



Providing Legal Services...  
Since 1887

SEMME'S, BOWEN & SEMME'S  
A PROFESSIONAL CORPORATION

410.539.5040  
[www.semmes.com](http://www.semmes.com)

Thomas V. McCarron  
*Principal*

25 S. Charles Street, Suite 1400  
Baltimore, Maryland 21201

410-576-4854  
410-539-5223 (Fax)  
[tmccarron@semmes.com](mailto:tmccarron@semmes.com)

June 28, 2022

**VIA ELECTRONIC MAIL**

[REDACTED]

Re: *Response to your Maryland Public Information Act (MPIA) Requests dated 6/7/22 ("Your MPIA Request")*

Dear [REDACTED]

I am the Town Attorney for the Town of Mt. Airy. I have been asked to facilitate a response to Your MPIA Requests. Your MPIA Request asked for production of emails, phone conversation minutes and meeting minutes between the Town Administrator David Warrington and Carroll County Administrator Roberta Windham during the period of November 23, 2021 to June 7, 2022.

With this letter, I am producing documents on behalf of the Town that are responsive to your request. By email from my Paralegal, Vanessa Wallace, I am sending the production to you by means of a file share link. If you would prefer that the documents be placed on a flash drive, or produced in some other fashion, please advise me or my Paralegal, though if you desire paper copies, there will be a cost per page.

As stated in Town Administrator David Warrington's June 17 correspondence to you, which I provide among the documents that you can access in the link provided by my Paralegal, we have redacted (1) attorney-client privileged communications between myself and officials and staff of the Town, (2) the personal and private addresses and phone numbers of individuals, and (3) the back half of personal, private emails while still leaving enough of the emails to identify whose email it is. Where we have made redactions for attorney-client privileged communications, we have so indicated.

While we believe that the production to you is exhaustive of the documents that you have requested, given the breadth of your requests, it is possible that some additional documents could be provided to me after this production, in which case I will promptly produce those documents, if responsive, to you subject to the same type of redactions mentioned above.



June 28, 2022

Page 2

As David Warrington's letter mentioned, there will be charges for this extensive production for which you will be responsible. You should receive an invoice directly from the Town for those charges.

Should you have any questions, please do not hesitate to ask by return email.

Sincerely,

*Thomas V. McCarron /s/*

Thomas V. McCarron

Encl.

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)

**Date:** June 7, 2022 at 7:34:34 PM EDT

**To:** Colleen Reilly <[creilly@mountairymd.gov](mailto:creilly@mountairymd.gov)>, Holly McCleary <[hmcclary@mountairymd.gov](mailto:hmcclary@mountairymd.gov)>

**Subject:** Online Form Submission #7321 for PUBLIC INFORMATION REQUEST FORM

## PUBLIC INFORMATION REQUEST FORM

Name	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]
[REDACTED]	21771

Information Requested      Copies of e-mails, phone conversation minutes and meeting minutes between Town Administrator David Warrington and Carroll county Administrator Roberta Windham during the period of November 23 2021 to June 7 2022 pertaining to the potential annexation of the Harrison Leishear property.

Date Information is Needed      6/28/2022

*Once this form is received and the estimated staff time and number of documents (if necessary) to comply with this request is calculated, you will receive a letter from the Town Clerk explaining what the maximum cost will be of the requested information. After the Town Clerk receives a signed acceptance of this cost from you, the Town Clerk will then proceed to reply to the public information request or deny the request under the Public Information Act. Annotated Code of Maryland Sections. 10-611 – 10-630. For your information, the Town's regulations "Access to Public Records" is found in the Mount Airy Town Code, which is on the Mount Airy website, under sections 1-19 – 1-24.*

**P. O. Box, Mount Airy, MD 21771**

**Telephone: (301) 829-1424 \* Fax: (301) 829-1259**  
**Email: [town@mountairymd.gov](mailto:town@mountairymd.gov) \* Web Page:**  
**[www.mountairymd.gov](http://www.mountairymd.gov)**

---

Email not displaying correctly? [View it in your browser.](#)

LARRY HUSHOUR  
*Mayor*

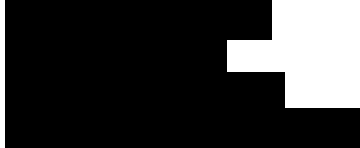


*Council Members*  
PAMELA M. REED  
*Secretary*

JASON M. POIRIER  
*Council President*

KARL L. MUNDER  
LYNNE P. GALLETTI  
STEPHEN L. DOMOTOR

June 17, 2022



RE: Public Information Act Request of June 7, 2022

Dear [REDACTED]:

As the Town Clerk, I have received your request under the Public Information Act, Md. Code Ann., Gen. Prov. ("GP") §§ 4-101–4-601, seeking emails, phone conversation minutes and meeting minutes between the Town Administrator David Warrington and Carroll County Administrator Roberta Windham during the period of November 23, 2021 to June 7, 2022. I received your request on June 7, 2022 and began to process it. I write now to advise you that it will take us more than 10 working days to produce the records, to give you the date by which we expect to be able to do that, and to explain why we are unable to produce them more quickly. I write also to provide an estimate of the costs of producing the records.

When we have completed the assembly of materials, the Town Attorney will then be required to review them to determine whether they are, in whole or in part, exempt from disclosure under the Act and/or are privileged. Pursuant to the MPIA, codified at Maryland General Provisions Code Ann. ("GP"), Section 4-203, the Town is required to notify you within ten (10) working days as to any item or document that the Town is refusing to produce. To the extent that any of the documents might contain personal information such as private email addresses, home addresses, work email addresses (except for the Town and Town email addresses), personal phone numbers and the like, we will redact enough of that information to maintain privacy without failing to disclose who sent or received any communication that might be subject to disclosure or the subject matter or substance of any such document or communication.

We expect that the review process will take between 3 and 6 hours to complete. If so, we anticipate that we will be able to respond to your request by July 7, 2022. I do not yet know whether all of the records are subject to inspection, but, if any are to be withheld, the response will explain the reason for that.

As to the cost, we expect that our response will generate a fee between \$75 and \$200, depending on the time and hourly rates of the individual staff and attorneys who must (Maryland Public Information Act Manual, 16th ed., September 2021, Appendix B-2) conduct the review, and with the first two hours provided free of charge. In addition, there would be a copy charge of \$.25 per page should you want copies of the responsive materials. We anticipate that the additional copy charge would be between \$25 and \$50. Please do not hesitate to contact me if you have any questions or concerns regarding the Town's processing of your request

P.O. Box 50, Mount Airy, MD 21771  
Telephone: (301) 829-1424 • Fax: (301) 829-1259  
Email: town@mountairymd.gov • Web Page: www.mountairymd.gov

If you have additional questions, please do not hesitate to contact me at 301-829-1424 or [hmcclary@mountairymd.gov](mailto:hmcclary@mountairymd.gov).

Regards,

*Holly McCleary*

Holly McCleary  
Town Clerk

Attorney-Client Privileged Communication

Attorney-Client Privileged Communication

**From:** [noreply@civicplus.com](mailto:noreply@civicplus.com)

**Date:** June 7, 2022 at 7:34:34 PM EDT

**To:** Colleen Reilly <[creilly@mountairymd.gov](mailto:creilly@mountairymd.gov)>, Holly McCleary <[hmcclary@mountairymd.gov](mailto:hmcclary@mountairymd.gov)>

**Subject:** Online Form Submission #7321 for PUBLIC INFORMATION REQUEST FORM



## PUBLIC INFORMATION REQUEST FORM

Name

Email Address

Company

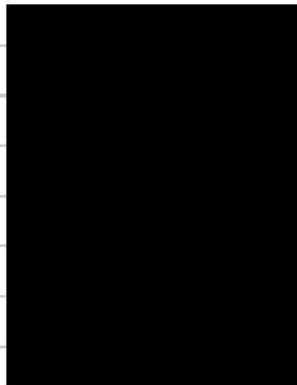
Phone Number

Cell Phone Number

Address

City

State



---

Zip Code	21771
Information Requested	Copies of e-mails, phone conversation minutes and meeting minutes between Town Administrator David Warrington and Carroll county Administrator Roberta Windham during the period of November 23 2021 to June 7 2022 pertaining to the potential annexation of the Harrison Leishear property.
Date Information is Needed	6/28/2022

---

---

**P. O. Box, Mount Airy, MD 21771**  
**Telephone: (301) 829-1424 \* Fax: (301) 829-1259**  
**Email: [town@mountairymd.gov](mailto:town@mountairymd.gov) \* Web Page:**  
**[www.mountairymd.gov](http://www.mountairymd.gov)**

---

Email not displaying correctly? [View it in your browser.](#)



## David Warrington

---

**From:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Sent:** Thursday, October 21, 2021 3:30 PM  
**To:** Dietrich, Kathi J.; David Warrington  
**Subject:** RE: Harrison Leishear

Thanks all!

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

**From:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Sent:** Thursday, October 21, 2021 3:14 PM  
**To:** David Warrington <[dwarrington@mountairymd.gov](mailto:dwarrington@mountairymd.gov)>  
**Cc:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

Beautiful! Holding, and thanks!  
K

**From:** David Warrington <[dwarrington@mountairymd.gov](mailto:dwarrington@mountairymd.gov)>  
**Sent:** Thursday, October 21, 2021 3:14 PM  
**To:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Cc:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

.....  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
.....

Let's say yes and I will get the date and time out to the Mayor and Council.  
Thank you,  
David

**From:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Sent:** Thursday, October 21, 2021 3:07 PM  
**To:** David Warrington <[dwarrington@mountairymd.gov](mailto:dwarrington@mountairymd.gov)>  
**Cc:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

How about Tuesday, November 23<sup>rd</sup> in the morning, say 10am?  
All BCC calendars are clear and I'll put a hold on it.  
That's Thanksgiving week, just so you know.  
K

**From:** David Warrington <[dwarrington@mountainymd.gov](mailto:dwarrington@mountainymd.gov)>  
**Sent:** Thursday, October 21, 2021 3:03 PM  
**To:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Cc:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

-----  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
-----

No, I believe the swearing-in has to happen within 10 days. Usually, it is the next week.  
David

**From:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Sent:** Thursday, October 21, 2021 2:42 PM  
**To:** David Warrington <[dwarrington@mountainymd.gov](mailto:dwarrington@mountainymd.gov)>  
**Cc:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

Hi Dave – I'm assuming this meeting needs to come after the election?  
Are your electeds seated immediately or is there a waiting period?  
Just trying to get a good idea of timing.  
Many thanks,  
K

**From:** David Warrington <[dwarrington@mountainymd.gov](mailto:dwarrington@mountainymd.gov)>  
**Sent:** Thursday, October 21, 2021 2:27 PM  
**To:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Cc:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Subject:** RE: Harrison Leishear

-----  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
-----

Roberta,

This seems like a really good approach. This proposal will force the Mayor and Town Council to come to a consensus prior to the first meeting.

The outcome of our election on November 2<sup>nd</sup> will play a role in the Town's Executive branch's approach. I would not want to have a meeting prior to that, think we had a direction only to change course and have to go back to the starting line. If that timeline is a problem, then we will push forward with the first meeting.

Let me know if the timeline is workable.

Regards,  
David

**From:** Windham, Roberta J. <[rwindham@carrollcountymd.gov](mailto:rwindham@carrollcountymd.gov)>  
**Sent:** Thursday, October 21, 2021 2:02 PM  
**To:** David Warrington <[dwarrington@mountainymd.gov](mailto:dwarrington@mountainymd.gov)>  
**Cc:** Dietrich, Kathi J. <[kdietrich@carrollcountymd.gov](mailto:kdietrich@carrollcountymd.gov)>  
**Subject:** Harrison Leishear

Dear David

The Board of Commissioners has discussed how best to move forward with discussions concerning the Harrison Leishear property. As a result of these conversations, they would like to first meet with the Mount Airy Town Council and Mayor in a public setting somewhere in Mount Airy if possible. This joint meeting is intended to get a sense from the town leaders of their perspective on this property, its development and annexation. This meeting will be followed by a second public meeting that would also include both boards as well as presentations from the potential developers and provide an opportunity for citizens to give input and ask questions of the developers.

To that end, I've included Kathi Dietrich to help in scheduling the first joint meeting. Call or email me if you have any questions or concerns.

Best regards,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Tuesday, November 23, 2021 5:01 PM  
**To:** David Warrington  
**Cc:** Dietrich, Kathi J.  
**Subject:** RE: Harrison Leishear

David

It was wonderful to see you again after such a long hiatus. I'm glad you and your family are doing well and I wish you a wonderful holiday season. Finally, I look forward to working with the town on the annexation of the Harrison Leishear property. Please let your Mayor and Council know that the topic will be discussed at the commissioners 12/16/21 meeting.

Again – I wish you all the very best!

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Thursday, October 28, 2021 2:31 PM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Cc:** Dietrich, Kathi J. <kdietrich@carrollcountymd.gov>  
**Subject:** RE: Harrison Leishear

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Roberta and Kathi,

The Mayor (currently until next Tuesday's election) and the Council have agreed to the first meeting with the County Commission here in our Council Chambers as Kathi suggested on Tuesday, November 23<sup>rd</sup> at 10:00 am. Please let me know if that still works and we will send out an invite.

Thank you,  
David

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Thursday, October 21, 2021 2:02 PM  
**To:** David Warrington <dwarrington@mountairymd.gov>  
**Cc:** Dietrich, Kathi J. <kdietrich@carrollcountymd.gov>  
**Subject:** Harrison Leishear

Dear David

The Board of Commissioners has discussed how best to move forward with discussions concerning the Harrison Leishear property. As a result of these conversations, they would like to first meet with the Mount Airy Town Council and Mayor in a public setting somewhere in Mount Airy if possible. This joint meeting is intended to get a sense from the town leaders of their perspective on this property, its development and annexation. This meeting will be followed by a second public meeting that would also include both boards as well as presentations from the potential developers and provide an opportunity for citizens to give input and ask questions of the developers.

To that end, I've included Kathi Dietrich to help in scheduling the first joint meeting. Call or email me if you have any questions or concerns.

Best regards,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

**David Warrington**

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Thursday, December 16, 2021 12:41 PM  
**To:** David Warrington  
**Subject:** Re: Harrison Leishear

He doesn't need to rush. I don't think we'll get to the topic until after 2pm at the earliest.

Get [Outlook for iOS](#)

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Thursday, December 16, 2021 12:38:33 PM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** RE: Harrison Leishear

.....  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
.....

Roberta,  
My Mayor will soon be on his way. Thanks for the heads-up.  
Regards,  
David

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Wednesday, December 15, 2021 4:47 PM  
**To:** David Warrington <dwarrington@mountairymd.gov>  
**Subject:** Harrison Leishear

Dear David

I'm sorry for the late notice, but I wanted to make sure you were aware that the commissioners will be discussing whether or not they wish to move forward with an annexation process for the Harrison Leishear property during open session tomorrow afternoon. It is the last topic on their agenda. No need for anyone from the town to attend, unless they wish to, but I wanted you to know for sure that the topic will be discussed tomorrow.

Best regards,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.  
Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Tuesday, February 8, 2022 1:14 PM  
**To:** David Warrington  
**Subject:** RE: Harrison Leishear Annexation

Thanks, David

All is well with the county – thanks for asking. What’s the latest on changing the zoning? Is the mayor/council interested in modifying the existing zoning? If so, that would need to be done before the annexation.

Thanks for any insight you can provide.

Take care,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Tuesday, February 8, 2022 11:58 AM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** Harrison Leishear Annexation

-----  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
-----

Good morning, Roberta,

I have been asked to reach-out to “get the ball rolling” on the annexation process. Please let me know what you need from me and/or the Town. Our Town Attorney is ready to assist in any legal aspect for which he can help if needed. I look forward to hearing from you allowing me to report back to my elected officials.

Regards,  
David

PS Hope all is well with you and with the County.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Thursday, March 10, 2022 12:55 PM  
**To:** David Warrington  
**Subject:** Re: Harrison - Leishear Annexation

Thanks. Our internal team will be meeting soon to discuss. We'll be in touch.  
Thanks

Get [Outlook for iOS](#)

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Thursday, March 10, 2022 11:50:50 AM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** Harrison - Leishear Annexation

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Roberta,

I met with the Mayor and Town Council this week to discuss the "wants and needs" that could be presented to the Carroll County Commissioners for consideration. The result of the discussion is that they would like the items that were negotiated with the IDA in the two attached documents. I began to try to provide a synopsis but was fearful that I would miss something. Therefore, I have attached the agreements in order to fully encompass their desired result. I promise I wasn't being lazy rather concerned I may not convey everything.

I had prepared a spreadsheet comparison of the zones as part of my presentation which became a moot point when they just defaulted to the already established agreement. I attached it for your reference.

Please let me know if you need anything else.

Thanks,  
David

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.



## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Friday, March 11, 2022 9:12 PM  
**To:** David Warrington; Bill Perney  
**Subject:** RE: Harrison Leishear

Ms. Perney

I appreciate your email. I agree with Mr. Warrington's comments below. The county and town will work together with input from you and your neighbors as the property proceeds through the annexation process.

I hope you have a nice weekend.

Best regards,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Wednesday, March 9, 2022 11:39 AM  
**To:** Bill Perney <perneyd1@[REDACTED]>  
**Cc:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** RE: Harrison Leishear

.....  
This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.  
.....

Ms. Perney,

Thank you for your email and input. Please be assured that the Mayor, Town Council and County Commissioners will be very cognizant of the issues you and others have presented previously which you have listed in your email. Also, please be assured that the public will have opportunities to comment and provide input on these and any other issues as they move through this process.

Regards,  
David Warrington

**From:** Bill Perney <perneyd1@[REDACTED]>  
**Sent:** Tuesday, March 8, 2022 12:28 PM  
**To:** David Warrington <dwarrington@mountairymd.gov>  
**Cc:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** Harrison Leishear

Mr Warrington:

I am writing in concern with a project that I was told you were working on with the Carroll County Administrator. My concern is with the annexation agreement that is being proposed for the Harrison Leishear property currently owned by Carroll County. I am part of a ground roots group who are watching this progress with great interest. I also live along the property line of this land.

As a group, we have been insisting on transparency to the process of what is being 'planned' for this piece of property and would like to be a part of the process as much as possible. To date, we have been lied to and told that we have a say only to be disappointed and given no options. We would like both you and the Carroll county administrator, to know our feelings and views while you try to hammer out an agreement that is good for, not only the county and the town, but for the citizens living closest to the property and those who travel north and south on Rt 27.

Please keep in mind our priorities:

1. The protection of our wells and drinking water. The land in question is over an aquafer. This water, so desperately needed by the town, is the same water that provides me with my drinking water in a well that is only 45 feet deep.
  - a. To build on top of an aquafer and cement in the land, will deplete the aquafer and nobody will be able to access the water.
  - b. Also, streets and buildings can pull in pollution that we have never had to deal with. Street salt, vehicle leaks, ...
  - c. Who will provide us with the protection needed if we need to re-drill our wells to access water or to get to a cleaner water source? The town or the county? At whose cost? We would like not only assurances, but guarantees.
2. The current zoning for this land is R40,000. We would like to keep it that way. The dreaded Employment Campus and/or mixed zoning is absurd.
  - a. Please take a look at the number of businesses that are NOT filling up these types of places. My company, like many others, is not going back to being in the office, but doing work from home or a hybrid. In fact, we have already sold one of our 7 buildings in Rockville and have others on the list to sell.
  - b. We, the current residents, have asked that ANY building behind our homes be residential, not business. We all knew that the land would be developed, but with the R40,000 zoning.
  - c. As we have zero representation on either the County zoning or Town Zoning committees, we have zero representation.
3. Be aware that the land is physically higher than our homes, so any buildings will look into our back yards and the backs of our homes. While residential building can be added and not impinge on our privacy, commercial building will certainly create an atmosphere of light and noise pollution that we will not appreciate and will substantially lower the value of our homes.
4. Traffic. Traffic has become a cluster to put it mildly. The town of Mt Airy continues to create a traffic nightmare by adding more and more businesses and land usage without properly dealing with the traffic situation. It took me 23 minutes to get from Watersville Road to Rt 70 on Friday evening at 7:30. That's not why I moved to this area.
  - a. Look at Twin Arch Road. With all the business traffic on that road, it has become almost impossible to get out of Twin Arch Shopping center at the end of the business day.
  - b. Also, with the addition of the Beck property and Center Street additions, we will certainly be looking at another traffic light on Rt 27. This will take us up to 9 traffic lights in a 4.9 mile range from RT 27 and Penn Shop Rd to Leishear Road.
  - c. Any building on the Harrison/Leishear property that is commercial will necessitate another traffic light for business traffic to get to and from the location, bringing the grand total of traffic lights in less than 5 miles to 10. Are we becoming Rt 40 in Frederick?
  - d. Because the county currently does nothing with Boteler Road, please note that this road cannot take additional high traffic from any building happening on the property.

5. Please review the current housing needs in this town. We currently have approximately 52 homes available in the 21771 area. Most are being sold sight unseen. 4 of these properties are over \$1mill, 21 are \$700,000 up, another 21 are \$500,00 and up and 14 are between \$200,000 and 500,000. If the zoning remained the same as it currently is, take away land for public usage (85 acres of swamp, sorry wetlands) about 173 homes could be build here and your tax base would still improve.

I appreciate your time and have copied the county administrator on this email. If you would like to discuss this matter at any time or if I can provide any assistance at all, please contact me.

Sincerely,  
Diane Perney



Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Wednesday, April 20, 2022 11:05 AM  
**To:** David Warrington  
**Subject:** RE: Revised OPE text for Mt. Airy

Great! Thanks. Please convey the suggested draft is rough and meant as a conversation starter – not ender!

Thanks again,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Wednesday, April 20, 2022 11:02 AM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** RE: Revised OPE text for Mt. Airy

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

Roberta,

Thanks for the information. I totally understand how life throws us curves, personally and professionally. We have a new Mayor which inevitably presents adjustments and growing pains. You have an election coming up and I wish you all the best and a super smooth transition. As you may know we are now in the Maryland General Assembly District 5 (CC) and are trying to set-up a meeting with the current Senator and Delegates....lots going on.

The Town staff members are meeting with the Mayor to discuss the proposed Zoning changes. Hopefully, he provides us some direction and we can move forward. I will keep you informed.

Regards,  
David

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Tuesday, April 19, 2022 12:51 PM  
**To:** David Warrington <dwarrington@mountairymd.gov>  
**Subject:** Revised OPE text for Mt. Airy

Dear David

Sorry for the delay in responding to your latest email. Things have been crazy for me both personally and professionally. I know both the town and the county are interested in moving this project forward. I appreciate receiving the draft documents the town was negotiating with the IDA. They were interesting to read.

I believe the first step is for county and town staff to meet and begin drafting modifications to the town's zoning so that when the property is annexed, the ultimate developer will have the zoning they need to create the type of project the

town and county envision. To that end, I've attached a very rough draft of the town's OPE zoning modified to include some of the elements the county has in its Employment Campus zoning. I've also asked my assistant, Kathi, to set up a meeting or two to get the ball rolling.

Once the zoning is in place, we can begin the annexation process which will include discussions about water use and I'm sure other topics.

I look forward to working with you on this project.

