

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, MAY 25, 2010**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, May 25, 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 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 Young noted earlier this week the passing of Donald Charles Barnes Sr., former Frederick County Sheriff.

**PUBLIC HEARING**

**Proposed Updates to the County Code Regarding Building, Electrical and Plumbing Codes - Gary Hessong, Permitting and Development Review Division**

A public hearing was held, as duly advertised, on the proposed updates to the Frederick County Code regarding the building, electrical and plumbing codes.

Mr. Hessong presented the updates to the building and electrical codes.

(Commissioner Thompson recused himself.)

Mr. Hessong presented the updates to the plumbing code.

There was no public comment.

It was noted the Board would take action on approving the code updates during their meeting scheduled for Tuesday, June 8, 2010.

**WORKSESSION**

**Appointments to Frederick County Boards, Commissions and Committees - Joyce Grossnickle, Office of the County Manager**

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Commission on Aging

There was no public comment.

Commissioner Gray moved to appoint Mr. Hal Ehart to fill an unexpired term to expire December 31, 2010. Commissioner Hagen seconded the motion that passed 5-0.

**Discussion of the Allegheny Power's Ringgold-Catoctin-Walkersville-Monocacy & Carroll-Catoctin Transmission Line Rebuild Project - Dave Kline, Allegheny Power**

Mr. Kline presented the details of the project.

There was no public comment.

No action was taken by the Board.

**Third Quarter Financial Analysis - Reporting Financial Results for Nine Months ended March 31, 2010 - Erin White, Finance Division**

Staff presented the third quarter financial results.

There was no public comment.

No action was taken by the Board.

**Planned Development Districts Draft Text Amendment - Shawna Lemonds and Mark Depo, Planning Division**

Ms. Lemonds and Mr. Depo presented the proposed text amendment.

The following changes were made to the proposed amendment:

On Page 5, Section 1-19-7.620, strike "*may*" and replace it with "*shall*."

On Page 15, Commissioner Hagen requested that language be added to Section 1-19-10.500.3 (D) to clarify the intent of connections between the existing and proposed development such as trails, sidewalks and streets.

On Page 14, Section 1-19-10.500.2, clarify in A and B, "*may be applied to a county comprehensive plan land use designation*" except in D.

On Page 22, Section 1-19-10.500.6, (D), add a (4), "*Reduction of not more than 50% may be granted when there is a demonstration of open space green area in close proximity or a fee-in-lieu.*"

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On Page 24, Section 1-19-10.500.6 (H) (c), the Board requested to strike the language “stories” and to get input from the Frederick County Planning Commission (FcPC) regarding the proposed heights. The Board noted the following for consideration:

- The FcPc should retain the ability to provide a modification to the standards to require discussion, justification, and consideration of compatibility;
- Should the standards remain as proposed at 35’ for all uses with opportunity for modification for increased height;
- The FcPc recommended up to 80’ for multi-family in the MX Euclidean zoning district, which would be similar to the proposed requirements within the PDR text; and
- Whether multi-family in LDR should be increased to 45’ maximum height, remain at 60’ maximum in MDR, and be reduced to 80’ maximum in HDR.

On Page 29, Section 1-19-500.8, (C) (1), strike “Generally.”

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

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:05 p.m.

Mary E. Baker  
Recording Secretary

FORM OF STATEMENT FOR  
CLOSING THE MEETING OF TUESDAY, MAY 25, 2010

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

**Time and Location:**

12:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic to be Discussed:**

To acquire an easement for a utility project.

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Mary Baker  
Recording Secretary

FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING  
ON THURSDAY, MAY 27, 2010,  
FOLLOWING THE CLOSED MEETING OF TUESDAY, MAY 25, 2010

**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)(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.

**Time and Location:**

12:05 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

R. Hart, J. Mathias, K. Demosky, M. Marschner, B. Ramacciotti and M. Baker.

**Topic Discussed:**

To acquire an easement for a utility project.

**Action Taken:**

The Board approved the acquisition.

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Mary Baker  
Recording Secretary

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**FORM OF STATEMENT FOR  
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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 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.

**Time and Location:**

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic To Be Discussed**

To consider personnel appeals filed by individual county employees.

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Patricia A. Morrow  
Recording Secretary

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**Motion:**

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**Time and Location:**

1:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

R. Hart, W. Kearney, B. Stanton, J. Mathias, M. Hose and P. Morrow

**Topic Discussed:**

To consider personnel appeals filed by individual county employees.

**Action Taken:**

Staff was directed to draft memorandums of decision regarding the personnel appeals.

Staff was authorized to reimburse attorney fees for a county employee.

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Patricia A. Morrow  
Recording Secretary

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**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Topic To Be Discussed**

To review and consider the applications for a county director's position.

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Patricia A. Morrow  
Recording Secretary



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**Time and Location:**

2:30 p.m. – Third Floor Meeting Room, Winchester Hall

**Others in Attendance:**

R. Hart, B.Stanton, J. Mathias, M. Hose and P. Morrow

**Topic Discussed:**

To review and consider the applications for a county director's position.

**Action Taken:**

No action was taken.

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Patricia A. Morrow  
Recording Secretary