

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, FEBRUARY 17, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 17, 2011, at 10:20 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

Commissioners Young, Shreve, Gray and Delauter commented on their recent trip to Sandy Springs, Georgia.

Commissioner Smith commented on the Metropolitan Council of Governments National Capital Region Transportation Planning Board.

Commissioner Young and Mr. Stanton briefed the public on the Board's recent administrative actions.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, February 22, 2011, at 8:30 a.m.:

- Fall 2010 Cycle of Water and Sewerage Plan Amendments – Tim Goodfellow, Community Development Division

CONSENT AGENDA

The following item was removed from the consent agenda:

- Citizens Care and Rehabilitation Center (CCRC)/Montevue Home Project, Contract No. 09-CP-69, Change Order No.55 – Chuck Nipe, Public Works Division

The following items remained on the consent agenda:

BID AWARD

1. Purchasing Memo #11-122- Reject Bids for Bid #11-CP-59, Frederick County Landfill Leachate Sewer

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**BOARD OF EDUCATION (BOE) SCHOOL CONSTRUCTION EXPENSE FUND
AMENDMENT**

- #11-04 and BT-11-100

GRANT

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

MISCELLANEOUS

- Medical Assistance Memorandum of Understanding and Budget Transfer - Dr. Barbara Brookmyer and Dr. Monica Grant, Health Services Division

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Shreve seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Citizens Care and Rehabilitation Center (CCRC)/Montevue Home Project, Contract No. 09-CP-69, Change Order No.55 – Chuck Nipe, Public Works Division

Mr. Tom Meunier and Mr. Dave Ennis commented on the change order request.

Commissioner Delauter moved to approve the change order as presented. Commissioner Shreve seconded the motion that passed 5-0.

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were unanimously approved as amended:

- ◆ Thursday, January 27, 2011
- ◆ Thursday, January 27, 2011 – Closed Session
- ◆ Tuesday, February 1, 2011 – Evening
- ◆ Thursday, February 3, 2011
- ◆ Thursday, February 3, 2011 – Closed Session
- ◆ Tuesday, February 8, 2011

Establishment of Frederick County Government Public-Private Partnership Committee – Barry Stanton, County Manager

Mr. Stanton presented to the Board the concept of the public-private partnership which has been successfully used by local governments to reduce costs and to accomplish other goals.

Commissioner Shreve moved to approve the establishment of a Public-Private Partnership Committee. Commissioner Delauter seconded the motion that passed 5-0.

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It was indicated a public meeting could be scheduled when working through the process of exploring the outsourcing of services.

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

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

By unanimous consent the Board voted in support of:

- HB 150/SB 166 Corkage Bill;
- HB 479/SB 821 Winery Events at Farmers Markets Bill; and
- HB 462 Delegate Hogan’s Statewide School Bus Camera Bill

By unanimous consent the Board voted to communicate to the Governor O’Malley their opposition to the Sustainable Growth and Agriculture Preservation Act of 2011 (HB 1107/SB 846).

WORKSESSION

Presentation by the Frederick County Human Relations Commission (HRC) – Hayden Duke, Frederick County HRC

Mr. Duke, Chair; Angela Spencer, Vice-Chair; and members Garth Phoebus and Adeyemi Adeoye presented the FY 2010 HRC Annual Report.

This item was for information only and no action was taken.

It was indicated the Board would forward the Frederick County 2010-2014 Strategic Plan to the HRC and the HRC would provide position papers to the Board on any relevant issues they were involved with.

FY 2011 Second Quarter Financial Report – Erin White, Finance Division

The following Finance Division staff presented the financial results for Frederick County for the six months ended December 31, 2010:

- Rob Riley – General Fund;
- Regina Howell – Water and Sewer Enterprise Fund and the Solid Waste Management Enterprise Fund;
- Erin White – Citizens Care and Rehabilitation Center Enterprise Fund; Montevue Home Enterprise Fund; and Permitting and Development Review Division Enterprise Fund; and
- Kathy Tritsch – Fire/Rescue Tax Districts Special Revenue Fund.

No action was taken by the Board as this item was informational.

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(Commissioner Gray left the meeting at 12:20 p.m.)

COMMISSIONER COMMENTS

Commissioner Young noted Commissioner Gray was attending the grand opening of the Catoctin Creek Nature Center at 1:00 p.m. He also indicated he would not be attending as it was not something he would have supported.

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 on a legal matter.; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Gray absent.

ADJOURN

The meeting adjourned at 1:10 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, FEBRUARY 17, 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; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith 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 Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Time and Location:

12:45 p.m.— Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss whether to participate in a pending court proceeding.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, FEBRUARY 22, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 17, 2011**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

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Time and Location:

12:45 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

B. Stanton, J. Mathias, W. Kearney, R. McCain, M. Chomel, K. Demosky, R. Winebrenner and M. Baker

Topic Discussed:

To discuss whether to participate in a pending court proceeding.

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary

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Time and Location:

12:45 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss possible resolution of pending contract claims.

Patricia Morrow
Recording Secretary

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Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary