

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JUNE 2, 2011**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, June 2, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, and David Gray and Kirby Delauter. Also present were Mr. David Dunn, Acting 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 Smith noted he visited Sabillasville Elementary School yesterday.

Commissioner Young noted he attended a few high school graduations this week and commented on the speech given by Mr. Zack Peters during the Linganore High School graduation ceremony.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and David Dunn, 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.

Ron Tobin, Business Development and Retention Administrator, and Laurie Boyer, Community Development Division, presented updates within the Frederick County workforce.

PUBLIC HEARING

Proposed Ordinance to Revise and Correct Ordinance No. 10-21-556 – Brenda Teach, Utilities and Solid Waste Management

A public hearing was held, as duly advertised, regarding the proposed ordinance to revise and correct Ordinance No. 10-21-556.

Ms. Brenda Teach, Utilities and Solid Waste Management Division, presented the proposed ordinance.

There was no public comment.

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Commissioner Gray moved approval of the proposed ordinance to revise and correct Ordinance No. 10-21-556. Commissioner Smith 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.)

AGENDA BREIFING

Staff presented the following item for public hearing.

Thursday, June 7, 2011, at 7:00 p.m.

- Citizens Convenience Center Tipping Fee - Brenda Teach, Utilities and Solid Waste Management Division

CONSENT AGENDA

BID AWARD

1. Purchasing Memo #11-190 - Request to Purchase Firewalls and Implementation Services (Piggyback Contract)
Award to: Skyline Network Engineering, LLC
Award amount: \$123,958.79

CHANGE ORDERS

1. Bens Branch Wastewater Pumping Station – Contract No. 204F-S, Construction Change Order No. 2 – Rod Winebrenner, Utilities and Solid Waste Management Division
2. New Design Water Transmission Main, Part 5 – Contract No. 110A5-W, Construction Change Order No. 19 and Associated Budget Transfer – Kevin Demosky, Utilities and Solid Waste Management Division

EASEMENT

1. Amendment to Easement Agreement Between the Board of County Commissioners and Potomac Edison – Ballenger McKinney Enhanced Nutrient Removal (ENR) Wastewater Treatment Plant (WWTP) Expansion – Beth Ramacciotti, Utilities and Solid Waste Management Division

GRANTS

1. FY 2011 Maryland Institute of Emergency Medical Services Systems Matching and Hardship Grant Application – Dave Chisholm, Fire and Rescue Services Division
2. FFY 2012 Governor's Office of Crime Control and Prevention – Edward J. Byrne Justice Assistance Grant – Marty Gallagher, Sheriff's Office

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3. Community Partnership Agreement – Christal Hanson, Citizens Services Division
4. Healthy Families / Home Visiting Grant – Christal Hanson, Citizens Services Division

Commissioner Gray moved approval of the consent agenda as presented with the exception of grant #3. Commissioner Smith seconded the motion that passed 5-0.

Ms. Hanson presented information regarding grant #3.

Commissioner Shreve moved approval of grant #3 as presented. Commissioner Gray seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following set of minutes were approved by unanimous consent:

- ◆ Thursday, May 5, 2011 (Amended)
- ◆ Thursday, May 5, 2011, Closed Session (Amended)
- ◆ Thursday, May 12, 2011
- ◆ Thursday, May 12, 2011, Closed Session

Frederick County's Neighborhood Green Grant Proposal to the National Fish and Wildlife Foundation's Small Watersheds Grant Program – Shannon Moore, Community Development Division

Ms. Moore presented the proposed grant.

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

Decision Regarding Revised Personnel Rules for Citizens Care and Rehabilitation Center / Montevue Assisted Living (Public Hearing Held 5/17/11) – Dr. Sonja Sperlich, Citizens Nursing Home Board of Trustees

Mr. Mitch Hose and Mr. Miles Ward, Human Resources Division, presented the revised personnel rules.

Commissioner Smith moved approval of the revised rules as a result of the public hearing, including the incorporation of the edit to Page 18, Section F – Carryover and Usage of PTO, to have PTO reflected in days. Commissioner Shreve seconded the motion that passed 5-0.

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Bid Award – Purchasing Memo #11-196 – Contract Renewal (1st of 2) for Forensic Nurse Services to the Child Advocacy Center’s Clients - Hal Good, Finance Division

Mr. Good presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-196 as presented.
Commissioner Delauter seconded the motion that passed 5-0.

Adoption of the FY 2012 Operating Budget, FY 2012 Capital Budget and FY 2012 – 2017 Capital Improvements Program (CIP) – Kelly Weaver, Finance Division

Ms. Weaver presented the proposed budgets.

Commissioner Smith moved to add \$6,000 to the Board’s travel account, which would allow \$1,200 per Commissioner to use for travel expenses, to come from the CIP fund noting any excess at the end of the term would be put back into the CIP fund. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Young, Shreve and Delauter opposed.

Commissioner Shreve moved to adopt the operating and capital budgets as presented.
Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

WORKSESSION

(Commissioner Gray left the meeting.)

Review of Preliminary Draft Chapter One of the Water and Sewerage Plan and Public Comment Received on Water and Sewer Related Policy Issues – Tim Goodfellow, Community Development Division

Mr. Goodfellow presented the proposed draft.

Public comment was taken from:

- Rand Weinberg, Esquire, Weinberg and Miller
- Andrew DiPasquale, Esquire, Miles and Stockbridge, P.C.
- Rolan Clark
- Ron Thompson, PenMar Associates
- David Severn, Esquire, Severn, O’Connor and Kresslein, P.A.
- Bonnie Bailey-Baker

No action was taken on this item; the Board was in agreement with staff’s recommendations.

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**Proposed Adequate Public Facilities Ordinance (APFO) School Mitigation Fee
Ordinance – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the proposed ordinance.

Public comment was taken from:

- Rolan Clark
- Bonnie Bailey-Baker
- Rand Weinberg, Esquire, Weinberg and Miller
- Steve Seawright, Frederick County Builders Association

Commissioner Young moved to take the proposed ordinance through the public hearing process as presented including Exhibit 1 and the five-year sunset provision. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS – (5 MINUTE PRESENTATION)

- Rolan Clark
- Rand Weinberg, Esquire, Weinberg and Miller

QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

ADJOURN

The meeting adjourned at 2:05 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JUNE 2, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Time and Location:

2:10 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JUNE 9, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JUNE 2, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Time and Location:

2:10 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

J. Mathias, D. Dunn, M. Chomel, E. Soter, A. Bradley, J. Kroll, M. Gastley, R. Santangelo, M. Baker and M. Toms.

Topic Discussed:

To consider the acquisition of an interest in property for agricultural preservation purposes

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary