

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 21, 2011

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 21, 2011, at 10:05 a.m. Present were Commissioners C. Paul Smith, *Vice President*, David Gray and Kirby Delauter. Also present were Mr. Barry Stanton, County Manager and Ms. Mary Baker, Recording Secretary. Commissioner Billy Shreve 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 Smith noted he attended the Frederick Community College Board of Trustees meeting last night; commented on the Central Maryland Regional Transit Summit meeting he attended last week; and noted he attended the Human Relations Commission monthly meeting last week.

Commissioner Delauter noted he attended the Emmitsburg Business Professional Association lunch yesterday.

Commissioner Young recognized Hood College journalism students attending today's meeting.

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.

CONSENT AGENDA

BID AWARDS

Purchasing Memo #11-140 – Indefinite Quality Pricing Agreement for Server and Server Components (Piggyback Contract)

Award to: Data Networks

Award amount: Estimated total of \$500,000.00

Purchasing Memo #11-160 – Contract to Market and Manage Tower/Antenna Leases on County Property and/or Facilities on behalf of the County

Award to: Milestone Communications

Award amount: Revenue for the County

Purchasing Memo #11-162 – Cabling Services at Citizens Care and Rehabilitation Center and Montevue Assisted Living (Piggyback Contract)

Award to: FiberPlus, Inc.

Award amount: \$144,794.00

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BUDGET TRANSFER

#BT-11-143 - Housing, Citizens Services Division

BOARD OF EDUCATION SCHOOL CONSTRUCTION AMENDMENT

#11-05 and BT-11-142

Commissioner Smith moved approval of the consent agenda as presented. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

ADMINISTRATIVE BUSINESS

Bid Award – Purchasing Memo #11-163, Cabling and Supplies for Citizens Care and Rehabilitation Center and Montevue Assisted Living - Hal Good, Finance Division

Mr. Bruce Johnson, Finance Division, presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-163 as presented. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Shreve absent.

On-Farm Food Waste Composting and Food Waste Digestion Activities in the Agriculture Zoning District – Hilari Varnadore, Community Development Division

Ms. Varnadore presented the activities.

Commissioner Smith directed staff to move forward with the proposed activities and projects as presented including zoning and solid waste recommendations. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

National Pollution Discharge Elimination System (NPDES) MS4 Permit Renewal – Shannon Moore, Community Development Division

Ms. Moore presented information regarding the permit renewal.

The Board recommended sending a letter to the delegation outlining concerns regarding the permit.

Fibergate Right-of-Way Use Agreement – Crystal Chamberlain, Public Works Division

Ms. Chamberlain presented the proposed right-of-way agreement.

Commissioner Delauter moved approval of the right-of-way as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Shreve absent.

Catoctin Creek Park Addition Plat – Sue Barthol, Public Works Division

Ms. Barthol presented the proposed addition plat.

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Commissioner Gray moved approval of the addition plat and for Commissioner Young to affix his signature to the Owner's Certificate and Dedication on the two-sheet plat entitled *Catoctin Creek Park Board of County Commissioners Additions to Board of County Commissioners*, so the plat may be recorded in the county's land records. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Shreve absent.

Proposed Downtown Hotel and Conference Center Memorandum of Understanding – Commissioner Blaine Young

Commissioner Young presented the proposed memorandum of understanding (MOU).

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

WORKSESSION

Critical Farms Program – Financial Hardship Policy (Continued from 1/25/11 and 2/10/11) – Anne Bradley, Community Development Division

Ms. Bradley presented the proposed policy, noting staff's recommendation was not to pursue the development of a hardship policy within the program.

No action was taken on this item.

Proposed Employee Wage, Salary and Benefit Structure for Citizens Care and Rehabilitation Center (CCRC) and Montevue Assisted Living to Include Restructuring – Dr. Sonja Sperlich, Citizens Nursing Home Board of Trustees

Ms. Sperlich, Ms. Nicole Bohrer, CCRC and Ms. Diane Grove, Montevue Assisted Living, presented the proposed wage, salary and benefit structure.

Public comment was taken from:

- Juanita Stoner
- Joan Moxley
- Sue Ferguson
- Bonita Fisher

Commissioner Smith moved approval of the restructuring of employee compensation and benefits and the recommended implementation of cost saving measures as presented, including taking certain items as required to public hearing. Commissioner Deluater seconded the motion that passed 4-0 with Commissioner Shreve absent.

COMMISSIONERS COMMENTS

Commissioner Delauter questioned why the Transit Services Division gave free rides on Earth Day.

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PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to proceed 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; and (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

ADJOURN

The meeting adjourned at 12:50 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 21, 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 proceed 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; and (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider two (2) personnel appeals filed by individual county employees.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 21, 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 Smith moved to proceed 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; and (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the acquisition of real property for parks purposes.

Mary Baker
Recording Secretary

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 21, 2011

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, APRIL 26, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 21, 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 proceed 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; and (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

B. Stanton, J. Mathias, M. Chomel, K. Karpinski (*Karpinski, Colaresi & Karp, PA*, outside counsel) and M. Baker

Topic Discussed:

To consider two (2) personnel appeals filed by individual county employees.

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, APRIL 21, 2011

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, APRIL 26, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, APRIL 21, 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 Smith moved to proceed 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; and (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Shreve absent.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Others in attendance:

B. Stanton, J. Mathias, M. Chomel, C. Chamberlain, P. Dial, B. Hicks, T. Meunier and M. Baker

Topic Discussed:

To discuss the acquisition of real property for parks purposes.

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary