

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 14, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 14, 2009, at 9:55 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioner Charles Jenkins was absent.

(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 Hagen noted tomorrow was Bike to Work Day in Frederick County.

AGENDA BRIEFING

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

Tuesday, May 19, 2009, at 8:30 a.m.

▪ Proposed Fee Increase to the Tax Status Reports – John Kroll, Finance Division
7:00 p.m.

- Changes to and Expenditure of the Bond Rating Enhancement Reserve – John Kroll, Finance Division
- Petition to Remove Wildcat Road from the Rural Roads Program – Dave Olney, Public Works Division
- Frederick County Health Services Division – Department of Environmental Health Services Proposed Ordinance to Revise Fee Schedule – George Keller, Health Services Division

CONSENT AGENDA

The following items were on the consent agenda:

BID AWARDS

1. Purchasing Memo #09-176 – Request to Purchase Radio System Timing Unit by Way of Piggybacking Stafford County, Virginia
Award to: Motorola

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Award amount: \$118,207.52

2. Purchasing Memo #09-195 – Request to Rescind Award to Verizon Network Integration Corporation and Re-Award to Presidio Network
Award to: Presidio Network Solutions
Award amount: \$551,000.00

BUDGET TRANSFERS

1. #BT-09-174, Accounting, Finance
2. #BT-09-175, Transit Services
3. #BT-09-176, Accounting, Finance

GRANT

1. Consideration of an American Reinvestment and Recovery Act (ARRA) Application for the Frederick County Department of Aging (Congregate and Home Delivered Meal Programs) – Carolyn True, Citizens Services Division
2. Grant Addendum for the Existing “Urban Wetlands Program, Bennett Creek Watershed Pilot” Grant – Jessica Hunicke and Shannon Moore, Public Works Division

CHANGE ORDER

1. Winchester Hall Electrical Upgrades “Additional Design Services” - Change Order No. 2 – Kevin Vida, Public Works Division

Ms. Hunicke and Ms. Moore presented information regarding Grant Addendum for the Existing “Urban Wetlands Program, Bennett Creek Watershed Pilot” Grant, at the request of Commissioner Gray.

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #09-207, Extension of Fuel Supply Contract with Fleetcor Technologies, Inc. – Hal Good, Finance Division

Mr. Good and Pat Hannah, Management Services Division, presented information to the Board.

Commissioner Gray moved to approve the bid award as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

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Consideration of Operational Changes at Senior Centers in Frederick County – Carolyn True and Kitty Devilbiss, Citizens Services Division

Ms. True, Ms. Devilbiss, Carroll Jones, Mayor, City of Brunswick and James Hoover, Mayor, Town of Emmitsburg, presented information to the Board. Two of the changes would be closure of alternating facilities on alternating days and the reassignment of staff as needed.

Commissioner Thompson moved to approve staff's recommendations as presented in the staff report. Commissioner Gray seconded the motion.

Commissioner Gray offered an amendment to the motion to include staff looking into various transportation options and issues surrounding the facility closures.

Commissioner Gardner moved to table the above motion and directed staff to come back at a later date with information regarding transportation to and from the senior centers and closure dates and times for each facility. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

Discussion of the FY 2010 Operating Budget – Mike Gastley, Finance Division

Mr. Gastley presented updates to the FY 2010 Operating Budget.

Commissioner Gray moved to recognize the recovery to the general fund of indirect cost that would be charged to the fire tax districts reducing the deficit by \$700,000. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

Commissioner Gray moved to approve the two (2) part-time Liquor Board Inspector positions for a total of \$46,450.00. The motion failed due to lack of a second.

Commissioner Hagen moved to approve one (1) part-time Liquor Board Inspector at the rate of \$23,225.00. Commissioner Gray seconded the motion that tied 2-2 with Commissioners Gardner and Thompson opposed and Commissioner Jenkins absent.

Commissioner Gray moved to have the county absorb the funds from the tax equity potential adjustment due to a review of the State Highway User Revenue. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

Commissioner Hagen moved to approve the use of cash funding for apparatus to suburban fire tax versus lease and to fund the appeal of voice services funds, which would be self supporting. Commissioner Gray seconded the motion.

Commissioner Thompson moved to split the motions.

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The motion for the use of cash funding for apparatus to suburban fire tax versus lease passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

The motion to fund the appeal of voice services funds, which would be self supporting, passed 4-0 with Commissioner Jenkins absent.

Commissioner Gardner noted the discussion on the operating budget would resume Thursday, May 21, 2009.

CLOSED SESSION

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

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

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 14, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1)To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Gray moved to go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (1)To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Topic to be Discussed:

To conduct hearings on appeals from personnel actions

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MAY 19, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 14, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(1)To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

Motion:

Commissioner Gray moved to go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (1)To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Others in Attendance:

R. Hart, B. Stanton, W. Kearney, M. Chomel, M. Hose, G. Hessong, M. Ward, R. Masser and P. Morrow.

Topic Discussed:

To conduct hearings on appeals from personnel actions

Action Taken:

The Board voted to reconvene the proceedings at a later date and directed staff to provide additional information.

Patricia A. Morrow
Recording Secretary