Citizens Services Division, Aging
2. #BT-11-070, Animal Control Division

CHANGE ORDERS

1. Linganore Water and Sewer Improvements (Villages of Coldstream, Meadows, Balmoral), Contract No.196-SW, Construction Change Order No. 3 - Rod Winebrenner, Utilities and Solid Waste Management Division
2. New Design Water Treatment Plant Expansion, Contract No. 026F-W, Design Change Order No. 15 - Kevin Demosky, Utilities and Solid Waste Management Division

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3. Reichs Ford Road Improvements, Phase I, Contract No. C28375, Change Order No. 32 - Chuck Nipe and Dave Ennis, Public Works Division

GRANT

1. Emergency Number Systems Board Grant Application, Acceptance of Funds, and Associated Budget Transfers - Chip Jewell, Emergency Management Division

Commissioner Smith moved approval of the consent agenda as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Young moved approval of the following set of minutes as presented:

- ◆ Tuesday, November 23, 2010
- ◆ Tuesday, November 30, 2010
- ◆ Tuesday, November 30, 2010 Closed Session

Commissioner Smith, Shreve and Delauter abstaining and Commissioner Gray absent.

Commissioner Young requested tabling this item until legal staff could advise how to handle the minutes of the previous Board.

Bid Award - Purchasing Memo #11-98, Oracle (PeopleSoft) Maintenance for Frederick County Government and Frederick County Public Schools (Sole Source) - Hal Good, Finance Division

Mr. Good presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-98 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

The Board also approved this item and directed similar contracts be placed on the consent agenda from this point forward.

Board of Education Current Expense Fund Amendments #3-11 and #4-11 Revised – Mike Gastley, Finance Division

Mr. Gastley presented the proposed Board of Education (BOE) current expense fund amendments. He also noted he requested Hal Keller, Frederick County Public Schools (FCPS), to be in attendance for this item.

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The Board requested amendment #4-11 revised be tabled until Mr. Keller was present.

Commissioner Smith moved approval of amendment #3-11 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Approval of Board of County Commissioners' Meeting Minutes

John Mathias, Office of the County Attorney, provided guidance to the Board for approving the minutes of the previous Board.

Commissioner Smith moved approval of the minutes as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Discussion of the FY 2011 Legislative Package – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney presented the proposed FY 2011 legislative package.

Commissioner Smith moved to add the following items as position statements:

- Reinstatement of highway user revenues to local governments
- Maryland Civil Rights Amendment to the Declaration of Rights
- Constitutional Convention regarding those in the United States unlawfully
- Maryland Partial Birth Abortion Ban Act
- Constitutional amendment to prohibit “economic development” takings

Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Board of Education Current Expense Fund Amendments #3-11 and #4-11 Revised – Mike Gastley, Finance Division

Mr. Gastley, Dr. Linda Burgee and Hal Keller, FCPS, presented the proposed BOE expense fund amendment, #4-11 revised.

Commissioner Smith moved approval of BOE expense fund amendment #4-11 revised as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Discussion of the FY 2011 Legislative Package – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney continued the presentation.

Commissioner Smith proposed taking a position and adding language to the FY 2011 legislative package regarding stormwater management regulations.

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Commissioner Young moved to take a position and have staff add language to the FY 2011 legislative package regarding stormwater management regulations. Commissioner Young seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Smith moved to recommend repealing Sections 15-853 through 15-858 of the State Article of the Maryland Code, regarding ethics compliance issues. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Young opposed and Commissioner Gray absent.

Commissioner Young moved to direct staff to review the ordinance regarding Sections 15-853 thru 15-858 and recommend modifications to certain disclosure and reporting rules and regulations. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Charter Government Procedures and Timelines - John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney presented information to the Board.

Commissioner Shreve approved moving forward with the creation of a Charter Board, appointing five, seven or nine members; and to initiate the process by March 1, 2011, by advertising the acceptance of applications. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

WORKSESSION

Request Letter of Support for the Community Action Agency - Dr. Barbara Brookmyer, Health Services Division and Margaret Nusbaum, Citizens Services Division

Dr. Brookmyer and Ms. Nusbaum presented the letter of support.

Commissioner Young moved to send a letter of support to the Bureau of Primary Health Care recognizing the need within the county; however, if the grant funding came to an end, the county would not be in a position to pick up funding for the program. The motion did not receive a second.

Commissioner Smith moved to send a letter of support to Mike Spurrier, Community Action Agency, as presented and send a letter to the City of Frederick recognizing the need, noting, once grant funding ended, the county would not be in a position to pick up funding for the program. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Young opposed and Commissioner Gray absent.

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COMMISSIONERS COMMENTS

Commissioner Young noted the second edition of This Week in Frederick County was on channel 19.

Commissioner Young noted they attended the strategic planning meeting last week where six goals were addressed and division directors were tasked to provide input by this Friday, after which time, the public would also be asked for input.

Commissioner Young extended an apology to a viewer noting when Commissioner Gray wished a Merry Christmas; it was Hanukah so he extended a Happy Hanukah.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 11:10 a.m.

Mary E. Baker
Recording Secretary