

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 9, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, February 9, 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. Mike Marschner, Office of the 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 Senate Bill (SB) 236 – Sustainable Growth and Agricultural Preservation Act of 2012 and he briefed the Board on the current development regarding his personal lawsuit challenging the Congressional Redistricting Plan.

Commissioner Shreve noted he had attended the National Prayer Breakfast in Washington D.C. and also attended the Frederick County Board of Education public hearing.

Commissioner Delauter noted the Board had recently passed the school bus camera monitoring ordinance.

Commissioner Young commented he had also attended the National Prayer Breakfast and the Maryland Association of Counties (MACo) meeting.

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

Commissioner Young briefed the public on the Board’s recent administrative actions.

WORKSESSION

National Children of Alcoholics Proclamation

The Board proclaimed the week of February 12 – 18 as National Children of Alcoholics Week.

Introduction of Business Development and Retention Division (BDRD) Acting Director Helen Riddle

Ms. Riddle was introduced as the acting division director of the BDRD.

Public comment was heard from:

- Diane Smolley

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Business Updates – Ron Tobin, Office of the County Manager

Mr. Tobin updated the Board on businesses in Frederick County.

There were no public comments.

Appointments to Boards and Commissions – Joyce Grossnickle, Office of the County Manager

Board of Education Liaison Members

There were no public comments.

Commissioner Young moved to approve the appointment of Ms. Donna Crook as liaison to the Interagency Internal Audit Authority and Mr. Brad Young as liaison to the Parks and Recreation Commission. Commissioner Gray seconded the motion that passed 5-0. It was indicated both were effective immediately.

Canam Steel Corporation – Request for the Use of Extended Payment Plan for Water Capacity Fees – Kevin Demosky and Brenda Teach, Utilities and Solid Waste Management Division

Mr. Demosky and Ms. Teach presented the request to the Board.

Ms. Carol Crockett, representing Canam Steel Corporation, commented on the request.

Commissioner Smith moved to approve the capacity fee agreement for the extended payment of capacity fees for this property in accordance with the agreement. Commissioner Gray seconded the motion that passed 5-0.

CONSENT AGENDA

The following items were presented on the consent agenda:

BID AWARDS

- **Purchasing Memo #12-116** – Bid #12-CP-01, Adult Detention Center Solar Water Heating System and Budget Transfer
Award to: Solar Energy Services
Award amount: \$267,325.00
- **Purchasing Memo #12-125** – Enterprise Network Area Storage (SAN) Solution (Piggyback Contract)
Award to: Ice Web
Award amount: \$115,690.00

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- Purchasing Memo #12-126 - Bid #12-CP-08, Winchester Hall Retaining Wall and Planter Replacement
Award to: JCS Communications, Inc.
Award amount: \$107,113.00

CHANGE ORDER

1. Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion, Construction Change Order No. 20 – Rod Winebrenner, Utilities and Solid Waste Management Division

GRANTS

1. Change to FFY 2010 State Homeland Security Program Subgrant to the City of Brunswick and Attached Budget Transfers – Seamus Mooney, Emergency Management Division
2. Emergency Number Systems Board Grant Application – Chip Jewell, Emergency Management Division
3. FY 2012 Workforce Investment Act Modification Grant – Laurie Holden, Citizens Services Division

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

ADMINISTRATIVE BUSINESS

Online Sale of Frederick County General Obligation Public Facilities Bonds - Sam Ketterman, , Davenport & Company LLC (County Financial Advisor); James Cumbie, Esquire, Venable LLP (County Bond Counsel) and Lori Depies, Finance Division

Mr. Ketterman, Mr. Cumbie and Ms. Depies explained to the Board the procedure of selling bonds. The bids arrived at 11:00 a.m. for the bonds, with the apparent low bidder being Citigroup Global Markets, Inc.

The bids would be verified and a resolution prepared to finalize the sale of the bonds.

Commissioner Smith moved to approve and adopt Resolution #12-02 amending Resolution #12-01 that would give the authority to the Director of the Finance Division to award bonds to the lowest bidder as discussed and presented in the document. Commissioner Gray 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.)

