

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 13, 2014

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Thursday, November 13, 2014, at 9:30 a.m. Present were Commissioners C. Paul Smith, *Vice President*, Billy Shreve and Kirby Delauter. Commissioner David P. Gray was absent.

Also present were Ms. Lori Depies, County Manager and Ms. Joyce Grossnickle, Administrative Officer.

Invocation and Pledge of Allegiance

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

Commissioner Comments

Comments were provided by Commissioner Smith.

Motion to fund the Clean Chesapeake Coalition in the amount of \$25,000 (to be taken from the Contingency Fund) for 2015 – Passed 4-0.

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

Motion to fund the incoming County Council’s budget in the amount of \$100,000 (to be taken from the Finance Division’s Non-departmental Fund) – Passed 4-0.

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

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

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

PUBLIC COMMENTS

None.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 13, 2014**

PUBLIC HEARING

Proposed Revisions to the County Code, the County Personnel Rules, the County Employee Retirement Plan, and the Frederick County Deferred Compensation Plan as a Result of Charter Government Beginning on December 1, 2014 – John Mathias, Office of the County Attorney

A public hearing was held, as duly advertised, regarding the proposed revisions to the county code, the county personnel rules, the county employee retirement plan, and the Frederick County Deferred Compensation Plan as a result of charter government beginning on December 1, 2014.

Mr. Mathias reviewed the proposed ordinances and resolution. Mr. Mathias explained that effective December 1, 2014, the position of County Commissioner will no longer exist and will be replaced by a County Executive and a County Council with seven (7) members. The County Code is replete with references to “County Commissioner,” “Board of County Commissioners,” “County Manager” and other related terms. These proposals replace the obsolete terms with appropriate designations under the Charter as well as updating citation references and other terminology.

Mr. Mathias indicated the proposed ordinances and resolution would become effective December 1, 2014, if approved.

There were no public comments.

Motion to approve the three ordinances and one resolution 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			

(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.)

CONSENT AGENDA

The following items were considered on the consent agenda:

- Invitation to Bid #15-020-CP – Bush Creek Interceptor New Market Extension
- County Budget Transfer #BT-15-077, Office of Environmental Sustainability, Community Development Division

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 13, 2014

- Declaration to Establish and Retain a Water and Sewer Easement - Crestwood Village Water Main Extension
- Declaration to Establish and Retain a Water and Sewer Easement - New Design Road Water Main Extension
- Temporary Easement to Maryland State Highway Administration for Road Improvements to MD 355

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			

WORKSESSION

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

Commission For Women

There were no public comments.

Motion to appoint Ms. Rosario Campos to serve a term to expire June 30, 2015 – Passed 4-0.

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

Interagency Internal Audit Authority

There were no public comments.

Motion to appoint Mr. Eric Wu to serve a term to expire June 30, 2018 – 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 13, 2014

Workforce Development Board

There were no public comments.

Motion to appoint Ms. Kai Velasquez to serve a term to expire June 30, 208 – 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 following public hearings would be held on:

Tuesday, November 18 at 7:00 p.m. - Proposed Text Amendment – Agricultural Subdivision Potential Transfer Option

Thursday, November 20 at 9:30 a.m.:

- Proposed Text Amendment #ZT-14-03 – Farm Brewery as an Accessory Use to a Commercial Roadside Stand
- Proposed Designation of the Glen Ellen Farm to the Frederick County Register of Historic Places
- Proposed Designation of the Clifton-on-the-Monocacy Property to the Frederick County Register of Historic Places

Thursday, November 20 at 6:00 p.m. – To Consider the Termination of the Agreement with Wheelabrator, Inc. for the Waste to Energy Facility and To Consider Vendor 1 for Landfill Disposal

Mr. Denis Superczynski, Community Development Division, informed the Board the attorney representing the applicant regarding the proposed designation of the Glen Ellen Farm to the Frederick County Register of Historic Places public hearing, has requested the matter be postponed for six months. The Board supported the attorney’s request.

ADMINISTRATIVE BUSINESS

Agreement Related to Deed Reverter – Waterside Water Treatment Plant Building – Beth Ramacciotti, Utilities and Solid Waste Management Division

Ms. Ramacciotti presented the staff report and staff’s recommendation for the Board to execute the proposed agreement and deed in order to resolve the issues with ownership of the water treatment plant building.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR THURSDAY, NOVEMBER 13, 2014

Motion to approve the agreement and deed as recommended by staff – Passed 4-0.