Best regards

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)  
[REDACTED]

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

**§ 112-50.1. Office Park Employment District (OPE). [Added 2-1-2016 by Ord. No. 2015-22]**

Highlight is added language from County's EC

Strikeout is removed language

Red is changed language

Blue is moved from another section

**A. Purpose.** The Office Park Employment District zoning is established to provide for advanced employment opportunities related to professional business-, education-, health-, and science-oriented applications, which may include associated light fabrication and assembly operations, in addition to professional or business offices and residential units. The combined opportunities shall be available within a planned employment center environment and generally arranged in a business park, office park, or campus-style setting. Buildings shall be designed and constructed with high-quality architectural aesthetics, taking into account the characteristics of the Office Park Employment District, surrounding area, and overall character of the Town. All commercial/industrial/employment campus permitted uses shall be conducted wholly within enclosed buildings and shall minimize adverse impact on the use and enjoyment of surrounding properties.

**B.** The following objectives are sought in providing for the OPE District:

1. To facilitate a well-planned development with higher standards of development than are typically found in other employment districts;
2. To provide for development that will incorporate the natural features of the land and protect the environment;
3. To maintain a harmonious relationship between the various buildings and sites contained within the district;
4. To provide development patterns that recognize the character of established surrounding neighborhoods and other types of land uses;
5. To provide for interaction and integration among users, thereby contributing to a positive and healthy working environment;
6. To ensure that the limited number of permitted and accessory residential, retail, service, eating, and drinking uses within the district have the principal purpose of serving the employment campus;
7. To encourage green spaces, walking trails and other recreational uses;
8. To serve as an economic development tool in the effort to increase the county's commercial and industrial tax base;
9. To encourage development of buildings that can be easily adapted as the range of tenants and regional market for employment evolves; and
10. To provide a flexible employment district.

**C.** Principal permitted uses shall be as follows:

1. Agriculture
2. Research, testing, analytical and product development laboratories, and pilot plant facilities not involving the manufacturing, sale, processing, warehousing, distribution, or fabrication of material, products, or goods, except as incidental to the principal permitted uses. Biomedical technology facilities and laboratories shall be rated at a biosafety level 2 (BSL-2), as defined by the OSHA and the American Biological Safety Association Alliance.
3. ~~Light manufacturing associated with such specialty industry groupings as aerospace, computer science, telecommunications, instrumentation, biomedicine, (BSL-2), medical, energy, pharmaceutical,~~

~~electronics, transportation (parts and accessories), agriculture, economics, biology, and environmental science. Move to Special Uses in DPP~~

4. Computer and data processing service center/call centers.
5. Hotels with or without conference centers.
6. General business, corporate, administrative, educational, medical, professional and government offices.
7. Office, computing, and accounting machine sales, rental, and service establishments (but not to include large or industrial machinery repair).
8. ~~Hospitals and other~~ Health care facilities, including immediate care facilities.
9. Restaurants
10. Schools, including trade or technical schools and colleges and universities.
- ~~11. Workforce amenities.~~ These are already included in the general retail allowance.

~~i. As an accessory use only, workforce amenities incidental to the principal building use serving primarily employees and guests of the principal use, which shall include but not be limited to the following uses:~~

- ~~1. Day care facilities, to include outdoor play area.~~
- ~~2. Cafeterias.~~
- ~~3. Banks, savings, and loan associations.~~
- ~~4. Health clubs.~~
- ~~5. Classroom and training facilities.~~
- ~~6. Convenience stores up to 2,500 square feet; hours limited to 6:00 a.m. to 10:00 p.m.~~
- ~~7. Delicatessens up to 1,500 square feet but without alcohol or tobacco sales.~~
- ~~8. However, with respect to the uses set forth in Subsection B(12)(a)[1] through [7] above, with the exception of the outdoor play area in Subsection B(12)(a)[1] above, there shall be no external evidence of such use, with the exception of directional signage.~~

~~12. Uses incidental and subordinate to the office park as a whole, which may include sales and services for employees and visitors, as follows: Stand alone delicatessens up to 1,500 square feet but without alcohol or tobacco sales. Stand alone day care facilities, to include outdoor play area. Build to suit/speculative buildings. Municipal, recreational, and cultural uses. These are already included in the general retail allowance.~~

13. Catering establishment or banquet facility
14. Tavern/bar
15. General Retail or general service less than 10,000 sq ft
16. Limited Distillery
17. Micro-brewery
18. Printing Shop
19. Public Facility and Institutional Uses

20. Utility Equipment

21. Residential, multi-family, retirement home/age-restricted, Townhouse, Two-family, Single Family

D. Special uses in OPE District. The Board of Appeals may authorize the following principal uses as special exceptions in accordance with the provisions of Article VIII, § 112-62:

1. Bulk storage of oil, petroleum, gasoline and similar flammable liquids and compressed gasses for the purposes of on-site use only and in full compliance with § 112-13 as relates to industrial and commercial districts and subject to the general standards set forth in § 112-62E.
2. Metal production or fabrication, including coating, enameling, galvanizing, and plating as a manufacturing-related activity so long as operated in accordance with environmental and other applicable laws and regulations and subject to the general standards set forth in § 112-62E.
3. Light manufacturing associated with such specialty industries, including: aerospace, computer science, tele-communications, instrumentation, biomedicine, (BSL-2), medical energy, pharmaceutical, electronics, transportation (parts and accessories), Agriculture, economics, biology, and environmental science.
4. ~~Stand-alone convenience stores up to 2,500 sqft but with hours limited to 6:00 a.m. to 10:00 p.m., and subject to the general standards set forth in § 112-62E.~~ Covered in General Retail

E. **Development plan.** The developer of any employment campus (prior to any construction), shall present to the Planning Commission for its review, a development plan of the proposed campus. The purpose of the development plan is to provide the Planning Commission with the necessary information to ascertain whether the proposed employment campus is consistent with the purposes of the district as articulated in section (A) above. The development plan shall show such items as the size of the project, the location and approximate shapes of buildings, road ingress and egress patterns, parking areas, storm drainage, and water and sewerage facilities, and such other information as is necessary for the Planning Commission to give the necessary consideration. The Planning Commission shall require phasing of construction of the residential, retail, and service portions of the employment campus to ensure that these components are in support of the primary employment uses.

1. It shall be the duty of the Planning Commission to ascertain whether the location, size, and other characteristics of the site, and the proposed plan, comply with the following conditions:
  - a. The proposed development will not cause points of traffic congestion on existing or planned roads in the areas of such proposed location; and
  - b. The plans provide for a development consisting of one or more groups of establishments in buildings of integrated and harmonious design, together with adequate and properly arranged traffic patterns, parking facilities and landscaping, to result in an attractive and efficient development.
  - c. **Parking.** For all commercial, industrial, institutional, and public uses, parking shall be provided in accordance with a formula of five parking spaces for every 1,000 square feet of building space.
  - d. **Outdoor storage.** No outdoor storage of equipment, material or products will be permitted.
  - e. **Signage.** A signage plan shall be submitted at the time of development plan review to assure that the appearance, size, height, type of material, and other aspects of signs are consistent with the purposes and intent of the district. The regulations set forth in § 98 shall also apply in the OPE District.
  - f. **Landscaping.** The minimum open space and landscaped area on any development shall not be less than 20% of the gross land area of the development. All development in this district shall comply the Mt. Airy Code and to the technical standards established in the Town's Landscape Manual, Chapter 98. Supplemental landscaping may be required to comply with the objectives set forth in section (A and B).



g. **Architecture.** Building architectural renderings or plans shall be submitted at the time of development plan review to assure that the appearance, size, type of building material, and other aspects of the buildings are consistent with the purposes and intent of the district.

**Solar energy conversion facilities.** *Solar energy conversion facilities may be approved as part of the development plan, provided they are roof-mounted, subject to the requirements of § 158.153, or mounted on a canopy in a parking area.*

i. **Principal uses.** The regulation of principal uses is set forth in (C) above, § 112-50.1.C.

j. **Mix of uses.** The following limitations shall apply:

General retail, general service, eating, and drinking uses, including principal and accessory uses, shall not comprise more than 25% of the total area of the structures located in the office park employment development.

Where permitted in § 112-50.1.C, the total developed area for residential uses shall not collectively comprise more than 15% of the total area of the office park employment development. Such residential uses shall be architecturally compatible with and supportive of the employment uses. All residential uses shall be subject to § 25-5, Adequate Public Facilities and Concurrency Management.

k. **Accessory uses.** Accessory uses shall be as follows:

i. Uses customarily accessory and incidental to any principal permitted use or authorized conditional use.

ii. *Solar energy conversion facility, either roof-mounted or mounted on the canopy of a parking area, subject to the requirements of § 158.153(B).*

iii. General retail, general service, eating and drinking establishments, and indoor recreation uses, provided that an individual use does not exceed 3,000 square feet, except health clubs and day care centers, which may not exceed 6,000 square feet.

l. **Bulk requirements.** With the exception of building height, the bulk requirements shall be established at the time of site plan approval. The maximum allowable height in this district shall be 60 feet.

m. **Site plan review.** Site plan review, if required, shall be as provided per

Chapter 98.

## David Warrington

---

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Thursday, January 20, 2022 2:44 PM  
**To:** David Warrington  
**Subject:** RE: Harrison - Leishear Annexation

Definitely - common ground is always best!

