

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 4, 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 4, 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 a moment of silence followed by the recitation of the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Young congratulated Ms. Depies and welcomed her in her new position as county manager.

Comments were provided by Commissioners Young, Gray and Delauter.

Mr. Mitch Hose, Human Resources Division, commented on the 40-hour per week proposal.

Motion to have all new exempt and non-exempt hires after November 1, 2012, be 40-hour per week employees – Passed 3-2.

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

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

None.

WORKSESSION

Lights on Afterschool Proclamation

The Board proclaimed October as Lights on Afterschool Month.

Domestic Violence Awareness Month Proclamation

The Board proclaimed October as Domestic Violence Awareness Month.

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Business Updates – Helen Riddle, Community Development Division

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

Merchant Card Acceptance – Lori Depies, County Manager and Diane Fox, Finance Division

Ms. Fox and Mr. Daniel Lewis, Finance Division, presented the proposal.

There was no public comment.

Motion to accept the proposal as presented – Passed 5-0.

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

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

Agricultural Preservation Advisory Board

There was no public comment.

Motion to appoint Mr. Paul Spurrier to fill an unexpired term to expire June 30, 2017 – Passed 5-0.

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

Mental Health Advisory Committee

There was no public comment.

Motion to reappoint Mr. Paul (Tony) Turner, Jr. to serve a three-year term to expire June 30, 2015, and for Mr. David Pearce to now serve as the Department of Social Services representative – Passed 5-0.

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

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CONSENT AGENDA

The following items were presented on the agenda:

- Purchasing Memo #13-042 – Purchase of Portable Radio Batteries and 20 “Gang” Battery Chargers/Conditions and Attached Budget Transfer (Piggyback contract was competitively bid.) Award to: Hankey’s Radio
Award amount: \$68,140.00
- Purchasing Memo #13-043 - Bid #11-14, Contract Renewal for Repair and Installation of Traffic Barriers
Award to: L. S. Lee, Inc.
Estimated award amount: \$184,590.00
- Purchasing Memo #13-046 – Fitness Boot Camp Programs for Parks and Recreation
Award to: NXS Fitness, LLC
Award amount: \$60,000.00
- Purchasing Memo #13-048 – Purchase of Equipment and Services to Perform the Narrowbanding of Very High Frequency (VHF) Radios
Award to: Motorola Solutions
Award amount: \$125,892.94
- Administrative Office of the Courts “Courthouse Security Grants – FY 2013” Application and Budget Transfer
- Maryland Housing Rehabilitation Program Letter of Intent

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			

ADMINISTRATIVE BUSINESS

**Request to Reallocate Funding in the Sheriff’s Office (Hire Full-time, Benefited Deputy)
– Sheriff Chuck Jenkins, Sheriff’s Office**

Sheriff Jenkins and Ms. Renee Williar, Sheriff’s Office presented the request.

Motion to approve the request to reallocate funding from two part-time, non-benefited positions to a full-time, benefited deputy position – Passed 5-0.

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

Presentation of Ordinance for Signature Purposes – Lansdale PUD Phase I Rezoning Amendment #R-02-01-A (Public Hearing Held 9/18/12) – John Mathias, Office of the County Attorney

Mr. Mathias presented the ordinance. Mr. Eric Soter, Community Development Division, commented on the ordinance.

No action was taken as this item was presented for signature purposes.

(A copy of the approved/adopted ordinance can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

Presentation of the Lansdale PUD Development Rights and Responsibilities Agreement (DRRA) for Signature Purposes (Public Hearing Held 9/18/12) – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney

Ms. Mitchell and Mr. Soter presented the agreement.

No action was taken as this item was presented for signature purposes.

Approval of FY 2014 Board of Education (BOE) Capital Funding Request to the State – Ray Barnes, Frederick County Public Schools

Mr. Barnes presented a letter of support for the BOE's FY 2014 capital funding requests to the state of Maryland.

Motion to approve the request of support and to sign the letter to the Interagency Committee on School Construction – Passed 5-0.

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

Update on Ballenger Creek District Park Improvements – Paul Dial, Parks and Recreation Division

Mr. Dial gave a PowerPoint presentation on the improvements to the Ballenger District Park.

No action was taken as this item was informational.

(The Board adjourned the meeting at 12:20 for a lunch break.)

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Commissioner Young reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 4, 2012, at 1:15 p.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.

Bid Award - Purchasing Memo #13-045 – Used Trailer for Urbana Road Satellite Facility (Sole Source) – Diane George, Finance Division

Mr. Chuck Nipe, Public Works and Ms. George presented the request.

Motion to approve Purchasing Memo #13-045 as presented – Passed 5-0.

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

Request to Establish a Policy for Staff to Review Installment Purchase Agreement (IPA) Assignment Requests – Anne Bradley, Community Development Division

Ms. Bradley presented the request and Mr. Eric Soter, Community Development Division and Mr. John Mathias, Office of the County Attorney, commented on the request.

Motion to approve the proposed policy to allow county staff and county bond counsel to review IPA assignments and transfer requests as presented – Passed 4-1.

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

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

Mr. Mathias and Mr. Cherney presented the following proposals to be included in the 2013 Frederick County Legislative Package:

1. Permitting Video Lottery Terminals (Slots) for Local Charitable Organizations.
2. Frederick County – Raffles.
3. Ethics – Former Local Government Officials and Employees.
4. Maryland Constitution – Congressional Districts – Requirements as to Territory, Form and Boundaries.
5. Removal of Census Cap on Amount of Liquor Licenses in Frederick County.
6. Repeal or Modify Mandatory Stormwater Management Fee.
7. Permitting Tax Rebate to All Frederick County Properties.
8. Amending Grading Erosion and Sediment Control Standards.
9. Repeal of the Scooter/Moped Helmet Mandate.

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10. Permitting Deer Hunting on Private Property in Certain Areas in Frederick County.
11. Repeal of Mandatory Provisions of Davis-Bacon and Minority Business Enterprise.

and the following (16) position statements are to be considered:

1. School Construction Funding for Frederick County Should Exceed Business Economic Assistance.
2. Frederick County Public Schools Authority to Count and Report Undocumented Students.
3. Maryland to be a "Shall Issue" State for a Right to Carry a Firearm.
4. Reinstatement of Highway User Revenues to Local Governments.
United States Constitutional Convention to Address Citizenship and Immigration Issues.
5. Maryland Partial Birth Abortion Ban Act.
6. Constitutional Amendment to Prohibit "Economic Development" Takings.
7. Cooperative Enforcement of Federal Immigration Laws Throughout Maryland.
8. Negative Impact of the New State Stormwater Regulations to Local Government.
9. Repeal or Modifications of the Work Place Fraud Act of 2009 (SB 909).
10. Reduction or Sunsetting on Unemployment Insurance Fees on Businesses.
11. Opposition to PlanMaryland.
12. Opposition to Mandated State Septic Regulations on Local Governments.
13. Supporting the Revision of Maryland's Tangible Personal Property Tax.
14. Opposition to a Gas Tax Increase.
15. Supporting the Modification of Maintenance of Effort Funding Requirements

Motion to add a position statement to address the negative implications of the state Buy American legislation (SB 432) – Failed 2-3.

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

By unanimous consent, the Board moved to take the 2013 Legislative Package as presented through the public review process.

COMMISSIONER COMMENTS

Commissioner Young noted the Fire and Rescue Services Division Recruit Class 16 would graduate on Friday, October 5 and the National Fallen Firefighters Memorial Service would be held on Sunday, October 7.

PUBLIC COMMENTS

None.

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QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 1:50 p.m.

Patricia A. Morrow
Recording Secretary