

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, AUGUST 2, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, August 2, 2012, at 10:00 a.m. in the third floor meeting room. 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.

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 Gray.

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.

PUBLIC COMMENTS

- Phylis Lyndell
- Tom Cuff

WORKSESSION

Business Recognition – Wells Fargo Home Mortgage

Wells Fargo Home Mortgage was recognized for their contributions to the community.

PUBLIC HEARING

To Consider a Frederick County Real Property Tax Credit – Diane Fox, Finance Division

A public hearing was held, as duly advertised, on a proposed real property tax credit.

Ms. Fox and Ms. Lori Depies, Finance Division, presented the proposal to grant a \$100 county real property tax credit to homeowners on their owner-occupied property as an appropriate use of the one-time FY 2011 fund balance.

Public comment was received from:

- Tom Wheatley
- Mary Lou Blessing
- Jacqueline Messier
- Nancy Purinton
- Tom Cuff
- Anne Thomas Palmer

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- Diane Smoley

Motion to approve real property tax credit as presented – Passed 3-1-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young	X		X			
Smith					X	
Shreve		X	X			
Gray				X		
Delauter			X			

(Commissioner Delauter left the meeting at 11:15 a.m.)

WORKSESSION

Direction to Continue to Proceed with the Review of the Development Rights and Responsibilities Agreement (DRRA) for the Lansdale Planned Unit Development (PUD) – Eric Soter, Community Development Division

Mr. Soter and Ms. Kathy Mitchell, Office of the County Attorney, requested direction from the Board regarding the Lansdale PUD DRRA.

There was no public comment.

Motion to take the DRRA for the Lansdale PUD through the public review process – Passed 3-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray				X		
Delauter						X

Website Enhancements: Donate Now and Volunteer – Sherry Weakley, Interagency Information Technologies Division

Ms. Weakley, Mr. Harold Domer, Animal Control Division; Ms. Pat Rosensteel, Citizens Services Division; Elizabeth Cromwell, Frederick County Public Libraries; and Mr. Bob Hicks, Parks and Recreation Division, commented on the Donate Now and Volunteer initiative.

There was no public comment.

No action was taken as this item was informational.

AGENDA BRIEFING

Commissioner Young noted the Board would hold a public hearing on Thursday, August 9 at 10:00 a.m. regarding the proposed resolution to amend water and sewer rules and regulations.

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CONSENT AGENDA

The following items were presented on the consent agenda:

- Purchasing Memo #13-014 - Bid #12-CP-12, Wastewater System Improvements at New Design Road Wastewater Snyder Environmental, Inc.
Award amount: \$214,000.00 (Capital Funds)
- Renewal of the Collaborative Supervision and Focused Enforcement Grant (5th Year) and
Attached Budget Transfer

Motion to approve the consent agenda as presented – Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray		X	X			
Delauter						X

ADMINISTRATIVE BUSINESS

(Commissioner Gray left the meeting.)

Approval of Board of County Commissioners' Meeting Minutes

Upon a motion by Commissioner Smith, seconded by Commissioner Shreve, the minutes for following dates were approved 3-0 with Commissioners Gray and Delauter absent.

- ◆ Thursday, March 22, 2012
- ◆ Thursday, April 12, 2012
- ◆ Tuesday, April 17, 2012
- ◆ Thursday, April 19, 2012
- ◆ Thursday, April 26, 2012

(Commissioner Gray returned to the meeting.)

Approval of Frederick County Volunteer Fire and Rescue Association Website Contract – Doug Orner, Office of the County Manager

This item was tabled. Staff to come back at a later date to discuss the costs of county staff administering the Association's website.

COMMISSIONER COMMENTS

Comments were provided by Commissioner Young, Smith and Shreve.

PUBLIC COMMENTS

None.

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QUESTIONS – PRESS

None.

CLOSED SESSION

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.

Topic – To discuss with county staff and the county’s attorneys the possible settlement of a construction dispute.

Motion to go into closed session – Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray		X	X			
Delauter						X

ADJOURN

The meeting adjourned at 1:00 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 2, 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 Gray seconded the motion that passed 4-0 with Commissioner Delauter absent.

Time and Location:

1:05 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with county staff and the county's attorneys the possible settlement of a construction dispute.

Patti Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 7, 2012
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 2, 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 Gray seconded the motion that passed 4-0 with Commissioner Delauter absent.

Time and Location:

1:05 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

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

Topic Discussed:

To discuss with county staff and the county's attorneys the possible settlement of a construction dispute.

Action Taken:

The Board authorized Commissioner Young to sign the settlement agreement.

Patti Morrow
Recording Secretary