

MINUTES
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING
January 8, 2014

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, January 8, 2014, at 7:30 p.m. Those in attendance included Burgess Ralph Whitmore, Commissioners Gary Baker, Donald Schildt, Chad Weddle, Russell Winch, and Debbie Zimmerman; Planning Commission members Lin Snider, John Zimmerman, Dick Brady, Tim Pollak, David Ennis, and Mike Kuster; Planning and Zoning Administrator Susan Hauver, Public Works Director Robert DePaola, 12 citizens, Kelsi Loos of the Frederick News-Post and Ken Kellar of the Woodsboro Times.

The meeting was called to order with the Pledge of Allegiance and a prayer by Commissioner Chad Weddle, remembering the Christian holiday of Epiphany and what that means to us.

1. MINUTES

Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to approve the Town meeting minutes of December 11, 2013. The motion passed by a vote of 3-0-2, with Commissioners Gary Baker and Debbie Zimmerman abstaining.

Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to approve the closed legal meeting minutes of December 11, 2013. The motion passed by a vote of 4-0-1, with Commissioner Donald Schildt abstaining.

2. PRESENT FLAG TO ELAINE MORTHORST

Burgess Whitmore recognized Elaine Morthorst for her work of assembling and sending care packages on behalf of the Town to the troops stationed overseas. He presented the flag that flew over Memorial Park on Veteran's Day. Commissioner Schildt noted Ms. Morthorst's excellent work as a "committee of one".

3. GVAA AGREEMENT

Burgess Whitmore said that Town Manager Gloria Long Rollins had drafted an agreement between GVAA and the Town regarding use of the parks. He asked for Commissioner comments on the document and said that they would meet jointly with the GVAA board next meeting.

Commissioner Winch noted that GVAA operates under their own charter. He suggested adding the word "charter" to the second bullet, first page, under The Town:, "under their own **charter**, constitution".

Also, on page 2, 3rd bullet, under GVAA agrees: add the word "charter", GVAA **charter**, constitution".

Commissioner Schildt said that he thought GVAA should pay part of the electric bill. Commissioners Zimmerman and Winch said that it isn't much (\$200?) and that as they recall the Town was not going to require that GVAA pay it. Commissioner Schildt said it was \$6000-\$7000 range and that GVAA needs to pay.

Commissioner Winch made a motion, seconded by Commissioner Zimmerman to keep electricity a town responsibility. The vote was 2 (Commissioners Winch, Zimmerman) - 1 (Commissioner Schildt) with Commissioners Baker and Weddle not voting as they were confused about the amount and wanted more information. Whitmore declared that the motion failed.

Commissioner Baker brought up the issue of insurance, noting that there had been an issue with someone filing a claim about hitting a post and damage to their car. He asked how GVAA would know this was their responsibility. Commissioner Winch said that GVAA's insurance covers players and coaches. The Town should install "Use Park at Own Risk" signs to avoid claims like balls hitting parked cars, etc. Burgess Whitmore said that anyone coming in to use the park has to have their own insurance. He thinks insurance documents should be brought into the office and that groups should fill out park reservation forms for special events like tournaments.

Burgess Whitmore asked if vendors are allowed on Program Open Space properties. Commissioner Winch described the "vendors" at baseball tournaments. Companies come for promotional purposes not sales (like

Keyote from the Keys, etc.). He said that lacrosse has food vendors at tournaments which are “non-GVAA events”. He said that if there’s a GVAA event at the same time, the sales conflict with GVAA food sales. Burgess Whitmore said that vendors sell more than food—t-shirts & other apparel, equipment, etc.

Commissioner Zimmerman said she hopes the lacrosse commissioner attends the next Town meeting as the problems seem to come from them.

Commissioner Winch said that GVAA is a volunteer organization and the transition from one volunteer to the next does not always include a briefing about what their responsibilities to the Town are.

Burgess Whitmore said he hopes the Board members attend the next meeting. Bullet 4 on page 3 covers the responsibility of GVAA to abide by Town requirements.

