

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, JUNE 29, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, June 29, 2010, at 8:30 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.

WORKSESSION

Design-A-Billboard Contest Winners – Dawn Adams, Utilities and Solid Waste Management Division

The Board recognized the 2010 winners of the Design-a-Billboard Contest.

FY 2011 Frederick County Board of Education (BOE) Approved Operating and Capital Budget (Continued from 6/17/10) – Hal Keller, Frederick County Public Schools (FCPS)

The following members of the BOE were present for the discussion: Dr. Michael Schaden, *Vice President*; Angie Fish, Dr. Bonnie Borsa and Daryl Boffman.

A discussion ensued on the possible reduction of FCPS employee health insurance premiums.

Commissioner Thompson moved to approve the FY 2011 BOE Operating Budget in the manner and form set forth on June 29, 2010, by Commissioner Thompson. Commissioner Young seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Hagen moved to approve the BOE FY 2011 Operating and Capital Budgets as presented on June 17, 2010. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Thompson and Young opposed.

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PUBLIC HEARINGS

Proposed Issuance of Tax-exempt Revenue Bonds to be Loaned to Hood College in an Aggregate Principal Amount Not to Exceed \$17,000,000 – Jim Cumbie, Esquire, Venable LLC (County Bond Counsel)

A public hearing was held, as duly advertised, on the issuance of a tax-exempt revenue bond to loan up to \$17 million in proceeds to Hood College to be used for various capital improvement projects.

Mr. Cumbie presented the request for Hood College.

Dr. Ron Volpe, *President* and Chuck Mann, *Vice President for Finance and Treasurer*, Hood College, commented on the request.

There were no public comments.

Commissioner Young thanked Mr. Kroll for requesting Hood College cover the administrative costs involved, so as to not cost the taxpayers anything.

Commissioner Young moved to adopt the resolution that would authorize and empower the Board to issue a tax-exempt revenue bond, not to exceed \$17 million, for facility improvements at Hood College, noting there would be no obligation to Frederick County to pay back the debt and Hood College would cover the administrative costs. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

Proposed Amendment to the Frederick County Water and Sewerage Plan – Tim Goodfellow, Planning Division

A public hearing was held, as duly advertised, to consider an out of sequence water and sewer plan amendment.

Commissioner Gardner swore in all those who were testifying.

Tim Goodfellow presented the amendment request regarding WS-10-08 (Ballenger Creek Park) Tax Map 76, Parcels 132 (57.74 acres) and 503(71.15 acres), 5420 Ballenger Creek Pike, Frederick, Maryland 21703. Three miles southwest of Frederick City. Bordered by Stewart Mechanic subdivision and Tuscarora High School: request reclassification from W-5 Dev. to W-3 Dev. (Parcel 503) and S-5 Dev. to S-3 Dev. (Parcel 132).

Recommendation: Planning and Utilities and Solid Waste Management Divisions, staff approved the change to W-3 Dev./S-3 Dev. The Frederick County Planning Commission found the request to be consistent with the Comprehensive Plan.

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Wendy Kearney, Office of the County Attorney, commented on the request.

(Commissioner Gray left the meeting.)

There were no public comments.

Decision: Commissioner Hagen moved to approve WS-10-08 (Ballenger Creek Park) a reclassification from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev. on Tax Map 76, Parcels 132 and 503, 5420 Ballenger Creek Pike, Frederick. Commissioner Thompson seconded the motion that passed 4-0 with Commissioner Gray absent.

CONSENT AGENDA

The following items were included on the consent agenda.

BID AWARDS

1. Purchasing Memo #10-212 – Legal Advisory Services for Retirement Benefit Plans (Piggyback)
2. Purchasing Memo #10-228 – FY 2011 Office for Child and Families (Contract Renewals)
3. Purchasing Memo #10-234 – FY 2011 Stone Materials
4. Purchasing Memo #10-235 – Nitro Security Information and Event Management (SEIM) (Piggyback)
5. Purchasing Memo #10-241 – Local Calling Services (Piggyback)
6. Purchasing Memo #10-244 – On-Call Contracts for Traffic Engineering Services Related to Adequate Public Facilities Ordinance Administration

Commissioner Hagen moved to approve the consent agenda as presented. Commissioner Young seconded the motion that passed 4-0 with Commissioner Gray absent.

(Commissioner Gray returned to the meeting.)

ADMINISTRATIVE BUSINESS

Adoption of the Frederick Community College (FCC) FY 2011 Operating Budget, Auxiliary Budgets, Capital Budget and Capital Improvements Program (CIP) – Doug Browning, FCC

Jerry Garbinski, FCC, was also present.

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Commissioner Hagen moved to approve the adoption of the FCC FY 2011 Operating Budget, Auxiliary Budgets, Capital Budget and CIP. Commissioner Gray seconded the motion that passed 5-0.

