

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 29, 2012, at 10:00 a.m. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter Also present were Ms. Lori Depies, County Manager and Ms. Patti Morrow, Recording Secretary. Commissioner David Gray was absent from the meeting.

INVOCATION AND PLEDGE OF ALLEGIANCE

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

COMMISSIONER COMMENTS

The Board and representatives of the U.S. Marine Corps launched the Toys for Tots campaign and the local food drive to benefit the Frederick Food Bank.

Ms. Depies noted a coat drive was being held to benefit Mission of Mercy sponsored by Frederick Memorial Hospital.

Comments were also provided by the Board.

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

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

PUBLIC COMMENTS

None.

CONSENT AGENDA

The following items were included on the consent agenda:

- Purchasing Memo #13-072 – Bid #13-CP-04. Point of Rocks Wastewater Treatment Plant UV Disinfection Upgrade (Bid Rejection)
- Change Order No. 187 – Citizens Care and Rehabilitation Center / Montevue Assisted Living - Grease Interceptors
- HOME Initiatives Program Renewal Application – Round 28

Motion to approve the consent agenda as presented – Passed 4-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

WORKSESSION

Options for the Citizens Care and Rehabilitation Center (CCRC) / Montevue Assisted Living – Lori Depies, Office of the County Manager

Ms. Depies presented several options available to privatize the operations of the CCRC/MAL facility in order to eliminate the county's General Fund subsidy in the FY 2014 base budget and beyond.

Public comment was received from:

- Dr. Sonja Sperlich, Chair of the Citizens Nursing Home Board of Trustees

Motion to direct staff to move forward to piggyback a competitively bid request for proposal that would explore all options in terms of management and/or sale of CCRC and including the caveat of the county's responsibilities at Montevue Assisted Living – Passed 3-0-1.

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

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

Commission on Aging

There was no public comment.

Motion to approve the appointment of Ms. Ernell Graham to fill an unexpired term to expire June 30, 2014 – Passed 4-0.

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

Historic Preservation Commission

There was no public comment.

Motion to appoint Mr. Anthony Moscato, Jr., Mr. Steve Pippin and Ms. Joan Paine Porter to fill unexpired terms to expire June 30, 2015 – Passed 4-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

Transportation Services Advisory Council

There was no public comment.

Motion to appoint Mr. Roger Booth to serve as the business representative to fill an unexpired term to expire June 30, 2015, and to appoint Mr. Walt Stull, Councilman, City of Brunswick, to serve as the Frederick County Chapter MML representative – Passed 4-0.

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

Maryland Neighborhood Conservation Initiative – Jenny Short, Citizens Services Division and Pat Fleet, Office of the County Manager

Ms. Short and Ms. Fleet presented the resolution to approve the submission of a grant application for funding from the Maryland Neighborhood Conservation Initiative.

There was no public comment.

Motion to authorize the staff to submit the funding application in the amount of \$1,951,500.00 to the Maryland Neighborhood Conservation Initiative Program through the Maryland DHCD and approve the resolution in support of the program; accept the funds if awarded and approve the subsequent related budget transfers; and authorize a local contribution of \$650,000.00 from the Housing Initiative Fund and approve subsequent related transfers – Passed 3-1.

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 resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov.)

FY 2013 Installment Purchase Program Easement Acquisition Cycle – Anne Bradley, Community Development Division

Ms. Bradley presented the top ranked 16 applications and requested direction to forward them to public hearing and request the submission of bids for their easement values.

There was no public comment.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

Motion to approve the ranking of the FY 2013 IPP applications as presented with the following recommendations:

- *The top 16 farms be forwarded for a public hearing and applicants are to submit bids for their easement value;*
- *Values for parcels with no further subdivision rights be limited to \$1,000.00/acre; and*
- *Terms for the FY 2013 IPP easements be limited to 20-year terms – Passed 4-0.*

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

AGENDA BRIEFING

Commissioner Young noted the Board would hold public hearings on Tuesday, December 4 at 7:00 p.m. regarding water and sewer user rates and proposed changes in solid waste tipping fees.

ADMINISTRATIVE BUSINESS

Approval of Board of County Commissioners' Meeting Minutes

Motion to approve the minutes for Thursday, October 25, Thursday November 1, and Thursday, November 8, 2012 – Passed 4-0.

