

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, FEBRUARY 16, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, February 16, 2010, at 8:30 a.m. Present were Commissioners David Gray, *Vice President*, Kai Hagen, 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.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.

COMMISSIONER COMMENTS

The Board recognized the county staff, volunteers and citizens for their efforts and sacrifices they made during the recent snow storms that hit Frederick County.

AGENDA BRIEFING

Staff reviewed with the Board the following items scheduled for a public hearing on Tuesday, February 16 at 7:00 p.m.

- Lake Linganore Pre-Construction Pre-Benefit Assessment - Brenda Teach, Utilities and Solid Waste Management Division
- ZT-09-07 - Child Care Centers/Nursery Schools Text Amendment - Eric Soter and Shawna Lemonds, Planning Division
- ZT-09-08 - Village Center Text Amendment - Eric Soter and Shawna Lemonds, Planning Division

CONSENT AGENDA

The following items were included on the consent agenda:

EASEMENTS

1. Urbana District Park Easements for Stormwater Management and Water Meter Vault and Allegheny Power Right -of-Way Agreement - Bill Kosola, Public Works Division
2. Citizens Care/Montevue Home Water Meter Easement - Sue Putnam, Public Works Division

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Commissioner Gray moved to approve the consent agenda as presented. Commissioner Hagen seconded the motion that passed 4-0.

ADMINISTRATIVE BUSINESS

Bid Award - Purchasing Memo #10-132, Follow Up to Authorization to Participate in Group Purchasing Organizations (GPO)/Approval of Lists – Hal Good, Finance Division

Commissioner Gray moved to approve the GPO list as presented and delegate to the purchasing director the ability to add, subtract or amend the lists as appropriate and any future concerns would be brought back to the Board. Commissioner Hagen seconded the motion that passed 4-0.

Dumpster Enclosure Guidelines and Resolution - Kevin Demosky, Utilities and Solid Waste Management Division

Commissioner Gray moved to approve the resolution and the dumpster enclosure guidelines as presented. Commissioner Hagen seconded the motion that passed 4-0.

(A copy of Resolution #10-02 can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

Textile Reuse Program – Dawn Adams, Utilities and Solid Waste Management Division

Mike Marschner, Utilities and Solid Waste Management Division, commented on the item.

Commissioner Thompson moved to approve the textile reuse program by authorizing Frederick County to enter into an agreement with The World Trade Company conditioned on confirmation from legal staff the entity is legitimate and authorized to do business in Maryland. Commissioner Gray seconded the motion that passed 4-0.

Legislative Issues

Ragen Cherney, Office of the County Manager, briefed the Board on the issues before the Frederick County delegation members.

By unanimous consent the Board approved the testimony in support of House Bill 583, Adult Detention Center fees. It was indicated Mr. Cherney would submit it to the delegation.

Mike Gastley, Finance Division, commented on the liquor license fees.

The Board directed the legal staff to determine if Delegate Clagett's House Bill 687 regarding Frederick County/Municipalities – water and sewer classifications was unconstitutional.

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Director's Report – Hilari Varnadore - Office of Environmental Sustainability

Ms. Varnadore presented a report on the yearly progress of the Office of Environmental Sustainability.

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

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

NPS – No Planned Service
VC – Village Center
ORI – Office, Research, Industrial
LDR – Low Density Residential
R1 – Residential

PS – Planned Service
LI – Limited Industrial
NR – Natural Resources
WSSA – Water Sewer Service Area
A - Agriculture

Mr. Gugel reviewed the agenda with the Board. He noted the objective of the meeting would be to review the comments received on the Board's draft countywide comprehensive plan and to make final revisions to the land use plan map, zoning map and water and sewer plan maps or the text document. He also indicated the Frederick County Planning Commission (FcPc) had not reviewed the Urbana and Walkersville planning regions.

Middletown Region

Commissioner Hagen moved to retain the R-1 zoning classification on Tax Map 66, Parcel 979, retain the comprehensive plan designation of LDR, keep it in the Fountaindale community growth area and classified NPS on the water and sewer plan map. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

Commissioner Hagen moved to place the zoning classification of VC on the front two-thirds of Tax Map 55, Parcel 10 and A on the back one-third of the property. The property would remain outside the growth area and outside the WSSA. Commissioner Gardner seconded the motion that passed 3-1 with Commissioner Thompson opposed.

Commissioner Hagen moved to apply the VC zoning classification to Tax Map 66, Parcels 435, 782 and a portion of 781. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

Commissioner Hagen moved to place RC zoning classification and NR land use designation on the balance of Tax Map 66, Parcel 781. Commissioner Gray seconded the motion that passed 4-0.

Commissioner Hagen moved to retain the zoning classification of R1 and the land use designation of rural residential on Tax Map 76, Parcels 65 and 181. The parcels would remain

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outside the growth area and outside the WSSA. Commissioner Gray seconded the motion that passed 3-1 with Commissioner Thompson opposed.

New Market Planning Region

Mr. Gugel noted the FcPc made no recommended changes in the New Market planning region.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner moved to retain the LDR land use designation and A zoning classification on Tax Map 79, Parcels 262 and 101. Commissioner Gray seconded the motion that failed 1-3 with Commissioners Gray, Hagen and Thompson opposed.

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

Commissioner Gray moved to retain the road connection from Woodbridge to Gas House Pike. Commissioner Gardner seconded the motion that passed 3-1 with Commissioner Thompson opposed.

COMMISSIONERS COMMENTS

None.

PUBLIC COMMENTS (3 MINUTE PRESENTATION)

- Christina Bostick – Montgomery Countryside Alliance

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:30 p.m.

Patricia A. Morrow
Recording Secretary