

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 13, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, November 13, 2008, at 9:45 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present were Barry Stanton, Assistant 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).

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

None.

AGENDA BREIFING

Staff briefed the Board on the following public hearing items scheduled for Tuesday, November 18, 2008:

- Triennial Review of the Water and Sewerage Plan – Carol Larsen
- Proposed Ordinance to Amend Section 1-12-45 of the Frederick County Code – Alcohol Use Permit for Frederick County Parks – Paul Dial, Parks and Recreation Division

CONSENT AGENDA

The following items were on the consent agenda:

BID AWARD

1. Purchasing Memo #09-98 - Request to Extend Contract for Promotional Testing Processes for Lieutenant Positions within Fire and Rescue Services Division
Award to: Fields Consulting Group
Award amount: \$28,000.00

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BUDGET TRANSFERS

1. BT-09-083, Developmental Center, Health Services Division
2. BT-09-084, Highways and Transportation, Public Works Division

GRANT

1. FY 2009 Advanced Life Support Training Grant and Associated Budget Transfers – Rick Himes, Fire and Rescue Services Division

LEASE AGREEMENT

1. Old National Pike Park – New Lease – Earl Eyler, Parks and Recreation Division (same terms and conditions as the old lease)

CHANGE ORDERS

1. Citizens Care and Rehabilitation Center Consultant Services, Contract No. PO 2008005752, Change Order No. 1
2. Pinecliff Park Stream Restoration, Contract No. C1103, Change Order No. 1 (Photos)
3. Winchester Hall East Wing, Contract No. C11041, Change Order No. 85

MISCELLANEOUS

1. Urbana Library and Senior Center Loading Dock Deed – Mark DiLandro, Public Works Division

Commissioner Jenkins moved to approve the consent agenda as presented with the exception of the Pinecliff Park Stream Restoration, Contract No. C1103, Change Order No. 1. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Jenkins moved to deny Pinecliff Park Stream Restoration, Contract No. C1103, Change Order No. 1. This motion failed due to lack of a second.

Commissioner Hagen moved to approve Pinecliff Park Stream Restoration, Contract No. C1103, Change Order No. 1 as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

ADMINISTRATIVE BUSINESS

America Recycles Day 2008 Proclamation

Commissioner Gardner presented the proclamation.

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Approval of Board of County Commissioners Meeting Minutes

The minutes were approved as presented by unanimous consent.

MD 874C and MD 874D Road Transfer Agreements – Robert Shen, Public Works Division

Mr. Shen presented information regarding the transfer agreements.

Commissioner Thompson moved to approve the agreements as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

MD 880 Road Transfer Agreement – Robert Shen, Public Works Division

Mr. Shen presented information regarding the transfer agreement.

Commissioner Hagen moved to approve the agreement as presented in the staff report. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

**Request Waiver per Section 1-19-3.110.1(B)1(b) [Old Ordinance Section 1-19-70(B)1(b)]
to Proceed with an Application to Amend a Condition of Rezoning for the Linton Farm
Planned Unit Development (PUD) - Eric Soter, Planning Division**

Mr. Soter presented information regarding the request waiver for the Linton Farm PUD.

Commissioner Thompson moved to deny the request as presented. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Hagen moved to approve the request as presented in the staff report. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

Amendments to the Land Steward's Agreement – Wendy Kearney, Office of the County Attorney

Ms. Kearney presented amendments to the Land Steward's Agreement.

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

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**Agricultural (AG) and Resource Conservation (RC) Zoning Districts Use Regulations
and Definitions – Eric Soter, Larry Smith and Shawna Lemonds, Planning Division**

Ms. Lemonds and Mr. Soter presented to the Board the changes as outlined in the staff report.

The Board obtained clarification on the language regarding Camps and Retreats, Section 1-19-8.327(D), there is no limit on the number of structures, the square footage cannot exceed 25,000 per structure.

There was unanimous consent to go with Option #3 under the Options for Consideration.

The Board requested staff to bring this item back in two weeks for review.

DIRECOR'S REPORT – Paul Dial, Parks and Recreation Division

Mr. Dial presented updates on park projects throughout the county.

COMMISSIONERS COMMENTS

None.

(Commissioner Thompson left the meeting).

PUBLIC COMMENTS

None.

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; (7) To consult with counsel to obtain legal advise 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 4-0 with Commissioner Thompson absent.

ADJOURN

Meeting adjourned at 12:15 p.m.

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Respectfully submitted,

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, NOVEMBER 13, 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:

In open 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; (7) To consult with counsel to obtain legal advise 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 4-0 with Commissioner Thompson absent.

Topic to be Discussed:

To discuss the acquisition of an agricultural land preservation easement under the Federal Farm and Ranch Protection Program.

Mary E. Baker
Recording Secretary

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Topic to be Discussed:

To discuss a settlement of pending litigation.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, NOVEMBER 13, 2008,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 13, 2008**

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Motion:

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Others in Attendance:

J. Mathias, B. Stanton, T. Blaser, E. Soter, R. Santangelo and M. Baker.

Topic Discussed:

To discuss the acquisition of an agricultural land preservation easement under the Federal Farm and Ranch Protection Program.

Action Taken:

The Board approved staff's recommendation as presented.

Mary E. Baker
Recording Secretary

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Others in Attendance:

J. Mathias, B. Stanton, W. Kearney, M. Marschner, R. Winebrenner, R. Santangelo and M. Baker.

Topic Discussed:

To discuss settlement of a pending litigation.

Action Taken:

The Board provided direction to legal counsel.

Mary E. Baker
Recording Secretary