

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, September 15, 2011, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve, David Gray and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Pattie Wolfgang, 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.)

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONER COMMENTS

Commissioner Gray noted there is a travelling tour from the Library of Congress which will be at the Urbana Library starting Friday, September 16, 2011. There will be documents from our nation's history on display, including the Declaration of Independence.

Commissioner Smith commented the public should be made aware that there are stringent federal and state stormwater regulations in effect that apply to Frederick County. He added that the Board would like to address these regulations including permitting requirements; questioning whether they have been proven scientifically beneficial, as permitting processes are extremely expensive.

Commissioner Shreve commented there is a very informative Board of Education (BOE) planning document available. It can be viewed through his Facebook page. It provides good insight into the BOE's planning process.

Commissioner Delauter noted that he attended an event held at the Elks Club to honor wounded veterans. He commended the sacrifice and service of all veterans. He also concurred with Commissioner Smith regarding the stormwater regulations, stating that the costs will outweigh the benefits.

Commissioner Young added there is a policy document entitled PlanMaryland that citizens should be made aware of. There are policies that affect Frederick County and citizens should familiarize themselves with it.

Update of Board of County Commissioners' Administrative Actions – Commissioner Blaine R. Young and Dave Dunn, Office of the County Manager

Commissioner Young and Mr. Dunn briefed the public on the Board's recent administrative actions.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

PUBLIC HEARING

Revisions to the Frederick County Plumbing Code – Gary Hessong, Community Development

A public hearing was held, as duly advertised, to request the Board to approve an ordinance to make certain changes to the Frederick County Plumbing Code.

Mr. Hessong presented the staff report noting the proposed changes as follows:

1. Elimination of the mandatory 1,600 gallon outside grease interceptor requirement in food preparation areas such as restaurants, kitchens and other non-residential facilities.
2. Elimination of the requirement for a county licensed Master Plumber to obtain a separate Septic Installer License in order to do septic work in the county.

There were no public comments.

This item is scheduled for final action by the Board at the administrative business meeting on September 29, 2011.

WORKSESSION

Business Appreciation Week Proclamation

The Board proclaimed the week of September 26, 2011, as Business Appreciation Week.

Mixed Use (Euclidean) Draft Text Amendment – Eric Soter, Community Development Division

Ms. Shawna Lemonds, Community Development Division, presented a request for direction on the items contained in the Mixed Use (Euclidean) Draft Text Amendment.

Commissioner Shreve commented he would like to include auction houses as a permitted use within the Mixed Use Euclidean zoning district.

Commissioner Gray suggested having more public input before moving forward.

The consensus was to proceed with the process to public hearing with Commissioners Shreve and Gray opposed.

Changes to the Citizens Care and Rehabilitation Center (CCRC) / Montevue Assisted Living (MAL) Bylaws – Collier Baird, CCRC / MAL

Mr. Baird presented the proposed changes to the bylaws for the CCRC and MAL Board of Trustees.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

Commissioner Gray moved to approve the proposed changes to the bylaws. Commissioner Smith seconded the motion that passed 5-0.

Discussion of Recordation Tax Allocations and Potential Changes – Lori Depies and Ronni Griffin, Finance Division

Ms. Depies presented the request for guidance regarding the modification of the current recordation tax ordinance that would reduce the current allocation to the Agricultural Preservation Fund and the Parks Acquisition and Development Fund, and redirect the revenue to other uses.

Ms. Griffin commented on the request.

Commissioner Shreve moved to take to public hearing the staff's recommendations. Commissioner Delauter seconded the motion that passed 4-1 with Commissioner Gray opposed.

FY 2011 Installment Purchase Program (IPP) Easement Acquisition Cycle (Continued from 7/28/2011) – Anne Bradley, Community Development Division

Ms. Bradley presented the request whether to continue with the FY 2011 IPP Program application cycle or table the IPP applications in order to evaluate easement values and ranking criteria.

Commissioner Smith moved to proceed with staff recommendations to table the FY 2011 IPP applications in order for staff and the Agricultural Preservation Advisory Board to complete a detailed review of the IPP Program. Commissioner Shreve seconded the motion that passed 5-0.

AGENDA BRIEFING

Staff reviewed with the Board the following item scheduled for a public hearing on Tuesday, September 20, 2011, at 7:00 p.m.

