

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, AUGUST 26, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, August 26, 2010, at 9:40 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.

CONSENT AGENDA

The following items were included on the consent agenda.

BID AWARDS

1. Purchasing Memo #11-20 - Bid #11-04, Liquid Asphalt/Crack Sealing Materials
Award to: Hammaker East, LTD and Derry American Corporation
Estimated amount - \$208,976.00
2. Purchasing Memo #11-21 - Bid #11-03, Roadway Markings
Award to: Alpha Space Control, Inc.
Award amount: \$315,593.93
3. Purchasing Memo #11-23 – Hyland OnBase Partner for Maintenance and Support Services
Award to: JMT Technology Group, Inc.
Award amount: \$27,897.48
4. Purchasing Memo #11-24 – Electronic Pharmacy Services (Renewal Contract)
Award to: Continuing Care Rx
Award amount: \$396,000.00 for both Citizens Care and Rehabilitation Center and Montevue Home

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BUDGET TRANSFERS

1. #BT-10-210, Accounting, Finance Division
2. #BT-10-211, Family Partnership, Citizens Services Division
3. #BT-11-020, Housing, Citizens Services Division
4. #BT-11-021, Housing, Citizens Services Division

BUDGET AMENDMENT

1. Frederick Community College (FCC) Budget Amendment for FY 2010 Budget – Doug Browning, FCC

CHANGE ORDER

1. Boyers Mill Sewage Pumping Station, Construction Change Order No. 16 – Rod Winebrenner, Utilities and Solid Waste Management Division

GRANTS

1. FY 2011 Services Contract Agreement for Family Support Center **and** Approval of Budget Transfer – Shelly Toms, Citizens Services Division
2. FFY 2011 Hazardous Materials Emergency Preparedness Grant Application – Doug Brown, Fire and Rescue Services Division
3. Renewal of the Collaborative Supervision and Focused Enforcement Grant (3rd year) **and** Budget Transfer – Nanci Hamm, Office of the States Attorney

Commissioner Hagen moved to approve the consent agenda as presented. Commissioner Gray 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 including the correction for June 3, 2010. Commissioner Hagen seconded the motion that passed 5-0.

- ◆ Correction to Approved Minutes for Thursday, June 3, 2010
- ◆ Tuesday, July 13, 2010
- ◆ Tuesday, July 13, 2010 – Closed Session
- ◆ Thursday, July 15, 2010
- ◆ Thursday, July 15, 2010 – Closed Session
- ◆ Tuesday, July 20, 2010

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Bid Award – Purchasing Memo #11-25, Employee Physicals, Drug Testing and Other Contract Services (Sole Source) – Hal Good, Finance Division

Mitch Hose and Kristin Brandenburg participated in the discussion.

Commissioner Gray moved to approve Purchasing Memo #11-25 as presented.
Commissioner Hagen seconded the motion that passed 5-0.

Memorandum of Understanding with Potomac Conservancy Regarding Mt. Ephraim Road Projects and Approval of Budget Transfer – Shannon Moore, Public Works Division

Ms. Moore presented a request to sign an MOU with the Potomac Conservancy to reimburse the county for up to \$25,250 for equipment, labor and materials for projects on Mt. Ephraim Road from a grant received by the Conservancy from the Chesapeake Bay Foundation.

Bill Routzahn, Public Works Division, commented on the MOU.

Commissioner Gray moved to approve the MOU with the Potomac Conservancy and the associated budget transfer. Commissioner Hagen seconded the motion that passed 5-0.

Mutual Firefighting and Rescue Assistance Agreement with Loudoun County, Virginia – Tom Owens, Fire and Rescue Services Division (DFRS)

Doug Brown, DFRS, contributed to the discussion.

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

Presentation of the Sustainable Action Plan for County Operations (“Plan”) – Hilari Varnadore, Office of Environmental Sustainability

Ms. Varnadore presented the Plan for review.

Hal Good, Finance Division, commented on the Department of Purchasing intranet site.

Commissioner Young moved to accept the report and the Plan and adopt the resolution that would implement the first recommendation in the Plan’s Leading by Example section.
Commissioner Hagen seconded the motion that passed 5-0.

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

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Final Adoption of the Water Resources Element (WRE) of the County Comprehensive Plan – Tim Goodfellow and Eric Soter, Planning Division

Mr. Goodfellow and Mr. Gugel presented the final WRE of the comprehensive plan.

Eric Soter, Planning Division; and Mike Marschner and Rod Winebrenner, Utilities and Solid Waste Management Division (DUSWM), participated in the discussion.

It was indicated that Table 6 on page 19 and Table 8 on page 35 would be removed from the document.

Planning staff would work with DUSWM staff on the document and bring it back to a future Board meeting before the October 1, 2010, deadline to state agencies.

(Commissioner Thompson left the meeting at 12:20 p.m.)

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; and to discuss an Administrative Function issue. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Thompson absent.

ADJOURN

The meeting adjourned at 12:25 p.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, AUGUST 26, 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; and to discuss an Administrative Function issue. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Thompson absent.

Time and Location:

12:25 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss the settlement of pending litigation.

To provide direction and guidance to staff regarding interjurisdictional matters.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, AUGUST 31, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, AUGUST 26, 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; and to discuss an Administrative Function issue. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Thompson absent.

Time and Location:

12:25 p.m. - Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, W. Kearney, M. Marschner and P. Morrow.

Topic Discussed:

To discuss the settlement of pending litigation.

To provide direction and guidance to staff regarding interjurisdictional matters.

Action Taken:

The Board directed staff to advance additional funding for an additional analysis.

Staff was given direction regarding the interjurisdictional matters.

Patricia Morrow
Recording Secretary