

PUBLIC MEETING MINUTES FOR THURSDAY, NOVEMBER 13, 2014

Commissioner Blaine R. Young, *President*, called to order a public meeting of the Board of County Commissioners (“Board”) of Frederick County, Maryland, for Thursday, November 13, 2014, at 7:00 p.m. in Winchester Hall. Present were Commissioners C. Paul Smith, *Vice President*; Billy Shreve and Kirby Delauter. Commissioner David Gray was absent from the meeting.

Also in attendance were Mr. John Mathias and Mr. Michael Chomel, Office of the County Attorney; and Ms. Joyce Grossnickle, Office of the County Manager.

The meeting began with a moment of silence followed by the recitation of the Pledge of Allegiance.

Recognition of the Frederick County Knucklers Marble Champions

The Board recognized the 2014 King and Queen of Marbles Dominic Rudakevych of Middletown and Marilyn Fisher of Braddock Heights (both age 13 and students of Middletown High School) by winning the National Marble Championships this past June in Wildwood, New Jersey.

PUBLIC HEARING

Zoning Map Amendment #R-14-04 – Daysville Glen Property – Tolson DeSa, Community Development Division

Commissioner Young swore in all who would give testimony.

A public hearing was held, as duly advertised, on Zoning Map Amendment #R-14-04.

Also present for the public hearing from the Community Development Division was Mr. Jim Gugel.

Mr. DeSa presented the request to rezone 60.4 acres from Agricultural to Planned Unit Development located on the south side of Daysville Road, north of Liberty Road (MD 26).

Mr. DeSa indicated the staff had recommended approval of #R-14-04, based upon a review of the Approval Criteria as set forth in § 1-19-3.110.4; and a finding that the project adequately addressed the Planned Development District Approval Criteria as set forth in § 1-19-10.500.3; and subject to the following conditions of approval:

1. A maximum of 120 dwelling units may be constructed.
2. Provide a diversity of single family lot sizes.

Mr. DeSa noted the Frederick County Planning Commission voted to recommend denial of Zoning Map Amendment #R-14-02 due to inadequate road infrastructure and the lack of a bypass; and also based upon a review of the Approved Criteria as set forth in § 1-19-3.110.4 and a finding that the project does not adequately address the Planned Development District

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Approval Criteria as set forth in § 1-19-10.500.3. The FCPC also voted to recommend adding the Libertytown Bypass back into the County Comprehensive Plan at the next appropriate plan update process.

The following citizens cross-examined the staff:

- Steve McKay

The applicant, RSB Holdings, LLC, was represented by Mr. Bert Newcomer and Mr. Fran Zeller, Harris, Smariga & Associates, who noted the applicant was now proffering to reduce the number of dwellings units to 95 with 70% single-family and 30% townhouses (applicant was originally requesting 120 dwelling units).

The following citizens cross-examined the applicant's representatives:

- Steve McKay
- Mark Barbagallo
- Stan Mordensky

(The Board took a break at 8:05 p.m. and Commissioner Young reconvened the meeting at 8:15 p.m.)

Public comments were given by:

- Russ Gallagher
- Rick Ludwick
- Shannon Kropkowski
- Jamie Mohler
- Steve McKay
- Stan Mordensky
- Mike Barbagallo

The applicant's representatives gave a rebuttal on the public comments heard this evening.

Commissioner Smith made a motion to approve the Zoning Map Amendment #R-14-02 with the following conditions:

1. Limit the number of dwelling units to 95 with 70% single-family and 30% townhouses.
2. That a connector road be identified through the property from Daysville Road to MD 26 with the location to be approved by county staff.

Commissioner Young seconded the motion which passed unanimously (4-0) with Commissioner Gray absent.

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COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young		X	X			
Smith	X		X			
Shreve			X			
Gray						X
Delauter			X			

(The Board took a break at 8:59 p.m. and Commissioner Young reconvened the meeting at 9:06 p.m.)

To Consider the Daysville Glen Property Development Rights and Responsibilities Agreement (DRRA #14-06) in Accordance with Chapter 1-25 of the Frederick County Code – Jim Gugel, Community Development Division and Kathy Mitchell, Office of the County Attorney

A public hearing was held, as duly advertised, on the Daysville Glen Property Development Rights and Responsibilities Agreement (DRRA #14-06).

Commissioner Young swore in all who would give testimony.

Mr. Gugel presented the staff report and indicated that staff reviewed the documentation submitted by the applicant and determined that all of the required submittal material was received in accordance with § 1-25-03 and § 1-25-04 of the Frederick County Code, including the required contents of the DRRA.

Mr. Gugel reported that the Frederick County Planning Commission reviewed the draft DRRA and voted to find it to be consistent with the Frederick County Comprehensive Plan.

The applicant, RSB Holdings, LLC, was represented by Mr. Bert Newcomer who commented on the proposed DRRA.

Public comments were received from:

- Rick Ludwick
- Steve McKay
- Stan Mordensky

A five minute rebuttal was provided by Mr. Newcomer on the public comments heard this evening.

Commissioner Smith made a motion to approve the Daysville Glen property DRRA #14-06 as presented and to include language that a connector road be identified through the property from Daysville Road to MD 26 with the location to be approved by county staff, and direct staff to bring back to the Board at a later date the final draft of the DRRA for signature after signing the ordinance for the Daysville Glen Zoning Map Amendment #R-14-04.

Commissioner Young seconded the motion which passed unanimously (4-0) with Commissioner Gray absent.

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COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young		X	X			
Smith	X		X			
Shreve			X			
Gray						X
Delauter			X			

Reconsideration of Closed Session Motion – John Mathias, Office of the County Attorney

Mr. Mathias informed the Board there was some confusion about the actual motion that passed during the closed session that took place earlier today. He recommended the Board reconsider the personnel closed session to be followed by the Board making the motion to approve the two recommendations that were outlined in the Human Resources Division director’s memo dated November 13, 2014, to include that the salary of \$103,281 be changed to \$115,000.

Motion to reconsider the personnel closed session – Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray						X
Delauter		X	X			

Motion to amend the motion from the November 13 morning closed personnel session to approve the two recommendations in the Human Resources Division director's memo that includes changing the salary of \$103,281 to \$115,000 – Passed 4-0.

COMMISSIONERS	MOTION	SECOND	YES	NO	ABSTAIN	NOT PRESENT
Young			X			
Smith	X		X			
Shreve			X			
Gray						X
Delauter		X	X			

PUBLIC COMMENTS AND/OR REQUESTS

- Stan Mordensky

ADJOURN

The meeting adjourned at 9:26 p.m.

Joyce M. Grossnickle
Administrative Officer