

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 12, 2009 at 9:30 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.

COMMISSIONERS COMMENTS

None.

AGENDA BRIEFING

The Board noted a public hearing would be held on Tuesday, March 17, 2009, at 7:00 p.m. to hear comment on the FY 2010 - 2015 Capital Improvements Program and FY 2010 Capital Budget.

CONSENT AGENDA

The following items were removed from the consent agenda:

- Purchasing Memo #09-152 – FY 2009 Replacement Vehicle Purchases (Piggyback Contract)
Award to: Hertrich Fleet Services, Inc.
Award amount: \$160,385.00
- Board of Education Current Expense Fund Amendment - #3-09

The following items remained on the consent agenda:

BID AWARDS

- Purchasing Memo #09-150 – Dental Services at the Adult Detention Center (Piggyback Contract)
Award to: Dentrust Dental
Award amount: Estimated total of \$80,580.00

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

- Purchasing Memo #09-151 - Bid #09-CP-62, New Design Water Transmission Main, Part 5 and Budget Transfer
Award to: American Infrastructure, Inc.
Award amount: \$7,771,777.00
- Purchasing Memo #09-153 – FY 2009 Replacement Vehicle Purchases – Two (2) Phoenix Buses (Piggyback Contract)
Award to: Coach and Equipment Bus Sales
Award amount: \$120,796.00

Mike Marschner, Utilities and Solid Waste Management Division, commented on the Purchasing Memo #09-151, New Design Water Transmission Main, Part 5 and the budget transfer.

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

Purchasing Memo #09-152 – FY 2009 Replacement Vehicle Purchases – Hal Good, Finance

Austin Abraham, Management Services Division, commented on the purchase of replacement vehicles for Up County Family Center.

Commissioner Hagen moved to approve the staff recommendation as presented. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Jenkins and Thomson opposed.

(Commissioner Jenkins left the meeting.)

Board of Education Current Expense Fund Amendment #3-09 – Mike Gastley, Finance Division

Hal Keller, Frederick County Public Schools, commented on the expense fund amendment.

Commissioner Gray moved to approve the expense fund amendment. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners Meeting Minutes

By unanimous consent the following meeting minutes were approved:

- ◆ BOCC Meeting Minutes for Tuesday, January 27, 2009
- ◆ Form of Statement to Close Meeting on Tuesday, January 27, 2009

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

- ◆ Closed Session Minutes for Tuesday, January 27, 2009
- ◆ Form of Statement for Open Meeting Following Closed Session on Tuesday, January 27, 2009
- ◆ BOCC Meeting Minutes for Thursday, January 29, 2009
- ◆ Form of Statement to Close Meeting on Thursday, January 29, 2009
- ◆ Closed Session Minutes for Thursday, January 29, 2009
- ◆ Form of Statement for Open Meeting Following Closed Session on Thursday, January 29, 2009
- ◆ BOCC Meeting Minutes for Tuesday, February 3, 2009
- ◆ BOCC Meeting Minutes for Thursday, February 5, 2009
- ◆ Form of Statement to Close Meeting on Thursday, February 5, 2009
- ◆ Closed Session Minutes for Thursday, February 5, 2009
- ◆ Form of Statement for Open Meeting Following Closed Session on Thursday, February 5, 2009
- ◆ BOCC Meeting Minutes for Tuesday, February 10, 2009
- ◆ BOCC Meeting Minutes for Thursday, February 12, 2009
- ◆ Form of Statement to Close Meeting on Thursday, February 12, 2009
- ◆ Closed Session Minutes for Thursday, February 12, 2009
- ◆ Form of Statement for Open Meeting Following Closed Session on Thursday, February 12, 2009
- ◆ BOCC Meeting Minutes for Tuesday, February 17, 2009
- ◆ BOCC Public Meeting Minutes for Tuesday, February 17, 2009
- ◆ BOCC Meeting Minutes for Thursday, February 19, 2009
- ◆ BOCC Public Meeting Minutes for Thursday, February 19, 2009

Way Station – Request for Letter of Support – Scott Rose, Way Station, Inc.

Commissioner Hagen moved to support the request of Way Station, a subsidiary of the Sheppard Pratt Health System, for a federally directed appropriation in the amount of \$725,000 for its Maryland WorkFORCE Hope Project. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins out of the room.

