

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 10, 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 10, 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 the recitation of the Pledge of Allegiance.

COMMISSIONER COMMENTS

Comments were provided by Commissioners Young, Smith, Shreve 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

National Correction Officers' Week Proclamation

The Board proclaimed the week of May 6 as Correction Officers' Week in Frederick County.

National Police Week Proclamation

The Board proclaimed the week of May 13 as National Police Week in Frederick County.

FrederickWORKS One Job at Time Recognition – Imagilin Technology, Inc.

The Board recognized Imagilin Technology, Inc. for their participation in the FrederickWORKS One Job at a Time initiative.

Appointment to the Monocacy Scenic River Citizens Advisory Board – Joyce Grossnickle, Office of the County Manager

There was no public comment.

Commissioner Smith moved to appoint Mr. Sam Roop to serve a four-year term to expire May 10, 2016. Commissioner Delauter seconded the motion that passed 5-0.

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**Amendment to Ordinance No.11-18-584 (School Construction Fees) to Remove
Transitional Restrictions – Kathy Mitchell, Office of the County Attorney**

Ms. Mitchell presented the request to take the amendment to public hearing. Mr. Eric Soter, Community Development Division, commented.

Public comment was heard from:

- Diane Smoley
- M.C. Keegin-Ayer

Commissioner Smith moved to take the proposed amendment through the public review process. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Amendments to Adequate Public Facilities Ordinance (Chapter 1-20) and Impact Fee
(Chapter 1-22) to Delete Automatic Adjustment Provisions – Kathy Mitchell, Office of
the County Attorney**

Ms. Mitchell presented the request to take the amendment to public hearing.

Public comment was heard from:

- MC Keegin-Ayer

Commissioner Smith moved to take the proposed amendments through the public review process. Commissioner Shreve seconded the motion.

Mr. John Mathias, County Attorney, commented.

Commissioner Young offered an amendment to the original motion to hold a public hearing on the automatic adjustment yearly. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

The vote on the original motion as amended was 4-1 with Commissioner Gray opposed.

CONSENT AGENDA

The following items were presented on the consent agenda:

BID AWARDS

- Purchasing Memo #12-178 - Bid #12-CP-11, Adult Detention Center Roof Replacement
Award to: CitiRoof Corporation
Award amount: \$1,225,700.00
- Purchasing Memo #12-185 – Legal Services for the Department of Social Services
Award to: Bokman Law
Award amount: \$181,200.00

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GRANT

- Grant Application to the National Fish and Wildlife Foundation's Chesapeake Bay Local Government Capacity Building Initiative – Jessica Seipp, Community Development Division

MISCELLANEOUS

- Work Change Directive No. 1, Pinehurst Water and Sewer Improvements, Contract No. 196G-SW – Rod Winebrenner, Utilities and Solid Waste Management Division

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

ADMINISTRATIVE BUSINESS

Bid Awards – Hal Good, Finance Division

Purchasing Memo #12-175 – Dental Insurance Plan for Employees (6-month contract extension)

Commissioner Smith moved to approve Purchasing Memo #12-175 as presented. Commissioner Gray seconded the motion that passed 5-0.

Purchasing Memo #12-186 – Kitchenware for New Citizens Care and Rehabilitation Center / Montevue Assisted Living

Commissioner Smith moved to approve Purchasing Memo #12-186 as presented. Commissioner Gray seconded the motion that passed 5-0.

Purchasing Memo #12-188 – Physical Therapy Services

Commissioner Smith moved to approve Purchasing Memo #12-188 as presented. Commissioner Young seconded the motion that passed 5-0.

Consolidated Local Implementation Grant (CLIG) for the Frederick County Infants and Toddlers Program and Associated Budget Transfer – Dr. Monica Grant, Health Services Division

Dr. Barbara Brookmyer, Health Services Division, commented on the grant.

Commissioner Smith moved to approve the CLIG grant and the budget transfer. Commissioner Gray seconded the motion that passed 5-0.

Decision on the FY 2013 General Property Tax Levy (Public Hearing Held 5/2/12) and Approval of Resolution – Regina Howell, Finance Division

Commissioner Smith moved to adopt the resolution regarding the FY 2013 General Property Tax Levy as presented. Commissioner Delauter seconded the motion that passed 5-0.

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(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.)

Update of the Frederick County Building, Plumbing, and Electrical Codes – Gary Hessong, Community Development Division

Mr. Hessong presented the updates to the Board.

Commissioner Smith moved to take the proposed updates to the building, plumbing and electrical codes to public hearing. Commissioner Shreve seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

Commissioner Smith presented a list of non-profits he would consider to fund in the FY 2013 operating budget.

Commissioners Shreve requested an update on the Walkersville library be scheduled.

PUBLIC COMMENTS

- Bill Ashton

QUESTIONS – PRESS

- Bethany Rogers – The Frederick News-Post

CLOSED SESSION

Commissioner Smith 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 Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:35 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 10, 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 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:

12:40 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
FOR THURSDAY, MAY 10, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 17, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 10, 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:

12:40 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, 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 given direction to move forward with an option and update the Board in two (2) weeks.

Patricia Morrow
Recording Secretary

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Motion:

Commissioner Smith 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:40 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss possible settlement of issues relating to a construction project.

Patricia Morrow
Recording Secretary

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STATUTORY AUTHORITY TO CLOSE SESSION

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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; 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:

12:40 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, M. Marschner, K. Demosky, R. Winebrenner, B. Creighton and P. Morrow.

Topic Discussed:

To discuss possible settlement of issues relating to a construction project.

Action Taken:

The Board approved the staff recommendation.

Patricia Morrow
Recording Secretary