

## Board of County Commissioners

Doug Howard, *President*  
Haven N. Shoemaker, *Vice President*  
Robin Bartlett Frazier, *Secretary*  
David H. Roush  
Richard S. Rothschild



## Carroll County Government

225 North Center Street  
Westminster, Maryland 21157  
410-386-2043; 1-888-302-8978  
fax 410-386-2485  
MD Relay ~ 7-1-1/800-735-2258

### **Agenda for the Week of December 5, 2011**

**Revision 1 dated December 7, 2011**

Please Note: This weekly agenda is subject to change. Please call 410-386-2043 to confirm a meeting you plan to attend. All meetings will be held at the Carroll County Office Building Room 311. (Unless otherwise noted)

- *Indicates Outside Activities*

#### **Monday ~ December 5, 2011**

*6:30 p.m. District 2 Business Council Meeting  
Finksburg Branch Library  
Commissioner Shoemaker*

#### **Tuesday ~ December 6, 2011**

9:00 a.m. Closed ~ Administrative Session

11:00 a.m. Closed ~ Personnel

**1:30 p.m. Board of County Commissioners Open Session**  
County Office Building ~ Room 311

#### **PUBLIC COMMENT**

##### [Discussion of Cell Towers](#)

Office of Technology Services ~ Mr. Mark Ripper  
Department of the County Attorney ~ Mr. Tim Burke

##### [Discussion of Proposed Fee Schedule for Permits & Inspections](#)

Department of Public Works ~ Mr. Tom Rio

##### [Briefing from Carroll County Board of Elections](#)

Carroll County Board of Elections ~ Ms. Gail Carter

**Tuesday ~ December 6, 2011 (Continued)**

[Exercise Option to Purchase Barnes Estate](#)

Property for Winfield Community Park  
Department of Citizen Services ~ Ms. Jolene Sullivan

Election of Board of County Commissioners Officers

**6:00 p.m.**      **Christmas Tree Lighting Ceremony**  
Front of County Office Building  
Commissioners Howard, Shoemaker, Frazier, Rothschild & Roush

**Wednesday ~ December 7, 2011**

*7:30 a.m.*      *The 20<sup>th</sup> Anniversary Carroll County Good Scout Award Breakfast*  
*Carroll Hospital Center ~ Westminster, Maryland*  
*Commissioner Shoemaker*

*8:00 a.m.*      *Warfield Development Corporation Meeting*  
*Westminster, Maryland*  
*Commissioners Howard & Roush*

*6:00 p.m.*      *New Windsor Tree Lighting Ceremony*  
*New Windsor, Maryland*  
*Commissioner Rothschild*

*7:00 p.m.*      *Carroll Hospital Center Briefing*  
*Dove House ~ Westminster, Maryland*  
*Commissioner Shoemaker*

*7:00 p.m.*      *New Windsor Town Meeting*  
*New Windsor, Maryland*  
*Commissioner Rothschild*

**Thursday ~ December 8, 2011**

**10:00 a.m.**      **Board of County Commissioners Open Session**  
County Office Building ~ Room 311

**PUBLIC COMMENT**

**Thursday ~ December 8, 2011 (Continued)**

[Presentation of the FY 11 Concurrency Management Report](#)

and Request to Schedule a Public Hearing for Proposed  
Amendments to Chapter 71

Department of Land Use, Planning & Development ~ Mr. Tom Devilbiss

[Review and Discuss Provisions in Chapter 223 related to Signs/Billboards](#)

Department of Land Use, Planning & Development ~ Mr. Tom Devilbiss

Review and Discuss Purpose, Requirements and Implementation of

[Chapter 134 ~ Landscape Enhancement of Development](#)

Department of Land Use, Planning & Development ~ Mr. Tom Devilbiss

**1:30 p.m. Board of County Commissioners Open Session**  
County Office Building ~ Room 311

**PUBLIC COMMENT**

[Release of FY 11 Audit and Comprehensive Annual](#)

Finance Report (CAFR) and Presentation of the  
County's Financial Position

Department of the Comptroller ~ Mr. Robert Burk

~~[Loan Request from Sykesville Freedom District Fire](#)  
[Department, Inc. and Execution of Resolution Declaring](#)  
[the County's intent to reimburse expenditures with](#)  
[debt proceeds](#)~~

