



Board of Carroll County Commissioners

County Office Building
Westminster, MD 21157

www.ccgovernment.carr.org

Open Session

~ Minutes ~

Admin

Thursday, September 8, 2016

10:00 AM

County Office Building Rm 311

I. Call to Order

Attendee Name	Organization	Title	Status	Arrived
Stephen Wantz	Board of Carroll County Commissioners	President	Present	
Richard Weaver	Board of Carroll County Commissioners	Vice-President	Present	
Dennis Frazier	Board of Carroll County Commissioners	Secretary	Present	
Richard Rothschild	Board of Carroll County Commissioners	Commissioner	Present	10:47 AM
Doug Howard	Board of Carroll County Commissioners	Commissioner	Present	

II. Moment of Silence ~ Commissioner Wantz

III. Positively Carroll

IV. Public Comment Item No. V

None

V. Briefing/Discussion/Possible Decision ~ Request Approval for New Contractual Position ~ Bailiff Courier

Create a contractual Bailiff Courier position to work fifteen hours per week for the Carroll County Circuit Court. The Circuit Court would like to hire a client from the Arc Carroll County as a Bailiff Courier to assist our Bailiffs with deliveries and other ministerial duties. This will free the bailiffs to perform security-related tasks. If approved, the Bailiff Courier position will work fifteen hours per week at minimum wage of \$8.75 per hour. Funding for the position would come from Bailiffs' salary savings. Magistrate Brewer is leaving in February and will not be replaced, reducing the need for Bailiffs' hours.

- Motion To:** approve the creation of a Bailiff Courier position to work fifteen hours per week at minimum wage of \$8.75 per hour for the Carroll County Circuit Court.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Doug Howard, Commissioner
SECONDER:	Richard Weaver, Vice-President
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier, Doug Howard
ABSENT:	Richard Rothschild

VI. Public Comment ~ Item No. VII

None

VII. Discussion/Decision ~ Request to Proceed to Public Hearing - Spring 2016 Amendments Carroll County Water & Sewer Master Plan

The Water & Sewer Master Plan is a document that is prepared by the Bureau of Comprehensive Planning for the purpose of delineating water and sewer service areas, identifying planned projects and calculating water and sewer demand for the County and the eight municipal systems. The County provides opportunities for amendments twice a year, one in the Spring and one in the Fall, to address changing conditions and circumstances. The proposed amendments for this cycle focus on changes in the Towns of Mount Airy and New Windsor and the "Unincorporated Area Water Supply" Chapter of the Water & Sewer Master Plan. Phil Hager and Lynda Eisenberg previously briefed the Board of County Commissioners on the Spring 2016 Water and Sewer Amendment package. Since that time, an additional sewer amendment for the Town of New Windsor has been added. The purpose of this presentation is to brief the Board of Commissioners on the nature of the additional proposed amendment and to request authorization to proceed to a Public Hearing. The purpose of the hearing will be to accept public comment regarding the 2016 Spring Amendments to the 2014 Carroll County Water & Sewer Master Plan.

- 1. Motion To:** direct staff to proceed to public hearing

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Doug Howard, Commissioner
SECONDER:	Dennis Frazier, Secretary
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier, Doug Howard
ABSENT:	Richard Rothschild

VIII. Public Comment Item No. IX

None

IX. Briefing/Discussion/Possible Decision ~ Request Approval for 2016 Continuum of Care Application Submission

Addressing homelessness in Carroll County was identified as a top priority in the Department of Citizen Services' last strategic plan. As a condition of the grant funding received by The Department of Housing and Urban Development (HUD), the Circle of Caring Homelessness Board focuses on meeting the following goals:

- Prevent and end homelessness among Veterans in 2016
- Prevent and end homelessness among chronic homelessness by 2017
- Prevent and end homelessness for families, youth, and children by 2020
- Set a path to ending all types of homelessness

The Continuum of Care Grant, a national, competitively ranked application, offers funding each year to provide services and housing for the homeless. Renewal applications this year are divided into two tiers with projects in Tier 2 receiving funding only if the Continuum Application Score is high enough.

