

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, JANUARY 17, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, January 17, 2012, at 10:00 a.m. in the First Floor Hearing Room. 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.)

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with the invocation followed by the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Delauter said he would be giving a State of the County Address to the Emmitsburg Business Association and the Thurmont Economic Development Commission on Thursday, January 19.

Commissioner Shreve noted he had attended a tourism banquet in Annapolis recently.

Commissioner Smith commented he had attended a meeting at the Business and Employment Center where U.S. Senator Ben Cardin was in attendance.

Commissioner Gray said he had also attended the meeting at the Business and Employment Center as well as the Martin Luther King Day event.

Commissioner Young noted he had also attended the Martin Luther King Day event.

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.

AGENDA BRIEFING

Commissioner Young noted the following public hearing would be held on Tuesday, January 24, at 6:00 p.m.: Comprehensive Plan / Zoning Review (Middletown, Thurmont and Walkersville Regions)

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CONSENT AGENDA

Commissioner Smith moved to remove the following item from the consent agenda and reschedule it to another date. Commissioner Shreve seconded the motion.

- Mental Health Management Agency (MHMA) Strategic Plan Update and Letter of Support – Robert Pitcher, MHMA of Frederick County, Inc.

Commissioner Young amended the motion to approve the remainder of the consent agenda (listed below) and discuss the MHMA Strategic Plan update at this time.

BID AWARDS

- Purchasing Memo #12-108 – Tires for Fleet Services, Management Services Division
Award to: Donald B. Rice, Tire World and S&S Tires (Piggyback Contract)
Estimated award amount: \$220,000.00
- Purchasing Memo #12-109 – Automotive Parts and Chemicals for Fleet Services, Management Services Division (Piggyback Contract)
Award to: Baltimore Auto Supply
Estimated award amount: \$70,000.00
- Purchasing Memo #12-110 – Snow Plow and Spreader Parts for Fleet Services, Management Services Division (Piggyback Contract)
Award to: Industrial Motor Supplies
Estimated award amount: \$50,000.00

Commissioner Smith seconded the amended motion that passed 5-0.

ADMINISTRATIVE BUSINESS

MHMA Strategic Plan Update and Letter of Support – Robert Pitcher, Mental Health Management Agency of Frederick County, Inc.

Mr. Pitcher presented the MHMA service plan for the local delivery of public mental health services in Frederick County.

Commissioner Smith moved to approve the MHMA Strategic Plan and the letter of support as presented. Commissioner Gray seconded the motion that passed 5-0.

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WORKSESSION

Plan Year 2012 Actuarial Valuation Report – Kate Hoffman, Mercer

Ms. Hoffman presented the report to the Board.

There were no public comments.

There was no action taken as the item was informational.

Proposed Changes to the Frederick County Employees Retirement Plan - Mary Claire Cheshire, Esquire, Whiteford, Taylor and Preston LLC and Tracy Lobuts, Human Resources Division

Ms. Cheshire reviewed the proposed changes to the Plan.

The Board decided to have the next agenda item presented before taking public comments on this issue.

Proposed Plan Design for the Frederick County, Maryland Defined Contribution Plan – Tracy Lobuts, Human Resources Division

Ms. Lobuts briefed the Board on a proposal regarding a defined contribution plan for non-uniformed employees hired by the county after June 30, 2012.

Ms. Lori Depies, Finance Division, commented on the proposed defined contribution plan.

Public comment was heard from:

- Diane Smoley

Commissioner Young moved to send through the public review process the proposed changes to the Frederick County Employees Retirement Plan (defined benefit) and a defined contribution plan as presented. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

Initiation of a Proposed Ordinance Regarding School Bus Monitoring Cameras – John Mathias, Office of the County Attorney

Mr. Mathias presented the proposed ordinance.

Mr. Walt Brillhart, Frederick County Public Schools, was present in the audience.

Commissioner Young moved to take the proposed ordinance regarding school bus monitoring cameras with a fine established at \$250, through the public review process. Commissioner Gray seconded the motion that passed 5-0.

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ADMINISTRATIVE BUSINESS

Bid Awards – Hal Good, Finance Division

Purchasing Memo #12-111 – Motorola Minitor V Pagers and Programming Cradles for Fire and Rescue Services Division (Piggyback Contract)

Mr. Tom Owens and Mr. Steve Leatherman, Fire and Rescue Services Division, participated in the discussion.

Commissioner Gray moved to approve the purchase request. Commissioner Shreve seconded the motion that passed 5-0.

Purchasing Memo #12-117 - Sewage Pumps (Sole Source)

Commissioner Delauter moved to approve the purchase request. Commissioner Shreve seconded the motion that passed 5-0.

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

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

Commissioner Smith moved to send correspondence to the Frederick County delegation to the Maryland General Assembly (Delegation) that the Board had no issues with a proposed bill to allow restaurants to remove chairs and tables for up to four events per year. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Gray moved to notify the Delegation the Board had no issues with a proposed bill to remove the current prohibition on a spouse of a Board of Education member to be employed by the Frederick County Public Schools. Commissioner Smith seconded the motion that passed 4-1 with Commissioner Young opposed (in memory of Senator Charles Smelser).

By unanimous consent a bill request for early voting centers was tabled.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

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CLOSED SESSION

Commissioner Smith moved to go into closed session under the Maryland Annotated Code 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. Commissioner Shreve seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JANUARY 17, 2012**

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 go into closed session under the Maryland Annotated Code State Government Article § 10-508 (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 Shreve seconded the motion that passed 5-0.

Time and Location:

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

Topic to be Discussed:

To discuss the possible resolution of pending litigation.

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 WEDNESDAY, JANUARY 18, 2012,
FOLLOWING THE CLOSED MEETING OF TUESDAY, JANUARY 17, 2012**

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 go into closed session under the Maryland Annotated Code State Government Article § 10-508 (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 Shreve seconded the motion that passed 5-0.

Time and Location:

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

Others in Attendance:

D. Dunn, J. Mathias, K. Mitchell, E. Soter, R. Santangelo and P. Morrow.

Topic Discussed:

To discuss the possible resolution of pending litigation.

Action Taken:

Staff was given direction regarding the settlement of litigation.

Patricia Morrow
Recording Secretary