

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, OCTOBER 28, 2008

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 28, 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)

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.

ADMINISTRATIVE BUSINESS

Candidate Interviews for the Frederick County Board of Appeals

The Board interviewed the following candidates for the Frederick County Board of Appeals:

- Al Duke
- Chris Manners

The Board took a short break and reconvened at 8:30 a.m.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Jenkins commented on a "Capital Steps" performance he recently attended.

Commissioner Gardner expressed sympathy to Officer Bremer's family and his law enforcement officer colleagues, on behalf of the county.

ADMINISTRATIVE BUSINESS

Finalize the 2009 Legislative Package – John Mathias, County Attorney

Mr. Mathias reviewed the following items in the proposed legislative package following the public hearing held October 21, 2008.

- Maryland Constitutional Amendment to prohibit "economic development" takings in Frederick County would remain in the package by a 3-2 vote with Commissioners Gardner and Jenkins opposed.

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- A proposed state bond bill – Capital equipping of Frederick County Public Schools and the proposed state bond bill – Replacement of Frederick County Public Schools playground equipment would remain in the package as a combined item by an unanimous vote.
- A proposed Frederick County mandatory beverage container deposit/return system would remain in the package by a vote of 4-1 with Commissioner Jenkins opposed.
- Divestiture from Iran and Sudan would remain in the package by a vote of 4-1 with Commissioner Jenkins opposed.
- By a vote of 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed to the bill, a beverage container excise tax was not added to the package.
- By a vote of 2-3 with Commissioners Gardner, Jenkins and Hagen opposed to the bill, the repeal of the Maryland Tax Incrementing Financing Act was not added to the package.
- By a vote of 2-3 with Commissioners Gardner, Gray and Hagen opposed to the bill, the Maryland Civil Rights Amendment to the Declaration of Rights of the State Constitution was not added to the package.
- A joint resolution for the Maryland General Assembly to call for U.S. Constitutional Convention regarding illegal immigration was added to the package by an unanimous vote.
- The Appian Way plan to authorize the Board to use electronic tolls to finance roadway improvements – federal and state legislation would be added to the package by a vote of 4-1 with Commissioner Jenkins opposed.
- The proposed petitions to the Maryland Department of the Environment (MDE) and the Environmental Protection Agency (EPA) – standards for land application of sewerage sludge with endocrine disruptors would be added to the package by an unanimous vote.
- A proposed amendment to the Older Americans Act – no profiling on the basis of race or ethnicity would be added to the package by a vote of 3-2 with Commissioners Gardner and Hagen opposed.
- The compensation and pension amendment for the county commissioners after the 2010 election would be added to the agenda with the following actions:

Commissioner Jenkins requested the salary be decoupled from the pension.

By a vote of 4-1, with Commissioner Jenkins opposed, the Board voted for the salary compensation to have a consumer price index (CPI) adjustment every four (4) years compounded yearly or an alternative to the salary to be tied to the Frederick County delegation's.

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By unanimous consent, the Board would establish a pension system that would not be more generous than the system established for state legislators.

- The Human Relations Commission and Human Relations Department proposal to make certain discriminatory practices unlawful rather than “against public policy” would be pursued with local legislation.
- The authorization to establish a reasonable charge for public water shutoff was added by an unanimous vote.
- The Liquor Board request for additional Alcoholic Beverage Inspectors and the method of appointment was added by an unanimous vote.
- The requirement that pharmacies accept unused medicines for proper disposal would be added to the package by a vote of 4-1 with Commissioner Jenkins opposed.
- The Solid Waste Franchise bill was tabled, by unanimous consent, to allow staff to bring back a discussion on licensing the trash haulers.
- A reduced property tax for agricultural land subject to an agricultural preservation easement was added to the package by a unanimous vote.

The following position statements were reviewed:

State school construction funding for Frederick County should exceed the state government economic assistance for foreign (out of state) business entities was added to the package by an unanimous vote.

Distribution of plastic bags should be banned in Frederick County was added to the package by a vote of 4-1 with Commissioner Jenkins opposed.

It was also indicated the Board would support a request from Jenny Short, Citizens Services Division, regarding the issue of renters being evicted due to landlord foreclosures.

It was decided the Board would continue to finalize the items to be included in the 2009 legislative package on Thursday, November 6, 2008.

(Commissioner Gardner passed the gavel to Commissioner Gray and left the meeting.)

COMMISSIONERS COMMENTS

None.

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PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

Meg Tully, The Frederick News-Post, addressed the Board.

CLOSED SESSION

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 Thompson seconded the motion that passed 4 – 0, with Commissioner Gardner absent.

ADJOURN

The meeting adjourned at 11:00 a.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, OCTOBER 28, 2008**

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 11:00 a.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 Thompson seconded the motion that passed 4 – 0, with Commissioner Gardner absent.

Topic to be Discussed:

To discuss a possible change in the employment status of several county employees.

Joyce M. Grossnickle
Administrative Officer

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, OCTOBER 30, 2008,
FOLLOWING THE CLOSED MEETING OF TUESDAY, OCTOBER 28, 2008**

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 11:00 a.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 Thompson seconded the motion that passed 4 – 0, with Commissioner Gardner absent.

Others in Attendance:

R. Hart, B. Stanton, J. Mathias, M. Hose, L. Thall, J. Kroll and J. Grossnickle.

Topic Discussed:

To discuss a possible change in the employment status of several county employees.

Action Taken:

The Board took no formal action.

Joyce M. Grossnickle
Administrative Officer