- Motion To:** approve the submission of the 2016 Continuum of Care Application to the Department of Housing and Urban Development

RESULT:	ADOPTED [4 TO 0]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Doug Howard, Commissioner
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier, Doug Howard
ABSTAIN:	Richard Rothschild

X. Public Comment ~ Item No XI

None

XI. Discussion/Decision ~ Community Partnership Grant Award

The Governor's Office for Children provides state funding to the Local Management Board to oversee and fund community agencies/services that enhance child and family well-being in Carroll County. The agencies and services selected for funding are based on an evaluation and ranking of community needs, as well as an assessment of the quality of the programming and services provided. All current programs received continued funding for FY17; however, the \$205,975 in funding requested for new programs, including Youth Engagement Program, PAT/Detention Center Study and Dialectical Behavior Therapy, were not awarded.

- Motion To:** accept the FY17 Community Partnership Agreement Grant Award in the amount of \$448,102

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Doug Howard, Commissioner
SECONDER:	Richard Weaver, Vice-President
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XII. Public Comment ~ Item No. XIII

None

XIII. Briefing/Discussion/Possible Decision ~ Request Approval to Submit Law Enforcement Training Scholarship (LETS) Program Grant Application To Governor's Office of Crime, Control & Prevention (GOCCP)

The Carroll County State's Attorney's Office is requesting funds to cover the cost of participation in a Forensic Evidence specialized training course. The Governor's Office of Crime Control & Prevention (GOCCP) makes funds available to local law enforcement personnel for training. An agency's Total Fiscal Year LETS request cannot exceed \$5,000. The requested grant funding provides the opportunity for two criminal investigators to attend the Forensic Evidence Training from December 5 - 9, 2016 in Santa Fe, New Mexico.

This specialized training provides information and skills regarding the challenges facing investigators in prosecutor's offices in the 21st century. The information obtained through this training will be shared with several neighboring allied law enforcement agencies, as well as within the investigative team of the State's Attorney's Office.

- Motion To:** approve the grant application to the Law Enforcement Training Scholarship Program (LETS) in the amount of \$4,854.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XIV. Public Comment ~ Item No. XV

None

XV. Briefing/Discussion/Decision ~ Contract Award - Final Abatement - Floodplain Violation Compliance

In conjunction with a Consent Order (Circuit Court Case No. 06-C-15-068433) dated December 4, 2015, the Bureau of Resource Management is moving forward with abatement of the violations relating to Chapter 152 Grading and Sediment Control, Chapter 153 Floodplain Management, and Chapter 170 Construction Codes on this property. This involves the placement of fill materials within a regulated floodplain in violation of the various County Codes. The Court decision provided for the County to abate the violations and recover the cost associated with such action.

The following contractors responded to the Request for Proposal dated August 3, 2016:
 Thomas, Bennett & Hunter \$48,961.00
 Stambaugh's Incorporated \$66,731.50
 White Pine Construction Corporation \$68,634.50

- Motion To:** award the contract for final abatement of Case No. 06-C-15-068433 to Thomas, Bennett & Hunter in the amount of \$48,961.00

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XVI. Public Comment ~ Item No. XVII

None

XVII. Discussion/Decision ~ 2017 Health and Dental Insurance Employee Premiums

Carroll County Government provides health and dental insurance benefits to eligible employees. The Board of Commissioners annually establishes the portion of costs to be borne by the employees. On September 1, 2016 the recommended employee bi-weekly contributions for 2017 were presented to the Board:

	Choice Plan	Choice Plus	Dental
Employee	\$28.57	\$43.98	\$4.73
Employee/Child	\$50.00	\$76.96	\$9.65
Employee/Spouse	\$57.14	\$87.96	\$9.65
Family	\$78.57	\$120.93	\$14.10

Information packets will be sent out to all eligible employees by October 12th. The Open Enrollment period begins October 14 and ends on November 18, 2016. On October 19, 2016 United Healthcare and Delta Dental will be on site at the County Office Building and the Maintenance Center to meet with employees.

