



# Board of Carroll County Commissioners

County Office Building  
Westminster, MD 21157  
[www.ccgovernment.carr.org](http://www.ccgovernment.carr.org)

## Open Session

~ Minutes ~

Admin

Thursday, September 15, 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 |         |
| Doug Howard        | Board of Carroll County Commissioners | Commissioner   | Absent  |         |

### II. Invocation ~ Commissioner Frazier

### III. Positively Carroll

### IV. Public Comment ~ Item No. V

None

### V. Briefing/Discussion ~ Fire Inspection Fees

On April 18, 2016, during the FY17 Proposed Operating Budget session, the Board of Commissioners voted to approve the request to hire an in-house Fire Inspector for the Bureau of Permits and Inspections. The FY17 Operating Budget was adopted on May 26, 2016. The Fire Inspector position will take over the majority of the review and inspection process from the State Fire Marshal. This will allow the County to have majority control of the residential and commercial projects while enforcing the State Fire Code. In order to cover the costs associated with the new position, the County will impose review and inspection fees which will replace the inspection fees currently being charged by the State Fire Marshal's Office.

### VI. Public Comment Item No. VII

None

### VII. Briefing/Discussion/Decision ~ Bid Approval - 2016 Traffic Barrier Improvements

The project consists of the installation and resetting of traffic barrier and end treatments; and all incidental work as required on selected roadways from the 2016 paving contracts. The Department of Public Works, in cooperation with the Bureau of Purchasing, recommends award for the above project to Guardrails Etc., Inc. in the amount of

\$510,790.00. This is within the project budget and no additional funds will be needed. The cost estimate on this project was \$556,651.00.

Number of Bids: 4

Vendors and Bid Results:

1. Guardrails Etc., Inc. - \$510,790.00
2. \*Long Fence Company Inc. - \$521,136.00 (Bid rejected)
3. L.S. Lee, Inc. - \$527,040.00
4. Collinson, Inc. - \$548,034.00

\*This bid has been rejected because the contractor is not an approved prequalified contractor with Carroll County.

1. **Motion To:** approve the award of bid for 2016 Traffic Barrier Improvements to Guardrails, Etc.Inc., in the amount of \$510,790.00

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Rothschild, Commissioner                                  |
| <b>SECONDER:</b> | Stephen Wantz, President  |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

## VIII. Public Comment ~ Item No. IX

None

## IX. Briefing/Discussion/Decision ~ Bid Approval - National Pollutant Discharge Elimination System and Analytical Support Services

The County requires the services of a competent, experienced environmental laboratory to perform analytical testing and associated services. The Contractor shall ensure expedient and professional services adequate to maintain the County's compliance with Maryland and Federal environmental law and regulation. The contractor shall assist with analysis to support, NPDES Discharge Characterization requirements as well as analysis related to other projects that may be required to support County objectives. Resource Management in cooperation with the Bureau of Purchasing recommends award for the above project to be awarded to Martel. Martel is not the lowest in all the categories, however, their detection limits and costs associated with the most commonly tested analytes for our monitoring programs are the most cost effective.

Number of Bids: Four (4)

Vendors and Bid Results:

1. Analytical Laboratory Services Middleton, PA \$16,384.00
2. Martel Laboratories JDS Inc. Baltimore, MD \$19,933.00 AWARDED
3. Microbac Laboratories Inc. Baltimore, MD \$23,293.00
4. Suburban Testing Labs Reading, PA \$18,376.00

1. **Motion To:** approve the award of bid for the National Pollutant Discharge Elimination System and Analytical Support Services to Martel Laboratories JDS, Inc. in the amount of \$19,933.00

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

## X. Public Comment ~ Item No. XI

None

## XI. Discussion/Decision ~ Request to Proceed to Public Hearing - Proposed Zoning Text Amendment Solar Surface Area Requirements in Residential Districts

At the Board's direction, the Environmental Advisory Council (EAC) researched various approaches for solar surface area requirements in residential zoning districts. The EAC's findings and recommendations were forwarded to the Board in a report in April 2016. On May 12, 2016, the EAC briefed the Board on its findings and recommendations, and requested the Board's direction on proceeding to present the recommendations to the Carroll County Planning & Zoning Commission. The Board voted to do so, with the recommendations as written. The EAC presented its recommendations to the Planning & Zoning Commission on June 29, 2016, and again on August 3, 2016. The Commission voted to support the EAC recommendations as presented to the Board. Staff requests that the Board proceed with the process of scheduling a public hearing on the proposed code amendments, which reflect the EAC's recommendations.