~~Department of the Comptroller ~ Mr. Robert Burk~~

Approval to Proceed to Public Hearing on Changes  
to Section 179-7, Item D of Code of Local Public Laws

[Bulk Water Station](#) ~ Freedom Water Treatment Plant

Department of Public Works ~ Mr. Tom Rio

[Request for Bid Approval](#)

[One \(1\) New John Deere 544K Loader](#)

Department of Public Works ~ Mr. Tom Rio

Bureau of Purchasing ~ Mr. Richard Shelton

[Request for Bid Approval](#)

[One \(1\) New Tandem Axle Dump Truck](#)

Department of Public Works ~ Mr. Tom Rio

Bureau of Purchasing ~ Mr. Richard Shelton

**Thursday ~ December 8, 2011 (Continued)**

*Request for Bid Approval  
Three (3) New Ten-Ton Dump Trucks  
Department of Public Works ~ Mr. Tom Rio  
Bureau of Purchasing ~ Mr. Richard Shelton*

*3:00 p.m. Economic Alliance of Greater Baltimore Board of Directors Meeting  
Baltimore, Maryland  
Commissioner Howard*

*5:00 p.m. Technology Council Holiday Party  
Westminster, Maryland  
Commissioners Rothschild & Roush*

*6:00 p.m. Planning & Zoning Commission Work Session  
County Office Building ~ Room 003  
Commissioner Rothschild*

**Friday ~ December 9, 2011**

*7:30 a.m. Taneytown Business Breakfast Meeting  
Thunderhead Bowling Lanes ~ Taneytown, Maryland  
Commissioner Frazier*

*8:00 a.m. Carroll County Fuel Oil Dealers Association Legislative Breakfast  
Rafael's ~ Westminster, Maryland  
Commissioners Howard, Shoemaker & Frazier*

*10:00 a.m. Meeting with Commander ~ BRAC Potential  
Ft. Meade, Maryland  
Commissioner Howard*

*11:00 a.m. Carroll County Association of REALTORS Annual Legislative Luncheon  
Maggie's Restaurant ~ Westminster, Maryland  
Commissioners Howard, Frazier, Rothschild & Roush*

**Saturday ~ December 10, 2011**

*9:00 a.m. "A Bird's Eye View" with Commissioner Robin Frazier  
Taneytown Branch Library ~ Taneytown, Maryland  
Commissioner Frazier*

**Sunday ~ December 11, 2011**

*7:00 a.m. "The Commissioners' Report" – WTTR  
Commissioner Shoemaker*

**CARROLL COUNTY**  
*a great place to live, a great place to work, a great place to play*

December 1, 2011

**MEMORANDUM TO:** The Board of County Commissioners

**FROM:** Timothy C. Burke, County Attorney

Mark E. Ripper, Chief Information Officer  
Office of Technology Services

**RE:** Proposed amendments to Chapter 223, Zoning  
(communication towers)

**OPEN STAFF TIME -- TUESDAY, DECEMBER 6, 2011**  
Our File No. 12230-0112

**ISSUE TO BE DISCUSSED**

Proposed amendments to Chapter 223, Zoning, regarding communication towers.

**BACKGROUND**

Staff will provide the Board with an overview of the types of communications towers and the County's current regulations regarding the placement of communication towers. In addition, the Board will be asked to consider amending § 223-15 of the Code which governs the distance requirements for cellular towers from certain other uses and property.

Specifically, the following changes are proposed:

1. Reduce the minimum distance requirements between proposed towers and Residential Districts, the Historic District, the Mobile Home Park District, and existing dwellings, schools, houses of worship or institutions of human care from an amount equaling the height of the proposed tower plus 200 feet to a distance equaling the height of the proposed tower plus an additional distance equaling 25% of the proposed tower height in the Agricultural, Industrial, Conservation, and Business Districts.
2. Reduce the minimum distance requirement from all overhead transmission lines from a distance equaling twice the height of the tower to a distance equaling 1.25 times the height of the tower in the Agricultural, Industrial, Conservation, and Business Districts.

Furthermore, an amendment to the Zoning Ordinance is proposed to clarify that the setback provisions for communications towers would be inapplicable to dwellings located on the property where the proposed tower is to be located.

**REQUESTED ACTION**

Consideration of proposed amendments and approval to proceed to a public hearing.

# **Department of Permits and Inspection**

## **Briefing Paper**

### **Issue:**

**Streamlining the current permit fee schedule while remaining revenue neutral.**

### **Background:**

The current fee schedule is cumbersome for designers, contractors and citizens. When a permit is processed several calculations are performed and questions asked in order to calculate the fee. If the applicant or a caller that is inquiring about a fee does not have all of the information, an estimate cannot be given or if the applicant/caller provides inaccurate information, the wrong fee can be calculated. This new process would be user friendly for designers, contractors and citizens and allow staff to interact more efficiently when providing estimates and fee's for permits. This proposal would simplify the process and reduce the number of steps for commercial projects from 5 down to 2 and residential projects from 3 down to 2.

**This new fee schedule as proposed would be revenue neutral.**

### **Action Requested:**

Discussion of and provide further direction.

Attendees: Tom Rio  
Jason Green

## **Carroll County Board of Elections**

Briefing on request to Carroll County Delegation to solicit approval to modify the structure of the Board of Elections to five (5) regular members.

# Recreation & Parks

## Briefing Paper

### Open Session

#### **Issues:**

Exercise Option to Purchase Evelyn Mae Barnes Estate Property for Winfield Community Park

#### **Background:**

Carroll County continues to experience a need for park land and athletic fields in many areas. The Winfield Recreation Council was exploring the ability to develop a practice field at a County owned parcel on Streaker Road. Concerns were raised regarding limitations of that site that led to a recommendation to sell that parcel and to look for a more appropriate location for the park.

This 9.16 acre Barnes property is located directly opposite Winfield Elementary School and is an excellent park site due to its central location and open cleared fields. The option to purchase was made by the owners and the County on October 20, 2011. The notice of intent to purchase was advertised on November 8, 2011 and the 15 day waiting period has expired.

Program Open Space funds in the amount of \$155,272 that may only be used for acquisition are available towards the purchase price of \$200,000. The remaining balance of \$44,728 would need to be transferred from Land Bank funds, impact fees or general Program Open Space funds (up to a maximum of \$190,000) to complete the acquisition. A resolution will follow once settlement is reached.

#### **Desired Action:**

Exercise option to purchase property



# Department of Land Use, Planning & Development

## Briefing Paper

December 8, 2011

### Open Session

#### Issue:

#### **Presentation of Fiscal Year 2011 Concurrency Management Report and Recommended Changes to Chapter 71**

#### Background:

The Department of Land Use, Planning & Development will present the Concurrency Management Report to the Board of County Commissioners for their use and reference. During the October 18, 2011 Planning Commission meeting, the Commission approved the Fiscal Year 2011 Concurrency Management Report and voted to forward the report to the Board.

The Concurrency Management Report is prepared annually for the Board of County Commissioners and the Planning Commission to assist in the Community Investment Program planning process, to recommend possible building permit caps for areas of the County where facilities or services are not adequate to serve proposed residential development, and to identify issues regarding implementation of Concurrency Management.

The Fiscal Year 2011 Concurrency Management Report recommends changes to Chapter 71, *Adequate Public Facilities and Concurrency Management*. The proposed changes add detached and attached accessory dwellings to the list of uses that Chapter 71 does not apply to. The proposed changes also include using a rolling 24-month period for review of fire and EMS late and no responses, rather than quarters.

The Fiscal Year 2011 Concurrency Management Report recommends no new building permit caps. There is currently a zero building permit cap in the Mount Airy Middle School enrollment area. Mount Airy Middle School is the only school in the County that is considered inadequate under Concurrency Management.

#### Action:

**Authorization to schedule a public hearing for the amendments to Chapter 71.**

#### Attendees:

Tom Devilbiss, Acting Director, Department of Land Use, Planning & Development

Clay Black, Chief, Bureau of Development Review

Kim Brandt, Development Review & Concurrency Manager, Bureau of Development Review

# Department of Land Use, Planning & Development

## Briefing Paper

December 8, 2011

## Open Session

### **Issue:**

**Signs/Billboards**

### **Background:**

Staff will review and discuss with the Board the provisions in Chapter 223 related to signs and billboards.

### **Action:**

**For discussion and further direction from the Board.**

### Attendees:

Tom Devilbiss, Acting Director, Department of Land Use, Planning & Development  
Jay Voight, Zoning Administrator

# **Department of Land Use, Planning & Development**

## **Briefing Paper**

**December 8, 2011**

## **Open Session**

### **Issue:**

**Landscape Ordinance**

### **Background:**

Staff will review and discuss the purpose, requirements, and implementation of Chapter 134, Landscape Enhancement of Development.

