

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, APRIL 30, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 30, 2009, at 10:15 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.

(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 attended the Annual Republican Dinner where Delegate Paul Stull was awarded the lifetime accomplishments and dedication to county issues award.

Commissioner Hagen noted he received his blue bin for recycling this morning.

Commissioner Gardner referenced an article regarding tax equity issues, she wished to clarify that county government and municipalities in the state are rebated a share of gas tax for road maintenance. The state cut funds to the counties and municipalities leaving the counties to absorb the municipalities share, the Board decided to shift the cuts from the state back to the municipalities and thereby cutting funds from road maintenance.

AGENDA BREIFING

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

Tuesday, May 5, 2009, at 7:00 p.m.

- Board of Education's FY 2010 Operating Budget – Finance Division
- Constant Yield Property Tax Rate – Finance Division

Thursday, May 7, 2009, at 7:00 p.m.

- FY 2010 Operating Budget (excluding Board of Education Budget)

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CONSENT AGENDA

BID AWARD

1. Purchasing Memo #09-194 – Ref. Bid #07-07, Helically Corrugated Aluminum/Steel Pipe (2nd of 3 Renewals)
Award to: Contech Construction Products, Inc.
Award amount: Estimated total of \$43,264.33

BUDGET TRANSFERS

1. #BT-09-163, Accounting, Finance Division
2. #BT-09-164, Planning Division
3. #BT-09-166, Accounting, Finance Division
4. #BT-09-167, Accounting, Finance Division
5. #BT-09-168, Accounting, Finance Division

GRANT

1. Governor's Office of Crime Control and Prevention – FY 2010 Sex Offender Compliance and Enforcement in Maryland (SOCEM) Grant – Marty Gallagher, Sheriff's Office

Commissioner Gardner moved to pull budget transfer #3.

Commissioner Hagen moved to approve the consent agenda as presented excluding budget transfer #3. Commissioner Jenkins seconded the motion that passed 5-0.

Commissioner Hagen moved to approve budget transfer #3 as presented. Commissioner Gray seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #09-202, Extension of Contract #6144, Banking Services (Reference RFP #04-67) – Hal Good, Finance Division

Mr. Good and Ms. Lori Decker, Treasury Department, presented the staff report.

Commissioner Gray moved to approve Purchasing Memo #09-202 as presented. Commissioner Hagen seconded the motion that passed 5-0.

County Budget Transfer #BT-09-165 (Program Development and Management, Public Works Division) - Mike Gastley, Finance Division

Mr. Gastley and Mr. Ray Barnes, Frederick County Public Schools, presented the staff report.

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Commissioner Gray moved to approve #BT-09-165 as presented.

(Commissioner Thompson left the meeting.)

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

**Falk Property – Construction of Stub Street – Betsy Smith, Permitting and Development
Review Division**

(Commissioner Thompson entered the meeting.)

Ms. Smith presented information to the Board regarding the Falk Property. Mr. Albert Cohen was seeking approval to subdivide his property located near the intersection of Skyline Terrace and Charlotte Drive (Falk Property).

(Commissioner Jenkins left the meeting.)

One requirement to subdivide was access to a public road. The property adjoined to a sub-street which was shown as an extension to Charlotte Drive; therefore, Mr. Cohen requested the Board allow the three (3) proposed lots use Charlotte Drive as a means of access.

(Commissioner Jenkins returned to the meeting.)

Commissioner Gray moved to approve staff's recommendations with a modification to recommendation #2, to proceed in the same manner as Cork Road, which was approved on Tuesday, October 21, 2008, that stated, "*Commissioner Hagen moved to accept the dedicated right-of-way only, noting Cork Road would be built to county standards under a non-standard Public Works Agreement with covenants that would leave the maintenance responsibility with the Cramer property owner, not the county. Commissioner Thompson seconded the motion that passed 5-0.*" Commissioner Hagen seconded the motion that passed 4-0-1 with Commissioner Jenkins abstaining.

**American Recovery and Reinvestment Act (ARRA) Local Highway Allocation
Memorandum of Understanding (MOU) – Robert Shen, Public Works Division**

Mr. Shen presented information regarding the MOU. The ARRA would provide \$431 million dollars in highway funding for the state. The state made a portion of the funds available to local jurisdictions in the amount of \$62 million dollars. State Highway Administration notified county staff that \$3.581 million dollars would be available for county projects that met Title 23 requirements. The ARRA funds could cover 100% of the county's construction cost of a project or projects if the county had enough ARRA funding.

Commissioner Gray moved to approve staff's recommendations as presented. Commissioner Hagen seconded the motion.

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Commissioner Thompson offered a substitute motion to decline funding and request it be used to reduce the federal deficit. The motion failed due to lack of a second.

The motion made by Commissioner Gray, seconded by Commissioner Hagen, passed 4-1 with Commissioner Thompson opposed.

WORKSESSION

Fire, Emergency Medical Services (EMS) Adequate Public Facilities Ordinance (APFO) – Tolson DeSa, Permitting and Development Review Division

Mr. Gary Hessong and Mr. DeSa presented information regarding a Fire and EMS APFO component.

Staff requested guidance from the Board as to the preferred method of mitigation for the fire and EMS facilities APFO public safety component. Staff would proceed accordingly based upon the guidance received from the Board.

The Board directed staff to move forward with the APFO once they have obtained language clarification from the Fire and Rescue Services Division staff, collected data regarding thresholds for point, time and impact tests and to bring back impact fee and sub-station information.

Public comment was taken from:

- Scott Miller, Esquire

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

Adult Public Guardianship Review Board

There was no public comment.

Commissioner Jenkins moved to support the recommendation to appoint Ms. Cathy Hanson to fill an unexpired term to expire June 30, 2011. Commissioner Hagen seconded the motion that passed 5-0.

Business Development Advisory Council

There was no public comment.

Commissioner Hagen moved to support the recommendation to appoint Mr. Jon-Mikel Bailey to fill an unexpired term to expire June 30, 2010. Commissioner Gray seconded the motion that passed 5-0.

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Commission on Aging

There was no public comment.

Commissioner Hagen moved to support the recommendation to reappoint Dr. Earl Beck, Mr. Ona "John" Kile and Ms. Louise Lynch to fill terms to expire December 31, 2011. Commissioner Gray seconded the motion that passed 5-0.

Companion Animal Welfare Advisory Committee

There was no public comment.

Commissioner Hagen moved to support the recommendation to appoint Ms. Jackie Barbour to fill a term to expire June 30, 2009, and to a full three-year term to take effect July 1, 2009, and to expire June 30, 2012; and appoint Ruth Woodward, DVM, to fill an unexpired term to expire June 30, 2011. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Mental Health Advisory Committee

There was no public comment.

Commissioner Hagen moved to support the recommendation to appoint Ms. Sharon MacDougall to fill an unexpired term to expire June 30, 2011. Commissioner Gray seconded the motion that passed 5-0.

Transportation Services Advisory Council

There was no public comment.

Commissioner Jenkins moved to support the recommendation to appoint Mr. David Lingg to fill an unexpired term to expire June 30, 2010. Commissioner Hagen seconded the motion that passed 5-0.

Metropolitan Washington Council of Governments (MWCOC) Climate, Energy and Environmental Policy Committee

There was a request by MWCOC to have a Board member serve on this new committee. The Board agreed that Commissioner Hagen would serve as the member representing the Board with Commissioner Gray serving as the alternate.

COMMISSIONERS COMMENTS

None.

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PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:50 p.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary