

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, DECEMBER 8, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, December 8, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. 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.)

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with the Invocation followed by the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Smith commented on the lawsuit he had filed as an individual challenging the redistricting map. He indicated the final hearing was scheduled for December 20 and the U.S. Court of Special Appeals planned to have an opinion on the case out by the end of January.

Commissioner Delauter commented on the Walter Martz Road project regarding snow removal and fire and rescue procedures during the construction phase.

Commissioner Young commented on the recent hiring of two lobbyists by the Maryland Rural Counties Coalition.

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

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

WORKSESSION

Toys for Tots Campaign and Canned Food Drive 2011

The Board announced the Toys for Tots campaign and the canned food drive.

Introduction of Colonel Allan J. Darden, Sr., Commander, US Garrison, Fort Detrick

The Board welcomed Colonel Allen J. Darden, Sr. to Frederick County.

Human Rights Day Proclamation

The Board proclaimed December 10 as Human Rights Day in Frederick County.

Business Updates – Laurie Boyer, Community Development Division

Ms. Boyer presented Frederick County business updates to the Board.

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The Board recognized Ms. Amber Nagle, Shockley Honda, for their service to the community.

CONSENT AGENDA

The following item was presented on the consent agenda:

BID AWARD

- Purchasing Memo #12-073 – Employee Assistance Program Services, RFP #09-06
Renewal
Award to: Deer Oaks EAP Services
Award amount: \$28,097.28

Commissioner Smith moved to approve the consent agenda as presented. Commissioner Gray 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:

- Thursday, October 20, 2011
- Thursday, October 27, 2011
- Tuesday, November 1, 2011, Evening

Bid Awards – Hal Good, Finance Division

Purchasing Memo #12-086 – Animal Control Floor Cover and Attached Budget Transfer

Mr. Harold Domer, Animal Control Division, commented on the request.

Commissioner Smith moved to approve Purchasing Memo #12-086 as presented. Commissioner Gray seconded the motion that passed 5-0.

Purchasing Memo #12-087 – Management Services and Oversight Services for Citizens Care and Rehabilitation Center (CCRC)/ Montevue Assisted Living (MAL) and Attached Budget Transfer

Dr. Sonja Sperlich, President, Citizens Nursing Home Board of Trustees; Mr. Collier Baird, CCRC / MAL; and Ms. Tammy Conrad, Finance Division, participated in a discussion of Purchasing Memo #12-087.

Commissioner Gray questioned why the request to contract with L.W. Consulting, Inc. was a sole source.

Mr. John Mathias and Mr. Richard McCain, Office of the County Attorney, commented on the issue of sole source.

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Commissioner Smith moved to approve the purchasing request as presented with the following modifications and approval of the associated budget transfer:

- Page 13: The only parties to any proceeding to determine a dispute shall be the contractor and the ~~owner~~ COUNTY unless the contractor and ~~owner~~ COUNTY otherwise agree to allow additional parties.
- Page 28: The last paragraph begins: No action, regardless of form, arising from the services under this agreement may be brought by either party more that two years after the date of the last services provided under this agreement EXCEPT WITH RESPECT TO ANY LEGAL ACTION BETWEEN L.W. CONSULTING, INC. AND THE COUNTY.

Commissioner Young seconded the motion that passed 4-1 with Commissioner Gray opposed.

**University of Maryland Extension Unexpended FY 2011 Funds – Christine Lothen-Kline,
University of Maryland Extension Office (Extension Office)**

Ms. Lothen-Kline addressed the Board regarding the PAYSTATE FY 2011 funds. Mr. Terry Poole, Extension Office, was also present.

Commissioner Gray moved to approve the PAYSTATE FY 2011 carry-forward funds of \$4,261.63 to be retained by the Extension Office. Commissioner Smith seconded the motion that passed 5-0.

Ms. Lothen-Kline thanked the Board for the renovation to the 330 Montevue Lane building and the support of the temporary move to the Public Safety Training Facility. Ms. Lothen-Kline told the Board she would be leaving the Extension Office at the end of December.

**Frederick County Historic District Tax Credit Regulations – Richard McCain, Office of
the County Attorney**

Commissioner Gray moved to approve a resolution that would adopt the revision of the Frederick County Historic District Tax Credit Regulations with an effective date of December 8, 2011. Commissioner Smith seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

**Maintenance of Clemsonville Road Stormwater Management (SWM) Facilities – Tom
Meunier, Public Works Division**

Mr. Robert Shen and Mr. Dave Olney, Public Works Division, participated in the discussion of the request to accept the maintenance responsibility for the SWM facilities associated with the realigned portion of Clemsonville Road.

Mr. David Severn, Esquire, Severn, O'Connor and Kresslein, PA, commented on behalf of Lehigh Cement Company, LLC.

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Commissioner Smith moved to approve Option B to transfer the maintenance responsibilities for the SWM facilities to the county. Commissioner Delauter seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

Commissioners Shreve and Delauter commented on the business environment in the state of Maryland.

Commissioner Young indicated the FY 2013 base budget would be presented next week.

PUBLIC COMMENTS

- Bonnie Bailey-Baker
- Michael Hill

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:10 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, DECEMBER 8, 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 go into closed session under the Maryland Annotated Code State Government Article § 10-508 (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss a road construction easement.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY DECEMBER 15, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, DECEMBER 8, 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 go into closed session under the Maryland Annotated Code State Government Article § 10-508 (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

12:15 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

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

Topic Discussed:

To discuss a road construction easement.

Action Taken:

Staff was given direction regarding compensation resulting from a road construction easement.

Patricia Morrow
Recording Secretary