

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, MARCH 24, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, March 24, 2009, 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.

COMMISSIONERS COMMENTS

Commissioner Gardner commented on a recent article in *The Washington Post* regarding lower unemployment rates in Frederick and Montgomery Counties.

Child Abuse Awareness Month Proclamation

The Board proclaimed the month of March as Child Abuse Awareness Month.

Month of the Young Child Proclamation

The Board proclaimed the month of April as Month of the Young Child.

Earth Hour Proclamation

The Board proclaimed Saturday, March 28, 2009, from 8:30 p.m. – 9:30 p.m. as earth hour.

Maryland School for the Deaf Request for Letter of Support for Hessian Barracks Grant Application to the Maryland Historical Trust – Janet Davis, Planning Division

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

FY 2009 and FY 2010 Income Tax Revenue Update – Mike Gastley, Finance Division

Mr. Gastley briefed the Board on the state's current income tax projections for FY 2009 and FY 2010.

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Mr. Gastley reviewed suggested reductions for FY 2009. He indicated it may be possible to request the Board of Education (BOE) self-insurance offering by June 30, 2009, rather than July 1, 2009. Mr. Gastley also stated the BOE had shown no projected fund balance for FY 2010 brought forward from FY 2009. He believed there would be a fund balance from initiatives put forward by the BOE.

Referring to the Capital Improvements Program (CIP), Mr. Gastley commented an additional \$500,000 may become available from the Pay-Go funds from both the Linganore High School and West Frederick Middle School projects. It was indicated the BOE would be requested to attend the Board's meeting scheduled for Thursday, March 26, 2009, to discuss the BOE reduction suggestions.

Also discussed were the pavement management fund from 2008, fleet fund balance, closed CIP projects, and moving the Advanced Life Support (ALS) from the general fund to the fire tax districts.

Mr. Gastley also briefed the Board on reduction suggestions for FY 2010.

It was indicated staff would attend the BOE meeting on Wednesday, March 25, 2009, to request additional monies from the balance of the CIP projects, early payment of the self-insurance refund, and a possible fund balance.

FY 2010 - 2015 Capital Improvements Program (CIP) and FY 2010 Capital Budget,
Regarding Public Comments Received During March 17, 2009, Public Hearing – Kelly
Weaver, Finance Division

Ms. Weaver reviewed with the Board the comments received during the public hearing held on Tuesday, March 17, 2009. Ms. Weaver indicated the CIP would be discussed again on Tuesday, May 12 and is scheduled to be adopted on Tuesday, June 2, 2009.

I-70/Meadow Road Interchange – Commissioner John L. Thompson, Jr.

Commissioner Thompson presented a proposed resolution to petition the Maryland Department of Transportation and the Maryland Department of Planning for a declaratory ruling as to whether the contemplated Meadow Road/I-70 interchange would be a growth related project and if so, would it be within a priority funding area (PFA).

John Mathias, Office of the County Attorney, commented on the definition of a declaratory ruling.

Eric Soter, Planning Division, commented on amending the state of Maryland PFA's map.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

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Commissioner Gardner moved to send a formal request, in the form of a letter, to the Maryland Department of Planning (MDP), the Maryland Department of Transportation (MDOT) and the Office of Smart Growth, requesting to formally make a decision as to whether I70/Meadow Road is a growth related project in a PFA and if deemed not in a PFA, does it meet any of the exceptions criteria. Commissioner Hagen seconded the motion that passed 5-0.

It was indicated the inclusion of the Heart of the Civil War Certified Heritage Areas into the PFA would be a separate request to the MDP.

(Commissioner Gardner left the meeting.)

WORKSESSION

Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, County Manager’s Office

Commission on Disabilities (COD)

There was no public comment.

Commissioner Hagen moved to support the recommendation to appoint Ms. Jeanine Aubertin and Ms. Nancy Lind to fill unexpired terms ending December 31, 2011. Commissioner Thompson seconded the motion that passed 4-0 with Commissioner Gardner absent.

It was indicated Mr. Huckenpoehler would be notified when a vacancy on the COD becomes available..

(Commissioner Gardner entered the meeting at 10:30 a.m. and Commissioner Gray passed the gavel back.)

Human Relations Commission

There was no public comment.

Commissioner Hagen moved to appoint Ms. Charlotte Davis to fill an unexpired term to expire June 30, 2009, and appoint Ms. Davis to a full three-year term to take effect beginning July 1, 2009, and expire June 30, 2012. Commissioner Gray seconded the motion.

Commissioner Thompson offered a substitute motion to interview Ms. Davis to determine if she would be committed to racial equality. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

The main motion passed 3-2 with Commissioners Jenkins and Thompson opposed.

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Insurance Committee

There was no public comment.

Commissioner Hagen moved to approve the appointment of Mr. Philip Smullen to fill an unexpired term to expire June 30, 2011. Commissioner Jenkins seconded the motion that passed 5-0.

Interagency Internal Audit Authority (IIAA)

There was no public comment.

Commissioner Gray moved to reappoint Mr. Tim Pollak to serve a four-year term to expire April 16, 2013. Commissioner Hagen seconded the motion that passed 5-0.

It was indicated Mr. Bob Lilly would be notified when another vacancy on the IIAA becomes available.

Social Services Board

There was no public comment.

Commissioner Hagen moved to approve the appointments of Mr. Tracy Diggs, Reverend Michael Bynum and Mustafa Karakus, Ph.D. to fill unexpired terms to expire June 30, 2011. Commissioner Gray seconded the motion that passed 5-0.

Substance Abuse Council

Commissioner Gray moved to approve the appointment of Mr. Korey Shorb to fill an unexpired term to expire December 31, 2011. Commissioner Hagen seconded the motion that passed 5-0.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

Bill Ashton addressed the Board.

QUESTIONS – PRESS

None.

CLOSED SESSION/ADMINISTRATIVE FUNCTION

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Commissioner Gray moved to go into closed session/administrative function 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 Hagen seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 11:15 a.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, MARCH 24, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

Motion:

Commissioner Gray moved to go into closed session/administrative function 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 Hagen seconded the motion that passed 5-0.

Topic To Be Discussed:

To consider a proposal to acquire a building for county purposes.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MARCH 26, 2009,
FOLLOWING THE CLOSED MEETING OF TUESDAY, MARCH 24, 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.

Topic – To consider a proposal to acquire a building for county purposes.

Motion:

Commissioner Gray 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 Hagen seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, J. Kroll, D. Browning and P. Morrow.

Topic Discussed:

To consider a proposal to acquire a building for county purposes.

Action Taken:

The Board approved the concept of the purchase of a building for a county purpose with a specific upset limit.

Patricia A. Morrow
Recording Secretary