

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, MAY 19, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, May 19, 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 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](http://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 Jenkins congratulated the Frederick Rescue Mission for serving over 70,000 meals in 2008.

Commissioner Gardner noted she received a letter from Michael Kormos regarding the Potomac Appalachian Transmission Highline Project. PJM Interconnection, LLC, has commissioned Black and Veatch to perform an independent study to evaluate the feasibility and benefits of an underground high voltage direct current transmission line. Upon completion of the study, the results would be posted on the PJM website and discussed with the PJM Transmission Expansion Committee.

**AGENDA BRIEFING**

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

Thursday, May 21, 2009, at 830 a.m.

- Application for Funding from Community Development Block Grant (CDBG) Program for a Critical Workforce Housing Program - Jenny Short, Citizens Services Division
  
- Application for Funding from Community Development Block Grant (CDBG) Program for a Mental Health Association Building Acquisition Project - Margaret Nusbaum and Jenny Short, Citizens Services Division

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**PUBLIC HEARING**

**Proposed Fee Increase for Tax Status Reports – John Kroll, Finance Division**

A public hearing was held, as duly advertised, to consider a proposed ordinance regarding a proposed fee increase for tax status reports.

Mr. Kroll noted on July 2, 2009, the responsibility to collect recordation tax was transferred from the Clerk of Court to the Treasury Department. In October of 2001 the fee for a tax status report was increased from \$1.00 to \$10.00. After reviewing fees from various counties, staff requested a public hearing be held in order to increase the fee from \$10.00 to \$20.00.

There was no public comment.

Commissioner Gray moved to approve the proposed ordinance, which would raise the tax status report fee from \$10.00 to \$20.00 effective June 1, 2009. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Ordinance #09-12-516 can be obtained in the County Manager's office or from the county's website, [www.co.frederick.md.us](http://www.co.frederick.md.us))

**WORKSESSION**

**Urbana Farm Ballfields Lease Agreement - Paul Dial, Parks and Recreation Division; Tim Mellott, Southern Frederick County Youth Athletic Association; and Doug Makosy, Liganore/Urbana Youth Athletic Association**

This item was rescheduled to a future meeting.

**Third Quarter Financial Analysis – Reporting Financial Results for the Nine Months Ended March 31, 2009 - Erin White, Finance Division**

Staff presented the third quarter financial analysis.

The Board took no action.

**Roddy Road Covered Bridge Roof Replacement Project - Tom Meunier, Public Works Division (DPW) and Dean Fitzgerald, Fitzgerald Heavy Timber Construction, Inc.**

Mr. Meunier and Mr. Fitzgerald presented details regarding the project. Fitzgerald Heavy Timber Construction Inc., offered to replace the metal roof on the bridge. DPW staff recommended approval of the proposal of the roof and preservation of the historical resource.

Commissioner Jenkins moved to approve the proposal as outlined in the staff report. Commissioner Hagen seconded the motion that passed 5-0.

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FOR TUESDAY, MAY 19, 2009**

**Application of School Adequacy Provisions of County's Adequate Public Facilities Ordinance (APFO) to Municipalities - Commissioner John L. Thompson, Jr.**

Commissioner Thompson noted as of today, May 19, 2009, Burkittsville, Emmitsburg, New Market, Middletown, Rosemont and Woodsboro have not adopted a school APFO; therefore, information was presented to determine if the Board should consider applying the county's school APFO countywide to include the municipalities.

Commissioner Thompson presented a proposed resolution which would initiate an ordinance to amend the County's APFO to provide that the school APFO shall apply county wide including the municipalities.

Public comment was taken from:

- Carroll Jones, Mayor, City of Brunswick
- Bob Mochi, Rodgers Consulting, Inc.

Commissioner Thompson moved approval of the proposed resolution. Commissioner Gray seconded the motion.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner offered a substitute motion directing legal staff to come back with information deciphering if the county could apply the APFO to all lands in the county or effectively say all new annexations after a specific date must comply with the county APFO. Staff was to have the information within 30 days. Commissioner Hagen seconded the substitute motion to be put on the floor that passed 3-2 with Commissioners Gray and Thompson opposed.

The substitute motion passed 3-2 with Commissioners Gray and Thompson opposed.

(Commissioner Gray passed the gavel to Commissioner Gardner.)

**New Board of Education (BOE) Central Office Building - Commissioner John L. Thompson, Jr.**

Commissioner Thompson presented information regarding the new BOE office building. The proposed resolution was to decline any appropriate funding for the BOE's new central office building.

Public comment was taken from:

- Dr. Bonnie Borsa, Vice President, Frederick County Board of Education

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FOR TUESDAY, MAY 19, 2009**

Commissioner Thompson moved approval of the proposed resolution. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Thompson moved for legal staff to look into a \$2 million dollar transaction to ensure it met the budget requirements set forth by the education article of the Annotated Code of Maryland. The motion passed by consensus.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 11:35 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary