

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES
FOR THURSDAY, NOVEMBER 20, 2014**

Commissioner Blaine R. Young, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Thursday, November 20, 2014, at 9:30 a.m. at Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; David Gray, Billy Shreve, and Kirby Delauter. Also present were Mr. Mike Marschner, Office of the County Manager and Ms. Patti Morrow, Recording Secretary.

Invocation and Pledge of Allegiance

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

Recognition of the Business Recycling and Waste Reduction Award Winners - Lori Finafrock and Cindy Johnson, Utilities and Solid Waste Management Division

The Board recognized the following winners of the Business Recycling and Waste Reduction Awards: e-End, Frederick Veterinary Center, LLC, Hallowood Retreat Center; NaturaLawn of America, Inc. and Second Chances Garage, Inc.

Commissioner Comments

Comments were provided by the Board.

Update of Board of County Commissioners’ Administrative Actions – Commissioner Blaine R. Young

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

PUBLIC COMMENTS

None.

CONSENT AGENDA

The following items were considered on the consent agenda:

- Request for Proposals #12-47, Renewal Dental Insurance Plans for Employees of Frederick County Government
- Request for Proposals #14-11, NPDES Consulting Services (First Renewal)
- Renewal of Contracts for IFB#14-059, Bulk Fuel Delivery
- Request for Proposals #14-121, Enterprise Resource Planning (ERP) System
- Request for Proposals #15-011, Utility Billing System and Budget Transfer
- Piggyback #15-114, Software Value Added Reseller

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- Piggyback #15-105, Mobile Data Terminal Replacement and Budget Transfer
- Piggyback #15-116, Scott Air Pack Parts
- Piggyback #15-117, I-Net Maintenance and Support Services
- Piggyback #15-122, Project Management Services
- Board of Education School Construction Amendment - #15-06 and BT-15-081
- Conservation Reserve Enhancement Program (CREP) – Rhoderick Easement Request
- EmPOWER Clean Energy Communities FY 2015 Low-to-Moderate Income Competitive Grant Program
- Emergency Number Systems Board Grant Funding
- FFY 2014 Hazard Mitigation Grant Program Two-Way Notification System Award and Sub-Award to Frederick County Public Schools
- FY 2015 School Climate (Anti-bullying) Grant Agreement and Budget Transfer

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	X			
Gray			X			
Delauter			X			

WORKSESSION

Termination of the Authority to Issue Bonds and the Aspen North Community Development Authority (CDA) – Jim Cumbie, Esquire, Venable LLP (County Bond Counsel)

Mr. Cumbie presented the draft resolution for the termination of the authority to issue bonds and the Aspen North CDA.

Mr. Ian Bartman, Esquire, Offut Kurman, and Mr. Tom Hyde, representing the developer commented on the request from the landowners of the Aspen North CDA.

Motion to approve and adopt the draft resolution as presented – Passed 5-0.

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Young			X			
Smith	X		X			
Shreve			X			
Gray			X			
Delauter		X	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.)

Oakdale Village Project – Jason Stitt, Public Works Division and Richard McCain, Office of the County Attorney

Mr. McCain and Mr. Stitt presented a proposed Memorandum of Understanding (MOU) that would transfer real property from the Frederick County Board of Education to the County and subsequently from the county to Oakdale Investments, LLC, for an access road from Old National Pike into the Oakdale Middle and Elementary Schools.

Motion to approve the draft MOU as amended and the Access Road Agreement 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			

ADMINISTRATIVE BUSINESS

Crumland Property Memorandum of Understanding (MOU) – Jason Stitt, Public Works Division

Mr. Stitt presented the MOU between the City of Frederick and Frederick County addressing the upgrade, ownership, and maintenance of Bloomfield Road, Willowbrook Road and Sundays Lane where such roads abut the property. It was noted the City would hold a public hearing on the MOU on December 18, 2014.

Motion to approve the MOU as presented – Passed 4-1.

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

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PUBLIC HEARINGS

**Continuation of Water and Sewerage Plan Amendments – Tim Goodfellow,
Community Development Division**

Commissioner Young swore in all who would testify.