- Motion To:** approve the 2017 employee contribution rates for health and dental insurance

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Weaver, Vice-President
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XVIII. Public Comment ~ Item No. XIX

None

XIX. Deliberation on Legislative Briefings ~ Board of Commissioners

XX. Change of Occupancy of Building and Structures

Remove the "change of occupancy" language within the Maryland Building Rehabilitation Code. Expensive ADA upgrades would only be triggered if renovations are occurring and not be required for "move in ready" commercial spaces. This requirement places undue burden on startup and small scale businesses to move into existing spaces without being compelled to perform often prohibitively expensive upgrades.

- Motion To:** approve proposed recommended legislation for Change of Occupancy of the Building and Structures

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Rothschild, Commissioner
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXI. Amend the Tax Property Article, Subsection 9-210, disabled law enforcement officers and rescue workers

Under State law, a disabled law enforcement officer or rescue worker may qualify for certain property tax credits if they have acquired their residential property within the two years of being found to be permanently and totally disabled. In the 2015 Session of the General Assembly, the attached proposal was introduced by Delegate Shoemaker that would increase that number from two to ten years. A citizen has asked that the county support his request that the Delegate resubmit the proposal to increase the number of years from two to ten.

1. **Motion To:** amend the Tax Property Article Subsection 9-210, Disabled Law Enforcement Officers and Rescue Workers (from two and ten)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Stephen Wantz, President
SECONDER:	Dennis Frazier, Secretary
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXII. Repeal of Subsection 6-101, Hucksters and Peddlers ---- licensing requirements

The Code of Public Local Laws (State law) requires hucksters, hawkers, and peddlers to be licensed for the sale of fruits or vegetables in Carroll County and that the Clerk of the Circuit Court for Carroll County issues the license (farmers or growers selling their own fruits and vegetables are exempted from the licensing requirements). This provision applies only in Carroll County and is a local law. The Clerk collects a licensing fee of \$15.00 which is remitted to the County for the use of the County. The Clerk has not issued any of these licenses in the past year, and has asked to be relieved of this responsibility since it originated from a County Ordinance and not a State requirement. This law is not necessary.

1. **Motion To:** repeal 6-101, Hucksters and Peddlers - Licensing Requirements

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Rothschild, Commissioner
SECONDER:	Stephen Wantz, President
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXIII. Flexibility in Interpretation of MALPF Requirements where Neighboring Properties are Impacted by Specific Land Use Activities

MALPF has been extremely restrictive in its treatment of requests for Exceptions for nonagriculture uses on easement properties. This has been problematic historically, however, in the past year there have been two cases in Carroll County where the MALPF Board was forbidden to consider nonagricultural exceptions that have had significant impacts for properties adjoining MALPF easements. In both cases, the owners of the property under easement wished to assist neighboring property owners and in both cases, a granting of the exception would have had no impact upon the long-term agricultural utilization of the properties under easement. Failure to grant the exception may actually result in negative environmental consequences. The process for review of Exception and the conditions under which Exceptions may be reviewed by the MALPF Board need to be revised to ensure that these situations are addressed and similar situations can be addressed statewide.

MALPF provisions do not allow the MALPF Board to grant Exceptions to instances where agriculture and/or environmental consequences will result from failure to grant the Exception. Additionally, the interpretation for the Exception language has prevented the Board from even considering the merits of granting an Exception.

1. **Motion To:** support proposed legislation pertaining to finding additional resources for AG Preservation

RESULT:	ADOPTED [4 TO 1]
MOVER:	Richard Weaver, Vice-President
SECONDER:	Dennis Frazier, Secretary
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier, Doug Howard
NAYS:	Richard Rothschild

XXIV. Creation of an Incentive Program Providing Funds for Conservation Activities

This initiative would seek to establish a program to recognize leaders in the area of resource conservation through pedestrian perpetual easement activities. In addition to authorizing a new program to be administered by DNR, this initiative would also fund an annual appropriation to be awarded to local jurisdictions meeting eligibility requirements under specific conditions.

There is an existing need for funds to promote conservation easement - especially in jurisdictions where there is a demonstrated commitment to conservation objectives and a demonstrated history of excellence.

- Motion To:** approve the Creation of an Incentive Program

RESULT:	ADOPTED [3 TO 2]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Stephen Wantz, President
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier
NAYS:	Richard Rothschild, Doug Howard

XXV. Property Tax Relief for Stormwater Mitigation Efforts

This initiative would provide authorization for local governments to provide property tax relief to landowners of commercial or industrial properties who voluntarily engage in mitigation efforts for their untreated impervious surfaces. Additionally, the initiative would provide mitigation credits to MS4 jurisdictions that would be applied towards NPDES permit compliances. Offset of resource investments expended in furtherance of stormwater management objectives.

Discussion was held and the Board was not in favor of the concept of this proposal. Mr. Hager requested that he be able to work on another concept with Tom Devilbiss, Director, Department of Land Use and Tim Burke, County Attorney and bring that proposed language back to the Board next Thursday, September 15, 2016 and present to the Board.

XXVI. Regulation of Vaping in the same manner as Smoking and Tobacco Use

This proposal was discussed and it was decided by the Board not to present legislation to the Delegation.

XXVII. Historic Preservation Tax Credit

Proposed Enabling legislation - up to 25%. State law already authorizes Carroll County to enact a 10% credit.

1. **Motion To:** approve the Historic Preservation Tax Credit be increased up to 25%

RESULT:	DEFEATED [2 TO 3]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Stephen Wantz, President
AYES:	Stephen Wantz, Dennis Frazier
NAYS:	Richard Weaver, Richard Rothschild, Doug Howard

XXVIII. Water & Sewer Review Plan Review - MDE Approval

The Maryland Department of Environment reviews and considers approval of local Water & Sewer Master Plans and Plan Amendments. MDE reviewers are provided up to 90 days to complete this review. At the end of the 90 days, they may grant themselves a 90 day extension to complete this review. There has not been a Plan or Plan Amendment that has been reviewed and approved within a period of less than six months in Carroll County (and many other jurisdictions) in recent memory.

This proposal would accelerate this review process by providing MDE with an initial 60 day review period, and limiting the extension period to 30 days. If further review time is necessary, MDE would have to support the additional 30 day extension via a written memorandum documenting this additional need which would need to be provided to the affected jurisdiction, their General Assembly Delegation, the Secretary, and the Governor's Office. If the Plan or Plan amendment has not been approved at the expiration of 120 days, the Plan or Plan amendment would be deemed "approved" and MDE would be required to provide written documentation of this approval.

1. **Motion To:** approve submitting this proposed legislation regarding MDE Review Process

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Rothschild, Commissioner
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXIX. Highway User Revenue Restoration

To restore equitable funding levels for maintenance and construction of local roads by returning 30% of the money raised from the Maryland gasoline tax and vehicle registration fees to local governments. To return local government's fair share of monies collected from its citizens through the gas tax and vehicle registration fees to enable them to adequately fund, maintain, and construct local roads. Transportation Article Subsection 8-402 and 8-403.

1. **Motion To:** approve proposed legislation regarding the restoration of transportation funds

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Rothschild, Commissioner
SECONDER:	Dennis Frazier, Secretary
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXX. To amend the Local Government Tort Claims Act as it pertains to Carroll County's Local Public Transportation Contractor

Currently, the definition for our local public transportation authority includes the name of the former contractor (Carroll County Senior Overland Service, Inc., t/a Carroll Area Transit System). If adopted, it would read: "(25) The nonprofit corporation serving as the local public transportation authority for Carroll County pursuant to a contract or memorandum of understanding with Carroll County." This proposal simply removes any reference to the former contractor's name. The proposal would update the current law by eliminating the reference to the former contractor's name.

- Motion To:** approve proposed legislation regarding transportation authority and naming contractor

RESULT:	ADOPTED [4 TO 0]
MOVER:	Dennis Frazier, Secretary
SECONDER:	Stephen Wantz, President
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild
ABSTAIN:	Doug Howard

XXXI. Hold Harmless Education Funding

Under state law, counties are required to substantially fund local boards of education. This proposal would amend these requirements so that for a current fiscal year, if a county's total direct education funding is less than in the prior fiscal year. The state would provide a grant to that county in an amount equal to 100 percent of the decrease in total direct education funding from the prior fiscal year.