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

Presentation of Ordinance for Signature Purposes – Jefferson Technology Park Mixed Use Development Phase I Rezoning Amendment #R-05-1(A) (Public Hearing Held 11/13/12) – Kathy Mitchell, Office of the County Attorney

Ms. Mitchell presented the ordinance.

No action was taken as this item was presented for signature purposes.

(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.)

Presentation of Jefferson Technology Park Development Rights and Responsibilities Agreement for Signature Purposes (Public Hearing Held 11/13/12) – Eric Soter, Community Development Division and Kathy Mitchell, Office of the County Attorney

Ms. Mitchell presented the agreement.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

No action was taken as this item was presented for signature purposes.

Bid Awards – Purchasing Memo #13-069 Software Upgrade of the Active Network Parks and Recreation Program (Sole Source) and Purchasing Memo #13-070 – Employee Assistance Program (Contract Renewal) (Originally scheduled for 11/20/12) - Diane George, Finance Division

Motion to approve Purchasing Memo #13-069 and Purchasing Memo #13-070 – Passed 4-0.

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

Briefing on the New Best Available Technologies (BAT) Septic Systems Requirements – Dr. Barbara Brookmyer and George Keller, Health Services Division

Mr. Keller briefed the Board on the new state septic system regulations.

No action was taken as this item was informational.

Ormonds Terrace Access to Ijamsville Road Memorandum of Understanding and Attached Budget Transfer – Jason Stitt, Public Works Division

Mr. Stitt and Mr. Robert Shen, Public Works Division, presented the MOU which would allow the road frontage improvements for “The Manor at Holly Hills” development to be incorporated into the county’s Ijamsville Road Phase II Capital Improvement Project.

Motion to approve the MOU and budget transfer as presented – Passed 4-0.

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

Memorandum of Understanding (MOU) Regarding Parkland Area Dedication – The Manor at Holly Hills – Michael Chomel, Office of the County Attorney

Mr. Chomel presented the MOU.

Mr. Andrew DiPasquale, Esquire, Miles and Stockbridge, commented on the MOU.

Motion to approve the MOU as presented – Passed 4-0.

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

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 29, 2012

Motion to bring back an opinion from the Parks and Recreation Division staff and the Frederick County Parks and Recreation Commission regarding the possible future conveyance of parkland associated with the Manor at Holly Hills - Passed 3-1.

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

Briefing on the Maryland Department of the Environment’s Tentative Determination on the National Pollution Discharge Elimination System (NPDES) Industrial Discharge Permits for Stormwater – Shannon Moore, Community Development Division

Ms. Moore provided an informational briefing regarding the NPDES Industrial Discharge Permits for stormwater.

No action was taken as this item was informational.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

CLOSED SESSION

Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Topic – To discuss with outside counsel, county staff and others the status of pending litigation, the possibility of potential litigation, and related legal issues in complying with federal and state mandates.

Motion to go into closed session – Passed 4-0.

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

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

ADJOURN

The meeting adjourned at 1:00 p.m..

Patricia Morrow
Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, NOVEMBER 29, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Time and Location:

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

Topic to be Discussed:

To discuss with outside counsel, county staff and others the status of pending litigation, the possibility of potential litigation, and related legal issues in complying with federal and state mandates.

Patti Morrow, Recording Secretary

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 29, 2012**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON TUESDAY, DECEMBER 4, 2012,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 29, 2012**

STATUTORY AUTHORITY TO CLOSE SESSION

State Government Article §10-508(a):

(7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation.

Motion:

Commissioner Smith moved to go into closed session under Maryland Annotated Code State Government Article § 10-508(a) (7) To consult with counsel to obtain legal advice on a legal matter; and (8) To consult with staff, consultants, or other individuals about pending or potential litigation. Commissioner Delauter seconded the motion that passed 4-0 with Commissioner Gray absent.

Time and Location:

1:00 p.m. – Third Floor Meeting Room, Winchester Hall

Others in Attendance:

L. Depies, J. Mathias, M. Chomel, K. Mitchell, S. Moore, R. Santangelo, C Pomeroy

Topic Discussed:

To discuss with outside counsel, county staff and others the status of pending litigation, the possibility of potential litigation, and related legal issues in complying with federal and state mandates.

Action Taken:

No action was taken.

Patti Morrow, Recording Secretary