



FREEDOM AREA CITIZENS' COUNCIL

THE FREEDOM

INFORMER

A Publication of FACC / Freedom Area Citizens' Council

November 2001

Significant New Zoning Ordinance Enacted By Commissioners Dell And Frazier

On September 6, the Carroll County commissioners held a hearing on one of several new zoning ordinances drafted by the Zoning Ordinance Review Committee (ZORC). The new amendment allows large landowners to transfer development rights from conservation zones to adjacent agricultural zones. It also relaxes requirements during the approval of subdivision development. The result is that large landowners will be able to get more lots from agriculturally zoned land than they could under previous zoning regulations. Although some landowners argue that the new ordinance will result in more open space, it will allow landowners, in some cases, to triple the number of building lots available for development, further straining schools and roads throughout the county.

The ZORC is a nine-member committee, appointed by Commissioners Dell and Frazier, composed, for the most part, of large landowners, realtors, and attorneys who represent them.

Although the Baltimore Sun reported that there were "no residents at [the] hearing," members of FACC and the Finksburg Planning Area Council (FPAC) were present. Commissioner Julia Gouge accepted FPAC comments on the proposed new ordinance and remarked that they would be considered. On the other hand, Commis-

sioner Donald "keep it country" Dell commented that he did not want to slow the process of adopting the [zoning] amendments. The commissioners could not answer a number of questions posed by citizens and the chairman of the ZORC would not answer some questions.

The Baltimore Sun reported that Commissioner Gouge commented that there is no doubt that [the new ordinance] was designed to open more farmland to development. She also said, "We could have an abundance of building that we can't provide services for."

It was encouraging that a representative of the Maryland Department of Planning was at the Sept. 6 hearing and at previous meetings of the ZORC. Although the state representative did not comment publicly, according to a Baltimore Sun article dated October 12th, the state is considering intervention against Carroll County using the Maryland Smart Growth Act. The county's certification for agricultural preservation might also be threatened if sprawl is encouraged by the new ordinance.

FACC members are encouraged to express concern to the Maryland Office of Smart Growth at the following address:

Harriet Tregoning, Secretary
Office of Smart Growth
100 State Circle
Annapolis, MD 21401

You can also contact her Communications Director, John W. Frece, at the same address or at jfrece@gov.state.md.us. ■

Freedom Informer Going High-Tech

Beginning in January 2002, the FACC is going to begin distribution of our monthly newsletter, *The Freedom Informer*, via a web page for those members who have e-mail and web access. We're doing this to save money now spent on postage. For those members who do not have e-mail, the Informer will continue to be distributed by via U.S. Mail.

Our plan is to send each member with an e-mail address a message containing a link to the web page to notify members when a new copy of *The Informer* has been posted on the web. Just click on the link icon and be connected automatically to the web page.

Of course, members will also be able to access the web page at any time. We will include the web address as soon as it is established.

In order to move into the electronic age, we need to ask each member with e-mail to confirm his/her own address by sending a note to the FACC at the following address: facc@wexfordpress.com. Of course, the web page will contain other useful information such as links to the Carroll County government web page and the names, addresses and e-mail addresses of various state and county officials.

Please help us by confirming your e-mail address as soon as possible. ■

November General Membership Meeting

Our next general membership meeting will be held on Tuesday, November 20 at 7:00 PM at the Freedom Christian Church in the Carrolltown Center.

Guest speakers for the evening will include Mr. Patrick Welsh, Project Manager for the American Tower Corporation. Mr. Welsh will discuss plans for construction of the 175 foot tall support structure for AT&T Wireless Communications at 6330 South Carroll Commercial Park Drive.

Also, Ms. Catherine Rappe, former Water Resource Program Manager with the Baltimore Metropolitan Council (now with the Department of Natural Resources), will be on hand to discuss the infamous "Watershed Agreement".

This will be our final general membership meeting of 2001. Our first meeting of 2002 will be held on Tuesday, January 15th. Please try to attend and bring a friend! ■

Citizens File Lawsuit Charging County Violated State Constitution On Water Tax

A group of concerned Carroll County citizens has joined together to file a complaint against the Carroll County Commissioners in regards to a newly established ordinance. Plaintiffs in Perkins v. Carroll County challenge the

lawfulness of a Carroll County ordinance (Ordinance 46-L) which imposes a water and sewerage tax on property owners. This ordinance was created to increase connection fees for new users of the system and to collect funds for the maintenance of water and sewerage facilities.

Citizens are seeking a constitutional review to determine the legality of the ordinance, the basis of the current fee structure and how the generated proceeds are being utilized. The Maryland Constitution severely constricts the county's taxing authority to those taxes specifically approved by the Maryland General Assembly.

The General Assembly has authorized counties to establish an annual tax for the maintenance and operation of water treatment and related facilities. The state's constitution requires that tax must be "equal to the estimated cost of operation and maintenance of works of improvement as determined by an annual inspection or inspections to be made at a time or times set by the board of directors, less amounts received from the board of county commissioners or from any other source." That is, the funds collected for maintenance cannot be used for capital improvement.

According to Eugene Curfman, the county's comptroller, users of the current system would pay up to "one-third" of the cost of the proposed plant. According to Mr. Curfman, this "one-third" would come from up to 58 percent of the "maintenance charge" on the most-recent real estate tax bill. Over time, this would amount to over \$6 million.

If the plaintiffs are successful, the County will have to rewrite the local ordinance passed last spring and find another source of funding or stop construction.

To date, the county has spent over \$1 million on the proposed plant although the Maryland Department of the Environment has twice told the county that they will not issue permits required for its construction.

