

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR THURSDAY, SEPTEMBER 9, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 9, 2010, at 9:30 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](http://www.FrederickCountyMD.gov).)*

**PLEDGE OF ALLEGIANCE**

The meeting began with the Pledge of Allegiance.

**COMMISSIONER COMMENTS**

Commissioner Thompson noted the comments made recently by Neil Seldman regarding Mike Marschner, Director, Utilities and Solid Waste Management Division, were false.

**CONSENT AGENDA**

The following items were pulled from the consent agenda:

- Purchasing Memo #11-22 - Bid #10-2, Uniform Requirements for Fire and Rescue Services and Emergency Management Divisions
- FY 2011 Trade Adjustment Assistance Grant – Laurie Holden, Economic Development Division
- FY 2010 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Application – Doug Orner, Office of the County Manager and Tom Owens, Fire and Rescue Services Division

The following items remained on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #11-28 – Contracts for Nursing Services at Citizens Care and Rehabilitation Center  
Award to: Various Vendors  
Estimated award amount: \$25,000.00

**BUDGET TRANSFERS**

1. #BT-10-214, Head Start, Citizens Services Division
2. #BT-10-215, Aging, Citizens Services Division
3. #BT-10-216, Accounting, Finance Division
4. #BT-11-028, Program Development and Management, Public Works Division

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**CHANGE ORDERS**

1. Urbana Satellite Facility Stormwater Management Improvement Plans, Design Change Order No. 2 – Kevin Vida, Public Works Division
2. Elmer Derr Road West, Contract No. 340E-SW, Change Order No. 2 – Chuck Nipe, Public Works Division
3. Ballenger Creek Water Interconnect, Contract No. 110A6-W, Change Order No. 5 – Chuck Nipe, Public Works Division
4. Overlay of Various County Roadways, Change Order No. 7 – Chuck Nipe, Public Works Division

**GRANTS**

1. Consideration of a FY 2011 Medicaid Waiver Grant Application and HIPAA Business Associate Agreement – Carolyn True, Citizens Services Division

**MISCELLANEOUS**

1. 2010 “On Behalf Of” Bond Program – Jenny Short, Citizens Services Division

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

**ADMINISTRATIVE BUSINESS**

**Purchasing Memo #11-22 - Bid #10-2, Uniform Requirements for Fire and Rescue Services and Emergency Management Divisions - Hal Good, Finance Division**

Tom Owens and Steve Leatherman, Fire and Rescue Services Division, commented on the uniform requirements.

Commissioner Gray moved to approve Purchasing Memo #11-22. Commissioner Hagen seconded the motion.

Commissioner Thompson offered an amendment to remove the PT clothing from the motion. The amendment did not receive a second.

The vote on the main motion was 4-1 with Commissioner Thompson opposed.

**FY 2011 Trade Adjustment Assistance Grant – Laurie Holden, Economic Development Division**

Laurie Holden, Economic Development Division, commented on the grant.

Commissioner Gray moved to approve the grant as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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**FY 2010 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Application – Doug Orner, Office of the County Manager and Tom Owens, Fire and Rescue Services Division**

Commissioner Gray moved to approve the grant as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Approval of Board of County Commissioners' Meeting Minutes**

The following minutes were approved by unanimous consent:

- ◆ Thursday, July 22, 2010
- ◆ Thursday, July 29, 2010
- ◆ Thursday, July 29, 2010 - Closed Session
- ◆ Tuesday, August 3, 2010
- ◆ Thursday, August 5, 2010
- ◆ Thursday, August 5, 2010 – Closed Session

**Bid Awards - Hal Good, Finance Division**

**Purchasing Memo #11-27, Electronic Door Access Controls for Citizens Care and Rehabilitation Center (CCRC) and Montevue Home**

David Grossweiler, Public Works Division, commented on the request.

Commissioner Gray moved to approve Purchasing Memo #11-27. Commissioner Hagen seconded the motion that passed 5-0.

**Purchasing Memo #11-31, Emergency Repairs to Landfill Compactor and Budget Transfer (Sole Source)**

Commissioner Gray moved to approve Purchasing Memo #11-31. Commissioner Young seconded the motion that passed 5-0.

**Partial Funding of Budget Reductions for Volunteer Fire Companies – Steve Leatherman, Fire and Rescue Services Division (DFRS)**

Tom Owens and Doug Orner, DFRS, commented on the request.

Commissioner Gray moved to approve the staff recommendation and the budget transfer. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Pete Wiles Road Bridge Replacement Project (Continued from 8/24/10) – Rex Pearce, Public Works Division**

Tom Meunier and Robert Shen, Public Works Division, participated in the discussion.

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Public comment was heard from:

- David Weltman
- Mary Kelly

Commissioner Hagen moved to approve Option # 4 – original alignment (bridge rehabilitation). Commissioner Young seconded the motion that passed 3-2 with Commissioners Gardner and Gray opposed.

The Board directed staff to evaluate the cost effectiveness of a minimal widening of the bridge and share their findings with the Board.

**Proposed Resolution to Revise the Fee-in-Lieu Payment Amounts Relating to Forest Resource Ordinance in Accordance with Senate Bill 914 – Mike Wilkins, Permitting and Development Review Division**

Commissioner Gray moved to approve the resolution as presented with an effective date of October 1, 2010. Commissioner Hagen seconded the motion that passed 5-0.

(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](http://www.FrederickCountyMD.gov).)

**Request for Mediation – City of Frederick (City) Municipal Growth Element (MGE) – Commissioner Jan H. Gardner**

Commissioner Gardner noted there had been two (2) meet and confer meetings with the City regarding the MGE. She indicated the Board had outstanding concerns regarding the Tier 3 properties that remain in the MGE. She was of the understanding there would be another meeting to discuss that issue and the proposed Landmark Annexation. She noted there had been no response from the City to county staff's request for a meeting

Commissioner Thompson moved to request mediation and conflict resolution from Maryland Department of Planning to facilitate the meet and confer requirement of the state code. Commissioner Hagen seconded the motion.

The motion was tabled and the meeting would reconvene following the September 11 Tribute.

Commissioner Jan Gardner, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 9, 2010, at 12:45 p.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.

Also present were Randy McClement, Mayor; Carol Krimm, Kelly Russell and Shelley Alois, Aldermen, The City of Frederick.

Mayor McClement and the Aldermen commented on the MGE.

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The vote on the motion was 4-1 with Commissioner Young opposed.

**COMMISSIONER COMMENTS**

Commissioner Gardner noted the Board would be attending the Landfill Gas to Energy recognition being held at the Frederick County landfill.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Gray moved to go into closed session under 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 1:00 p.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 9, 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 go into closed session under 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:**

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To discuss the impact on a specific county employee of the possible unavailability of state grant funding.

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Patricia Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, SEPTEMBER 9, 2010,  
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 9, 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 go into closed session under 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

**Time and Location:**

1:00 p.m. - Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

J. Mathias, B. Stanton, J. Kroll, M. Gastley, L. Boyer and P. Morrow.

**Topic Discussed:**

To discuss the impact on a specific county employee of the possible unavailability of state grant funding.

**Action Taken:**

The Board provided direction to staff in the event grant funding is not available to cover the salary and benefits costs for a county employee.

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Patricia Morrow  
Recording Secretary