

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 16, 2009, at 9:40 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 Mary Baker, Recording Secretary. Final Copy

(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

Staff briefed the Board on the following public hearing items scheduled for Tuesday, April 21, 2009, at 7:00 p.m.

- Proposed Amendment of the Lobbying Ordinance's Reporting Requirements - Linda Thall, Office of the County Attorney.
- Proposed Amendment of the Human Relations Ordinance to State Discrimination is Against Public Policy and Unlawful in Frederick County - Linda Thall, Office of the County Attorney and Henry Templeton, Citizens Services Division.
- Amending the Frederick County Code Regarding Grading Permit and Fees Clarification - Betsy Smith, Permitting and Development Review Division.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #09-172 – RFP#09-17, Children Mobile Crisis Program Services
Award to: Way Station, Inc.
Award amount: \$90,000.00

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

2. Purchasing Memo #09-184 - Bid #09-CP-80, Bituminous Overlay of Various Frederick County Roadways FY 2009
Award to: C.J. Miller, LLC
Estimated award amount: \$4,026,426.00
3. Purchasing Memo #09-185 – Request to Provide Paging Service by way of Piggybacking State of Maryland Contract #060B980042
Award to: USA Mobility
Estimated award amount: \$37,000.00

BUDGET TRANSFER

1. BT-09-161, Transit Services Division

GRANTS

1. Proposal for Continued Funding of Family Mediation Program from Mediation and Conflict Resolution Office (MACRO) - Lynn Macpherson, Circuit Court
2. 2009 American Recovery and Reinvestment Act (ARRA) Justice Assistance Grant (JAG) Agreement Between City of Frederick and Frederick County - Marty Gallagher, Sheriff's Office

Commissioner Jenkins requested to pull Bid Award #1 and Grant #1 for discussion.

Commissioner Thompson moved to approve Bid Award #1, with a five-percent (5%) reduction. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Gray moved to approve the consent agenda with the exception of Grant #1. Commissioner Hagen seconded the motion.

Commissioner Thompson moved to split the vote.

Bid Award #1 passed as presented 3-2 with Commissioners Jenkins and Thompson opposed.

The balance of the consent agenda with the exception of Grant #1 passed 5-0.

WORKSESSION

Critical Farms Program - Request to Appraise - Tim Blaser, Planning Division

Mr. Blaser presented information to the Board regarding five (5) applications he received for the Critical Farms Program.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

Public comment was taken from:

- Richard Calimer
- Paul Coblenz
- Byron Grossnickle
- Malea Wright

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

**Memorandum of Understanding (MOU) for Disposal of Board of Education (BOE)
Surplus Property - Austin Abraham, Management Services Division**

Mr. Abraham and Ray Barnes, Frederick County Public Schools, presented information to the Board regarding the MOU, which would outline the process for disposal of surplus property as it related to the construction of the new BOE central office. In July 2007 the Board agreed to the BOE's request that they receive the benefit of the fair market value for each of the four (4) properties they declared as surplus.

The Board requested the following changes to the MOU:

- Page 9, Section 6, to strike "*in partial payments over time*" and replace with "*equal annual payments between transfer of property and September 2018.*"
- Page 10, Section 8, add a specific date and strike "*within thirty (30) days.*"
- Page 12, Section 14, strike "12" and replace with "13."

Commissioner Hagen moved to approve the MOU with the changes as noted. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

**Proposal for Continued Funding of Family Mediation Program from Mediation and
Conflict Resolution Office**

Lynn Macpherson, Circuit Court, presented information regarding the grant from the consent agenda.

Commissioner Jenkins moved to approve the grant as presented. Commissioner Hagen seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

ADMINISTRATIVE BUSINESS

Animal Control Outdoor Dog Kennels - Darlene Bucciero, Public Works Division

Ms. Bucciero presented information regarding outdoor dog kennels to the Board. The Capital Improvements Program (CIP) included a project requested by Animal Control Division to upgrade the kennels.

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

Identity Theft Prevention Program Policy and Procedures - Barry Stanton, Assistant County Manager and Richard McCain, Office of the County Attorney

Mr. Stanton and Mr. McCain presented a proposed resolution regarding the development and implementation of an identity theft program for the county pursuant to the Federal Trade Commission's Identity Theft Red Flag Rule.

Commissioner Hagen moved to approve Resolution #09-05, effective April 16, 2009. Commissioner Gray seconded the motion that passed 5-0.

(A copy of Resolution #09-05 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us.)

Legislative Issues

John Mathias, County Attorney's Office, presented updates to the legislative issues.

He noted the following bills passed:

- Senate Bill 608, Alcoholic Beverages – Part-Time Inspector
- House Bill 721, Wine Festival Liquor License

DIRECTOR'S REPORT – Al Hudak, Public Works Division

Mr. Hudak presented his report.

CLOSED SESSION

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice. Commissioner Hagen seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 11:50 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, APRIL 16, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

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

Motion:

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice. Commissioner Hagen seconded the motion that passed 5-0.

Topic to be Discussed:

To consider legal and financial requirements for disposing of possibly surplus real property.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 16, 2009**

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

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

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

Motion:

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice. Commissioner Hagen seconded the motion that passed 5-0.

Also present were:

J. Mathias, R. Hart, B. Stanton, R. McCain, K. Mitchell, C. Chamberlain, A. Hudak, and M. Baker.

Topics Discussed:

To consider legal and financial requirements for disposing of possibly surplus real property.

Action Taken:

The Board gave staff appropriate direction.

Mary E. Baker
Recording Secretary