

**BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY MEETING MINUTES  
FOR TUESDAY, NOVEMBER 3, 2009**

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, November 3, 2009, at 8:35 a.m. Present were Commissioners David Gray, *Vice President*; Kai Hagen and John L. Thompson, Jr. Also present were Ron Hart, County Manager and Mary Baker, Recording Secretary. Commissioner Charles Jenkins was absent.

*(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.FrederickCountyMD.gov](http://www.FrederickCountyMD.gov))*

**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 Gardner noted the following:

- Commissioner Jenkins would be out for several weeks;
- there would be a Veterans Day event in the City of Brunswick on Sunday;
- she attended the state growth task force meeting yesterday; and
- today was Election Day in The City of Frederick

Commissioner Hagen noted he installed solar panels at his home yesterday.

**WORKSESSION**

**Shop Local Week Proclamation**

Commissioner Gardner presented the proclamation.

**Appointments/Reappointments to Frederick County Boards, Commissions, Committees  
- Joyce Grossnickle, Office of the County Manager**

**Board of Gaming Appeals**

There was no public comment.

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Commissioner Hagen moved to reappoint Mr. Frank Rauschenberg to serve a three-year term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Citizens Nursing Home Board of Trustees**

Public comment was taken from:

- Jack Tritt, Chairperson, Board of Trustees

Commissioner Hagen moved to appoint Mr. William Hasson to fill an unexpired term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Monocacy Scenic River Local Citizens Advisory Board**

There was no public comment.

Commissioner Thompson moved to appoint Mr. Glenn Eaves, Sr. to serve a four-year term to expire November 3, 2012. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Social Services Board**

There was no public comment.

Commissioner Hagen moved to appoint Dr. Sonja Rossig to fill an unexpired term to expire June 30, 2012. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**Transportation Services Advisory Council**

There was no public comment.

Commissioner Gray moved to reappoint Delegate C. Sue Hecht to serve a three-year term to expire June 30, 2012; appoint Mr. David Schmidt and Mr. Rick Stupp to serve as at-large representatives to fill unexpired terms to expire June 30, 2012; and change Mr. Tom Massey's membership status from an at-large representative designation to a business representative designation. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

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**PUBLIC HEARING**

**Zoning Text Amendment #ZT-09-05 - Administration and Enforcement - Eric Soter and  
Shawna Lemonds, Planning Division**

Mr. Soter and Ms. Lemonds presented the proposed text amendment to amend certain sections of the Frederick County Code concerning administration and enforcement.

Public comment was taken from:

- Carole Sepe

Commissioner Hagen moved to extend the time period to 120 days instead of 45 days in Section 1-19-3.100.3, B-2. The motion failed due to lack of a second.

Commissioner Thompson moved to strike B-2 in Section 1-19-3.100.3, remove #1 so B reads "The Board of County Commissioners Shall Hold a Public Hearing on the Proposed Zoning Text Amendment." Commissioner Gardner seconded the motion that passed 3-1 with Commissioner Hagen opposed and Commissioner Jenkins absent.

Commissioner Gray moved to strike C in Section 1-19-3.100.3. Commissioner Thompson seconded the motion that tied 2-2 with Commissioners Gardner and Hagen opposed and Commissioner Jenkins absent.

Commissioner Thompson moved to change A-1 in Section 1-19-3.110.3 to read "An application for an individual zoning map amendment or a floating zone reclassification shall be deemed denied if the Board had not approved the application within 90 days of the public hearing." Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

There was unanimous consent to strike "Upon receipt of the recommendation of the Planning Commission" in Section 1-19-3.110.7, B.

Commissioner Gardner passed the gavel to Commissioner Gray.

Commissioner Gardner moved to duplicate the language in Section 1-19-3.220, G, in Section 1-19-3.200, Special Exceptions, and change 2 years to 5 years. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

Commissioner Gray moved adoption including the amendments made today to take effect 10 days from today. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

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**ADMINISTRATIVE BUSINESS**

**Resolution – Rescission of Motion of July 16, 2009 - Jefferson Tech Park Mixed Use  
Development (MXD) – John Mathias, County Attorney**

Mr. Mathias presented the proposed resolution to change the zoning designation of the 173 acres located south of Frederick City on the southeast side of MD 180, northwest of US 340/15, known as the Jefferson Tech Park property to MXD.

Commissioner Gardner moved approval of the proposed resolution as presented. Commissioner Hagen seconded the motion that passed 3-1 with Commissioner Thompson opposed and Commissioner Jenkins absent.

(A copy of Resolution #09-35 can be obtained in the County Manager's Office or from the county's website, [www.frederickcountymd.gov](http://www.frederickcountymd.gov))

**WORKSESSION**

**Parking, Landscaping, and Lighting Draft Text Amendment – Mark Depo and Shawna Lemonds, Planning Division**

Mr. Depo and Ms. Lemonds presented the draft text amendment.

Public comment taken from:

- Craig Walslaven

In Section 1-19-6.200, the Board requested language be added stating “parking can be accommodated through a parking structure.”

In Section 1-19-6.220, the Board requested language be added to A-2 at the end to state “for purposes of overflow parking.”

Commissioner Thompson moved to change the word “may” to “shall” in Section 1-19-6.220, A-2. The motion failed due to lack of a second.

Commissioner Thompson moved to change 30% to 15% in Section 1-19-6.220, D. Commissioner Gray seconded the motion that passed 4-0 with Commissioner Jenkins absent.

There was consensus to add to Section 1-19-6.400, G “reviewed” and approved and include “Opaque fencing, walls and berms shall be constructed of materials reflective of neighborhood characteristics as approved by the Planning Commission. Chain link fencing with vinyl privacy slates shall be utilized only within industrial zoning districts where specifically reviewed and approved by the Planning Commission.”

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Commissioner Gray moved to take the draft amendments to public hearing including the amendments made today. Commissioner Hagen seconded the motion that passed 4-0 with Commissioner Jenkins absent.

**COMMISSIONERS COMMENTS**

None.

**PUBLIC COMMENTS**

None.

**QUESTIONS – PRESS**

None.

**ADJOURN**

The meeting adjourned at 12:30 p.m.

Mary E. Baker  
Recording Secretary