

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, OCTOBER 21, 2008

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 21, 2008, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Ron Hart, County Manager and 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.co.frederick.md.us)

NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

WORKSESSION

Energy Assistance Week Proclamation

The Board proclaimed the week of October 19 – 25 as Energy Assistance Week.

Home Care Month Proclamation

The Board proclaimed November as Home Care Month.

Discussion of Cork Road and Subdivision of the Cramer Farm – Dave Olney, Public Works Division

Al Hudak presented the staff report.

Public comment was taken from:

- Mrs. Cramer
- James Hyatt

Commissioner Hagen moved to accept the dedicated right-of-way only, noting Cork Road would be built to county standards under a non-standard Public Works Agreement with covenants that would leave the maintenance responsibility with the Cramer property owner, not the county. Commissioner Thompson seconded the motion that passed 5-0.

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Frederick County Employees Retirement Plan Committee (“Committee”) – Iran/Sudan Divestiture – Tracy Lobuts, Human Resources Division

Mary Claire Chesshire, Esquire, Whiteford, Taylor and Preston, LLP, and Carol Boykin, Bolton Partners Investment Group, Inc., briefed the Board on comments from the Committee on the proposal to require divestiture from the Frederick County Employees Retirement Plan’s investments of any companies doing business in the Sudan and Iran in accordance with state legislation.

John Kroll, Finance Division, participated in the discussion.

There was no public comment.

No action was taken as this item was for information only.

Adequate Public Facilities Ordinance (APFO) – School Revisions – Kathy Mitchell, County Attorney; Gary Hessong, Permitting and Development Review Division; and Eric Soter, Planning Division

Mr. Hessong opened the discussion by highlighting the Board’s direction to revisit the APFO regarding schools, roads and fire and rescue services as a part of their growth management initiative.

Commissioner Gardner gave a brief history regarding the APFO school proposal and the problems it was trying to solve. Commissioner Gardner indicated the majority of the previous board members chose to take no action on the proposal.

Wendy Kearney, Office of the County Attorney, reviewed the proposed changes to the school adequacy requirements of the APFO.

Ray Barnes, Frederick County Public Schools, also participated in the discussion. Mr. Barnes indicated his concern the proposal would give the Board of Education (BOE) staff a strong roll in terms of controlling growth in the county.

Eric Soter briefed the Board on a possible addendum to the APFO to require municipalities to adopt the county’s APFO. It was suggested a higher threshold regarding the school adequacy test would be an incentive for larger developments to occur within municipalities rather than the county.

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Public comment was heard from:

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|------------------------|---------------------|
| Mark Friis | Rodgers Consulting |
| Rand Weinberg, Esquire | Weinberg and Miller |
| M.C. Keegin-Ayer | PTA Council |

Direction was given to staff to modify the existing draft and begin the public hearing process in January 2009:

- Add language to address background enrollment;
- Add language regarding the two (2) year Capital Improvements Program (CIP) assumption;
- Discuss phasing in with years;
- Special language for developer funded schools.

Recommended optional items:

- New school phase in or redistricting decisions.

Recommended for the municipal piece:

- Have the legal question answered regarding the countywide APFO being applied with different standards in municipalities. It was indicated that defining all municipalities as priority infill and redevelopment areas may make that accomplishable. New annexations may be requested to comply with 100% adequacy.
- Address minor subdivisions at some level.

It was requested the municipal piece would be decoupled from the staff's direction in moving forward with the APFO revisions.

ADMINISTRATIVE BUSINESS

FY 2009 Budget Update – Mike Gastley, Finance Division

Mr. Gastley provided the Board with an update on the current fiscal year status and FY 2010 outlook.

Ron Hart was directed to meet with the division directors to establish an essential and non-essential list of current open positions in the county. Mr. Hart was also directed to look at independent programs and the possible reduction in county services to decrease expenses.

Commissioner Jenkins moved to approve a temporary hiring freeze that would apply to all funds with an effective date of October 21, 2008, with the understanding critical services would be exempt. Commissioner Hagen seconded the motion.

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Commissioner Thompson offered an amendment, until the Board directs otherwise, the operating budget for FY 2010 for both Frederick Community College (FCC) and BOE should be crafted at the lowest legal amount. Commissioner Jenkins seconded the amendment that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Commissioner Hagen offered an amendment to honor those positions where an offer had been made. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

The vote on the main motion, as amended, was 4-1 with Commissioner Thompson opposed.

Staff was directed to schedule a meeting with FCC and the BOE to discuss budget issues.

COMMISSIONERS COMMENTS

Commissioner Jenkins announced a rally by CASA de Maryland was to be held in the evening, outside Winchester Hall.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

Meg Tully, *The Frederick News Post*, addressed the Board.

CLOSED SESSION

The closed session scheduled was deferred until Tuesday, October 28, 2008.

ADJOURN

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary