

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, DECEMBER 15, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, December 15, 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](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 Gardner noted three commissioners went to New York to meet with the bond rating agencies last week.

She also noted this afternoon at 2:00 p.m. the Board would be attending the groundbreaking ceremony for the Ballenger-McKinney Enriched Nutrient Removal Wastewater Treatment Plant expansion and yesterday, the Board attended the ribbon cutting for the I-70/East Street construction project.

**WORKSESSION**

**City of Frederick Annexation – Summers Farm Property – John Dimitriou, Planning Division**

The City of Frederick requested the Board consider waiving the zoning inconsistency with the Summers Farm Property. The property located in the southwest quadrant of US 40 and Mount Phillip Road that incorporated 100.9 acres of land with mixed use (MU-1) zoning into the boundary of the City of Frederick. This annexation was approved September 3, 2009, effective October 18, 2009.

Staff found the City's MU-1 zone to be substantially different than the county's agricultural (AG) zone and had allowable densities greater than 50% of the county's AG zone. The land use plan designation of low density residential (LDR) in the county's current region plan would allow for the application of planned unit development (PUD) zoning, which would permit uses and densities similar to the City's MU-1 zoning.

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Public comment was taken from:

- Bruce Dean, Esquire, McEvoy and Dean, PC

Commissioner Hagen moved to deny the request to grant expressed approval for the MU-1 zoning. Commissioner Thompson seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

**ADMINISTRATIVE BUSINESS**

**Adoption of the Revised Frederick County Purchasing Regulations and Approval of the Revisions to the Frederick County Purchasing Rules (From public hearing held on 12/1/09) - Hal Good, Finance Division**

Commissioner Gray moved to adopt the proposed ordinance as presented. Commissioner Hagen seconded the motion that passed 5-0.

(A copy of Ordinance #09-25-533 can be obtained in the County Manager's Office or from the county's website, [www.frederickcountymd.gov](http://www.frederickcountymd.gov))

**FY 2011 - FY 2016 Capital Improvements Program Funding Discussion - Kelly Weaver, Finance Division**

Ms. Weaver and Mike Gastley, Finance Division, presented scenarios regarding the capital improvements program funding.

Commissioner Gardner passed the gavel to Commissioner Gray.

Commissioner Gardner moved to defund \$4,295,700 from general obligation (GO) bonds by taking:

- \$3,000,000 unallocated
- \$350,000 Winchester Hall – West Wing Renovation
- \$120,000 St. Marks Road Bridge
- \$169,000 Reels Mill Road, Phase I
- \$300,000 Mussetter Road
- \$40,000 Spectrum Drive improvements
- \$16,700 Buffalo Road / Harris Road improvements
- \$300,000 FDR / CIR pavement management FY 2009

Commissioner Hagen seconded the motion that passed 5-0

Commissioner Gardner moved to defund \$1,704,958 from GO bonds by taking:

- \$244,270 Southern District substation

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- \$300,000 Winchester Hall / 30 North Market Street site improvement
- \$1,160,688 Parks - unallocated acquisition

Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Jenkins moved to defund \$419,553 in cash from the Enterprise GIS FY 2009 ongoing fund. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

Commissioner Gardner moved to defund \$7,605,640 from GO bonds by taking:

- \$400,000 Adult Detention Center parking lot improvements
- \$252,000 Senior Center HVAC replacement
- \$217,000 Courthouse HVAC upgrades
- \$228,160 Urbana District Park
- \$6,467,480 Utica, Phase II
- \$41,080 Ballenger Creek District Park, Phase V

Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Gardner moved to defund \$10,730,000 by taking:

- \$175,000 Public Safety Training Facility, Phase III
- \$4,500,000 Citizens Care and Rehabilitation Center
- \$1,750,000 Montevue Home
- \$1,000,000 Montevue Complex general site improvements
- \$240,000 Legore Bridge Road
- \$225,000 Brunswick Middle School roof section
- \$2,400,000 West Frederick Middle School modernization
- \$440,000 Linganore High School renovation

Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Gardner requested to meet with Sheriff Jenkins regarding the Adult Detention Center Phase V project before making any decisions regarding the funding.

Commissioner Hagen moved to adopt Scenario 4 in the staff report as presented. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

**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)(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; and Maryland Annotated Code State Government Article § 10-508(a)(7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**ADJOURN**

The meeting adjourned at 11:30 a.m.

Mary E. Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, DECEMBER 15, 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 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; and (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Topic to be Discussed:**

To discuss the hiring of a division director.

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Mary Baker  
Recording Secretary

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**Topics to be Discussed:**

To discuss a response to a letter from a state regulatory agency.

To discuss a claim from a contractor on a county construction project.

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Mary Baker  
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON TUESDAY, DECEMBER 15, 2009,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, DECEMBER 15, 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:**

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**Others in Attendance:**

R. Hart, B. Stanton, M. Hose, R. Santangelo, M. Baker

**Topic Discussed:**

To discuss the hiring of a division director.

**Action Taken:**

The Board selected an applicant to fill the director's position.

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Mary Baker  
Recording Secretary

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- (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

**Motion:**

Commissioner Gray 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; and (7) To consult with counsel to obtain legal advice on a legal matter and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Hagen seconded the motion that passed 5-0.

**Others in Attendance:**

W, Kearney, R. Hart, B. Stanton, D. Ennis, M. DiLandro, R. Goodell, J. Hartner, A. Hudak, C. Nipe

**Topics Discussed:**

To discuss a response to a letter from a state regulatory agency.

To discuss a claim from a contractor on a county construction project.

**Action Taken:**

The Board provided staff with direction.

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Mary Baker  
Recording Secretary