

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 8, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 8, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

None.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

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

WORKSESSION

Patriot Day Proclamation (Afternoon)

It was noted the Patriot Day Proclamation would be presented during the 9-11 Ceremony to be held at noon.

Constitution Week Proclamation

The Board proclaimed the week of September 17 - 23 as Constitution Week.

Metropolitan Washington Council of Governments (Wash COG) Presentation – Dave Robertson, Wash COG

Mr. Robertson gave a PowerPoint presentation on the benefits and operations for the county's membership to Wash COG.

There was no action taken as this was an informational item.

Building Excise Tax Distribution for State Highway Administration (SHA) Projects – Ron Burns, Community Development Division

Mr. Burns presented the options for distribution of Building Excise Tax funds toward active capital improvement projects.

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Commissioner Young moved to approve the contribution of \$500,000 to the joint SHA/Frederick City project: Motter Avenue/Opossumtown Pike Reconstruction, from the US 15 interchange to Thomas Johnson Drive, and pursue a cost-sharing agreement/memorandum of understanding with Frederick City and/or SHA. Commissioner Smith seconded the motion that passed 5-0.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for public hearing on Thursday, September 15, 2011, at 10:00 a.m.:

- Plumbing Code Revisions – Gary Hessong, Community Development Division.

CONSENT AGENDA

The following item was removed from the agenda and would be rescheduled for a later date:

- Purchasing Memo #12-039 – Janitorial Services for the Urbana Library/Senior Center

The following items remained on the consent agenda:

BID AWARDS

1. Purchasing Memo #12-040 – Video Editors and Associated Storage
Award to: Washington Professional Systems (WPS)
Award amount: \$59,680.46
2. Purchasing Memo #12-041 – One (1) Arrow XT 750 Gallon Pumper (Piggyback Contract)
Award to: Pierce Manufacturing, Inc.
Award amount: \$488,507.00
3. Purchasing Memo #12-042 – Rechassis of Two (2) Ambulances (Sole Source)
Award to: FESCO Emergency Sales
Award amount: \$341,389.00

BUDGET TRANSFERS

1. #BT-11-191, Accounting, Finance Division
2. #BT-12-036, Utilities and Solid Waste Management Division

GRANTS

- FFY 2011 Assistance to Firefighters Grant – Tom Owens, Fire and Rescue Services Division
- FY 2012 Money Follows the Person Grant and Renewal of HIPAA Business Associate Applications – Carolyn True, Citizens Services Division

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- FY 2012 Medicaid Waiver and Renewal of HIPAA Business Associate Applications – Carolyn True, Citizens Services Division

Commissioner Smith moved to approve the consent agenda as amended. Commissioner Gray 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, July 28, 2011
- ◆ Thursday, July 28, 2011, Closed Session
- ◆ Thursday, August 4, 2011
- ◆ Thursday, August 11, 2011

Proposed Changes to Employee Benefits - Mitch Hose, Human Resources Division

Mr. Hose presented recommendations for changes to benefits for new hires. He addressed each benefit separately indicating the current policy and the recommended changes.

Mr. Mike Gastley, Assistant County Manager, commented on the Employee Education Program.

The Board adjourned the meeting at 11:45 a.m. to attend the 9-11 Ceremony in the first floor hearing room.

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 8, 2011, at 1:38 p.m. Present were Commissioners Billy Shreve, David Gray and Kirby Delauter. Commissioner C. Paul Smith, *Vice President*, was absent from the afternoon meeting. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary.

(Continued) Proposed Changes to Employee Benefits - Mitch Hose, Human Resources Division

Mr. Hose continued his briefing to the Board regarding the options to be considered regarding employee benefits.

Ms. Tracy Lobuts, Human Resources Division, presented an analysis for the establishment of a defined contribution plan to replace the defined benefit plan for non-uniformed new hires.

It was noted the issue would be discussed further at the Board meeting on Thursday, September 15, 2011.

(Commissioner Gray left the meeting.)

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Discussion of PlanMaryland – Eric Soter, Community Development Division; John Mathias, Office of the County Attorney; and Les Knapp, Maryland Association of Counties (MACo)

A discussion was held regarding PlanMaryland.

Mr. Knapp briefed the Board on MACo's position on PlanMaryland regarding actions taken; those that would be taken; and its relation to other land use and environmental issues.

Comprehensive Plan / Zoning Review Briefing – Jim Gugel, Community Development Division

Mr. Gugel presented the comprehensive plan and zoning process. Mr. Gugel indicated staff had received 196 downzoning requests.

The Board gave direction to staff to begin the 60-day review and comment period.

2012 Legislative Considerations – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Cherney reviewed the enacted bills from 2011.

Staff was requested to continue this discussion during the Board's meeting on Thursday, September 15, 2011.

DIRECTOR'S REPORT

Mr. Tom Meunier, Public Works Division, director's report would be rescheduled to a future Board meeting.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

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CLOSED SESSION

Commissioner Shreve moved to go into closed session under the 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; (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 3-0 with Commissioners Smith and Gray absent.

ADJOURN

The meeting adjourned at 3:15 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 8, 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 Shreve moved to go into closed session under the 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 Delauter seconded the motion that passed 3-0 with Commissioners Smith and Gray absent.

Time and Location:

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider the consolidation of county real estate.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, SEPTEMBER 8, 2011,
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 8, 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 Shreve moved to go into closed session under the 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 Delauter seconded the motion that passed 3-0 with Commissioners Smith and Gray absent.

Time and Location:

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, R. McCain, L. Depies, A. Abraham and P. Morrow.

Topic Discussed:

To consider the consolidation of county real estate.

Action Taken:

No action was taken.

Patricia Morrow
Recording Secretary

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Motion:

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Time and Location:

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with staff and the county attorneys certain issues in connection with a construction contract.

Patricia Morrow
Recording Secretary

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STATUTORY AUTHORITY TO CLOSE SESSION

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(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:

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Time and Location:

3:20 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, K. Demosky and P. Morrow.

Topic Discussed:

To discuss with staff and the county attorneys certain issues in connection with a construction contract.

Action Taken:

No action was taken.

Patricia Morrow
Recording Secretary