

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, AUGUST 5, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, August 5, 2010, at 9:45 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, John L. Thompson, Jr. and Blaine Young. Also present were Barry Stanton, Assistant 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.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for public hearing on Tuesday, August 10, at 8:30 a.m.:

- Septage Ramp-up Rates – Brenda Teach, Utilities and Solid Waste Management Division

Staff reviewed with the Board the following item scheduled for public hearing on Thursday, August 12, at 8:30 a.m.:

- Proposed Resolution Creating and Defining The City of Frederick Corporate Limits as a Recovery Zone in Frederick County – Doug Browning, Frederick Community College

CONSENT AGENDA

The following items were included on the consent agenda.

BID AWARDS

1. Purchasing Memo #11-12 - PeopleSoft Technology Services (Piggyback)
Award to: eFusion
Estimated award amount: \$343,200.00

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2. Purchasing Memo #11-15 – Long Distance, Toll Free and Conferencing Phone Services (Piggyback)
Award to: Verizon
Estimated award amount: \$47,160.00

BUDGET TRANSFERS

1. #BT-11-013, Parks and Recreation Division
2. #BT-11-014, Developmental Center, Citizens Services Division
3. #BT-11-015, Frederick County Public Libraries

EASEMENT

1. Partial Forest Resource Ordinance Easement Release for Miller Hill Subdivision, Lot 2 – Mike Wilkins, Permitting and Development Review Division

GRANTS

1. FFY 2010 Emergency Management Performance Grant Sub-Recipient Agreement and Associated Budget Transfer – Seamus Mooney, Emergency Management Division
2. FY 2011 Maryland Smoke Alarms for Everyone Grant from the Maryland Department of Health and Mental Hygiene and Associated Budget Transfer – Marc McNeal, Fire and Rescue Services Division

MISCELLANEOUS

1. BOE Non-Recurring Costs Included in the FY 2011 Operating Budget – Mike Gastley, Finance Division

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

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Commissioner Gray moved to approve the following list of meeting minutes. Commissioner Gardner seconded the motion that passed 5-0.

- ◆ Tuesday, June 22, 2010
- ◆ Thursday, June 24, 2010
- ◆ Tuesday, June 29, 2010
- ◆ Tuesday, June 29, 2010 – Closed Session
- ◆ Thursday, July 1, 2010
- ◆ Thursday, July 1, 2010 – Closed Session

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School Health Staffing Options – Dr. Barbara Brookmyer, Health Services Division

Dr. Brookmyer briefed the Board on the current status of Health Room Technician (HRT) positions in the Frederick County Public Schools (FCPS).

Teri O’Gwin-Harris, Health Services Division, commented on the school health program in the FCPS.

Dr. Linda Burgee, Superintendent, FCPS, and Mike Gastley, Finance Division, commented on the options.

Commissioner Gray moved to authorize the hiring of seven HRT positions and authorize the Health Department to manage the structure of the school health program. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Hagen moved to authorize the Health Department staff to maintain the budgeted HRT positions for FY 2011. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

It was indicated staff would look into how Carroll and Howard Counties staff their schools with health technicians.

Discussion of Options for Amending Section 1-16-220 (Floodplain) of the Subdivision Regulations – Mike Wilkins, Permitting and Development Review Division

Mr. Wilkins presented several options for modifying the current language under the floodplain section of the subdivision regulations.

Commissioner Gray moved to take “Option A” through the public hearing process. Commissioner Hagen seconded the motion.

Commissioner Thompson moved to amend the motion by taking “Option B” through the public hearing process. The amendment received no second.

The vote on the main motion (“Option A”) passed 5-0.

Discussion of Proposed Legal Documents and Ranking Criteria for the Linganore Watershed Forest Easement Purchase Program (Program) – Mike Wilkins, Permitting and Development Review Division (DPDR)

Mr. Wilkins presented the legal documents and ranking criteria for the Program.

Mr. Wilkins indicated the Catoctin Land Trust showed an interest in the Program and would like to be involved.

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By unanimous consent the Board voted to remove number seven (7) from page two (2) in the option agreement for the forest resource easement (Linganore Watershed.)

Mr. Wilkins noted that all the documents would be posted on the DPDR website and applications for the Program would be ready for distribution by the end of October.

Adult Detention Center (ADC) Phase IV State Construction Grant Funding Document and Associated Budget Transfer – David Grossweiler, Public Works Division

Mr. Grossweiler presented the request for approval of the ADC Phase IV grant funding document and budget transfer.

Commissioner Hagen moved to approve the staff recommendation. Commissioner Gray seconded the motion that passed 5-0.

FY 2012 Budget Outlook – John Kroll, Finance Division

Mr. Kroll and Mike Gastley, Finance Division, briefed the Board on the preliminary results of final FY 2010 operating budget.

Mr. Kroll reported the preliminary fund balance that would be used to balance FY 2012 budget would be \$22 million.

Mr. Gastley reported what made up the fund balance.

This item was informational and no action was taken.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Hagen moved to go into closed session according to Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

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ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 5, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:45 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss a settlement proposal.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 10, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 5, 2010**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Hagen moved to go into closed session at in accordance with Maryland Annotated Code State Government Article §10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

12:45 p.m. - Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, W. Kearney, T. Meunier and P. Morrow.

Topic Discussed:

To discuss a settlement proposal.

Action Taken:

The Board authorized a settlement proposal.

Patricia Morrow
Recording Secretary