

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, JULY 9, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, July 9, 2009, at 9:45 a.m. Present were Commissioners Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioner David Gray, *Vice President*, 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](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**

None.

**AGENDA BREIFING**

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

Tuesday, July 14, 2009, at 8:30 a.m. and 7:00 p.m.

PUBLIC HEARING – 8:30 a.m.

- Site Plan Review Process - Mark Depo and Shawna Lemonds, Planning Division

PUBLIC HEARINGS – 7:00 p.m.

- To Consider an Ordinance Extending Development Deadlines and Approvals - Gary Hessong, Permitting and Development Review Division; Kathy Mitchell, Office of the County Attorney
- To Consider an Ordinance Revising Section 1-16-236(K) - Development on Dead End Roads/Cul-de-Sac Streets - Kathy Mitchell, Office of the County Attorney

**CONSENT AGENDA**

**BID AWARDS**

1. Purchasing Memo #09-251 – Bid #09-CP-75, Animal Control Shelter Outdoor Kennel Improvements and Budget Transfer  
Award to: Goel Services  
Award amount: \$153,705.00

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2. Purchasing Memo #10-01 – Bid #09-36, FY 2010 Stone Materials  
Award to: Various Vendors  
Award amount: Estimated annual amount \$1,044,792.00
3. Purchasing Memo #10-02 – RFP #07-20, Youth Training Program Family Partnership 2<sup>nd</sup>  
of 2 Renewal Options  
Award amount: \$83,789.00
4. Purchasing Memo #10-05 – Bid # 09-CP-66, Public Safety Training Facility, Phase III  
Award to: Warner Construction  
Award amount: \$6,908,025.00

**BUDGET TRANSFER**

1. #BT-09-216, Budget, Finance

**GRANTS**

1. Office of Head Start One Time Program Improvements Grant - Pat Rosensteel and Ann Silverman, Citizens Services Division
2. FFY 2009 Emergency Shelter Grant Application - Jenny Short, Citizens Services Division
3. FY 2009 Emergency Food Assistance Program Modification - Margaret Nusbaum, Citizens Services Division
4. Maryland Summer Youth Connection 2010 - Laurie Holden, Economic Development Division

**EASEMENTS**

1. Easement Over Tourism Council New Visitor Center Property, East Street - Bruce Dean, Esquire, McEvoy and Dean
2. Public Safety Training Facility, Phase III Declaration to Establish and Retain Easements for Stormwater Management and Water and Sewer - David Grossweiler, Public Works Division

**CHANGE ORDER**

1. Winchester Hall West Wing Roof Replacement, Design Change Order No. 1 - Donald Harper, Public Works Division

Commissioner Jenkins moved to separate the motions to vote on Grant # 1 and Easement #1 separately.

Commissioner Hagen moved to approve the balance of the consent agenda with the exception of Grant #1 and Easement #1. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

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Commissioner Hagen moved to approve Grant #1 as presented. Commissioner Gardner seconded the motion that tied 2-2 with Commissioners Jenkins and Thompson opposed.

Commissioner Thompson moved to strike the ice maker purchase as part of the grant package. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Hagen opposed and Commissioner Gray absent.

Commissioner Gardner requested to table Grant #1 until Commissioner Gray was present.

Grant #1 was rescheduled for Tuesday, July 14, 2009.

Commissioner Jenkins moved to deny Easement #1. Commissioner Thompson seconded the motion that tied 2-2 with Commissioners Gardner and Hagen opposed.

Commissioner Gardner moved to table Easement #1 until Commissioner Gray was present.

Easement #1 was rescheduled for Tuesday, July 14, 2009.

**ADMINISTRATIVE BUSINESS**

**Bid Award - Purchasing Memo #10-03, Request to Renew MUNIS Software Maintenance with Tyler Technologies - Hal Good, Finance Division**

Mr. Good presented information regarding Purchasing Memo #10-03.

