

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, JULY 1, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, July 1, 2010, at 10:00 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

None.

AGENDA BRIEFING

Staff was in attendance to answer any questions regarding the following public hearing item scheduled for:

Tuesday, July 13, 2010, at 8:30 a.m.

- Historic Preservation Ordinance Proposed Text Amendment - Janet Davis, Planning Division

CONSENT AGENDA

BUDGET TRANSFER

1. #BT-10-193, Family Partnership, Citizens Services Division

GRANTS

1. Chesapeake Bay Trust Outreach and Community Engagement Grant Application to Create a Monocacy River Report Card - Tim Goodfellow, Planning Division
2. FY 2011 Renewal Application for Community Partnership Agreement - Christal Henson, Citizens Services Division
3. FY 2011 Healthy Families Frederick Renewal Grant Application - Christal Henson, Citizens Services Division

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

WORKSESSION

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

Mr. Depo presented the proposed amendments for the equine activities and boarding stable.

Public comment was taken from:

- Thomas Smith, Good Friday Farms
- Dale Clabaugh
- Darlene Atkins
- Elizabeth Winters, Paradise Stables

The Board directed staff to look at key components and work with people in the equine industry/established boarding stable owners and come back before the Board with recommendations.

Mr. Depo presented the proposed amendments for the pawn shops.

The Board approved staff's recommendations and requested a language change to the definition to include "*or paid money for the item.*"

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

(Commissioner Gardner left the meeting.)

The following minutes were unanimously approved by the Board:

- ◆ Tuesday, May 11, 2010
- ◆ Tuesday, May 11, 2010 – Closed Session
- ◆ Thursday, May 13, 2010
- ◆ Thursday, May 13, 2010 – Closed Session
- ◆ Thursday, May 13, 2010 – Afternoon
- ◆ Tuesday, May 18, 2010
- ◆ Tuesday, May 18, 2010 – Closed Session
- ◆ Tuesday, May 18, 2010 – Evening
- ◆ Wednesday, May 19, 2010 – Afternoon
- ◆ Thursday, May 20, 2010

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- ◆ Thursday, May 20, 2010 – Closed Session
- ◆ Thursday, May 20, 2010 - Afternoon

Bid Award – Purchasing Memo #10-247, County Radio System P25 Digital Upgrade to Motorola - Hal Good, Finance Division

(Commissioner Gardner re-entered the meeting.)

Mr. Good and Jack Markey, Emergency Management Division, presented the proposed purchasing memo.

Mr. Jim Errands, Motorola Sales Agent, also presented information about the product.

Commissioner Gray moved approval of Purchasing Memo #10-247 as presented. Commissioner Young seconded the motion that passed 5-0.

FY 2010 Victims of Crime Assistance (VOCA) Grant Application and Transfer of General Fund Monies and Budget Transfer - Joy Rowe, Citizens Services Division

Margaret Nusbaum and Ms. Rowe, Citizens Services Division, presented the grant application.

Commissioner Young moved to apply for the grant, for Ms. Nusbaum and staff to locate the requested \$8,362.00 in county funding and to approve the budget transfer as requested upon award of the grant. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Allegheny Power Electric Service Agreements: Citizens Care and Rehabilitation Center and Montevue Home - Sue Barthol, Public Works Division

Ms. Barthol and Dave Ennis, Public Works Division, presented the proposed agreements.

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

American Recovery and Reinvestment Act Local Highway Allocation - Amendment I to an Executed Memorandum of Understanding - Robert Shen, Public Works Division

Mr. Shen presented the proposed memorandum of understanding (MOU).

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

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**Firefighter Medical Physicals - Tom Owens and Steve Leatherman, Fire and Rescue
Services Division**

(Commissioner Gray left the meeting.)

Mr. Owens and Mr. Leatherman presented information regarding the physicals.

Commissioner Hagen moved approval of staff's recommendation as presented.

Commissioner Young seconded the motion that passed 4-0 with Commissioner Gray absent.

**Further Discussion of Forest Resource Ordinance Fee-in-Lieu Expenditures in the
Linganore Watershed - Mike Wilkins, Permitting and Development Review Division**

(Commissioner Gray re-entered the meeting.)

Mr. Wilkins presented information regarding fee-in-lieu expenditures.

The Board requested he bring back a ranking system for their review.

There was consensus to direct staff to develop the legal documents necessary for the purchase and execution of forest resource ordinance (FRO) easements on private property in the Linganore Watershed and obtain Board approval of the documents.

There was consensus to direct staff to initiate the owner notification phase as outlined in the April 1, 2010, staff report following ranking system outline approval.

There was consensus to direct staff to work with the Catoctin Land Trust and include them as a third party signatory on the easement agreements.

There was approval of option "C" for weed control as outlined in the staff report.

There was consensus for purchasing perpetual easements only.

Commissioner Thompson moved approval of a flat rate of \$10,000 per acre for new properties. Commissioner Gray seconded the motion that passed 5-0.

There was consensus for a flat rate of \$4,000 for existing properties.

**McKinney Industrial Park Waste to Energy Property Site Lease - Mike Marschner,
Utilities and Solid Waste Management Division**

Mr. Marschner presented the proposed site lease.

Commissioner Gray moved approval of the lease as presented.

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Commissioner Thompson offered an amendment to ratify and confirm all previous actions by the Board that selected this site for the waste to energy facility. The motion did not receive a second.

The main motion passed 3-2 with Commissioners Hagen and Young opposed.

Commissioner Young moved to direct Mr. Marschner to obtain an independent sole source financial review allowing up to \$50,000, with Municipal and Financial Services Group. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Hagen and Thompson opposed.

The Board also recommended a worksession be scheduled to obtain input from the public regarding what questions they would like answered from the financial review.

WORKSESSION

Appointments/Reappointments to the Workforce Development Board - Joyce Grossnickle, Office of the County Manager

This item was deferred to Thursday, July 15, 2010.

COMMISSIONERS COMMENTS

Commissioner Gardner noted she would not be seeking re-election for county commissioner or running for any other elected office during this year's upcoming election.

PUBLIC COMMENTS

- Bob White
- Caroline Eader

QUESTIONS - PRESS

None.

CLOSED SESSION

Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

This item was deferred to Tuesday, July 13, 2010.

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,

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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 Young seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 2:40 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, JULY 1, 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 Young seconded the motion that passed 5-0.

Time and Location:

2:50 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the hiring of a division director.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, JULY 13, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, JULY 1, 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 Young seconded the motion that passed 5-0.

Time and Location:

2:50 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, M. Hose and M. Baker.

Topic Discussed:

To discuss the hiring of a division director.

Action Taken:

The Board selected an applicant to fill a director's position.

Mary Baker
Recording Secretary