

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, APRIL 23, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, April 23, 2009, at 10:05 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. Note Commissioner Jenkins arrival time.

*(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**

Today was bring your child to work day.

Commissioner Hagen brought his 12 year old son, Leif, to work with him today.

(Commissioner Jenkins entered the meeting.)

**AGENDA BREIFING**

Staff briefed the Board on the following public hearing items scheduled for:

Tuesday, April 28, 2009, at 8:30 a.m.

- Zoning Text Amendment #ZT-09-02 - Wind/Solar Energy Systems - Mark Depo and Larry Smith, Planning Division
  
- Proposed Ordinance to Revise the Frederick County System Benefit Charge (Condominium Units) - Brenda Teach, Utilities and Solid Waste Management Division

**CONSENT AGENDA**

The following items were on the consent agenda:

**BID AWARDS**

1. Purchasing Memo #09-188 – Renewal of RFP #07-02 Janitorial Services for Urbana Library/Senior Center Second of Four Renewals  
Award to: Consolidated Building Maintenance of Frederick, MD

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Award amount: \$61,880.00

2. Purchasing Memo #09-190 – Approval of Transition of Copier Leases for the Adult Detention Center  
Award to: Advanced Business Systems of Hagerstown, MD  
Award amount: \$12,000.00

**GRANTS**

1. FY 2010 Protective and Peace Order Service Project - GOCCP Domestic Violence Unit Program (DVUP) Grant - Marty Gallagher, Sheriff's Office
2. Grant of Waterline Easements to the City of Frederick - Betsy Smith, Permitting and Development Review Division
3. Draft Strategy and Priorities, Recovery Act – Energy Efficiency and Conservation Block Grant Program – Hilari Varnadore, Office of Environmental Sustainability

**CHANGE ORDER**

1. Construction Change Order No. 10, New Design Water Treatment Plant Expansion, Contract No. 2 - Kevin Demosky, Utilities and Solid Waste Management Division

Commissioner Gardner pulled Grant #3 for discussion.

Commissioner Hagen moved to approve the consent agenda as presented with the exception of Grant #3. Commissioner Gray seconded the motion that passed 5-0.

**ADMINISTRATIVE BUSINESS**

**Approval of Board of County Commissioners Meeting Minutes**

Commissioner Jenkins requested his comment be removed from the minutes of March 19, 2009.

The following minutes were approved by unanimous consent:

- Monday, March 16, 2009
- Tuesday, March 17, 2009
- Form of Statement to Close Meeting on Tuesday, March 17, 2009
- Closed Session Minutes for Tuesday, March 17, 2009
- Form of Statement for Open Meeting Following Closed Session on Tuesday, March 17, 2009
- Tuesday, March 17, 2009 (Evening)
- Thursday, March 19, 2009

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- Thursday, March 19, 2009 (Afternoon)

**Brunswick-Jefferson Lease of Farmland - Earl Eyler, Parks and Recreation Division**

Mr. Eyler advised the Board Mr. Charles J. and Mary Margaret Brandenburg, current lessees, submitted a request to enter into a written lease agreement with the county to continue farming the Brunswick – Jefferson Farmland. The terms of the lease would be for one (1) year beginning May 1, 2009, and ending April 30, 2010. The payments would be a total of \$7,970.67 (\$664.23 per month) beginning on May 1, 2009.

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

**Agriculture (Ag) and Resource Conservation (RC) Zoning Districts Use Table and Definitions - Eric Soter, Larry Smith and Shawna Lemonds, Planning Division**

Staff presented updates to the Board to obtain direction on the following items:

- Section 1-19-10.100, Subsection B, Size and Location, Open Space Recreation Floating Zone, Commissioner Hagen moved to add letter “E”, to state “*open space recreation floating zone applications would not be considered within adopted primary preservation areas.*” Commissioner Gardner seconded the motion that passed 4-1 with Commissioner Jenkins opposed.
- Section 1-19-10.100, Subsections B and C, Size and Location, Open Space Recreation Floating Zone, there was consensus to state “*open space recreational floating zone distance with one (1) or two (2) miles.*”
- Section 1-19-10.900, Subsection C, Size and Location Institutional Floating Zone, there was consensus to clarify language to state “*within a half (1 /2) mile of the growth area.*”
- Section 1-19-11.100, Farm Brewery/Farm Winery, Commissioner Thompson moved to remove this item from the Ag and RC conservation zoning districts use table and definitions. This motion failed due to lack of a second.
- Commissioner Hagen moved to take all brewery items to public hearing. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.
- Section 1-19-4.490, Places of Worship, there was consensus not to allow five (5) day per week child care centers in a place of worship in Ag and RC zones.
- Commissioner Hagen moved to take all changes, updates and amendments to the Ag and RC conservation zoning districts use table and definitions to public hearing. Commissioner Jenkins seconded the motion that passed 5-0.

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**Draft Strategy and Priorities, Recovery Act – Energy Efficiency and Conservation Block  
Grant Program – Hilari Varnadore, Office of Environmental Sustainability**

Ms. Varnadore presented the grant information to the Board.

There was consensus to support the clean/greenhouse gas inventory plan.

There was consensus to support the renewable energy property tax credit and fee waiver projects, Commissioner Thompson was opposed.

There was consensus to support the remainder of the report as presented with the removal of the economy stimulation issues.

**WORKSESSION**

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

This item was rescheduled for Thursday, April 30, 2009.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary