

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, SEPTEMBER 29, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, September 29, 2009, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins (note arrival time) 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**

Commissioner Thompson requested the Board of Education staff weigh in on school adequate facility ordinance issues.

**PUBLIC HEARING**

**Proposed Changes to the Forest Resource Ordinance (FRO) Text Amendment (#FT-09-01) – Mike Wilkins, Permitting and Development Review Division and Kathy Mitchell, Office of the County Attorney**

Staff took action based upon the following motions from the August 20, 2009, discussions:

*Mr. Wilkins presented the proposed FRO text amendment (Section 1-21-22) in accordance with State Bill 666, titled, “No Net Loss of Forestry Policy-Forest Conservation Act,” that was passed during the 2009 Legislative Session to become effective October 1, 2009.*

*Staff noted the Maryland Department of Natural Resources (DNR) required all jurisdictions to modify their FRO conservation regulations by October 1, 2009.*

*Commissioner Thompson moved to initiate the amendment as presented and authorize and direct staff to seek an extension beyond the October 1, 2009, deadline; send a draft to DNR for comments; send a draft to each of the municipalities including the date of the public hearing; and send a draft to the Farm Bureau noting this amendment and the due date was mandated by the state. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.*

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There was no public comment.

Commissioner Gray moved approval of the proposed ordinance that outlined the changes to the FRO; the ordinance would take effect October 1, 2009; and a follow up to letter was to be sent to Dr. Browning at the Frederick County Farm Bureau regarding their concerns. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

(A copy of Ordinance # 09-26-530 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).)

**ADMINISTRATIVE BUSINESS**

**The Community Foundation’s Universal Grant Application – Legal/Interpreting Services and Mediation Training and Associated Budget Transfer – Margaret Nusbaum, Citizens Services Division (Continued from 9/24/2009)**

The following motions were made Thursday, September 24, 2009:

*Commissioner Hagen moved approval of Grant #2 as presented. Commissioner Gardner seconded the motion.*

*Commissioner Thompson moved to amend the motion to have the beneficiary of the training (the citizens being served) to be screened to verify lawful citizenship. Commissioner Jenkins seconded the motion that tied 2-2 with Commissioners Gardner and Hagen opposed and Commissioner Gray absent.*

*The main motion made tied 2-2 with Commissioners Jenkins and Thomson opposed and Commissioner Gray absent.*

*This item was rescheduled to Tuesday, September 29, 2009, when Commissioner Gray was present.*

Commissioner Gray moved approval of the grant application and associated budget transfer as presented. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

**Approval of FY 2011 Board of Education Funding Request to the State - Dr. Linda Burgee, Frederick County Public Schools**

(Commissioner Jenkins entered the meeting.)

Dr. Burgee and Ray Barnes, Frederick County Public Schools, presented the funding request.

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Commissioner Gray moved approval of the funding request to include switching the order of projects for Oakdale Elementary School and Lincoln Elementary School pending approval by the Board of Education. Commissioner Jenkins seconded the motion that passed 5-0.

**The Annual Investment Report for the Frederick County Employees Retirement Plan and Other Post Employment Benefits (OPEB) - Carol Boykin, Bolton Partnership Investment Consulting Group and Tracy Lobuts, Human Resources Division**

Ms. Boykin and Ms. Lobuts presented the updates to the retirement plan and OPEB.

Commissioner Gray made the following motions:

- to include Frederick County and Frederick County Public Schools OPEB in the discussion;
- the Retirement Committee present a plan and/or process to lower rates to seven and seven-and-a-half percent;
- the costs involved and the pros and cons of reducing the rates;
- take a look at actuarial rate information; and
- bring the requested information before the Board within 100 days from today.

The motion passed 4-1 by consensus with Commissioner Jenkins opposed.

Commissioner Thompson requested permission to schedule on future agenda a proposed policy for Frederick County that mirrored state divestiture actions.

**Housing Initiative Fund Fourth Quarter Report - Jenny Short, Citizens Services Division**

Ms. Short presented the report.

The Board requested Way Station staff to bring back answers to the following questions:

- has a project been sold as of this date;
- if a project was sold, who gets money if property appreciated; and
- if Way Station was the beneficiary of the funds from a sale, what do they do with the funds.

The McArthur funding issue regarding the Base Realignment and Closure (BRAC) housing fund grant for seven counties within Maryland was to come back before the Board on a future agenda.

**COMMISSIONERS COMMENTS**

None.

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**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**CLOSED SESSION**

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

**ADJOURN**

The meeting adjourned at 11:45 a.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, SEPTEMBER 29, 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 Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(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 options to respond to an administrative decision.

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Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, OCTOBER 1, 2009,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, SEPTEMBER 29, 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 Gray moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(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:**

R. Hart, J. Mathias, R. McCain, R. Santangelo and M. Baker

**Topic to be Discussed:**

To consider options to respond to an administrative decision.

**Action Taken:**

The Board approved staff's recommendations.

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Mary E. Baker  
Recording Secretary

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