

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR MONDAY, SEPTEMBER 28, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Monday, September 28, 2009, at 9:00 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 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

None.

ADMINISTRATIVE BUSINESS

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

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

Ag/Rural – Agricultural/Rural
VC - Village Center
RN - Rural Neighborhood
GC - General Commercial
RC – Resource Conservation
WSSA – Water Sewer Service Area

LDR - Low Density Residential
LI – Limited Industrial
GI – General Industrial
ORI - Office, Research, Industrial
NR – Natural Resources
I - Institutional

Mr. Soter and Mr. Gugel discussed the schedule and process for the meeting.

Middletown Region

Braddock Heights

Tim Goodfellow, Planning Division, reviewed the 1997 (current) version of the Braddock Heights region and the Frederick County Planning Commission (FcPc) recommended changes.

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Fountaindale

Mr. Goodfellow briefed the Board on the FcPc recommended changes.

Middletown

Commissioner Thompson moved to remove the Hollow Road and I-70 interchange from the comprehensive plan map. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to remove the minor arterial road design (replacement Hollow Road) from the comprehensive plan map. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to remove from the plan the collector road from Coblentz Road to MD 17. The motion failed for lack of a second.

Commissioner Thompson moved to remove the southwest portion of the southern bypass labeled a minor arterial, around Middletown. Commissioner Thompson amended the motion to change the road (west of MD 17 to A40) to a collector road. Commissioner Gray seconded the amended motion that passed 5-0. Commissioner Thompson noted for staff to include language that the government perceives the action to enhance the local roads rather than serve as a bypass.

Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcel 210 from LDR to Ag/Rural, and take it out of the growth area and the WSSA. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on a portion of Tax Map 65, Parcel 50 from LDR to Ag/Rural, and take it out of the growth area and the WSSA. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

Commissioner Hagen moved to place a portion of Tax Map 65, Parcel 50 (related to the previous motion) back to LDR and into the growth area on the land use map. Commissioner Gardner seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcel 109 from LDR to Ag/Rural, and remove it from the growth area and the WSSA. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map, Parcel 78 from LDR to Ag/Rural, and remove it from the growth area and the WSSA. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

It was indicated staff would adjust the alignment of a proposed road in the proximity of Tax Map 65, Parcel 78.

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Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcel 183 from LDR to Ag/rural. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

Commissioner Thompson moved to change the land use designation on the remaining portion of Tax Map 65, Parcel 183 from LDR to Ag/Rural, noting the underlying zoning is Agricultural (A). Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcel 184 (Holy Family Catholic Church) from LDR to Ag/Rural. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 55, Parcel 92 from LDR to Ag/Rural, remove it from the growth boundary, and take it out of the WSSA. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 55, Parcel 46 from LDR to Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Hagen moved to leave Tax Map 55, Parcel 46 within the growth boundary. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

(Commissioner Jenkins left the meeting.)

Commissioner Thompson moved to change the land use designation on Tax Map 55, Parcel 93 from LDR to Ag/rural. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

(Commissioner Jenkins returned to the meeting.)

Commissioner Hagen moved to maintain Tax Map 55, Parcel 93 within in the growth boundary. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 55, Parcel 197 from LDR to Ag/Rural and keep it in the growth boundary. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved the change the land use designation on Tax Map 55, Parcels 103 (two (2) lots), 48 and 94 from LDR to Ag/Rural. Commissioner Hagen seconded the motion that passed 5-0.

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Commissioner Hagen motioned to move the growth boundary to the south to exclude the lots from the immediate preceding motion. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on the remaining portion of Tax Map 55, Parcel 48 from LDR to Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

(Commissioner Gray left the meeting.)

Commissioner Thompson moved to change the land use designation on a portion of Tax Map 65, Parcel 12 from LDR to Ag/Rural. Commissioner Gardner seconded the motion that passed 4-0 with Commissioner Gray absent.

Krista McGowan, Esquire, commented on the A. C. Jets LLC property.

(Commissioner Gray returned to the meeting.)

Commissioner Thompson moved to change the land use designation on the remaining portion of Tax Map 65, Parcel 12 to Ag/Rural. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed. It was noted this parcel has an underlying zoning.

Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcel 12 (A.C. Jets LLC property) from GC to Ag/Rural. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 65, Parcels 98, 224, 225 and 63 to Ag/Rural. The motion died for lack of a second.

The meeting broke for lunch at 11:55 p.m.

