

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 3, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 3, 2012, at 10:25 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 recitation of 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 and Mr. Dunn briefed the public on the Board's recent administrative actions.

WORKSESSION

Bike to Work Proclamation

The Board proclaimed May 18, 2012, as Bike to Work Day in Frederick County.

Business Recognition – Middletown Sportsland

The Board recognized Middletown Sportsland for their community involvement.

Business Updates – Helen Riddle, Business Development and Retention Division

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

Public comment was heard from:

- Diane Smoley

Update on the 2012 Session of the Maryland General Assembly and the Activities of the Maryland Rural Counties Coalition – Bruce Bereano and William Miles, Maryland Rural Counties Coalition

Mr. Bereano and Mr. Miles updated the Board on the 2012 Session of the Maryland General Assembly and the Maryland Rural Counties Coalition.

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There were no public comments.

No action was taken as this item was informational.

**Critical Farms Program – Request for Appraisals – Anne Bradley, Community
Development Division**

Ms. Bradley presented a request for appraisals for the Critical Farms Program applications to determine an option value.

Public comment was heard from:

- Robert Kline
- John Wright
- Linda Shifflitt
- Fred Hines

Mr. Michael Chomel, Office of the County Attorney, commented on the Critical Farms Program.

Commissioner Young moved to appraise the eight (8) properties to determine an option value. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Shreve moved to direct staff regarding any agricultural preservation program spending county funds to go in the direction of a bid process to include criteria from today and incorporate into the bid process that a new farmer of family transitioning into farming has a higher ranking/point value. Commissioner Delauter seconded the motion that passed 5-0.

CONSENT AGENDA

(Commissioner Gray left the room.)

The following items were presented on the consent agenda:

BID AWARD

- Purchasing Memo #12-177 - Bid #12-CP-05, Frederick County Landfill Leachate Sewer and Budget Transfer
Award to: Guyer Brothers, Inc.
Award amount: \$2,646,950.00

BUDGET TRANSFER

- #BT-12-164, Housing and Community Development

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CHANGE ORDER

- Construction Change Order No. 6, Contract No. 39G-W, Meadows Water Booster Pumping Station – Rod Winebrenner, Utilities and Solid Waste Management Division

GRANTS

- FFY 2012 Byrne Justice Assistance Grant Program (BJAC) Interlocal Agreement between The City of Frederick and Frederick County – Marty Gallagher, Sheriff's Office
- Walmart Foundation – Meals on Wheels Association of America Grant Application – Carolyn True, Citizens Services Division

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

ADMINISTRATIVE BUSINESS

**Reimbursement of Permit and Inspection Fees for Brunswick Volunteer Fire Company –
Doug Orner, Office of the County Manager**

(Commissioner Gray returned to the room.)

Commissioner Young moved to approve the reimbursement of fees to the Brunswick Volunteer Fire Company. Commissioner Shreve seconded the motion that passed 4-0-1 with Commissioner Gray abstained. It was noted the approval was based on the fact the volunteer fire company provided a significant service to the county.

**Frederick County Government Strategic Plan FY 2011-FY2015 Quarterly Report Update
(April 2012) – Dave Dunn, Office of the County Manager**

Mr. Dunn presented the quarterly report update.

No action was taken as this item was informational.

(Commissioner Young passed the gavel to Commissioner Smith and left the room at 12:15 p.m.)

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None

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CLOSED SESSION

Commissioner Gray moved to go into closed session under 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 4-0 with Commissioner Young absent.

ADJOURN

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 3, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 3, 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 Gray 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 4-0 with Commissioner Young absent.

Time and Location:

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with county staff, including the county's attorneys, a potential claim on a county 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, MAY 10, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 3, 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 Gray 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 4-0 with Commissioner Young absent.

Time and Location:

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, R. McCain, T. Meunier, C. Nipe and P. Morrow.

Topic Discussed:

To discuss with county staff, including the county's attorneys, a potential claim on a county construction project.

Action Taken:

The Board sent a letter regarding the construction project.

Patricia Morrow
Recording Secretary