

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 8, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 8, 2012, at 9:05 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

Comments were provided by Commissioners Young, Smith and Delauter.

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.

Business Recognition - Costco

The Board recognized Costco for their contributions to the community.

Recognition of Michael Caselle - Two Top Mountain Adaptive Sports Foundation

The Board recognized Mr. Caselle for his work with handicapped veterans and the handicapped community through the Two Top Mountain Adaptive Sports Foundation.

Appointment to Workforce Development Board – Joyce Grossnickle, Office of the County Manager

There was no public comment.

Commissioner Smith moved to appoint Ms. M. Katherine White as the representative for the Frederick County Department of Social Services on the Workforce Development Board. Commissioner Shreve seconded the motion that passed 5-0.

CONSENT AGENDA

The following item was removed from the consent agenda:

- Purchasing Memo #12-134 – RFP #12-12, Transit Vehicle Advertising Services – Revenue Generated Contract
Award to: Direct Media, Inc.
Minimum Revenue for the initial 15 month contract term - \$30,000.00

The following items remained on the consent agenda:

BID AWARD

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- Purchasing Memo #12-136 - Bid #12-CP-09, Senior Center Facility – Frederick HVAC System Upgrade
Award to: QSS International, Inc.
Award amount plus contingency: \$185,150.00

BUDGET TRANSFERS

- #BT-12-134, Facilities and Project Services, Public Works Division
- #BT-12-135, Animal Control Division
- #BT-12-136, Maintenance, Public Works Division

GRANT

- FY 2013 Office of Problem Solving Court Discretionary Grant Application for Drug Treatment Court – Paul Wolford, Circuit Court

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

ADMINISTRATIVE BUSINESS

Purchasing Memo #12-134 – RFP #12-12, Transit Vehicle Advertising Services – Revenue Generated Contract – Hal Good, Finance Division

(Commissioner Young passed the gavel to Commissioner Smith and left the table.)

Commissioner Shreve moved to approve Purchasing Memo #12-134 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Young absent.

(Commissioner Smith passed the gavel back to Commissioner Young who returned to the table.)

Approval of Board of County Commissioners' Meeting Minutes

By unanimous consent the following minutes were approved:

- ◆ Tuesday, January 3, 2012
- ◆ Tuesday, January 10, 2012, Evening

Presentation of Ordinance, for Signature Purposes, for Rezoning Case #11-01 (Choate Property Catoctin Wildlife Preserve and Zoo) – Michael Chomel, Office of the County Attorney

The Board signed the ordinance as presented.

(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.)

Decision on Proposed Resolution to Amend the List of Exempt Employees (Public Hearing Held 2/23/2012) – Linda Thall, Office of the County Attorney

Commissioner Shreve moved to approve the resolution with the removal of No. 3:

Removing the Director of the Permits and Inspections Department from the list of exempt employees, and

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Commissioner Delauter seconded the motion that failed 2-3 with Commissioners Young, Smith and Gray opposed.

Commissioner Young moved to approve the resolution as presented. 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.)

Proposed Encroachment Agreement – Schieber Property, Eaglehead, The Meadows, Parcel C – Beth Ramacciotti, Utilities and Solid Waste Management Division

Mr. Rod Winebrenner commented on the agreement.

Commissioner Shreve moved to approve the encroachment agreement. Commissioner Smith seconded the motion that passed 5-0.

Corporation for National and Community Service Grant – Pat Fleet, Office of the County Manager and Carolyn True, Citizens Services Division

Ms. Fleet and Ms. Carolyn True, Citizens Services Division, presented the grant.

Commissioner Shreve moved to approve the grant request. Commissioner Gray seconded the motion that passed 5-0.

Request Waiver to Proceed with an Application for Phase I of Planned Unit Development (PUD) for Property at Lake Linganore – Eric Soter, Community Development Division

Commissioner Young moved to approve the waiver as presented. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Gray opposed.

Request Waiver to Proceed with an Application to Amend the Phase I Zoning Approvals for the Urbana Town Center Mixed Use Development (MXD) – Eric Soter, Community Development Division

Commissioner Smith moved to approve the waiver as presented. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

Request Waiver to Proceed with an Application to Amend the Phase I Zoning Approvals for the Lansdale Active Adult Community PUD – Eric Soter, Community Development Division

Commissioner Smith moved to approve the waiver as presented. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

Request Waiver of Plat Recordation Fees for Lehigh Cement Company, LLC of \$1,500.00 – Dave Dunn, Office of the County Manager

Commissioner Smith moved to approve the waiver as presented. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

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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 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) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 10:25 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 8, 2012**

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(a) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the county's response to a pending lawsuit.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MARCH 15, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 8, 2012**

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(a) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, K. Mitchell, T. Meunier, M. Marschner, R. Shen, E. Soter, and P. Morrow.

Topic Discussed:

To discuss the county's response to a pending lawsuit.

Action Taken:

The Board authorized settlement of the negotiation and authorized the county attorney to execute the appropriate documents for the settlement.

Patricia Morrow
Recording Secretary

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Time and Location:

10:35 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
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Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, K. Mitchell, M. Marschner, K. Demosky, R. Winebrenner, J. Blomquist, and P. Morrow.

Topic Discussed:

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

Action Taken:

Staff was directed to craft a settlement agreement and to return to the Board in 30 days.

Patricia Morrow
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Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, K. Mitchell, K. Demosky, E. Soter, and P. Morrow.

Topic Discussed:

To discuss the county's response to a pending lawsuit.

Action Taken:

Staff was given direction regarding a claim for expenses.

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Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss legal issues relating to proposed legislation.

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Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, K. Mitchell, T. Owens, G. Hessong, M. Beard, R. Shen, T. Meunier, C. Jenkins, and P. Morrow.

Topic Discussed:

To discuss legal issues relating to proposed legislation.

Action Taken:

The Board directed staff to drop the proposed legislation.

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(9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the status of collective bargaining negotiations with the union that represents county firefighters.

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Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Delauter seconded the motion that passed 5-0.

Time and Location:

10:35 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Hose, S. Dobranksy, T. Owens, L. Depies, L. Thall and P. Morrow.

Topic Discussed:

To discuss the status of collective bargaining negotiations with the union that represents county firefighters.

Action Taken:

No action was taken.

Patricia Morrow
Recording Secretary