

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, October 9, 2008, at 9:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present was Ron Hart, County Manager and Mary Baker, 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.co.frederick.md.us](http://www.co.frederick.md.us))*

**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.

**COMMISSIONERS COMMENTS**

It was noted Commissioner Gray attended the Metropolitan Washington Council of Governments meeting Wednesday, October 8, 2008; the topic of discussion was the economy.

**AGENDA BREIFING**

Staff briefed the Board on the following public hearing items scheduled for Tuesday, October 14, 2008, at 8:30 a.m.:

- Reduction of Subdivision Fees – Chuck Nipe, Public Works Division
- Renumbering and Reorganizing of the Frederick County Zoning Ordinance (Text Amendment #ZT-08-02) – Eric Soter and Shawna Lemonds, Planning Division

**CONSENT AGENDA**

The following items were on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #09-71 – Traffic Signal Modification Services for New Design Road and Corporate Drive, Piggyback State Highway Administration Contract  
Award to: Rommel Engineering and Construction, Inc. of Odenton, Maryland  
Award amount: Not to exceed \$116,550.26

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

2. Purchasing Memo #09-72 – Traffic Signal Modification Services for Old National Pike and Morning Gate Lane Piggybacking State Highway Administration Contract  
Award to: Rommel Engineering and Construction, Inc. of Odenton, Maryland  
Award amount: Not to exceed \$63,906.68
3. Purchasing Memo #09-73 – Bid Award #09-CP-52, Rehabilitation of Legore Road Bridge  
Award to: M.D. Miller Co., Inc. t/a The Marksmen Co.  
Award amount: \$1,001,220.00
4. Purchasing Memo #09-74 – Purchase of 1,875 Microsoft Office 2007 Professional Plus Licenses Piggybacking the State of Maryland Contract  
Award to: Software House Inc.  
Award amount: \$558,637.50
5. Purchasing Memo #09-75 – FY09 Replacement Vehicle Purchase of Seven Chevrolet Malibu Hybrid Mid Size Sedans Piggybacking the State of Maryland Contract  
Award to: Miller Brothers Ford, Inc.  
Award amount: \$163,072.00
6. Purchasing Memo #09-76 – Paving of Parking Lots at Various County Buildings Piggybacking the Frederick County Public School Contract  
Award to: RFP Inc. of Middletown, Maryland  
Award amount: \$161,561.65

**BUDGET TRANSFERS**

1. BT-09-063, Citizens Care and Rehabilitation Center
2. BT-09-064, Parks and Recreation Division

**CHANGE ORDER**

1. FY 2008 Bituminous Overlay of Various County Roadways - Contract No. C29918 - Change Order #7 - Charles Nipe and Tom Meunier, Public Works Division

**EASEMENT**

1. Washington Gas Encroachment Agreement - Ballenger-McKinney ENR WWTP Expansion - Beth Ramacciotti, Utilities and Solid Waste Management Division

Commissioner Jenkins moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**ADMINISTRATIVE BUSINESS**

**Memorandum of Understanding with Carroll County for Animal Services - Harold Domer, Animal Control Division**

Mr. Domer presented the staff report to the Board regarding the MOU and issues regarding utilization of personnel and resources from other agencies per the federal mandate addressing sheltering animals in the event of an emergency.

Commissioner Jenkins moved to approve the MOU as presented in the staff report. Commissioner Hagen seconded the motion that passed 5-0.

**Rural Legacy Easement Purchase (Wayne and Patricia Guyton Farm) - Tim Blaser, Planning Division and Timmy Ruppertsberger, Esquire, Venable LC (County Bond Counsel)**

Mr. Blaser and Ms. Ruppertsberger presented information to the Board regarding resolution #08-27, the purchase of 210.665 acres, the Wayne and Patricia Guyton Farm located on both sides of Maryland Route 17, northeast of Gapland Road. Settlement is planned for October 21, 2008.

