

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 19, 2011**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 19, 2011, at 10:05 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, and David Gray. Commissioner Kirby Delauter's arrival time is denoted in the minutes. Also present were Mr. David Dunn, Assistant County Manager and Ms. Mary Baker, 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.

COMMISSIONERS COMMENTS

Commissioner Young noted Commissioner Delauter would arrive later this morning.

Commissioner Smith noted yesterday he attended the Metropolitan Washington Council of Governments transportation meeting and Frederick Community College trustees meeting.

Commissioner Young noted tomorrow was Barry Stanton's last day with the county.

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

Commissioner Young and Mr. Dunn, Office of the County Manager, briefed the public on the Board's recent administrative actions.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #11-178 – Purchase of New or Used Fleet Vehicles (Piggyback)
Award to: Hertrich Fleet Services
Award amount: \$34,586.00

2. Purchasing Memo #11-179 – Renewal of Library Materials Pricing Agreements for FY 2012
Award to: Various Vendors
Award amounts: Large Volume/Jobbers (Adult/Juvenile Material) \$690,000
Small Press/Specialty Books \$60,000
DVD's \$93,000
Music CD's \$2,000

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3. Purchasing Memo #11-180 – Restroom Paper Products and Dispensers (Piggyback)
Award to: Fitch Company, Inc.
Award amount: \$29,500 (Annual Expenditure)
4. Purchasing Memo #11-181 – Sole Source Agreement for Electronic Databases
Award to: Various Vendors
Award amount: Up to \$145,000
5. Purchasing Memo #11-184 – Sole Source Agreement for Books on CD's
Award to: Various Vendors
Award amount: Up to \$50,000
6. Purchasing Memo #11-185 – Books on CD Pricing Agreements – Renewals for FY 2012
Award to: Various Vendors
Award amount: Up to \$150,000

BUDGET TRANSFER

1. #BT-11-156, Housing, Citizens Services Division

GRANT

1. Emergency Number Systems Board Grant Funding - Chip Jewell, Emergency Management Division

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

WORKSESSION

**Introduction of Mollie Byron, Capital Area Coordinator, Governor's Office –
Commissioner Blaine Young**

Commissioner Young introduced Ms. Byron.

Police Week Proclamation

Commissioner Young presented the proclamation.

Safe Boating Week

Commissioner Gray presented the proclamation.

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Bike to Work Day Proclamation

Commissioner Shreve presented the proclamation.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Smith requested verbiage change clarifying his motion for the open minutes of May 5, 2011, and requested to pull the closed session of May 5, 2011, for a clarification on the motion he made.

Commissioner Smith moved approval of the following list of minutes excluding the closed session minutes from May 5, 2011, and including the clarification to the open minutes of May 5, 2011. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Delauter absent.

- ◆ Thursday, April 7, 2011
- ◆ Thursday, April 7, 2011, Closed Session
- ◆ Thursday, April 21, 2011
- ◆ Thursday, April 21, 2011, Closed Session
- ◆ Tuesday, April 26, 2011
- ◆ Thursday, April 28, 2011
- ◆ Thursday, April 28, 2011, Closed Session
- ◆ Tuesday, May 3, 2011, Evening
- ◆ Thursday, May 5, 2011

**Bid Award - Purchasing Memo #11-182, Amendment #4 to Agreement with LW
Consulting for Business Office Consulting and Budget Transfer – Hal Good, Finance
Division**

Mr. Good presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #11-182 and associated budget transfer as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

**Bid Award - Purchasing Memo #11-183, Sole Source Contract for Legal Counsel-
Medicaid Collections, Eligibility and Reimbursement and Budget Transfer – Hal Good,
Finance Division**

Mr. Good presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-183 and associated budget

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transfer as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Updated Status of FY 2012 Operating Budget Adjustments - Mike Gastley, Finance Division

Ms. Kelly Weaver, Finance Division, presented the proposed adjustments.

