

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, OCTOBER 27, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 27, 2009, at 8:00 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.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov).)*

**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 noted he supported Donna Crook, Frederick County Board of Education (BOE), regarding alcohol purchases by BOE staff that was charged on the BOE credit card. He stated if you are going to purchase alcohol, use your own money.

Commissioner Gardner noted yesterday she attended the ceremony at Vigilant Hose Company in Emmitsburg marking 125 years of service.

Commissioner Gardner reminded everyone Saturday was daylight savings time and to remember to turn the clocks back, to replace the smoke detector batteries and update the go kits.

**WORKSESSION**

**Ohio Casualty Fleet Award Presentation**

Bill Jenkins, Loss Control Representative, Ohio Casualty Insurance Company, presented the county with the award.

**Frederick County Commission on Disabilities Recognition of Award Recipient**

Linda Werner, Chairperson, Frederick County Commission on Disabilities, presented Dave Fulton, Whitsell's Pharmacy, with the award.

**Home Care Month Proclamation**

Commissioner Gardner presented the proclamation.

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**ADMINISTRATIVE BUSINESS**

**Future Operational Plans and Issues for the Citizens Care and Rehabilitation Center -  
Nicole Bohrer-Banzhoff, Citizens Care and Rehabilitation Center**

Ms. Banzhoff presented information regarding the concept approval of the 2004 Citizens 5-year strategic plan objectives.

Commissioner Hagen moved approval of staff's recommendations as presented for consultant and concept approval and for staff to come back within six months to review their findings with the Board. Commissioner Gray seconded the motion.

Commissioner Thompson offered a substitute motion to solicit letters of interest from private firms (that do not get taxpayer subsidies) to take over the nursing home. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

The main motion passed 3-2 with Commissioners Jenkins and Thompson opposed.

**WORKSESSION**

**Consideration of Subdivision Moratorium Expiration – Kathy Mitchell, Office of the  
County Attorney; Gary Hessong, Permitting and Development Review Division; and  
Eric Soter, Planning Division**

Ms. Mitchell, Mr. Hessong and Mr. Soter presented the growth management ordinance that is set to expire on January 8, 2010, and inquired if the Board wanted to renew or not.

There was no public comment.

Commissioner Gray moved to initiate the process to extend the moratorium ordinance for 90 days beyond the January 8, 2010, deadline using the same language as in the original ordinance. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

**ADMINISTRATIVE BUSINESS**

**Finalize Frederick County's Proposed 2010 Legislative Package - John Mathias, Office  
of the County Attorney and Ragen Cherney, Office of the County Manager**

The following votes were made regarding the proposed FY 2010 legislative package:

- Mandatory Beverage Container Deposit/Return System passed 4-1 with Commissioner Jenkins opposed.

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- Beverage Container Excise Tax failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.
- Constitutional Amendment to Prohibit “Economic Development” Takings passed 3-2 with Commissioners Gardner and Jenkins opposed.
- Require Open Session Negotiations for Certain Public Employees failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.
- Repeal on Use of Roadways for Charitable Solicitations failed 1-4 with Commissioners Gardner, Gray, Hagen and Thompson opposed.
- Count of Students Whose Lawful Presence within the United States Cannot Be Reasonably Documented failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.
- Revision to Inmate Fees for the Frederick County Adult Detention Center passed 5-0.
- Pay-As-You-Throw for Trash Disposal passed 4-1 with Commissioner Jenkins opposed.
- Authorization to Implement Mandatory Recycling in Frederick County passed 4-1 with Commissioner Jenkins opposed.
- Reduce State Property Tax for Agriculture Land passed 5-0.
- Increase in Liquor License Application Fees passed 5-0.
- Increase in Liquor License Application Processing Fee passed 5-0.
- State School Construction Funding for Frederick County Should Exceed the State Government Economic Assistance for Foreign Business Entities passed 5-0.
- Distribution of Plastic Bags Should be Banned in Frederick County passed 4-1 with Commissioner Jenkins opposed.

(Commissioner Hagen left the meeting.)

- Constitutional Convention Regarding Those in the United States Unlawfully passed 3-1 with Commissioner Gray opposed and Commissioner Hagen absent.
- Maryland Civil Rights Amendment to the Declaration of Rights passed 3-1 with Commissioner Gardner opposed and Commissioner Hagen absent.
- Mid-Atlantic Compact on Economic Development tied 2-2 with Commissioners Gardner and Jenkins opposed and Commissioner Hagen absent.
- Amendment to the Older Americans Act passed 4-0 with Commissioner Hagen absent.
- Pharmacies to Accept Unused Medications for Proper Disposal passed 3-1 with Commissioner Jenkins opposed and Commissioner Hagen absent.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

Meg Tully - The Frederick News-Post

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**ADJOURN**

The meeting adjourned at 11:30 a.m.

Mary E. Baker  
Recording Secretary