

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY**  
**MEETING MINUTES FOR TUESDAY, MAY 11, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, May 11, 2010, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, John L. Thompson, Jr. and Blaine Young. Also present were Ron Hart, County Manager and Patti Morrow, 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.

**COMMISSIONER COMMENTS**

Commissioner Gardner requested a moment of silence in honor of Corporal Kurt Steven Shea, USMC, who was killed in Afghanistan's Helmand Province.

Commissioner Gray noted he participated in a recent tour of the new Linganore High School.

**WORKSESSION**

**League of Women Voters Day Proclamation**

The Board proclaimed May 11 as the League of Women Voters Day.

**Mental Health Month Proclamation**

The Board proclaimed May as Mental Health Month.

**Finalize FY 2011-2016 Capital Improvements Program (CIP) and FY 2011 Capital Budget - Kelly Weaver, Finance Division**

Ms. Weaver reviewed the changes to the CIP.

Ray Barnes, Frederick County Public Schools (FCPS), commented on the FCPS systemic priorities.

Jack Markey, Emergency Management Division, and Kim Dine, Chief, Frederick Police Department, commented on the communications system improvement project.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

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Commissioner Gardner moved to express an indication of interest for two (2) options:

- Move up the Lincoln Elementary School (LES) project with demolition in FY 2011, and construction in FY 2012, and the Oakdale Elementary School (OES) addition in FY 2013; or
- Leave OES project in FY 2012, and move LES from FY 2014 to 2013.

Commissioner Young seconded the motion that passed 5-0, with the understanding the options would be shared with the BOE for their feedback by Thursday, May 20, 2010.

(Commissioner Gray left the meeting.)

(Commissioner Gardner passed the gavel to Commissioner Hagen.)

Commissioner Gardner moved to take out the \$6 million for the financial system upgrade in FY 2015 and defer it to beyond FY 2016. Commissioner Young seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Gardner moved to take \$100,000 from the Carroll Creek project and \$320,000 out of pavement management to address the cash deficit in FY 2015.

Commissioner Thompson requested to divide the question.

The vote on moving \$100,000 of Carroll Creek funding from FY 2015 to FY 2016 was 4-0 with Commissioner Gray absent.

(Commissioner Gray returned to the meeting.)

The vote on moving \$320,000 of pavement management funding from FY 2015 to FY 2016 was 4-1 with Commissioner Thompson opposed.

Dr. Carol Eaton, Frederick Community College (FCC), commented on the FY 2011 request for \$200,000 for finishing equipment in the culinary arts facility. Doug Browning, FCC mentioned funding that may be left in the FCC left turn lane project. Staff was directed to determine the amount of funding remaining in the left turn lane project and to provide an update to the Board on Thursday, May 20, 2010.

It was also indicated Mr. Barnes would bring back priorities from the BOE regarding school systemics after he meets with his staff to discuss the downsizing of the Sabillasville Elementary School roof project.

It was indicated a discussion would need to be held with The City of Frederick officials to discuss who would provide the parks program in the Lincoln Elementary School gym.

(Commissioner Young left the meeting at 10:20 a.m. to attend a field trip with his son.)

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**WORKSESSION**

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

Frederick County Advisory Plumbing Board

There was no public comment.

Commissioner Gray moved to reappoint Messrs. Gary Armbuster and Dave Gatrell to serve four-year terms to become effective July 1, 2010, and expire June 30, 2014. Commissioner Hagen seconded the motion that passed 3-0 with Commissioner Thompson recused and Commissioner Young absent.

Business Development Advisory Council

There were no public comments.

Commissioner Gray moved to appoint Mr. John Lynn Shanton to serve a three-year term to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Thompson seconded the motion that passed 3-1 with Commissioner Hagen opposed and Commissioner Young absent.

Commissioner Gray moved to reappoint Mr. Jon-Mikel Bailey for a three-year term to become effective July 1, 2010, and to expire on June 30, 2013; to appoint Mr. Drexel Ryberg to fill an unexpired term to expire June 30, 2010, and to also appoint him for a full three-year term to become effective July 1, 2010, and to expire June 30, 2013; and to appoint Mr. Jason Stanczyk to fill an unexpired term to expire June 30, 2012. Commissioner Thompon seconded the motion that passed 4-0 with Commissioner Young absent.

Citizens Nursing Home Board of Trustees

Public comment was heard from Dr. Sonya Rossig.

Commissioner Hagen moved to approve the reappointment of Ms. Faye Bevard, Ms. Lisa Lawler Graditor and Mr. Jack Tritt to serve three-year terms to become effective July 1, 2010, and expire June 30, 2013. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Commission for Women

There were no public comments.

Commissioner Hagen moved to reappoint Ms. Jacquelyn Brown and Ms. Jennifer Charlton to serve three-year terms to become effective July 1, 2010, and to expire on June 30, 2013; and

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to appoint Ms. Cindy McKane-Wagester to fill an unexpired term to expire June 30, 2010, and to appoint her for a full three-year term to become effective July 1, 2010 and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Companion Animal Welfare Advisory Committee

There were no public comments.

