

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MAY 13, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 13, 2010, at 9:50 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 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

AGENDA BREIFING

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

Tuesday, May 18, 2010, at 8:30 a.m.

- To Consider a Resolution to Approve Submission of the Application for Funding from the Maryland Community Development Block Grant (CDBG) Program - Jenny Short, Citizens Services Division

7:00 p.m.

- Proposed Water and Sewer Fee Increases - Brenda Teach, Utilities and Solid Waste Management Division

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #10-188 – Approval of Indefinite Quantity Pricing Agreement for Purchase of PC's, Laptops and Components (Piggyback)
Award to: Various Vendors
Award amount: \$300,000
2. Purchasing Memo #10-189 – Purchase of Medical Supplies (Piggyback)
Award to: BoundTree Medical
Award amount: \$150,000

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3. Purchasing Memo #10-190 – Renew Contract for Portable Toilet Services
Award to: Site Services, LLC
Award amount: \$124,729

BUDGET TRANSFER

1. #BT-10-164, Aging, Citizens Services Division

EASEMENTS

1. Conservation Reserve Enhancement Program (CREP) Easement Program, Final Easement Areas – Tim Blaser and Anne Bradley, Planning Division
2. Right of Way Agreement Request on an Installment Purchase Program (IPP) Easement - Henry Lakin et al/Dominion Transmission, Inc. - Tim Blaser, Planning Division

GRANTS

1. Governor's Office of Crime Control and Prevention – 2010 Body Armor for Local Law Enforcement (BARM) Grant – Marty Gallagher, Sheriff's Office
2. FY 2010 Child Support Cooperative Reimbursement Agreement Modification - Ann Morgan, Office of the State's Attorney
3. Monocacy Green Infrastructure Best Management Practice (BMP) Project - Shannon Moore, Public Works Division

Commissioner Gray moved approval of the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Bid Award – Purchasing Memo #10-191, Amend and Extend Contract for Medical Services for the Inmates at the Adult Detention Center – Hal Good, Finance Division

Mr. Good and Sheriff Chuck Jenkins presented the proposed purchasing memo.

Commissioner Young moved approval of Purchasing Memo #10-191 as presented. Commissioner Gray seconded the motion that passed 5-0.

U.S. Department of Justice - FY 2010 Bulletproof Vest Partnership Grant Program – Marty Gallagher, Sheriff's Office

Ms. Gallagher presented the grant.

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Commissioner Hagen moved approval of staff's recommendations as presented including making this item part of the base budget. Commissioner Gray seconded the motion.

Commissioner Thompson made an amendment to the motion to earmark the first unrestricted \$27,000 in the budget for this program. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Hagen opposed.

The main motion passed 5-0.

Proposed Transfer of Part of Kemp Lane to The City of Frederick - Dave Olney, Public Works Division

Mr. Olney, Robert Shen, Public Works Division and Zachary Kershner, Deputy Director of Engineering, City of Frederick, presented the proposed transfer.

Commissioner Gray moved approval of staff's recommendations as presented. Commissioner Hagen seconded the motion that passed 5-0.

Proposed Pawn Shop Text Amendment – Blaine Young, County Commissioner

Commissioner Young, Mark Depo and Larry Smith, Planning Division, presented the proposed text amendment.

Commissioner Young moved to direct staff to research and recommend how to proceed with initiating a text amendment to allow pawn shops as a permitted use within the appropriate zoning districts within Frederick County. Commissioner Hagen seconded the motion.

Commissioner Thompson requested to evaluate if there were any preemption issues or any other issues that would need to be addressed.

The motion, including Commissioner Thompson's request, passed 5-0.

DIRECTOR'S REPORT – Paul Dial, Parks and Recreation Division

Mr. Dial and Jeremy Kortright, Parks and Recreation Division, presented updates within the division.

COMMISSIONERS COMMENTS

Commissioner Gardner noted there have been questions about flying the flags at half-staff in honor of Corporal Kurt Shea, Frederick County resident, who was killed this past Monday in the line of duty while serving in the United States Marine Corps, noting Frederick County cannot order the flags to be lowered under the current state laws.

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Commissioner Gardner inquired if the Board was in support of adding an item to a future BOCC/Board of Education (BOE) meeting agenda requesting the members of the BOE to sign a financial guarantee for the other post employment benefits obligation proposed by Commissioner Thompson.

There was general consensus to do so.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Gray moved to proceed into closed session in accordance with 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 Hagen seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 11:20 a.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MAY 13, 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 Gray moved to proceed into closed session in accordance with 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 Hagen seconded the motion that passed 5-0.

Topic to be Discussed:

To consider the possible impact on specific County employees should grant funding not be available for FY 2011.

Mary Baker
Recording Secretary

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Topic to be Discussed:

To consider the appointment of individuals to a county committee.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 13, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 13, 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.

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Others in Attendance:

R. Hart, B. Stanton, J. Mathias, M. Gastley, J. Kroll, T. Lobuts, M. Nusbaum, R. Santangelo and M. Baker

Topic Discussed:

To consider the possible impact on specific County employees should grant funding not be available for FY 2011.

Action Taken:

The Board provided direction to staff.

Mary E. Baker
Recording Secretary

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Others in Attendance:

R. Hart, B. Stanton, J. Mathias, D. Dunn, J. Grossnickle, P. Harris, R. Santangelo and M. Baker

Topic Discussed:

To consider the appointment of individuals to a county committee.

Action Taken:

The Board provided direction to staff.

Mary E. Baker
Recording Secretary