

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, FEBRUARY 24, 2011**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 24, 2011, at 10:15 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 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).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONERS COMMENTS**

Commissioner Gray noted it was good to see the county and Head Start had a plan for the transition.

Commissioner Young commented on Board of Education funding.

**Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Barry Stanton, Office of the County Manager**

The following items were discussed:

- The finalization of the FY 2012 budget was fast approaching;
- Mitigation of fee proposals;
- Proposed grant funding and memorandum of understanding with Brunswick Volunteer Fire Department;
- Review of applicants for the Charter Board;
- Strategic plan presentation was scheduled for March 3, 2011;
- Purchasing proposals;
- Memorandum of understanding between the county and Community Development Institute for Head Start;
- Synergies Committee updates;
- Review of governmental policies and procedures;
- Business community meeting updates;
- Public and private partnership meeting updates;
- Volunteer fire companies funding updates; and
- Radio communication system updates.

**WORK SESSION**

**FFA Week Proclamation**

Commissioner Young presented the proclamation.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, FEBRUARY 24, 2011****ADMINISTRATIVE BUSINESS****Funding of Head Start – Mitch Hose, Human Resources and Mike Gastley, Finance Division**

Mr. Hose, Mr. Gastley and Ms. Margaret Nusbaum, Citizens Services Division, presented funding updates for Head Start noting on March 1, 2011, Community Development Institute (CDI) would take over Head Start operations and staff. CDI held a career fair for all current Head Start employees, noting less than half accepted employment, which in turn left only half of the Head Start centers staffed. CDI would hold an open career fair to recruit new employees; however, Ms. Nusbaum requested \$200,000 - \$250,000 of what was previously allocated to Citizens Services Division in FY 2011 in order to retain current Head Start employees through the remainder of this school year.

Commissioner Young moved to take \$250,000 from the FY 2011 budget as presented to assist with the transition, noting the money was to be used for benefits and salary hours only. Commissioner Smith seconded the motion that passed 5-0.

**AGENDA BRIEFING**

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, March 1, 2011 at 7:00 p.m.:

- Proposed Ordinance to Amend the Frederick County Stormwater Management Ordinance – Kathy Mitchell, Office of the County Attorney
- Proposed Ordinance to Extend Certain Development Approvals and Deadlines – Gary Hessong, Community Development Division
- Proposed Ordinance to Amend the Frederick County Plumbing Code - Gary Hessong, Community Development Division
- Proposed Ordinance to Amend the Frederick County Adequate Public Facilities Ordinance – Kathy Mitchell, Office of the County Attorney

(Commissioner Gray left the room.)

**CONSENT AGENDA****BID AWARDS**

1. Purchasing Memo #11-125 - Bid #11-08, Generator Maintenance  
Award to: EMR Power Supply LLC  
Award amount: \$29,965/year
2. Purchasing Memo #11-126 – Revenue Electronics Recycling (Piggyback Contract)  
Award to: Creative Recycling Services, Inc.  
Award amount: \$50/ton (revenue to the county)

**BUDGET TRANSFERS**

1. #BT-11-107, Accounting, Finance Division
2. #BT-11-108, Aging, Citizens Services Division
3. #BT-11-109, Aging, Citizens Services Division

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**BOARD OF EDUCATION (BOE) CURRENT EXPENSE FUND AMENDMENT**

1. #5-11

**CHANGE ORDER**

1. Adult Detention Center, Phase IV, Contract No.C111111, Change Order No. 6 – David Grossweiler, Public Works Division

**EASEMENT**

1. Non-Standard Language in Forest Resource Ordinance (FRO) Easement - Urbana Corporate Center Lot 801 (GSA/SSA Lot) – Michael Wilkins, Community Development Division

**GRANT**

1. Alternative Grant for Fountain Rock Park Quarry Pond – Paul Dial and Gary Summers, Parks and Recreation Division

There was a request to pull Grant #1.

(Commissioner Gray re-entered the room.)

Commissioner Smith moved approval of the consent agenda as presented with the exception of Grant #1. Commissioner Delauter seconded the motion that passed 5-0.

**ADMINISTRATIVE BUSINESS**

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

Commissioner Smith moved approval of the following set of minutes:

- ◆ Thursday, February 10, 2011

Commissioner Shreve seconded the motion that passed 5-0.

**Agricultural Preservation - Installment Purchase Program – James and Lolita Renehan Property – Anne Bradley, Community Development Division and Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)**

Ms. Bradley presented the proposed agricultural preservation request containing 156 acres located on the south side of Bridgeport Road.

Commissioner Smith moved approval of the request as presented. Commissioner Shreve seconded the motion that passed 5-0.

A copy of the approved/adopted resolution can be obtained in the County Manager's Office or by accessing [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).

