

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MAY 5, 2011**

Commissioner Blaine Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 5, 2011, at 10:05 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. 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 Delauter noted a few days ago he visited RR Donnelley located in Thurmont, they commented on employee retention.

Commissioner Smith noted he accompanied Commissioner Delauter and was impressed with the business; and he noted yesterday he attended the technical businesses tour.

Commissioner Gray noted he too accompanied Commissioners Smith and Delauter.

Commissioner Smith commented on the \$72,000 check the county received from Northeast Maryland Waste Disposal Authority from the landfill gas recovery system.

Commissioner Young noted May 11, 2011, the Department of Purchasing would be conducting a workshop for the construction industry.

**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.

Ms. Laurie Boyer, Community Development Division, and Mr. Ron Tobin, Business Development and Retention Administrator, presented updates within Frederick County's workforce and businesses.

**CONSENT AGENDA**

**BID AWARDS**

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1. Purchasing Memo #11-174 - Bid #11-CP-63, Worthington Manor and Bar-T Mountainside Wetland Restoration  
Award to: Ecotone, Inc.  
Award amount: \$56,002.00
2. Purchasing Memo #11-175 - Bid #11-24, Extension Services HVAC Upgrade  
Award to: Aireco Supply  
Award amount: \$129,500.00

**BUDGET TRANSFERS**

- #BT-11-151, Highway Operations, Public Works Division
- #BT-11-152, Accounting, Finance Division

**GRANT**

Infants and Toddlers Program Grant Renewal – Dr. Barbara Brookmyer, Health Services Division

Mr. Hal Good and Mr. Bruce Johnson, Finance Division, answered a question regarding Purchasing Memo #11-174.

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

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #11-176, Amendment to Agreement with LW Consulting for Strategic Planning and Consulting Services for Interim Executive Director - Hal Good, Finance Division**

Mr. Hal Good and Mr. Bruce Johnson, Finance Division and Mr. Mitch Hose, Human Resources Division, presented the proposed purchasing memo.

Commissioner Smith moved approval of Purchasing Memo #11-176 as presented. Commissioner Shreve seconded the motion that passed 5-0.

**WORKSESSION**

**New Jobs Tax Credits – Richard McCain, Office of the County Attorney**

Mr. McCain, Ms. Laurie Boyer, Community Development Division and Mr. Ron Tobin, Business Development and Retention Administrator, presented the proposed new jobs tax credits, noting currently Montgomery County and Washington County offer the credits.

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Public comment was taken from:

- Jennifer Charlton–Shuldes, Commission for Women

Commissioner Smith moved to take the new jobs tax credits item to public hearing. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Young opposed.

**Amendments to the Rehabilitated Vacant Commercial Structures Property Tax Credit Program – Laurie Boyer, Community Development Division**

Ms. Boyer presented the proposed amendments.

Commissioner Gray moved to take the proposed amendments to public hearing. Commissioner Delauter seconded the motion that passed 5-0.

**Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager**

**Affordable Housing Council**

Ms. Grossnickle presented the request for appointment.

There was no public comment.

Commissioner Smith moved to appoint Ms. Cherise Blackwell to serve as the housing consumer representative having participated in a city or county housing program to fill an unexpired term to expire June 30, 2013; and to appoint Mr. Bryan Lyburn to serve as the nonprofit representative to fill an unexpired term to expire June 30, 2011, and appoint Mr. Lyburn for a full three-year term to become effective July 1, 2011, and expire June 30, 2014. Commissioner Shreve seconded the motion that passed 5-0.

**Commission for Women**

Ms. Grossnickle presented the request for appointment.

There was no public comment.

Ms. Grossnickle noted Ms. Susan Jessee withdrew her application for appointment.

Commissioner Smith moved to appoint Ms. Diana Halleman and Ms. Tish Honse to fill an unexpired term to expire June 30, 2011; and to appoint Ms. Halleman and Ms. Honse to serve a full three-year term to become effective July 1, 2011, and expire June 30, 2014; and appoint

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Ms. Jamie Shopland to fill an unexpired term to become effective September 1, 2011, and expire June 30, 2012. Commissioner Shreve seconded the motion that passed 5-0.

Human Relations Commission

Ms. Grossnickle presented the request for reappointment.

There was no public comment.

Commissioner Smith moved to reappoint Mr. Mike Corrigan, Mr. Garth Phoebus and Ms. Felicia Turner to serve three-year terms to become effective July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

Insurance Committee

Ms. Grossnickle presented the request for reappointment.

There was no public comment.

Commissioner Smith moved to reappoint Mr. Philip Smullen to serve a three-year term to become effective July 1, 2011, and expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

Interagency Internal Audit Authority

Ms. Grossnickle presented the request for reappointment.

There was no public comment.

Commissioner Smith moved to reappoint Ms. Carrie Gill to serve a four-year term to become effective July 1, 2011, and expire June 30, 2015. Commissioner Gray seconded the motion that passed 5-0.

Social Services Board

Ms. Grossnickle presented the request for reappointment.

There was no public comment.

Commissioner Smith moved to reappoint Dr. Mustafa Karakus and Ms. Jane Pearce to serve three-year terms to become effective July 1, 2011, and expire June 30, 2014. Commissioner

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Gray seconded the motion that passed 5-0.

Commissioner Gray questioned the driving force of this committee and the issues they address.

**Discussion of Board of Appeals and Planning Commission Candidates - Joyce Grossnickle, Office of the County Manager**

Board of Appeals

Ms. Grossnickle presented the names of the four applicants who applied for the two upcoming vacant positions on the Board of Appeals.

There was no public comment.

The Board directed staff to schedule interviews with the applicants.

Planning Commission

Ms. Grossnickle presented the names of the four applicants who applied for the upcoming vacancy on the Planning Commission.

There was no public comment.

Commissioner Young moved to reappoint Ms. Audrey Wolfe to serve a five-year term to become effective July 1, 2011, and expire June 30, 2016, noting her current term would expire June 30, 2011. Commissioner Delauter seconded the motion that passed 3-2 with Commissioners Smith and Gray opposed, *noting they preferred the opportunity to interview the applicants before voting.*

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

- Bill Ashton

**QUESTIONS – PRESS**

- Sherry Greenfield, The Gazette

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**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; (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.

**ADJOURN**

The meeting adjourned at 12:10 p.m.

Mary E. Baker  
Recording Secretary

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FOR THURSDAY, MAY 5, 2011**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, MAY 5, 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) (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; (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:**

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys and staff the legal ramifications of certain land use proceedings and decisions.

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Mary Baker  
Recording Secretary

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**Motion:**

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**Time and Location:**

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider a personnel appeal filed by an individual county employee.

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Mary Baker  
Recording Secretary



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**FORM OF STATEMENT FOR  
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**Time and Location:**

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To consider personnel issues involved with both the retirement of the Director of Citizens Services Division and the status of a county director.

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Mary Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MAY 5, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, MAY 12, 2011,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 5, 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) (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; (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:**

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in attendance:**

B. Stanton, J. Mathias, M. Chomel, K. Mitchell, M. Gastley, J. Gugel, E. Soter, R. Santangelo and M. Baker

**Topic Discussed:**

To discuss with the county's attorneys and staff the legal ramifications of certain land use proceedings and decisions.

**Action Taken:**

The Board provided direction to staff.

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Mary Baker  
Recording Secretary

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FOR THURSDAY, MAY 5, 2011**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
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**STATUTORY AUTHORITY TO CLOSE SESSION**

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1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in attendance:**

B. Stanton, J. Mathias, M. Chomel, M. Gastley, R. Santangelo and M. Baker

**Topic Discussed:**

To consider a personnel appeal filed by an individual county employee.

**Action Taken:**

The Board provided direction to staff.

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**Others in attendance:**

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

**Topic Discussed:**

To consider personnel issues involved with both the retirement of the Director of Citizens Services Division and the status of a county director.

**Action Taken:**

The Board provided direction to staff.

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Recording Secretary