

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR TUESDAY, SEPTEMBER 21, 2010**

Commissioner David Gray, *Vice President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, September 21, 2010, at 8:30 a.m. Present were Commissioners Kai Hagen, John L. Thompson, Jr., and Blaine Young. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Please note President Jan Gardner's arrival time.

(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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

None.

WORKSESSION

Constitution Week Proclamation

Commissioner Thompson presented the proclamation.

**Driving Surface Aggregate Demonstration Project Preliminary Report – David Olney,
Public Works Division**

Mr. Olney presented the petition to remove Wildcat Road from the Rural Roads Program in light of the preliminary results of the driving surface aggregate demonstration (DSA) project.

Public comment was taken from:

- Susan Hanson

Commissioner Hagen moved approval of Option #2 *"to reject the petition to remove Wildcat Road from the Rural Roads Program and direct staff to perform spot improvements on the southern gravel portion of the road, making use of tar and chips as necessary. These improvements are expected to cost approximately \$40,000 to be funded with money transferred from the balance of the DSA project account."* The Board also directed staff to continue evaluating the project. Commissioner Young seconded the motion that failed 2-2 with Commissioners Hagen and Thompson opposed and Commissioner Gardner absent. Commissioner Hagen moved approval of Option #2 and #3 *"to reject the petition at this time. If the final results of the DSA project, available in FY 2013, indicate that DSA is a practical solution to gravel road issues, and the adjacent property owners show their support for such a project, staff will plan to schedule reconstruction of the gravel portions of Wildcat Road with*

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DSA when funding becomes available, which is expected to be sometime after FY 2016.” The Board also directed staff to minimize spot improvements and to exercise judgment regarding this project. Commissioner Young seconded the motion that passed 4-0 with Commissioner Gardner absent.

(Commissioner Thompson left the meeting.)

Boyers Mill Road and Bridge Projects – Tony Pellegrino, Public Works Division

Mr. Pellegrino presented the request to move forward with final design for the projects.

(Commissioner Gardner entered the meeting.)

There was no public comment.

Commissioner Hagen moved approval to move forward with two separate final engineering design contracts for both projects using the following:

1. Use 30 % design parameters for the bridge project;
2. Pursue the roadway alternative capital improvement projects (CIP) improvement plan for the road project;
3. Develop a draft final scope of services with Wallace Montgomery and Associates and concurrently present at a public meeting the road and bridge project update to the citizens including the proposed roadway alternative CIP improvement plan for the road project;
4. Develop a final scope of services incorporating input/comments received from the citizens; and
5. Once the scope and price are complete for either the road and/or bridge projects an award recommendation will be presented to the Board.

Commissioner Gray seconded the motion that passed 4-0 with Commissioner Thompson absent.

ADMINISTRATIVE BUSINESS

Ijamsville Road, Phase I – CSXT Construction Agreement – Jason Stitt, Public Works Division

(Commissioner Gray left the meeting.)

Mr. Stitt presented the proposed agreement.

Commissioner Young moved to approve and sign the CSXT construction agreement and the associated purchasing memo in the amount of \$368,511 to cover the estimated costs as outlined in the agreement. Commissioner Hagen seconded the motion that passed 3-0 with Commissioners Gray and Thompson absent.

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**Planned Development Districts Text Amendment – Eric Soter and Shawna Lemonds,
Planning Division**

Ms. Lemonds presented the changes as discussed at the last meeting.

(Commissioner Thompson re-entered the meeting.)

(Commissioner Gray re-entered the meeting.)

The Board approved the change to Section 1-20-9, (E) and Section 1-20-10, (F), to delete “*or developed*” as presented at the last meeting.

The Board approved adding language to Section 1-19-10.500.4, (D), 2, “Subsequent to Phase I approval and prior to *or concurrent with* Phase II approval the applicant shall obtain adequate public facilities ordinance (APFO) approval in accordance with Chapter 1-20 of the Frederick County Code.”

Commissioner Gray moved to proceed with the public hearing process as presented including the two changes noted today. Commissioner Hagen seconded the motion that passed 5-0.

**Maryland Department of Transportation Consolidated Transportation Program Tour
Briefing Issues – John Thomas, Planning Division**

Mr. Thomas presented the issues as outlined in the staff report to be presented during the MDOT tour briefing scheduled for Thursday, September 23, 2010.

Commissioner Gardner noted the Meadow Road interchange and US 15 at Monocacy Boulevard interchange needed to be restated.

Commissioner Young recused himself during the transit discussions.

Commissioner Thompson moved to include as a county position the use of the Appian Way (toll system) as a financing solution for certain projects. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Young opposed.

Landmark Annexation in The City of Frederick – Board of County Commissioners

John Dimitriou presented updates regarding the Landmark annexation.

Commissioner Thompson moved to decline waiving the inconsistency. The motion did not receive a second.

Commissioner Hagen moved to allow Rand Weinberg, Esquire, to speak on behalf of the applicant. Commissioner Young seconded the motion that passed 4-1 with Commissioner Thompson opposed.

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Public comment was taken from:

- Maurice Gladhill

Commissioner Gray moved to grant expressed approval allowing the GC zoning to be applied to the property which was influenced by the statement made by Mr. Gladhill. Commissioner Young seconded the motion that passed 3-2 with Commissioners Gardner and Thompson opposed.

COMMISSIONERS COMMENTS

None.

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

ADJOURN

The meeting adjourned at 11:37 a.m.

Mary E. Baker
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF TUESDAY, SEPTEMBER 21, 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 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. Commissioner Hagen seconded the motion that passed 5-0.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Topics to be Discussed:

To consider appointments to the Frederick County Board of Appeals.

To consider the continuing employment status of an individual county employee.

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, SEPTEMBER 21, 2010,
FOLLOWING THE CLOSED MEETING OF TUESDAY, SEPTEMBER 21, 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 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. Commissioner Hagen seconded the motion that passed 5-0.

Time and Location:

11:40 a.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

R. Hart and M. Baker

Topics Discussed:

To consider appointments to the Frederick County Board of Appeals.

To consider the continuing employment status of an individual county employee.

Action Taken:

The discussion of the two topics was postponed until Thursday, September 23, 2010.

Mary Baker
Recording Secretary