

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, DECEMBER 8, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 8, 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 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.)

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 Gardner wished to congratulate Linganor High School and Catoclin High School football teams for winning their respective state championships.

WORKSESSION

Human Rights Day Proclamation

Commissioner Gardner presented the proclamation.

AGENDA BREIFING

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

Tuesday, December 15, 2009, at 7:00 p.m.

- To Consider a Proposed Extension of the Growth Management Ordinance - Kathy Mitchell, Office of the County Attorney.

CONSENT AGENDA

BID AWARDS

1. Purchasing Memo #10-107 - Bid #10-CP-60, Road Satellite Facilities and Budget Transfer
Award to: Roy C. Kline Construction
Award amount: \$459,540.00 and a 10% construction contingency of \$45,954

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2. Purchasing Memo #10-108 - Bid #10-CP-69, Resurfacing/Rehabilitation and Safety Improvements of Various Roadways
Award to: C.J. Miller, LLC
Award amount: \$2,187,587.55 funded 100% through the American Reinvestment and Recovery Act

ENCROACHMENT AGREEMENT

1. Rider to CSX Facility Encroachment Agreement No. CSX049708 - Bush Creek Interceptor - Landfill Leachate Sewer - Beth Ramacciotti, Utilities and Solid Waste Management Division

Commissioner Hagen moved approval of the encroachment agreement as presented. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Gray moved approval of Purchasing Memo #10-108 as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Gray moved approval of Purchasing Memo #10-107 as presented. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

WORKSESSION

Frederick County, Maryland General Obligation Public Facilities Bonds of 2010 and Refunding General Obligation Bonds of 2005 - James Cumbie, Esquire, Venable, LLP (County Bond Counsel)

Mr. Cumbie presented the proposed resolutions.

There was no public comment.

Commissioner Gray moved approval of the proposed resolution for the Maryland General Obligation Public Facilities Bond of 2010 as presented. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Gray moved approval of the proposed resolution for the Refunding General Obligation Bonds of 2005 as presented. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Resolution #09-37 and Resolution #09-38 can be obtained in the County Manager's Office or from the county's website, www.frederickcountymd.gov)

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**Fire Tax Rates for Emergency Medical Services First Due Areas - Mike Gastley, Finance
Division**

Mr. Gastley and Doug Brown, Fire and Rescue Services Division, presented information regarding fire tax rates.

Public comment was taken from:

- Clair Ebersole, Brunswick Volunteer Ambulance Company
- Jim Graham, Walkersville Fire Company
- Ralph Whitmore, Burgess, Town of Walkersville
- Micky Fyock, Frederick County Volunteer Fire and Rescue Association

Commissioner Thompson moved to delete the new fire station for Brunswick from the capital improvements program list.

Commissioner Gardner called the motion out of order.

- Ray Hinkle, Myersville Volunteer Fire Company
- Doug Smith, Urbana Volunteer Fire Department
- Ed Arnold, Carroll Manor Fire Company, Inc.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Hagen 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 Gray seconded the motion that passed 5-0.

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ADJOURN

The meeting adjourned at 10:55 a.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, DECEMBER 8, 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 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 Gray seconded the motion that passed 5-0.

Topic to be Discussed:

To conduct interviews for a county director's position.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, DECEMBER 10, 2009,
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 8, 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 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 Gray seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, B. Stanton, F. Davis

Topic Discussed:

To conduct interviews for a county director's position.

Action Taken:

The Board evaluated potential appointees for the Fire and Rescue Services Division director position.

Mary Baker
Recording Secretary