

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR TUESDAY, MARCH 3, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, March 3, 2009, 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 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.

**PUBLIC HEARING**

**Proposed Amendments to the Frederick County Water and Sewerage Plan – Fall 2008 Cycle – Tim Goodfellow, Planning Division**

A public hearing was held, as duly advertised, on the proposed fall 2008 cycle amendments to the Frederick County water and sewerage plan.

The Board swore in all individuals providing testimony regarding the public hearing.

Mr. Goodfellow presented information to the Board regarding:

WS-08-08	Board of Education (Carroll Manor Elementary School), Tax Map 103, Parcel 21, Adamstown Road	Request reclassification from S-5 Dev. to S-3 Dev.
WS-08-09	Town of New Market, 34 properties in the Town of New Market, (Tax Map 801, Parcels 3737, 3738, 3742, 3748, 3749, 3754, 3757, 3758, 3761, 3765, 3766, 3769, 3773, 3773, 3775, 3776, 3778, 3779, 3781, 3808, 3834, 3836, 3850, 3856, 3859, 3863, 3866, 3872, 3873, 3874, 3875, 3887, 3892, 3898)	Request reclassification from W-5 Dev. to W-3 Dev.

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There were no public comments.

The Board took action on WS-08-08 and WS-08-09 individually.

Staff recommended approval of WS-08-08 to reclassify 18 acres from the S-5 Dev. category to the S-3 Dev. category as outlined in the staff report.

Commissioner Gray moved to approve noted capacity out of reservation. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Staff recommended approval of WS-08-09 to change to W-3 Dev. only if the water service area agreement (WSAA) was amended.

Staff recommended continuance of WS-08-09 until a formal amendment to the WSAA was complete or approval was received to change the W-4 Dev. category.

Commissioner Gray moved to continue WS-08-09 as recommended by staff. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

**WORKSESSION**

**Healthy Families Frederick Proclamation**

Commissioner Gardner presented the proclamation.

**Masonry Stabilization and Repair of Fountain Rock Park Lime Kiln Ovens – Bob Hicks,  
Parks and Recreation Division**

Staff presented information regarding the bricks in the ceilings of the ovens that have spalled. Staff requested the Historic Preservation Training Center (HPTC), National Park Service, inspect and report on the brick failure. The HPTC found infiltration of moisture from the soil above and the soft, porous nature of the bricks along with freezing conditions made the bricks susceptible to failure. In order to correct the brick failure, repairs would involve mitigating the infiltration of moisture.

Staff recommended the Board enter into a partnership with the HPTC to create the Fountain Rock Park Lime Kiln Repair Project and approve the subsequent budget transfers as needed for this project.

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

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**Amendment of the Lobbying Ordinance's Registration and Reporting Requirements –  
Linda Thall, Office of the County Attorney**

Ms. Thall indicated the Frederick County Ethics Commission was recommending two changes be made to the county's lobbying ordinance.

The first change was to reword language in section 1-7.2-2(A)(1)(a) to state "*communicates with a County official in the presence of that official.*"

The second change was to require lobbyists to identify in their activity reports compensation that has been "*earned*" instead of "*paid.*"

Commissioner Thompson moved to authorize staff to take the draft ordinance as presented to public hearing. Commissioner Hagen seconded the motion that passed 5-0.

**Amendment of the Human Relations Ordinance to State that Discrimination is Unlawful  
in Frederick County – Linda Thall, Office of the County Attorney and Henry Templeton,  
Citizens Services Division**

Staff explained the proposed amendments to the Human Relations Ordinance. County law stated discriminatory practices based on race, color, religion, national origin, sex, age, marital status or mental handicap was contrary to the public policy of Frederick County. The Human Relations Commission requested the law also state discriminatory practices based on race, color, religion, national origin, sex, age, marital status or mental handicap was unlawful in Frederick County.

The Board also included "*family status*" and "*source of income*" language to the law and requested language use "*disability*" in place of "*handicap*".

Commissioner Hagen moved to take the proposed amendments as outlined in the staff report to public hearing. Commissioner Gray seconded the motion that passed 5-0.

**Fire Station Design and Construction Memorandum of Understandings (MOUs) – Steve  
Leatherman, Fire and Rescue Services Division**

Staff presented information to the Board regarding fire station design and construction MOU's. On March 13, 2008, the Board directed the Fire and Rescue Services Division, Public Works Division and the County Attorney's Office to develop an MOU for fire station operations and maintenance and a policy to identify the process the fire/rescue companies must follow for replacement stations to be added to the Capital Improvements Program list.

The Board requested language changes be made in the MOU and the policy such as in the MOU, Section D-1, add timeframes to notification; Section H-2 add the language in H-1 and change "*county*" to "*company*"; Section M-1, add a timeline. In the policy, Page 2, Section 1, add "*county.*"

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Commissioner Jenkins requested input from the Frederick County Volunteer Fire and Rescue Association including changes made today and send a written response back within 30 days. The request was approved by unanimous consent.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

- Donald Lee

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 11:30 a.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary