

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR TUESDAY, MAY 12, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, May 12, 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. Note Commissioner Hagen’s 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)

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.

(Commissioner Hagen entered the meeting.)

COMMISSIONERS COMMENTS

None.

WORKSESSION

Police Week Proclamation

Commissioner Gardner presented the proclamation.

Recognition of IIT Video Services Intern

Sherry Weakley, Interagency Information Technologies Division, introduced Michael Daugherty who was completing an internship with video services.

City of Frederick Annexation – Dewey Jordan Property – Jim Gugel and John Dimitriou, Planning Division

Staff presented information regarding the annexation of the Dewey Jordan Property.

Public comment was taken from:

- Andrew DiPasquale, Esquire, Miles & Stockbridge
- Jeff Holtzinger, Mayor, The City of Frederick

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, MAY 12, 2009**

Commissioner Hagen moved to grant expressed approval of the annexation with general commercial zoning. Commissioner Gray seconded the motion that passed 3-1-1 with Commissioner Thompson opposed and Commissioner Jenkins abstained.

ADMINISTRATIVE BUSINESS

Finalize FY 2010- 2015 Capital Improvements Program (CIP) and FY 2010 Capital Budget (as necessary) - Kelly Weaver, Finance Division

Ms. Weaver presented information regarding updates and changes to the CIP.

Commissioner Gray moved to accept the proposal from Frederick Community College (FCC) to pick up the Workforce Rental Project instead of cutting their operating budget. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Gray moved to approve the transfer of funds from grant funds to general funds for FCC's FY 2010 funding for the Culinary Arts Center Renovation. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Jenkins moved to switch funding for Lincoln Elementary School from FY 2010 to FY 2011 and Yellow Springs Elementary School from FY 2011 to FY 2010. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Jenkins moved to shift from the CIP \$100,000.00 for the Montevue Complex Transit Parking Improvements to the unallocated account. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to eliminate funding for the Thomas Pool Renovation and Carroll Creek Linear Park.

Commissioner Jenkins seconded the elimination of funding for the Thomas Pool Renovations.

Commissioner Gray offered a substitute motion to move funds for the Thomas Pool Renovations to FY 2012. Commissioner Hagen seconded the motion which failed 2-3 with Commissioners Gardner, Jenkins and Thompson opposed.

Commissioner Thompson moved to impound funds for the Thomas Pool Renovations. Commissioner Gray seconded the motion that passed 5-0.

CLOSED SESSION

Commissioner Gray moved to proceed into closed session in accordance to Maryland Annotated Code State Government Article § 10-508(a) (1) To discuss: (i) The appointment,

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, MAY 12, 2009**

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 and (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Hagen seconded the motion that passed 5-0.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 10:50 a.m.

Respectfully submitted,

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, MAY 12, 2009**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, MAY 12, 2009**

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; and

(7) To consult with counsel to obtain legal advice on a legal matter.

Motion:

Commissioner Gray moved to proceed into closed session in accordance to 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 and (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Hagen seconded the motion that passed 5-0.

Topic to be Discussed:

To consider the discipline of a county employee and the legal consequences of a particular personnel action.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, MAY 12, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MAY 14, 2009,
FOLLOWING THE CLOSED MEETING OF TUESDAY, MAY 12, 2009**

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; and

(7) To consult with counsel to obtain legal advice on a legal matter.

Motion:

Commissioner Gray moved to proceed into closed session in accordance to 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 and (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Hagen seconded the motion that passed 5-0.

Others in Attendance:

J. Mathias, R. Hart, B. Stanton, M. Chomel, M. Hose, M. Ward and M. Baker

Topic Discussed:

To consider the discipline of a county employee and the legal consequences of a particular personnel action.

Action Taken:

Staff was directed to take the appropriate action.

Mary E. Baker
Recording Secretary