

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 26, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 26, 2009, at 10:10 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagan, Charles Jenkins and John L. 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 Gray noted he, Barry Stanton, Assistant County Manager and Mike Gastley, Finance Division, attended the Board of Education meeting to discuss budget issues, particularly where to find money to assist the county with the projected shortfall.

Commissioner Gardner noted she was misrepresented by the FOX 45 video clip regarding wind turbine power that aired on March 25, 2009.

AGENDA BREIFING

Staff briefed the Board on the following public hearing items scheduled for:

Tuesday, April 7, 2009, at 7:00 p.m.

- Recognition of the Mid-Atlantic Recreation and Parks Sports Alliance (MARPSA) Good Sports Award Recipients
- Public Hearing - Petition to Open, Close and Alter and Rename "Old" New Design Road - Dave Olney, Public Works Division

CONSENT AGENDA

The following items were on the consent agenda:

(Commissioner Gray left the meeting.)

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BID AWARDS

1. Purchasing Memo #09-158 – Award RFP #09-03, Therapy Services for Citizens Care and Rehabilitation Center
Award to: RehabCare, Inc.
Award amount is based on the rates as outlined in the staff report.
2. Purchasing Memo #09-168 – Award of Bid #09-CP-70 Reich’s Ford Road Improvements, Phase I
Award to: C. William Hetzer, Inc.
Award amount: Estimated Amount \$4,920,650.45
3. Purchasing Memo #09-170 – Renewal of Contract (Reference Bid #07-11) Mowing Turf Surfaces
Award to: Flo’s Lawn Care
Ken’s Lawn Care
Kline’s Landscape, Inc.
Mountain View Lawn Service
Award amount: \$168,829.00

BUDGET TRANSFERS

1. BT-09-147, Utilities and Solid Waste Management Division (Water and Sewer)
2. BT-09-148, Citizens Services Division (Housing)
3. BT-09-149, Sheriff’s Office

(Commissioner Gray entered the meeting.)

BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENTS

(Commissioner Gray entered the meeting.)

School Construction Expense Fund Amendments

1. #09-11
2. #09-12
3. #09-13

GRANTS

1. Federal Head Start Continuation Grant - Pat Rosensteel and Ann Silverman, Citizens Services Division
2. Bell Court EmPOWER CLEAN ENERGY Grant - Jenny Short, Citizens Services Division
3. Maryland Energy Administration - EmPOWER CLEAN ENERGY Communities Grant Applications for County Buildings and Fleet - Jessica Stoner, Management Services Division

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4. Metropolitan Washington Council of Governments Transportation Land Use Connection Technical Assistance Acceptance and Approval of Budget Transfer – John Thomas, Planning Division
5. FFY 2008 Fire Prevention and Safety Grant Application - Gene Mellin, Fire and Rescue Services Division

Commissioner Jenkins moved to pull School Construction Amendment #09-12, and for a separate vote on Grant #2.

Commissioner Gray moved to approve the consent agenda as presented with the exception of what was pulled by Commissioner Jenkins. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Hagen moved to approve Grant #2 as presented. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

There was consensus for no action to be taken on School Construction Amendment #09-12 at this time.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved as presented with one change in the spelling of Joe Caloggero's name:

- BOCC Meeting Minutes for Tuesday, February 24, 2009
- BOCC Meeting Minutes for Tuesday, February 24, 2009 (Afternoon)
- BOCC Meeting Minutes for Thursday, February 26, 2009
- Form of Statement to Close Meeting on Thursday, February 26, 2009
- Closed Session Minutes for Thursday, February 26, 2009
- Form of Statement for Open Meeting Following Closed Session on Thursday, February 26, 2009
- BOCC Meeting Minutes for Thursday, February 26, 2009 (Afternoon)

Purchasing Memo #09-169 – Bid #09-CP-71, Libertytown Park Concessions Building Site Improvements - Hal Good, Finance Division

Mr. Good presented the bid award.

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

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**Purchasing Memo #09-171 – Bid #09-CP-61 Adult Detention Center Y-Block
Renovations Project and Budget Transfer – Hal Good, Finance Division**

Mr. Good presented the bid award.

Commissioner Gray moved to approve staff's recommendation as presented in the staff report. Commissioner Jenkins seconded the motion that passed 5-0.

**Board of Education Non-Recurring Costs Included in the FY 2010 Budget - Mike
Gastley, Finance Division**

Mr. Gastley presented qualifying non-recurring costs, which included new computer laboratories, books for the new library collection, new instruction program start up costs, capital items and other unique one-time costs. Non-recurring costs could be excluded from the calculation after the maintenance of effort baseline was satisfied.

Commissioner Gray moved to approve staff's recommendations and submit the appropriate signatures for preliminary approval to the Maryland State Department of Education by March 31, 2009. Commissioner Hagen seconded the motion that passed 5-0.

John Kroll, Finance Division, requested an amendment to the consent agenda policy to allow non-recurring costs be placed on the consent agenda.

There was consensus to place the request on a future agenda.

FY 2009 Operating Budget Update – Mike Gastley, Finance Division

Mr. Gastley presented updates to the operating budget.

Commissioner Thompson moved to amend the budget to indicate in FY 2010, the Board of Education (BOE) would operate at maintenance of effort (MOE) level. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Gray moved to send a waiver of request to the Maryland State Board of Education requesting a cut of \$18 million dollars based on 50% sharing. Staff was directed to bring back the MOE for review on Monday, March 30, 2009. Commissioner Jenkins seconded the motion.

Commissioner Thompson offered a substitute motion to cut to \$9 million dollars below the MOE. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Gray moved to approve the updates as presented except the request of the potential balance from the BOE regarding the Linganore and West Frederick High School

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projects. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Ray Barnes, Frederick County Public Schools, presented information regarding School Construction Amendment #09-12, which was pulled from the consent agenda. He advised the Board there would be no ramification if the Board wished to hold off on approving for up to two weeks.

Commissioner Hagen moved to hold for one to two weeks before submitting it. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

Resolution to Establish the Frederick County Sustainability Commission - Hilari Varnadore, Office of Environmental Sustainability

Ms. Varnadore presented information regarding a proposed resolution that would formally establish the Frederick County Sustainability Commission.

Commissioner Hagen moved to approve Resolution #09-02 as presented in the staff report. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

(A copy of Resolution #09-02 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us.)

Strategic Plan Quarterly Report – Update on Goals/Objectives – Barry Stanton, Office of the County Manager

This item was rescheduled to Thursday, April 30, 2009.

(Commissioner Hagen left the meeting.)

LEGISLATIVE ISSUES

John Mathias, County Attorney, presented updates to legislative issues.

It was noted Senate Bill 1009, which prohibited Maryland Department of Energy from giving a permit for incinerator site within a certain distance of a park area, was introduced this week.

Commissioner Jenkins moved to submit a response stating the Board objected to the waste to energy bill especially as it did not move through the county's process and also noting the Board would be in budget hearings the week the bill was scheduled to be heard.

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

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Commissioner Gray offered to attend the hearing of Senate Bill 1009 scheduled for Tuesday, March 31, 2009, at 1:00 p.m. to testify on this bill, if it was the desire of the Board.

(Commissioner Gray left the meeting.)

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:20 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary