

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, MARCH 22, 2012

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners ("Board") of Frederick County, Maryland, for Thursday, March 15, 2012, 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. Joyce Grossnickle, Administrative Officer.

(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.)

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with the invocation followed by the Pledge of Allegiance.

COMMISSIONER COMMENTS

None.

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

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

Mr. Jack Smith, resident of Frederick County, provided comments.

WORKSESSION

Red Cross Month Proclamation

The Board proclaimed the month of March as Red Cross Month.

Diabetes Alert Day Proclamation

The Board proclaimed today as Diabetes Alert Day.

Business Recognition – Marks Equipment Service, Inc.

The Board recognized Marks Equipment Services, Inc. for their community involvement.

Appointments to Boards/Commissions – Joyce Grossnickle, Office of the County Manager

Commission For Women

There was no public comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

A motion was made by Commissioner Smith to appoint Natalie Abbas to fill an unexpired term to expire June 30, 2012, and for a full three-year term to become effective July 1, 2012, and expire June 30, 2015; and to appoint Jill Paleos to fill an unexpired term to expire June 30, 2013. The motion was seconded by Commissioner Young and passed 5-0.

Mental Health Management Agency Board of Directors

There was no public comment.

A motion was made by Commissioner Smith to appoint Laura Hicks to fill an unexpired term to expire June 30, 2012, and for a full three-year term to become effective July 1, 2012, and expire June 30, 2015; and to appoint David Pearce to fill an unexpired term to expire June 30, 2013. The motion was seconded by Commissioner Gray and passed 5-0.

PUBLIC HEARING

**Proposed Amendments to the Frederick County Water and Sewerage Plan Fall 2011
Cycle – Tim Goodfellow, Community Development Division**

A public hearing was held, as duly advertised, on the proposed amendments to the Frederick County Water and Sewerage Plan (fall 2011 cycle).

In addition to Mr. Goodfellow, Mr. Jim Gugel, Community Development Division and Mr. Kevin Demosky, Utilities and Solid Waste Management Division, were present for the public hearing.

Commissioner Young swore in all those who were testifying.

Mr. Goodfellow presented the following amendment requests.

#WS-11-07 – The Town of New Market - Tax Map 801, Parcel 3880, 105 West Main Street (Yost) - Request to reclassify 1.37 acres from W-5 Dev. to W-3 Dev.

Recommendation: Community Development Division (CDD) staff recommended approval; Utilities and Solid Waste Management Division (DUSWM) recommended approval; and the Frederick County Planning Commission (FcPc) found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Smith made a motion to approve amendment request #WS-11-07 (The Town of New Market - Yost). The motion was seconded by Commissioner Delauter and passed 5-0.

#WS-11-08 – The Town of New Market - Tax Map 801, Parcel 3900, 155 Wicomico Court (Bostick) - Request to reclassify 0.50 acres from W-5 Dev. to W-3 Dev.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

Recommendation: CDD staff recommended approval; DUSWM recommended approval; and the FcPc found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Smith moved to approve amendment request #WS-11-08 (The Town of New Market - Bostick). Commissioner Delauter seconded the motion that passed 5-0.

#WS-11-09 – The Town of New Market - Tax Map 801, Parcel 3744, 1 Wynn Hill Court (Zimmerman, et.al.) - Request to reclassify 0.22 acres from W-5 Dev. to W-3 Dev.

Recommendation: CDD staff recommended approval; DUSWM recommended approval; and the FcPc found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Smith made a motion to approve amendment request #WS-11-09 (The Town of New Market – Zimmerman, et.al.). The motion was seconded by Commissioner Gray and passed 5-0.

#WS-11-10 – Urbana Corporate Center - Tax Map 96, Parcel 113, southeast quadrant of MD 80 and I-270 - Request the addition of a 16-inch water line to the Water Service Area Map.

Recommendation: CDD staff recommended approval; DUSWM recommended approval; and the FcPc found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Smith made a motion to approve amendment request #WS-11-10 (Urbana Corporate Center). The motion was seconded by Commissioner Delauter and passed 5-0.

#WS-11-11 – Knowledge Farms Partners, LLC - Tax Map 96, Parcel 50, southwest side of MD 355, 700 feet south of Urbana High School - Request reclassification of 35 acres from W-5 Dev. to W-3 Dev. and from S-4 Dev. to S-3 Dev.; plus a 16-inch water line extension from MD 355/Urbana Parkway to Knowledge Farms Drive; and an 18-inch sewer line from the North Regional Pump Station to the parcel.

Recommendation: CDD staff recommended denial of the request to reclassify 5 acres from W-5 Dev. to W-3 Dev. and from S-4 Dev. to S-3 Dev. due to the applicant not having the signed and approved improvement plans for the project nor a signed cost estimate to extend water and sewer infrastructure to the property. However, staff recommended approval of a W-4 Dev. classification since concept plan materials were submitted to DUSWM that satisfied the criteria for a W-4 Dev. classification. Staff also recommended approval of the 16-inch

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

water line extension from MD 355/Urbana Parkway to Knowledge Farms Drive and an 18-inch sewer line from the North Regional Pump Station to the parcel.

