

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, March 10, 2011, at 10:50 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Barry Stanton, County Manager and Patti Morrow, Recording Secretary.

(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.

COMMISSIONER COMMENTS

Update of Board of County Commissioners’ Administrative Actions – Commissioner Blaine R. Young and Barry Stanton, Office of the County Manager

Commissioner Young and Mr. Stanton briefed the public on the Board’s recent administrative actions.

Commissioner Smith recognized the girls basketball teams from Frederick High School, Urbana High School and Middletown High School that were competing in the state semi-championship tournaments.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, March 15 at 7:00 p.m.:

- FY 2012-2017 Capital Improvements Program (CIP) and FY 2012 Capital Budget – Kelly Weaver, Finance

CONSENT AGENDA

The following item was removed from the consent agenda:

- FY 2012 Office of Problem Solving Court Discretionary Grant Application for Drug Treatment Center - Paul Wolford, Circuit Court

The following items remained on the consent agenda:

BID AWARDS

1. Purchasing Memo #11-134 – Extension of Contract for Installation of Pressure Concrete Award to: ProShot Concrete, Inc.
Estimated total of \$360,000

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

2. Purchasing Memo #11-135 – Medical Supplies (Piggyback Contract)
Award to: BoundTree Medical and Quadmed, Inc.
Award amount: \$150,000

CHANGE ORDER

- Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion, Bridge and Utilities, Contract No. 200A2-S, Change Order No. 15 – Rod Winebrenner, Utilities and Solid Waste Management Division

GRANT

- Application for Chesapeake Conservation Corps Volunteer (Year 2) – Hilari Varnadore, Community Development Division

Commissioner Shreve moved to approve the consent agenda as amended. Commissioner Smith seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent:

- ◆ Tuesday, February 17, 2011
- ◆ Tuesday, February 17, 2011, Closed Session

Commissioner Gray remarked he would like the minutes to be more detailed.

A discussion ensued on the content of the minutes.

Commissioner Shreve moved to record only the votes in the open minutes. The motion did not receive a second.

Mr. John Mathias and Mr. Michael Chomel, Office of the County Attorney, commented on the minutes requirement of the Maryland Open Meeting Act.

Commissioner Shreve moved to not record minutes for open session meetings. The motion did not receive a second.

Commissioner Shreve moved to include in the minutes only the legal minimum required by the Maryland Open Meetings Act. Commissioner Delauter seconded the motion that failed 2-3 with Commissioners Young, Smith and Gray opposed.

Bid Award – Purchasing Memo 11-131, Sirsi Maintenance Agreement for Integrated Library Software - Hal Good, Finance Division

Mr. Good presented the purchasing request for library software.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

Commissioner Smith moved to approve Purchasing Memo 11-131 as presented.
Commissioner Gray seconded the motion that passed 5-0.

Staff was requested to provide a review of library services in the near future.

**Bid Award - Purchasing Memo 11-133 – Purchase of Decontamination Shelter Systems
(Sole Source) – Hal Good, Finance Division**

Mr. Good presented the purchasing request. Mr. Steve Leatherman, Fire and Rescue Services Division, commented on the decontamination shelter systems.

Commissioner Smith moved to approve Purchasing Memo 11-133 as presented.
Commissioner Gray seconded the motion that passed 5-0.

**Junk and Scrap Metal Processor Records Management – Michael Chomel, Office of the
County Attorney; Sheriff Chuck Jenkins and Captain Tim Clarke, Sheriff's Office**

Mr. Chomel and Captain Clarke presented the draft resolution to the Board.

Commissioner Smith moved to approve and adopt a resolution to designate the Frederick County Sheriff's Office as the law enforcement agency in Frederick County responsible for junk and scrap metal processor records management. Commissioner Delauter seconded the motion that passed 5-0.

(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.)

(Commissioner Delauter left the room at 11:25 a.m.)

Miss Utility Fees – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented three (3) options for consideration with the Miss Utility fees.

Public comment was heard from:

- Mr. Paul Kerr, Mar-Lu View Nursery, Jefferson

Mr. Demosky was given direction on dealing with the outstanding invoices.

The Miss Utility fees issue would come back to a future worksession meeting for discussion and to allow public comment.

(Commissioner Delauter returned to the meeting at 11:48 a.m.)

**FY 2012 Office of Problem Solving Court Discretionary Grant Application for Drug
Treatment Center - Paul Wolford, Circuit Court**

Mr. Wolford presented the request for approval of the grant application and county funding match of \$14,730.00

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

Mr. Mike Gastley, Finance Division, commented on the county funding match.

Commissioner Smith moved to approve the grant application as presented. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Young, Shreve and Delauter opposed.

Commissioner Young moved to approve the grant minus the FY 2012 county match of \$14,730. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**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.

The Board requested letters of support be sent regarding the following:

- HB 679 – School Bus Monitoring Cameras
- HB 1121 – Waste to Energy
- HB 351 – Request for statue in the National Statuary Hall Collection (in support of the John Hanson statue).

WORKSESSION

**Technology Council of Frederick County – Proposed Revisions to the Council’s Bylaws
– Sherry Weakley, Interagency Information Technologies Division**

Ms. Weakley presented the revisions to the bylaws.

(Commissioner Gray left the meeting at 12:20 p.m.)

There was no public comment.

Commissioner Smith moved to approve the proposed revisions to the Technology Council’s bylaws as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

COMMISSIONER COMMENTS

Commissioner Young noted that English is the official language of Frederick County by Resolution No. 08-13.

Commissioner Young reviewed next week’s meeting schedule.

PUBLIC COMMENTS

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

QUESTIONS – PRESS

None.

CLOSED SESSION

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

ADJOURN

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 10, 2011**

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

Time and Location:

12:40 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with the county's attorneys the status and potential settlement of a pending lawsuit.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 10, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MARCH 15, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 10, 2011**

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

(Although Commissioner Gray was not present for the motion to go into closed session he was present for the closed session discussion.)

Time and Location:

12:40 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, D. Dunn, J. Mathias, M. Chomel, K. Mitchell, K. Demosky, E. Soter, J. Gugel, T. Meunier, and P. Morrow.

Topic Discussed:

To discuss with the county's attorneys the status and potential settlement of a pending lawsuit.

Action Taken:

The Board directed staff to further negotiate settlements in pending lawsuits.

Patricia Morrow
Recording Secretary