

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 11, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Ms. Lori Depies, 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, Gray and Delauter.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Lori Depies, Office of the County Manager

Commissioner Young and Ms. Depies briefed the public on the Board's recent administrative actions.

PUBLIC COMMENTS

- Sharon Dobson, Commission For Women

WORKSESSION

Day of the Girl Proclamation

The Board proclaimed October 11 as the Day of the Girl.

Breast Cancer Awareness Month Proclamation

The Board proclaimed the month of October as Breast Cancer Awareness Month in Frederick County.

One Job at a Time Business Recognition – T.J. Maxx

The Board recognized T.J. Maxx for its participation in the FrederickWORKS! One Job at a Time initiative.

(Commissioner Delauter left the meeting.)

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

Mr. Winebrenner and Mr. Kevin Demosky, Utilities and Solid Waste Management Division, updated the Board on the pilot PIA.

Motion to take the water and sewer PIA through the public review process – Passed 3-1.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

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

(Commissioner Delauter returned to the meeting.)

CONSENT AGENDA

- Purchasing Memo #13-047 – Purchase of Computers, Ancillary Equipment and Services on an as needed basis
Award to: Dell
Estimated award amount: \$395,000.00
- Bowers Road Waterline Easement to The City of Frederick
- FY 2013 Veterans Directed Home and Community Based Services Program Grant Application

Motion to approve the consent agenda as presented – Passed 5-0.

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

AGENDA BRIEFING

Commissioner Young noted the Board would hold a public hearing on Tuesday, October 16 at 7:00 p.m. regarding the proposed 2013 Legislative Package.

ADMINISTRATIVE BUSINESS

FY 2013 Review of First Quarter Library Material Purchases – Darrell Batson, Frederick County Public Libraries

Mr. Batson reviewed the first quarter library material purchases and presented the request for funding the second quarter purchases. He also briefed the Board on the how the library purchases and disposes of books.

Motion to release the FY 2013 second quarter funds for library material purchases – Passed 5-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

**Covered Bridge Preservation Project – Budget Transfer to Create Project in Current
Capital Improvements Program – Tracy Diggs, Public Works Division**

Mr. Diggs and Mr. Jason Stitt, Public Works Division, presented the request.

Motion to approve a budget transfer of \$220,500 to set up a new grant funded CIP project for the preservation of the county's three (3) historic covered bridges – Passed 5-0.

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

**State Highway Administration Encroachment of Park and Ride Facility at Lander Road
Sewage Pumping Station Site – Beth Ramacciotti, Utilities and Solid Waste
Management Division**

Ms. Ramacciotti presented the encroachment agreement.

Motion to approve an agreement with the Jefferson Ruritan Club and SHA to address an encroachment issue at the Lander Road sewage pumping station site – Passed 5-0.

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

**Letter of Agreement with State Highway Administration (SHA) for Wynn Hill Court
Waterline Extension - Beth Ramacciotti, Utilities and Solid Waste Management Division**

Ms. Ramacciotti presented the letter of agreement. She indicated the pavement overlay would be completed at a lower cost by SHA.

Motion to approve the letter of agreement with SHA to obtain cost savings for the project – Passed 5-0.

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

**Legislative Issues – John Mathias, Office of the County Attorney and Ragen Cherney,
Office of the County Manager**

Motion to add to the 2013 Legislative Package: Amending State Law to Provide Public Safety Agencies in Frederick County Authorization to Operate All Terrain Vehicles (ATV) and Utility Terrain Vehicles (UTV) Under Certain Circumstances – Passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

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

Motion to add to the 2013 Legislative Package: Requiring a Frederick County Voter to Show Proof of Identity in Order to Vote in the 2014 Elections – Passed 4-1.

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

Motion to add to the 2013 Legislative Package: Exempting Frederick County Public Schools from the State Forest Resource Ordinance Requirement – Passed 4-1.

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

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

- Maryanne Crosthwaithe

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 consider potential legal action and alternatives regarding recent legislation and regulatory issues.

Motion to go into closed session – Passed 5-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

ADJOURN

The meeting adjourned at 1:50 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, OCTOBER 11, 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 Young seconded the motion that passed 5-0.

Time and Location:

11:50 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider potential legal action and alternatives regarding recent legislation and regulatory issues.

Patti Morrow, Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 11, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, OCTOBER 18, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 11, 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 Young seconded the motion that passed 5-0.

Time and Location:

11:50 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

L. Depies, J. Mathias , M. Marschner, K. Mitchell, E. Soter, S. Moore, J. Blomquist

Topic Discussed:

To consider potential legal action and alternatives regarding recent legislation and regulatory issues.

Action Taken:

The Board voted to participate in legal action provided eight other Maryland counties will participate.

Patti Morrow, Recording Secretary