

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, DECEMBER 23, 2008**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, December 23, 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](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**

None.

**AGENDA BRIEFING**

Staff briefed the Board on the following public hearing items scheduled for Tuesday, January 6, 2009, at 7:00 p.m.:

- Request to Consider Amendment to Rezoning Condition for the Urbana Office Research Center MXD [Rezoning Case #98-1(A)] - Denis Superczynski, Planning Division

**CONSENT AGENDA**

The following items were on the consent agenda:

**BID AWARD**

1. Purchasing Memo #09-125 – Bid #09-CP-56 Replacement of Bidle Road Bridge over Catoctin Creek and Budget Transfer  
Award to: Ross Contracting, Inc.  
Award amount: \$1,293,797.50

**BOARD OF EDUCATION (BOE) EXPENSE FUND AMENDMENTS**

**School Construction Expense Fund Amendments**

1. #09-07 Revised and BT-09 -101
2. #09-08 and BT-09 –102

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**GRANT**

1. Extension of Fort Detrick Tech Transfer Maryland Technology Development Corporation (TEDCO) Grant - Laurie Boyer, Economic Development Division

Commissioner Thompson moved to pull the TEDCO grant.

Commissioner Gray moved to approve the consent agenda as presented with the exception of the TEDCO grant. Commissioner Hagen seconded the motion that passed 5-0.

Ms. Boyer presented information regarding the TEDCO grant.

Commissioner Hagen moved to approve the TEDCO grant as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**ADMINISTRATIVE BUSINESS**

**Bid Award – Purchasing Memo #09-121 – Request to Renew Oracle (PeopleSoft) Maintenance for Frederick County Government and Frederick County Public Schools - Hal Good, Finance Division**

Mr. Good and Mr. Dale Spangenberg, Interagency Information Technologies Division (IIT) presented information regarding the renewal of Oracle maintenance and support in the amount of \$312,029.51 from IIT's computer maintenance account.

Commissioner Gray moved to approve the renewal as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Mutual Aid Memorandum of Agreement (MOA), Department of the Army, Fort Detrick - Jack Markey, Emergency Management Division**

Mr. Markey presented information regarding the MOA between Frederick County and Fort Detrick outlining the mutual response of fire, rescue and hazardous material equipment and personnel within the county and the army base.

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

**Letter to Allegheny Power Regarding HVDC – Board of County Commissioners**

Commissioner Gardner requested approval to send a letter to Allegheny Power regarding the Potomac Appalachian Transmission Highline program. The letter is to express interest in possible alternatives such as underground HVDC.

There was Board consensus to send the letter to Allegheny Power.

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**Maryland 2007 Stormwater Management (SWM) Regulations - Betsy Smith, Permitting  
and Development Review Division (DPDR)**

Ms. Smith presented information regarding updated stormwater regulations as outlined by code of Maryland regulations (COMAR).

The Board recommended the letter address negative effects of smart growth slope issues.

There was Board consensus for the letter (including recommendations) to be sent to the Maryland Department of the Environment (MDE) and for DPDR staff to continue working with MDE and other county divisions to implement new regulations as required by code.

**FY 2009 Housing Initiative Fund First Quarter Report and Funding Projections - Jenny  
Short, Citizens Services Division**

Ms. Short presented the Housing Initiative Fund Program (HIF) first quarter report. Under the HIF, four housing programs provide deferred loan to individuals and organizations to produce affordable ownership and rental housing.

**PUBLIC HEARING**

**To Consider an Application for Funding from the Maryland Neighborhood Conservation  
Initiative Grant - Jenny Short, Citizens Services Division**

Ms. Short presented information regarding a proposed resolution to authorize the Frederick County Department of Housing and Community Development to submit an application to the Maryland Department of Housing and Community Development to request \$3,500,000 in federal funding under the Maryland Neighborhood Conservation initiative.

There was no public comment.

Commissioner Gray moved to approve staff's recommendations to approve Resolution #08-40 as presented, authorize a match of \$150,000 from the Frederick County Housing Initiative Fund to be used to assist first time home buyers who qualify under the Home Buyer Assistance Program and accept funds if awarded and approve subsequent related budget transfers. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

(A copy of Resolution #08-40 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))

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**WORKSESSION**

**Appointments/Reappointments to Boards, Commissions, Committees - Joyce  
Grossnickle, County Manager's Office**

**Affordable Housing Council**

There was no public comment.

Commissioner Hagen moved to appoint:

- Ms. Ann Buttenheim to serve as the religious community representative to fill an unexpired term to expire June 30, 2011.
- Mr. Ron Cramer to serve as the nonprofit representative to fill an unexpired term to expire June 30, 2010.
- Mr. Mickey Fyock to serve as a nonprofit representative to fill an unexpired term to expire June 30, 2011.
- Mr. Eric Shaffer to serve as a private industry representative to fill an unexpired term to expire June 30, 2009.

