

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, AUGUST 12, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, August 12, 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 Ron Hart, County Manager and Pattie Weber, 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

Commissioner Thompson went on record to refute a news statement that reported he had voted to reform and create a separate pension plan for county commissioners.

Commissioner Gardner announced the dedication ceremony for the new Linganore High School would be held today and is open to the public. She acknowledged the efforts of the Board as well as the Board of Education.

WORKSESSION

Business Appreciation Month

The Board proclaimed August 2010, as Business Appreciation Month.

AGENDA BRIEFING

Staff briefed the Board on the following public hearing items scheduled for:

Tuesday, August 24, 2010, at 8:30 a.m.

- Proposed Text Amendment – ZT-10-03 – Regarding Pawn Shops

Tuesday, August 24, 2010, at 7:00 p.m.

- Pete Wiles Bridge Road

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CONSENT AGENDA

The following items were included on the consent agenda.

BID AWARDS

1. Purchasing Memo #11-17 – Maintenance and Support from VMware Software
Award to: Convergence Technologies Consulting
Award amount: \$32,760.00
2. Purchasing Memo #11-19 – Magazine Subscription Services (Piggyback)
Award to: Ebsco
Award amount: \$45,000.00

BUDGET TRANSFER

1. #BT-11-016, Accounting, Finance Division

GRANT

1. Request to Apply for a Grant through the Snyder Foundation for Animals – Harold Domer, Animal Control Division

Commissioner Gray moved to approve the consent agenda as presented, noting on Bid Award #2, Ebsco has agreed to the piggyback through Council of Governments (COG) through Loudon County. Commissioner Hagen seconded the motion that passed 5-0.

PUBLIC HEARING

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

A public hearing was held, as duly advertised, on a proposed resolution to create and define the City of Frederick corporate limits as a recovery zone, which will allow Frederick Community College to utilize recovery zone bonds to finance projects including a parking deck and a third story addition to one of its student services buildings.

Dr. Carol Eaton, President of FCC, Mr. Doug Browning and Mr. Jim Cumbie, Venable LLP (county bond counsel), presented the proposed resolution.

Commissioner Young expressed two concerns regarding the parking deck; asking that if the resolution was approved, 1) a caveat be added to ensure that parking would always remain

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funded by student registration fees and not become a paid parking deck; and 2) have no designated parking for staff and faculty and should be open parking to students only. Dr. Eaton responded that while the intention is to keep the parking funded by registration fees and open to students only, future FCC presidents/boards may deem it necessary to make changes.

There were no public comments.

Commissioner Hagen moved to approve the resolution as presented. Commissioner Gray seconded the motion. Commissioner Gardner noted the minutes should reflect Commissioner Young's request that the parking be paid for by the registration fees, and be for the benefit of the students and have no designated parking for staff and faculty. The motion passed 4 – 1 with Commissioner Thompson opposed.

ADMINISTRATIVE BUSINESS

Bid Award – Purchasing Memo #11-14, Water and Sewer Billing Services (Sole Source) – Hal Good, Finance Division

Mr. Good, Mr. Mike Marschner and Ms. Brenda Teach, Utilities and Solid Waste Management Division, presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #11-14 as presented. Commissioner Young seconded the motion that passed 5 – 0.

Bid Award – Purchasing Memo #11-18 – Bid #10-CP-74, Surface Coat of Various Frederick County Roadways – Hal Good, Finance Division

Mr. Good, Mr. Robert Shen and Mr. Andrew McGilvray, Public Works Division, presented the proposed purchasing memo.

Commissioner Gardner noted the original award to Florida Highway Products, Inc. went into default.

Commissioner Gray moved approval of Purchasing Memo #11-18 as presented. Commissioner Hagen seconded the motion that passed 5 – 0.

Waiver of Development Impact Fees for Affordable Housing – Jenny Short, Citizens Services Division

Ms. Short presented the proposal to adopt local legislation to waive development impact fees for the construction of affordable housing in Frederick County and for county staff to take this issue to public hearing.

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John Mathias, Office of the County Attorney and John Kroll, Finance Division, participated in the discussion.

Commissioner Young suggested exploring/researching options to repay the initial waived impact fees, possibly when the home is sold, or provide a payment program.

Commissioner Gardner noted the Board was in agreement to accept public comments for this item. Public comments were heard from:

- Steve Fox – Frederick County Association of Realtors
- Ron Cramer – Executive Director, Habitat for Humanity
- Valerie Wadle – Finance Manager, Habitat for Humanity
- Janet Fogle – Housing Authority, Frederick City
- Dick Johnson – Board Member, Habitat for Humanity

Commissioner Gardner summarized, from the discussion, that staff should evaluate sliding scale and repayment options and move forward to prepare legal documents to debate before proceeding to public hearing. The consensus was in favor of guidance 4 – 1 with Commissioner Thompson opposed.

Extension of Metropolitan Washington Council of Governments (MWCOC) Contract Funding for Employer Outreach Services – Nancy Norris, Transit Services Division

Commissioner Young recused himself from this agenda item.

Ms. Norris presented the request to extend the MWCOC contract for employer outreach services.

Commissioner Hagen moved approval of the extension as presented. Commissioner Gray seconded the motion that passed 3 – 1 with Commissioner Thompson opposed and Commissioner Young recused.

Summary of 2010 Legislative Package and Initiation of 2011 Legislative Considerations – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Cherney presented the 2010 Legislative Package summary and the tentative schedule for the 2011 legislative considerations. Mr. Mathias participated in the discussion.

Commissioner Young added that he may have a few proposals to include in the 2011 legislative package.

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Commissioner Gardner suggested waiting until after August 31st to mail out letters to various organizations to solicit input on legislative issues in order to allow time to include additional proposals for consideration.

By unanimous consensus, the Board adopted the schedule, noting to delay sending out letters until after August 31st. An additional meeting will be held to confirm the proposals.

Direction to Proceed with a Formal Piecemeal Application of a Staff Initiated Zoning Request for the Stadler Property (TM 85 P 199) and Develop Administrative Procedures for Errors Identified on a Comprehensive Zoning Map/Plan – Eric Soter, Planning Division

Mr. Soter presented the request for direction to proceed and also to develop procedures for errors, omissions, mistakes on land use/zoning maps.

Commissioner Gray moved to approve the request as presented. Commissioner Hagen seconded the motion that passed 4 – with Commissioner Thompson opposed.

COMMISSIONER COMMENTS

None

PUBLIC COMMENTS

- Bill Ashton

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Gray 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; and (8) To consult with staff, consultants or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5 – 0.

ADJOURN

The meeting adjourned at 12:50 p.m.

Patricia Weber
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 12, 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 Gray 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; and (8) To consult with staff, consultants or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5 – 0.

Time and Location:

12:50 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To obtain guidance concerning pending litigation.

Patricia Weber
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 24, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 12, 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 Gray 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; and (8) To consult with staff, consultants or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5 – 0.

Time and Location:

12:50 p.m. - Third Floor Meeting Room, Winchester Hall

Others in Attendance:

Ron Hart, J. Mathias, K. Mitchell and P. Weber.

Topic Discussed:

To obtain guidance concerning pending litigation

Action Taken:

The Board agreed to withdraw the appeal.

Patricia Weber
Recording Secretary