DUSWM recommended approval of the 16-inch water line extension from MD 355/Urbana Parkway to Knowledge Farms Drive and an 18-inch sewer line from the North Regional Pump Station to the parcel; and denial of the W-5 Dev. to W-3 Dev. and from S-4 Dev. to S-3 Dev. However, DUSWM recommended approval of a reclassification from a W-5 Dev. to W-4 Dev.

FcPc found the request consistent with the Comprehensive Plan. However, the FcPc, by a separate motion, voted to convey to the Board that the applicant must comply with all criteria contained in the Water and Sewerage Plan before the requested classification changes are approved.

Public comments were made by Mr. Rand Weinberg, Esquire, representing the applicant.

Decision: Commissioner Smith made a motion to continue the reclassification request for #WS-11-11 (Knowledge Farms Partners, LLC) and to approve the 16-inch water line extension from MD 355/Urbana Parkway to Knowledge Farms Drive and an 18-inch sewer line from the North Regional Pump Station to the parcel. The motion was seconded by Commissioner Delauter and passed 5-0.

#WS-11-12 – Buckeye/Horan, LLLP - Tax Map 106, Parcel 6, north of Prices Distillery Road at the terminus of Winmoor Drive, adjacent to Windsor Knolls Subdivision - Request reclassification of 45 acres from No Planned Service to Planned Service (both water and sewer).

Recommendation: CDD and the DUSWM staff recommended continuance of #WS-11-12 until the county received approval of the 2011 Water and Sewerage Plan (Triennial Review) from the Maryland Department of the Environment; and the FcPc found the request consistent with the Comprehensive Plan.

Public comments were made by Mr. Rand Weinberg, Esquire, representing the applicant; Ms. Sarah Ball, and Ms. Debra Manetz. Mr. Rodney Winebrenner, DUSWM, also provided comments.

Decision: Commissioner Shreve made a motion to continue the reclassification request for #WS-11-12 (Buckeye/Horan, LLLP). The motion was seconded by Commissioner Smith and passed 3-1-1 with Commissioners Gray opposed and Commissioner Delauter abstained.

#WS-11-13 – St. John’s Catholic Preparatory - Tax Map 95, Parcel 151 and Parcel 215, Lot 2, east side of MD 85, 0.82 miles north of Michaels Mill Road - Request reclassification of 45 acres (Tax Map 95, Parcel 151) from Multi-Use Water and Sewer to W-5 Dev./S-5 Dev.; reclassification of 20 acres (Tax Map 95, Parcel 215, Lot 2) from No Planned Service to W-5 Dev./S-5 Dev.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, MARCH 22, 2012

Recommendation: CDD and the DUSWM staff recommended continuance of #WS-11-13 until the county received approval of the 2011 Water and Sewerage Plan (Triennial Review) from the Maryland Department of the Environment; and the FcPc found the request consistent with the Comprehensive Plan.

Public comments were made by Ms. Carole Sepe.

Decision: Commissioner Smith made a motion to continue the reclassification request for #WS-11-13 (St. John's Catholic Preparatory). The motion was seconded by Commissioner Delauter and passed 5-0.

CONSENT AGENDA

The following item was presented on the consent agenda:

BUDGET TRANSFER

- #BT-12-143, Frederick County Public Libraries – Continuing Education Grant (No County Funding Required)

Commissioner Smith made a motion to approve the consent agenda as presented. The motion was seconded by Commissioner Young and passed 5-0.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

The following minutes were approved by unanimous consent:

- Thursday, January 12, 2012
- Tuesday, January 17, 2012
- Tuesday, January 17, 2012, Closed Session
- Wednesday, January 18, 2012, Evening
- Tuesday, January 24, 2012, Evening

Decision on the Proposed Amendment to the Frederick County Employees' Retirement Plan (Public Hearing Held 3/6/12) – Mitch Hose and Tracy Lobuts, Human Resources Division

A motion was made by Commissioner Young to approve the proposed amendments to the Frederick County Employees' Retirement Plan ("Plan") as recommended by staff. The amendments included: closing the Plan to participation by grant funded employees and employees of the Citizens Care and Rehabilitation Center and Montevue Assisted Living; increasing the employee contributions for uniformed and non-uniformed employees after June 30, 2012; increasing the length of employment required for full vesting for non-uniformed employees hired after June 30, 2012, from five years to ten years; amending the

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, MARCH 22, 2012

disability and death benefits for non-vested, non-uniformed employees hired after June 30, 2012; updating the Plan to reflect federal legislation pertaining to participants who are called into active military service; clarifying the definition of "appointee" under the Plan; and altering the membership of the Retirement Plan Committee for the Plan. The motion was seconded by Commissioner Smith and passed 3-2 with Commissioners Shreve and Gray opposed.

