

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 2, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, June 2, 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 Patti Morrow, 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 Jenkins congratulated the Brunswick Food Bank on their 30<sup>th</sup> anniversary of serving food in their community.

Commissioner Hagen commented he had attended the first meeting of the Catoctin Forest Alliance.

Commissioner Gardner remarked she and Commissioner Hagen had attended the Governor Thomas Johnson High School graduation to watch each of their children graduate.

The Board announced single stream recycling for county facilities beginning with Winchester Hall.

Dave Helmecki, Utilities and Solid Waste Management and Kevin Fisher, Management Services Division, commented on the recycling bins provided for Winchester Hall.

**WORKSESSION**

**Improvements to Gas House Pike – Wendy Kearney, Office of the County Attorney**

Ms. Kearney briefed the Board regarding The City of Frederick's request for the county's assistance in acquiring needed portions of a resident's property (outside of the city's corporate limits) to conduct testing and studies in order to move forward with the improvements to Gas House Pike.

Mayor Holtzinger, The City of Frederick, commented on the property acquisition.

There were no public comments.

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Commissioner Jenkins moved to approve the resolution and agreement. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Jenkins questioned Mayor Holtzinger on the proposed new annexations the City was considering north of the city boundaries. Mayor Holtzinger commented on the city's water issues.

(A copy of Resolution #09-12 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))

**Site Plan Review Draft Text Amendment – Mark Depo and Shawna Lemonds, Planning Division**

Mr. Depo introduced the rewrite of the zoning ordinance regarding the site plan review process.

Ms. Lemonds reviewed the proposed changes and updates on a staff level approval process.

Eric Soter, Planning Division and Gary Hessong, Permitting and Development Review Division, commented on the draft.

There were no public comments.

Michael Chomel, Office of the County Attorney, commented on the exclusion of site plan review on public water, sewer and solid waste facilities.

A straw poll was taken regarding the Frederick County Planning Commission would have site plan general review and comment on proposed public buildings and essential services. Commissioner Thompson was opposed.

It was indicated staff would work with the County Attorney's Office on the issue of site plan review on public facilities and essential services.

Commissioner Hagen moved to take the site plan draft amendment through the public hearing process with the changes made on this day. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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

**Affordable Housing Council (AHC)**

There was no public comment.

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Commissioner Hagen moved to approve the appointment of Larry Johnson to serve as an at-large representative to fill an unexpired term to expire June 30, 2011; Jim MacGillivray to serve as a private industry representative and fill an unexpired term to expire June 30, 2010; and Teresa Offutt to serve as a housing consumer representative to fill an unexpired term to expire June 30, 2009, and to appoint Ms. Offutt for a full three-year term to become effective July 1, 2009, and to expire June 30, 2012. Commissioner Jenkins seconded the motion.

Commissioner Thompson requested to divide the question by taking action on Mr. Johnson separately.

The vote on Mr. MacGillivray and Ms. Offutt was 5-0.

The vote on Mr. Johnson was 4-1 with Commissioner Thompson opposed.

**Commission for Women (CFW)**

There was no public comment.

Commissioner Hagen moved to appoint Katie Barkdoll, Karen Justice and Pam Rehtzigel to serve three-year terms effective July 1, 2009, and to expire June 30, 2012. Commissioner Gray seconded the motion that passed 5-0.

**Commission on Aging (COA)**

There was no public comment.

Commissioner Gray moved to appoint Stephen Wilhide to fill an unexpired term ending December 31, 2009; and appoint Millard Haines and Christina Donahue-Taylor to fill unexpired terms to expire December 31, 2011. Commissioner Hagen seconded the motion that passed 5-0.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

None.

**QUESTIONS – PRESS**

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
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**CLOSED SESSION**

Commissioner Hagen moved to go into closed session under Maryland Annotated Code State Government Article § 10-508(a) (7) - To consult with counsel to obtain legal advice on a legal matter; and (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 Gray seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 10:20 a.m.

Respectfully submitted,

Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 2, 2009**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, JUNE 2, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

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

**Motion:**

Commissioner Hagen moved to go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**Topic To Be Discussed:**

Frederick County's participation in a pending administrative proceeding.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 2, 2009**

**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, JUNE 2, 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.

**Motion:**

Commissioner Hagen moved to go into closed session in accordance with the 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 Gray seconded the motion that passed 5-0.

**Topic To Be Discussed:**

To continue the hearing on an appeal from a personnel action.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 2, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, JUNE 2, 2009,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, JUNE 2, 2009**

**STATUTORY AUTHORITY TO CLOSE SESSION**

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

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

**Motion:**

Commissioner Hagen moved to go into closed session in accordance with the Maryland Annotated Code State Government Article § 10-508(a) (7) - To consult with counsel to obtain legal advice on a legal matter. Commissioner Gray seconded the motion that passed 5-0.

**Others in Attendance:**

R. Hart, B. Stanton, W. Kearney, M. Chomel, R. McCain, R. Santangelo and P. Morrow.

**Topic Discussed:**

Frederick County's participation in a pending administrative proceeding.

**Action Taken:**

The Board provided county staff with direction on how to proceed.

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Patricia A. Morrow  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, JUNE 2, 2009**

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**Motion:**

Commissioner Hagen moved to go into closed session in accordance with the 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 Gray seconded the motion that passed 5-0.

**Others in Attendance:**

R. Hart, B. Stanton, W. Kearney, M. Chomel, M. Hose, G. Hessong, B. Smith, P. Pearl R. Masser and P. Morrow.

**Topic Discussed:**

To continue the hearing on an appeal from a personnel action.

**Action Taken:**

The Board made a decision on a personnel appeal.

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Patricia A. Morrow  
Recording Secretary