Bid Awards – Hal Good, Finance Division

Purchasing Memo #10-227 – Library Materials Pricing Agreement For FY 2011

Commissioner Gray moved to approve Purchasing Memo #10-277. Commissioner Hagen seconded the motion that passed 5-0.

Purchasing Memo #10-238 – FY 2011 Parts and Service Blanket Purchase Orders

Commissioner Hagen moved to approve Purchasing Memo #10-238. Commissioner Gray seconded the motion that passed 5-0.

By unanimous consent the Board voted to add to the consent agenda from this point forward the annual bid awards to multiple vendors for necessary parts and materials.

Board of County Commissioners' Expense Account Transfers – Board of County Commissioners

Mike Gastley and Kelly Weaver, Finance Division; and John Mathias, Office of the County Attorney, commented on the transfer of remaining balances in the Board's expense accounts.

Commissioner Gray moved to approve the following budget transfers from FY 2010 expense accounts:

- \$5,150 Treasurer of Frederick County (tax bill stuffer)
- \$ 1 BOE Other Post Employment Benefits (OPEB) Trust Fund
- \$1,946 Hope Alive, Inc.
- \$ 800 Frederick County Hepatitis Clinic, Inc.
- \$ 800 Heartly House

Commissioner Thompson seconded the motion.

Commissioner Thompson requested to divide the question.

The vote on the BOE OPEB Trust Fund transfer was 5-0.

The vote on the balance of the transfers was 3-2 with Commissioners Thompson and Young opposed.

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Commissioner Young moved to reduce the Board's expense accounts for FY 2011 to \$2,000 for the president and \$1,500 for the commissioners. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

WORKSESSION

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

Affordable Housing Council

There was no public comment.

Commissioner Hagen moved to approve the reappointment of Messrs. Ron Cramer and Steve Fox to serve three-year terms beginning July 1, 2010, and to expire June 30, 2013, and to appoint Mr. Craig Tyler to serve a three-year term to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 5-0.

Agriculture Business Council

There were no public comments.

Commissioner Hagen moved to approve the appointment of Messrs. Richard Calimer and Greg Clabaugh to serve three-year terms beginning July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 5-0.

Board of Gaming Appeals

There were no public comments.

Commissioner Thompson moved to approve the reappointment of Mr. Marendt to serve a three-year term to take effect July 1, 2010, and to expire June 30, 2013, and to appoint Mr. Charles "Buck" Wisner to fill an unexpired term to expire June 30, 2011. Commissioner Gray seconded the motion that passed 5-0.

Mental Health Advisory Board

There were no public comments.

Commissioner Gray moved to approve the reappointment of Ms. Laura Hicks to serve a three-year term to take effect July 1, 2010, and to expire June 30, 2013. Commissioner Hagen seconded the motion that passed 5-0.

Roads Board

There were no public comments.

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Commissioner Young moved to approve the reappointment of Ms. Barbara Windsor to serve a five-year term to take effect July 1, 2010, and to expire June 30, 2015. Commissioner Hagen seconded the motion that passed 5-0.

Substance Abuse Council

There were no public comments.

Commissioner Hagen moved to approve the reappointment of Mr. Todd Crum to serve a term to expire on June 30, 2013, and to appoint Ms. Christine Marquardt to fill an unexpired term to expire June 30, 2014. Commissioner Gray seconded the motion that passed 5-0.

Sustainability Commission

There were no public comments.

Commissioner Hagen moved to approve the reappointment of Ms. Annmarie Cramer and Mr. Mark Lancaster and appoint Ms. Catherine McKalip-Thompson to serve three-year terms effective July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 5-0.

Pawn Shops and Additional Miscellaneous Zoning Text Amendments – Mark Depo and Larry Smith, Planning Division

Mr. Smith and Mr. Depo presented the proposed text amendment. Floodplains and commercial and specialty schools were discussed.

The Board noted approval of the floodplain language.

It was indicated the pawn shops and equine activities and boarding stables discussion would be scheduled for the Thursday, July 1, 2010, Board meeting.

COMMISSIONER COMMENTS

Commissioner Gray announced his candidacy for the Board of County Commissioners.

PUBLIC COMMENTS

- Holly O'Shea, Director, Frederick County Classical Charter School
- Julie Clark, Carroll Creek Charter Montessori School

QUESTIONS – PRESS

None.

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CLOSED SESSION

Commissioner Gray moved to go into closed session under 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 Hagen seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:05 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, JUNE 29, 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.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To conduct interviews for a county director's position.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, JULY 1, 2010
FOLLOWING THE CLOSED MEETING OF TUESDAY, JUNE 29, 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.

Time and Location:

12:30 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart and B. Stanton

Topic Discussed:

To conduct interviews for a county director's position.

Action Taken:

The Board evaluated potential appointees for the Public Works Division director position.

Mary Baker
Recording Secretary