

BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY
MEETING MINUTES FOR TUESDAY, JUNE 22, 2010

Commissioner Jan Gardner, *President*, called to order a meeting of the Board of County Commissioners of Frederick County, Maryland, ("Board") for Tuesday, June 22, 2010, at 8:30 a.m. Present were Commissioners, John L. Thompson, Jr. and Blaine Young. Also present were Ron Hart, County Manager and Patti Morrow, Recording Secretary. Commissioners David Gray, *Vice President* and Kai Hagen were attending conferences.

(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

None.

WORKSESSION

Presentation of Safety Award to Board of County Commissioners – J.R. Huntsberry, Finance Division

The Board received the safety award from Selective Insurance.

Annual Insurance Renewal Presentation – Mike Beard, Finance Division and Frederick County Insurance Committee (Committee)

Commissioner Young disclosed Paul Bruner was his insurance agent.

Mr. Brunner presented the insurance report.

Laurie Jansen, BB&T Frederick Underwriters and Phil Mullen, Committee member, were also present.

Commissioner Thompson moved to adopt and approve the FY 2011 insurance package. Commissioner Young seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

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PUBLIC HEARING

Water and Sewerage Plan Amendment Requests – Spring 2010 Cycle – Tim Goodfellow, Planning Division

A public hearing was held, as duly advertised, to consider amendments to the Frederick County Water and Sewer Plan.

Commissioner Gardner swore in all those who were testifying.

Tim Goodfellow presented the spring 2010 amendment requests.

WS-10-01 Damascus Road Community Church, Tax Map 89, Parcels 29 and 69, Old National Pike: Requesting addition of a Multi-Use Sewer Symbol.

Recommendation: Planning staff recommended approval of a multi-use sewer symbol, and the Frederick County Planning Commission (FcPc) found the request consistent with the Comprehensive Plan. Utilities and Solid Waste Management Division (DUSWM) had no recommendation because it was a private system.

Public comment was heard from Mark Schaefer, representing Damascus Road Community Church.

Decision: Commissioner Young moved to approve WS-10-01 (Damascus Road Community Church) for a multi-use symbol to be added to the Water and Sewerage Plan for Tax Map 89, Parcel 29, Lot 4. Commissioner Gardner seconded the motion that passed 2-1 with Commissioner Thompson opposed and Commissioners Gray and Hagen absent.

WS-10-03 Town of New Market, Tax Map 801, Parcel 3759 (82 West Main Street) and Parcel 3871 (69 West Main Street): Requesting reclassification from W-5 Dev. to W-3 Dev.

Recommendation: Planning staff and DUSWM recommended approval of W-3 Dev. The FcPc found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Young moved to approve WS-10-03 (Town of New Market) to reclassify Tax Map 801, Parcels 3759 and 3871 from W-5 Dev. to W-3 Dev. Commissioner Gardner seconded the motion that passed 2-1 with Commissioner Thompson opposed and Commissioners Gray and Hagen absent.

Commissioner Thompson requested to table the motion until the end of the hearing.

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WS-10-04 Charles Castle, Tax Map 78, Parcel 161 (5915 Jug Bridge Hill Road):

Requesting reclassification from W-5 Dev./S-5 Dev. to W-3 Dev. /S-3 Dev.

Recommendation: Planning staff recommended denial of the reclassification from W-5 Dev./S-5 Dev. to W-3 Dev./S-3 Dev. The FcPc found the request consistent with the Comprehensive Plan. DUSWM recommended denial of the W-3 Dev./S-3 Dev. and recommended approval of W-4 Dev./S-3 Dev.

Public comment was heard from:

- Will Haas
- Charles Castle

Rod Winebrenner, DUSWM, commented on the request.

Decision: Commissioner Thompson moved to approve WS-10-04 (Charles Castle) to reclassify Tax Map 98, Parcel 161 from W-5 Dev. to W-4 Dev. and S-5 Dev. to S-4 Dev. Commissioner Gardner seconded the motion that failed 1-2 with Commissioners Gardner and Young opposed and Commissioners Gray and Hagen absent.

Jim Gugel, Planning Division, and Mike Marschner, DUSWM, commented on the water and sewer plan amendment process.

Commissioner Young moved to continue WS-10-04 to the next cycle of water and sewer plan amendments. Commissioner Gardner seconded the motion that passed 2-1 with Commissioner Thompson opposed and Commissioners Gray and Hagen absent.

WS-10-05 Monocacy Land Company, Tax Map 96, Parcel 41, Villages of Urbana:

Requesting addition of a water tower symbol plus associated water infrastructure lines.

Recommendation: Planning and DUSWM staff recommended approval to locate a symbol for a water tower and associated water service lines on the Water and Sewerage Plan. The FcPc found the request consistent with the Comprehensive Plan. Both Planning and DUSWM staff noted the approval of the map amendment did not constitute Board approval of any easement.

Mike Marschner, DUSWM, and Mr. Winebrenner commented on the request.

Rick Boyle, *Vice-President*, Natelli Communities, representing the applicant commented on the request.

There were no public comments.

Decision: Commissioner Young moved to approve WS-10-05 (Monocacy Land Company) to add a water tower symbol and associated water service lines to the Water and Sewerage

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Plan. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

WS-10-06 Urbana Corporate Center, Tax Map 96, Parcels 113 and 162: Requesting sewer infrastructure addition: 21-inch sewer line on the sewer map

Recommendation: Planning staff and DUSWM recommended approval of the addition of a 21-inch sewer line to the Water and Sewerage Plan. The FcPc found the request consistent with the Comprehensive Plan.

There were no public comments.