Bid Award - Purchasing Memo #12-123, Juvenile Entry Diversion Initiative – Hal Good, Finance Division

Ms. Carol Hanson, Citizens Services Division; Mr. Hal Good and Ms. Sylvia Jacobs , Finance Division, commented on the bid award.

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Commissioner Young moved to approve Purchasing Memo #12-123 as presented. Commissioner Shreve seconded the motion that passed 5-0.

Request to Purchase Sewer Inspection Vehicle (Purchasing Memo #12-117 tabled from 1/12/12 BOCC Meeting) – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky briefed the Board on a plan in lieu of purchasing a replacement sewer television inspection vehicle.

It was suggested Fleet Services do an analysis of the inspection vehicle.

Commissioner Young moved to go forward with the new plan as presented and the preparation for the bidding of services as needed. Commissioner Smith seconded the motion that passed 5-0.

Amendments and Renewals to Waste Disposal Agreements – Kevin Demosky and Phil Harris, Utilities and Solid Waste Management Division

Mr. Harris presented the proposed renewals.

Commissioner Smith moved to approve the renewal and Third Amendment to the Waste Disposal Agreement between Frederick County and the Northeast Maryland Waste Disposal Authority (NMWDA) with Waste Management and the renewal and First Amendment to the Excess Waste Disposal Agreement between Frederick County and the NMWDA with North East Waste Services, Inc. Commissioner Delauter seconded the motion that passed 5-0.

Additional Legal Services for Ballenger-McKinney Enhanced Nutrient Removal (ENR) Wastewater Treatment Plant (WWTP) Expansion – Kevin Demosky, Utilities and Solid Waste Management Division and Kathy Mitchell, Office of the County Attorney

Mr. Demosky presented the request for additional legal services.

Commissioner Smith moved to approve the staff recommendation for additional legal services up to \$70,000 for the Ballenger-McKinney ENR WWTP expansion. Commissioner Gray seconded the motion that passed 5-0.

Draft FY 2013 -2018 Capital Improvements Program (CIP) Briefing – Kelly Weaver, Finance Division

Ms. Weaver presented the staff recommended balanced 6-year CIP to the Board. She indicated it was based on the operating budget revenues.

Ms. Weaver reviewed the priorities and the major changes in the CIP.

Commissioner Smith noted he would like to include a feasibility study for the North/South Road in the CIP. Mr. Eric Soter, Community Development Division, commented on a feasibility study.

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Discussion was held on the issue. It was indicated Mr. Soter would come back at a later date with issues and opportunities regarding the feasibility of a proposed North/South Road.

Ms. Weaver stated the BOE had asked for \$225,000 for the movement of additional portables. Commissioner Shreve questioned the request and said he would like to discuss the cost of moving portables with the BOE. He also requested a briefing on the Heather Ridge School capacity. Both would be discussed at the March 20 joint BOCC/BOE meeting.

Ms. Weaver said the staff recommended CIP would be issued on February 17.

**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.

Commissioner Young moved to send correspondence to the delegation to oppose Senate Bill (SB) 236 – Sustainable Growth and Agricultural Preservation Act of 2012. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Gray opposed.

Commissioner Young moved to send correspondence to the delegation to oppose SB 240 – Environment Bay Restoration Fund. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

Commissioner Young moved to send correspondence to the delegation supporting SB 65 – Dedicated Funds – Prohibition of Transfer – Chesapeake and Atlantic Coastal Bays 2010 Trust Fund and Bay Restoration Fund. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Gray opposed.

Mr. Eric Soter, Community Development Division, requested direction regarding Ms. Shannon Moore's testimony on a stormwater management bill.

Commissioner Smith moved to encourage Ms. Moore to testify in support of HB 549 – Stormwater Management – Residential Stormwater Practices – Inspection and Maintenance. Commissioner Delauter seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

Commissioner Shreve noted he would be attending a FirstEnergy meeting at Wormans Mill tomorrow morning.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

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ADJOURN

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow
Recording Secretary