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

County Involvement in Developer Negotiations for Sewer Easement at Kellerton Knolls - Beth Ramacciotti, Utilities and Solid Waste Management Division

Also present for the discussion was Mr. Kevin Demosky, Utilities and Solid Waste Management Division.

Ms. Ramacciotti presented the staff report and indicated staff was seeking the Board’s direction regarding the developer’s request for the county’s assistance with easement negotiations.

The Board allowed Ms. Florence Rice, the property owner in which the developer has been negotiating with for approximately one year to obtain a sewer easement, the opportunity to provide comments. Ms. Rice’s attorney, Mr. Ian Bartman, Esquire, Severn & Kresslein, P.A., was also present for the discussion.

Other comments were provided by Mr. Rand Weinberg, Esquire, representing the property owners of Kellerton Knolls and Mr. Jeremy Holder, Ausherman Construction.

Motion to approve the developer’s request for county assistance with easement negotiations and the agreement that outlined the developer’s responsibility for all property acquisition costs – Passed 3-1.

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

Jefferson Wastewater Conveyance and Treatment System Multi-year Tap Agreement (MYTA) for Woodbourne Manor – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented the staff report and recommendation for the Board to approve the multi-year tap agreement that would allocate wastewater treatment capacity (“taps”) for 198 equivalent dwelling units.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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Motion to approve the multi-year tap agreement – Passed 4-0.

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

Updates from County Commissioners’ Liaison – Dave Dunn, Community Development Division

Mr. Dunn presented the updates.

No action taken as this item was informational.

COMMISSIONERS COMMENTS

Commissioners Shreve and Delauter provided comments.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

Ms. Bethany Rodgers, The Frederick News-Post

CLOSED SESSION

- Maryland Annotated Code General Provisions Article § 3-305(b)(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 the County Attorney and the Sheriff the possible settlement of pending lawsuits.

- Maryland Annotated Code General Provisions Article § 3-305(b)(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.

Topic – To discuss the job assignment of individual county employees.

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
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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			

ADJOURN

The meeting adjourned at 10:53 a.m.

Joyce M. Grossnickle
Administrative Officer

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, NOVEMBER 13, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b):

Motion:

A motion was made by Commissioner Smith to go into closed session at 10:53 a.m. in accordance with Maryland Annotated Code General Provisions Article § 3-305(b)(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. The motion was seconded by Commissioner Delauter and passed 4-0. Commissioner David. P. Gray was absent.

Time and Location:

10:53 a.m. – First Floor Meeting Room, Winchester Hall

Topic for Discussion:

To discuss with the County Attorney and the Sheriff the possible settlement of pending lawsuits.

Joyce M. Grossnickle
Administrative Officer

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 13, 2014**

**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
THURSDAY, NOVEMBER 13, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 13, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b):

Motion:

A motion was made by Commissioner Smith to go into closed session at 10:53 a.m. in accordance with Maryland Annotated Code General Provisions Article § 3-305(b) (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. The motion was seconded by Commissioner Delauter and passed 4-0. Commissioner David. P. Gray was absent.

Time and Location:

10:53 a.m. – First Floor Meeting Room, Winchester Hall

Others in Attendance:

C. Jenkins, J. Mathias, and J. Grossnickle

Topic Discussed:

To discuss with the County Attorney and the Sheriff the possible settlement of pending lawsuits.

Action Taken:

The Board settled the pending lawsuits.

Joyce M. Grossnickle
Administrative Officer

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Time and Location:

10:53 a.m. – First Floor Meeting Room, Winchester Hall

Topic for Discussion:

To discuss the job assignment of individual county employees.

Joyce M. Grossnickle
Administrative Officer

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Time and Location:

10:53 a.m. – First Floor Meeting Room, Winchester Hall

Others in Attendance:

J. Mathias, M. Hose, and J. Grossnickle

Topic Discussed:

To discuss the job assignment of individual county employees.

Action Taken:

The Board approved the job assignment of individual county employees.

Joyce M. Grossnickle
Administrative Officer