(Commissioner Young passed the gavel to Commissioner Smith and left the meeting.)

Mr. Goodfellow noted tthe proposed water and sewer amendments were continued from previous hearings.

#WS-14-09 – MS Gladhill Farm, LLC (Tallyn Ridge)

Mr. Dave Severn, Esquire, Offut Kurman, representing the applicant, commented on the request.

There were no public comments.

Motion to approve #WS-14-09 as presented – Passed 3-1.

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

#WS-14-11 – Payne Investments, LLC (Monrovia Town Center)

Mr. Noel Manalo, Esquire, Miles and Stockbridge, representing the applicant, commented on the request.

There were no public comments.

Motion to approve #WS-14-11 as presented – Passed 3-1.

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

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#WS-14-12 – 75-80 Properties, LLC (Monrovia Town Center); #WS-14-13 – Wilcom Family Partnership/75-80 Properties, LLC (Monrovia Town Center); #WS-14-14 – 75-80 Properties, LLC (Monrovia Town Center); and #WS-14-15 – 75-80 Properties, LLC (Monrovia Town Center)

Mr. Noel Manalo, Esquire, Miles and Stockbridge, representing the applicants, commented on the requests.

There were no public comments.

Motion to approve #WS-14-12, #WS-14-13, #WS-14-14 and #WS-14-15 as presented – Passed 3-1.

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

#WS-14-22 – Oakdale Investments, LLC (Linganore Town Center)

Mr. Jason Wylie, Oakdale Investments, LLC, representing the applicant, commented on the request.

Public comment was heard from:

- Michele Rosenfeld, Esquire

Motion to approve #WS-14-22 as presented – Passed 3-1.

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

#WS-13-28 – Urbana Corporate Center, LLC

Mr. Craig Wahl, Rodgers Consulting, representing the applicants, commented on the request.

There were no public comments.

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Motion to approve #WS-13-28 as presented – Passed 3-1.

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

(Commissioner Young returned to the meeting and the gavel was passed back to him by Commissioner Smith.)

Zoning Text Amendment #ZT-14-03 – To Allow for a Farm Brewery as an Accessory to a Commercial Roadside Stand – Larry Smith, Community Development Division

Commissioner Young swore in all who would testify.

A public hearing was held, as duly advertised, on #ZT-14-03.

Mr. Smith presented #ZT-14-03. He noted a request had been received for consideration of amending specific sections of the Zoning Ordinance to allow a Class 8 Farm Brewery License holder to sell and deliver beer in accordance with the terms and approvals of that license as an accessory use to a Commercial Roadside Stand. It was also noted that the Frederick County Planning Commission recommended approval of #ZT-14-03.

Public comment was heard from:

- Brian Roberts

Motion to approve #ZT-04-03 as presented – Passed 4-1.

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

Proposed Designation of the Clifton-on-the-Monocacy Property to the Frederick County Register of Historic Places – Denis Superczynski, Community Development Division

Commissioner Young swore in all who would testify.

A public hearing was held, as duly advertised, on the consideration to designate Clifton-on-the-Monocacy/Graff Farmstead, located at 3995 and 4007 Buckeystown Pike, Buckeystown, Maryland, to the Frederick County Register of Historic Places.

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Mr. Superczynski presented the request.

Public comment was heard from:

- Kirk Horseman

Motion to approve the addition of the property to the Frederick County Register of Historic Places 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			

WORKSESSION

Memorandum of Understanding (MOU) with the Maryland Environmental Trust (MET) for the Tabler Run Sewer Interceptor and Funding Agreement between Monocacy Land Company, LLC and Board of County Commissioners – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented the draft MOU and the Funding Agreement.

There was no public comment.

Motion to approve the draft MOU between MET and the county and the Funding Agreement between Monocacy Land Company, LLC, and the county that provides compensation for various aspects of the MOU – Passed 5-0.

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

Lake Linganore Water Supply Agreement (Agreement) – Mike Marschner, Office of the County Manager

Mr. Marschner presented the proposed new Agreement between the City of Frederick (City), Frederick County (County) and the Lake Linganore Association (LLA). He noted a component of the new Agreement established the initial dredging project of Lake Linganore, with a cost share from City - 50%; County – 25% and LLA – 25%.