Commissioner Hagen moved to approve Resolution #08-27 as presented. Commissioner Gray seconded the motion that passed 5-0.

(A copy of Resolution #08-27 can be obtained in the County Manager's office or from the county's website, [www.co.frederick.md.us](http://www.co.frederick.md.us))

**Critical Farms Application - Request for Appraisals (David and Nancy Moser Property) - Ann Bradley, Planning Division**

Ms. Bradley presented information to the Board regarding a request for an appraisal of 158 acres on Bussard Road and Roy Shaffer Road.

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

**Urbana Research MXD - Request for Waiver - Eric Soter, Planning Division**

Mr. Soter presented information to the Board regarding a possible amendment to the MXD Phase I waiver request, which would increase the percentage of commercial activity.

The Board requested to hear from Mr. Natelli, the developer.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

Commissioner Hagen moved to grant the waiver and proceed to public hearing. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Residential Combination Inspections - Inspector Cross Training - Gary Hessong, Permitting and Development Review Division and Kathy Mitchell, Office of the County Attorney**

Mr. Hessong, Ms. Mitchell and Sharon Goetz, Permitting and Development Review Division (DPDR), presented information to the Board regarding adjustments to staffing, personnel and work assignments within the division. Due to changing market conditions, there has been a decrease in permitting activity causing a decrease in revenue. DPDR initiated a cross training program for inspectors to be fully implemented by September 2009.

Commissioner Thompson recused himself from the plumbing aspect due to a conflict of interest.

The Board requested for Ms. Mitchell to obtain information from the Attorney General regarding interpretation of "master" license.

Commissioner Jenkins moved to take the proposed text amendment to public hearing. Commissioner Gray seconded the motion.

Commissioner Thompson requested to split the motions.

Commissioners Jenkins and Gray withdrew their motion.

Commissioner Jenkins moved to take Chapter 1-7 regarding electrical inspectors as presented to public hearing. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Jenkins moved to take Chapter 1-14 regarding plumbing inspectors as presented to public hearing. Commissioner Gray seconded the motion that passed 4-0-1 with Commissioner Thompson abstaining.

**Demonstration of Hansen Mobil Solution Software Application - Gene Mellin and Marc McNeal, Fire and Rescue Services Division and Maria Weese, Interagency Information Technologies Division**

Mr. McNeal and Mike Dmuchowski, Frederick County Fire Marshal, presented information to the Board regarding the new Hansen Mobil Solution Software Application to be used by the Frederick County Fire Marshal's Office.

The Board took no action.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**DIRECTORS REPORT – Eric Soter, Planning Division**

Mr. Soter presented division updates.

The Board took no action.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

Bill Ashton, City of Frederick

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, OCTOBER 9, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To consider the acquisition of a property in Frederick County for parks and recreation purposes.

---

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF THURSDAY, OCTOBER 9, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 5-0.

**Topics to be Discussed:**

To discuss the possible acquisition of an agricultural easement.

---

Mary E. Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, OCTOBER 14, 2008  
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 9, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 5-0.

**Others in Attendance:**

J. Mathias, R. Hart, P. Dial, C. Chamberlain and M. Baker

**Topics Discussed:**

To consider the acquisition of a property in Frederick County for parks and recreation purposes.

**Action Taken:**

The Board denied staff's request for the acquisition.

---

Mary E. Baker  
Recording Secretary



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, OCTOBER 9, 2008**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, OCTOBER 14, 2008  
FOLLOWING THE CLOSED MEETING OF THURSDAY, OCTOBER 9, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

**State Government Article §10-508(a):**

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Hagen seconded the motion that passed 5-0.

**Others in Attendance:**

J. Mathias, R. Hart, T. Blaser and M. Baker

**Topics Discussed:**

To discuss the possible acquisition of an agricultural easement.

**Action Taken:**

The Board approved staff's recommendation of the acquisition.

---

Mary E. Baker  
Recording Secretary