

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

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 18, 2010, at 9:40 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, John L. Thompson, Jr., and Blaine Young. 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.)

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 Young noted he was in Washington, D.C. attending the Metropolitan Washington Council of Governments National Capital Region Transportation Planning Board meeting where they unanimously passed the FY 2010-2015 funding amendment to the I-70, Phase 2D project.

AGENDA BRIEFING

Staff briefed the Board on the following public hearing item scheduled for:

Tuesday, March 23, 2010, at 8:30 a.m.

- Proposed Amendments to the Frederick County Water and Sewerage Amendments - Fall 2009 - Tim Goodfellow, Planning Division

CONSENT AGENDA

BID AWARD

1. Purchasing Memo #10-151 – Bid 10-CP-63A and 10-CP-64A, Water Supply and Sanitary Sewer Improvements Lake Linganore at Eaglehead for Village of Pinehurst and Village of Nightingale
Award to: Kinsley Construction, Inc. in the amount of \$5,910,726 for Bid 10-CP-63A and Jerry Justice Excavating, Inc. in the amount of \$603,145 for Bid 10-CP-64A

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

GRANTS

1. FY 2011 Governor's Office of Crime Control and Prevention - Domestic Violence Unit Program (DVUP) Grant Application - Marty Gallagher, Sheriff's Office
2. FY 2011 Governor's Office of Crime Control and Prevention - Sex Offender Compliance Enforcement in Maryland (SOCEM) Grant Application - Marty Gallagher, Sheriff's Office

CHANGE ORDER

1. Citizens Care and Rehabilitation Center/Montevue Home Design Change Order No. 10 - David Grossweiler, Public Works Division

Commissioner Gray moved approval of the consent agenda as presented. Commissioner Young seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

**Cost Estimate for Board of County Commissioners' Retirement Plan Improvement -
Kate Hoffman, Mercer, Inc. and Tracy Lobuts, Human Resources Division**

Ms. Hoffman and Ms. Lobuts presented the cost estimate.

Commissioner Gray moved to proceed with the amended plan as presented and for staff to come back with an exact plan to be taken to public hearing. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Thompson and Young opposed.

Consideration to Accept Petition to Enter into a Developers Rights and Responsibilities Agreement (DRRA) - Gary Hessong, Permitting and Development Review Division

Mr. Hessong presented the proposed petition.

Commissioner Thompson moved to decline acceptance of the proposed petition. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Hagen and Young opposed.

Decision on Libertytown Growth Area and Sewer Classification as it Relates to Certain Properties on the Southern Border of the Growth Area – Eric Soter and Jim Gugel, Planning Division

Mr. Soter and Mr. Gugel presented the growth area concerns.

Commissioner Young moved to retain S-3 sewer category designation on the Williams property, all other properties to retain S-1 sewer category designation and remain outside of the growth area. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Hagen and Thompson opposed.

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

Legislative Issues

Mr. Cherney, Office of the County Manager, presented updates and changes that have occurred during the legislative session.

CLOSED SESSION / ADMINISTRATIVE FUNCTION

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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

COMMISSIONERS COMMENTS

Commissioner Gardner commented on the article in the *Gazette* today regarding her decision not to seek re-election stating she has not yet made that decision nor any formal announcement as of today, noting the newspaper had no right to print such an article.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

ADJOURN

The meeting adjourned at 11:40 a.m.

Mary E. Baker
Recording Secretary

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

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 18, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

Topic to be Discussed:

To discuss the reorganization of parts of the county government including the discussion of personnel matters that affect specific employees.

Mary Baker
Recording Secretary

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

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 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; (8) To consult with staff, consultants, or other individuals about pending or potential litigation; and (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 5-0.

Topic to be Discussed:

To discuss the status of pending lawsuits with the County Attorney's Office.

Mary Baker
Recording Secretary

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

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MARCH 23, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 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 go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (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 5-0.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, W. Kearney, K. Mitchell, M. Chomel, E. Soter, L. Steel and P. Morrow

Topic Discussed:

To discuss the status of pending lawsuits with the County Attorney's Office

Action Taken:

Staff was given direction regarding a pending lawsuit.

Patricia A. Morrow
Recording Secretary

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

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

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Gray moved to go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals; (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 5-0.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, J. Kroll, M. Gastley, K. Weaver, M. Hose and P. Morrow

Topic Discussed:

The reorganization of parts of the county government including the discussion of personnel matters that affect specific employees.

Action Taken:

The Board directed staff to proceed and prepare the FY 2011 operating budget with the changes proposed.

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

Patricia A. Morrow
Recording Secretary