

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, OCTOBER 14, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 14, 2008, at 8:00 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, Charles Jenkins and John L. Thompson, Jr. 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.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.

**WORKSESSION**

**Business and Professional Women's Week Proclamation**

The Board proclaimed Business and Professional Women's Week.

**Character Counts! Week Proclamation**

The Board proclaimed Character Counts! Week in Frederick County.

**Bid Award - Purchase of Recycling Carts (Piggy Back Contract) – Hal Good, Finance Division**

Mike Marschner, Phil Harris and Jan Ely, Utilities and Solid Waste Management Division (DUSWM), participated in the discussion.

Commissioner Jenkins moved to approve the bid award to purchase up to 74,000 recycling carts with the funding to be provided through a short-term loan from the DUSWM Water and Sewer Enterprise Fund reserves to the Solid Waste Enterprise Fund. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**PUBLIC HEARINGS**

**To Consider a Proposal to Discuss the Reduction of Subdivision Fees – Chuck Nipe, Public Works Division**

A public hearing was held, as duly advertised, on the proposed ordinance to decrease the Public Works Division (DPW) inspection fees from three (3) percent to two and one-half (2.5)

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percent of approved cost estimate amount for public improvement work completed under a Developer Funded Public Works Agreement.

Mr. Nipe presented the staff report indicating future changes to the fee would be made by resolution.

There was no public comment.

Commissioner Jenkins moved to approve the revision of inspection fees collected by DPW with an effective date of November 1, 2008. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Ordinance #08-25-501 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))

**To Consider an Ordinance to Reorganize and Renumber the Frederick County Zoning Ordinance – Eric Soter and Shawna Lemonds, Planning Division**

A public hearing was held, as duly advertised, on the reorganization and renumbering of the Frederick County Zoning Ordinance.

Ms. Lemonds presented the staff report.

There was no public comment.

Commissioner Jenkins moved to approve the ordinance to reorganize and renumber the Frederick County Zoning Ordinance with an effective date of October 14, 2008. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Ordinance #08-26-502 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))

**WORKSESSION**

The following items were discussed:

- Continuation of a Discussion on the Study of a Resource Recovery Park – Commissioner Jan Gardner
- Request for Indication of Interest - Resource Recovery Park – Commissioner John L. Thompson, Jr.
- Continuation of a Discussion on the Creation of a Recycling, Waste Prevention, and Sustainability Commission – Commissioner David Gray

Commissioner Gardner reviewed with the Board the options of initiating a professional review and cost analysis of a resource recovery park.

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By unanimous consent, the Board directed staff to develop a short list of consultants to work with Robin Davidov, Northeast Maryland Waste Disposal Authority, to revise the concepts presented to the Solid Waste Advisory Committee (SWAC) on October 2, 2008, and to include any new concepts presented by Commissioner Hagen and give prices along with qualifications of the consultants.

Commissioner Thompson presented a request for indications of interest from persons interested in operating a resource recovery facility in the county. Mike Marschner, Utilities and Solid Waste Management Division, participated in the discussion.

Commissioner Gray continued a discussion on a Sustainability Commission which would be under the direction and support of the Director of Sustainability, soon to be hired by the county.

Public comment was taken from:

- Steve Cassis
- Karen Dow
- Dave Dunn                      Chairman, SWAC

Commissioner Thompson moved to approve the request of an indication of interest to operate a resource recovery park in Frederick County as amended with a minimum \$76/ton tipping fee and existing contracts would be honored. Commissioner Jenkins seconded the motion that passed 4-1 with Commissioner Hagen opposed.

Commissioner Gray moved to support the concept of a Sustainability Commission as presented, tasking the director of Sustainability (when hired) with the details to be presented at a future Board meeting. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

**Rail Transport for the Reichs Ford Road Transfer Station – Mike Marschner, Utilities and Solid Waste Management**

Mike Marschner briefed the Board on the feasibility of rail transport for the Reichs Ford Road transfer station.

**CLOSED SESSION**

Commissioner Gray moved to go into closed session in accordance with the 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. Commissioner Hagen seconded the motion that passed 5-0.



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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, OCTOBER 14, 2008**

**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 Gray moved to go into closed session in accordance with the 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. Commissioner Hagen seconded the motion that passed 5-0.

**Topic To Be Discussed:**

To discuss the legal ramifications of the potential resolution of a contract dispute involved with a county construction contract.

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Patricia A. Morrow  
Recording Secretary

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**MEETING MINUTES FOR TUESDAY, OCTOBER 14, 2008**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 16, 2008  
FOLLOWING THE CLOSED MEETING OF TUESDAY, OCTOBER 14, 2008**

**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 Gray moved to go into closed session in accordance with the 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. Commissioner Hagen seconded the motion that passed 5-0. Commissioner Hagen was not present for the closed session discussion.

**Others in Attendance:**

R. Hart, J. Mathias, M. Marschner, K. Demosky, R. Winebrenner, R. Santangelo, and P. Morrow.

**Topic Discussed:**

To discuss the legal ramifications of the potential resolution of a contract dispute involved with a county construction contract.

**Action Taken:**

Staff was directed to draft and send a letter to the contractor regarding the possible termination of a contract.

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Patricia A. Morrow  
Recording Secretary