Mr. Bob Kimble, LLA, commented on the Agreement.

Public comment was heard from:

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- Bob Charles

Motion to approve proposed Agreement in its current form and transmit it to the City and LLA for their respective execution and once the agreement is fully executed the county would request approval of the intergovernmental agreement with the Maryland Environmental Service to begin the Phase I of permitting and project management necessary for the initial dredging project – Passed 5-0.

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

ADMINISTRATIVE BUSINESS

County Budget Transfers – Regina Howell, Finance Division

- #BT-15-085 – Permits and Inspections, Community Development Division
- #BT-15-086 – Finance Division
- #BT-15-087 – Finance Division

Motion to approve #BT-15-085, #BT-15-086 and #BT-15-087 as presented – Passed 3-2.

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

Motion to transfer \$50,000 from the Fuel Contingency Fund to the County Council budget for contracted services – Passed 5-0.

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

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Motion to move a .5 Full Time Equivalent (FTE) to a 1 FTE in the Interagency Internal Audit Authority, Internal Audit Department and approve the associated budget transfers – Passed 4-0-1.

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

FFY 2014 Assistance to Firefighters Grant Program Application to Department of Homeland Security – Michael Grierson, Fire and Rescue Services Division

Mr. Grierson and Mr. Chip Jewell, Volunteer Fire and Rescue Services Division, commented on the application.

Motion to approve the grant application as presented – Passed 5-0.

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

Monocacy Wastewater Pump Station and Force Main Engineering Services Proposal – Kevin Demosky, Utilities and Solid Waste Management Division

Mr. Demosky presented the proposal from GHD, Inc. that provided design phase services, bid and award phase services, and construction phase engineering for the construction of the new county Preliminary Treatment and Sewage Pumping Facility to solve a capacity problem on the City of Frederick’s Monocacy Interceptor.

Motion to approve the proposal from GHD, Inc. dated October 14, 2014, in the amount of \$1,811,497.00 by way of a contract change order to the City of Frederick for the engineering services contract via RFP #12-D, City of Frederick Wastewater Treatment Plant Enhanced Nutrient Removal Upgrade which was approved on October 18, 2012 – Passed 5-0.

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

PUBLIC COMMENTS

None.

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QUESTIONS – PRESS

None.

COMMISSIONER COMMENTS

None.

CLOSED SESSION

Maryland Annotated Code General Provisions Article §3-305(b)(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Topic – To consider the acquisition of an interest in real property for purposes of agricultural preservation.

Motion to go into closed session – Passed 5-0.

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

ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia Morrow
Recording Secretary

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**FORM OF STATEMENT FOR
CLOSING THE MEETING OF THURSDAY, NOVEMBER 20, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

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

(3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Time and Location:

11:48 a.m. – First Floor Hearing Room, Winchester Hall

Topic to be Discussed:

To consider the acquisition of an interest in real property for purposes of agricultural preservation.

Patti Morrow
Recording Secretary

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**FORM OF STATEMENT FOR MINUTES OF NEXT OPEN MEETING
ON MONDAY, NOVEMBER 24, 2014,
FOLLOWING THE CLOSED MEETING OF THURSDAY, NOVEMBER 20, 2014**

STATUTORY AUTHORITY TO CLOSE SESSION

Maryland Annotated Code General Provisions Article §3-305(b) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Motion:

Upon a motion by Commissioner Smith, seconded by Commissioner Gray, the Board voted 5-0 to go into closed session in accordance with Maryland Annotated Code General Provisions Article §3-305(b) (3) To consider the acquisition of real property for a public purpose and matters directly related thereto.

Time and Location:

11:48 a.m. – First Floor Hearing Room, Winchester Hall

Others in Attendance:

M. Marschner, J. Mathias, M. Chomel, and A. Bradley

Topic to be Discussed:

To consider the acquisition of an interest in real property for purposes of agricultural preservation.

Action Taken:

Motion to approve the Option Purchase as recommended by the Agricultural Preservation Advisory Board and staff.

Patti Morrow
Recording Secretary