

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 17, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, December 17, 2009, at 8:35 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](http://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 yesterday he chaired his last Maryland Washington Council of Governments Transportation Planning Board meeting.

Commissioner Gardner made the following comments:

- The state sent a letter notifying the county of their intention to fund the next phase of the I-70 project;
- The State Highway Administration was moving into the next phase of the Meadow Road interchange; and
- Wished Commissioner Jenkins a happy birthday.

**AGENDA BREIFING**

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

Tuesday, December 22, 2009 at 8:30 a.m.

- Petition to Alter and Close a Portion of Metropolitan Court - Kevin Demosky, Utilities and Solid Waste Management Division and Dave Olney, Public Works Division

**CONSENT AGENDA**

**BID AWARDS**

1. Purchasing Memo #10-110 – Renovation Equipment and Service for Interagency Information Technologies Division Data Center Upgrade (Piggyback)  
Award to: CDW-G  
Award Amount: \$380,022.00

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2. Purchasing Memo #10-116 - Bid #10-CP-54, Brunswick Branch Library  
Award to: Morgan-Keller, Inc.  
Award Amount: \$2,856,000.00 and an 8% contingency amount of \$228,480.00

**BUDGET TRANSFERS**

1. #BT-10-082, Finance, Accounting
2. #BT-10-083, Citizens Services, Housing

**BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENT**

School Construction Expense Fund Amendment

1. #10-06

**GRANT**

1. Federal Fiscal Year 2009 Citizen Corps Program Grant and Budget Transfer - Seamus Mooney, Emergency Management Division

**EASEMENT**

1. Request for a Partial Release of a Forest Resource Ordinance Easement on the Echo Valley Subdivision – Mike Wilkins, Permitting and Development Review Division

Commissioner Thompson requested a separate vote on the easement.

Commissioner Gray moved approval of the consent agenda with the exception of Easement #1. Commissioner Hagen seconded the motion that passed 5-0.

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

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #10-99 – Extend Sole Source Contract for Digital, Oblique, Aerial Imagery with Pictometry International – Hal Good, Finance Division**

Mr. Good and Marshall Stevenson, Interagency Information Technologies Division, presented information regarding the proposed bid award.

Commissioner Gray moved approval of Purchasing Memo #10-99 as presented.

Commissioner Thompson made a substitute motion not to partner with the City of Frederick on this item. The motion failed due to lack of a second.

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

**Bid Award - Purchasing Memo #10-113 – Sole Source Purchase of Technical Services  
from Intergraph Corporation – Hal Good, Finance Division**

Mr. Good, Marshall Stevenson, Interagency Information Technologies Division and Jack Markey, Emergency Management Division, presented information regarding the proposed bid award.

Commissioner Gray moved approval of Purchasing Memo #10-113 as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Thurmont Senior Center Memorandum of Understanding - Austin Abraham,  
Management Services Division**

Mr. Abraham, Carolyn True, Citizens Services Division and Bill Blakeslee, Chief Administrative Officer, Town of Thurmont, presented the proposed memorandum of understanding (MOU) for the use of the town-owned building for Department of Aging programs.

Commissioner Thompson moved to table the issue due to pending lawsuits involving the Town of Thurmont over adequate public facilities ordinance issues. The motion failed due to lack of a second.

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

**Agreement Between the Board of County Commissioners and Frederick Community  
College – Issuance of Debt to Fund Purchase of Property – Doug Browning, Frederick  
Community College and John Kroll, Finance Division**

Mr. Browning and Mr. Kroll presented the proposed agreement to include the funding amount of \$4.5 million dollars for the purchase of 200 Monroe Avenue for Frederick Community College in the upcoming bond issue.

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

**Tax Payment Receipt Date Policy - John Kroll and Lori Decker, Finance Division**

Mr. Kroll and Ms. Decker presented options to create a policy for tax payment due and receipt dates, noting the current practice was to accept the postmark date as the payment date.

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Commissioner Thompson moved approval of no longer accepting the postmarked date as the payment date beginning fiscal year (FY) 2011, but that payments would be credited to the account on the day the payment was received by the county/agent/mail or in person. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Jenkins moved to draft a policy to honor the postmark for four calendar days beyond the due date and by the close of business on the final business day of the month when delivered in person, noting, the policy would take effect for tax year 2011. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**FY 2011 - FY 2016 Capital Improvements Program Funding Discussion (Continued from 12-15-09 Meeting) - Kelly Weaver, Finance Division**

Ms. Weaver presented information regarding projects within the capital improvements program (CIP). Chuck Jenkins, Sheriff and Jack Markey, Emergency Management Division, presented information regarding their projects.

Sheriff Jenkins noted the Adult Detention Center (ADC) Phase V project could be deferred. However, the ADC was presently in need of a new roof and emergency operations upgrades such as the sprinkler system.

Commissioner Jenkins moved to defer the ADC Phase V project that would leave \$2 million dollars for the repairs and upgrades to the ADC. Commissioner Gray seconded the motion that passed 5-0.

The Board requested Mr. Markey look at various financial scenarios such as funding for first year upgrades and nothing more and to bring back to the Board his findings for further discussion.

**Alternate Work Schedule for the Office of Highway Operations - Tom Meunier, Public Works Division**

Mr. Meunier presented staff's findings from a trial alternate work schedule that included a four day, ten hour work week from early April through late September for the Department of Highways and Transportation Department and Office of Highway Operations.

Commissioner Thompson moved approval of the new alternate work schedule as presented. Commissioner Jenkins seconded the motion that passed 5-0.

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**WORKSESSION**

**Extension of the Fort Detrick Tech Transfer Initiative Agreement with the Maryland  
Technology Development Corporation (TEDCO) - Laurie Boyer, Economic Development  
Division**

Ms. Boyer presented the transfer initiative agreement request for extension through December 31, 2010.

There was no public comment.

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

**Extension of Sunset Provision for the Rehabilitated Vacant Commercial Structures Tax  
Credit Program - Laurie Boyer, Economic Development Division**

Ms. Boyer presented the tax credit program to extend the sunset clause for a five-year time period of the rehabilitated vacant commercial structures.

There was no public comment.

Commissioner Hagen moved to take the request for the five-year extension to public hearing. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Frederick County's Snow Removal Operations Plan Update - Tom Meunier, Public  
Works Division**

Mr. Meunier and staff presented options for the county's snow removal operations.

There was no public comment.

Commissioner Thompson moved to authorize and direct staff to make and follow through with necessary decisions regarding snow removal this winter season including the options presented today. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Hagen moved to wait until program budget discussions concluded to make decisions regarding the snow removal issues. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

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**Frederick County Employees Retirement Plan: Investment Return Assumption Study -  
Tracy Lobuts, Human Resources Division and Kate Hoffman, Plan Actuary with Mercer**

Ms. Hoffman and Ms. Lobuts presented the findings. Ms Lobuts noted the Retirement Committee found that based on the plans current target asset mix and current market assumptions, there was approximately a 45-50% change of meeting or exceeding the 7.75% assumption over a 20-year time period.

There was no public comment.

The Board requested the Retirement Committee bring back before the Board a recommendation for the long term retirement plan for county employees.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 1:35 p.m.

Mary E. Baker  
Recording Secretary