

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, SEPTEMBER 28, 2010**

Commissioner, Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, September 28, 2010, at 8:35 a.m. Present were Commissioners David Gray, *Vice President*, John L. Thompson, Jr., and Blaine Young. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioner Kai Hagen was absent.

(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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Gray expressed sympathy for the passing of Commissioner Hagen's friend.

WORKSESSION

Energy Awareness Month Proclamation

Commissioner Gardner presented the proclamation.

Proposed Changes to the Frederick County Employees Retirement Plan - 14th Amendment - Tracy Lobuts, Human Resource Division; Kate Hoffman, Mercer; and Mary Claire Cheshire, Esquire, Whiteford, Taylor and Preston, LLC

Ms. Hoffman presented the proposed changes.

There were no public comments.

Commissioner Gray moved to take the proposed changes as presented for new hires to public hearing including amending Exhibit A and the proposed resolution to reflect the additional items presented today, which included adding back the 60% cap to the benefit formula changing the contribution stop to 36 years for non-uniformed employees and requiring 25 years of service for uniformed employees, noting the changes would only apply to new hires. Commissioner Young seconded the motion that passed 4-0 with Commissioner Hagen absent.

Commissioner Thompson moved to take to public hearing along with the other proposed changes for new hires, a proposed defined contribution plan that the county would contribute 8% and the employee would contribute 5% with the assumption of a 5% annual return rate and similar investment choices to a 457 plan, noting if costs exceed \$5,000 for this analysis,

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staff was to not proceed. Commissioner Young seconded the motion that failed 2-2 with Commissioners Gardner and Gray opposed and Commissioner Hagen absent.

Commissioner Gardner passed the gavel to Commissioner Gray.

Commissioner Gardner requested staff bring back information about an evaluation for a defined contribution plan with more than one option such as a 4% / 8% versus 5% / 10% contribution plan also evaluating investment options using an average rate of return for a 457 plan. Ms. Hoffman was directed to provide a cost estimate for this analysis prior to starting for Board approval. Commissioner Young seconded the motion that passed 3-1 with Commissioner Gray opposed and Commissioner Hagen absent.

**Proposed Changes to the Frederick County Employees Retirement Plan - 15th
Amendment - Mary Claire Cheshire, Esquire, Whiteford, Taylor and Preston, LLC**

Ms. Cheshire presented the proposed changes.

There were no public comments.

Commissioner Gray moved to take the proposed recommendations as presented to public hearing. Commissioner Young seconded the motion that passed 4-0 with Commissioner Hagen absent.

**Local Support for Payment in Lieu of Taxes for Homes for America for Emmitsburg
Senior Housing - Jenny Short, Citizens Services Division**

Ms. Short and Dana Johnson, Vice President, HOMES for America, presented the proposal.

There were no public comments.

Commissioner Gray moved approval of staff's recommendations as presented including sending a letter of support to Secretary Raymond Skinner, Maryland Department of Housing and Community Development.

Commissioner Thompson requested this be conditioned upon an increase in real property tax for fiscal year 2012 and beyond to make up for the \$4,300 loss. The motion did not receive a second.

Commissioner Young moved to have the Town of Emmitsburg contribute 25% of the \$4,300 in order for Emmitsburg residents to have first priority; otherwise all Frederick County residents would have the same priority. The motion did not receive a second.

The main motion failed 2-2 with Commissioners Thompson and Young opposed and Commissioner Hagen absent.

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This item was rescheduled for a vote on Thursday, September 30, 2010.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Young seconded the motion that passed 4-0 with Commissioner Hagen absent.

ADJOURN

The meeting adjourned at 12:25 p.m.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, SEPTEMBER 28, 2010**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, SEPTEMBER 28, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Young seconded the motion that passed 4-0 with Commissioner Hagen absent.

Time and Location:

12:26 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss acquisition of property for a Division of Utilities and Solid Waste Management project.

Mary Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, SEPTEMBER 28, 2010**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, SEPTEMBER 28, 2010,
FOLLOWING THE CLOSED MEETING OF TUESDAY, SEPTEMBER 28, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Young seconded the motion that passed 4-0 with Commissioner Hagen absent.

Time and Location:

12:26 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, W. Kearney, K. Demosky, R. Winebrenner, B. Ramacciotti, M. Hose and M. Baker

Topic Discussed:

To discuss acquisition of property for a Division of Utilities and Solid Waste Management project.

Action Taken:

Staff was directed to take appropriate action.

Mary Baker
Recording Secretary