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

**Hepatitis C Clinic Memorandum of Understanding Extension – Austin Abraham, Management Services Division**

Mr. Abraham and Dr. Barbra Brookmyer, Health Services Division, presented the proposed memorandum of understanding (MOU) extending the term for the clinic's use at the Frederick County Health Department building through February 28, 2013.

Commissioner Gray moved approval of the MOU as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Young absent.

(Commissioner Young re-entered the room.)

**Memorandum of Understanding with Monocacy Land Company, LLC to Allow Recording of Plat for Urbana Lot 801 (GSA/SSA Lot) – Mark Depo, Community Development Division and Kathy Mitchell, Office of the County Attorney**

Mr. Depo and Ms. Mitchell presented the proposed MOU for the social security administration office.

Commissioner Gray moved approval of the MOU as presented. Commissioner Smith seconded the motion that passed 5-0.

**Recommended Appointments to the Local Emergency Planning Committee (LEPC) – Dennis Dudley, LEPC**

Mr. Dudley and Mr. Seamus Mooney, Emergency Management Division, presented the recommended appointments.

Commissioner Shreve moved approval of the appointments as presented. Commissioner Delauter seconded the motion that passed 5-0.

**Allegheny Power Electric Service Agreement (No.012-2011-55) (Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion) – Kevin Demosky, Utilities and Solid Waste Management Division**

Mr. Demosky presented the proposed service agreement to provide for off-property improvements necessary to provide electric power to the Ballenger-McKinney wastewater treatment plant expansion.

Commissioner Shreve moved approval of the agreement as presented. Commissioner Delauter seconded the motion that passed 5-0.

**Collection Frequency Change Information – Curbside Recycling Program – Kevin Demosky and Phil Harris, Utilities and Solid Waste Management Division**

Mr. Demosky and Mr. Harris presented recommendations to the program, which was to not amend the service agreement, instead, increase education and outreach to the communities desiring a change to the privately funded weekly pick up so the residents would be fully aware of the benefits of the current program structure and possibly increase to a 95 gallon cart for more storage between collection days.

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If the Board approved an additional off week collection, the county would allow a private (BFI) collection using the county carts under the provision of the county contract.

Commissioner Young moved approval of the changes as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Shreve opposed.

**Potential Text Amendments – Eric Soter, Community Development Division**

Mr. Soter presented the potential zoning ordinance text amendments.

The Board requested moving signs, farms and roadside stands on page 4 of the worksheet from priority 2 to priority 1.

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

Mr. Cherney, presented the legislative items that have been eliminated. The update on the remainder of the legislative items was rescheduled to Thursday, March 3, 2011.

No action was taken by the Board.

**Grant-in-Aid and Non-County Agencies FY 2012 Allocations – Mike Gastley, Finance Division and Margaret Nusbaum, Citizens Services Division**

Mr. Gastley and Ms. Nusbaum presented the FY 2012 non-county organizations appropriation in the amount of \$358,719 noting the reductions to the appropriations was a result of the current state of the economy.

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

**Review Staff Recommended FY 2011 – 2017 Capital Improvements Program (CIP) and Meet with Requesting Agencies and Departments – Kelly Weaver, Finance Division**

Ms. Weaver noted there were no updates or changes to the recommended CIP.

No action was taken by the Board.

**COMMISSIONERS COMMENTS**

Commissioner Gray commented on the use of suggestion boxes located in designated county facilities.

Commissioner Gray requested that public meetings take place before any further layoff or reorganization decisions were made.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

None.

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**QUESTIONS – PRESS**

None.

**ADMINISTRATIVE FUNCTION/CLOSED SESSION**

Commissioner Smith moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (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 Shreve seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 1:05 p.m.

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, FEBRUARY 24, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THUSDAY, FEBRUARY 24, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(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) (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 Shreve seconded the motion that passed 5-0.

**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss pending litigation with county staff including the county's attorneys.

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Mary Baker  
Recording Secretary

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**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the possible reorganization of county departments and related personnel issues as they apply to individual county employees.

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Mary Baker  
Recording Secretary



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, FEBRUARY 24, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, MARCH 1, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 24, 2011**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(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) (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 Shreve seconded the motion that passed 5-0.

**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in attendance:**

B. Stanton, D. Dunn, J. Mathias, W. Kearney, K. Demosky, J. Kroll, R. Santangelo and M. Baker

**Topic Discussed:**

To discuss pending litigation with county staff including the county's attorneys.

**Action Taken:**

The Board provided direction to staff.

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Mary Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, FEBRUARY 24, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, MARCH 1, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 24, 2011**

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**Motion:**

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**Time and Location:**

1:15 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in attendance:**

B. Stanton, D. Dunn, J. Mathias, M. Hose, J. Kroll, M. Gastley, R. Santangelo and M. Baker

**Topic Discussed:**

To discuss the possible reorganization of county departments and related personnel issues as they apply to individual county employees.

**Action Taken:**

The Board provided direction to staff.

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Mary Baker  
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