

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, DECEMBER 2, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 2, 2008, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John Thompson, Jr. Also present were Ron Hart, 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

It was noted Frederick County Government was taking up a collection for Toys for Tots and the Frederick Food Bank with collection boxes being located throughout government buildings.

ADMINISTRATIVE BUSINESS

Human Rights Day Proclamation

Commissioner Gardner presented the proclamation.

PUBLIC HEARING

To Consider a Proposed Resolution Regarding the Extension of Time for the Issuance of Special Obligation Bonds in Connection with the Urbana Community Development Authority – Timmy Ruppertsberger, Esquire, Venable LLP (County Bond Counsel)

Ms. Ruppertsberger presented information to the Board regarding an amendment to Resolution #06-42, to extend the time of issuance for the Urbana Community Development Authority Bonds to December 2010.

There was no public comment.

Commissioner Hagen moved to support the amendment to Resolution #06-42 as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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(A copy of Resolution #08-30 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us).

ADMINISTRATIVE BUSINESS

Adoption of the Proposed Ordinance to Amend Section 1-12-45 of the Frederick County Code to Allow Alcohol Use by Permit in Frederick County Parks – Paul Dial, Parks and Recreation Division

Mr. Dial presented information to the Board regarding proposed ordinance and the supporting policy concerning alcohol use in county parks. He noted the public hearing on this issue was held Tuesday, November 18, 2008.

There was Board consensus to allow Mr. Denny Shaffer to provide public comment.

Public comment was taken by Mr. Denny Shaffer.

Commissioner Jenkins moved to approve the proposed ordinance and directed staff to proceed with developing the supporting policy regarding the use of alcohol in county parks with a valid permit. Staff was directed to bring the specifics of the policy back to the Board in January 2009. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

(A copy of Ordinance #09-03-507 can be obtained in the County Manager's office or from the county's website, www.co.frederick.md.us)

WORKSESSION

Fire and Rescue Services Division Staffing Committee Report – Gene Mellin, Fire and Rescue Services Division

Mr. Mellin and Doug Brown, Chief, presented staffing issues to the Board along with recommendations.

The Board requested an interim report be presented to them in March 2009 that would list the progress of staffing issues as discussed in today's meeting.

Commissioner Jenkins moved to approve staff to move forward with recommendation No. 1 as presented in the staff report. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Thompson moved to authorize legal staff to draft for presentation to the Board a resolution addressing the issue of appointing the appropriate staff as acting lieutenants. Commissioner Gray seconded the motion.

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(Commissioner Gardner stepped out of the meeting.)

The motion passed 3-1 with Commissioner Gardner absent and Commissioner Hagen opposed.

(Commissioner Gardner re-entered the meeting.)

Public comment was heard from:

- Sue Thompson
- John Urlich, International Association of Fire Fighters (IAFF)

CLOSED SESSION

Commissioner Jenkins moved to proceed to closed session in accordance with 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.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 11:50 a.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, DECEMBER 2, 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 Jenkins moved to proceed to closed session in accordance with 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 pending litigation.

Mary E. Baker
Recording Secretary

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Topic to be Discussed:

To consider a new lease of real property to be used for public purposes located in Frederick County.

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Topic to be Discussed:

To consider the renewal of an existing lease of real property to be used for public purposes located in Frederick County.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, DECEMBER 2, 2008
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 2, 2008**

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Others in Attendance:

J. Mathias, R. Hart, B. Stanton, K. Mitchell, M. Chomel, G. Hessong, R. Santangelo and M. Baker

Topic Discussed:

To discuss pending litigation.

Action Taken:

The Board supported staff's recommendation as presented.

Mary E. Baker
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Others in Attendance:

J. Mathias, R. Hart, B. Stanton, R. McCain, A. Abraham, J. Kroll, M. Nusbaum, W. Roach, R. Santangelo and M. Baker

Commissioner Gardner was not present for the closed session discussion.

Topic Discussed:

To consider a new lease of real property to be used for public purposes located in Frederick County.

Action Taken:

The Board supported staff's recommendation as presented in the staff report.

Mary E. Baker
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