

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 29, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 29, 2009, at 10:10 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.FrederickCountyMD.gov.)

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 Gardner noted this Saturday evening was daylight savings time and wanted to remind everyone to turn their clocks back, replace the batteries in the smoke detectors and update the go kits.

Commissioner Gardner noted tonight the Board was attending a meeting with the Maryland Department of Transportation for the annual tour at 7:00 p.m., all residents were invited to attend.

Commissioner Gardner noted tonight the Weinberg Center was hosting the event Frederick Reads at 7:00 p.m.

AGENDA BRIEFING

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

Tuesday, November 3, 2009, at 8:30 a.m.

- Zoning Text Amendment #ZT-09-05 - Administration and Enforcement - Shawna Lemonds and Eric Soter, Planning Division

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #10-79 – Renewal of Contract for Disaster Aggregate Debris Removal and Disposal
Award to: Wastler Construction
Award amount: \$6,012.00

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2. Purchasing Memo #10-80 – Purchase of Bulk Road Salt (Piggyback)
Award to: International Salt Company, Inc.
Award amount: Estimated amount of \$553,590.00
3. Purchasing Memo #10-81 – Renewal of Storage Tank Rental Agreement and Purchase of Liquid De-Icing Material
Award to: Innovative Municipal Products, Inc.
Award amount: \$90,000.00
4. Purchasing Memo #10-82 – Award of National Pollutant Discharge Elimination System Engineering and Surveying Services Indefinite Delivery Quality
Award to: Rummel, Klepper and Kahl, LLP
Award amount: \$200,000.00 per task order and \$600,000.00 per contract year
5. Purchasing Memo #10-83 – Bid #09-CP-70, Frederick County Visitor's Center
Award to: Rockwell Construction

BUDGET TRANSFER

1. #BT-10-062, Finance, Accounting

BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENTS

School Construction Expense Fund Amendments

1. #10-02 and BT-10-059
2. #10-03 and BT-10-060
3. #10-04 and BT-10-061

GRANTS

1. Maryland Institute for Emergency Medical Services Systems FY 2010 Advanced Life Support Education Grant and Associated Budget Transfer - David Chisholm, Fire and Rescue Services Division
2. Promoting Safe and Stable Families Memorandum of Agreement - Shelly Toms, Citizens Services Division

ENCROACHMENT AGREEMENT

1. Supplements to Pipeline Crossing Agreement Nos. CSX056585 & CSX056586 - New Design Water Treatment Transmission Main - Beth Ramacciotti, Utilities and Solid Waste Management Division

Commissioner Gardner requested not to commit funds until staff was certain funds would be coming from the state for Grant #2.

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Commissioner Thompson requested a separate vote on Grant #2.

Commissioner Gray moved approval of the consent agenda as presented with the exception of Grant #2. Commissioner Hagen seconded that passed 4-0 with Commissioner Jenkins absent.

Commissioner Gardner requested an assignment of bid for Bid Award #5.

Commissioner Hagen moved approval of Grant #2 as presented. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

ADMINISTRATIVE BUSINESS

**Letter of Agreement - Use of the Church of the Holy Redeemer Property for H1N1 Clinic
- Dr. Barbara Brookmyer, Health Services Division**

Dr. Brookmyer presented the letter of agreement regarding the use of the unoccupied space owned by the Church of the Holy Redeemer to hold the H1N1 clinic.

Commissioner Hagen moved approval of the letter of agreement as presented. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Memorandum of Understanding (MOU) Modification between The City of Frederick,
Frederick County and the State Highway Administration regarding the Monocacy
Boulevard/US 15 Interchange - Robert Shen, Public Works Division**

Mr. Shen presented the MOU regarding the interchange.

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

**FY 2009 Bituminous Overlay of Various County Roadways, Contract No. C29919,
Change Order No. 2 - Chuck Nipe, Public Works Division and Wendy Kearney, Office of
the County Attorney**

Mr. Nipe and Ms. Kearney presented the proposed change order.

Commissioner Hagen moved approval of the change order as presented. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

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Reimbursement of Permit Fees for Carroll Manor Fire Company, Station 28 - Doug Orner, Office of the County Manager and Eddie Arnold, Carroll Manor Volunteer Fire Company

Mr. Orner and Mr. Arnold presented information regarding the reimbursement of permitting fees.

Commissioner Hagen moved approval noting comments in the staff report by Mike Marschner, Utilities and Solid Waste Management Division. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

COMMISSIONERS COMMENTS

Commissioner Gray noted the Board needed to get the truth out as much as possible regarding the attacks made against the Board by The City of Frederick candidates during their campaign.

Commissioner Gardner requested to cancel the countywide Comprehensive Plan Update meeting scheduled for this afternoon.

Commissioner Gardner requested staff send a solicitation of interest for grants for human services and the status of the Jeanne Bussard Center funding.

Commissioner Hagen moved to reinstate funding to the Jeanne Bussard Center as ongoing funds for budget purposes and to communicate to them that they may participate in the grants for human services at the funding level of \$20,000.00. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

Commissioner Gardner requested that Commissioner Hagen put into record his votes on the legislative package issues that he was absent for on Tuesday.

PUBLIC COMMENTS – (3 MINUTE PRESENTATION)

- George Lewis, President Fort Detrick Alliance
- Bill Ashton

QUESTIONS - PRESS

None.

CLOSED SESSION

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real

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property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

ADJOURN

The meeting adjourned at 11:15 a.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, OCTOBER 29, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Topic to be Discussed:

To consider a counteroffer for acquisition of right of way for a road project (two items for discussion).

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, NOVEMBER 3, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 29, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Others in Attendance:

R. Hart, J. Mathias, W. Kearney, C. Chamberlain, A. Hudak, T. Meunier, R. Shen, J. Stitt and M. Baker.

Topic to be Discussed:

To consider a counteroffer for acquisition of right of way for a road project (two items for discussion).

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary