

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, OCTOBER 6, 2009

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, October 6, 2009, at 8:40 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen (note arrival time below), 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

Commissioner Jenkins commented on attending the National Fallen Firefighters Memorial and the memorial service for United States Marine Lance Corporal Jordan Lee Chrobot.

Commissioner Gardner commented on the events she participated in over the weekend.

A moment of silence was observed for Lance Corporal Jordan Lee Chrobot.

WORKSESSION

Fire Prevention Week Proclamation

The Board proclaimed the week of October 4 -10 Fire Prevention Week in Frederick County.

Overview of Source Reduction Award and Recognition Program – Phil Harris and Dawn Adams, Utilities and Solid Waste Management Division

Ms. Adams provided to the Board an overview of the new program to recognize businesses and county divisions and departments source reduction actions and programs through the Source Reduction Program.

No action was taken on this item as it was informational.

Appointment to the Frederick County Local Management Board (LMB) – Joyce Grossnickle, Office of the County Manager

Margaret Nusbaum, Citizens Services Division, commented on the LMB.

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There was no public comment.

Commissioner Jenkins moved to appoint Karen Murphy McClain to serve as an at-large representative to fill an unexpired term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Hagen absent.

Recommendations for Appointments to the Local Emergency Planning Committee (LEPC) – Dennis Dudley, Frederick Police Department

There was no public comment.

Commissioner Jenkins moved to approve the recommended appointments to the Frederick County LEPC. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Hagen absent.

(Commissioner Hagen arrived to the meeting at 9:30 a.m.)

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
MDR – Medium Density Residential

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

Thurmont Region Plan

Emmitsburg

Denis Superczynski, Planning Division, briefed the Board on the Frederick County Planning Commission's (FcPc) recommended changes.

Commissioner Hagen moved to have the growth boundary on the draft comprehensive plan map match the Emmitsburg growth boundary between U.S. 15 and MD 140, keeping the LDR land use designation. Commissioner Gray seconded the motion.

Commissioner Jenkins offered an amendment to the motion to remove the community park symbol in the area. The amended motion passed 5-0.

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Dave Haller, Town Manager, Town of Emmitsburg, commented on the eastern part of the growth boundary.

Commissioner Gardner moved to make certain northern lands, within the Town of Emmitsburg's municipal boundary, Ag/Rural land use designation. Commissioner Gardner withdrew the motion.

It was indicated staff would adjust the land use designation to match the town's.

Commissioner Jenkins moved to change the land use designation of Tax Map 4, Parcel 3 to LI. Commissioner Gardner seconded the motion.

Commissioner Gray offered a substitute motion to take 8 acres of Tax Map 4, Parcel 3 back to Ag/Rural. The substitute motion passed 4-1 with Commissioner Thompson opposed.

(Commissioner Gray left the meeting.)

Commissioner Thompson moved to change the land use designation of Tax Map 8, Parcel 310 from LI to Ag/Rural. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

Commissioner Thompson moved to exclude the previous parcel from the growth boundary and the WSSA. Commissioner Jenkins seconded the motion that passed 4-0 with Commissioner Gray absent.

(Commissioner Gray returned to the meeting.)

Commissioner Thompson moved to change the land use designation on Tax Map 8, Parcels 233 (Lots 1 and 2) and 45 from GI to Ag/Rural. Commissioner Jenkins seconded the motion.

Commissioner Jenkins requested the motion be separated.

The vote on Tax Map 8, Parcel 233 (Lot 1) was 4-1 with Commissioner Gardner opposed.

The vote on Tax Map 8, Parcel 233 (Lot 2) was 4-1 with Commissioner Gardner opposed.

The vote on Tax Map 8, Parcel 45 was 3-2 with Commissioners Gardner and Jenkins opposed.

Commissioner Thompson moved to exclude Tax Map 8, Parcels 233 (Lots 1 and 2) and 45 from the growth boundary. 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 change the land used designation on Tax Map 8, Parcel 237 (Mountain Manor Treatment Center) from GC to **I**. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Thompson moved to change the land use designation of Tax Map 14, Parcel 48 to Ag/Rural. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Thompson motioned to remove the interchange symbol at North Seton Avenue from the land use plan map. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

(Commissioner Jenkins left the meeting.)

Commissioner Thompson moved to change the land use designation of certain properties along Old Emmitsburg Road to Ag/Rural. The motion failed for lack of a second.