Adult Detention Center Phase IV - 50% Design Update - Karla Sims, Public Works Division

Ms. Simms briefed the Board on the current status of the project.

Commissioner Jenkins moved to approve the staff recommendation. Commissioner Gray seconded the motion that passed 5-0.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

FY 2009 Housing Initiative Fund Report - Second Quarter - Jenny Short, Citizens Services Division

Ms. Short presented the second quarter housing initiative fund report.

This item was for information, no action was taken.

Butz Deed to Board of County Commissioners (BOCC) and the BOCC Agreement of Transfer to the Carroll Manor Fire Company (CMFC) - Kathy Mitchell, Office of the County Attorney

Ms. Mitchell reviewed with the Board the process of the proposed transfer of the 10 acre parcel from the Butz family to the Board by creating a governmental use by creating an outlot and then the conveyance from the Board to the CMFC.

A lengthy discussion was held on the agreement of transfer for the property.

John Mathias, Office of the County Attorney; Gary Hessong and Nikki Martin, Permitting and Development Review Division, participated in the discussion.

Commissioner Hagen moved to agree to the terms and conditions of the draft agreement of transfer to convey an outlot received from the Butz family to the CMFC to be used as a fire station without the alternative language. The motion died for lack of a second.

Commissioner Gray moved to deny the proposed agreement of transfer approach and direct staff to evaluate the feasibility of a lease agreement with the CMFC for a minimum of 50 years. Commissioner Jenkins seconded the motion.

The motion was divided.

The vote on the denial of the agreement of transfer was 4-1 with Commissioner Hagen opposed.

The vote on the second part, to evaluate a lease agreement for the CMFC, was 4-1 with Commissioner Thompson opposed.

Proposed Resolution to Outline Specific Actions Regarding Recycling Goal Percentages and to Dispose of Solid Waste - Commissioner Kai Hagen

Commissioner Hagen briefed the Board on various proposed recycling and divergence programs that have not been implemented or planned in Frederick County as alternatives to the proposed waste to energy facility.

Commissioner Hagen indicated he would provide a list of citizen contacts regarding a material resource facility (MRF).

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

By consensus the Board moved to take the next steps toward recycling in Frederick County, following full implementation of single stream recycling:

- Ask Solid Waste Advisory Committee (SWAC) and the recycling staff to evaluate the possibility of banning electronic waste from the landfill with the timing to be determined by staff;
- Recycling staff to work with the Parks and Recreation Division to develop a plan to expand recycling in the county parks;
- Make recycling available at public events;
- Meet with Frederick Community College, Hood College and Mount Saint Mary's University to discuss recycling on campus;
- Ask County Attorney's Office to give a written opinion on the legal authority to prevent haulers from using the landfill unless they have tiered pricing and different containers;
- Invite Ms. Patricia Milner, Department of Agriculture, to present a composting presentation to SWAC and the Board of Education; and
- Commissioner Hagen would coordinate a meeting with the trash haulers to discuss "pay as you throw" options and enforcement issues.

Mike Marschner, Utilities and Solid Waste Management Division, commented on the system benefit charge and tipping fees.

Legislative Issues

John Mathias, Office of the County Attorney, reported on the legislative issues before the Frederick County delegation.

COMMISSIONERS' COMMENTS

None.

PUBLIC COMMENTS

- Lisa Baugher
- Mary Posy
- Allison Mullins – Total Engineering, Inc.

QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Hagen moved to go into closed session according to the Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

a public purpose and matters directly related thereto. Commissioner Jenkins seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 1:35 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 12, 2009**

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 Hagen moved to go into closed session in accordance with 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 Jenkins seconded the motion that passed 5-0.

Topic To Be Discussed:

The possible acquisition of property for park land.

Patricia A. Morrow
Recording Secretary

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 12, 2009

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON MONDAY, MARCH 16, 2009
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 12, 2009**

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 Hagen moved to go into closed session in accordance with 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 Jenkins seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, J. Mathias, M. Chomel, P. Dial, B. Hicks and P. Morrow.

Topic Discussed:

To consider the possible acquisition of property for a public park.

Action Taken:

The Board supported the staff recommendation.

Patricia A. Morrow
Recording Secretary