The meeting reconvened at 1:00 p.m.

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

Myersville

Mr. Goodfellow noted the changes in the Myersville region from the 1997 regional plan.

Commissioner Thompson moved to change the land use designation on Tax Map 46, Parcels 346, 28 and 382 from LI to Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

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Commissioner Thompson moved to exclude from the growth limit boundary Tax Map 46, Parcels 346, 382, 28, part of Parcels 399 and 357. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 37, Parcels 204 and 70 from LDR to Ag/Rural, removed from the growth boundary, and the WSSA. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 45, Parcel 30 and Tax Map 55, Parcels 46 and 267 (along Monument Road) from LDR to Ag/Rural. Commissioner Hagen seconded the motion that passed 5-0.

Commissioner Thompson moved to take in the growth boundary. The motion failed for lack of a second.

By unanimous consent the Board indicated Institutional Uses would be reflected as Institutional (I).

New Market Region

Linganore/Holly Hills

Mr. Goodfellow briefed the Board on the FcPc recommended changes.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner moved to change the land use designation on Tax Map 29, Parcels 27 and 36 to GC to match the zoning. Commissioner Hagen seconded the motion that passed 5-0.

(Commissioner Gray passed the gavel back to Commissioner Gardner.)

Commissioner Hagen moved to include the existing water treatment plant as I and within the growth boundary line. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Thompson moved to change the land use designation on Tax Map 79, Parcel 101 from LDR to Ag/Rural. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to change the land use designation on a part of Tax Map 79, Parcel 6 (north and east of Eaglehead Drive) to NR. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

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Commissioner Thompson moved to change the land use designation on Tax Map 68, Parcel 36 to Ag/Rural. Commissioner Hagen seconded the motion that passed 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to bring the growth limit down to the existing development. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

(Commissioner Gardner left the meeting and passed the gavel to Commissioner Gray.)

Commissioner Hagen moved to remove the Woodridge school symbol south of Gas House Pike. Commissioner Thompson seconded the motion that passed 4-0 with Commissioner Gardner absent.

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcel 52 to Ag/Rural. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Jenkins opposed and Commissioner Gardner absent.

(Commissioner Gardner returned to the meeting and Commissioner Gray passed the gavel back to her.)

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcel 53 from LDR to Ag/Rural. Commissioner Jenkins seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcel 60 from LDR to NR. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcel 65 as NR. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcels 66, 88 and an adjacent unidentified property to NR. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson moved to change the land use designation on Tax Map 69, Parcels 169 and 81 to Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to change the land use designation on the remaining portion of Tax Map 69, Parcel 169 to Ag/Rural. Commissioner Hagen seconded the motion that passed 4-1 with Commissioner Jenkins opposed.
Commissioner Hagen moved to remove the fire station symbol in Heritage Ridge and the road extension from Eaglehead Drive to Gas House Pike. Commissioner Thompson seconded the motion that passed 5-0.

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New Market Community

Mr. Goodfellow briefed the Board on the FcPc recommended changes.

Commissioner Thompson moved to change the land use designation on Tax Map 78, Parcel 54 from ORI to Ag/Rural. Commissioner Gray seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Commissioner Thompson moved to change the land use designation on a portion of the England property from LDR to Ag/Rural. Commissioner Jenkins seconded the motion that failed 2-3 with Commissioners Gardner, Gray and Hagen opposed.

It was noted at a future meeting Ray Barnes, Frederick County Public Schools, would comment on the proposed school sites.

Springridge/Bartonsville Community

Mr. Goodfellow briefed the Board on the FcPc recommended changes.

Commissioner Thompson moved to change the land use designation on Tax Map 78, Parcel 480 from LDR to NR. Commissioner Gray seconded the motion that passed 3-1-1 with Commissioner Jenkins opposed and Commissioner Gardner abstained.

Commissioner Hagen moved to change a section of Springridge (owned by the Springridge Home Owners Association, Tax Map, Parcels 722, Open Space Parcel, VVV and N) from OS to NR. Commissioner Hagen seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Mount Airy Community

Mr. Goodfellow briefed the Board on the FcPc recommended changes.

Mr. Gugel reviewed the upcoming schedule with the Board.

COMMISSIONERS' COMMENTS

None.

PUBLIC COMMENTS

None.

QUESTIONS - PRESS

None.

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ADJOURN

The meeting adjourned at 3:30 p.m.

Patricia A. Morrow
Recording Secretary