

PUBLIC MEETING MINUTES FOR TUESDAY, JULY 14, 2009

A public meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, July 14, 2009, was called to order at 7:00 p.m. by Commissioner Jan Gardner, *President*. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also in attendance 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 web page. 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 web page 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.

The meeting began with the recitation of the Pledge of Allegiance.

PUBLIC HEARINGS

Proposed Ordinance to Amend Section 1-16-236(K) of the Frederick County Subdivision Ordinance Regarding Development on Cul-De-Sac/Dead-End Roads – Kathy Mitchell, Office of the County Attorney

A public hearing was held, as duly advertised, on the clarification of application of Section 1-16-236(K) regarding development on dead-end/cul-de-sac roads.

Ms. Mitchell briefed the Board on the changes to clarify the application of Section 1-16-236(K) and noted it would dispense with the various misinterpretations of the section that have been made by applicants.

Gary Hessong and Mark Depo, Permitting and Development Review Division, participated in the discussion.

Public comment was heard from:

- Andy Mackintosh
- Rand Weinberg, Esquire Weinberg and Miller
- Henry Forester
- Krista McGowan, Esquire Miles and Stockbridge
- Rocky Mackintosh
- Mark Friis Rodgers Consulting
- Carl Ohlke
- Amanda Ohlke
- Ashley Mancinelli, Esquire O'Connor, Kresslein and Severn

Commissioner Thompson moved to adopt the proposed ordinance as presented. Commissioner Gray seconded the motion.

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(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner offered a substitute motion to redraft Section 1-16-236(K) as follows:

4....700 feet in length in the R-12 and R-16 and will require Frederick County Planning Commission (FcPc) approval. The Length of cul-de-sac streets or other dead-end roads in residential floating zones both Planned Unit Development and Mixed Use Development would vary based on the density in the development section or land bay and would require FcPc approval. Downhill cul-de-sacs would be avoided wherever possible.

6. Amended.

7. Added per the handout.

The effective date would be July 15, 2009.

It was requested the ordinance would be redrafted and brought back for a final decision at the Thursday, July 16, 2009, Administrative Business meeting.

Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Proposed Ordinance to Amend Certain Sections of the Frederick County Code Regarding the Extensions of Certain Development Approvals and Deadlines – Kathy Mitchell, Office of the County Attorney and Gary Hessong, Permitting and Development Review Division

A public hearing was held, as duly advertised, on a proposed ordinance which would allow up to a three (3) year extension of certain development plans, approvals and applications (including the expiration of minor subdivision applications) excluding building permits.

Public comment was heard from:

- Andy Mackintosh
- Roy Taylor
- Larry Prenskey
- Rand Weinberg, Esquire Weinberg and Miller
- Bob Kresslein, Esquire O’Conner, Kresslein and Severn
- Trish Bates
- Henry Forster
- Donna Haslem
- Andy Taylor
- Jennifer East
- Krista McGowan, Esquire Miles and Stockbridge
- Tom Natelli Natelli Communities
- Carole Sepe

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- Andrew DiPasquale, Esquire Miles and Stockbridge
- Stuart Terl The Drees Company
- Sue Kelly Kelly Real Estate Professionals

Commissioner Hagen moved to adopt the ordinance to extend certain development approvals and deadlines including the following:

- Section II. Approvals.
Extensions for three (3) years
- Section V. Renewal Fees.
There shall be a \$110 extension fee applied to all Approvals extended by this Ordinance.
- Section VI. Retroactive Application.
This Ordinance shall apply retroactively only to those Approvals (described in Section II) that were active and valid as of January 1, 2008 or issued between January 1, 2008 and the effective date of this Ordinance. This Ordinance shall not apply to Approvals that were granted or became effective after the effective date of this Ordinance.
- Section VII. Prior Renewals or Extensions.
Except for a six-month site plan extension granted under Section 1-19-3.300(B) of the Frederick County Code or a six-month special exception extension granted under Section 1-19-3.200(J) of the Frederick County Code, this ordinance shall not apply to any Approvals which were re-approved, renewed or extended between January 1, 2008 and the effective date of this Ordinance.

Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed. The effective date of the ordinance would be July 25, 2009.

(A copy of Ordinance #09-23-527)) can be obtained in the County Manager’s office or from the county’s website, www.co.frederick.md.us)

PUBLIC COMMENTS AND/OR REQUESTS

None.

ADJOURN

The meeting adjourned at 9:30 p.m.

Respectfully submitted,

Patricia A. Morrow
Recording Secretary