Commissioner Hagen moved to approve staff's recommendations as presented. Commissioner Gardner seconded the motion that passed 4-0 with Commissioner Gray absent.

**Bid Award - Purchasing Memo #10-04, Request to Renew Intergraph Software – Hal Good, Finance Division**

Mr. Good presented information regarding Purchasing Memo #10-04.

Commissioner Hagen moved to approve staff's recommendations as presented. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

**Memorandum of Understanding (MOU) for Ballenger Creek Trail Transportation Enhancement Program (TEP) Funding - Bob Hicks, Parks and Recreation Division and Bill Kosola, Public Works Division**

Mr. Hicks and Mr. Kosola presented the MOU between the Maryland Department of Transportation and Frederick County for the use of Transportation Enhancement Program funds for the Ballenger Creek Trail.

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

**Urbana District Park Phase I and Utica District Park Phase II - Potential Operating Costs  
- Paul Dial, Jeremy Kortright and Earl Eyler, Parks and Recreation Division**

Mr. Kortright and Mr. Eyler presented information and updates to the Board.

Upon review of the operating costs for the projects, staff proposed reductions to the operating budget request for FY 2011, which included a \$143,631 reduction to salaries, \$40,752 reduction to operating costs and \$154,296 reduction to capital outlay.

There was consensus to approve staff's recommendation as presented.

**Utica District Park Change Order No. 3 - Bob Hicks, Parks and Recreation Division and  
Bill Kosola, Public Works Division**

Mr. Hicks and Mr. Kosola presented information regarding the change order.

Commissioner Hagen moved to approve the amount of \$46,780 to provide additional design services, RFP #09-CSC-01 to Human & Rohde, Inc. for synthetic turf field to replace one of three natural fields. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

**Resolution for Memorandum of Understanding (MOU) with Carroll County and  
Northeast Maryland Waste Disposal Authority (NMWDA) - Energy from Waste Project –  
John Mathias, Office of the County Attorney and Mike Marschner, Utilities and Solid  
Waste Management Division**

Mr. Mathias, Mr. Marschner, and Ms. Robin Davidov, NMWDA, presented the proposed resolution for MOU.

Commissioner Thompson moved to clarify “*optimal*” meant marginal benefits exceeds marginal costs. Commissioner Gardner seconded the motion.

Commissioner Gardner moved to amend the motion to include language stating, “*the Authority shall require in the service contract with Wheelabrator Technologies, Inc., for the development of a comprehensive recycling plan for the facility for optimal recovery of recyclable materials as economically feasible, before and after processing, the plans are then to be reviewed by the Board.*”

Commissioner Thompson moved to withdraw his motion.

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The following changes were requested by Board consensus:

Resolution:

- Page 3, #3, add language to state “*MOU approved by this resolution is authorized to be signed by the President of the Board*”;
- Energy Recovery Agreement will come back to the Board in Administrative Business for final review and approval; and
- Page 4, #4, add “*reuse.*”

MOU:

- Page 3, #13, add clarification to cap at \$3.0 million;
- Page 4, #15, add one appropriate time period; and
- Page 5, #25, add “*time of delivery.*”

Commissioner Gardner passed the gavel to Commissioner Hagen.

Commissioner Gardner moved to adopt the proposed resolution and MOU with the changes as noted. Commissioner Thompson seconded the motion that passed 3-1 with Commissioner Hagen opposed and Commissioner Gray absent.

Commissioner Hagen passed the gavel to Commissioner Gardner.

(A copy of Resolution #09-19 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))

**Third Amendment to New Market Water Service Area Agreement (WSAA) - Mike Marschner, Utilities and Solid Waste Management Division and Wendy Kearney, Office of the County Attorney**

Mr. Marschner and Mr. Winslow Burhans, Mayor, Town of New Market, presented information regarding the WSAA, which would make all water taps contained in the initial allocation schedule available so existing developed properties with access to the new water system could immediately connect if the properties had the proper water and sewer plan designations following completion within the next two months.

