

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 4, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, December 4, 2008, at 9:40 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](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.

**COMMISSIONERS COMMENTS**

Commissioner Hagen attended a field trip to Hayward Road and noted it was a wonderful trip.

Commissioner Gardner attended the Governor's Green Print announcement in Annapolis yesterday.

Commissioner Gardner will be attending the IAC meeting scheduled Friday, December 5, 2008, regarding Board of Education school construction appeals.

Commissioner Gardner it was noted she spoke at the Urbana Civic Association meeting last night.

**CONSENT AGENDA**

The following items were on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #09-59 - Bid #09-CP-57, Knoxville Odor Control  
Award to: F.E. Harrison & Sons, Inc.  
Award amount: \$190,854.98
2. Purchasing Memo #09-104 – Renewal of Contract for Employee Physicals and Drug Testing Services  
Award to: Occupational Health Solutions (CorpOHS)  
Estimated award amount: \$678,716.00
3. Purchasing Memo #09-106 – Disaster Recovery Design Contract and Budget Transfer (Piggyback contract)

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Award to: Virtual IT, Inc.

Award amount: Not to exceed \$103,000.00

4. Purchasing Memo #09-110 – Purchase of Gas Chromatograph and Mass Spectrometer System

Award to: Agilent Technologies

Award amount: \$200,000.00

**BUDGET TRANSFERS**

1. BT-09-090, Accounting, Finance Division
2. BT-09-091, Accounting, Finance Division
3. BT-09-092, Permitting and Development Review Division

**GRANT**

1. Literacy is Fundamental to Everyone (LIFE) Program Grant – Shelly Toms, Citizens Services Division

**EASEMENT**

1. Sanford Industrial Park, Lot 11

**CHANGE ORDER**

1. FY 2008 Bituminous Overlay of Various County Roadways, Contract No. C29918, Change Order No. 9

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #09-111, Approve Sole Source Purchase of EZ Cards for Citizens Convenience Center Automation at Landfill – Hal Good, Finance Division**

Mr. Good presented information regarding the purchasing memo.

Commissioner Hagen moved to approve purchasing memo #09-111 as presented in the staff report. Commissioner Gray seconded the motion that passed 5-0.

**Monocacy Boulevard Land Acquisition – Jeff Holtzinger, Mayor, The City of Frederick (“City”)**

Mayor Holtzinger presented information regarding the City’s interest in design and construction of the Monocacy Boulevard Central Section Project including the extension of Monocacy Boulevard from Hughes Ford Road to intersect Gas House Pike opposite the extension of Shifferstadt Boulevard to Gas House Pike and improvements and realignment of

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Gas House Pike from this intersection to the east side of the Monocacy River. A critical part of the project included improvements to Gas House Pike and Schifferstadt Boulevard, which would encroach on land owned by George Umberger who was not willing to agree to the City's offer to purchase a right-of-way from him. The Umberger property was not within city limits; therefore, the City respectfully requested the County agree to join the City as a plaintiff in a condemnation action. The City would be responsible for the litigation and associated costs.

Commissioner Hagen moved to join the City in resolving the issues as outlined in the staff report so long as the City took the lead. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Request from Jefferson Ruritan Club for Forgiveness of the System Benefit Charge (SBC) – Mike Marschner, Utilities and Solid Waste Management Division (DUSWM) and John Kroll, Finance Division**

Mr. Marschner and Mr. Kroll presented information to the Board.

There was unanimous consent to approve staff's recommendation to use the current \$308 average annual SBC assessment for current universal drop off center (DOC) properties.

DUSWM recommended the Board consider providing each of the DOC properties an SBC credit up to \$308 for hosting the DOC. DUSWM also recommended the arrangement be formalized with an agreement between the Board and property owner to ensure the county and property owners responsibilities and liability regarding the use of property would be adequately defined and properly memorialized.

Commissioner Thompson requested a formal rental agreement without mention of the SBC or be formally tied to anything.

**Discussion of Places of Assembly/Places of Worship Workgroup Related to the Agriculture (AG)/Resource Conservation (RC) Zoning Text Amendments Commissioner Jan Gardner**

Commissioner Gardner presented information regarding the work group. By Board consensus, the list of people interested in filling the open seats was narrowed down to include:

- Nicholas Carras
- Jeremy Holder
- Janet Ingram or Debbie Lawrence
- Robert Lawrence
- Jim Mackintosh or Reverend Paul Mundy
- Noel Manalo
- Ashley Manicinelli
- Lee Miller
- Ken Nisula

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- Reverend Mike Bynum
- David Ritchie
- Carol Sepe
- David Thaler

The selection as agreed upon by the Board was to balance all categories who may wish to be represented such as church, public, planners, agriculture, etc.

There was unanimous consent for the meetings to be publicized.

It was noted the agriculture issues and the need to preserve agriculture land needed to be addressed and it was requested for Eric Soter and Shawna Lemonds, Planning Division, to attend the meeting to provide input.

**Status Report on the FY 2009 Hiring Freeze – Ron Hart, County Manager**

Mr. Hart, Mitch Hose, Human Resources Division and Kelly Weaver, Finance Division, presented information to the Board as outlined in the staff report.

There was interest in staff volunteering for furlough days in order to save money in the county and to also request suggestions from staff.

Mr. Hart noted there would be additional vacancies in the county throughout the year, therefore, the Board would need to determine what positions to fill, freeze, transfer or eliminate all together.

Commissioner Hagen moved to adopt staff's recommendations as presented in the staff report including monthly status updates. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Gray moved to request the County Manager analyze programs and line items that could be changed or eliminated. This motion failed due to lack of a second.

**Letter of Support – Charter School Authorizers – Commissioner Kai Hagen**

Commissioner Hagen presented information regarding a letter of support for charter school authorizers to be sent to the delegates to be considered in the next legislative package. He noted it would not be a resolution or ordinance.

Public comment was heard from:

- Dr. Bonnie Borsa, Frederick County Board of Education

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**Discussion of the Brunswick/Rosemont Water Issues – Board of County  
Commissioners**

Commissioner Thompson presented two possible resolutions regarding the Brunswick/Rosemont water issue, and if Brunswick could legally shut off the water supply to the village of Rosemont.

Commissioner Thompson indicated the first resolution would petition Maryland Department of Energy (MDE) for a declaratory ruling as to whether a community water supply system may unilaterally and permanently terminate water service to a portion of its service area; and the second resolution would request MDE to conduct an investigation of a portion of the Brunswick water supply system.

In the resolutions presented, the Board recommended the language “owns and” and “ownership of lines” be removed.

Commissioner Thompson moved to approve the proposed resolution with the changes noted above for the declaratory ruling. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to approve the resolution with the changes noted above for the investigation of the Rosemont area portion as it related to water system changes. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

(A copy of Resolution #08-38 and Resolution #08-39 can be obtained in the County Manager’s office or from the county’s website, [www.co.frederick.md.us](http://www.co.frederick.md.us))

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Bill Ashton, Turkey Trail

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 1:30 p.m.

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Respectfully submitted,

Mary E. Baker  
Recording Secretary