

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, FEBRUARY 16, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, February 16, 2012, at 10:10 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

*(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).)*

**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 many meetings recently on behalf of the county. He indicated all commissioners are involved in organizations that benefit the county.

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

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

**WORKSESSION**

**Business Updates – Helen Riddle, Business Development and Retention Division**

Ms. Riddle updated the Board on businesses in Frederick County.

Mr. Colby Ferguson briefed the Board on agricultural issues in the county.

There were no public comments.

There was no action taken as this item was informational.

**Business Development Advisory Council (BDAC) / Workforce Development Board (WDB) Briefing and Discussion of Board of County Commissioners' Strategic Plan Goals – Helen Riddle, Business Development and Retention Division**

Ms. Laurie Holden, Citizens Services Division; Mr. Terry O'Malley, WDB Chair; Mr. Mike Kidder, BDAC Chair; and Mr. Drexel Ryberg, BDAC Vice Chair; participated in a discussion of the Board's strategic plan goals.

There were no public comments.

No action was taken as this item was informational.

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**AGENDA BRIEFING**

Commissioner Young noted the following public hearings:

Tuesday, February 21, at 7:00 p.m.: Proposed Ordinance to Amend Chapters 1-19, 1-20 and 1-25, of the County Code to Allow Adequate Public Facilities Ordinance (APFO) Approval as a part of a Developers Rights and Responsibilities Agreement (DRRA) – Kathy Mitchell, Office of the County Attorney; and Proposed Ordinance Regarding English as the Official Language of Frederick County – John Mathias, Office of the County Attorney

Thursday, February 23, at 10:00 a.m.: Airport Property Purchase Offer – Richard McCain, Office of the County Attorney; and Amendment of the List of Exempt Employees – Linda Thall, Office of the County Attorney

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners' Meeting Minutes**

The following minutes were approved by unanimous consent noting Commissioner Smith's absence on December 20 would be edited:

- ◆ Thursday, December 8, 2011
- ◆ Thursday, December 8, 2011, Closed Session
- ◆ Thursday, December 15, 2011
- ◆ Thursday, December 15, 2011, Closed Session
- ◆ Tuesday, December 20, 2011

**Bid Award - Purchasing Memo #12-119, Recommendation to Transition the Existing Commercial Card Program from Bank of America to JP Morgan Chase Bank – Hal Good, Finance Division**

Mr. Good commented on the bid award.

Commissioner Young moved to approve Purchasing Memo #12-119 as presented conditioned on legal staff's approval.

**Memorandum of Understanding (MOU) for Inspection Services Between Frederick Community College (FCC) and Frederick County Government – Chuck Nipe, Public Works Division**

Mr. Nipe presented the MOU for inspection support for two (2) FCC projects: new parking deck and the Student Services Building.

Mr. Doug Browning, FCC, commented on the inspection support request.

Commissioner Smith moved to execute the MOU with FCC. Commissioner Shreve seconded the motion that passed 3-0-1 with Commissioner Gray absent and Commissioner Delauter abstained.

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**Legislative Update – 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 Young moved to send correspondence to the delegation to resist the pension shift presented by the Maryland Governor and to request language to enact measures making the teacher pension self-sustaining. Commissioner Smith seconded the motion that passed 4-0 with Commissioner Gray absent.

**COMMISSIONER COMMENTS**

Commissioner Delauter indicated that Frederick County was setting the standard regarding keeping government at the level to meet the core standards of governing.

**PUBLIC COMMENTS**

- Diane Smolley

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Smith 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 4-0 with Commissioner Gray absent.

**ADJOURN**

The meeting adjourned at 11:30 a.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, FEBRUARY 16, 2012**

**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 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 4-0 with Commissioner Gray absent.

**Time and Location:**

11:35 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the acquisition of an interest in real property for purposes of agricultural preservation.

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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 TUESDAY, FEBRUARY 21, 2012,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, FEBRUARY 16, 2012**

**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 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 4-0 with Commissioner Gray absent.

**Time and Location:**

11:35 a.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

D. Dunn, J. Mathias, M. Chomel, K. Demosky, E. Soter, Gary Hessong, R. Shen, A. Bradley, T. Wilt, and P. Morrow.

**Topic Discussed:**

To discuss the acquisition of an interest in real property for purposes of agricultural preservation.

**Action Taken:**

Staff was directed to proceed with the acquisition of the two (2) easements as presented.

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Patricia Morrow  
Recording Secretary

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

**Time and Location:**

11:35 a.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss with the county's attorneys a change in a settlement proposal received in pending litigation.

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D. Dunn, J. Mathias, M. Chomel, K. Demosky, E. Soter, Gary Hessong, and P. Morrow.

**Topic Discussed:**

To discuss with the county's attorneys a change in a settlement proposal received in pending litigation.

**Action Taken:**

Staff was given direction to reject the settlement proposal received in pending litigation

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Patricia Morrow  
Recording Secretary