

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MAY 20, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 20, 2010, at 9:55 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](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**

None.

**CONSENT AGENDA**

**BID AWARDS**

1. Purchasing Memo #10-192 – Installation of Pressure Concrete (Piggyback)  
Award to: Proshot Concrete, Inc.  
Award amount: \$605,840
2. Purchasing Memo #10-196 - Bid #10-CP-74, Surface Coat of Various Frederick County Roadways  
Award to: Florida Highway Products, Inc.  
Award amount: \$767,715

**BUDGET TRANSFERS**

1. #BT-10-167, Aging, Citizens Services Division
2. #BT-10-168, Housing, Citizens Services Division

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

**School Construction Expense Fund Amendments**

1. #10-11
2. #10-12

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**EASEMENTS**

1. Ballenger Creek Park, Phase V Forest Resource Ordinance Documents - Sue Barthol, Public Works Division
2. Revised Declaration to Establish and Retain Easement at Utica District Park - Mike Wilkins, Permitting and Development Review Division

**GRANTS**

1. Consideration of a Chronic Disease Self Management Program Grant - Carolyn True, Citizens Services Division
2. Continuation of the Senior Health Insurance Program (SHIP) Grant Funding and Budget Transfer - Carolyn True, Citizens Services Division

Carolyn True, Citizens Services Division, presented information regarding the grants.

Commissioner Thompson requested the motion be split to vote separately on the grants.

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

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

**ADMINISTRATIVE BUSINESS**

**Purchasing Memo #10-182, Approval of Contract for Occupational Therapy Services for Developmental Center with Crystal Ciccarelli; Purchasing Memo #10-183, Approval of Contract for Speech Pathology Services for Developmental Center with Miriam Liddle, M.A.; and Purchasing Memo #10-184, Approval of Contract for Speech Pathology Services for Developmental Center with Heather Spisso, CCC-SL – Hal Good, Finance Division**

Mr. Good and Dr. Monica Grant, Health Services Division, presented the proposed purchasing memos.

Commissioner Hagen moved approval of Purchasing Memo #10-182, Purchasing Memo #10-183 and Purchasing Memo #10-184 as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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**Permitting and Development Review Division Fee Resolution FY 2011 - Gary Hessong,  
Permitting and Development Review Division**

Mr. Hessong presented the proposed resolution.

Commissioner Hagen moved approval of the proposed resolution as presented noting the stormwater fees would apply retroactively and the calculated fees were to be rounded to the next nearest whole dollar amount. Commissioner Gray seconded the motion that passed 5-0.

(A copy of Resolution #10-14 can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))

**Lease with the Frederick County Fire and Rescue Museum and Preservation Society,  
Inc. for the Former Emmitsburg Ambulance Company Building - Austin Abraham,  
Management Services Division**

Mr. Abraham and Chip Jewell, Emergency Management Division, presented the proposed lease.

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

**Acceptance of the Metropolitan Washington Council of Governments (MWCOG)  
Emergency Management Mutual Aid Operational Plan - Jack Markey, Emergency  
Management Division**

Seamus Mooney, Emergency Management Division, presented the mutual aid operational plan.

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

**Finalize FY 2011 Capital Improvements Program and FY 2011 Capital Budget - Kelly  
Weaver, Finance Division**

Ms. Weaver presented the updates to the capital improvements program (CIP) and the capital budget.

There was unanimous consent for the county to forward fund the Sabillasville Elementary School roof replacement in FY 2011 with the understanding that state funds would replace the forward funded amount in FY 2012.

There was unanimous consent to allow a budget transfer in the amount of \$85,000 to Frederick Community College for the requested furniture purchase with Commissioner Thompson opposed.

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There was unanimous consent to move \$2 million dollars from cash to bonds in FY 2016 for pavement management.

There was unanimous consent to move the unallocated \$38,000 within the Board of Education systemic projects to the county unallocated projects for a future fiscal year.

There was unanimous consent to bring the proposed CIP and capital budget back before the Board for adoption on June 1, 2010.

**Director's Report – Tom Owens, Fire and Rescue Services Division**

Mr. Owens and staff presented updates and information from within the Fire and Rescue Services Division.

(Ron Hart left the meeting, Barry Stanton, Assistant County Manager, entered the meeting.)

**PUBLIC HEARING**

**Additional Revisions to the Frederick County Code to Comply with the Maryland  
"Stormwater Act of 2007"- Betsy Smith, Permitting and Development Review Division**

Ms. Smith and Kathy Mitchell, Office of the County Attorney, presented the additional revisions and proposed ordinance.

Public comment was taken from:

- Tim Hickey
- Jeff Holtzinger
- Mark Friis
- Lee Miller
- Jeremy Holder
- Bill Youse
- Reverend Paul Mundy

Commissioner Gray moved approval of the proposed ordinance noting the language change to page 3, adding “e.g.” in Section 4, to the definition of “Preliminary project approval” to state “(e.g. *preliminary subdivision plat, zoning site plan, PUD Phase II, or MXD Phase II plan*)” also noting the ordinance would be adopted today, retroactively effective on May 4, 2010. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

(A copy of Ordinance #10-09-544 can be obtained in the County Manager's Office or from the county's website, [www.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov)).

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**CLOSED SESSION**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Mark Friis

**QUESTIONS - PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:55 p.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, MAY 20, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To obtain information and provide direction to staff regarding settlement negotiations.

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Mary Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, MAY 20, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, MAY 20, 2010**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Others in Attendance:**

B. Stanton, J. Mathias, W. Kearney, M. Marschner, R. Santangelo and M. Baker

**Topic Discussed:**

To obtain information and provide direction to staff regarding settlement negotiations.

**Action Taken:**

The Board approved staff's recommendation.

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Mary Baker  
Recording Secretary