

MINUTES  
WALKERSVILLE BURGESS & COMMISSIONERS TOWN MEETING  
July 12, 2017

The Town meeting of the Walkersville Burgess & Commissioners was called to order on Wednesday, July 12, 2017, at 7:30 p.m. Those in attendance included Burgess Chad Weddle, Commissioners Gary Baker, Mary Ann Brodie-Ennis, Debbie Zimmerman, and Russell Winch, Planning and Zoning Administrator Susan Hauver, Public Works Director Bob DePaola, 31 citizens, and Ken Kellar of the Walkersville-Woodsboro Times and Nancy Lavin of the Frederick News-Post. Commissioner Donald Schildt and Town Manager Gloria Long Rollins were absent.

The meeting was called to order with the Pledge of Allegiance and a prayer.

1. MINUTES

*Commissioner Russell Winch made a motion, seconded by Commissioner Mary Ann Brodie-Ennis, to approve the Town meeting minutes of June 28, 2017. The motion passed by a vote of 3-0-1 (Zimmerman).*

2. PARKSIDE DEEDS OF EASEMENT

Planner Hauver noted that the easement documents for Parkside water lines, storm drains and stormwater management areas had been submitted recently and review by the Town Attorney was pending. The easements need to be recorded before the plats can be approved and recorded.

*Commissioner Russell Winch made a motion, seconded by Commissioner Gary Baker, to approve the easement documents as long as the Town Attorney has no issue with them. The motion passed by a vote of 4-0.*

Burgess Chad Weddle said that the documents would not be signed until next week at the earliest to give the Commissioners time to review them more closely.

3. ACCOUNTS PAYABLE AND UNAUDITED JUNE FINANCIAL STATEMENTS

*Commissioner Russell Winch made a motion, seconded by Commissioner Debbie Zimmerman, to pay the attached bills and approve the unaudited June financial statements. The motion passed by a vote of 4-0.*

4. COMMISSIONERS' CONCERNS

Commissioner Mary Ann Brodie-Ennis reported that the Farmers' Market is finished for the year. Okie Dokie Farm, one of the main vendors, has apparently disbanded and cancelled their CSA (Community Supported Agriculture) shares. They will try again next year.

Commissioner Brodie-Ennis noted that the ballast on a street light near her house was being replaced and wondered whether it should be the policy to replace broken lights with LEDs. Commissioner Gary Baker said that the conversion to LEDs should be done systematically, street by street or neighborhood by neighborhood. Commissioner Russ Winch agreed with Commissioner Baker, noting that the LEDs have a different light quality and streets should be targeted as a whole. Commissioner Brodie-Ennis noted that the Town will continue to apply for grant money to fund the conversion. Winter Brook and Kenneth Drive have been done.

Mr. Bob Sussman asked about lights that have been out on South Glade Road and he was advised of the process to notify town staff and have the lights repaired.

Commissioner Russell Winch addressed the issue of the proposed Rutter's store and gas station, noting that the people in attendance were interested in that issue. He said that the Town would end up in a lawsuit if they try to prevent the site plan from being approved. The use is accepted in the zoning district in which the property is located. He noted that the Planning Commission had granted conditional approval of the concept plan, with the condition that the second entrance on Sandstone Drive be removed

from the plan and that no modification of the front yard setback be granted. They are within their rights to develop the property in accordance with zoning that was established several years ago. He is excited a blighted property is proposed for development and that the Town will receive taxes on it, although he would prefer a different use. As the Vice President of the Frederick Chapter of the Maryland Municipal League he has elevated the issue of blighted properties to the Annapolis delegation. New laws would give the Towns more power to do something about the issue. Rutter's is a respected company and will be a benefit to the Town.

Commissioner Brodie-Ennis said she disagreed with Commissioner Winch in his support of Rutter's. She is not happy that it would operate 24/7, have diesel pumps and bring more traffic onto Sandstone Drive. She said that the residents need to petition Rutter's to change their minds about locating here.

Commissioner Debbie Zimmerman asked whether the pond at Creekside had been discussed at the last meeting. Public Works Director Bob DePaola said that he was filing an application for meeting with Maryland Department of the Environment for them to assess the issue.

Burgess Weddle noted that they had received information about two water bills for which the Town staff had recommended that the property owners request a reduced rate from the Commissioners. The Commissioners agree to grant the reduction to Colleen Biskupiak without appearing before the board since she and other members of the household are deaf. Burgess Weddle asked if Ralph Thrash or his representatives were in attendance and no one spoke up.

## 5. CITIZENS' QUESTIONS AND CONCERNS

Ms. Janice Smith, 9 Fulton Avenue, noted that she worked for a real estate appraiser and understand the complexity of the issue with Rutter's. Her ex-husband lives on Sandstone Drive and she is familiar with the traffic there. She feels they need a traffic light at the intersection of Sandstone and MD 194. We need to let Rutter's know that the Exxon went under. Burgess Weddle said that the Town has tried and failed to get the State Highway Administration to install a light at Crum Road after a number of fatalities there. Ms. Smith noted the opioid crisis and said that convenience stores are a magnet for drug activity and overdoses. There was an overdose at the Circle K Saturday night and there was one at the Sheetz recently as well. They need more police activity and there is the risk of more crime.

Commissioner Winch noted that the Town is increasing it's police force by 66%.

Ms. Ann Moldenhauer of Deerfield, presented a petition signed by over 475 people objecting to the Rutter's, and in particular modifications to setback requirements and the cut-through to Sandstone Drive. She pointed out that one of the goals in the Town's Comprehensive Plan is to "maintain a high quality of life for Walkersville residents". She started the petition to provide a place for people to express their opinions to the Town elected officials. She noted that the property has not been sold and that the sale is contingent on Walkersville approvals. She asked if the Town is prepared to deny the changes.

Burgess Weddle explained the quasi-judicial nature of the Planning Commission and Board of Appeals. If a proposal meets certain criteria it's within the property owner's rights to develop. The Town Commissioners will not be reviewing the plans as that function has been delegated to the Planning Commission.

Ms. Ginny Simoneau, a 27-year resident of 213 Sandstone Drive and a local business owner (Children's Center of Walkersville) said she has grave concerns about the effect on the quality of life of local residents. She asked the Commissioners how they would feel if the Rutter's were proposed two blocks from their houses.

Ms. Deb Vance, 208 Greenwich Drive, spoke in opposition to the proposed Rutter's. She noted that the property is still owned by Mr. Tomarchio.

Mr. Vaughn Zimmerman, 20 West Frederick Street, thanked the 125 Anniversary Committee for the Monday fireworks at the carnival and the parade held on Tuesday the 4<sup>th</sup> of July. Both were very successful. He also thanked the Town for its cooperation with the Volunteer Fire Company's carnival. The money raised by the carnival was/is used to buy the fire station and equipment that otherwise would be paid for by the taxpayers. He noted that it rained on some of the nights for which people had

purchased ride-all-night wristbands and that Rosedale (ride vendor) will honor those unused wristbands at the carnivals in Winfield, Urbana and Mount Airy.

Commissioner Winch noted that his photos of the fireworks and the parade post on the Town's facebook page had been viewed by thousands of people. Mr. Zimmerman complimented Mr. Winch on his photography skills.

Burgess Weddle and the Commissioners thanked Mr. Zimmerman for the job he does organizing the carnival. Mr. Zimmerman said it is a large team and community effort.

Mr. David Ennis, chair of the geocaching event to be held in August said that an instructional event had been held at the library. There will be 20 caches around town of varying difficulty. Local businesses are involved.

Commissioner Brodie-Ennis said that the Town would hold a community picnic on September 9 from 3 to 7 p.m. at the Heritage Farm Park to celebrate the Town's 125<sup>th</sup> anniversary. Bring your own food or purchase it from Nina's Curbside Café, a food truck. Local organizations will be involved and activities are being planned. There will be a DJ and a presentation by the Town Green Team.

Burgess Weddle reviewed the other events planned as part of the 125<sup>th</sup> anniversary celebration.

Ms. Diane Lord, 214 Braeburn Drive, said she is strongly opposed to Rutter's. She listens to trucks day and night on MD 194. She complained that she never sees the police in her neighborhood (Deerfield) and noted that the intersection of Deer Run Drive and MD 194 is very dangerous.

A member of the audience asked the Burgess and other Commissioners (besides Winch and Brodie-Ennis) what their stand is on the Rutter's. Commissioner Debbie Zimmerman said that her daughter told her to stand up and fight against it. Her daughter goes to Circle K and wants to support it.

Commissioner Baker said that he had researched Rutter's and found that it is a family-owned business with 56 stores. Circle K is one of thousands of franchises, so is the larger business. He noted that there are seven beauty/barber shops in town and at one time there were 6 or 7 gas stations. If the applicant abides by the rules the Planning Commission cannot disallow the use. They would get sued and lose. Commissioner Baker also asked why people are asking why the Town is bringing the Rutter's in, when the Town did not pursue the business to locate here.

Burgess Weddle said that he does not want to continue to have the blighted Exxon. However, he has not reviewed Rutter's plans so has not formed a specific opinion on the proposal.

The meeting adjourned at 8:45 p.m.

Respectfully submitted,

Susan Hauver  
Planning and Zoning Administrator