4. OATH OF OFFICE FOR NEW COMMISSION MEMBERS

Burgess Whitmore administered the oath of office to new Ethics Committee member Tarolyn Thrasher, new Planning Commission members David Ennis and Mike Kuster, and re-appointed Planning Commission member John Zimmerman.

5. CODE ENFORCEMENT STATS FOR 2013

Burgess Whitmore noted the report from Code Enforcement Officer Andrew Dewese. He commended Mr. Dewese for his enforcement efforts during the last snow.

6. JOINT WORKSHOP WITH PLANNING COMMISSION: RECREATION LAND IN SUBDIVISIONS

Planner Hauver said that the Planning Commission had worked for several months on the issue of the amount of land required to be set aside for recreation in new subdivisions. The recreational land requirement is on top of the stormwater management and forest resource land requirements. The amount of land now required to be maintained by a homeowners association could become burdensome both to the neighborhood and the Town. Burgess Whitmore noted problems with maintenance, lack of use and vandalism in open space areas.

Commissioner Schildt said that the standard was changed in 1999 to control growth. He is not in favor of changing it.

Commissioner Winch said that the stormwater management regulations have changed and as a result more land needs to be set aside for filtration of stormwater. Rather than one large stormwater management pond, small retention areas are interspersed throughout a development. He noted that the development review process has changed as a result of the stormwater regulations and the Town must review lot layouts earlier in the process.

Burgess Whitmore suggested that the amount of land set aside for recreation be based on the number of houses in the development rather than the total acreage of the site. He suggested a standard of 1 acre of recreation for every 40 housing units. He noted the history of the requirements and said that the increase was necessary 1999 after Colony Village and other developments were built with very little recreational land and there was no place for kids to play.

Planning Commission member Dick Brady said that he agreed that the standard needs to be based on the number of housing units rather than acreage.

Commissioner Chad Weddle made a motion, seconded by Commissioner Donald Schildt to introduce an ordinance amending Section 71-29 B to (1) allow stormwater management and forest resource areas to account for up to 50% of acreage required to be set aside for recreation and (2) to remove all references to cluster developments, since clustering is no longer permitted. The motion passed on a vote of 5-0.

Commissioner Schildt asked what the percentage was before the ordinance was changed in 1999.

Planning Commission member Dick Brady asked the Commissioners to also consider changes to Section 88-32, with regard to open space required in townhouse and apartment developments.

Burgess Whitmore said that he does not like recreational areas to be based on percentages. Planning Commission member John Zimmerman asked whether the Commissioners agreed with a standard of 1 acre of recreational land for every 40 houses.

7. ACCOUNTS PAYABLE AND NOVEMBER 2013 FINANCIAL STATEMENTS

Commissioner Russ Winch made a motion, seconded by Commissioner Gary Baker, to pay the attached bills and accept the November financial statements. The motion passed by a vote of 4-1, with Commissioner Chad Weddle opposing.

8. COMMISSIONERS' CONCERNS

Commissioner Russell Winch made a motion, seconded by Commissioner Gary Baker, to hold a closed legal meeting to discuss a zoning enforcement issue. The motion passed by a vote of 3-2, with Commissioners Chad Weddle and Donald Schildt in opposition.

12. CITIZENS' QUESTIONS AND CONCERNS

Mr. Lin Snider commended the Town public works staff for fantastic work in clearing the roads after the last storm.

Mr. Vaughn Zimmerman, Chairman of the Town Board of Appeals, cited two cases brought to the Board of Appeals regarding zoning review of fence permits. He said that he noted the flawed process in 2012 and nothing happened. He cited that the approval process was found to be in error in the most recent case. He noted that the Code is in conflict with regard to clearance at intersections—the setback is 20', 30' or 35' depending on the section. He asked the Commissioners to look into it and said site visits before, during and after construction need to be done. He requested that the Town consider getting rid of provisions allowing 6' high solid fences as he feels that they are "spite fences". He said 4' high fences are tall enough. He re-iterated his request for the Commissioners to look into it.

Burgess Whitmore said that guidelines for reviewing fence permits are going to be put into place. Site inspections will be done.

The meeting adjourned at 8:34 p.m.

Respectfully submitted,

Susan Hauver
Town Planning and Zoning Administrator