

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR THURSDAY, MAY 28, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, May 28, 2009, at 10:10 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.

**AGENDA BREIFING**

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

Tuesday, June 2, 2009, at 7:00 p.m.

- Adoption of FY 2010-2015 Capital Improvements Program (CIP) and FY 2010 Capital Budget - Kelly Weaver, Finance Division
- Adoption of the FY 2010 Operating Budget - Mike Gastley, Finance Division
- Public Hearing - Agriculture and Resource Conservation Use Table and Definitions Text Amendment - Eric Soter, Larry Smith and Shawna Lemonds, Planning Division

**CONSENT AGENDA**

**BID AWARDS**

1. Purchasing Memo #09-205 – Approval of Contracts for Food Products for Various County Entities (RPF #09-23)  
Award to: FoodPro  
PFG Carroll County Foods  
USFood Service  
Award amount: \$1,711,000.00
2. Purchasing Memo #09-212 – Bid #09-CP-68, Montevue Salt Barn Project  
Award to: Roy C. Kline Contractors  
Award amount: \$698,078.00 and approve an 8% construction contingency of \$55,850.00

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3. Purchasing Memo #09-213 – Request to Piggyback the State of Kansas Contract #11770 for NAPA Automotive Parts and Supplies  
Award to: NAPA Auto Parts, Inc.  
Award amount: \$60,000.00
4. Purchasing Memo #09-214 – Bid #09-28, Furnishing and Applying Liquid Calcium Chloride  
Award to: Calcium Chloride Sales of Grove City, Pennsylvania  
Award amount: \$84,720.00
5. Purchasing Memo #09-216 – Bid #09-CP-84, Cold-in-Place Recycling of Various Frederick County Roadways  
Award to: C.J. Miller, LLC  
Award amount: \$1,409,366.25
6. Purchasing Memo #09-218 – Furniture, Winchester Hall West Wing Renovation Phase II  
Award to: BK Office Supply, Inc.  
Award amount: \$56,837.83

**BUDGET TRANSFERS**

1. #BT-09-184, Accounting, Finance
2. #BT-09-185, Aging, Citizens Services
3. #BT-09-186, Accounting, Finance
4. #BT-09-187, Housing, Citizens Services

**EASEMENTS**

1. Partial Release of Storm Drain Easement – Costco – Kathleen Hall, Permitting and Development Review Division

Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 5-0.

**ADMINISTRATIVE BUSINESS**

**New Lease for Utica Park - Earl Eyler, Parks and Recreation Division**

(Commissioner Jenkins left the meeting.)

Mr. Eyler presented information regarding the lease. The original lease was for three years with two (2) one-year extensions. Teabow, Inc. was offered the possibility of a six month lease ending December 2009. Due to the impending construction, the tenant instead requested a four month lease ending September 2009, permitting enough time to harvest the crops and vacate the property.

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Commissioner Hagen moved to approve the lease as presented. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Housing Initiative Fund (HIF) Report for FY 2009 Third Quarter - Jenny Short, Citizens Services**

Ms. Short presented information to the Board. Since 2009 HIF activity has gained significant momentum particularly in the home buyer assistance program. Based on the prior and current year-to-date activity, staff anticipated committing and extinguishing all HIF funds by FY 2010.

(Commissioner Jenkins entered the meeting.)

No action was taken by the Board.

**Community Development Block Grant Required Plans, Resolution and Neighborhood Conservation Initiative Agreement - Jenny Short, Citizens Services Division**

Ms. Short presented information to the Board.

The Board requested clarification of a second public hearing and noted it was to be scheduled when it was convenient for the public to attend.

It was noted to correct Exhibit "G," section "A," to strike "*Mayor.*"

Staff recommended the Board approve the following:

- Citizen participation plan for three years;
- Residential anti-displacement and relocation assistance plan for three years;
- The proposed resolution; and
- The neighborhood conservation initiative agreement.

Commissioner Hagen moved to approve staff's recommendations including the proposed resolution as presented. Commissioner Gray seconded the motion.

Commissioner Thompson moved to amend the motion to include striking #3, civil rights data section. Commissioner Jenkins seconded the motion that failed 2-3.

The motion made by Commissioner Hagen seconded by Commissioner Gray, passed 3-2 with Commissioners Jenkins and Thompson opposed.

(A copy of Resolution #09-10 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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**Memorandum of Understanding (MOU) with Environmental Protection Agency (EPA) for  
Location of Equipment on County Property - Beth Ramacciotti, Utilities and Solid Waste  
Management Division (DUSWM)**

Ms. Ramacciotti presented information regarding the MOU. Late last year, Malcolm Field, Ph.D., Senior Research Hydrogeologist, Office of Research and Development, EPA, contacted Mike Marschner, DUSWM, about the possibility of using available space on county property. DUSWM staff had no objection to allow the use of a small area of unused space in the administration building.

The MOU specified the portion of the property to be used. The MOU also specified no hazardous substances or equipment was permitted at the site and all property would be placed at the site at the sole and exclusive risk of the EPA.

Commissioner Gray moved to approve the MOU with the inclusion of a start date and correction under the explanatory statement, add an "e" to the word "use." Commissioner Hagen seconded the motion that passed 5-0.

**WORKSESSION**

**New State Legislation Extending the Time of Certain Development Permits and  
Consideration of Complementary County Legislation - John Mathias, Office of the  
County Attorney**

Mr. Mathias presented information regarding new state legislation to the Board to determine if the county should pursue complementary legislation that would specify the duration, scope and retroactivity of any county permit extension.

**Public comment was taken from:**

- Bob Kresslein, Esquire, Severn, O'Connor and Kresslein
- Gentleman (who did not identify himself), Mountain View Community Church
- Bruce Dean, Esquire, McEvoy and Dean
- Lee Miller, Daft, McCune and Walker, Inc.
- Mark Friis, Rodgers Consulting, Inc.
- Rand Weinberg, Esquire, Weinberg and Miller
- Krista McGowan, Esquire, Miles and Stockbridge
- Tom Natelli, Natelli Communities
- Bud McPherson, McPherson and Associates, Inc
- Ridge Kelly, Mountain View Community Church

(Commissioner Jenkins left the meeting and returned.)

Commissioner Gardner moved to take to public hearing proposed complementary legislation that would:

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- Allow up to three years for extensions excluding building permits; and
- Include language to state “the greater of three years or state law would apply;” and
- Make it retroactive to January 1, 2008.

Commissioner Jenkins seconded the motion.

Commissioner Thompson was opposed to receiving additional public comments. However, the Board approved hearing comments from Bob Kresslein, Esquire, Severn, O’Connor and Kresslein.

The motion made by Commissioner Gardner, seconded by Commissioner Jenkins, passed 4-1 with Commissioner Thompson opposed.

**Permitting and Development Review Division Fee Resolution - FY 2010 - Gary Hessong,  
Permitting and Development Review Division**

Mr. Hessong presented the proposed resolution to the Board.

(Commissioner Gardner left the meeting.)

There was no public comment.

Commissioner Hagen moved to approve the proposed resolution with the revision to pay only one (1) technical fee no matter how many applications were submitted until September 1, 2009, when the combined application would take effect.

Commissioner Gray seconded the motion that passed 3-1 with Commissioner Jenkins opposed and Commissioner Gardner absent.

(A copy of Resolution #09-11 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))

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

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**ADJOURN**

The meeting adjourned at 12:45 p.m.

Respectfully submitted,

Mary E. Baker  
Recording Secretary