

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 17, 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 17, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Also present were Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

(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

Convoy of Hope Proclamation

The Board proclaimed Saturday, June 2, 2012, as Convoy of Hope Day.

Business Recognition – Colonial Jewelers

The Board recognized Colonial Jewelers for their involvement in the community.

Business Updates – Helen Riddle, Business Development and Retention Division

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

Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager

Adult Public Guardianship Review Board

There was no public comment.

Commissioner Smith moved to appoint Ms. Alice Rice to serve a three-year term effective July 1, 2012, and expire June 30, 2015. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

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Board of Appeals

There was no public comment.

Commissioner Young moved to reappoint Mr. Mike Bowersox and Mr. Al Duke to serve three-year terms effective July 1, 2012, and expire June 30, 2015. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

Citizens Nursing Home Board of Trustees

There was no public comment.

Commissioner Young moved to reappoint Mr. Charles Clark, Ms. Barbara Spencer, and Dr. Sonja Sperlich to serve three-year terms effective July 1, 2012, and expire June 30, 2015. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Property Tax Assessment Appeals Board

There was no public comment.

Commissioner Smith moved to forward both applicants' names to the Governor's Appointments Office in the following ranking order: Mr. Bryan Miller and Mr. Alexi Franklin. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Redesign of Frederick County Real Property Taxes and Fees Bill – Lori Depies, Finance Division

Ms. Depies and Ms. Diane Fox, Finance Division, presented the redesign to the Board.

There was no public comment.

Commissioner Smith moved to accept the redesign of the Frederick County real property taxes and fees bill. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

CONSENT AGENDA

The following item was presented on the consent agenda:

CHANGE ORDER

- Design (Inspection) Change Order No.10, Pinehurst Water and Sewer Improvements – Rod Winebrenner, Utilities and Solid Waste Management Division

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

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ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Shreve moved to approve the following minutes:

- Thursday, February 9, 2012
- Tuesday, February 14, 2012

Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

Purchasing Memo #12-181 – Judicial Dialog Case Management Software; Five-Year Maintenance Support and Attached Budget Transfer (Sole Source) – Hal Good, Finance Division

Ms. Sherry Weakley, Interagency Information Technologies Division and Mr. Charlie Smith, State's Attorney, commented on Purchasing Memo #12-181.

Commissioner Shreve moved to approve Purchasing Memo #12-181 as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

(Commissioner Delauter left the room.)

Purchasing Memo #12-189 – Occupational Therapy Services (Non-Competitive, Negotiated One-Year Contract) - Hal Good, Finance Division

Commissioner Smith moved to approve Purchasing Memo #12-189 as presented. Commissioner Shreve seconded the motion that passed 3-0 with Commissioners Gray and Delauter absent.

Purchasing Memo #12-190 – Speech and Language Pathology Services (Non-Competitive, Negotiated Five-Year Contract) - Hal Good, Finance Division

Commissioner Smith moved to approve Purchasing Memo #12-190 as presented. Commissioner Shreve seconded the motion that passed 3-0 with Commissioners Gray and Delauter absent.

(Commissioner Delauter returned to the room.)

Fee Resolution for the Permitting and Inspections, Development Review Planning and Comprehensive Planning Functions of the Community Development Division – Gary Hessong, Community Development Division

Commissioner Smith moved to approve and adopt the resolution as presented with an effective date of July 1, 2012. Commissioner Shreve seconded the motion that passed 3-1-1 with Commissioner Gray absent and Commissioner Delauter abstained.

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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.)

**Additional Legal Services for Ballenger McKinney Enhanced Nutrient Removal (ENR)
Wastewater Treatment Plant (WWTP) Expansion – Kevin Demosky, Utilities and Solid
Waste Management Division**

Mr. Demosky presented the request to the Board.

Commissioner Smith moved to approve the additional legal services as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

COMMISSIONERS COMMENTS

County Manager Dave Dunn reported the Emmitsburg and Middletown recycling centers would be opening soon.

PUBLIC COMMENTS – (FIVE MINUTE PRESENTATION)

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) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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 4-0 with Commissioner Gray absent.

ADJOURN

The meeting adjourned at 11:35 a.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 17, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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 4-0 with Commissioner Gray absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the purchase of property.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 17, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 24, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 17, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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 4-0 with Commissioner Gray absent.

Time and Location:

11:40 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

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

Topic Discussed:

To consider the purchase of property.

Action Taken:

Staff was given direction towards regarding the purchase of the property.

Patricia Morrow
Recording Secretary

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Commissioner Smith moved to go into closed session under the Maryland Annotated Code State Government Article § 10-508 (a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto; (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 4-0 with Commissioner Gray absent.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the county's legal options in enforcing and performing under an existing county contract.

Patricia Morrow
Recording Secretary

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Others in Attendance:

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

Topic Discussed:

To consider the county's legal options in enforcing and performing under an existing county contract.

Action Taken:

Staff was directed to explore options with the other parties to the contracts.

Patricia Morrow
Recording Secretary