

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, January 11, 2011, at 8:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Barry Stanton, County Manager and Patti Morrow, 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Young read a statement and held a moment of silence in memory of the victims of the Tuscon, Arizona, tragedy.

WORKSESSION

Martin Luther King, Jr. Day Proclamation

The Board proclaimed Martin Luther King, Jr. Day in Frederick County.

Season for Non-Violence Proclamation

The Board proclaimed January 30 – April 4, 2011, as the season for non-violence in Frederick County.

CONSENT AGENDA

The following items were presented on the consent agenda:

BID AWARD

1. Purchasing Memo #10-106 – Purchase of Seven Crown Victoria Cruisers (Piggyback)
Award to: Apple Ford
Award amount: \$156,298.00

GRANT

- State Grant Agreement for John Hanson Memorial – Austin Abraham, Management Services Division

Commissioner Gray moved to approve the bid award and the grant on the consent agenda. Commissioner Smith seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

Commissioner Young passed the gavel to Commissioner Smith and left the room.

BUDGET TRANSFER

1. #BT-11-081, Transit Services Division

Commissioner Gray moved to approve #BT-11-081, Transit Services Division. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Young absent.

Commissioner Young re-entered the room and Commissioner Smith passed the gavel back to him.

**Mental Health Management Agency FY 2012-2014 Strategic Plan - Robert Pitcher,
Mental Health Management Agency of Frederick County, Inc.**

Mr. Pitcher presented the Plan to the Board.

There was no public comment.

No action was taken as this item was informational.

**Appointment to the Commission For Women - Joyce Grossnickle, Office of the County
Manager**

Ms. Grossnickle presented the request for appointment to the Board.

Commissioner Shreve indicated he would like to have staff contact each board and commission to determine several items for analysis. He also requested a spreadsheet be drafted to coordinate terms for the various boards and commissions. He would also like to reduce the advertisements for vacancies to quarterly publications.

Ms. Jennifer Charlton-Shuldes and Ms. Vivian Laxton, Commission for Women, commented on the commission.

There was no public comment.

Commissioner Young moved to approve the appointment of Olga Hernandez-Smith to fill an unexpired term to expire on June 30, 2013. Commissioner Shreve seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent.

- ◆ Tuesday, December 21, 2010
- ◆ Tuesday, January 4, 2011
- ◆ Tuesday, January 4, 2011 - Evening

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

**Board of Education School Construction Amendments #11-02 and #11-03 - Mike
Gastley, Finance Division**

Mr. Gastley presented the amendment requests.

#11-03 and BT-11-077

Commissioner Smith moved to approve school construction amendment #11-03 and BT-11-077. Commissioner Delauter seconded the motion that passed 5-0.

#11-02 and BT-11-076

By unanimous consent the Board allowed public comment on the issue.

Public comment was heard from:

- Mike Concepcion, Principal, Walkersville High School
- Phil Shortt, President, Walkersville High School Athletic Boosters, Inc.
- Ralph Piccarella, Vice President, Walkersville High School Athletic Boosters, Inc.
- Kelly Russell, Alderman, The City of Frederick
- Brad Young, President, Board of Education

Commissioner Smith moved to not approve school construction amendment #11-02 and BT-11-076. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

**Ag Preservation Installment Purchase Agreements – Benjamin Goertemiller and Estate
of Austin Barton – Jim Cumbie, Venable, LLP (County Bond Counsel) and Tim Blaser,
Planning Division**

Anne Bradley, Planning Commission, presented information on the properties.

Commissioner Gray moved to approve the Installment Purchase Agreement and the deed of easement for 190.877 acres owned by Benjamin R. Goertemiller. Commissioner Young seconded the motion that passed 5-0.

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

Commissioner Gray moved to approve the Installment Purchase Agreement and the deed of easement for 180.107 acres owned by the estate of Austin A. Barton. Commissioner Young seconded the motion that passed 5-0.

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

It was noted the Board may suspend future agricultural preservation initiatives. Staff was directed to notify the Frederick County Farm Bureau of this possibility.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

Presentation of Certificate of Recognition to Zachary Peters

The Board recognized Zachary Peters for serving as an intern to the Board.

FY 2012 Fire Tax Budget Discussion – Kelly Weaver and Mike Gastley, Finance Division

Ms. Weaver and Mr. Gastley briefed the Board on options to reduce the deficit in the FY 2012 fire tax budget.

Tom Owens and Steve Leatherman, Fire and Rescue Services Division, participated in the discussion.

By consensus the following options were approved for consideration as the process evolves:

- Future retiree health (OPEB) – move from a five (5) year to eight (8) year ramp up;
- Capital projects - \$335,000;
- Sale of fixed assets – ladder truck available for sale;
- AMOSS funds – reallocate up to \$360,000 from fire companies to the tax district to pay for some of the debt service related to the purchase of apparatus;
- Loan fund - \$46,000;
- Returned money – DFRS would split evenly \$75,000 with the county;
- General fund transfer via agriculture preservation recordation tax - \$1.5 million;
- General Fund transfer via parks acquisition and development recordation tax \$1-2 million;
- General fund transfer – any amount;
- Value of \$0.01 in each district.

It was indicated these items would be brought before the Frederick County Volunteer Fire and Rescue Association for their input and decisions would be made at a future Board meeting scheduled for February 1, 2011, at 7:00 p.m.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Delauter seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 11, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

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.

Motion:

Commissioner Smith moved to go 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

The legal options available and the consequences of these legal options in a pending state administrative proceeding.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 18, 2011,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 11, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

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.

Motion:

Commissioner Smith moved to go 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, E. Soter, K. Mitchell, R. McCain, J. Gugel, R. Santangelo and P. Morrow.

Topic Discussed:

The legal options available and the consequences of these legal options in a pending state administrative proceeding.

Action Taken:

Staff was directed to draft a letter to the Public Safety Commission.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 11, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

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.

Motion:

Commissioner Smith moved to go 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

The options for a pending lawsuit.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 11, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 18, 2011,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 11, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

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.

Motion:

Commissioner Smith moved to go 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 Delauter seconded the motion that passed 5-0.

Time and Location:

12:35 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, E. Soter, K. Mitchell, R. McCain, J. Gugel, R. Santangelo and P. Morrow.

Topic Discussed:

The options for a pending lawsuit.

Action Taken:

Staff was directed to begin the process to repeal an adopted ordinance.

Patricia Morrow
Recording Secretary