

PUBLIC MEETING MINUTES FOR TUESDAY, APRIL 20, 2010

A public meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, April 20, 2010, was called to order at 7:00 p.m. by Commissioner Jan Gardner, *President*. Present were Commissioners David Gray, *Vice President*; Kai Hagen, John L. Thompson, Jr. and Blaine Young. Also in attendance 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 web page. 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 web page 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.

The meeting began with the recitation of the Pledge of Allegiance.

Recognition of the Catoclin High School Class 1A Maryland State Football Championship Team

The Board recognized the Catoclin High School football team for winning the 2009 Class 1A state football championship.

PUBLIC HEARINGS

Petition to Open/Close and Alter and Rename a Portion of Ed McClain Road – Dave Olney, Public Works Division

A public hearing was held, as duly advertised, on the proposed changes to Ed McClain Road and the creation of Ed McClain Court.

Mr. Olney presented a PowerPoint presentation on the changes. He noted the proposed changes addressed the conditions outlined in Ordinance #04-10-354, which changed the zoning of the Landsdale Property from Agricultural to Planned Unit Development Floating Zone.

Tom Meunier and Robert Shen, Public Works Division, participated in the discussion.

The following spoke on behalf of the applicant, Monocacy Ventures, LLC:

- Bob Dalrymple, Esquire, Linowes and Blocher, LLP
- Jason Wylie, Elm Street Development

There was no public comment.

Commissioner Young moved to direct staff to approve the proposed petition to open/close, alter and rename a portion of Ed McClain Road with the following conditions:

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- The petition would provide notice to all utilities;
- Adopt the staff modification where the new and old road meet; and
- Direct staff to prepare a resolution and bring back to a future meeting for final decision.

Commissioner Hagen seconded the motion.

Commissioner Thompson offered an amendment to add a provision that would request the applicant to pay for the maintenance present value of the additional one-quarter of a mile of roadway for 25 years. Commissioner Gray seconded the amendment that failed 2-3 with Commissioners Gardner, Hagen and Young opposed.

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

(A copy of the approved/adopted resolution can be obtained in the County Manager's Office or from the county's website, www.FrederickCountyMD.gov)

Proposed Contract of Purchase and Sale of Land Along Clemsonville Road – Wendy Kearney, Office of the County Attorney

A public hearing was held, as duly advertised, on a proposed contract of purchase and sale between Lehigh Cement Company, Lehigh's affiliate, Hanson Aggregates Pennsylvania, LLC and the Board.

Ms. Kearney presented the staff report.

Public comment was heard from:

- David Severn, Esquire, Severn, O'Connor & Kresslein, P.A., representing Lehigh Cement.

Commissioner Hagen moved to ratify the contract of purchase of sale with Lehigh Cement and authorize the execution of all documents necessary to conclude the transaction administratively. Commissioner Young seconded the motion that passed 5-0.

Revisions to the Frederick County Code to Comply with the Maryland "Stormwater Act of 2007" – Betsy Smith, Permitting and Development Review Division

A public hearing was held, as duly advertised, on a proposed ordinance to repeal, reenact Chapter 1-15.2 of the Frederick County Code, addressing stormwater management requirements in accordance with the Stormwater Management Act of 2007, and amend Chapter 1-10 of the Frederick County Code to coordinate with certain changes to Chapter 1-15.2.

Kathy Hall, Permitting and Development Review Division and Kathy Mitchell, Office of the County Attorney, participated in the discussion.

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Public comment was heard from:

- Bruce Dell, Planning and Zoning Administrator, City of Brunswick
- Jeremy Holder, President, Frederick County Land Use Council
- Carole Sepe
- David Severn, Esquire, Severn, O'Connor & Kresslein, P.A., representing St. John's Properties
- Mike Wiley, Vice-President, Wormald Company

Commissioner Thompson moved to adopt the proposed ordinance as presented with an effective date of May 4, 2010. Commissioner Gray seconded the motion.

(Commissioner Gardner passed the gavel to Commissioner Gray.)

Commissioner Gardner moved to table the original motion until Tuesday, May 4, 2010, also the Board would add the discussion of the emergency regulations to a worksession to be scheduled either Tuesday, April 27 or Thursday, April 29, 2010. Commissioner Young seconded the motion that passed 3-2 with Commissioners Gray and Thompson opposed.

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

PUBLIC COMMENTS AND/OR REQUESTS

None.

ADJOURN

The meeting adjourned at 10:00 p.m.

Patricia A. Morrow
Recording Secretary