

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, DECEMBER 9, 2008

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 9, 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)

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

Request for Resolution of Support for US Route 15 Upgrade from a National Scenic Byway to All American Road Designation – John Fieseler, Tourism Council of Frederick County

Cate Magennis Wyatt, President, Journey Through Hallowed Ground Partnership and Chris Haugh, Catoclin Mountain National Scenic Byway, participated in the discussion of a request of support for US Route 15.

Ms. Wyatt presented to the Board a copy of The Journey Through Hallowed Ground.

Commissioner Hagen moved to support the resolution to upgrade US 15 in Frederick County from National Scenic Byway status to designation from the Federal Highway Administration of All American Road. Commissioner Jenkins seconded the motion that passed 5-0.

(A copy of Resolution #08-41 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

Human Relations Commission's Sponsorship of 2009 Celebrate Frederick Pangaea Frederick Festival and Naturalization Ceremony – Henry Templeton, Citizens Services Division

Mr. Templeton presented the request to the Board.

The Board requested staff to include the county in a more prominent place, i.e., as a supporter of the event.

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Commissioner Hagen moved to approve the staff recommendation and directed staff to consider any possible cost reductions. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

Animal Control HVAC Project (C11416) Design Update and Program Change – Dave Grossweiler, Public Works Division

Harold Domer, Animal Control Division; Al Hudak and Dave Ennis, Public Works Division, participated in the discussion.

Mr. Grossweiler presented a PowerPoint presentation.

Commissioner Gray moved to support the staff recommendation to approve the program change to include the addition of a fire suppression system to the Animal Control HVAC upgrade project and to proceed to the next design phase. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

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

ADJOURN

The meeting adjourned at 10:10 a.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, DECEMBER 9, 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 Hagen 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 Gray seconded the motion that passed 5-0.

Topic To Be Discussed:

To discuss the potential settlement of litigation involving the county.

Patricia A. Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, DECEMBER 11, 2008
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 9, 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 Hagen 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 Gray seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, J. Mathias, W. Kearney, and P. Morrow.

Topic Discussed:

To discuss the potential settlement of litigation involving the county.

Action Taken:

The Board approved the staff recommendation regarding the settlement of litigation involving the county.

Patricia A. Morrow
Recording Secretary