### **Action:**

**For discussion and further direction from the Board.**

### Attendees:

Tom Devilbiss, Acting Director, Department of Land Use, Planning & Development  
Jonathan Bowman, Forest Conservation Specialist, Bureau of Resource Management

**Department of the Comptroller**  
**Briefing Paper – Stafftime**  
**December 8, 2011**

**Issue:** Release of FY 11 Audit and Comprehensive Annual Financial Report (CAFR) and Presentation of the County’s Financial Position

**Background:** Today the Board will release the County’s FY 2011 audited financial statements and Comprehensive Annual Financial Report (CAFR). I will present a brief review of the results of operations and financial position of the County as reported. We have received an unqualified audit opinion from the independent CPA firm of Clifton Gunderson, LLP. The Single Audit of Federal Grants is included in the CAFR. The CAFR will be distributed to the State and Federal governments, credit rating agencies, bond markets, governmental partners and made available on the County’s website (<http://ccgovernment.carr.org/ccg/comp>). Additional copies may be obtained by contacting the Department of the Comptroller.

Representatives from the audit firm Clifton Gunderson LLP, have been invited to attend to address the Board and answer any questions.

Following the release of the County’s FY 11 financial statements, I will provide the Board with an overview of the County’s current financial position. Areas I will cover include:

- FY 11 Audited Financial Statements
- Credit Ratings
- Budgetary Challenges vs. Financial Position
- Fund Balances & Reserves
- Debt Position
- Enterprise Funds

**Action:** For information only.

Robert M. Burk, CPA  
Comptroller

**Carroll County Department of Public Works**

Briefing Paper  
December 8, 2011

**Issue:** Bulk Water Station – Freedom Water Treatment Plant

**Background:** On August 4, 2011, the Bureau of Utilities received approval from the Board of County Commissioners to proceed with coordinating with other county agencies for the creation of a bulk water station at the Freedom Water Treatment Plant.

The current bulk water system, located at the Martz Road Tank, allows only six key-holding customers to purchase bulk water. The establishment of a bulk water station at the Freedom Water Treatment Plant will provide convenient access to bulk water to all who desire it. Having bulk water available to all lessens the incentive to steal water from fire hydrants.

The Bureau of Utilities has coordinated with other county agencies to develop a plan to implement a bulk water station at the Freedom Water Treatment Plant. Elements of the plan include:

- Charging \$.02 per gallon
- Operating hours – Monday through Saturday 6 a.m. until 9 p.m. and Sunday from 1 p.m. until 9 p.m., and by appointment only on County holidays
- Creating accounts and billing larger commercial customers
- Accepting cash and checks at the time of purchase from smaller customers
- Have the station operational by March 1, 2012

In order to implement the recommended bulk water station and rate, the fee structure needs to be changed in Section 179-7 item D of the Code of Local Public Laws, through the legislative process. A public hearing is required before this change can be made.

The recommended revision to the code is as follows:

Water haulers shall draw public water from one or more locations determined by the County, the use shall be metered, and the hauler shall pay a fee which shall be set and may be amended from time to time by resolution of the Board of County Commissioners.

**Desired Action:** Approval to proceed to public hearing on changes to Section 179-7 item D of the Code of Local Public Laws, in order to implement the bulk water system and rate structure at the Freedom Water Treatment Plant.

**Invited to attend:** Thomas Rio, Director of Public Works; Jeffrey Topper, Deputy Director of Public Works; Joe Barrington, Bureau Chief of Utilities



## Department of Public Works

**Thomas J. Rio, Director**

**Ext. 2248**

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### Briefing paper

**Issue:** Dump truck replacement vehicles and replacement loader purchase.

**Background:** The County had previously advertised and bid the replacement of four dump trucks for the Bureau of Roads and a replacement loader for the Bureau of Solid Waste - Northern Landfill. These purchases and others had been put on hold while a broader look was taken at all County vehicles. However the purchase window set aside in the bid is about to close and the prices for these vehicles and loader will increase by a total of \$23,200.

**Desired action:** Allow the purchase of these vehicles at the lower price prior to the purchase deadline.

Motioned by:

Seconded by:

Action Taken:

DATE: December 6, 2011  
TO: The Carroll County Board of Commissioners  
RE: One (1) New John Deere 544K Loader

**EXECUTIVE SUMMARY:**

The Bureau of Purchasing in cooperation with the Department of Public Works is seeking approval to award the purchase of the above equipment to Jesco, Inc. in the amount of \$142,587.00. This loader will be purchased off the Montgomery County (MD) contract which has been competitively bid. The loader will be used by the Northern Landfill for general maintenance and will replace an older piece of equipment.

Received Budget Approval: X Yes      Comments:

Debarment & suspension check completed and this business is in good standing: X Approved  
Business is in good standing with the Maryland Department of Assessment and Taxation: X Approved  
Business is in good standing with Carroll County Collections Office: X N/A

Your concurrence today will authorize the Bureau of Purchasing to move forward with the award and obtain a legally sufficient contract document for signing by Mr. Tom Rio, Public Works

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\_\_\_\_\_      Date  
Bureau of Purchasing

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\_\_\_\_\_      Date  
Board of Commissioners

Commissioner Frazier:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Shoemaker:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Roush:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Rothschild:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Howard:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Comments: _____				
_____				
Action Taken: <input type="checkbox"/> Accepted <input type="checkbox"/> Denied <input type="checkbox"/> Other: _____				
_____				

MM/mm  
Cc: File

DATE: December 6, 2011  
TO: The Carroll County Board of Commissioners  
RE: One (1) New Tandem Axle Dump Truck

EXECUTIVE SUMMARY:

The Bureau of Purchasing in cooperation with the Department of Public Works is seeking approval for the above purchase to be awarded to Bare Truck Center, Inc. in the amount of \$149,567.17. This truck was originally bid by the county, however there was only one bid received. This allowed the county to enter into a negotiation with the vendor which resulted in the final contracted price. The truck will be used by the Roads Department for general maintenance and is a replacement vehicle.

Received Budget Approval: X Yes      Comments:

Debarment & suspension check completed and this business is in good standing: X Approved  
Business is in good standing with the Maryland Department of Assessment and Taxation: X Approved  
Business is in good standing with Carroll County Collections Office: X Approved

Your concurrence today will authorize the Bureau of Purchasing to move forward with the award and obtain a legally sufficient contract document for signing by Mr. Tom Rio, Public Works

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\_\_\_\_\_      Date  
Bureau of Purchasing

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\_\_\_\_\_      Date  
Board of Commissioners

Commissioner Frazier:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Shoemaker:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Roush:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Rothschild:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Howard:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Comments: _____				
_____				
Action Taken: <input type="checkbox"/> Accepted <input type="checkbox"/> Denied <input type="checkbox"/> Other: _____				
_____				

MM/mm  
Cc: File



DATE: December 6, 2011  
TO: The Carroll County Board of Commissioners  
RE: Three (3) New Ten-Ton Dump Trucks

EXECUTIVE SUMMARY:

The Bureau of Purchasing in cooperation with the Department of Public Works is seeking approval to award the above purchase to Bare Truck Center, Inc. in the amount of \$404,879.70 (\$134,959.90 per truck). These trucks were originally bid by the county; however the county only received one other bid that did not meet specifications. This allowed the county to enter into a negotiation with the vendor which resulted in the final contracted price. These trucks will be used by the Roads Department for general maintenance and are replacement vehicles.

Received Budget Approval: X Yes      Comments:

Debarment & suspension check completed and this business is in good standing: X Approved  
Business is in good standing with the Maryland Department of Assessment and Taxation: X Approved  
Business is in good standing with Carroll County Collections Office: X Approved

Your concurrence today will authorize the Bureau of Purchasing to move forward with the award and obtain a legally sufficient contract document for signing by Mr. Tom Rio, Public Works

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\_\_\_\_\_      Date  
Bureau of Purchasing

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\_\_\_\_\_      Date  
Board of Commissioners

Commissioner Frazier:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Shoemaker:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Roush:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Rothschild:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Commissioner Howard:	<input type="checkbox"/> Motion	<input type="checkbox"/> 2 <sup>nd</sup>	<input type="checkbox"/> All in Favor	<input type="checkbox"/> Denied
Comments: _____				
_____				
Action Taken: <input type="checkbox"/> Accepted <input type="checkbox"/> Denied <input type="checkbox"/> Other: _____				
_____				

MM/mm  
Cc: Dave Reese, Fleet Management  
File  
Revised 11/6/07