The complaint was filed at the Carroll County Circuit Court on Thursday, November 1, 2001. ■

Upcoming Meetings of Interest to Freedom Area

Two meetings of significant importance to South Carroll residents have been scheduled.

Nov. 28 at 1:30 p.m.: Board of Zoning Appeals hearing, Case #4640. Conditional use in Industrial Restricted zone for a **drive-in movie theater** (and **live, outdoor stage**) at 600 Liberty Road. Held in Room 003 of the County Office building, 225 N. Center St., Westminster. Owner: Alan Ackerman.

Nov. 30 at 2:00 p.m.: Meeting of the Subdivision Advisory Committee regarding proposed site plan for a residential subdivision (Freedom Hills) on MD 97 at Obrecht Road. The meeting will be in Room 003 of the County Office building at 225 N. Center Street, Westminster. Owner: Edward Primoff ■

RENEW NOW FOR 2002!

FACC is a non-profit community organization.

FREEDOM AREA CITIZENS' COUNCIL FACC MEMBERSHIP FORM

Name: _____ Phone: _____
Address: _____
E-Mail Address: _____

Are you a member of a Homeowners' Association? _____ If so, which HOA? _____

I would be interested in offering assistance with:

Legal Affairs Membership Schools Publication
 Government Media Relations Other: _____

Signature: _____ Date: _____

Annual Membership Fee: \$10.00 per household

Please make checks payable to FACC. Mail to: FACC, P.O. Box 142, Sykesville, MD 21784

HELP SUPPORT THE LAWSUIT AGAINST THE PINEY RUN WATER TREATMENT PLANT

A group of concerned Carroll County citizens has joined together to file a complaint against the Carroll County Commissioners in regards to a newly established ordinance. This ordinance was created to increase connection fees for new users of the system and to collect funds to provide for the upkeep (maintenance) of water and sewerage facilities in Carroll County.

Citizens are seeking a constitutional review to determine the legality of the ordinance, the basis of the current fee structure and how the generated proceeds are being utilized. The Maryland Constitution severely constricts the county's taxing authority to those taxes specifically approved by the Maryland General Assembly. The General Assembly has authorized counties to establish an annual tax for the maintenance and operation of water treatment and related facilities. This tax must be equal to the estimated cost of operation and maintenance of water and sewer systems. That is, the funds collected for maintenance cannot be used for capital improvement.

The FACC has supported managed growth in the Freedom area and has publicly expressed opposition to the proposed water treatment plant because of its potential to encourage sprawl in South Carroll. However, we must recognize the hard reality of life: that making an effective input to our democratic process costs money. Because the FACC is a non-political organization, the FACC cannot support the lawsuit financially. But individual members of the FACC can. Members who wish to support the lawsuit can do so by sending a contribution to the address on the following form.

Cut on line.

PINEY RUN LITIGATION FUND

Those citizens, friends and neighbors who would like to make a contribution for the cost of this action are asked to fill out this form and return it. All proceeds collected will go directly to the law firm representing the plaintiffs.

\$10 \$25 \$50 Other amount \$ _____

Checks should be made payable to: **HOGAN & HARTSON L.L.P.**

Checks should be mailed to:

**Jerry Ryan
440 N. Gorsuch Road
Westminster, MD 21157**

Please use the phrase "Piney Run Litigation Fund" on the memo line of your check.

FACC
P.O. Box 142
Eldersburg, MD 21784

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TIME TO RENEW YOUR FACC MEMBERSHIP

Minutes of the October 16, 2001 Meeting of The Freedom Area Citizens' Council

Opening Activities:

The Chairman Mike Naused called this regular meeting to order at 7:10 PM at the Freedom Christian Church. The following Board members were recorded as present: P. Bennett, N. Davis, J. Culleton, R. Dangel, C. Naused, M. Naused, K. Plante, P. Seiter and D. Slack.

The Chairman read portions of a letter from American Tower Inc. which is in the planning and permit stages for the construction of a 178 ft. communications tower on the north side of Liberty Rd. behind the existing businesses to the right of the Mr. Tire shop and behind the Highs store. Mr. Patrick Welsh will be at the November meeting to provide a description of the tower and answer questions.

The Chairman also commented favorably on the recent Carroll County Times editorial concerning changes to the County Conservation and Agricultural zone regulations.

Guest Speaker:

Mr. Alan Ackerman made a presentation on a planned drive-in theater facility proposed for construction on IR zoned property between the Liberty Golf facility and former Milk Cooperative building on MD 26 west of Emerald Lane. Mr. Ackerman and his wife are in the process of acquiring the 37-acre property, and submitting plans and a request to the BZA for a Conditional Use for the Drive In, which will be known as Bumpers Drive In. He described the facility as having three screens, two of which would accommodate 325 cars each and a third accommodating 700 cars. Instead of loud speakers, sound would be provided through the FM car radio. The plans also call for sports and recreations facilities to enhance the family character of the Drive In. Digital formats would permit electronic delivery of the movies to the facility via satellite link or the internet. The movie screens would be located in the valley area of the property and current plans call for an 8-acre buffer area between the facility and a nearby residential development. It is also planned to provide improvement to MD 26 in terms of added lanes for turns and entry into the property. Mention was also made of a 200-seat indoor facility. A BZA hearing is expected at the end of November.

New Business:

A short discussion on the subject of the newsletter was held. The discussion focused on two methods for delivering the newsletter, e-mail and a web site. A committee was formed to work the issue and will be chaired by Ross Dangel.

The meeting was adjourned at 9:00 PM. ■