(Commissioner Jenkins left and returned.)

Commissioner Jenkins moved to approve the third amendment to the New Market WSAA as presented in the staff report. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

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**Maryland State Highway Administration (SHA) Mill/Overlay Letter of Agreement for  
Frederick County Contract 096-W - Rodney Winebrenner, Utilities and Solid Waste  
Management Division**

Mr. Winebrenner presented the letter of agreement to determine if the county should execute an agreement with the SHA allowing reimbursement to the county for the cost to mill and overlay portions of MD 144.

Commissioner Hagen moved to execute the agreement as presented in the staff report. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

**WORKSESSION**

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

**Agricultural (Ag) Preservation Advisory Board**

There was no public comment.

Commissioner Hagen moved to reappoint Mr. Mehrle Ramsburg, Jr. to serve a five-year term to expire June 30, 2014. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

The Board requested staff to inquire if the other two applicants not selected (Mr. John Austin and Ms. Nancy Moser) would be interested in serving on the Ag Business Council.

**Agricultural (Ag) Business Council**

There was no public comment.

Commissioner Hagen moved to reappoint Mr. Robert Black and Ms. Carol Wilson to serve three-year terms to expire June 30, 2012, and appoint Ms. Arlene Atkins to serve a three-year term to expire June 30, 2012. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

**Citizens Nursing Home Board of Trustees**

There was no public comment.

Commissioner Jenkins moved to reappoint Mr. Jerry Miller to serve a three-year term to expire June 30, 2012. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

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Human Relations Commission

There was no public comment.

Commissioner Hagen moved to reappoint Ms. Irene Packer-Halsey and Mr. Jack Thomas to serve three-year terms to expire June 30, 2012. Commissioner Gardner seconded the motion.

Commissioner Jenkins moved to separate the applicants.

The vote on the reappointment of Ms. Irene Packer-Halsey was 2-1-1 with Commissioner Thompson opposed, Commissioner Jenkins abstained and Commissioner Gray absent.

The reappointment of Mr. Jack Thomas passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

Commissioner Gardner requested the issue regarding the reappointment of Ms. Packer-Halsey come back to the Board when Commissioner Gray was present.

Property Tax Assessment Appeal Board

There was no public comment.

Commissioner Hagen moved to send to the Governor's Appointments Office for consideration, the names of Mr. Jim Kunkle as a full-time member and Mr. Bryan Miller to serve as the alternate. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Social Services Board

There was no public comment.

Commissioner Jenkins moved to reappoint Mr. Robert Bennett and Ms. Lara Roholt Westdrop to serve three-year terms to expire June 30, 2012. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

Technology Council of Frederick County

There was no public comment.

Commissioner Jenkins moved to reappoint Mr. Cornelius Fay to serve a four-year term to expire June 30, 2013. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

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Workforce Development Board

There was no public comment.

Commissioner Jenkins moved to reappoint Ms. Karen Barry, Ms. Jill Hermes and Ms. Mary Siegle to serve four-year terms to expire June 30, 2013. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

**ADMINISTRATIVE FUNCTION/CLOSED SESSION**

Commissioner Jenkins moved to proceed into 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 at 2:00 p.m. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Mr. Donald Lee

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:50 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary



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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, JULY 9, 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 Jenkins moved to proceed into 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 at 2:00 p.m. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

**Topic to be Discussed:**

To discuss the appointment of and revisions to the job description, duties and related issues for the Director of Fire and Rescue Services Division.

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Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, JULY 14, 2009,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 9, 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 Jenkins 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 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

**Others in Attendance:**

R. Hart, B. Stanton, J. Mathias, M. Chomel, M. Hose and P. Morrow

**Topic Discussed:**

The appointment of and revisions to the job description, duties, and related issues for the director of Fire and Rescue Services Division.

**Action Taken:**

The Board took no action.

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Patricia A. Morrow  
Recording Secretary