

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 19, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 19, 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 Boy Scout Troop 279 leading the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Young commented on a recent letter to the editor in The Frederick News-Post.

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

Business Recognition – Tri-State Homes Services, LLC

The Board recognized Tri-State Homes Services, LLC.

Business Updates – Helen Riddle, Business Development and Retention Division

Ms. Riddle updated the Board on businesses in Frederick County.

Mr. Bryan Smith and Ms. Sandy Mehalko, Maryland Small Business Development Center, briefed the Board on small business issues in Frederick County.

Pilot Program for Extended Hours Permitting Services for Home Owners – Gary Hessong, Community Development Division

Mr. Hessong briefed the Board on the initiative to extend the office hours of the permitting services to assist homeowners as a 60-day pilot program. The extended hours would be staffed by personnel from the Permits and Inspections Department; the Zoning Administration; and the Treasury Department.

Ms. Diane Fox, Finance Division, commented on the initiative.

(Commissioner Gray left the meeting.)

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Commissioner Smith moved to proceed forward with the proposed initiative regarding the extension of hours for permitting services as a 60-day pilot program to begin May 1, 2012. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

CONSENT AGENDA

The following items were presented on the consent agenda:

CHANGE ORDER

- Change Order No. 9 – FY 2013 Bituminous Overlay of Various County Roadways, Contract No. C29919 – Chuck Nipe, Public Works Division

GRANTS

- American Recovery and Reinvestment Act National Emergency Grant / On the Job Training – Laurie Holden, Citizens Services Division
- FY 2013 Hazardous Materials Emergency Preparedness Grant Application – Tom Owens, Fire and Rescue Services Division
- Maryland Community Health Resource Commission and the Developmental Disabilities Association – License Infrastructure Grant – Pat Fleet, Office of the County Manager

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

ADMINISTRATIVE BUSINESS

(Commissioner Gray returned to the meeting.)

Bid Award – Purchasing Memo #12-164 - Actuarial Consulting Services for Frederick County Retirement Plan – Hal Good, Finance Division

Ms. Tracy Lobuts, Human Resources Division, and Ms. Sylvia Jacobs, Finance Division, commented on the bid award.

Commissioner Smith moved to approve Purchasing Memo #12-164 as presented. Commissioner Shreve seconded the motion that passed 5-0.

Parcel G Transfer to Matan Affiliate – Kathy Mitchell, Office of the County Attorney

Ms. Mitchell presented the request to the Board regarding the deed regarding the transfer of Parcel G, which was a school/public use site in the Westview South property, to an affiliate of the Matan Companies.

Mr. Paul Dial, Parks and Recreation Division, and Mr. John Mathias, County Attorney, commented on the transfer.

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Public comment was heard from:

- Rand Weinberg, Esquire, Miles and Stockbridge

Commissioner Delauter moved to approve the transfer of Parcel G to the Matan affiliate. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Shreve opposed.

FY 2012/2013 Constant Yield Property Tax Rate – Regina Howell, Finance Division

The Board voted by consensus to go to public hearing with a tax rate of .936 / \$100 of assessed property value.

FY 2013 Proposed Operating Budget – Regina Howell, Finance Division

Commissioner Smith moved to send the proposed FY 2013 recommended operating budget to public hearing as presented. Commissioner Delauter seconded the motion that passed 5-0.

It was noted the public hearing would be held on Wednesday, May 2, 2012, at 6:00 p.m. at Governor Thomas Johnson High School.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

- Dr. Jorge Ribas – Midatlantic Hispanic Chamber of Commerce

QUESTIONS – PRESS

- Bethany Rogers, The Frederick News-Post

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 Shreve seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:25 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 19, 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; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:30 p.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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, APRIL 26, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 19, 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; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, K. Demosky, M. Marschner and P. Morrow.

Topic Discussed:

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

Action Taken:

Staff was given direction to provide a contingency plan to deal with the contractual issues relating to a construction project.

Patricia Morrow
Recording Secretary

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STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(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) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:30 p.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.

Patricia Morrow
Recording Secretary

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Motion:

Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (a) (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

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

Topic Discussed:

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

Action Taken:

Staff was directed to send a new memorandum of understanding to the firefighter union.

Patricia Morrow
Recording Secretary