

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JANUARY 29, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, January 29, 2009, at 9:40 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, 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.

COMMISSIONERS COMMENTS

It was noted Commissioner Gardner would attend the Governor’s State of The State Address later today in Annapolis.

CONSENT AGENDA

The following items were on the consent agenda:

BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENT

School Construction Expense Fund Amendments

1. #09-09
2. #09-10

GRANT

1. FY 2009 Maryland Department of Environment, Local Emergency Planning Committee – Community Right to Know Grant – Dennis Wenner, Fire and Rescue Services Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

Approval of Board of County Commissioners Meeting Minutes

There was consensus to pull the December 4, 2009, BOCC minutes and the December 18, 2009, closed session minutes.

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The remainder of minutes were approved as presented by unanimous consent.

Commissioner Gardner requested the Parks and Recreation Division's agenda item and the Legislative Issues agenda item be moved up on the agenda as she had to leave the meeting early to attend another appointment.

Review of Proposed Policy Regarding Alcohol Use in County Parks - Paul Dial, Parks and Recreation Division

Mr. Dial presented information to the Board.

On December 2, 2008, the Board approved Ordinance #09-03-507 and directed staff to bring back an operational policy for approval. In developing the policy, parks were designated either controlled alcohol use or alcohol prohibited. The controlled use parks include:

- Ballenger Creek
- Buckeystown
- Kemptown
- Libertytown
- Loy's Station
- Pinecliff
- Old National
- Middletown
- Rose Hill
- Urbana District
- Utica

Alcohol prohibited parks include:

- Catocin Creek
- Fountain Rock
- Creagerstown
- Devilbiss
- Rocky Ridge Landing
- Roddy Road
- Fountaindale
- Point of Rocks
- Urbana Community
- Green Hill
- All undeveloped parks

Commissioner Jenkins requested language change to policy #5 to simply state, "A security deposit is required."

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Commissioner Hagen moved to approve the lists as presented with the language change to policy #5.

Commissioner Gray moved to amend the motion to add the shifting of Buckeystown, Libertytown and Loy's Station from controlled use to prohibited use. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Hagen and Jenkins opposed.

The main motion, as amended, was voted on and passed 3-2 with Commissioners Gray and Thompson opposed.

Legislative Issues

John Mathias, County Attorney, presented legislative issues to the Board including:

- House Bill 81, agriculture preservation tax credit request would be forwarded to the delegation for review/action;
- Delegate Weldon's item to increase commissioner salaries and retirement benefits failed;
- Iran/Sudan divestiture for county retirement system passed 6-1;
- Takings bill failed;
- Beverage bill failed;
- Toll bill failed;
- No action was taken on the bond bill for playground equipment;
- No action was taken on John Neary's item to change the county collective bargaining laws – request for mandatory bargaining; and
- Liquor board requests were forwarded to the delegation for review/action.

The delegation requested the county weigh in on Sunday hunting regulations and the State's Attorney salary increase.

The Board unanimously voted to take no position on hunting regulations or the State's Attorney salary increase.

(Commissioner Gardner left the meeting.)

FY 2009 Maryland Agricultural Land Preservation Foundation (MALPF) Matching Commitment - Tim Blaser, Planning Division

Mr. Blaser presented information to the Board.

The county received the annual request from the MALPF staff for the county's matching commitment for the FY 2009 easement acquisition, easement program, which consisted of general allotted funds and matching funds. The matching funds were 60% state and 40% county. Available funding included agricultural transfer tax revenues and budgeted general revenues.

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Commissioner Hagen moved to approve the full matching commitment of \$1,333,333 for the FY 2009 program. The funds would come from the agricultural transfer tax revenues. Commissioner Thompson seconded the motion that passed 4-0 with Commissioner Gardner absent.

Results of Grants for Human Services Review Panel - Margaret Nusbaum, Citizens Services Division

Ms. Nusbaum presented information to the Board as outlined in the staff report.

On December 11, 2008, December 18, 2008, and January 12, 2009, the Grants Review Panel met to review funding requests from local human service agencies through the Grants for Human Service Program. Thirty-four proposals from 20 agencies were submitted totaling \$1,056,467. Of this amount \$268,897 was for new programs or new agency requests.

The Board requested Ms. Nusbaum inquire on those grants which would be time sensitive and inform the Board.

There was consensus to not fund any grants at this time.

FY 2010 Mid-Maryland and Carrollton Manor Rural Legacy Grant Applications - Tim Blaser, Planning Division

Mr. Blaser presented information to the Board.

Staff was advised of the grant application deadline of Tuesday, February 10, 2009, for the FY 2010 Maryland Rural Legacy Program for the Mid-Maryland Rural Legacy Area application and Carrollton Manor Rural Legacy Area application. Both applications included a grant request of \$3.2 - \$3.5 million with a proposal of county matching funds of \$125,000 each. Staff's recommendation was to approve and submit the rural legacy grants for FY 2010 with a matching commitment of \$125,000 for each grant request and \$250,000 if only one grant was approved. Staff also recommended the funding preference with Mid-Maryland as the number one priority.

Commissioner Hagen moved to approve the request as presented, contingent on budget approval, and to send a letter to Secretary John R. Griffin, Rural Legacy Board, Department of Natural Resources, as presented in the staff report. Commissioner Gray seconded the motion.

Commissioner Hagen amended his motion to not roll over the \$125,000 if only one grant was accepted. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gardner absent.

Commissioner Thompson moved to line out \$125,000 in the maximum agency request ceiling (MARC) for the Technology Innovation Center. This motion failed due to lack of a second.

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CLOSED SESSION/ADMINISTRATIVE FUNCTION

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gardner absent.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 11:35 a.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JANUARY 29, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter.

Motion:

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gardner absent.

Topic to be Discussed:

To consider the sale of property obtained through tax sale and to provide direction to staff on whether to pursue the sale.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, FEBRUARY 3, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JANUARY 29, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter.

Motion:

In open session Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gardner absent.

Others in Attendance:

J. Mathias, R. Hart, C. Chamberlain, A. Hudak, J. Kroll, R. McCain and M. Baker.

Topic Discussed:

To consider the sale of property obtained through tax sale and to provide direction to staff on whether to pursue the sale.

Action Taken:

Staff was advised what direction to initiate, all final decisions would be contingent on the public hearing.

Mary E. Baker
Recording Secretary