- Motion To:** direct staff to proceed to schedule a public hearing on the proposed zoning text amendments regarding the solar surface area requirements in residential zoning districts

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Weaver, Vice-President                                    |
| <b>SECONDER:</b> | Dennis Frazier, Secretary   |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

## XII. Public Comment ~ Item No. XIII

None

## XIII. Briefing/Discussion/Decision ~ Request Approval - Grant Application Blue Ridge Manor Stormwater Management Facility Surface Sand Filter Retrofit

The Department of Land and Resource Management, Bureau of Resource Management (BRM) is seeking \$50,000.00 from the Chesapeake Bay Trust for a restoration initiative in the county. The proposed project, the Blue Ridge Manor stormwater management facility in New Windsor, is located in the Double Pipe Creek Watershed. The pond is currently functioning as a shallow marsh pond for the subdivision and is located off of Clauser Court. The County in partnership with the Town of New Windsor is looking to retrofit the facility to help reduce nutrients from entering our local waterways and ultimately the Chesapeake Bay. The facility will be brought up to current standards thereby ensuring that the facility is

capturing and adequately treating runoff from all of the drainage area which was intended to drain into the facility. Grant Period: January 2017 - January 2019

1. **Motion To:** approve the submittal of an application to the Chesapeake Bay Trust's Outreach and Restoration Grant program in the amount of \$50,000

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Dennis Frazier, Secretary   |
| <b>SECONDER:</b> | Richard Weaver, Vice-President                                    |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

#### XIV. Public Comment ~ Item No. XV

None

#### XV. Briefing/Discussion/Decision ~ Request Approval - Grant Application Westminster Community Pond Environmental and Educational Trail Signage

The Department of Land and Resource Management, Bureau of Resource Management (BRM) is seeking \$8,000.00 from the Chesapeake Bay Trust's Outreach and Restoration Grant Program. This funding will support the purchase and installation of four signs to be placed along the walking trail at the newly renovated Westminster Community Pond. The BRM, in partnership with the Department of Recreation and Parks, will use this signage to raise awareness about the pond's impact on the quality of local water sources. The addition of these signs will encourage Carroll County residents to become stewards of the local watersheds and allow them to gain a better understanding of stormwater management and the Forest Conservation Act. The signage will also feature a description of the Eagle Scout constructed wetland, a history of the Community Pond, and an overview of the new improvements. Grant Period: January 2017 - January 2019

1. **Motion To:** approve the submittal of a grant application to the Chesapeake Bay Trust's Outreach and Restoration Grant program in the amount of \$8,000.00

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Weaver, Vice-President                                    |
| <b>SECONDER:</b> | Dennis Frazier, Secretary   |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

#### XVI. Public Comment ~ Item No. XVII

None

#### XVII. Briefing/Discussion/Decision ~ Request Approval - Grant Application Roberts Mill Stormwater Management Facility Engineering and Design

The Department of Land and Resource Management, Bureau of Resource Management (BRM), is seeking \$75,000.00 from the Chesapeake Bay Trust's Watershed Assistance grant program to fund the engineering portion of the Roberts Mill stormwater management facility

project. The Roberts Mill site is an existing in-stream water quantity facility designed to retain large flood events. There are also three small extended detention basins adjacent to the flood control facility which provides some measure of water quality. The BRM, in partnership with the City of Taneytown, is proposing to convert the facility into a large wet pond that will provide water quality for the predominantly residential and commercial 300 acre drainage area, while continuing to provide flood protection. More than 83 acres of impervious area will be treated by the proposed facility, meeting certain requirements of the County's National Pollutant Discharge Elimination System (NPDES) permit. Grant Period: January 2017 - January 2019.

- Motion To:** approve the submittal of a grant application to the Chesapeake Bay Trust's Watershed Assistance Grant program in the amount of \$75,000

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Weaver, Vice-President                                    |
| <b>SECONDER:</b> | Dennis Frazier, Secretary   |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

## XVIII. Public Comment ~ Item No. XIX

None

## XIX. Additional Discussion/Decision ~ Medical Cannabis

On August 11th, the Board of County Commissioners conducted a Public Hearing to accept testimony in support and/or opposition to a proposed zoning text amendment dealing with Medical Cannabis. The Hearing was conducted in conformance with the Land Use Article, Maryland Annotated Code and the Code of Public Local Laws of Carroll County, following public notice as prescribed by the Code. After providing ample opportunity for participation, the Commissioners formally closed the hearing and agreed to keep the public record open for a period of not less than ten (10) days. The ten (10) day period having expired, it is now appropriate for the Board to consider disposition of this legislation.