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)

-----Original Message-----

**From:** David Warrington <dwarrington@mountairymd.gov>  
**Sent:** Thursday, January 20, 2022 2:29 PM  
**To:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Subject:** RE: Harrison - Leishear Annexation

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

---

Hi Roberta,

Interestingly you noted the residential since we spoke to the Mayor yesterday in order to set-up a meeting to discuss that with him next week. It would be nice to find a common ground. Will keep you posted.

Have a great weekend,  
David

-----Original Message-----

**From:** Windham, Roberta J. <rwindham@carrollcountymd.gov>  
**Sent:** Thursday, January 20, 2022 2:26 PM  
**To:** David Warrington <dwarrington@mountairymd.gov>  
**Subject:** RE: Harrison - Leishear Annexation

Hi David

Thanks so much for sending this to me. I'll share it with the commissioners.

Attached is the county's Employment Campus Code, this was drafted using the town's OPE as a base. The main difference is the allowance of residential. Would there be any consideration of amending the town's code to allow limited and supportive residential? When we had our joint meeting, you thought there might be interest by the town council to make this change. Getting the zoning in order is important to do first before the annexation.

I look forward to working with you on this important project for the county and the town.

Best regards,

Roberta J. Windham, Esq.  
County Administrator  
225 North Center Street  
Westminster, MD 21157  
410-386-2876 (o)

-----Original Message-----

From: David Warrington <dwarrington@mountairymd.gov>  
Sent: Wednesday, January 19, 2022 10:19 AM  
To: Windham, Roberta J. <rwindham@carrollcountymd.gov>  
Subject: Harrison - Leishear Annexation

This message originated outside of Carroll County Government. Use caution when opening attachments, clicking links or responding to requests for information.

---

Good morning, Roberta,

Hope all is well with you. Hopefully, the worst of our winter weather is behind us or perhaps that is just wishful thinking.

I have attached a scanned copy of the Town of Mount Airy's Office Park Employment District (OPE) zoning. This zoning was specifically written to apply to the Harrison-Leishear property. As we begin to discuss the potential annexation of this site into the Town, I felt it would be good to share with you (the County) what zoning would be applicable.

Our intent is to have future Requests for Proposals for development to have this zoning as its basis.

I look forward to working with you regarding this matter. Let me know if you need anything from me or the Town.

Regards,  
David

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

Please note that e-mail and any attachments sent to and from this address may be subject to the Maryland Public Information Act and unless otherwise privileged, must be disclosed to third parties.

# HARRISON LEISHEAR ZONING COMPARISON COUNTY VS. TOWN (SYNOPSIS).

## CARROLL COUNTY - EMPLOYMENT CAMPUS (EC)

### Use

25% General Retail

15% Residential Use

Regulation of principal uses as set in 158.082 of County Code

### Height Limits

60 ft. Building Height Restriction

### Lot Requirments

5 spaces Per 1,000 sq ft building space (comm/inds/inst/pub)

No outdoor storage of equipment or material

Signage to conform with current County regulastions

20% Open Space/Landscaping requirement

Solar energy conversion facilities must be roof mounted

## TOWN OF MOUNT AIRY - OFFICE PARK EMPLOYMENT (OPE)

### Use

0% Residential Use

### Height Limits

35 ft. Building Height Restriction (3 stories)

55 ft. Hotel/Conference Center (5 stories)

### Lot Requirments

1 Acre Lot size

100 ft Lot width

40 ft Lot depth

25 ft Side Yard

40 ft Rear Yard

### Performance Standards

Lot line requirements for zoning certificate

Permitted/Conditional & Accessory activities in enclosed structures

Parking/Vehicle Storage/Dumpsters in the rear of property

Mechanical equipment enclosed or screened

Truck parking delivery and unloading not within 100 feet of residential

Automobile parking not within 25 feet of residential

Bulk storage of liquids no more than 2,000 gallons and above ground

Heavy-duty diesel vehicles idling restriction < than 5 min in 60 min per.

### Exemptions to Performance Standards

Emergency vehicles

Vehicles that must idle for an intended use (refrigeration)

**Accessory Use(s)**

Uses customarily accessory and incidental to permitted use  
Solar energy conversion facilities must be roof mounted  
General retail/general service/eating drinking 3,000 sq ft  
Health Club/Day-Care 6,000 sq ft

**Limitations of Use****Special Exceptions Required**

Bulk Storage of Petroleum/Flammable Products on site  
Metal Production or fabrication  
Stand Alone Convenience Stores

**Incidental and Subordinate Use(s)**

Stand-alone delicatessens up to 1,500 sq ft no alcohol or tobacco  
Stand-alone day-care up to 1,500 sq ft  
Stand alone convenience stores up to 2,500 sq ft 6am to 10pm  
Health Club/Day-Care as accessory use only

**Prohibited Uses**

28 Noted uses  
All other uses noted in 112-12