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

Adoption of the Property Tax Rate and The Electric Lighting Tax Rates (Braddock Heights and New Addition Districts) for FY 2012 - Mike Gastley, Finance Division

Ms. Kelly Weaver, Finance Division, presented the property tax rate.

Commissioner Smith moved to adopt the property tax rate as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Ms. Weaver presented the electric lighting tax rates.

Commissioner Smith moved to adopt the electric lighting tax rates as presented. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Delauter absent.

Interagency Information Technologies (IIT) Cost to Municipalities - Sherry Weakley, Interagency Information Technologies Division

Ms. Weakley presented the costs to municipalities (City of Brunswick, the City of Frederick, and the Town of Thurmont).

Commissioner Smith moved to establish the memorandum of understanding to identify county IT services and the county cost allocation plan as presented. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Proposed Pilot Program for Revised Water and Sewer Public Improvement Agreement - Chuck Nipe, Public Works Division and Rod Winebrenner, Utilities and Solid Waste Management Division

Mr. Nipe and Mr. Winebrenner presented the proposed pilot agreement.

Commissioner Shreve moved approval of the public improvements agreement to be used in the implementation of the pilot program as presented including allowing staff flexibility to make adjustments as necessary. Commissioner Smith seconded the motion that passed 3-1 with Commissioner Gray opposed and Commissioner Delauter absent.

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**Initiation of Countywide Comprehensive Land Use Plan Designation and
Comprehensive Zoning Process - Eric Soter, Community Development Division**

Mr. Soter presented the proposed initiation of the zoning process.

Commissioner Smith moved to initiate the comprehensive land use plan designation and comprehensive zoning process. Commissioner Shreve seconded the motion that passed 3-1 with Commissioner Gray opposed and Commissioner Delauter absent.

**Critical Farms Program - Coblentz-Oakland Farm, LLC/Strite Land Swap Request - Anne
Bradley, Community Development Division**

Ms. Bradley presented the swap request.

Commissioner Gray moved approval of the swap request as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Delauter absent.

(Commissioner Delauter arrived to the meeting.)

WORKSESSION

Commission on Aging Annual Report - Louise Lynch, Commission on Aging

This item was rescheduled to a later date.

**FY 2011/2012 Maryland Agriculture Land Preservation Fund (MALPF) Matching
Commitment - Anne Bradley, Community Development Division**

Ms. Bradley presented the commitment request.

Commissioner Gray moved approval to commit \$1,000,000 in agricultural transfer tax revenue and informing MALPF that Frederick County may be willing to exceed the 40% match for use of county funds in order for more offers to be made, if possible. Commissioner Shreve seconded the motion that passed 5-0.

Third Quarter 2010 Financial Report - Erin White, Finance Division

Ms. White and finance staff presented the third quarter 2010 financial report.

No action was taken on this item.

Waste to Energy Briefing - Mike Marschner, Office of the County Manager

Mr. Marschner and Ms. Robin Davidov, Northeast Maryland Waste Disposal Authority, presented the briefing.

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Public comment was taken from:

- Mary Posey

No action was taken on this item.

**Response Letter to Horacio Tablada, Maryland Department of the Environment-Refuse
Disposal Permit Application - Mike Marschner, Office of the County Manager**

Mr. Marschner and Ms. Robin Davidov, Northeast Maryland Waste Disposal Authority, presented the application.

Commissioner Gray moved approval for the Board to sign the letter. Commissioner Smith seconded the motion that passed 5-0.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS – (5 MINUTE PRESENTATION)

None.

QUESTIONS - PRESS

- Meg Tully, The Frederick News-Post

CLOSED SESSION

Commissioner Smith moved to proceed 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 5-0.

ADJOURN

The meeting adjourned at 1:50 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 19, 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 Smith moved to proceed 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 5-0.

Time and Location:

2:00 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

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

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 26, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 19, 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 Smith moved to proceed 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 5-0.

Time and Location:

2:00 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

D. Dunn, M. Chomel, K. Mitchell, K. Demosky, R. Winebrenner and M. Baker

Topic Discussed:

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

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary