

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JANUARY 26, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, January 26, 2012, at 10:05 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.)

INVOCATION AND PLEDGE OF ALLEGIANCE

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

COMMISSIONER COMMENTS

Commissioner Smith noted he had attended Frederick Day in Annapolis; he was chosen to serve on the Land Use Committee for the Maryland Association of Counties; and said he would propose the consideration of the north / south parallel road in the comprehensive plan review process.

Commissioner Delauter commented on the “Open for Business” signs going up around the county. He also thanked Governor O’Malley for raising every tax possible.

Commissioner Young mentioned he was working with an elderly woman regarding a negative change in her condominium community.

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 31 at 6:00 p.m.: Comprehensive Plan / Zoning Review (New Market Region).

WORKSESSION

Community Marriage Week Proclamation

The Board proclaimed the week of February 7 – 14 as Community Marriage Week.

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Lunar New Year Proclamation

The Board proclaimed January 23 as the beginning of the Lunar New Year.

Approval of a Resolution for the General Obligation Public Facilities Refunding Bonds of 2012 – Jim Cumbie, Esquire, Venable, LLP (County Bond Counsel)

Mr. Cumbie presented the amending resolution to approve the sale of the bonds. Ms. Lori Depies, Finance Division and Mr. Sam Ketterman, Davenport & Company, LLC, participated in the discussion.

There were no public comments.

Commissioner Gray moved to adopt the resolution to approve the sale of the bonds. Commissioner Smith seconded the motion that passed 5-0.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

Airport Property Purchase Offer – Richard McCain, Office of the County Attorney

Mr. McCain presented the offer for the purchase of 1.63 acres of county property located at 296 Buckheimer Road.

There were no public comments.

Commissioner Shreve moved to take the purchase offer forward through the public review process. Commissioner Delauter seconded the motion that passed 5-0.

City of Frederick Annexation – Crum Property – John Dimitriou, Community Development Division

Mr. Dimitriou presented the request from The City of Frederick to consider a determination of express approval regarding the Crum Annexation.

There were no public comments.

Commissioner Smith moved to find the allowable land use and density between the City's Mixed Use zone and the county's Agricultural (A) zone was substantially different and to grant express approval for development to proceed within five-years of the date of municipal approval. Commissioner Shreve seconded the motion that passed 4-1 with Commissioner Gray opposed.

City of Frederick Annexation – Thatcher Property - John Dimitriou, Community Development Division

Mr. Dimitriou presented the request from The City of Frederick to consider a determination of express approval regarding the Thatcher Annexation.

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There were no public comments.

Commissioner Smith moved to find the allowable land use and density between the City's Manufacturing / Office zone and the county's A and Resource Conservation zones was substantially different and to grant express approval for development to proceed within five-years of the date of municipal approval. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

(Commissioner Delauter left the meeting at 11:05 a.m.)

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Smith moved to approve the following minutes as presented:

- ◆ Thursday, December 1, 2011, Afternoon
- ◆ Tuesday, December 6, 2011, Evening

Commissioner Shreve seconded the motion that passed 4-0 with Commissioner Delauter absent.

Bid Awards - Purchasing Memo #12-118, Continuation of Contractual Veterinarian Services – Hal Good, Finance Division

Commissioner Shreve moved to approve Purchasing Memo #12-118 as presented. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Delauter absent.

Proposed Pilot Program – Public Improvements Agreement (PIA) for Roads and Drainage – Chuck Nipe, Public Works Division

Mr. Tom Meunier, Public Works Division, and Mr. Nipe presented the proposed pilot program which would provide developers the ability to hire a third party consultant inspector to provide daily onsite inspection services.

Commissioner Young moved to approve the implementation of the pilot program as well as approval of the revised PIA format. Commissioner Shreve seconded the motion that passed 3-1-0 with Commissioner Gray opposed and Commissioner Delauter absent. It was indicated a 6-month status report would be given.

(Commissioner Delauter returned to the meeting.)

Brunswick Community Plan Amendment (CPA) Concurrence – Jim Gugel, Community Development Division

Mr. Eric Soter, Community Development Division, and Mr. Carroll Jones, Mayor, City of Brunswick, participated in the discussion.

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Mr. Gugel noted the Frederick County Planning Commission granted its concurrence to proceed with a CPA for the Brunswick municipal growth area.

Commissioner Shreve moved to grant concurrence to initiate a CPA for the Brunswick municipal growth area. Commissioner Delauter seconded the motion that passed 5-0.

Final Amendment to Capacity Fee Agreement – Poole’s Folly, LLC (d.b.a. Cracked Claw) – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky briefed the Board on the property owner’s request to retract the capacity fee agreement and reduce the number of water and sewer taps allocated to the property.

Commissioner Smith moved to approve the final amendment to the capacity fee agreement as presented and authorize Commissioner Young to sign the amendment administratively. Commissioner Delauter seconded the motion that passed 5-0.

Illegal Immigration Issues - John Mathias, Office of the County Attorney

Mr. Mathias presented several immigration related issues.

English as the Official Language of Frederick County.

Commissioner Shreve moved to repeal Resolution #08-13 and propose an ordinance making English the official language of Frederick County and take it through the public review process. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

Requiring E-Verify

Sheriff Chuck Jenkins commented on E-Verify. It was indicated Mr. Mathias and Sheriff Jenkins would put together a work group to gather information regarding this initiative.

Prohibiting the Harboring of Illegals in Rental Properties.

By a majority consensus (Commissioners Smith and Gray opposed), the Board concurred to take the idea of prohibiting the harboring of illegals in rental housing through the public review process.

It was noted Sheriff Jenkins would research the issue through a large property management firm in Baltimore.

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 concur with the proposed legislation regarding early voting centers. Commissioner Gray seconded the motion that passed 5-0.

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Commissioner Smith moved to oppose House Bill (HB) 241 introduced by Delegate Galen Clagett regarding a memorandum of understanding for a downtown conference center. Commissioner Delauter seconded the motion that passed 5-0.

Ms. Lori Depies, Finance Division, commented on the proposed shift of the teacher pension liabilities to the county governments.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Smith moved to go into closed session under the 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.

ADJOURN

The meeting adjourned at 1:00 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JANUARY 26, 2012**

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 under the Maryland Annotated Code State Government Article § 10-508 (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:

1:05 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss a personnel matter involving an individual county employee or official.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JANUARY 31, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JANUARY 26, 2012**

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 under the Maryland Annotated Code State Government Article § 10-508 (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:

1:05 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

D. Dunn, J. Mathias, L. Thall, E. Soter, and M Hose.

Topic Discussed:

To discuss a personnel matter involving an individual county employee or official.

Action Taken:

Staff was given direction to counsel the employee or official.

Patricia Morrow
Recording Secretary