Commissioner Hagen motioned to move the growth boundary line to match the Town of Emmitsburg's growth boundary along Old Emmitsburg Road and include the land use designation. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent

Mr. Haller commented on the growth boundary.

(Commissioner Jenkins returned to the meeting.)

(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner motioned to move the growth boundary to be consistent with the Town of Emmitsburg's growth boundary (south of Annandale Road); reflect LDR land use designation on Tax Map 8, Parcels 147 and 175 (the area noted by the FcPc); Ag/Rural on the area outside Tax Map 8, Parcels 147 and 175; and staff would show NR on the Plan map as appropriate. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Mr. Haller commented on a property in question.

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

Commissioner Gray motioned to remove the middle school site from Tax Map 8, Parcel 175, per the recommendation of the Frederick County Public Schools (FCPS). Commissioner Thompson seconded the motion that passed 5-0.

Commissioner Thompson moved to exclude from the growth boundary Tax Map 8, Parcel 175, to match the town's corporate boundary. Commissioner Thompson withdrew the motion.

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Mr. Haller commented on the roads.

Commissioner Thompson motioned to remove the northern collector road. The motion failed for lack of a second.

Commissioner Gray moved to show connection from Irishtown Road to the street stub. Commissioner Gardner seconded the motion.

Commissioner Thompson offered an amendment to the motion to notify the property owners of certain lots of Tax Map 8, Parcel 669 of the identification of a collector road between the north end of Provincial Parkway and Irishtown Road. Commissioner Gray seconded the motion that passed 5-0.

The vote on the main motion passed 4-1 with Commissioner Thompson opposed.

Commissioner Gray moved to recognize the collector road on the south side of Emmitsburg to match the town's land use map. Commissioner Jenkins seconded the motion that passed 3-2 with Commissioners Hagen and Thompson opposed.

Mr. Haller commented on the collector road.

The meeting ended at 12:15 p.m.

The meeting reconvened at 3:05 p.m.

Thurmont Region

Mr. Superczynski highlighted the changes between the FcPc recommended land use plan and the Town of Thurmont's master plan.

Commissioner Gray motioned to move the high school symbol to within the town's growth boundary. Commissioner Gardner seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Commissioner Jenkins moved to affirm the 2008 adopted MDR designation on Tax Map 25, Parcels 15, 104 and 307 (the Drees property). The motion failed for lack of a second.

Commissioner Hagen motioned to remove the elementary school site from Tax Map 25, Parcel 104. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Jenkins moved to affirm the 2008 adopted designation of MDR on Tax Map 19, Parcels 221, 209, 87, 227, 297; Tax Map 25, Parcels 132, 465, 295, 217, 216, 102, 103, 222, 365, 458, 462, 461, 223 and 412. The motion failed for lack of a second.

(Commissioner Jenkins left the meeting.)

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Commissioner Thompson moved to change the land use designation from HDR to Ag/Rural on Tax Map 25, Parcels 401 and 297 on the comprehensive plan. Commissioner Gray seconded the motion that failed 1-3 with Commissioners Gardner, Gray and Hagen opposed and Commissioner Jenkins absent.

(Commissioner Jenkins returned to the meeting.)

Urbana Region Plan

Monrovia

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

Commissioner Jenkins moved to approve Alternative #2 based upon the plan for the 1993 Urbana Region. The motion failed for lack of a second.

Michael Chomel, Office of the County Attorney, commented on the Monrovia Town Center.

Commissioner Thompson moved to change the land use designation on the parcels known as the "Landsdale Planned Unit Development (PUD)," Tax Map 88, Parcels 24, 44 and 45 from LDR to Ag/Rural. Commissioner Gray seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Urbana

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

Commissioner Thompson moved to remove the proposed Parks Mill Road interchange. Commissioner Hagen seconded the motion that passed 5-0.

John Thomas, Planning Division, commented on the park and ride in the area.

It was indicated staff would adjust the roads around the Parks Mill Road to a reasonable level.

Commissioner Jenkins moved to remove the fire station site from Tax Map 105, Parcel 27. Commissioner Thompson seconded the motion that passed 3-2 with Commissioners Gardner and Hagen opposed. It was indicated the Fire and Rescue Services Division staff would comment on the site.

Commissioner Hagen moved to change the land use designation on portions of Tax Map 105, Parcel 37 from NR to Ag/Rural. Commissioner Gray seconded the motion that passed 3-2 with Commissioners Jenkins and Thompson opposed.