Commissioner Gray seconded the motion that passed 5-0.

**Commission on Aging**

There was no public comment.

Commissioner Hagen moved to support the staff recommendation to appoint Ms. Judy Peterson to serve an unexpired term to expire December 31, 2009. Commissioner Gray seconded the motion that passed 5-0.

**Commission on Disabilities**

There was no public comment.

Commissioner Hagen moved to support the staff recommendation to reappoint Mr. Richard Lind to serve a term to expire December 31, 2011, and appoint Mr. Ken Eidel to serve a term to expire December 31, 2011, and Mr. Steve Stoyke to fill an unexpired term to expire December 31, 2009. Commissioner Gray seconded the motion that passed 5-0.

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**Human Relations Committee**

There was no public comment.

Commissioner Thompson moved to bring the applicants back for an interview to ascertain their commitment to racial equality. Commissioner Jenkins seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Commissioner Gray moved to support the staff recommendation to appoint DFC Adeyemi Adeoye to fill an unexpired term to expire June 30, 2010, and Mr. Garth Phoebus to fill an unexpired term to expire June 30, 2011. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**Local Management Board**

There was no public comment.

Commissioner Hagen moved to support the staff recommendation to appoint:

- Dr. Ann Dalrymple to serve as an at-large representative to fill an unexpired term to expire June 30, 2009.
- Ms. Sarah McAleavy to serve as the parent/consumer representative to fill an unexpired term to expire June 30, 2009.
- Ms. Mary Nagle to serve as an at-large representative to fill an unexpired term to expire June 30, 2010.
- Mr. Peter Shubiak to serve as a community agency representative to fill an unexpired term to expire June 30, 2011.
- Ms. Shelly Toms, Director, Family Partnership, to serve as an at-large member on the public sector membership with no term.

Commissioner Gray seconded the motion that passed 5-0.

**Solid Waste Advisory Committee**

Mr. Rolan Clark presented comments to the Board.

Commissioner Jenkins move to reappoint Mr. Peter Blood and Mr. David Dunn to serve three-year terms to expire September 30, 2011, and appoint Mr. Bryan Malseed to serve as the business/high-tech/financial representative to fill an unexpired term to expire September 30, 2010. Commissioner Thompson seconded the motion that passed 5-0.

Commissioner Hagen moved to appoint Mr. Douglas Pierce, a member of the local Sierra Club, to serve as the environmental group representative to fill an unexpired term to expire September 30, 2011. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

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Commissioner Hagen moved to appoint Mr. Bill Custer to the committee. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Jenkins and Thompson opposed.

**Metropolitan Washington Council of Governments (WASHCOG) Policy  
Boards/Committees**

The Board indicated the current assignments would remain as follows for 2009:

**COG Board of Directors**

Commissioner David P. Gray (Member)  
Commissioner Jan H. Gardner (Alternate)

**National Capital Region Transportation Planning Board**

Commissioner Charles A. Jenkins (Member)  
John Thomas, Planning and Zoning, Frederick County Planning Division (Alternate)

**Metropolitan Washington Air Quality Committee**

Commissioner David P. Gray (Member)  
Commissioner Kai J. Hagen (Alternate)

**Metropolitan Development Policy Committee**

Commissioner David P. Gray (Member)

**Human Services Policy Committee**

Commissioner John L. Thompson Jr. (Member)

**Aviation Policy Committee**

Commissioner David P. Gray (Member)

**Chesapeake Bay and Water Resource Policy Committee**

Commissioner David P. Gray (Member)  
Tim Goodfellow, Principal Planner II, Frederick County Planning Division (Alternate)

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**CLOSED SESSION**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Jenkins seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Rolan Clark
- Bill Ashton

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:30 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, DECEMBER 23, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Jenkins seconded the motion that passed 5-0.

**Topic to be Discussed:**

To discuss the transfer of administrative responsibilities for a specific program from one division to a different division.

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Mary E. Baker  
Recording Secretary



**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, JANUARY 6, 2009  
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 23, 2008**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

(1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals.

**Motion:**

Commissioner Gray moved to proceed to closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or (ii) Any other personnel matter that affects one or more specific individuals. Commissioner Jenkins seconded the motion that passed 5-0.

**Others in Attendance:**

J. Mathias, R. Hart, B. Stanton, F. Anderson, M. Gastley, G. Hessong, C. Jenkins, and M. Baker.

**Topic Discussed:**

To discuss the transfer of administrative responsibilities for a specific program from one division to a different division.

**Action Taken:**

There was consensus to approve staff's recommendations as presented.

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Mary E. Baker  
Recording Secretary