Commissioner Hagen moved to reappoint Ms. Mary Bernard and Dr. Karen Miller to serve three-year terms to become effective July 1, 2010, and to expire June 30, 2013; and appoint Ms. Michele Ferris Hansen to serve a three-year term to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Human Relations Commission

Public comment was heard from Hayden Duke.

Commissioner Gray moved to approve the reappointment of Messrs. Adeyemi Adeoye and Hayden Duke and Ms. Angela Spencer to serve three-year terms to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Hagen seconded the motion.

Commissioner Thompson offered an amendment to interview the applicants to determine if they were committed to racial equality. The amendment did not receive a second.

The vote on the main motion was 3-1 with Commissioner Thompson opposed and Commissioner Young absent.

Insurance Committee

There were no public comments.

Commissioner Hagen moved to approve the reappointment of Mr. Paul Brunner to serve a three-year term to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Mental Health Advisory Committee

There were no public comments.

Commissioner Gray moved to appoint Ms. Jenna Holderness to fill an unexpired term to expire June 30, 2010, and to appoint her for a full three-year term to become effective July 1, 2010, and to expire July 1, 2013. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Young absent.

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Monocacy Scenic River Citizens Advisory Board

There were no public comments.

Commissioner Hagen moved to reappoint Mr. Jack Lynch to serve a four-year term to expire May 11, 2014. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Social Services Board

There were no public comments.

Commissioner Hagen moved to appoint Ms. Dana Mims to fill an unexpired term to expire June 30, 2010, and appoint her for a full three-year term to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

Transportation Services Advisory Council

There were no public comments.

Commissioner Gray moved to reappoint Ms. Patie Elsberry, Messrs. David Ling, Kenneth Marshall and Tom Massey to serve three-year terms to become effective July 1, 2010, and to expire June 30, 2013. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Young absent.

Workforce Development Board

There were no public comments.

Commissioner Gray moved to appoint Mr. Robert Jeffers to fill an unexpired term to expire June 30, 2010, and to appoint him for a full four-year term to become effective July 1, 2010, and to expire June 30, 2014. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Young absent.

**ADMINISTRATIVE BUSINESS**

**2010 Development Impact Fees Annual Report and Study Update - Kelly Weaver,**  
**Finance Division**

Ms. Weaver presented the Development Impact Fee Study.

Commissioner Thompson moved to proceed to public hearing with options 2 and 3. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Young absent.

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**Update of the Zoning Ordinance Rewrite and Guidance on Additional Text Amendments to Undertake - Eric Soter, Planning Division**

Mr. Soter reviewed with the Board the zoning ordinance rewrite update.

The Board directed staff to develop the following zoning ordinance text amendments:

- Create architectural and historic preservation regulations;
- Update special exception criteria;
- Clarification of the ag-cluster procedural regulations; and
- Multiple structures on commercial/industrial property.

**PUBLIC COMMENTS (3 MINUTE PRESENTATION)**

- Mary Kemp, Freedom Center
- Jamey George, Freedom Center
- Paul Hartman, Freedom Center
- Marvin Leavey, Jr.
- Steven Huber
- Linda Werner, Frederick County Commission on Disabilities and ARC of Frederick County
- Kevin Kirpatrick
- Nancy Norris, Frederick County Transit Services Division

The Board broke for lunch at 12:10 p.m. and reconvened at 1:15 p.m.

**Countywide Comprehensive Plan Implementation Action Plan - Setting General Timelines - Eric Soter, Planning Division**

Mr. Soter and Mr. Gugel presented the action item matrix which is the work plan of the Countywide Comprehensive Plan.

(Commissioner Young arrived to the meeting at 1:30 p.m.)

By unanimous consent, the Board adopted the additions, corrections and deletions of the action item matrix.

**QUESTIONS – PRESS**

None.

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**CLOSED SESSION**

Commissioner Hagen moved to go into closed session under 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 Gray seconded the motion that passed 5-0

**ADJOURN**

The meeting adjourned at 1:50 p.m.

Patricia A. Morrow  
Recording Secretary

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**FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, MAY 11, 2010**

**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 go into closed session according 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 consider issues concerning individual county employees as a result of the elimination of positions.

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Patricia A. Morrow  
Recording Secretary



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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY MAY 13, 2010,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, MAY 11, 2010**

**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 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 Gray seconded the motion that passed 5-0.

**Others in Attendance:**

R. Hart, B. Stanton, J. Mathias, J. Kroll, M. Gastley, M. Hose, D. Spangenberg and P. Morrow

**Topic Discussed:**

To consider issues concerning individual county employees as a result of the elimination of positions.

**Action Taken:**

The Board directed staff to reinstate a county employee.

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Patricia A. Morrow  
Recording Secretary