- Motion To:** approve moving forward with the proposed legislation with the amendments that it be changed to a principal use for growing and processing in the Industrial Zone ("IR" and "IG") zone and does not have to be Accessory Use for the Dispensing

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| <b>RESULT:</b>   | <b>ADOPTED [3 TO 1]</b>                       |
| <b>MOVER:</b>    | Dennis Frazier, Secretary                     |
| <b>SECONDER:</b> | Stephen Wantz, President                      |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier |
| <b>NAYS:</b>     | Richard Rothschild                            |
| <b>ABSENT:</b>   | Doug Howard                                   |

## XX. Public Comment ~ Item No. XXI

None

## XXI. Additional Discussion/Decision ~ Legislative Briefings

### A. *Hold Harmless Education Funding*

The Board supported this concept with an amendment that when there was a decrease from the State, the State would reimburse the County in the form of a grant and the grant would be equal to the decrease in the funding based upon a number produced by arithmetic calculation of the prior three (3) years in the form of an average that was what PH understanding was you wanted to see it based upon rather than just being based upon the prior year. This would slow down the rate of reduction. What the compensation would be based upon would be the prior 3 years average.

- 1. **Motion To:** support this proposed legislation as written

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

### B. *Funding Requirements ~ Teacher's Pensions*

In 2012, the State mandated that the counties fully fund the Teacher's Retirements and Pension Plans done by a phased in 4-year approach. The proposal that is being advanced would reverse that process and shift back 50% of it back again under a phased in 4-year approach. So this proposal would shift back the teachers funding and Pension Plan to the State 50% of it on a phased in 4-year approach.

- 1. **Motion To:** support this Teacher Pension Funding as written

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Weaver, Vice-President                                    |
| <b>SECONDER:</b> | Stephen Wantz, President  |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

### C. *Filling of Commissioner Vacancies*

Under the present position for filling vacancies the Central Committee recommends a nominee and the Governor makes the appointment. Under this proposal, the majority of the Board of Commissioners would vote on one of three candidates that would be nominated by the Central Party that would be affiliated with the candidate vacancy and of course, it would have to come from the same party and from the same district from which the vacancy occurs. You tasks Mr. Hager and Mr. Burke on if that could be done. Mr. Burke state that, unfortunately the Maryland Constitution requires that all election for county and state officials be only held in every 4th year at the time provided by law for congressional elections. This is a state-wide bill.

- 1. **Motion To:** support this proposed legislation

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

## XXII. Public Comment

Citizen comment(s): Special Election for Filling Commissioner Vacancies - Allow the voters to select the replacement

## XXIII. Approval/Adoption of Minutes

1. Thursday, August 25, 2016
2. Thursday, September 01, 2016

## XXIV. Administrative Session ~ Open

The following issues were discussed:

1. Review of draft public agenda for the weeks of September 19, 2016 and September 26, 2016
2. Signing of Documents

## XXV. Legal - Closed

Upon motion of Commissioner Weaver, second by Commissioner Frazier, the Board (Commissioners Wantz, Weaver, Frazier, and Rothschild ~ Commissioner Howard via speaker phone) voted unanimously to meet in closed session in accordance with the Annotated Code of Maryland, General provision Article, Subsection 3-305(b)(7), on Thursday, September 15, 2016 at 12:00 Noon with Tom Devilbiss, Director, Department of Land Use and Jeff Degitz, Director of Recreation and Parks to receive legal advice on a legal issue involving a possible bequest to county and school closing litigation.

1. **Motion To:** close the meeting

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| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>  |
| <b>MOVER:</b>    | Richard Weaver, Vice-President                                    |
| <b>SECONDER:</b> | Dennis Frazier, Secretary   |
| <b>AYES:</b>     | Stephen Wantz, Richard Weaver, Dennis Frazier, Richard Rothschild |
| <b>ABSENT:</b>   | Doug Howard   |

## XXVI. Recess ~ 11:54 A.M.

1. **Motion To:** recess

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