

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, DECEMBER 22, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 22, 2009, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Barry Stanton, Assistant County Manager and Patti Morrow, 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.

COMMISSIONERS COMMENTS

The Board congratulated the county snow removal crews for a job well done during the weekend snow storm.

CONSENT AGENDA

The following items were included on the consent agenda:

BID AWARDS

1. Purchasing Memo #10-109 – Purchase of Firefighter Personal protective Equipment (Piggyback contract)
Award to: Municipal Emergency Services, Inc.
Award amount: \$425,268.00
2. Purchasing Memo #10-118 – Food Service Contract Extension for Department of Aging
Award to: Business Food Solutions
Award Amount: Approximately \$187,200.00
3. Purchasing Memo #10-119 - Bid #09-CP-67, Urbana District Park, Phase I Development
Award to: Conewago Enterprises, Inc.
Estimated Award amount: 5,651,305.50 with a 5% construction contingency of \$278,158.00

BUDGET TRANSFER

1. #BT-10-085, Housing, Citizens Services Division

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EASEMENT

1. Declaration to Establish and Retain Stormwater Management Easement – Landfill Gas to Energy Project – Beth Ramacciotti, Utilities and Solid Waste Management Division

Commissioner Gray moved to approve the consent agenda as presented. It was seconded by Commissioner Hagen and passed 5-0.

PUBLIC HEARING

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

A public hearing was held, as duly advertised, on a request to partially close a portion of Metropolitan Court.

Mr. Olney presented the request.

There were no public comments.

Commissioner Gray moved to adopt the proposed ordinance to close and alter a portion of Metropolitan Court and provide a new appropriate turn-around. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Ordinance #09-30-534 can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

WORKSESSION

Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager

Ms. Grossnickle presented the following appointments and reappointments.

Adult Public Guardianship Review Board

There were no public comments.

Commissioner Hagen moved to approve the reappointment of Sandra Reed to serve a three-year term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 5-0.

Commission on Disabilities

There were no public comments.

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Commissioner Gray moved to reappoint Linda Werner for a three-year term to expire December 31, 2012, and to appoint Mary Kemp to fill an unexpired term to expire December 31, 2012. Commissioner Hagen seconded the motion that passed 5-0.

Interagency Internal Audit Authority

There were no public comments.

Commissioner Hagen moved to appoint Carrie Gill to fill an unexpired term to expire April 16, 2011. Commissioner Gray seconded the motion that passed 5-0.

Metropolitan Washington Council of Governments

There were no public comments.

The Board reconfirmed the 2009 appointments for 2010.

Frederick County Commissioners' Retirement Benefits – Mary Claire Chesshire, Whiteford, Taylor and Preston, LLP

Carol Boykin, Bolten; Kate Hoffman, Mercer; John Kroll, Finance Division; and Mitch Hose, Human Resources Division, participated in the discussion.

There were no public comments.

Commissioner Hagen moved to direct staff and the Frederick County Retirement Committee to evaluate the retirement benefit model of the Maryland General Assembly and bring back a recommendation on the potential cost and other issues with the possibility of retaining the disabilities and death benefits in the county's plan. Commissioner Gardner seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Frederick County Employees Retirement Plan: Investment Management Agreements with Perimeter Capital Management, Inc. and State Street Global Advisors – Mary Claire Chesshire, Whiteford, Taylor and Preston; Carol Boykin, Bolten and Tracy Lobuts, Human Resources Division

Ms. Boykin presented the requests.

There were no public comments.

Commissioner Jenkins moved to approve the recommendations of the Frederick County Retirement Committee. Commissioner Hagen seconded the motion that passed 5-0.

Ms. Boykin gave an update on the divestiture of investments in Iran and Sudan.

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Commissioner Thompson requested the divestiture of investments in Iran and Sudan be scheduled for a future meeting and to go through the public hearing process.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

By unanimous consent the following minutes were approved:

- ◆ Tuesday, November 3, 2009
- ◆ Tuesday, November 3, 2009 - Afternoon
- ◆ Thursday, November 5, 2009
- ◆ Tuesday, November 10, 2009
- ◆ Tuesday, November 10, 2009 - Closed Session
- ◆ Tuesday, November 10, 2009 - Afternoon
- ◆ Tuesday, November 10, 2009 - Evening
- ◆ Thursday, November 12, 2009
- ◆ Monday, November 16, 2009
- ◆ Tuesday, November 17, 2009
- ◆ Tuesday, November 17, 2009 - Evening
- ◆ Thursday, November 19, 2009
- ◆ Friday, November 20, 2009

The following set of minutes would be reviewed and scheduled for approval on January 14, 2010:

- ◆ Thursday, November 12, 2009 – Closed

Housing Initiative Fund Report – First Quarter of FY 2010 – Jenny Short, Citizens Services

Ms. Short presented the financial summary and data reports for the first quarter of FY 2010 and a report on the available balances as of December 3, 2009.

No action was taken as this was an informational item.

Access Proposal for the Russell Property – Beth Ramacciotti, Utilities and Solid Waste Management Division

Ms. Ramacciotti presented a proposal to change the access to several county-owned parcels through a parcel proposed for subdivision and development near Buckeystown Pike.

Wendy Kearney and Kathy Mitchell, Office of the County Attorney and Rod Winebrenner, Utilities and Solid Waste Management Division, commented on the proposal.

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Public comment was heard from David Severn, Esquire, Severn, O'Connor and Kresslein, representing St. John Properties, Inc.

Commissioner Hagen moved to: 1) accept the fee simple ownership of the access areas and allow private encroachments; 2) include language in the documents obligating St. Johns Properties, Inc. and its successors to maintain the property in the fee simple areas and assume any liabilities; and 3) also to continue to allow the easement to be utilized for other utilities. Commissioner Jenkins seconded the motion that passed 4-1 with Commissioner Thompson opposed.

COMMISSIONER COMMENTS

Commissioner Thompson indicated he would like the Lehigh matter to be scheduled for a March meeting if it is not resolved.

The Board wished all a Merry Christmas and Happy New Year.

QUESTIONS - PRESS

None.

PUBLIC COMMENT

None.

CLOSED SESSION

Commissioner Hagen moved to go into closed session under the 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 Thompson recused.

ADJOURN

The meeting adjourned at 11:10 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, DECEMBER 22, 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 go into closed session in accordance with the 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 Thompson recused.

Topic To Be Discussed:

The possible acquisition of real property in Frederick County for park purposes.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JANUARY 5, 2010,
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 22, 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 go into closed session in accordance with the 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 Thompson recused.

Others in Attendance:

B. Stanton, W. Kearney, M. Chomel, E. Soter, P. Dial, B. Hicks, C. Chamberlain and P. Morrow

Topic Discussed:

The possible acquisition of real property in Frederick County for park purposes.

Action Taken:

The Board gave direction to staff regarding specific properties in Frederick County.

Patricia A. Morrow
Recording Secretary