

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR THURSDAY, NOVEMBER 4, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, November 4, 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 Barry Stanton, 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Gardner congratulated the commissioners-elect.

AGENDA BRIEFING

Staff reviewed with the Board the following items scheduled for public hearing on Tuesday, November 9, 2010, at 8:30 a.m. and 7:00 p.m.

8:30 a.m.

- Zoning Map Amendment, R-10-01, Stadler Garden Center - John Dimitriou, Planning Division.

7:00 p.m.

- Proposed Road Name Changes Related to Clemsonville Road Realignment - Dave Olney, Public Works Division
- Proposed Text Amendment Regarding Planned Development Districts - Shawna Lemonds and Eric Soter, Planning Division

CONSENT AGENDA

The following items were pulled from the consent agenda:

- CSX Facility Encroachment Agreement No. CSX059107 - Landsdale Offsite Water at CSX Crossing - Beth Ramacciotti, Utilities and Solid Waste Management
- Victims of Crime Act (VOCA) Grant Award **and** Subsequent Budget Transfer - Joy Rowe, Citizens Services Division

The following items remained on the consent agenda:

BID AWARDS

1. Purchasing Memo #11-72 – Communications Consulting Services (Piggyback Contract)
Award to: RCC Consultants
Award amount: \$278,922.00

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2. Purchasing Memo #11-75 – Roll Up Signs and Stands (Piggyback Contract)
Award to: Korman Signs, Inc.
Estimated award amount: \$23,000.00

BOARD OF EDUCATION (BOE) CURRENT EXPENSE FUND AMENDMENT

1. #2-11

CHANGE ORDER

1. FY 2010 Bituminous Overlay of Various County Roadways, Contract No. C29919, Change Order No. 6 - Chuck Nipe, Public Works Division

EASEMENTS

1. Partial Release and Abandonment of Water and Sewer Easement, Villages of Urbana, Section M-22A - Beth Ramacciotti, Utilities and Solid Waste Management Division
2. Windsor Knolls, Section 5C, Lots 521-532, Temporary Turnaround – Betsy Smith, Permitting and Development Review Division

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

ADMINISTRATIVE BUSINESS

Victims of Crime Act (VOCA) Grant Award and Subsequent Budget Transfer - Joy Rowe, Citizens Services Division

John Kroll and Mike Gastley, Finance Division and Margaret Nusbaum, Citizens Services Division, commented on the grant.

Commissioner Hagen moved to approve the VOCA grant award and the budget transfer noting option A would be implemented with any fund balance to fall to the bottom line of the general fund. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

CSX Facility Encroachment Agreement No. CSX059107 - Landsdale Offsite Water at CSX Crossing - Beth Ramacciotti, Utilities and Solid Waste Management (DUSWM)

Wendy Kearney, Office of the County Attorney and Kevin Demosky, DUSWM, commented on the encroachment agreement.

Commissioner Gray moved to approve the CSX facility encroachment agreement as presented. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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Commissioner Thompson offered an amendment that would condition the approval on the Monocacy Ventures LLC, agreeing to indemnify the Board from any and all claims and actions arising out of the agreement. The amendment did not receive a second.

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

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent.

- ◆ Tuesday, October 12, 2010
- ◆ Thursday, October 14, 2010
- ◆ Tuesday, October 19, 2010
- ◆ Tuesday, October 19, 2010, Evening
- ◆ Thursday, October 21, 2010

Bid Award - Purchasing Memo #11-74, Security System Upgrade at the Frederick County Law Enforcement Center (Sole Source) – Hal Good, Finance Division

Commissioner Gray moved approval of the sole source bid award to upgrade the security system at the Frederick County Law Enforcement Center noting it would be grant funded. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Request for Extension for the Aspen North Community Development Authority (CDA) - MJ Minton, Aspen North CDA Committee Chairperson

Ms. Minton presented the request for a two (2) year extension for the Aspen North CDA set to expire in June, 2011.

Commissioner Hagen moved to approve the request for the extension with the understanding the county bond counsel, Jim Cumbie, Esquire, Venable LLP, would draft the appropriate documents to implement the extension. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Proposal to Modify Regulations for the Receipt and Disbursement of State Amoss Funds and County Appropriations - Kathi Tritsch, Finance Division

Commissioner Gray moved to approve and adopt the revised regulations for the receipt and disbursement of state Amoss funds and the county appropriations. Commissioner Gray seconded the motion that passed 5-0.

Proposal to Modify Regulations for the Billing for Ambulance Fee Program - Kathi Tritsch, Finance Division

Commissioner Gray moved to approve the proposed changes to the regulations for the billing for the ambulance fee program retroactive to July 1, 2010 and with the following change to page 4:

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- (3) Approval for the purchase of any vehicle must be approved by the FCVFRA Planning and Research Committee ~~or~~ *and the* EMS Sub-committee.

Commissioner Hagen seconded the motion that passed 5-0.

New Design Water Transmission Main - Agreement for Water Service - Beth Ramacciotti, Utilities and Solid Waste Management Division

Commissioner Gray moved to approve the agreement between the county and the property owner related to water service. Commissioner Hagen seconded the motion that passed 5-0.

Biodefense Tech Transfer Initiative Agreement with TEDCO – Laurie Boyer, Economic Development Division

Sherman Coleman, Economic Development Division, commented on the agreement.

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

COMMISSIONER COMMENTS

Commissioner Gardner reminded the public to change their clocks and change the batteries in their smoke alarms this weekend.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Hagen 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 Commissioner Gray seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 10:50 a.m.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, NOVEMBER 4, 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 Hagen moved to go 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 Gray seconded the motion that passed 5-0.

Time and Location:

11:00 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To consider applications for a vacant county position.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, NOVEMBER 9, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 4, 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 Hagen moved to go into closed session at 6:15 p.m. 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 Gray seconded the motion that passed 5-0.

Time and Location:

11:00 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

B. Stanton, J. Mathias, M. Hose and P. Morrow.

Topic Discussed:

To consider applications for a vacant county position.

Action Taken:

The Board took no action.

Patricia Morrow
Recording Secretary