

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 26, 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 26, 2012, at 10:10 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](http://www.FrederickCountyMD.gov).)*

**INVOCATION AND PLEDGE OF ALLEGIANCE**

The meeting began with the invocation followed by the recitation of the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Smith and Delauter noted that had recently attended the Architectural Construction and Engineering Mentor Program.

Commissioner Delauter read a historical excerpt from The Frederick News-Post.

Commissioner Young noted he had been attending the ICE Citizens Academy on Immigration.

**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**

**National Home Remodelers Proclamation**

The Board proclaimed the month of May as National Home Remodelers Month.

**Business Recognition – Meridian BioGroup**

The Board recognized the Meridian BioGroup.

**Appointment to the Interagency Internal Audit Authority (IIAA) – Commissioner Blaine Young**

There were no public comments.

Commissioner Smith moved to appoint Mr. Steven Darr to the IIAA to fill an unexpired term ending April 16, 2013. Commissioner Shreve seconded the motion that passed 5-0.

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**Pilot Water and Sewer Public Improvements Agreement Update – Rod Winebrenner,  
Utilities and Solid Waste Management Division**

Mr. Demosky, Utilities and Solid Waste Management Division, and Mr. Winebrenner briefed the Board on the pilot program. It was noted there were currently seven (7) active projects.

Commissioner Gray questioned what contractors were doing the inspections. It was indicated that would be included in the weekly administrative updates.

Public comment was heard from:

- Jason Wiley, Elm Street Developers
- Representative from Geo-Technologies Associates
- Diane Smolley

There was no action taken, as this item was informational.

**AGENDA BRIEFING**

Commissioner Young noted the following public hearings were scheduled for Wednesday, May 2, 2012, at 6:00 p.m. at Governor Thomas Johnson High School: FY 2013 General Property Tax Levy and the FY 2013 Proposed Operating Budget (including the Frederick County Board of Education).

**CONSENT AGENDA**

The following item was removed from the consent agenda:

- Purchasing Memo #12-168 – RFP #09-30, Group Term Life Insurance for Employees (Contract Renewal)  
Award to: ING/Reliastar Life Insurance Company  
Estimated amount: \$247,356.00

The following items remained on the consent agenda:

**BID AWARDS**

- Purchasing Memo #12-169 – Bid #12-35, Furnishing and Applying HI-Test Liquid Calcium Chloride  
Award to: Calcium Chloride Sales  
Award amount: \$40,083.15
- Purchasing Memo #12-170 - Bid #12-30, Removal and Disposal of Disaster Aggregate Debris  
Award to: Primary Contractor - DRC Emergency and Secondary Contractor - Tag Grinding  
Award amount: \$10,572.66 (based on unit pricing)

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- Purchasing Memo #12-171 – Long Distance Carrier Services (Piggyback Contract)  
Award to: AT&T Long Distance Calling Services  
Award amount: \$33,500.00
- Purchasing Memo #12-172 – OEM Truck Parts and Repairs (Piggyback Contract)  
Award to: FleetPride, Inc.  
Estimated amount: \$85,000.00

**BUDGET TRANSFER**

1. #BT-12-158, Housing and Community Development

**BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENTS**

**Current Expense Fund Amendment**

1. #3-12 – No county budget transfer required.

**School Construction Expense Fund Amendments**

1. #12-08 and BT-12-159
2. #12-09 and BT-12-160
3. #12-10 and BT-12-161

**GRANTS**

1. Governor's Office of Crime Control and Prevention – FY 2013 Domestic Violence Unit Program (DVUP) Grant Application – Marty Gallagher, Sheriff's Office
2. Governor's Office of Crime Control and Prevention – FY 2013 Sex Offender Compliance and Enforcement in Maryland (SOCEM) Grant Application – Marty Gallagher, Sheriff's Office

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

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #12-168 – RFP #09-30, Group Term Life Insurance for Employees (Contract Renewal) – Hal Good, Finance Division**

Mr. Mitch Hose and Ms. Kristin Brandenburg, Human Resources Division, commented on the contract renewal request.

Commissioner Smith moved to approve Purchasing Memo #12-168 as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

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**Bid Award - Purchasing Memo #12-174, PeopleSoft Pension Administration Module –  
Software and Support – Hal Good, Finance Division**

Commissioner Smith moved to approve Purchasing Memo #12-174 as presented.  
Commissioner Gray seconded the motion that passed 5-0.

**To Consider Zoning Text Amendment #ZT-12-01 - #ZT-12-13 – Proposed Ordinance to  
Amend Certain Sections of the Frederick County Code (Continued from BOCC Meeting  
4/17/2012) – John Mathias, Office of the County Attorney**

Ms. Shawna Lemonds and Mr. Larry Smith, Community Development Division, commented on the ordinance.

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

Commissioner Smith moved to approve the ordinance as presented. Commissioner Delauter seconded the motion that passed 3-0-1 with Commissioner Young absent and Commissioner Gray abstained.

(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](http://www.FrederickCountyMD.gov).)

(Commissioner Smith returned the gavel to Commissioner Young.)

**Utilities and Solid Waste Management Division (DUSWM) FY 2013 Capital Outlay  
Request – Kevin Demosky, DUSWM**

Commissioner Smith moved to approve the revision of the DUSWM FY 2013 capital outlay request as presented. Commissioner Delauter seconded the motion that passed 5-0.

**FY 2012 Development Impact Fee Annual Report – Kelly Weaver, Finance Division**

Ms. Weaver presented the FY 2012 Development Impact Fee Annual Report.

Discussion regarding the automatic yearly adjustment ensued. Mr. John Mathias, County Attorney, commented on the adjustment.

Commissioner Shreve moved to take the development impact fee through the public hearing process. Commissioner Smith seconded the motion that passed 3-2 with Commissioners Gray and Delauter opposed.

Commissioner Young moved to consider the elimination of the automatic yearly adjustment rate from the impact fees. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

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**Memorandum of Understanding (MOU) Between the Board of County Commissioners  
and The City of Frederick Regarding Funding for a Part-time Alcoholic Beverage  
Inspector – Kathy Vahle, Liquor Board and Linda Thall, Office of the County Attorney**

Ms. Vahle presented the MOU to the Board.

Commissioner Smith moved to approve the MOU as presented. Commissioner Gray seconded the motion that passed 5-0.

**COMMISSIONER COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**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 Delauter seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 12:15 p.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, APRIL 26, 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 Delauter 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 settlement of claims related to a construction project.

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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 WEDNESDAY, MAY 2, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 26, 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 Delauter 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, K. Mitchell, K. Demosky, M. Marschner, R. Winebrenner and P. Morrow.

**Topic Discussed:**

To discuss settlement of claims related to a construction project.

**Action Taken:**

The Board directed staff to accept the negotiated settlement for the construction project.

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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 Delauter 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 collective bargaining issues with the Sheriff.

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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 Delauter 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, R. Howell, T. Lobuts, C. Jenkins, R. Williar, S. Hopkins, M. Marschner, R. Santangelo and P. Morrow.

**Topic Discussed:**

To discuss collective bargaining issues with the Sheriff.

**Action Taken:**

The Board provided direction to the staff regarding salary issues with the Sheriff's Office.

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Patricia Morrow  
Recording Secretary