

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES FOR TUESDAY, SEPTEMBER 22, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, (“Board”) for Tuesday, September 22, 2009, at 8:40 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen, Charles Jenkins and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, 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 noted he judged the 4-H Royalty at the Frederick Fair and commended the hard work and dedication of all the kids involved with farming.

Commissioner Gardner commented on the events scheduled for tomorrow.

Commissioner Gardner noted the National Academy of Science was holding their panel meeting tonight regarding Fort Detrick at the Hampton Inn.

This week was Business Appreciation Week in Frederick County.

WORKSESSION

Family Day – A Day to Eat Dinner with Your Children Proclamation

Commissioner Gardner presented proclamation.

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

Adult Public Guardianship Review Board

There was no public comment.

Commissioner Hagen moved to reappoint Ms. RaeAnn Butler, Ms. Marvelle Rau and Ms. Mary Lee Schumeyer to serve three-year terms to expire June 30, 2012. Commissioner Jenkins seconded the motion that passed 5-0.

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Human Relations Commission

There was no public comment.

Mr. Hayden Duke, Chairperson, Frederick County Human Relations Commission, provided information regarding the applicants.

Commissioner Hagen moved to appoint Mr. John Chaney to fill an unexpired term to expire June 30, 2012. Commissioner Gray seconded the motion.

Commissioner Thompson moved to amend the motion for the Board to interview Mr. Chaney to obtain his position on racial equality. The motion failed due to lack of a second.

The motion made by Commissioner Hagen, seconded by Commissioner Gray, passed 4-1 with Commissioner Thompson opposed.

Commissioner Thompson moved for the Board to interview Ms. Ingrid Jacobsen in a televised public interview. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

Roads Board

There was no public comment.

Commissioner Jenkins moved to appoint Mr. Paul Fitzgerald to fill an unexpired term to expire June 30, 2014. Commissioner Hagen seconded the motion that passed 5-0.

Revision to the Critical Farms Ranking System – Tim Blaser, Planning Division

Mr. Blaser presented revisions to the critical farms ranking system which would adequately evaluate the properties and recognize a property that was part of a large preservation area, but did not technically adjoin to a preserved property.

There was no public comment.

Commissioner Hagen moved approval of the revision to the ranking system as presented. Commissioner Gray seconded the motion that passed 5-0.

ADMINISTRATIVE BUSINESS

Countywide Comprehensive Plan Update – Eric Soter and Jim Gugel, Planning Division

Staff presented updates within Frederick County.

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For purposes of the following motions, these abbreviations will be used.

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| AG – Agricultural | LDR - Low Density Residential |
| Ag/Rural – Agricultural/Rural | LI – Limited Industrial |
| VC - Village Center | GI – General Industrial |
| RN - Rural Neighborhood | ORI - Office, Research, Industrial |
| GC - General Commercial | NR – Natural Resources |
| RC – Resource Conservation | WSSA – Water Sewer Service Area |

The Board and staff reviewed and made the following changes to the countywide comprehensive plan:

Buckeystown:

Commissioner Jenkins moved to add 12 acres of additional LDR onto the Clagett property, as outlined for the expansion of Buckingham Choice. Commissioner Gardner seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Thompson requested Mike Marschner, Utilities and Solid Waste Management Division, comment on water/sewer/pump station issues on this parcel.

Adamstown/Eastalco:

Commissioner Gardner requested to change LI east/west of Ballenger Creek Pike to AG, shift LI to the railroad track, but not across New Design Road. Commissioner Gray seconded the motion.

Commissioner Thompson requested to divide the motion.

The motion to remove LI from both sides of Ballenger Creek Pike, south of the tributary to Tuscarora Creek, passed 4-1 with Commissioner Jenkins opposed.

The motion to add LI where it was originally GI on the 2001 plan, east of Tuscarora Creek, along the railroad tracks, but not across New Design Road, passed 3-2 with Commissioners Jenkins and Thompson opposed.

Commissioner Thompson moved to designate the area west of Ballenger Creek Pike Ag/Rural which also included the corresponding changes to the growth boundary lines. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to designate Tax Map 94, Parcels 1, 54 and 102; Lot 1, the area between Agrow Drive and Winchester Boulevard, east of Capstine Road, as Ag/Rural. Commissioner Gray seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

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Commissioner Thompson moved to designate the road from Mountville Road to Winchester Boulevard to Ballenger Creek Pike as a local road. The motion failed due to lack of a second.

Point of Rocks:

(Commissioner Jenkins left the meeting.)

Commissioner Gardner moved to designate 4.23 acres at the northeast corner of US 15 and MD 464 as AG. Commissioner Thompson seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Commissioner Thompson moved to designate Tax Map 108, Parcels 54 and 1, as Ag/Rural and remove the parcels from the growth area.

(Commissioner Jenkins entered the meeting.)

The motion passed 3-2 with Commissioners Gardner and Gray opposed.

