

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, SEPTEMBER 27, 2012

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Thursday, September 27, 2012, at 10:29 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve, David Gray, and Kirby Delauter. Also present were Mr. David Dunn, County Manager and Ms. Joyce Grossnickle, Administrative Officer.

INVOCATION AND PLEDGE OF ALLEGIANCE

The meeting began with a moment of silence followed by the Pledge of Allegiance.

COMMISSIONER COMMENTS

Comments were provided by Commissioners Young, Smith, Shreve, and Gray.

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

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

PUBLIC COMMENTS

None.

WORKSESSION

Domestic Violence Awareness Month Proclamation

The Board proclaimed the month of September as Domestic Violence Awareness Month.

Business Recognition – Top Quality Janitorial Services

The Board recognized Top Quality Janitorial Services for the contributions this business has made to the community.

CONSENT AGENDA

The following items were presented on the consent agenda:

- FFY 2013 Child Support Enforcement Administration Cooperative Reimbursement Agreement (Sheriff’s Office)
- FY 2013 Frederick County State’s Attorney’s Child Support Division Cooperative Reimbursement Agreement (State’s Attorney’s Office)

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Motion to approve the consent agenda as presented – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve			X			
Gray	X		X			
Delauter			X			

PUBLIC HEARINGS

**FY 2013 Maryland Agricultural Land Preservation Foundation (MALPF) Applications –
Anne Bradley, Community Development Division**

A public hearing was held, as duly advertised, on the applications received for the FY 2013 Maryland Agricultural Land Preservation Foundation (MALPF) easement acquisition program.

Ms. Bradley presented the staff report and noted 17 applications were received and staff's recommendation was to recommend approval of the following eight farms for the FY 2013 MALPF program.

File	Applicant	Acres	Location
13-01	Coblentz, Scott & Joe	175.1	Richard Rensburg Rd., near Jefferson
13-02	Toms, Matthew	136.3	Crum Rd., near Walkersville
13-03	Stitely North, LLC	74.16	Creagerstown Rd., near Thurmont
13-04	Cline, Robert & Susan	162.5	Artie Kemp Rd., near Libertytown
13-05	Wright, John, Jr. , Meleah & John III	210.2	Pete Wiles Rd., near Middletown
13-06	Blickenstaff, Brian	122.2	Sumantown Rd., near Jefferson
13-07	Tankersley, Garvin	140.9	Keysville Rd., near Emmitsburg
13-08	Venables, Aaron	88.69	Bollinger School Rd., near Emmitsburg

It was noted the Agricultural Preservation Advisory Board reviewed the applications and concurred with the county staff's recommendation.

Public comment in support of the recommendation was received from Mr. Robert Ramsburg, neighbor to Applicant Matthew Toms.

Motion to approve the staff recommendation as presented – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve			X			
Gray	X		X			
Delauter			X			

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Consider Subdivision Regulations Text Amendment #ST-12-01 - Proposed Changes to Chapter 1-16 of the Frederick County Code (Subdivision Regulations) – Mike Wilkins, Community Development Division

A public hearing was held, as duly advertised, on Subdivision Regulations Text Amendment #ST-12-01.

Mr. Mike Wilkins presented the proposed text amendment and noted the Frederick County Planning Commission (FCPC) recommended approval of the text amendment with three recommended changes as follows:

1. *Require staff to visit sites before granting subdivision approval on 14-16 foot wide roads (see 1-16-12 (B) (4)).*
2. *Add a maximum length provision for cul-de-sac streets (1-16-236 k-1-c).*
3. *Retain the existing requirement for posting public notice signs for minor subdivision applications of two or more lots (1-16-8 (H)(1-6)).*

Mr. Wilkins also reviewed the information outlined in the “Addendum to Subdivision Ordinance Exhibit A.” If the text amendment was approved, staff recommended an effective date of October 1, 2012.

Public comments in support of the text amendment were received from Mr. Bruce Dean, Esquire, Land Use Council and Mr. Jonathan Soule.

Motion to approve the text amendment with the Addendum to Subdivision Ordinance Exhibit A - Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

(A copy of the approved/adopted ordinance can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

WORKSESSION

Status of the Board of Education Properties (115 East Church Street and 7630 Hayward Road) – Ray Barnes, Frederick County Public Schools

Mr. Barnes updated the Board as to the status of the sale of the two Board of Education (BOE) properties. He indicated the next step in the process was for the Board to approve the BOE’s recommendation to accept the offer to purchase 115 East Church Street made by Timothy S. Hogan for Better World Builders LLC and the offer to purchase 7630 Hayward Road made by Ausherman II Development Corporation.

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The Board gave its concurrence for the BOE to proceed in accepting the two offers made on both properties.

(Commissioners Gray and Delauter left the meeting.)

Urbana Skate Park Fundraising Agreement – Paul Dial, Parks and Recreation Division

Mr. Dial and Ms. Betsy Day, The Community Foundation of Frederick County, were present and reviewed with the Board the proposed Urbana Skate Park Fundraising Agreement.

Motion to approve the agreement – Passed 3-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve	X		X			
Gray						X
Delauter						X

(The Board recessed the meeting to take a five-minute break.)

Revise the Fees for Pre-Arranged Tank Truck Filling (Bulk Water) – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented the proposed resolution that would amend the rate charged for “bulk water.”

