

*BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2014*

*Issued: February 6, 2014
Work Session: February 11, 2014
Legislative Day No. 4 : February 18, 2014*

*The accompanying notes are
compiled from unaudited
information provided by
the Administration and
other sources.*



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

February 18, 2014

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2013, LEGISLATIVE DAY NO. 4
FEBRUARY 18, 2014 6:00 P.M.**

CEB = CURRENT EXPENSE BUDGET
BY REQ. = AT REQUEST OF COUNTY EXECUTIVE

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CALL OF BILLS FOR FINAL READING AND VOTE

COUNCIL

- 1 Bill 1-14 - Councilmembers Olszewski & Quirk - Residential Development in C.C.C. Districts
- 2 Bill 2-14 - Mr. Huff - A.S. (Automotive Services) Overlay District
- 3 Bill 3-14 - Councilmembers Almond & Marks - Zoning Regulations - Signs
- 4 Bill 4-14 - Councilmembers Marks, Quirk & Almond - Prohibition on Smoking at Recreation and Parks Facilities

APPROVAL OF FISCAL MATTERS/CONTRACTS

STEPHANIE HOUSE, DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 5 1. Contract - Associated Catholic Charities, Inc. - Brief Strategic Family Therapy Services - HHS

ED ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

- 8 2. Addendum #2 to Contract - Hord Coplan & Macht, Inc. - On-call architectural services - Public Works
- 12 3. Contract - Auston Contracting, Inc. -provide scrap tire hauling and recycling services - Public Works

AMY GROSSI, REAL ESTATE COMPLIANCE

- 14 4. Contract of Sale - Anne C. Lang - Acquisition of land - 3102 California Avenue, 21234 - Real Estate Compliance
- 17 5. Contract of Sale - Deer Park MZL, LLC - Acquisition of land - 9631 Liberty Road, 21133 - Real Estate Compliance

MISCELLANEOUS BUSINESS

WALLY LIPPINCOTT, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

- 20 1. Res. 11-14 - Mrs. Bevins(By Req.) - Approval of County contribution - Maryland Agricultural Land Preservation Foundation

COUNCIL

- INTRO. ONLY 2. Res. 12-14 - Mr. Oliver - Planned Unit Development - Residences at Soldiers Delight

Bill 1-14**Council District(s) All**

Councilmembers Olszewski & Quirk

Residential Development in C.C.C. Districts

Bill 1-14 proposes to provide greater flexibility for siting age-restricted apartment units in a C.C.C. (Commercial, Community Core) District.

The C.C.C. District may be superimposed on a B.L. (Business Local) Zone. Certain regulations specific to that district then apply, one of which deals with the location of apartments and elderly housing facilities.

Section 232A.1 of the Baltimore County Zoning Regulations permits apartments only above the first story of a building in a C.C.C. District, except that elderly housing facilities are permitted in any story of a building.

Bill 1-14 proposes to extend that exception for elderly housing facilities to include apartments that are restricted to those age 55 and older. The bill also makes it clear that the laws and regulations that govern the development of elderly housing facilities will apply to the case of the conversion of an existing elderly housing facility in a C.C.C. District to age-restricted apartments (55 and older).

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 1-14 will take effect on March 3, 2014.

Bill 2-14**Council District(s) All**

Mr. Huff

A.S. (Automotive Services) Overlay District

Bill 2-14 amends the A.S. (Automotive Services) Overlay District. Overlay Districts are set forth in Section 259 of the Baltimore County Zoning Regulations. The purpose of Overlay Districts is to establish special land use regulations, standards, or procedures in areas with unique land use, site planning, building design, or environmental resource issues. A District zoning designation is superimposed over an underlying zoning classification and creates a specific, mapped zone with certain permitted uses, as well as other limitations or enhancements.

Generally, the A.S. District may be applied within the urban-rural demarcation line (URDL) to parcels of land zoned B.L. (Business Local), B.M. (Business Major), or B.R. (Business Roadside), for uses which emphasize the parking and servicing of automobiles or characterized by frequent parking turnover.

For a parcel of land that is assigned with a combination of B.M.-I.M. (Business Major – Industrial Major) and B.L.-A.S. (Business Local – Automotive Services) Zoning (essentially a split-zoned property), Bill 2-14 will allow a use permitted in the B.M.-I.M. Zone to also be permitted on the B.L.-A.S. zoned portion of the land.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 2-14 will take effect on March 3, 2014.

Bill 3-14**Council District(s) All**

Councilmembers Almond & Marks

Zoning Regulations - Signs

Bill 3-14 amends the sign provisions set forth in the Baltimore County Zoning Regulations to prohibit electronic changeable copy signs on National Scenic Byways as designated by the U.S. Department of Transportation.

A National Scenic Byway is a road recognized by the U.S. Department of Transportation for one of the six “intrinsic qualities” (archeological, cultural, historic, natural, recreational, and/or scenic). The National Scenic Byways program was established by Congress in 1991 to preserve and protect the nation’s scenic but often less-traveled roads and to promote tourism and economic development. The Federal Highway Administration administers the National Scenic Byways program.

Baltimore County has one such National Scenic Byway as part of the Maryland Scenic Byways program – the Charles Street National Scenic Byway, which runs through the heart of Baltimore City and north into Baltimore County. It is one of only four National Scenic Byways located in an urban setting. The roughly 12-mile length of Charles Street consists of a nearly unbroken series of local and National Register historic districts, highlighted by the Mount Vernon Place National Historic Landmark District. In Baltimore County to the north, Charles Street has retained its character as a wooded parkway, with limited commercial signage and congestion.

Bill 3-14 will further limit such clutter by prohibiting electronic changeable copy signs on National Scenic Byways in the County.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 3-14 will take effect on March 3, 2014.

Bill 4-14

Council District(s) All

Councilmembers Marks, Quirk & Almond

Prohibition on Smoking at Recreation and Parks Facilities

Bill 4-14 amends the general prohibition on smoking in public places, as set forth in the County Code, with the additional prohibition on smoking in certain outdoor areas of Recreation and Parks facilities.

Over 20 years ago, the County Council passed legislation that addressed smoking in public places and in government buildings. Current County law states that a person may not smoke in a public place or at a public meeting, except in a designated smoking area. The law also provides for certain exceptions where the law does not apply, such as a room or hall when it is used for a private social function, a hotel or motel room, a beauty shop or barbershop, a bar, a restaurant, or a tobacco shop.

However, in 2007, the Maryland General Assembly passed the “Clean Indoor Air Act” and made smoking even more restrictive indoors. It states that a person may not smoke in an indoor area open to the public; an indoor place in which meetings are open to the public; a government-owned or government-operated means of mass transportation including buses, vans, trains, taxicabs, and limousines; or an indoor place of employment. The only exceptions where the law does not apply are private homes and residences unless being used to provide child care, and private vehicles unless being used for public transportation of children; a hotel or motel room where the total percentage of rooms so used does not exceed 25%; a retail tobacco business; a facility of a manufacturer or distributor of tobacco products or of a tobacco leaf dealer where employees work or congregate; or a research or educational laboratory conducting scientific research.

Bill 4-14 takes the County and State restrictions even further by also prohibiting smoking in certain outdoor areas of Recreation and Parks facilities. Specifically, it mandates that a person may not smoke within the general boundary of the outdoor area of playgrounds or tot lots; dog parks; organized games or events at athletic fields sponsored by the Department of Recreation and Parks or a local recreation council; and within 20 feet of a Recreation and Parks building.

Bill 4-14 shall take effect 45 days from the date of its enactment.

FM-1 (Contract)

Council District(s) All

Department of Health and Human Services

Brief Strategic Family Therapy Services

The Administration is requesting approval of a contract with Associated Catholic Charities, Inc. to operate the Brief Strategic Family Therapy (BSFT) program to provide early intervention treatment to the families of children ages 6 to 14 who are in the early stages of exhibiting problem behaviors. The contract commenced November 1, 2013, continues until February 28, 2014, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through June 30, 2014 and will automatically renew for two additional 1-year periods. Compensation for the initial 8-month term may not exceed \$56,910. Compensation for the renewal terms is limited to the amount appropriated for these services. Estimated compensation totals \$170,730 over the entire 2-year and 8-month term, including the renewal periods. See Exhibit A.

Fiscal Summary

Funding Source	Initial Term	Total Compensation	Notes
County	--	--	⁽¹⁾ Maryland Governor's Office for Children. ⁽²⁾ Maximum compensation for the initial 8-month term. ⁽³⁾ Compensation for the renewal periods is limited to the amount appropriated. Estimated compensation over the entire 2-year and 8-month term, including the renewal periods, assuming the FY 2014 cost for each renewal year.
State	\$ 56,910 ⁽¹⁾	\$ 170,730	
Federal	--	--	
Other	--	--	
Total	<u>\$ 56,910⁽²⁾</u>	<u>\$ 170,730⁽³⁾</u>	

Analysis

The BSFT program is an evidence-based family-focused intervention that improves family interaction, treats conduct problems, and reduces delinquency, drug use, and other recognized

youth risk factors. The program is designed to target both the problem behaviors of the youth as well as the way the entire family functions. A therapist works with the families of children ages 6 to 14 to identify negative patterns that contribute to problematic youth behavior. After the patterns are identified, the therapist helps the family change these patterns to encourage positive family interactions. Clients are treated in an office or home setting depending on the families' needs. Program referrals are made by any government agencies, and families may also self-refer. The Department anticipates that the program will serve 70-110 families annually.

The contractor will work with the University of Miami Miller School of Medicine and the Institute for Innovation & Implementation of the University of Maryland School of Social Work for training, supervision, implementation support, and program evaluation. The Department advised that the funding provided by the County will be used for the University of Miami's training and support expenses. The Department further advised that the contractor provides a substantial amount of funding for the program and that the ultimate goal is for the program to operate without financial support from the County.

The contract commenced November 1, 2013, continues until February 28, 2014, and may not exceed \$25,000 unless approved by Council. If approved, the contract will continue through June 30, 2014 and will automatically renew for two additional 1-year periods, on the same terms and conditions, unless the County provides notice of non-renewal. Compensation for the initial 8-month term may not exceed \$56,910. Compensation for the renewal terms is limited to the amount appropriated. Estimated compensation totals \$170,730 over the entire 2-year and 8-month term, including the renewal periods, assuming the FY 2014 cost for each renewal year. The County may terminate the agreement by providing 30 days prior written notice.

The Department advised that as of February 4, 2014, compensation under the contract has not exceeded \$25,000 and no additional costs have been incurred.

The contract was awarded on a sole-source basis because the County has contracted with Associated Catholic Charities, Inc. since 2011 to develop and implement the BSFT program. On May 26, 2011, the Council approved the approximate 2-year and 4-month contract not to exceed \$455,983 with Associated Catholic Charities, Inc. to implement and operate the BSFT program. The Department advised that expenditures under this contract totaled \$233,531.

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...."

BRIEF STRATEGIC FAMILY THERAPY
EXECUTIVE SUMMARY

SUMMARY

Baltimore County Health and Human Services, Local Management Board seeks to enter into an Agreement with Catholic Charities, Inc. to provide Brief Strategic Family Therapy services for Baltimore County children and youth, 6 to 14 years of age, and their families.

Funding is available for these services through a grant to the County from the Maryland Governor's Office for Children.

The initial term of the Agreement is November 1, 2013 through June 30, 2014, with two, 1-year renewal options. It is expected that approximately 70 - 100 families will be served annually.

