

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 14, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, July 14, 2011, at 10:00 a.m. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, Acting County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner C. Paul Smith, *Vice President*, was absent from the meeting

(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

Commissioner Young announced Commissioner Smith was attending a Boy Scout function.

Commissioner Shreve commented on the public hearing held on Tuesday, July 12 regarding the public-private partnerships.

Commissioner Young reported on the discussion at the recent Frederick County Board of Education meeting of the draft Adequate Public Facilities Ordinance school mitigation fee ordinance.

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

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

AGENDA BRIEFING

Staff reviewed with the Board the following items scheduled for public hearing on Tuesday, July 19 at 7:00 p.m.

- Proposed Septage-Holding Tank Waste Resolution – Kevin Demosky, Utilities and Solid Waste Management Division
- To Consider Two (2) Ordinances to Amend the Frederick County Adequate Public Facilities Ordinance (APFO) – Kathy Mitchell, Office of the County Attorney

PUBLIC HEARING**Alarm Ordinance Revisions – Gary Hessong, Community Development Division**

A public hearing was held, as duly advertised, on changes to the alarm system registration ordinance to eliminate the annual renewal fee.

Mr. Hessong presented the draft ordinance for approval.

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There were no public comments.

Commissioner Shreve moved to adopt the ordinance as presented with an effective date of July 27, 2011. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

(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.)

WORKSESSION

Invocation Policy – John Mathias, Office of the County Attorney

Mr. Mathias presented the invocation policy to the Board. He indicated the religious leaders to be contacted to provide an opening invocation would no longer be limited to those “of monotheistic religions.”

Ms. Joyce Grossnickle, Office of the County Manager, commented on the scheduling of the religious leaders.

It was noted Commissioner Smith provided a letter explaining his opposition to the invocation policy.

Commissioner Shreve moved to adopt the invocation policy as presented. Commissioner Delauter seconded the motion that passed 3-1 with Commissioner Gray opposed and Commissioner Smith absent. It was indicated the policy would be implemented by September 1, 2011.

CONSENT AGENDA

The following item was removed from the consent agenda:

BID AWARD

1. Purchasing Memo #12-004 - Bid #12-02 Liquid Asphalt/Crack Sealing Materials
Award to: E. Stewart Mitchell, Inc.
Award amount: \$147,649.00

The following items remained on the consent agenda:

BID AWARDS

1. Purchasing Memo #11-241 – One-Year Extension of Frederick County's Motorola Radio System
Award to: Motorola, Inc.
Award amount: \$587,228.00

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2. Purchasing Memo #12-001 - Bid #00-00, Utility Relocation Work Related to the Improvements to Ijamsville Road Phase I
Award to: Potomac Edison
Award amount: Estimated Cost \$103,683.51
3. Purchasing Memo #12-002 - Bid #11-CP-74, Bituminous Overlay of Various Frederick County Roadways (FY 2012)
Award to: F.O. Day Co. Inc.
Award amount: \$2,593,241.55
4. Purchasing Memo #12-003 - Bid #11-CP-78, Improvements to Ijamsville Road, Phase I, Contract A
Award to: R.F. Kline, Inc.
Award amount: \$1,994,999.80
5. Purchasing Memo #12-005 – Countywide Elevator Services Agreement (Piggyback Contract)
Award to: ThyssenKrupp Elevator
Award amount: \$66,524.00
6. Purchasing Memo #12-009 - Bid #11-38, Revised FY 2012 Asphalt and Stone Materials
Award to: Various Vendors

BUDGET TRANSFER

1. #BT-12-005, Emergency Communications, Emergency Management Division

GRANTS

- Service Linked Housing Grant Renewal Application for State Fiscal Years 2012-2014 – Jenny Short, Citizens Services Division
- Collaborative Supervision and Focused Enforcement Grant Renewal and Budget Transfer – Charles Smith, State’s Attorney

MISCELLANEOUS

1. Memorandum of Agreement – Claiming of Federal Funds - Michael Demidenko, Department of Social Services

Commissioner Gray moved to approve the consent agenda as amended. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ADMINISTRATIVE BUSINESS

Purchasing Memo #12-004 - Bid #12-02 Liquid Asphalt/Crack Sealing Materials

Mr. Tom Meunier, Mr. Robert Shen and Mr. Donnie Crum, Public Works Division, commented on the purchasing request.

Commissioner Delauter moved to approve the request. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Smith absent.

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Frederick County Public Libraries (FCPL) Information Report – Darrell Batson, FCPL

Mr. Batson gave a PowerPoint presentation.

Commissioner Shreve requested a breakdown of the library useage by ZIP Code, including the number of active library cards.

No action was taken as this item was informational.

Conservation Reserve Enhancement Program (CREP) Easement – Crosby Property and Associated Budget Transfer – Anne Bradley, Community Development Division

Ms. Bradley presented the CREP easement of approximately 297.7 acres of property owned by Ms. Harriett McKnight Crosby.

Commissioner Gray moved to approve the CREP easement as presented and approved by the Department of Natural Resources and the associated budget transfer. Commissioner Young seconded the motion that passed 3-1 with Commissioner Delauter opposed and Commissioner Smith absent.

Frederick County Charter Board (Charter Board) Funding Request – Ragen Cherney, Office of the County Manager

Mr. Cherney provided information regarding other county governments funding of charter boards. Mr. Bob Kresslein, Esquire, Vice-Chair, Charter Board, requested funding of \$25,000 for the Charter Board.

Mr. Mathias commented on the Charter Board.

Commissioner Shreve moved to approve the request of up to \$25,000 to fund the Charter Board's budget with one-half of the funding to be used for a consultant for the drafting of the Charter and the other half to be used to advertise for public outreach. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Smith. The funding would be taken from the Contingency Fund.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

- Sherry Greenfield, The Gazette Newspapers

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CLOSED SESSION

Commissioner Shreve moved to go into closed session at 3:30 p.m. 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 Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

ADJOURN

The meeting adjourned at 11:20 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JULY 14, 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 Shreve moved to go 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 Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

Time and Location:

11:25 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the possible acquisition of temporary construction and permanent drainage easements for a county road project.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 19, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 14, 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 Shreve moved to go 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 Delauter seconded the motion that passed 4-0 with Commissioner Smith absent.

Time and Location:

11:25 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, T. Meunier, R. Shen, C. Chamberlain, A. Radcliffe and P. Morrow.

Topic Discussed:

To discuss the possible acquisition of temporary construction and permanent drainage easements for a county road project.

Action Taken:

The Board approved an agreement for a permanent/temporary easement for a county road project.

Patricia Morrow
Recording Secretary