

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 28, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 28, 2011, at 9:40 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Barry Stanton, County Manager and Ms. 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.)

CLOSED SESSION

Commissioner Smith moved to go into closed session at 9:52 a.m. in accordance with 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. Commissioner Shreve seconded the motion that passed 5-0.

OPEN SESSION

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 28, 2011, at 10:45 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Barry Stanton, County Manager and Ms. Patti Morrow, Recording Secretary.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Young announced the resignation/retirement of County Manager Barry Stanton. Commissioner Young reported Mr. Stanton had accepted a position in Prince George's County. Commissioner Young thanked Mr. Stanton for his dedication to Frederick County.

Mr. Stanton thanked the Board for their support.

Commissioner Young commented on the conviction in the court case regarding the murder of one of his private business employees.

Commissioner Young noted the passing of former Governor William Donald Schaeffer.

Commissioners Smith and Delauter commented on the Architecture, Construction, Engineering (ACE) Mentor Program Presentation and Scholarship Awards Ceremony they attended recently.

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

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

WORKSESSION

Older Americans Month Proclamation

The Board proclaimed the month of May as Older Americans Month.

Distinguished Service Award - Linda Werner, Commission on Disabilities

Mr. Ken Eidel, Chair, Commission on Disabilities, presented the award to Kate Kramer-Jefferson, Director, Services for Students with Disabilities, Frederick Community College.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, May 3, 2011, at 7:00 p.m.

- To Consider an Extension for the Aspen North Community Development Authority (CDA) - Jim Cumbie, Esquire, Venable LLP (County Bond Counsel).

CONSENT AGENDA

The following item was removed from the consent agenda:

Purchasing Memo #11-161 – Two (2) Replacement Vehicles (Piggyback Contract)

The Board directed staff to look into the purchase of used vehicles.

The following items remained on the consent agenda:

BID AWARDS

- **Purchasing Memo #11-167** – Bid #11-CP-72, Surface Coat of Various Roadways (FY 2011)
Award to: Slurry Pavers, Inc.
Estimated award amount: \$1,437,401.00
- **Purchasing Memo #11-168** – Electricity Cooperative Membership Agreement, Amendment No. 2

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CHANGE ORDER

- Citizens Care and Rehabilitation Center / Montevue Assisted Living Fire Alarm Revisions, Change Order No. 77 - Chuck Nipe, Public Works Division

GRANTS

- FY 2012 Protective and Peace Order Service Project- Governors Office of Crime Control and Prevention (GOCCP) Domestic Violence Unit Program (DVUP) Grant - Marty Gallagher, Sheriff's Office
- Department of Aging Maryland Access Point Grant Application - Carolyn True, Citizens Services Division
- Senior Health Insurance Assistance Program (SHIP) Grant Renewal - Carolyn True, Citizens Services Division

Commissioner Smith moved to approve the consent agenda as amended. 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:

- ◆ Thursday, April 14, 2011
- ◆ Thursday, April 14, 2011 – Closed Session
- ◆ Thursday, April 14, 2011 – Afternoon (Interviews)
- ◆ Thursday, April 14, 2011 – Afternoon Closed Session
- ◆ Friday, April 15, 2011
- ◆ Tuesday, April 19, 2011 - Evening

Bid Award - Purchasing Memo #11-171 – Nurse Call and Wander Management System for Citizens Care and Rehabilitation Center (CCRC) / Montevue Assisted Living (MAL) – Hal Good, Finance Division

Ms. Nicole Bohrer, CCRC and Diane Grove, MAL, participated in the request.

Commissioner Smith moved to approve the acquisition of the Nurse Call and Wander Management System for the CCRC and MAL and directed staff to negotiate a final contract in a form acceptable to the County Attorney's Office. Commissioner Delauter seconded the motion that passed 5-0.

Mr. John, Kroll, Finance Division, commented on the contract.

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Frederick County Employees Retirement Plan - Fixed Income Portfolio Investment Management - Tracy Lobuts, Human Resources Division and Carol Boykin, Bolten Partners Investment Consulting Group

Ms. Lobuts introduced Ms. Boykin and Ms. Mary Claire Cheshire, Esquire, Whiteford, Taylor & Reston, LLC.

