

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, SEPTEMBER 30, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, September 30, 2008, at 8:30 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.

**ADMINISTRATIVE BUSINESS**

**Approval of the FY 2010 Board of Education (BOE) Funding Request to the State - Dr. Linda Burgee, Frederick County Public Schools**

Ray Barnes, Frederick County Public Schools, participated in the request.

Commissioner Hagen moved to approve the FY 2010 BOE funding request to the state. Commissioner Gray seconded the motion that passed 5-0.

**Proposed FY 2010 Operating Budget Calendar and Preliminary Budget Direction - Mike Gastley, Finance Division**

Mr. Gastley briefed the Board on the revenue projections for fiscal year 2009.

The FY 2010 operating budget calendar was discussed.

By unanimous consent, staff was given the following direction:

- Strategic Goal #3 (to develop an ongoing fiscal plan that would provide a mechanism for addressing new major operating and capital needs) was put on hold due to the fiscal realities.
- Continue with the calculation of economic adjustments regarding economic cost indicators for inflation of salaries and operating costs.
- Continue the adjustments of operating accounts and review of unspent operating budget balance trends from recent years.

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John Kroll, Finance Division and Mitch Hose, Human Resources Division, participated in the discussion.

Commissioner Gray moved to eliminate "Pay for Performance" funding from the budget noting supervisors would still be required to conduct yearly evaluations on their employees. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

The rainy day, contingency and the bond enhancement funds were discussed.

Staff was directed to fund the contingency with \$400,000 and \$500,000 for the bond enhancement fund.

It was indicated the March 16, 2009, meeting reflected in the proposed FY 2010 operating calendar would be all day leaving time to thoroughly discuss the program budgets currently being funded by the county.

Commissioner Gray moved to approve the FY 2010 operating budget calendar as presented. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to put the budget together with the general real property tax rate set at 87 cents per \$100 of assessed value. The motion failed for lack of a second.

Ron Hart was requested, in an effort to reduce spending for FY 2010, to solicit suggestions from county departments on capital outlays that could be deferred.

**Approval of Grants for Montevue Home – Joann Sheffield, Montevue Home**

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

**WORKSESSION**

**Installment Purchase Program (IPP) - Request for Owner's Lot (Anderson) - Anne Bradley, Planning Division**

Commissioner Hagen moved to approve the 1-2 acre lot exclusion for the Anderson's 160.47-acre Installment Purchase Program (IPP) easement. Commissioner Gray seconded the motion that passed 5-0.

**Update of and Direction for the Agriculture/Resource Conservation (AG/RC) Zoning Districts Use Table and Definitions Text Amendment - Larry Smith and Shawna Lemonds, Planning Division**

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As a result of previous worksessions, Ms. Lemonds and Mr. Smith reviewed with the Board the draft text amendment to the zoning ordinance, which included various, updates and edits. Eric Soter, Planning Division and Michael Chomel, County Attorney's Office, participated in the discussion.

It was indicated staff would schedule informational meetings for the public regarding places of worship in the AG/RC zoning.

Commissioner Gardner requested the consideration of a text amendment to allow places of worship in the Light Industrial (LI) districts.

Staff was requested to update with the suggestions made and come back to a future Board meeting for a final discussion and to initiate the public hearing process.

The Board, by unanimous consent, agreed to remove the Community Fire and Rescue use designation from the RC zoning.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

Public comment was heard from:

- Carlos Fernandos
- Rebecca Rush
- Janet Ingram
- Paul Munday                      Senior Pastor, Frederick Church of the Brethren
- Fred Ugast

Colby Ferguson, Economic Development Division and Mark Depo, Planning Division, commented on the AG/RC zoning districts text amendment.

(Commissioner Jenkins left the meeting at 12:50 p.m.)

**QUESTIONS – PRESS**

None.

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**CLOSED SESSION**

Commissioner Gray moved to go into closed session in accordance with the 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 4-0 with Commissioner Jenkins absent.

**ADJOURN**

The meeting adjourned at 1:00 p.m.

Respectfully submitted,

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR**  
**CLOSING THE MEETING OF TUESDAY, SEPTEMBER 30, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

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.

**Motion:**

Commissioner Gray moved to go into closed session in accordance with the 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 4-0 with Commissioner Jenkins absent.

**Topic To Be Discussed:**

To discuss the acquisition of rights of way for a county project.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 2, 2008  
FOLLOWING THE CLOSED MEETING OF TUESDAY, SEPTEMBER 30, 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 go into closed session in accordance with the 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 4-0 with Commissioner Jenkins absent.

**Others in Attendance:**

R. Hart, W. Kearney, A. Hudak, T. Meunier, R. Chen, C. Chamberlain, J. Stitt, R. Santangelo, and P. Morrow.

**Topic Discussed:**

To discuss the acquisition of rights of way for a county project.

**Action Taken:**

Staff was provided direction regarding settlements offers for several rights-of-way for a county project and if the offers are rejected to proceed with the condemnation process.

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Patricia A. Morrow  
Recording Secretary