

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 12, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 12, 2009, at 10:00 a.m. Present were Commissioners Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Barry Stanton, Assistant County Manager and Mary Baker, Recording Secretary. Commissioner David Gray, *Vice President*, was absent.

(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).

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 COMMENTS

Commissioner Gardner noted Commissioner Gray was attending a funeral today.

Commissioner Jenkins requested a moment of silence for Sergeant Charles Isaac Cartwright, United States Marine Corps, who lost his life in the war in the Middle East.

Commissioner Gardner noted the county’s Toys for Tots campaign and canned food drive was taking through Friday, December 11, 2009.

BID AWARDS

1. Purchasing Memo #10-89 –Approval of Contract Extension for Energy Assessments
Award to: CQI Associates, LLC
Award amount: \$47,080.00
2. Purchasing Memo #10-90 – Janitorial Services for Urbana Library/Senior Center
Award to: Consolidated Building Maintenance
Award amount: \$61,880.00

BUDGET TRANSFERS

1. #BT-10-70, Frederick County Developmental Center, Health Services Division
2. #BT-10-71, Accounting, Finance Division

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GRANTS

1. Infants and Toddlers Program American Recovery and Reinvestment Act Funds - Part 2 Application - Monica Grant, Health Services Division
2. FY 2010 Maryland Smoke Alarms for Everyone (SAFE) Grant from Maryland Department of Health and Mental Hygiene and Associated Budget Transfer - Marc McNeal, Fire and Rescue Services Division

CHANGE ORDERS

1. Revised Paving and Stormdrain, Montevue Salt Dome, Contract No. 09-CP-68/C21007, Change Order No. 3 - Chuck Nipe and Dave Ennis, Public Works Division
2. Mussetter Road and Bituminous Overlay, Contract No. C28365 and C29918, Change Order No. 6 - Charles Nipe and Tom Meunier, Public Works Division

Commissioner Jenkins requested to pull Grant #1 for discussion.

Commissioner Jenkins moved approval of the consent agenda as presented with the exception of Grant #1. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The meeting minutes were approved by unanimous consent.

Bid Award – Purchasing Memo #10-77, Contract with Dr. Karla Paylor to Provide Pediatric Services to Clients of the Child Advocacy Center – Hal Good, Finance Division

Mr. Good presented the purchasing memo.

Commissioner Jenkins moved approval of Purchasing Memo #10-77 as presented and requested this item come back before the Board for the next renewal. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

Childcare Center/Nursery School Draft Text Amendment - Eric Soter and Shawna Lemonds, Planning Division

Mr. Soter and Ms. Lemonds presented the proposed changes to the text amendment that would allow childcare center/nursery schools as a permitted use within the agricultural zoning district.

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Commissioner Hagen moved to initiate the public hearing process to include the two-tier approach including removing the 10% cap on the building floor area requirement and for staff to replace language to state the Board of Appeals could set the number of children and floor space allowed. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

**Infants and Toddlers Program American Recovery and Reinvestment Act Funds - Part 2
Application - Monica Grant, Health Services Division (Grant #1 from Consent Agenda)**

Dr. Monica Grant provided information regarding the grant.

Commissioner Hagen moved approval of the grant as presented. Commissioner Gardner seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins voted in favor of Commissioner Gray.

**Village Center Zoning District Institutional Footprint Modification Draft Text Amendment
- Eric Soter and Shawna Lemonds, Planning Division**

Mr. Soter and Ms. Lemonds presented the proposed text amendment that would increase the square footage of commercial buildings within a village center.

Commissioner Jenkins moved to initiate the public hearing process to change the square footage as presented. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

Public comment was taken from:

- Noel Manalo, Miles & Stockbridge
- Reverend Paul Munday, Frederick Church of the Brethren
- Jim McIntosh
- Carole Sepe
- Tim May

DIRECTOR'S REPORT – Al Hudak, Public Works Division

Mr. Hudak and staff presented updates within his division.

COMMISSIONERS COMMENTS

None.

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QUESTIONS - PRESS

None.

PUBLIC COMMENTS:

None.

CLOSED SESSION

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

Commissioner Jenkins moved to proceed into closed session in accordance with 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 Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

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 THURSDAY, NOVEMBER 12, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

Topic to be Discussed:

To consider the acquisition of and financing for real property to be used for County purposes.

Mary E. Baker
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 12, 2009**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON MONDAY, NOVEMBER 16, 2009,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 12, 2009**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Commissioner Hagen moved to proceed into closed session in accordance with Maryland Annotated Code State Government Article § 10-508(a)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto. Commissioner Jenkins seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Gray absent.

Others in Attendance:

B. Stanton, J. Mathias, D. Browning, J. Kroll, and M. Baker

Topic Discussed:

To consider the acquisition of and financing for real property to be used for County purposes.

Action Taken:

The Board approved staff's recommendations.

Mary E. Baker
Recording Secretary

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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 Jenkins moved to proceed into closed session in accordance with 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 Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

Topic to be Discussed:

To review applications for hiring of a director position.

Mary E. Baker
Recording Secretary

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Motion:

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Others in Attendance:

B. Stanton, J. Mathias, and M. Baker

Topic Discussed:

To review applications for hiring of a director position.

Action Taken:

The Board provided direction to staff.

Mary Baker
Recording Secretary