

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, MARCH 11, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 11, 2010, at 9:40 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, John L. Thompson, Jr. and Blaine Young. Also present were Ron Hart, 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.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

None.

CONSENT AGENDA

The following item was removed from the consent agenda:

- Mosquito Control Program

The following items were included on the consent agenda:

BID AWARDS

1. Purchasing Memo #10-135 – Replacement Equipment (3) John Deere Tractors and (3) Tiger Mowers (Piggyback Contract)
Award to: John Deere Corporation and Tiger Corporation
Award amount: \$196,448.19
2. Purchasing Memo #10-136 – FY 2010 Replacement and Additional Vehicle Purchase, (2) Dodge Grand Caravans (Piggyback Contract)
Award to: Criswell Chevrolet, Inc.
Award amount: \$35,976.00
3. Purchasing Memo #10-137 – FY 2010 Replacement Vehicle Purchases (5) 4x4 Utility Body Trucks (Piggyback Contract)
Award to: Hertrich Fleet Services, Inc.
Award amount: \$136,700.00

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4. Purchasing Memo #10-140 – Contracts for Temporary Help Services – Laborers/Dietary, RFP #08-10, (Renewal Contracts)
Award to: Various Vendors
Estimated award amount: \$150,000
5. Purchasing Memo #10-141 – RFP #08-11, Temporary Help Services – Clerical (Renewal Contracts)
Award to: Spherion Corporation and Adecco Corporation
Award amount: Hourly rate of \$12.59 - \$13.69
6. Purchasing Memo #10-143 – American Recovery and Reinvestment Act (ARRA), Bid #10-CP-68, Cleaning and Painting of Various County Bridges and Budget Transfer
Award to: Titan Industrial Services, Inc.
Award amount: \$515,000.00
7. Purchasing Memo #10-144 – Material Testing and Inspection Services for Urbana District Park Project
Award to: Specialized Engineering
Award amount: \$72,765.00
8. Purchasing Memo #10-145 - Bid #10-CP-52, HVAC Upgrade for the Frederick County Animal Shelter
Award to: GRC General Contractor, Inc.
Award amount: \$755,856.37

BUDGET TRANSFERS

1. #BT-10-132, Housing, Citizens Services Division
2. #BT-10-133, Accounting, Finance Division
3. #BT-10-134, Accounting, Finance Division

CHANGE ORDERS

1. American Recovery and Reinvestment Act (ARRA) Transit Parking Improvements, Change Order No. 1 and Budget Transfer – David Grossweiler, Public Works Division
2. New Design Water Treatment Plant Expansion, Contract No. 2, Change Order No. 29 – Kevin Demosky, Utilities and Solid Waste Management Division

GRANT

1. FY 2011 Office of Problem-Solving Courts Discretionary Grant (Operational Grant) - Paul Wolford, Drug Court Coordinator

Commissioner Hagen moved to approve the consent agenda as amended. Commissioner Gray seconded the motion that passed 5-0.

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As a result of the consent agenda staff was requested to schedule a discussion on the county match for grants.

ADMINISTRATIVE BUSINESS

Mosquito Control Agreement – Mike Gastley, Finance Division

Commissioner Thompson moved to notify the Maryland Department of Agriculture that Frederick County would not be participating in the 2010 Mosquito Control Program. Commissioner Hagen seconded the motion that passed 5-0.

Legislative Issues

Commissioner Gardner requested sending a letter to the Frederick County delegation regarding House Bill 476, Frederick County Property Tax Set-Off. Commissioner Hagen moved to support the letter as drafted. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Young opposed.

ZT-09-07, Child Care Center/Nursery School Text Amendment – Eric Soter and Shawna Lemonds, Planning Division

Ms. Lemonds indicated the text amendment was continued from a public hearing held on Tuesday, February 16, 2010, for review and decision.

A discussion was held. Larry Smith, Planning Division and Michael Chomel, Office of the County Attorney, commented on the text amendment.

Commissioner Hagen moved to approve the ordinance amending certain sections of the Frederick County Code to allow childcare center/nursery schools in the agricultural and resource conservation zones on a limited basis by changing under Division 2. Accessory Uses: striking A (2) and adding not for profit language. Commissioner Gardner seconded the motion.

Commissioner Hagen offered an amendment:

- A (2). The child care center/nursery school shall not utilize more than 40% 20% of the building floor area on the particular lot on which such child care center is located;
- Strike A(5); and
- Add a not for profit status requirement.

Commissioner Gardner accepted the amended motion that passed 3-2 with Commissioners Gray and Thompson opposed.

(A copy of Ordinance 10-04-539 can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

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(Commissioner Gardner passed the gavel to Commissioner Gray and left the meeting at 10:20 a.m.)

New Lease for Rosehill Manor Tenant House – Earl Eyler, Parks and Recreation Division

Commissioner Hagen moved to approve the lease agreement with Eric Appel as tenant for the Rose Hill tenant house. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Gardner absent.

New Lease for Urbana Parkland – Earl Eyler, Parks and Recreation Division

Commissioner Hagen moved to approve the new lease agreement with Snow Hill Dairy for 10 acres of the 18.9 acres of the Urbana Parkland. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Gardner absent.

Legislative Issues

Ragen Cherney, Office of the County Manager, briefed the Board on the issues before the Frederick County delegation members.

PUBLIC COMMENTS

None.

COMMISSIONER COMMENTS

It was noted the Board would reconvene at 1:00 p.m. for a closed session.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 10:50 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 11, 2010**

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 Hagen 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 Gray seconded the motion that passed 5-0.

Topic To Be Discussed

The reorganization of parts of the county government including the discussion of personnel matters that affect specific employees.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, MARCH 16, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 11, 2010**

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 Hagen 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 Gray seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, J. Kroll, M. Gastley, K. Weaver, M. Hose and P. Morrow

Topic Discussed:

The reorganization of parts of the county government including the discussion of personnel matters that affect specific employees.

Action Taken:

Staff was directed to continue preparation of the FY 2011 operating budget with the reorganization as provided.

Patricia A. Morrow
Recording Secretary