Brunswick:

Commissioner Hagen moved to designate the area north of MD 17 as LDR. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Carroll Jones, Mayor, City of Brunswick, commented.

Commissioner Hagen moved to designate the four parcels north and south of MD 464 as Ag/Rural. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Gray moved to pull in the growth boundary of the four parcels north and south of MD 464. Commissioner Thompson seconded the motion that passed 5-0.

Commissioner Thompson moved to designate Rosemont (east side parcels) as RN. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to designate Tax Map 108, Parcels 54 and 1, located north of MD 28, as Ag/Rural on the comprehensive plan. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to extend the Ag/Rural designation to the parcel that adjoined the above parcel. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to oppose excluding the growth area. Commissioner Jenkins seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

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LUNCH BREAK

1:15 P.M. RESUMED

Jefferson:

(Commissioners Gardner and Gray arrived at the meeting.)

Commissioner Hagen moved to keep the LDR designation on the Long Property (Tax Map 84, Parcel 69) as shown on the current plan.

The motion was withdrawn.

Commissioner Hagen moved to reduce the growth boundary around Jefferson to align with the LDR designation of the adjacent property (Woodbourne Manor) and extend across the Long Property from that point. The motion passed 5-0.

Commissioner Thompson made a motion to move the middle school symbol down near the elementary school. The motion passed by consensus.

Commissioner Thompson moved to extend the growth area boundary to exclude the Long property. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Thompson moved to keep a small area of GC as AG in the area of Old Holter Road. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Frederick:

Commissioner Thompson moved to designate the southwestern area of Essroc, a mineral mining area along New Design Road as AG. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to designate the area east of Interstate 70 to Mount Phillip Road as Ag/Rural. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Thompson moved to remove a private driveway from Catocin Mountain Highway. This motion failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Jenkins moved to designate the three parcels referencing the Bartlett Property along Buckeystown Pike, (Tax Map 95, Parcels 131 and 002 and Tax Map 86, Parcel 97) from Ag to LI. The motion failed due to lack of a second.

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Commissioner Thompson moved to designate the area of Gladhill/Landmark properties as Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Gardner opposed.

Commissioner Thompson moved to exclude the above property from the municipal growth boundary. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson noted the above property was a no-plan WSSA.

Commissioner Gardner moved to bring the rural residential area of Yellow Springs Road into the municipal boundary growth area. Commissioner Hagen seconded the motion that passed 5-0.

The Board requested the three-tier areas east, northwest and west in this area be looked at more extensively.

Commissioner Thompson moved to designate the Whittier area near the middle school site as Ag/Rural. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to designate the Sanner property as Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to designate the area to the left of the Sanner property to AG. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to designate all the property to the left of the Sanner property, west of Yellow Springs Road and all properties outside of city limits, as Ag/Rural to match the existing zoning and land use designations. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to designate the area from Yellow Springs Road, Walter Martz Road to Indian Springs Road, as Ag/Rural. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to designate the area near and adjoining Whittier as Ag/Rural. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to designate the area along Yellow Springs Road and just west of it as Ag/Rural with AG or residential zoning. The motion passed 5-0.

Commissioner Thompson moved to designate the area west of Fort Detrick and west of Rocky Springs Road, the area of Kemp Lane, as AG. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

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Commissioner Thompson moved to designate the entire parcel south of Fort Detrick, west of Rocky Springs Road, the area of Kemp Lane, as Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to designate the property south of Old National Pike (part of Summers Annexation) as Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to designate the parcel just above and to the left of Old National Pike (part of Summers Annexation) excluding the area along Interstate 70, Parcel 291, as Ag/Rural. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to designate Parcel 831 as Ag/Rural. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to designate Parcel 652 and 127 (portions of the Summers Farm) as Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to designate Parcel 913 as Ag/Rural. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thomson moved to designate Parcel 105/818, the area of Grove Hill Road, as Ag/Rural, Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to designate Parcel 415, the area near the elementary school, as Ag/Rural. Commissioner Gray seconded the motion that passed 5-0.

(Commissioner Gardner left the meeting.)

Commissioner Thompson moved to designate all four lots along Butterfly Lane as Ag/Rural. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Gardner absent.

Commissioner Hagen moved to designate the ORI properties south of Interstate 70 and north of Jefferson Pike, Tax Map 76, Parcels 89, 26, 91, 136, 377 and 308, to Ag/Rural. Commissioner Thompson seconded the motion that passed 3-1 with Commissioner Jenkins opposed and Commissioner Gardner absent.

There was consensus to move the properties designated as AG out of the growth boundaries.

(Commissioner Gardner entered the meeting.)

Commissioner Jenkins moved to designate Beckley's property as GC. The motion failed due to lack of a second.

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Commissioner Thompson moved to designate Parcel 562, the area along Mount Zion Road, as Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 5:00 p.m.

Mary E. Baker
Recording Secretary