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Commissioner Thompson moved to change the land use designation on Tax Map 106, Parcel 15 from Rural Community 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 Tax Map 106, Parcels 18 and 31 to Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins opposed.

Krista McGowan, Esquire, Miles and Stockbridge, addressed the Board.

The meeting broke at 5:15 p.m.

The meeting reconvened at 6:15 p.m. Barry Stanton, Assistant County Manager, was present in County Manager Ron Hart's absence.

Walkersville Region Plan

Libertytown

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

Commissioner Thompson motioned to remove the proposed bypass from Green Valley Road to MD 26. The motion failed for lack of a second.

Commissioner Thompson motioned to change the land use designation on Tax Map 51, Parcel 167 to Ag/Rural. The motion failed for lack of a second.

Commissioner Hagen motioned to adjust the growth boundary across Tax Map 60, Parcel 64. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Hagen motioned to move a section of road to within the growth boundary on the Hood property to connect MD 550 and MD 75. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Commissioner Thompson motioned to move the eastern growth boundary westward to meet Tax Map 51, Parcel 80. The motion failed for lack of a second.

Commissioner Hagen motioned to move the growth boundary into the zoning line. Commissioner Gardner seconded the motion that passed 5-0.

Commissioner Thompson motioned to remove the proposed bypass from Green Valley Road to MD 26. Commissioner Gray seconded the motion that passed 5-0.

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Commissioner Thompson motioned to remove the road spur between the former bypass alignment and MD 31 and MD 26 east of Libertytown. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson motioned to change the land use designation on Tax Map 51A, Parcel 62 (Mayne property) from LDR to Ag/Rural. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Thompson motioned to remove a section of the proposed bypass through the Mayne property. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson motioned to remove a section of the proposed bypass from MD 75 to Daysville Road. Commissioner Gray seconded the motion that passed 5-0.

Commissioner Thompson motioned to move the growth boundary on Tax Map 60, Parcel 64 (Wormald property). The motion failed for lack of a second.

It was indicated staff would show MD 75 and MD 26 as minor arterial roads through Libertytown.

Walkersville

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

Woodsboro

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

Commissioner Thompson motioned to change the land use designation on Tax Map 41, Parcel 58 (bordered by Gravel Hill Road) from LDR to Ag/Rural. Commissioner Gray seconded the motion that failed 1-4 with Commissioners Gardner, Gray, Hagen and Jenkins opposed.

Commissioner Thompson motioned to change the land use designation on Tax Map 41, Parcel 11 from LI to Ag/Rural. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Thompson motioned to change the land use designation on Tax Map 41, Parcels 7 and 276 from LDR to Ag/Rural. Commissioner Gray seconded the motion that passed 4-1 with Commissioner Jenkins abstained.

Commissioner Thompson motioned to move the growth boundary to exclude the property mentioned in the previous motion. Commissioner Gray seconded the motion that passed 3-1-1 with Commissioner Gardner opposed and Commissioner Jenkins abstained.

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Commissioner Thompson motioned to move the growth boundary to exclude Tax Map 42, Parcels 294 and 118. Commissioner Hagen seconded the motion that passed 5-0.

By unanimous consent the Board voted to designate Rural Residential on Tax Map 42, Parcels 294 and 118.

Staff reviewed with the Board outstanding issues that needed to be further discussed.

Frederick Region

Commissioner Jenkins moved to extend GC on a portion of Tax Map 40, Parcel 448 (Beckley's RVs Camping Center parallel to Engleberger Road). Commissioner Gardner seconded the motion that passed 4-1 with Commissioner Thompson opposed.

Ballenger Creek

Commissioner Thompson motioned to change the land use designation on the Griffin property (Tax Map 86, Parcels 53, 54 and 243 - across from Tuscarora High School) from MDR to Ag/Rural. Commissioner Gray seconded the motion that failed 2-3 with Commissioners Gardner, Hagen and Jenkins opposed.

Commissioner Gray moved to accept all the comments in the Board of Education's letter including the clarification of the New Market school site. Commissioner Gardner seconded the motion that passed 5-0.

PUBLIC COMMENT

- Richard Floyd
- Steve Cassis
- Ralph Whitmore, Burgess, Town of Walkersville

QUESTIONS - PRESS

None.

ADJOURN

The meeting adjourned at 8:40 p.m.

Patricia A. Morrow
Recording Secretary