Decision on the Proposed Defined Contribution Plan for Grant Funded and Citizens Care and Rehabilitation Center / Montevue Assisted Living Employees (Public Hearing Held 3/6/12) – Mitch Hose and Tracy Lobuts, Human Resources Division

A motion was made by Commissioner Young to adopt and approve the proposed defined contribution plan to be established July 1, 2012, for new employees hired or rehired on or after July 1, 2012, into positions that are grant funded or positions of Citizens Care and Rehabilitation Center and Montevue Assisted Living; and those employees hired into any grant funded positions on or after September 16, 2011, through June 30, 2012, to be automatically enrolled as a participant into the new defined contribution plan as of July 1, 2012. The motion was seconded by Commissioner Smith and passed 4-1 with Commissioner Gray opposed.

One Maryland Broadband Grant and Attached Budget Transfers – Leigh Fields, Interagency Information Technologies Division

A motion was made by Commissioner Gray to approve the One Maryland Broadband Grant and attached budget transfers. The motion was seconded by Commissioner Smith and passed 5-0.

Memorandum of Understanding between Heartly House and Board of County Commissioners / Family Partnership – Shelly, Toms, Citizens Services Division

Ms. Toms and Ms. Jill Paleos, representing Heartly House, presented the memorandum of understanding (MOU) with the Board that would allow Family Partnership to provide supportive services to the families living in Heartly House's transitional housing.

Ms. Toms explained that if Heartly House is awarded the Office on Violence Against Women Transitional Housing Assistance for Victims of Sexual Assault, Domestic Violence, Dating Violence, and Stalking Program federal grant, Heartly House would sub-award funds to Family Partnership to provide the supportive services to the families that would be directly served under the federal grant. It was noted the MOU would take effect October 1, 2012, and end September 30, 2015, and it signified that Heartly House would pay Family Partnership \$18,000 each year for three years to provide the supportive services. It was also noted there was no county funding associated with the MOU.

A motion was made by Commissioners Smith to approve the MOU. The motion was seconded by Commissioner Gray and passed 5-0.

(The Board adjourned the meeting at 11:54 a.m. for lunch.)

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, MARCH 22, 2012

Commissioner Blaine R. Young, *President*, reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Thursday, March 22, 2012, at 1:15 p.m. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve and Kirby Delauter. Also present were Mr. Dave Dunn, County Manager and Ms. Joyce Grossnickle, Office of the County Manager.

Review Input Received on the FY 2013-2018 Capital Improvements Program and FY 2013 Capital Budget (Public Hearing Held 2/20/12) – Kelly Weaver, Finance Division

Ms. Weaver noted there were three persons who spoke at the Board's February 20 public hearing on the proposed FY 2013-2018 Capital Improvements Program (CIP) and FY 2013 Capital Budget. She indicated the Board was scheduled to discuss the proposed CIP again on Thursday, May 17.

Commissioner Smith noted that he was not in favor of the tax rebate as he felt the money could be used in the CIP.

Commissioner Shreve suggested the Budget Office staff provide a presentation on the basics of the CIP and operating budget during the next scheduled joint meeting of the Board and Board of Education.

Presentation of the FY 2013 Recommended Operating Budget – Regina Howell, Finance Division

Ms. Howell provided a PowerPoint presentation of the FY 2013 Recommended Operating Budget to the Board and discussed the summary of changes that have occurred since the base budget was presented to the Board on December 15, 2011. It was noted the Board's public hearing on the operating budget was scheduled to take place on Wednesday, May 2 at Governor Thomas Johnson High School. The final operating budget would be approved by the Board during their meeting on Thursday, June 7.

Legislative Update – John Mathias, Office of the County Attorney and Ragen Cherney, Office of the County Manager

Mr. Mathias and Mr. Cherney briefed the Board on the issues before the Frederick County delegation members.

COMMISSIONERS COMMENTS

Commissioner Smith shared with the Board what transpired during yesterday's Metropolitan Washington Council of Governments National Transportation Planning Board meeting.

PUBLIC COMMENTS – (FIVE MINUTE PRESENTATION)

- Diane Smoley

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

QUESTIONS - PRESS

None.

CLOSED SESSION

A motion was made by Commissioner Smith to go into closed session under the Maryland Annotated Code State Government Article § 10-508(a) (8) To consult with staff, consultants, or other individuals about pending or potential litigation. The motion was seconded by Commissioner Gray and passed 5-0.

ADJOURN

The meeting adjourned at 2:30 p.m.

Joyce M. Grossnickle
Administrative Officer

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, MARCH 22, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a)

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

Motion:

A motion was made by Commissioner Smith to go into closed session at 2:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

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

Topic for Discussion:

To discuss the settlement of a claim related to a construction contract.

Joyce M. Grossnickle
Administrative Officer

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, MARCH 22, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, MARCH 29, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, MARCH 22, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

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

Motion:

A motion was made by Commissioner Smith to go into closed session at 2:30 p.m. in accordance with Maryland Annotated Code State Government Article § 10-508(a) (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Gray seconded the motion that passed 5-0.

Time and Location:

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

Others in attendance:

R. Winebrenner, K. Demosky, J. Mathias, K. Mitchell, and J. Grossnickle

Topic Discussed:

To discuss the settlement of a claim related to a construction contract.

Action Taken:

The Board accepted the contract settlement.

Joyce M. Grossnickle
Administrative Officer