

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 31, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, January 31, 2012, 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 noted the season for fire and rescue service banquets had begun.

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.

AGENDA BRIEFING

Commissioner Young noted the following public hearing would be held on Tuesday, February 7 at 7:00 p.m.: Proposed Ordinance Regarding School Bus Monitoring Cameras – John Mathias, Office of the County Attorney.

CONSENT AGENDA

The following items were removed from the consent agenda:

CHANGE ORDER

- Village of Pinehurst Water and Sewer Improvements, Design Change Order No. 8 – Rod Winebrenner, Utilities and Solid Waste Management Division

MISCELLANEOUS

- Work Change Directive No. 21, Citizens Care and Rehabilitation Center / Montevue Assisted Living – Grease Interceptor Changes – Dave Ennis, Public Works Division

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The following items remained on the consent agenda:

BID AWARD

- Purchasing Memo #12-112 – Promotional Examination Testing of Lieutenant and Captain for the Division of Fire and Rescue Services (Piggyback Contract)
Award to: Fields Consulting
Award amount: Not to Exceed \$83,160.00

BUDGET TRANSFER

- #BT-12-110 - Housing, Citizens Services: Housing State Special Loan Program - \$28,447.00

GRANT

- FY 2013 Mid-Maryland Rural Legacy Grant – Anne Bradley, Community Development Division

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

ADMINISTRATIVE BUSINESS

Design Change Order No. 8 - Village of Pinehurst Water and Sewer Improvements – Rod Winebrenner, Utilities and Solid Waste Management Division

Mr. Kevin Demosky, Utilities and Solid Waste Management Division and Mr. Winebrenner briefed the Board on the design change order.

Commissioner Delauter moved to approve the design change order to extend construction management and inspection services up to \$70,000.00. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Smith opposed.

Work Change Directive No. 21, Citizens Care and Rehabilitation Center / Montevue Assisted Living – Grease Interceptor Changes – Dave Ennis, Public Works Division

Mr. Tom Meunier, Public Works Division and Mr. Ennis commented on the work change directive.

Commissioner Delauter moved to approve Work Change Directive No. 21. Commissioner Smith seconded the motion that passed 5-0.

Commissioner Delauter moved to request The City of Frederick fund their portion of the work change directive due to the inaccuracy of their inspection and waiver. Commissioner Shreve seconded the motion.

Commissioner Delauter offered an amendment to allow for the flexibility in the size of the grease interceptor to be from 300 gpm to 250 gpm or whatever size would be accurate for the

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grease interceptor. Commissioner Shreve seconded the amendment that failed 1-4 with Commissioners Young, Smith, Shreve, and Gray opposed.

The vote on the original motion was 5-0.

Public comment was heard from:

- Diane Smolley

National Land Trust Network Grant – Jenny Short, Citizens Services Division

Ms. Short presented the request to submit an application for a technical assistance grant for the start-up of a land trust in the county.

Commissioner Gray moved to approve the submittal of the online technical assistance application to the National Community Land Trust, accept the grant if awarded, authorize related budget transfers, and establish accounts to deposit funds if awarded. Commissioner Shreve seconded the motion that passed 5-0.

Abolishment of Deferred Loan Program (DLP) Review Committee – Jenny Short, Citizens Services Division

Commissioner Shreve moved to approve the recommendation to abolish the Deferred Loan Program Review Committee and to give the authority to the Department of Housing and Community Development Director to approve, modify and / or deny loans based on the Board approved DLP Program description and to amend the program description to open the program year-round rather than on a quarterly basis. Commissioner Delauter seconded the motion that passed 5-0.

Agricultural Preservation – Request for Re-certification – Anne Bradley, Community Development Division

Ms. Bradley noted counties that request to be certified would apply to the Maryland Agricultural Land Preservation Foundation (MALPF) in conjunction with the Maryland Department of Planning and would benefit by retaining additional local funding.

Commissioner Smith moved to approve the report. Commissioner Delauter seconded the motion that passed 5-0.

Staff was directed to prepare a summary of the report for the Farm Bureau / Pomona Grange Legislative Day scheduled for Saturday, February 11.

Legislative Update – 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.

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Commissioner Smith moved to authorize Commissioner Young to sign the revised memorandum of understanding regarding the Downtown Hotel/Conference Center. Commissioner Delauter seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (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 4-0 with Commissioner Delauter absent.

ADJOURN

The meeting adjourned at 11:30 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 31, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the possible reorganization of certain functions within county government and the potential impact on individual county employees.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 31, 2012,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 31, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, L. Thall, P. Dial, T. Meunier, M. Hose, and R. Santangelo.

Topic Discussed:

To discuss the possible reorganization of certain functions within county government and the potential impact on individual county employees

Action Taken:

Staff was given direction regarding the reorganization of the county government.

Patricia Morrow
Recording Secretary

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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 go into closed session under the Maryland Annotated Code State Government Article § 10-508 (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 4-0 with Commissioner Delauter absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss legal and contractual issues relating to a construction project.

Patricia Morrow
Recording Secretary

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STATUTORY AUTHORITY TO CLOSE SESSION

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Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (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 4-0 with Commissioner Delauter absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, M. Marschner, K. Demosky, R. Winebrenner, J. Blomquist and R. Santangelo.

Topic Discussed:

To discuss legal and contractual issues relating to a construction project.

Action Taken:

Staff was given direction to move forward with direction for contract settlement as presented and update the Board periodically as it progresses.

Patricia Morrow
Recording Secretary