

PUBLIC MEETING MINUTES FOR TUESDAY, MAY 19, 2009

A public meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, May 19, 2009, was called to order at 7:00 p.m. by Commissioner Jan Gardner, *President*. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also in attendance 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 web page. 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 web page at www.co.frederick.md.us)

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.

The meeting began with the recitation of the Pledge of Allegiance.

GENERAL BUSINESS

Adoption of the FY 2010 Property Tax Rate, Special Taxing Districts, Other Fees and Charges – Mike Gastley, Finance Division

Commissioner Gray moved to adopt the rate of 93.6 cents per \$100 of assessed property value as the Frederick County general property tax levy for the year beginning July 1, 2009, and ending June 30, 2010. Commissioner Hagen seconded the motion.

Commissioner Thompson moved to amend the motion changing the tax levy to the constant yield rate of 88.4 cents per \$100 of assessed property value. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

The vote on the main motion to adopt the rate of 93.6 cents per \$100 of assessed property value as the Frederick County general property tax levy for the year beginning July 1, 2009, and ending June 30, 2010, passed 3-2 with Commissioners Jenkins and Thompson opposed.

(A copy of Resolution #09-07 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

PUBLIC HEARINGS

To Consider Two (2) Ordinances Regarding the Bond Rating Enhancement Reserve:

- **To Adopt Changes to the Language of the Existing Ordinance**
 - **To Consider the Expenditure of the Bond Rating Enhancement Reserve**
- **John Kroll, Finance Division**

A public hearing was held, as duly advertised, on certain changes to the Frederick County Code governing the Bond Rating Enhancement Reserve and the determination to utilize a portion of the current balance of this reserve.

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Mr. Kroll mentioned to the Board the request was a result of actions taken to balance the FY 2010 operating budget.

There was no public comment.

To Adopt Changes to the Language of the Existing Ordinance

Commissioner Gray moved to adopt the ordinance approving the change to the Frederick County Code. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

(A copy of Ordinance #09-13-517 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

To Consider the Expenditure of the Bond Rating Enhancement Reserve ("Reserve")

Commissioner Thompson moved to transfer the entire balance of the Reserve into the county other post employee benefit (OPEB) trust fund as soon as would be reasonable. Commissioner Thompson amended his motion to leave a balance of \$100,000 in the Reserve, with an effective date of May 19, 2009. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

John Mathias, County Attorney, and Mike Gastley, Finance Division, commented on the balance of the Reserve.

Commissioner Gray noted he would be in favor of increasing the FY 2010 operating budget contingency fund balance.

Commissioner Jenkins moved to:

- Leave \$500,000 in the Reserve;
- Transfer \$371,000 from the Reserve to the FY 2010 operating budget contingency fund;
- Transfer the remainder of the Reserve to the FY 2009 OPEB trust fund.

The motion failed for lack of a second.

It was noted the ordinance would be tabled until the Board meeting on Thursday, May 21, 2009.

Commissioner Jenkins commented on a public information request for documentation on all facility improvements that were made to Winchester Hall since the 1970's.

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Petition to Remove Wildcat Road from the Rural Roads Program – Dave Olney, Public Works Division

A public hearing was held, as duly advertised, on a formal petition to remove the entire length of Wildcat Road from the Rural Roads Program.

Robert Shen, Public Works Division, presented the petition to the Board.

Mr. Olney gave a PowerPoint presentation on the Rural Roads Program and Wildcat Road.

Tom Meunier, Public Works Division, participated in a discussion on the driving surface aggregate (DSA) program.

Public comment was heard from:

- Dale Bidle
- Josh Bidle
- Patsy Kline
- Randy Kline
- Jason Kline
- Susan Hanson

Commissioner Jenkins moved to accept the petition to close Wildcat Road and transfer \$79,000 from the Housing Initiative Fund for the road to be tar and chipped. The motion failed for lack of a second.

Commissioner Gray moved to keep Wildcat Road in the Rural Roads Program. Commissioner Hagen seconded the motion.

Commissioner Thompson moved to table the motion until a time definite (July 2010) following an evaluation by staff of the DSA program on Poffenberger Road. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Frederick County Health Services Division – Department of Environmental Health Services Proposed Ordinance to Revise Fee Schedule – Dr. Barbara Brookmyer and George Keller, Health Services Division

A public hearing was held, as duly advertised, on a proposed ordinance to revise the fee schedule for services performed by the Frederick County Health Services Division – Department of Environmental Health Services.

Mr. Keller and Dr. Brookmyer provided the Board with an overview of the fee changes noting this was the first fee revision in six (6) years.

Diedre Moltere, Manager, Food Control Program, reviewed the levels of food permits.

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There was no public comment.

Commissioner Hagen moved to adopt the proposed ordinance and fee schedule.
Commissioner Gray seconded the motion that passed 5-0.

(A copy of Ordinance #09-15-519 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

PUBLIC COMMENTS AND/OR REQUESTS

- None.

ADJOURN

The meeting adjourned at 9:00 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary