

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 18, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 18, 2010, at 9:55 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, 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](http://www.FrederickCountyMD.gov).)*

**NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.**

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Hagen advised due to the wind and poor road conditions, for everyone to use caution while out and about today.

**CONSENT AGENDA**

**GRANT**

1. Emergency Number Systems Board Grant Application - Chip Jewell, Emergency Management Division

**CHANGE ORDER**

1. Citizens Care and Rehabilitation Center/Montevue Home, Contract No. 09-CP-69, Change Order No. 2 - Chuck Nipe, Public Works Division

Commissioner Gray moved approval of the consent agenda as presented. Commissioner Hagen seconded the motion that passed 4-0.

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

The following minutes passed by unanimous consent:

- ◆ Tuesday, December 22, 2009
- ◆ Tuesday, December 22, 2009 - Closed

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 18, 2010**

- ◆ Tuesday, January 12, 2010
- ◆ Thursday, January 14, 2010
- ◆ Tuesday, January 19, 2010
- ◆ Tuesday, January 19, 2010 – Evening
- ◆ Thursday, January 21, 2010
- ◆ Thursday, January 21, 2010 - Closed
- ◆ Thursday, January 21, 2010 - Evening

**Request to Initiate a Text Amendment to Update the Frederick County Code, Chapter 1-16, Rules and Regulations - Gary Hessong and Mike Wilkins, Permitting and Development Review Division**

Mr. Wilkins presented the proposal to update text amendments to the Frederick County Code.

Commissioner Hagen moved to direct staff to initiate a comprehensive review of subdivision rules and regulations, to initiate the text amendment changes to Chapters 1-16 of the Frederick County Code and to come back before the Board within 30 days to present an action plan. Commissioner Gray seconded the motion that passed 4-0.

**Proposal to Implement Divestiture of Retirement Plan Investments in Iran & Sudan - Commissioner John L. Thompson, Jr.**

Commissioner Thompson presented the proposed resolution to initiate an ordinance that would authorize and direct the Retirement Plan Committee to divest plan investments in companies doing business with Iran or Sudan.

The Board noted the following two amendments to the draft ordinance:

1. Remove the extra 0 from the year 20010 on Page 4 in 2 places, and
2. Add the wording “*As soon and administratively practicable, the*” on Page 4, Section 15.3.

Commissioner Thompson moved to approve the proposed resolution to take the proposed ordinance to public hearing that would require the Retirement Plan Committee to follow state retirement committee policies regarding investments and divestitures, including the amendments as noted. Commissioner Hagen seconded the motion that passed 4-0.

(A copy of Resolution #10-04 can be obtained in the County Manager’s Office or from the county’s website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Legislative Issues – John Mathias, Office of the County Attorney**

Mr. Mathias presented updates and changes that have occurred during the legislative session.

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Commissioner Gardner presented the Maryland Association of Counties updates to the legislative session.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS - PRESS**

None.

**CLOSED SESSION**

Commissioner Gray moved to proceed into closed session in accordance with 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.

**ADJOURN**

The meeting adjourned at 11:10 a.m.

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, FEBRUARY 18, 2010**

**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 proceed into closed session in accordance with 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 Hagen seconded the motion that passed 4-0.

**Topic to be Discussed:**

To brief the Board on a settlement proposal in a pending lawsuit.

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Mary Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 18, 2010**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, FEBRUARY 23, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 18, 2010**

**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 proceed into closed session in accordance with 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 Hagen seconded the motion that passed 4-0.

**Others in Attendance:**

B. Stanton, J. Mathias, L. Thall, C. Jenkins, F. Anderson, and M. Baker

**Topic Discussed:**

To brief the Board on a settlement proposal in a pending lawsuit.

**Action Taken:**

The Board approved staff's recommendations.

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Mary Baker  
Recording Secretary