Staff recommended that if the Board reduced the rate charged, that it be established to be based on the prevailing Level % rate (currently \$5.00/thousand gallons) multiplied by a commodity surcharge factor of 2.0 with a resulting rate of \$10.00/thousand gallons.

Motion to approve the proposed resolution – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray		X	X			
Delauter			X			

(A copy of the approved/adopted resolution can be obtained in the County Manager’s Office or from the county’s website, www.FrederickCountyMD.gov.)

Public Works Division Privatization Advisory Committee Report and Recommendation - Tom Meunier, Public Works Division

Mr. Meunier presented to the Board the Public Works Division’s current and future Restructuring & Realignment and Privatization & Efficiency Plans.

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Motion to approve the recommendation – Passed 4-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray				X		
Delauter			X			

(The Board adjourned the meeting at 12:26 p.m. for lunch and noted the meeting would resume at 1 p.m.)

Commissioner Young reconvened a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, September 27, 2012, at 1:00 p.m. Present were Commissioners C. Paul Smith, *Vice President*, and David Gray. Also present were Mr. David Dunn, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioners Shreve and Delauter arrived to the meeting as denoted in the minutes below.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #13-041 – RFP #12-47, Dental Insurance Plans for Frederick County Employees – Bruce Johnson, Finance Division

Ms. Diane George, Department of Procurement and Contracting and Mr. Mitch Hose and Ms. Bonnie Madison, Human Resources Division, were present for the discussion of Purchasing Memo #13-041.

Motion to approve the Purchasing Memo #13-041 – Passed 3-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve						X
Gray		X	X			
Delauter						X

Grant Application to the Community Foundation of Frederick to Fund the Early Childhood School Readiness Program – Pat Fleet, Office of the County Manager and Shelly Toms, Citizens Services Division

Ms. Fleet and Ms. Toms presented the information regarding the grant application.

Motion to approve the submission of the grant application, the future grant award, and the administrative processing of necessary grant related documents for execution by the Board President – Passed 3-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve						X
Gray	X		X			
Delauter						X

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(Commissioners Shreve and Delauter arrived to the meeting at 1:11 p.m. and 1:12 p.m. respectively.)

Work Change Directive No. 7 – Ballenger-McKinney Enhanced Nutrient Removal Wastewater Treatment Plant Expansion – Rod Winebrenner, Utilities and Solid Waste Management Division

Mr. Winebrenner presented the Work Change Directive No. 7 that if approved, would re-feed the Ballenger Wastewater Treatment Plant Administration Building electrical service from the new county-owned system installed under the current construction contract.

Motion to approve Work Change Directive No. 7 – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith		X	X			
Shreve	X		X			
Gray			X			
Delauter			X			

Additional Legal Services for the Ballenger-McKinney-Enhanced Nutrient Removal Wastewater Treatment Plant Expansion and Budget Transfer – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky explained staff’s request for the additional outside legal services (Funk and Bolton) for the Ballenger-McKinney-Enhanced Nutrient Removal Wastewater Treatment Plant Expansion Project. The requested additional funding was in the amount of \$40,000.

Motion to approve the request for additional legal services and budget transfer as recommended by staff – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

Plan for Montevue Adaptive Reuse Project – Chuck Nipe, Public Works Division

Mr. Nipe and Mr. Tom Meunier, Public Works Division, presented the proposed plan for the Montevue Adaptive Reuse Project.

Motion to approve the proposed plan – Passed 4-1.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray		X	X			
Delauter				X		

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Motion to immediately market the 118 North Market Street property as surplus county property – Passed 5-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young		X	X			
Smith			X			
Shreve	X		X			
Gray			X			
Delauter			X			

COMMISSIONERS COMMENTS

Commissioner Delauter brought awareness to the new “Govern Like A Taxpayer” towel displayed in the meeting room.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

CLOSED SESSION

Motion 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; and (7) and (8) To discuss potential litigation and consult with counsel.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve		X	X			
Gray			X			
Delauter			X			

After the vote was taken to go into closed session and after consulting with County Attorney John Mathias, it was noted the second closed session item pertaining to (7) and (8) To discuss potential litigation and consult with counsel (discuss issues concerning the resolution of potential litigation with the county’s attorneys and other staff) no longer needed to be discussed during the closed session.

ADJOURN

The meeting adjourned at 1:49 p.m.

Joyce M. Grossnickle
Administrative Officer

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, SEPTEMBER 27, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a)

To discuss: (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:

A motion was made by Commissioner Smith to go into closed session at 1:49 p.m. 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 Shreve seconded the motion that passed 5-0.

Time and Location:

1:49 p.m. – Third Floor Meeting Room, Winchester Hall

Topic for Discussion:

To discuss the possible reorganization of county departments and related personnel issues as they apply to individual county employees.

Joyce M. Grossnickle
Administrative Officer

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON THURSDAY, OCTOBER 4, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, SEPTEMBER 27, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

To discuss: (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:

A motion was made by Commissioner Smith to go into closed session at 1:49 p.m. 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 Shreve seconded the motion that passed 5-0.

Time and Location:

1:49 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias and M. Hose

Topic Discussed:

To discuss the possible reorganization of county departments and related personnel issues as they apply to individual county employees.

Action Taken:

The Board provided direction to staff to proceed with a reorganization of certain county departments and related personnel.

Joyce M. Grossnickle
Administrative Officer