

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, APRIL 7, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, April 7, 2009, at 8:30 a.m. Present were Commissioners Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Commissioner David Gray, *Vice President*, was absent from the meeting. Also present were Ron Hart, County Manager and Patti Morrow, Recording Secretary.

(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.co.frederick.md.us)

NOTE: Copies of all staff reports are available in the OnBase system. If you need assistance with the OnBase system, please contact the recording secretary.

PLEDGE OF ALLEGIANCE

The meeting began with the Pledge of Allegiance.

COMMISSIONERS COMMENTS

Commissioner Jenkins remarked he and Commissioner Gardner had attended opening day ceremonies for both the Urbana and Brunswick Little Leagues.

WORKSESSION

Delta Youth Days Proclamation

The Board proclaimed April 6 and April 7 as Delta Youth Days in Frederick County.

Place of Assembly Workgroup Recommendations – Eric Soter, Larry Smith and Shawna Lemonds, Planning Division

Mr. Soter gave an overview of the history of the place of assembly/houses of worship workgroup. He indicated it was an offshoot of the Agriculture (A) and Resource Conservation (RC) text amendment.

The following members of the workgroup gave comments on the recommendations:

- Janet Ingram
- Lee Miller
- Noel Manalo, Esquire
- Robert Lawrence
- Carole Jaar Sepe
- Jeremy Holder

Public comment was heard from:

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, APRIL 7, 2009

- Robert Lawrence
- Janet Ingram
- Tim May
- Lee Miller
- Reverend Paul Munday, Frederick Church of the Brethren
- Shelly Henning
- Erica Henning
- Janice Wiles
- Richard Fredericks
- Sallie Fredericks
- Ashley Manicinelli, Esquire (Workgroup member)
- Erin Brice
- Dr. Yolanda Campbell
- Jim Mackintosh (Workgroup member)
- Pastor Roger Record, Damascus Road Church
- Cindy Less, Frederick Church of the Brethren
- Robert Ryan
- Jenny Pefly
- Sue Oehmig, Executive Director, Hope Alive
- Paul Henny

Commissioner Jenkins moved to exempt places of worship from the changes to the new zoning ordinance. The motion died for lack of a second.

Commissioner Hagen moved to treat civic community centers and civic service clubs under the original floating zone process presented by staff. Commissioner Thompson seconded the motion that failed 0-4 with Commissioners Gardner, Hagen, Jenkins and Thompson opposed and Commissioner Gray absent.

Michael Chomel, Office of the County Attorney, and Larry Smith, Planning Division, commented on the floating zone issue.

Commissioner Thompson moved to table the issue. Commissioner Jenkins seconded the motion that failed 1-3 with Commissioners Gardner, Hagen and Thompson opposed and Commissioner Gray absent.

(Commissioner Gardner passed the gavel to Commissioner Hagen.)

Commissioner Gardner made a motion to suggest that the civic community centers and civic service clubs be a permitted use as a special exception in A zoning districts and the Residential (R1, R3, R5, R8, R12), Village Commercial (VC) and General Commercial (GC) districts would be subject to site development plan approval (PS). Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gray absent.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, APRIL 7, 2009

Commissioner Gardner moved to have places of worship made a special exception in the RC districts and PS in all A, R, VC, GC and Light Industrial (LI) districts with the understanding any non-customary accessory uses in any of the districts, would go through the special exception process. Commissioner Thompson seconded the motion.

Commissioner Thompson requested to divide the question.

Mark Depo, Planning Division, commented on the R3 district.

The vote on all zoning districts except R-3 passed 4-0 with Commissioner Gray absent. The vote on the R-3 zoning district failed 2-2 with Commissioners Jenkins and Thompson opposed and Commissioner Gray absent. The R3 district would remain a principle permitted use with site development plan approval.

Agriculture (A) and Resource Conservation (RC) Zoning Districts Use Tables and Definitions – Eric Soter, Larry Smith and Shawna Lemonds, Planning Division

Ms. Lemonds reviewed with the Board the recent changes made to the text amendment applying to land uses permitted within the A and RC zoning districts.

By consensus, with Commissioner Gray absent, the Board approved the language for impervious surface calculations.

Public comment was heard from:

- Rand Weinberg, Esquire, Weinberg and Miller
- Anne Rollins, Esquire, Miles and Stockbridge
- Tom Lynch, Esquire, Miles and Stockbridge

Colby Ferguson, Economic Development Division, and Mark Depo, Planning Division, commented on a proposed brewery in the A zoning.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

None.

QUESTIONS – PRESS

None.

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, APRIL 7, 2009

ADJOURN

The meeting adjourned at 1:10 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary