

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, OCTOBER 28, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 28, 2010, at 9:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Please note Commissioner Blaine Young's arrival time.

(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.

COMMISSIONERS COMMENTS

The staff from the Citizens Care and Rehabilitation Center presented their Breast Cancer Awareness event video to the Board.

CONSENT AGENDA

BID AWARD

1. Purchasing Memo #11-69 – Installation of New Traffic Signal at New Design Road and Guilford Drive (Piggyback)
Award to: Scott A. Duncan, Inc. and Econolite
Award amount: \$175,662

BUDGET TRANSFERS

1. #BT-11-046, Housing, Citizens Services Division
2. #BT-11-047, Housing, Citizens Services Division

BOARD OF EDUCATION (BOE) CURRENT EXPENSE FUND AMENDMENT

1. #1-11

CHANGE ORDER

1. Construction Change Order No. 51, New Design Water Treatment Plant Expansion, Contract 2 - Kevin Demosky, Utilities and Solid Waste Management Division

GRANTS

1. FY 2012 Ride Share Grant Application - Nancy Norris, Transit Services Division

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2. FY 2011 Emergency Medical Services Training Grant and Associated Budget Transfer - Rick Himes, Fire and Rescue Services Division
3. HOME Initiatives Program Grant Application - Jenny Short, Citizens Services Division

Commissioner Thompson requested a separate vote on Grant #1 and Grant #3.

Commissioner Gray moved approval of the consent agenda with the exception of Grant #1 and Grant #3 as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Young absent.

Commissioner Hagen moved approval of Grant #1 and Grant #3 as presented. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Young absent.

ADMINISTRATIVE BUSINESS

Bid Award – Purchasing Memo #11-70, Budget Preparation Software - Hal Good, Finance Division

(Commissioner Young arrived at the meeting.)

Bruce Johnson, Finance Division, presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #11-70 as presented. Commissioner Hagen seconded the motion that passed 5-0.

Presentation of Final Draft of Ordinance to Update Chapter 1-16 of the Frederick County Code Subdivision Regulations for Signature Purposes - Mike Wilkins and Betsy Smith, Permitting and Development Review Division and Kathy Mitchell, Office of the County Attorney

Mr. Wilkins, Ms. Smith and Ms. Mitchell presented the proposed ordinance.

Commissioner Gray moved to formally approve the proposed ordinance effective November 1, 2010, as presented including the changes made on October 19, 2010. 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 by accessing www.FrederickCountyMD.gov.

Ag Preservation - Installment Purchase Agreement – Richard and Lillian Layman Trust - Tim Blaser, Planning Division and Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)

Mr. Blaser presented the proposed agreement.

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(Commissioner Young left the meeting.)

Commissioner Gray moved approval of the installment purchase agreement for the Richard and Lillian Layman Trust as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Young absent.

New Lease for Utica Park Farmland - Earl Eyer, Parks and Recreation Division

Mr. Eyer presented the proposed lease.

(Commissioner Young re-entered the meeting.)

Commissioner Hagen moved approval of the lease for Utica Park Farmland as presented. Commissioner Gray seconded the motion that passed 5-0.

New Lease for Point of Rocks Regional Parkland - Earl Eyer, Parks and Recreation Division

Mr. Eyer presented the proposed lease.

Commissioner Hagen moved approval of the lease for Point of Rocks Regional Parkland as presented. Commissioner Gray seconded the motion that passed 5-0.

Resolution for Acquisition of Property for Improvements to Ijamsville Road – Wendy Kearney, Office of the County Attorney

Ms. Kearney and Robert Shen, Public Works Division, presented the proposed resolution.

Commissioner Young moved approval of the proposed resolution as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

A copy of the approved/adopted resolution can be obtained in the County Manager's Office or by accessing www.FrederickCountyMD.gov.

WORKSESSION

Energy Conservation Committee FY 2009 – 2010 Report - Jessica Stoner, Management Services Division

(Commissioner Gardner left the meeting.)

Ms. Stoner presented the report.

(Commissioner Gardner re-entered the meeting.)

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The Board took no action as this item was for information only.

COMMISSIONERS COMMENTS

Commissioner Young noted he was under the weather today.

Commissioner Gardner noted today would be Ron Hart, County Manger's, last meeting as his last day with the county was Friday, October 29, 2010.

Commissioner Gardner commented on the impending retirement of Mike Marschner, Director, Utilities and Solid Waste Management Division.

PUBLIC COMMENTS

- Bill Ashton

QUESTIONS – PRESS

None.

CLOSED SESSION

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

ADJOURN

The meeting adjourned at 11:30 a.m.

Mary E. Baker
Recording Secretary

Final Copy

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, OCTOBER 28, 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.

Motion:

In open session 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. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

11:30 a.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

Provide guidance on negotiating terms of a contract.

Mary Baker
Recording Secretary

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, NOVEMBER 4, 2010,
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 28, 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.

Motion:

In open session 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. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

11:30 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, W. Kearney, M. Gastley, K. Demosky, B. Ramacciottii and M. Baker

Topic Discussed:

Provide guidance on negotiating terms of a contract.

Action Taken:

Staff was provided appropriate direction.

Mary Baker
Recording Secretary