

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 5, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 5, 2009, at 9:45 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

Commissioner Thompson noted in yesterday's paper there was an article referring to the closure of Mealey's Restaurant. The owner of Mealey's blames Frederick County for the failure and Commissioner Thompson hoped the county would not economically bail them out.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #90-130 – Emergency Medical Services Transportation Billing Services and Software (Piggyback Prince George's County Contract)
Award to: Advanced Data Processing, Inc. Intermedix
Award amount: Based on 9.9% of the EMS transport billing collections
2. Purchasing Memo #09-139 – Request for Award of RFP #09-18, Investment and Safekeeping Services
Award to: M&T Investment Group
Award amount: \$153,530.00
3. Purchasing Memo #09-147 – Award Recommendation, Bid # 09-CP-74, Miscellaneous Bridge Painting
Award to: Orfanos Contractors, Inc.
Award amount: \$138,900.00

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BUDGET TRANSFERS

1. BT-09-138, Accounting, Finance
2. BT-09-139, Accounting, Finance

GRANTS

1. Office of Problem Solving Court FY 2010 Grant - Paul Wolford, Circuit Court

EASEMENTS

1. Friends Meeting School, Phase 1C - Partial Release of Storm Drain Easement
2. Westview South, Section 1, Lot 208 - Partial Release of Storm Drain Deed of Easement

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

ADMINISTRATIVE BUSINESS

**Grading Permit Renewal Fees – Betsy Smith, Permitting and Development Review
Division**

Ms. Smith noted the Permitting and Development Review Division (DPDR) administered grading permits renewals and collection of required fees. DPDR interpreted the code sections outlined in the staff report and the fee ordinance requiring fees to be renewed annually for any permit which still had outstanding guarantees.

It was also noted as staff began pursuing collection of permit renewal fees on older permits in accordance with the requirements of the code and fee resolution, staff discovered renewal fees for active and inactive permits were the same. Staff established guidelines for review by the Board, amendments to the fee collection on grading activities and permit renewals.

Staff recommended finalization and adoption of the proposed guidelines as outlined in the staff report and to take the proposed code changes to public hearing. Staff recommended to incorporate necessary changes to the fee resolution (item 3) and proceed with allowing all grading permits to be made current by paying the administrative processing fee presented in the proposed guidelines for all years the permit was not renewed to collect past due renewal fees (item 4-a).

Commissioner Gray moved to approve item 4-a in the staff report as presented with the inclusion of a statement “this option was only available to those applicants who are current on all other permits” as required by the county. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

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Commissioner Gray moved to approve staff's recommendation items 1-3 as presented in the staff report. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

"Snapple" Discussion - Commissioner John L. Thompson, Jr.

Commissioner Thompson presented the "Snapple" discussion to the Board.

Using a "Snapple" bottle for demonstration purposes, Commissioner Thompson discussed solid waste issues within Frederick County. It was noted that all recycling efforts within the county are voluntary and in order to increase the recycling rate, incentives should be given to start. The proposed incentive would be a mandatory beverage container deposit/return system.

Commissioner Thompson noted he was in favor of placing the burden, expense and inconvenience of achieving the goal of 85% recycle rate on those who market the product packaging and one way of achieving this would be to implement a beverage container excise tax.

(Commissioner Gray left the room.)

No action was taken by the Board.

CLOSED SESSION

Commissioner Hagen moved to proceed to closed session in accordance with 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; (7) To consult with counsel to obtain legal advice on a legal matter; and (3) Real property acquisition. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray out of the room.

(Commissioner Gray entered the meeting.)

Commissioner Gardner re-opened the meeting at 12:20 p.m.

Legislative Issues

John Mathias, County Attorney, noted the log sheet was handed out for the legislative issues; nothing had been changed or updated. He also noted there would not be a Legislative meeting on Friday, March 6, 2009.

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COMMISSIONERS COMMENTS

Commissioner Jenkins noted Sherry Soper from the Frederick County Volunteer Fire and Rescue Association advised everyone to change their smoke detector batteries when they changed their clocks on Saturday night due to Daylight Savings Time.

PUBLIC COMMENTS

- Caroline Eader
- Donald Lee

DIRECTOR'S REPORT – Gary Hessong, Permitting and Development Review Division

Mr. Hessong did not present his director's report.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THUSDAY MARCH 5, 2009**

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; and

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

Motion:

Commissioner Hagen moved to proceed to closed session in accordance with 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; (7) To consult with counsel to obtain legal advice on a legal matter; and (3) Real property acquisition. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Topic to be Discussed:

To obtain legal advice from the County Attorney's Office on the legal consequences of the possible removal of a specific appointee over whom the Board of County Commissioners has jurisdiction.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
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STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) Real property acquisition.

Motion:

Commissioner Hagen moved to proceed to closed session in accordance with 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; (7) To consult with counsel to obtain legal advice on a legal matter; and (3) Real property acquisition. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Topic to be Discussed:

To discuss the possible purchase or lease of a specific piece of real property for county purposes.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 5, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MARCH 10, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 5, 2009**

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; and

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

Motion:

Commissioner Hagen moved to proceed to closed session in accordance with 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; (7) To consult with counsel to obtain legal advice on a legal matter; and (3) Real property acquisition. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Others in Attendance:

J. Mathias, R. Hart, B. Stanton, R. McCain, M. Marschner, L. Thall, R. Santangelo and M. Baker

Topic Discussed:

To obtain legal advice from the County Attorney's Office on the legal consequences of the possible removal of a specific appointee over whom the Board of County Commissioners has jurisdiction.

Action Taken:

No action was taken by the Board.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
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STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) Real property acquisition.

Motion:

Commissioner Hagen moved to proceed to closed session in accordance with 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; (7) To consult with counsel to obtain legal advice on a legal matter; and (3) Real property acquisition. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Jenkins was present for the motion, but not for the closed session discussion.

Others in Attendance:

J. Mathias, R. Hart, B. Stanton, R. McCain, M. Marschner, R. Santangelo and M. Baker

Topic Discussed:

To discuss the possible purchase or lease of a specific piece of real property for county purposes.

Action Taken:

The Board provided direction to staff.

Mary E. Baker
Recording Secretary