

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, DECEMBER 3, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, December 3, 2009, at 9:30 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.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 Jenkins noted *WFMD* radio station was taking up a collection for Christmas Cash for Kids this week.

Commissioner Gardner noted this week the Board would be having budget discussions as the tax revenue projects were decreasing and the need to rebalance the budget. She also noted discontent over the article in today's newspaper regarding the Fire and Rescue Services Division union negotiations.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #10-95 – Purchase of Four Ford F350 Trucks and Snow Plows (Piggyback)
Award to: Various Vendors
Award amount: \$199,784.76
2. Purchasing Memo #10-97 – Dental Services for Inmates at the Adult Detention Center
Award to: Dentrust Dental
Award amount: \$80,580.00 Annually
3. Purchasing Memo #10-98 – Medical Services for Inmates at the Adult Detention Center
Award to: ConMed, Inc.
Award amount: \$1,758,894.00

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4. Purchasing Memo #10-101 / #10-102 – Indefinite Quantity Pricing for the Purchase of Network Storage (Piggyback)
Award to: For #10-101 - Various Vendors / For #10-102 - Promark Technologies
Award amount: Not to exceed \$500,000.00
5. Purchasing Memo #10-105 – Snow Removal Services
Award to: Various Independent Contractors
Award amount: Paid Hourly Rates, Weather Dependent
6. Purchasing Memo #10-106 – Inmate Telephone Services (Piggyback)
Award to: IC Solution's
Award amount: \$110,000.00 annual revenue with a 50/50 split between General Funds and Inmate Canteen Fund

BUGET TRANSFERS

1. #BT-10-076, Sheriff's Office
2. #BT-10-077, Sheriff's Office

GRANTS

1. FY 2010 Child Support Cooperative Reimbursement Agreement - Susan Little, States Attorney's Office
2. Maryland Business Works FY 2009 Additional Grant Funds - Laurie Holden, Office of Economic Development

CHANGE ORDERS

1. FY 2009 Surface Coat of Various County Roadways, Contract No. C29919, Change Order No. 4 - Chuck Nipe and Tom Meunier, Public Works Division
2. Reichs Ford Road Improvements, Phase I, Contract No. C28375, Change Order No. 8 - Chuck Nipe and Tom Meunier, Public Works Division
3. Reichs Ford Road Improvements, Phase I, Contract No. C28375, Change Order No. 10 - Chuck Nipe and Tom Meunier, Public Works Division

Commissioner Thompson requested to pull Grant #2.

Commissioner Jenkins requested to pull Bid Award #1.

Commissioner Gray moved approval of the consent agenda with the exception of Grant #2 and Bid Award #1. Commissioner Jenkins seconded the motion that passed 5-0.

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

Commissioner Hagen moved approval of Grant #1 as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The minutes passed by unanimous consent.

**Bid Award – Purchasing Memo #10-96, Renew Oracle (PeopleSoft) Maintenance for
Frederick County Government and Frederick County Public Schools – Hal Good,
Finance Division**

Mr. Good presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #10-96 as presented.
Commissioner Hagen seconded the motion.

Commissioner Thompson moved to table this item. Commissioner Jenkins seconded the
motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

The main motion passed 3-2 with Commissioners Jenkins and Thompson opposed.

**For Signature Purposes - Ordinance Regarding Urbana Corporate Center, LLC Mixed
Use Development (MXD) - Michael Chomel, Office of the County Attorney**

Mr. Chomel presented the proposed ordinance for signature, to be effective today.

Note no motion was necessary for the signing of the proposed ordinance.

(A copy of Ordinance #09-04-508 can be obtained in the County Manager's Office or from the
county's website, www.frederickcountymd.gov)

**Fire Station Site for Northern Frederick City - Steve Leatherman and Mike Dmuchowski,
Fire and Rescue Services Division**

Mr. Leatherman and Mr. Dmuchowski presented information regarding land offered by the City
of Frederick, the Sanner Property, for a future fire station in the northwest end of the county.

Commissioner Hagen moved approval of the offer from the City of Frederick of three acres
located on the Sanner Property, at Christopher's Crossing and Poole Jones Road for a future
fire station site and in return, the City of Frederick would retain the \$200,000.00 currently
being held for a fire station site. He also requested to have staff inspect and approve the site
noting no funding would be available until the deed was recorded and a status update
provided in March 2010. Commissioner Gray seconded the motion that passed 5-0.

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Mid-Year FY 2010 Budget Adjustments – John Kroll and Mike Gastley, Finance Division

Mr. Gastley presented the budget adjustments.

The following motions were made by the Board:

- Commissioner Gray moved to use \$2,138,518 of the pay-go funds from the capital improvements projects, project balance of for fund balance. Commissioner Hagen seconded the motion that passed 5-0.
- Commissioner Gray moved to use \$61,719 from extension service retraction for fund balance. Commissioner Thompson seconded the motion.

Commissioner Gardner offered an amendment to use \$41,000 of the extension service retraction. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

The main motion passed 4-1 with Commissioner Thompson opposed.

- Commissioner Thompson moved to eliminate \$180,000 from the fire equipment loan fund balance. Commissioner Gray seconded the motion that passed 5-0.
- Commissioner Gray moved to use \$270,000 of the athletic booster fund balance. Commissioner Thompson seconded the motion.

