

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, DECEMBER 1, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 1, 2009, at 9:00 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.)

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 Hagen wished his wife and son a happy birthday.

WORKSESSION

Recognition of Frederick County's Utilities and Solid Waste Management Division's Composting System

Commissioner Gardner presented the award.

Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager

Human Relations Commission

There was no public comment.

Commissioner Gray moved to appoint Mr. Jason Butler to fill an unexpired term to expire June 30, 2012. Commissioner Hagen seconded the motion.

Commissioner Thompson amended the motion for the Board to interview Mr. Butler to verify his views on racial equality. The amendment failed due to lack of a second.

The main motion passed 4-1 with Commissioner Thompson opposed.

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Solid Waste Advisory Committee

There was no public comment.

Commissioner Gray moved to reappoint Dr. Harvey Alter as the at-large representative, Mr. Rolan Clark as the civic organization representative and Mr. Bryan Malseed as the business/commercial-retail representative to serve three-year terms to expire September 30, 2012. Commissioner Jenkins seconded the motion that passed 5-0.

PUBLIC HEARING

Proposed Changes to the Frederick County Purchasing Rules and Regulations - Hal Good, Finance Division and Richard McCain, Office of the County Attorney

A public hearing was held, as duly advertised, regarding the changes to the Frederick County Purchasing Rules and Regulations.

Mr. Good and Mr. McCain presented the revisions to the county's purchasing rules and regulations, Sections 1-2-16 through 1-2-34 and Sections 1-2-16 through 1-2-40.

There was no public comment.

The Board requested Section 1-2-36, keep "A" as presented and delete "B" as presented, include "B" to now state "Compliance with the contractual requirement that contractors hire only individuals lawfully entitled to work in the United States of America is material to Frederick County Government. Breach of this material contractual obligation could result in contract termination in addition to, and not in lieu of, any and all other remedies available to Frederick County Government and any and all other damages for which a contractor might be liable. Nothing herein shall require Frederick County Government to elect to terminate a contract for default to the exclusion of any other remedy." Staff was directed to come back before the Board on December 15, 2009, for adoption of the proposed ordinance reflecting the changes to the county's purchasing rules and regulations.

ADMINISTRATIVE BUSINESS

Purchasing Memo #10-93 - Approval of Contract Renewal with Corporate Occupational Health Solutions - Employee Physicals, Drug Testing and Other Contract Services - Hal Good, Finance Division

Mr. Good presented the proposed purchasing memo.

Commissioner Jenkins moved approval of Purchasing Memo #10-93 as presented. Commissioner Gray seconded the motion that passed 5-0.

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**Purchasing Memo #10-104, Heat Pump and Water Heater Replacements - Bell Court
Apartments – Hal Good, Finance Division**

Mr. Good presented the proposed purchasing memo.

Commissioner Gray moved approval of Purchasing Memo #10-104 as presented. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

**Jefferson Drop-Off Center - Mike Marschner, Utilities and Solid Waste Management
Division**

Mr. Marschner presented information regarding the requested changes proposed by the Jefferson Ruritan Club, Inc. for the Jefferson Drop-Off Center.

Commissioner Jenkins moved approval of the changes as presented. Commissioner Hagen seconded the motion that passed 5-0.

2009 Street Acceptance List – Brian Hovatter, Public Works Division

Mr. Hovatter presented the street acceptance list.

Commissioner Gray moved approval of the list as presented. Commissioner Jenkins seconded the motion that passed 5-0.

Countywide Comprehensive Plan Update – Eric Soter and Jim Gugel, Planning Division

For purposes of the following motions, these abbreviations will be used.

Ag/Rural – Agricultural/Rural	A – Agricultural
VC – Village Center	LI – Limited Industrial
GI – General Industrial	GC – General Commercial
ORI – Office, Research, Industrial	NR – Natural Resources
EI – Euclidian Institutional	OS/Rec – Open Space/Recreation
RC – Resource Conservation	R3 – Residential
LDR – Low Density Residential	

Mr. Soter briefed the Board on the discussion of the Board’s working draft zoning map for the community growth areas.

Linganore

Staff reviewed the zoning change and language change in the Linganore area.

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The Board voted 4-1, with Commissioner Thompson opposed, to the revision to add five dwelling units per acre to the Town Center without the transfer language.

Monrovia

Staff reviewed the zoning change in the Monrovia area.

Commissioner Hagen moved to change the zoning on the Burrell property, west of MD 75, Tax Map 97, Parcel 3, back to Ag and include the adjacent property. Commissioner Thompson seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Jenkins opposed.

Jefferson

Staff reviewed the zoning change in the Jefferson area.

Commissioner Thompson moved to change the three and a half acres from GC to VC. Commissioner Jenkins seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Commissioner Gardner moved to change the Ag property east of Old Houlter Road, Tax Map 84, Parcel 148, to GC. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Hagen and Thompson opposed.

Frederick

Staff reviewed the zoning changes in the Frederick area.

Commissioner Thompson moved to zone the property northwest of U.S. 340, southeast of MD 180, the Jefferson Tech Park property, Tax Map 76, Parcels 107 and 109, from MXD to ORI. The motion failed due to lack of a second.

Commissioner Jenkins moved to change the Bartlett property, Tax Map 86 and 95, Parcels 2 and 197, to LI. The motion failed due to lack of a second.

Urbana

Staff reviewed the zoning change in the Urbana area.

Commissioner Hagen moved to change one parcel along Mount Zion Road, the Statler property, Tax Map 85, Parcel 199, to GC. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

Commissioner Gray moved to take the countywide comprehensive plan draft to public hearing. Commissioner Hagen seconded the motion that passed 5-0.

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COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

- Oscar Fooster

QUESTIONS – PRESS

None.

CLOSED SESSION

Commissioner Gary moved to proceed to 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 Jenkins seconded the motion that passed 5-0.

ADJOURN

The meeting adjourned at 12:55 p.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, DECEMBER 1, 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 Gary moved to proceed to 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 Jenkins seconded the motion that passed 5-0.

Topic to be Discussed:

To conduct a hearing on a personnel appeal.

Mary Baker
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, DECEMBER 1, 2009,
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 1, 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 Gray moved to go into closed session in accordance with the 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 Jenkins seconded the motion that passed 5-0.

Others in Attendance:

R. Hart, B. Stanton, W. Kearney, L. Thall, A. Abraham, W. Roach, K. Fisher, P. Morrow D. Rupli, P. Fitzpatrick, and the employee who filed the appeal.

Topic Discussed:

To conduct a hearing on a personnel appeal.

Action Taken:

The Board heard and made a decision regarding a personnel appeal.

Patricia A. Morrow
Recording Secretary