- Solid Waste Management Plan Updates and Amendments – Kevin Demosky, Utilities and Solid Waste Management Division

CONSENT AGENDA

BUDGET TRANSFER

1. #BT-12-038, Economic Development, Community Development Division

BUDGET TRANSFER AND APPROVAL OF CAPITAL PURCHASE

1. #BT-12-040

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

BOARD OF EDUCATION SCHOOL CONSTRUCTION FUND AMENDMENT

1. #12-10 AND #BT-12-039

CHANGE ORDERS

1. Ballenger McKinney Enhanced Nutrient Removal (ENR) Wastewater Treatment Plant WWTP) Expansion, Contract No. 200A-S, Change Order No. 13 – Rodney Winebrenner, Utilities and Solid Waste Management Division
2. New Design Water Transmission Main, Contract No. 110-W, Design Change Order No. 24 - Robert Creighton – Utilities and Solid Waste Management Division

GRANTS

1. Renewal of the Child Advocacy Center Assistance Grant – Joy Rowe, Citizens Services Division
2. Maryland Summer Youth Connection – Laurie Holden, Citizens Services Division
3. Renewal of The Emergency Food Assistance Program (TEFAP) Grant – Pat Rosensteel, Citizens Services Division

Commissioner Smith moved to approve the Consent Agenda as presented. Commissioner Shreve seconded the motion that passed 5 – 0.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #12-030 – Approval to Change Vehicle Fuel Procurement from a Consignment Basis to Owned Inventory; Approve Multiforce System Procurement through GSA; Approve Piggyback of Fleetcor/Fuelman through HGAC and Authorize the Purchasing Director to Utilize Various Cooperative Contracts to Secure the Best Fuel Pricing; and Attached Budget Transfer – Hal Good, Finance Division

Mr. Good commented on the bid award. Comments were also heard from Pat Hannah, Fleet Services, Management Services Division.

Commissioner Smith moved to approve the bid award as presented. Commissioner Gray seconded the motion that passed 5 – 0.

Resolution to Revise the Adequate Public Facilities Ordinance Traffic Guidelines – Follow up from Tuesday, September 6, 2011, Public Hearing – Kathy Mitchell, Office of the County Attorney

Ms. Mitchell asked the Board to confirm the changes to the traffic guidelines that were adopted as of September 6, 2011, along with the ordinance as presented on date of same.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

Commissioner Smith moved to approve the guidelines; noting that due to being previously overlooked, they would be retroactive as of September 6, 2011. Commissioner Shreve seconded the motion that passed 4 – 1 with Commissioner Gray opposed.

(The meeting was recessed at 12:05 p.m. and resumed at 12:50 p.m.)

**Recommended Changes to Employee (Current Employees and New Hires) Benefits
(Continued from 9/8/11 BOCC Meeting) – Mitch Hose, Human Resources Division**

Mr. Hose noted he complied with the Board's requests from the September 8 meeting; including providing a comparison between current and recommended benefits; discussing the possibility of eliminating Election Day as a holiday with the Elections Board director; providing an analysis of defined contribution (DC) and defined benefits (DB) costs. He also noted any changes made to benefits would need to be taken to public hearing.

The consensus was to proceed to workshop prior to any public hearings.

**2012 Legislative Considerations (Continued from 9/8/11 BOCC Meeting) – Ragen
Cherney, Office of the County Manager**

Mr. Cherney reviewed the legislative considerations discussed at the September 8 Board meeting.

Any correspondence received from local organizations will be presented to the Board during their October 27 meeting.

**Briefing of Upcoming Maryland Department of Transportation Consolidated
Transportation Program (CTP) Tour – Jim Gugel, Community Development Division**

Mr. Gugel reviewed with the Board the upcoming CTP program as presented.

Grant Funding Allocations – Mike Gastley, Office of the County Manager

Mr. Gastley presented recommendations regarding grant funded positions.

Comments were also heard from members of the internal Grant's Review Committee (Pat Rosensteel, Citizens Services Division; Mitch Hose, Human Resources Division; Sherry Burford, Transit Services Division and Melanie Thom, Finance Division).

Commissioner Young requested that the County Manager's Office staff begin scheduling meetings as soon as possible, with those county departments/agencies that have grant funded programs.

Commissioner Shreve moved to implement as of this date going forward, that new grant funded employees will not be eligible for any retirement benefits, specifically retirement and health benefits. This would not include grant funded positions already advertised.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, SEPTEMBER 15, 2011**

Commissioner Delauter seconded the motion that passed 3 – 2 with Commissioners Smith and Gray opposed.

PUBLIC COMMENTS

- Colt Black
- Jerry Black

QUESTIONS – PRESS

Bethany Rodgers, The Frederick News-Post

ADJOURN

The meeting adjourned at 4:20 p.m.

Patricia M. Wolfgang
Recording Secretary