Commissioner Gardner offered an amendment to eliminate \$210,000 of the funds. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

The main motion passed 4-1 with Commissioner Thompson opposed.

- Commissioner Gardner moved to eliminate \$144,000 (interest only) from the Economic Development Division loan fund balance. Commissioner Hagen seconded the motion.

Commissioner Thompson offered an amendment to take the entire \$380,000. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

The main motion passed 3-2 with Commissioners Jenkins and Thompson opposed.

- Commissioner Gray moved to add cable franchise fee. Commissioner Thompson seconded the motion that failed 1-4 with Commissioners Gardner, Hagen, Jenkins and Thompson opposed.

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- The Board requested to add a discussion of parks/recreation fee increase to a future agenda.
- There was unanimous consent to use \$250,000 from BioPort tax incremental financing repayment.
- There was unanimous consent to acknowledge \$150,000 from the hiring freeze.
- Commissioner Thompson moved to transfer \$3,066,780 of general fund fire/rescue to fire tax fund. Commissioner Gray seconded the motion.

Commissioner Thompson withdrew the motion.

(Commissioner Jenkins left the room.)

Commissioner Gardner moved to approve the transfer of funds. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

- Commissioner Gray moved to use \$200,000 of the FY 2010 agricultural fund transfer. The motion failed due to lack of a second.

(Commissioner Jenkins entered the room.)

- Commissioner Gardner moved to give staff the ability to use the agricultural fund balance for any agricultural preservation and reduction in Maryland Agriculture Land Preservation Fund match of \$200,000. Commissioner Hagen seconded the motion that passed 5-0.
- Commissioner Thompson moved to use \$100,000 from Montevue Home fund balance. Commissioner Gray seconded the motion that passed 5-0.
- Commissioner Thompson moved to take to public hearing the recordation tax split for parks and recreation that would allow a percentage of the funds to be used in the general fund account. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.
- Commissioner Thompson moved to cut the second half funding to the grants-in-aid and non-county agencies. Commissioner Gray seconded the motion.
- Commissioner Gray moved to amend the motion to modify the reduction, leaving \$174,000 for Social Services. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

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- Commissioner Gray moved to eliminate the funding to the Frederick County Innovative Technologies Center. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.
- Commissioner Hagen moved to use \$439,000 of the fuel cost reserve fund. Commissioner Gray seconded the motion that passed 5-0.
- Commissioner Jenkins moved to use \$750,000 of the housing fund balance. Commissioner Thompson seconded the motion that passed 5-0.
- Commissioner Hagen moved to un-freeze half of the frozen funds. Commissioner Gardner seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.
- Commissioner Thompson moved to reduce funding to the health core funding to match the required level by \$500,000. Commissioner Jenkins seconded the motion.

Commissioner Jenkins removed his second.

The main motion failed due to lack of a second.

Staff reviewed the capital improvements project budget and the Board took the following actions by unanimous consent:

- To delay and take \$25,000 from the warehouse/storage facility project.
- To delay and take \$84,920 from the Public Safety Training Facility project.
- To delay and take \$78,121 from the Adult Detention Center Phase V project.
- To delay and take \$150,000 from the Montevue Office Building project.
- To delay and take \$100,000 from the Interagency Technologies Division Building Renovation project.
- To delay and take \$250,600 from the 520 North Market Street project
- To delay and take \$54,873 from the Winchester Hall / 30 North Market Street Site Improvement project.
- To delay and take \$75,000 from the Myersville Library project.
- To delay and take \$175,000 from the Enterprise Document Management project.
- To delay and take \$37,500 from the athletic court rehab projects
- To take \$18,287 from the unallocated acquisition project
- To take \$90,975 from the multiple school lighting retro fund
- To take \$75,000 from the sensor project
- To take \$250,000 from the Adult Detention Center Master Confinement Study
- To delay and take \$57,800 from the Urbana Farm Master Plan Study fund.
- To leave \$241,285 in the Emmitsburg Community Center roof replacement for FY 2008 fund.
- To take \$110,000 from the Carpet Replacement project.
- To take \$100,237 from the Parking Repair/Overlay project.

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- To delay and take \$113,776 from the land management software project.
- To take \$300,000 from the LEAPS fund.
- To eliminate the wireless IP network project.
- To defer \$270,000 from the video equipment/hearing room FY 2009 fund.
- To take \$350,000 from the Security/Disaster Recovery project.
- To take \$112,000 from the Enterprise Software project.
- Commissioner Jenkins moved to delay all but \$20,000 for the Enterprise Geographic Information System, FY 2009 fund for licenses. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.
- To take \$600,000 from the financial system for FY 2009.
- To delay and take \$135,000 from the Shockley Drive / Spectrum Drive project.
- To delay and take \$193,000 from the alignment study for Boyers Mill Road / MD 75 project.
- To delay and take \$13, 092 from the road stabilization FY 2009 project.
- To take \$34,522 from the Brunswick / Jefferson area DP project.
- To take \$76,500 from the bikeways / trails program fund.
- To take \$130,000 from the North Frederick Elementary addition / modification project.
- To leave \$200,000 in the miscellaneous project fund (Frederick Community College project.)
- To take \$243,930 from the Urbana District Park project.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

ADJOURN

The meeting adjourned at 1:45 p.m.

Mary E. Baker
Recording Secretary