Ms. Boykin presented the Frederick County Retirement Plan Committee's (Committee) request to replace the core active style portfolio manager and add a core plus strategy style manager.

Commissioner Smith moved to approve the Committee's recommendation to approve the hiring of Segall, Bryant & Hamill to manage a \$30 million core fixed income strategy and also the approval to hire PIMCO Total Return Fund to further diversify the total fixed income portfolio by adding a "core plus" fixed income fund. Commissioner Delauter seconded the motion that passed 4-0-1 with Commissioner Shreve abstained.

Frederick County Employees Retirement Plan - International Equity Income Portfolio Investment Management - Tracy Lobuts, Human Resources Division and Carol Boykin, Bolten Partners Investment Consulting Group

Ms. Boykin presented the Committee's request to replace its international equity portfolio manager and add a core/blend style manager.

Commissioner Smith moved to approve the Committee's recommendation to approve the hiring of Harding Loevner Inc. to manage approximately \$14.5 million in a growth style strategy and also the approval to hire the Euro Pacific Growth Fund to add a core/blend strategy. Commissioner Delauter seconded the motion that passed 4-0-1 with Commissioner Shreve abstained.

Easements and Fiber Installation and Maintenance Agreement between the Board of County Commissioners and Allegheny Communications Connect (ACC) – Leigh Fields, Interagency Information Technologies Division and Kathy Mitchell, Office of the County Attorney

Ms. Mitchell and Ms. Fields presented a request for the approval of two (2) easements for county property located on Marcies Choice Lane and Shockley Drive, as well as a Fiber Installation and Maintenance Agreement (FIMA).

Commissioner Smith moved to approve the easements for the fiber build to the Adult Detention Center (ADC) and the Frederick County hub site at Church Street to the ACC and also approval of the FIMA for the county-owned fiber path into both the ADC and Winchester Hall. Commissioner Gray seconded the motion that passed 5-0.

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WORKSESSION

Adequate Public Facilities Ordinance (APFO) School Mitigation Fee Ordinance – Kathy Mitchell, Office of the County Attorney and John Kroll, Finance Division

Ms. Mitchell briefed the Board on a proposed ordinance which would provide an alternate option to allow a development project to move forward by paying a school mitigation or construction fee if it failed the APFO schools test.

Mr. Eric Soter, Community Development Division; Mr. John Kroll, Finance Division; and Mr. Ray Barnes, Frederick County Public Schools, participated in the discussion.

Public comments were heard from:

- Mark Friis, Land Use Council
- Janice Spiegel
- Rand Weinberg, Esquire, Weinberg and Miller
- MC Keegin-Ayer
- David Severn, Esquire, Land Use Council

By unanimous consent the Board directed staff to move the ordinance through the public review process as well as schedule for discussion at the upcoming BOCC/BOE and County/Municipalities meetings.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Gray moved to go 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 Shreve seconded the motion that passed 5-0.

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ADJOURN

The meeting adjourned at 1:30 p.m.

Patricia A. Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 28, 2011**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 28, 2011**

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 Smith moved to go into closed session in accordance with 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. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

9:52 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

The succession plan and process upon the retirement of the county manager.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MAY 3, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 28, 2011**

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 Smith moved to go into closed session in accordance with 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. Commissioner Shreve seconded the motion that passed 5-0.

Time and Location:

9:52 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, M. Hose, R. Santangelo and P. Morrow.

Topic Discussed:

The succession plan and process upon the retirement of the county manager.

Action Taken:

The Board appointed an acting county manager and an acting assistant county manager effective May 20, 2011, at 4:00 p.m.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 28, 2011**

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 go 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 Shreve seconded the motion that passed 5-0.

Time and Location:

1:40 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

The possible acquisition of real property in Frederick County for public safety purposes.

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MAY 3, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 28, 2011**

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 go 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 Shreve seconded the motion that passed 5-0.

Time and Location:

1:40 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, J. Kroll, T. Owens, S. Leatherman, T. Meunier, A. Abraham, R. McCain, C. Chamberlain, R. Barnes, R. Santangelo and P. Morrow.

Topic Discussed:

The possible acquisition of real property in Frederick County for public safety purposes.

Action Taken:

The Board gave direction to staff regarding the acquisition of property for public safety purposes.

Patricia Morrow
Recording Secretary