Decision: Commissioner Young moved to approve WS-10-06 (Urbana Corporate Center) to allow for an infrastructure addition of a 21-inch sewer line on the Water and Sewerage Plan for Tax Map 96, Parcels 113 and 162. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

WS-10-07 JSA Commercial Realty (M and M Land Trust), Tax Map 77, Parcel 176. Reichs Ford Road/Ray Smith Road at Quinn Orchard Road: Requesting reclassification from W-5 Dev./S-5 Dev. to W-4 Dev./S-4 Dev.

Recommendation: Planning and DUSWM staff recommended approval of the W-4 Dev./S-4 Dev. The FcPc found the request consistent with the Comprehensive Plan.

Mr. Winebrenner commented on the request.

Chris Smariga, Harris Smariga and Associates, representing the applicant, commented on the request.

There were no public comments.

Decision: Commissioner Young moved to approve WS-10-07 (JSA Commercial Realty) (M and M Land Trust) to reclassify Tax Map 77, Parcel 176. Reichs Ford Road/Ray Smith Road at Quinn Orchard Road from W-5 Dev./S-5 Dev. to W-4 Dev./S-4 Dev. Commissioner Thompson seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

WS-09-08 Town of New Market, Tax Map 801, Parcels 3834 (17 East Main Street), 3761 (78 West Main Street), and 3859 (33 West Main Street): Request reclassification from W-3 Dev. to W-5 Dev. for Parcels 3834, 3761 and 3859. (Continued from March 23, 2010)

Recommendation: Planning and DUSWM staff recommended approval of the reclassification to W-5 Dev. The FcPc found the request consistent with the New Market Region Plan.

There were no public comments.

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Staff indicated letters had been received from the property owners explaining their justification for the request.

Mr. Marschner and Wendy Kearney, Office of the County Attorney, commented on the requests.

Commissioner Thompson moved to deny WS-09-08 (Town of New Market) request to reclassify from W-3 Dev. to W-5 Dev. for Tax Map 801, Parcels 3834, 3761 and 3859. The motion did not receive a second.

A lengthy discussion ensued.

Commissioner Young moved to amend the motion to leave the decision at W-3 Dev. and directed staff to come back to the Board with options to give the property owners more time to connect to the water system without the county taking any legal action against them. Commissioner Gardner seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

The vote on WS-10-03 was 3-0 with Commissioners Gray and Hagen absent.

WS-10-02 Board of County Commissioners Revisions to Chapter 1 of the Water and Sewerage Plan: changes to the 'PS' and '5' criteria to address municipal annexations, PUD/ MXD rezoning; and replacing the term 'Resource Conservation' with 'Natural Resource' Revisions to Chapter 1 of the Water and Sewerage Plan: changes to the 'PS' and '5' criteria to address municipal annexations, PUD/ MXD rezoning; and replacing the term 'Resource Conservation' with 'Natural Resource'

Recommendation: Planning staff recommended approval of the revisions to Chapter 1 of the Water and Sewerage Plan. The FcPc found the request consistent with the Comprehensive Plan and DUSWM had no recommendation.

The revisions were discussed. Eric Soter, Planning Division, and Ms. Kearney participated in the discussion.

There were no public comments.

Decision: Commissioner Young moved to approve WS-10-02 (Revisions to the Water and Sewerage Plan) as presented. Commissioner Gardner seconded the motion that passed 2-1 with Commissioner Thompson opposed and Commissioners Gray and Hagen absent.

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Appointments/Reappointments to Boards/Commissions/Committees – Joyce Grossnickle, Office of the County Manager

Adult Public Guardianship Review Board

There were no public comments.

Commissioner Thompson moved to reappoint Mr. Michael Combs and Dr. Sangwoon Han to serve three-year terms to expire June 30, 2013, and appoint Mr. Mark Swift to fill an unexpired term to expire June 30, 2011. Commissioner Young seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Ethics Commission

Linda Thall, Office of the County Attorney, commented on the lack of recommendation from the commission.

There were no public comments.

Commissioner Thompson moved to reappoint Ms. Paula Carolyn Bell (member) and Mr. Donald Foster (alternate) to serve three-year terms to expire June 30, 2013. Commissioner Young seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Historic Preservation Commission

Janet Davis, Planning Division, commented on the Bar Association of Frederick County, Maryland, Inc. (BAFC) vacancy on the commission.

There were no public comments.

Commissioner Thompson moved to reappoint Mr. Tyler Bastian, Mr. G. Bernard Callan, Mr. William DeMartini and Ms. Jessica Cramer-Winter to serve three-year terms to expire on June 30, 2013, and to table the remaining appointment for the BAFC representative until the week of July 12, 2010. At that time if no recommendation has been submitted from the BAFC, the Board would appoint the remaining applicant, Mr. Nicholas Redding. Commissioner Young seconded the motion that passed 3-0 with Commissioners Gray and Hagen absent.

Presentation of the Draft Comprehensive Energy Plan (Plan) – Jessica Stoner, Management Services Division

Ms. Stoner gave a PowerPoint presentation on the Plan. Austin Abraham, Pat Hannah, Doug Pearre, Management Services Division, and Richard Anderson, CQI Associates, LLC (consultant) participated in the presentation.

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Mike Marschner, Utilities and Solid Waste Management Division, commented on the proposed waste to energy facility.

It was indicated the Board would adopt the Plan at a future meeting.

COMMISSIONER COMMENTS

None.

PUBLIC COMMENTS

- Bill Ashton

QUESTIONS – PRESS

None.

ADJOURN

The meeting adjourned at 12:45 p.m.

Patricia A. Morrow
Recording Secretary