Remove: This would be retroactive to prior applicable years through FY2012.

After this legislative proposal was discussed it was decided to remove the last sentence and to reword the second sentence of the paragraph:

"This proposal would amend these requirements so that for a current fiscal year, if the county's total direct education funding is less than the prior fiscal year than the state would provide a grant to the county equal to 100% of the decrease based upon a rolling 3 year average."

- Motion To:** approve the amended proposed legislation regarding Hold Harmless Education Funding

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Weaver, Vice-President
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXXII. Funding Requirements ~ Teachers' Pensions

In 2012, the state mandated that counties fully fund teachers' retirement and pension plans after a phased in four-year period. This proposal reverses 50% of the funding requirements by shifting the responsibility back to the State of Maryland via a phased in four-year period. The proposal would relieve the counties of a responsibility that is most appropriated borne by the state. Education Article, Annotated Code of Maryland.

- Motion To:** approve proposed legislation regarding teacher pensions back to the state as amended by at 50%

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Richard Rothschild, Commissioner
SECONDER:	Doug Howard, Commissioner
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard

XXXIII. Filling Commissioner Vacancies

Presently, Board of Commissioner vacancies are filled via Gubernatorial appointment. The Central Committee for the party affiliated with the vacancy nominates a candidate for the Governor for appointment. This proposal would require that a majority of the remaining Board would appoint a successor from a list of three (3) candidates provided by the Central Committee of that party that is affiliated with the vacancy. The nominees must be of the same party affiliation of the party of the vacancy and satisfy the residency requirements for the District in which the vacancy exists. The Central Committee would have 30 days to nominate and the Board of Commissioners would have 15 days to appoint.

The Board discussed the question regarding what if something happened to a Commissioner and could no longer serve out his/her time as County Commissioner term and there was still 3 years left of the term. A new person would have to be appointed and serve out the term of that Commissioner, that person Commissioner would have to serve at least until the next election (2 or 4 years). The Commissioners were not really happy with this situation and wanted to make a change.

Mr. Burke and Mr. Hager have agreed to go back to their offices and work on this question for the Board and bring back to the Board in the next few days:

XXXIV. Public Comment

Citizen comment(s): No citizen comment.

XXXV. Administrative Session ~ Open

The following issues were discussed:

- The group - Rec. & Parks Interview - with Charles Carroll
- Hear the clear explanation from staff

- Get to the How before we get to the What and Why.
 - Decide what we are going to do with the building.
 - How we use the building. Where we are and what we are going to do with the building. Need to get some ideas on what to do with the Building.
2. Review of draft public agendas for the weeks of September 12, 2016 and September 19, 2016.

XXXVI. Land Acquisition - CLOSED (Thursday, September 1, 2016)

Upon motion of Commissioner Frazier, second by Commissioner Weaver, the Board (Commissioner Wantz, Commissioner Weaver, Commissioner Frazier), (Commissioners Howard and Rothschild were absent) voted unanimously to meet in closed session in accordance with the Annotated Code of Maryland, General Provisions Article, Subsection 3-305(b)(3), Thursday, September 1, 2016 with Tim Burke, County Attorney; Tom Devilbiss, Director, Department of Land and Resource Management; and Deborah Bowers, and J.P. Smith, Jr., Agricultural Land Preservation Program to discuss a land review of a Critical Farms Program Application. The Board granted final approval for a Critical Farms Application.

1. **Motion To:** grant final approval for a Critical Farms Application

RESULT:	ADOPTED [UNANIMOUS]
AYES:	Stephen Wantz, Richard Weaver, Dennis Frazier
ABSENT:	Richard Rothschild, Doug Howard

XXXVII. Adjourn ~ 1:43 PM

1. **Motion To:** adjourn

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Doug Howard, Commissioner
SECONDER:	Stephen Wantz, President
AYES:	Wantz, Weaver, Frazier, Rothschild, Howard