110

BACKGROUND

Over the past decade, Health and Human Services/Local Management Board has been working to develop a continuum of evidence-based programs (see attachment "Evidence Based Programs") in an effort to reduce youth involvement with the juvenile justice system. In 2011, the Local Management Board, in collaboration with Health and Human Services/Bureau of Behavioral Health, selected Associated Catholic Charities, Inc. to provide Brief Strategic Family Therapy (BSFT) services. This Agreement was awarded through Request for Proposal No. P-055, was opened February 9, 2011, and was approved by County Council on May 26, 2011. The Agreement ended on June 30, 2013.

As per the Agreement with the County, Associated Catholic Charities entered into a contract with the University of Miami's BSFT Institute to provide training and supervision for Associated Catholic Charities throughout the 3-year program development process. Also as per the Agreement with the County, Associated Catholic Charities began working with the University of Maryland School of Social Work which serves as the independent program evaluator for BSFT and other evidence-based practices supported through State funding.

PURPOSE

The LMB has received grant funding from the Maryland Governor's Office for Children to support the ongoing training and supervision element of BSFT that is provided by the University of Miami, the national purveyor of BSFT. It is not feasible to conduct a bid process as the County, the University of Maryland and the University of Miami have been working solely with Associated Catholic Charities for the past 2 years to implement this evidence-based program with full fidelity in Baltimore County.

FISCAL IMPACT

The amount of the Agreement with Associated Catholic Charities, Inc. is \$56,910 for one year with the option to renew for two (2) additional terms pending funding after FY 2014.

Prepared by: Department of Health and Human
Services

FM-2 (Contract Addendum)

Council District(s) All

Department of Public Works

On-Call Architectural Services

The Administration is requesting a second addendum to a contract with Hord Coplan Macht, Inc. to provide additional on-call architectural services. This addendum adds two automatic 1-year renewal periods to the current 7-year term, which commenced January 22, 2008, and increases the maximum compensation by \$2 million, from \$3,999,931 to \$5,999,931, over the entire 9-year term of the contract, including the two additional renewal periods. See Exhibit A.

Fiscal Summary

Funding Source	Contract Addendum	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 2,000,000	\$ 3,999,931	\$ 5,999,931
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 2,000,000</u>	<u>\$ 3,999,931</u>	<u>\$ 5,999,931</u> ⁽²⁾

⁽¹⁾ Capital Projects Fund.

⁽²⁾ Maximum compensation for the entire 9-year term of the contract, including seven 1-year renewal periods.

Analysis

The contractor will provide additional on-call architectural services for current open projects throughout Baltimore County, including the Robert E. Lee Park Natural Play Area and the replacement of the Eastern Family Resource Center. Services include providing consultations, reports, feasibility studies, sketches, renderings, schematic design, contract documents, cost estimates, construction administration, and other assistance.

On January 22, 2008, the Council approved the original 4-year agreement totaling \$1,999,931. On November 16, 2009, the Council approved the first addendum which increased the maximum compensation of the contract by \$2 million to \$3,999,931, and added three automatic 1-year renewal periods, extending the term through January 21, 2015. The proposed second addendum increases the maximum compensation of the contract by \$2 million to \$5,999,931, and adds two automatic 1-year renewal periods, extending the term to January 21, 2017 unless the County provides notice of non-renewal. The addendum also incorporates the contractor's supplemental proposal for the additional work and revised MBE/WBE forms and insurance certificates into the contract. All other terms and conditions remain the same.

The Department advised that as of January 6, 2014, expenditures and encumbrances for this contract totaled \$2,133,420.

Services will be performed at the architect's cost plus profit. Profit is limited to 10% of the combined total of direct labor costs plus overhead and payroll burden. Hourly rates and percentages for overhead, payroll burden, and profit are within established County limits. The additional funding for this contract will not be encumbered at this time. Rather, contract costs will be charged to specific project tasks as they are assigned. The County may terminate the agreement by providing 30 days prior written notice.

The Professional Services Selection Committee (PSSC) selected the contractor on April 7, 2006 from 23 responsive contractors based on experience and qualifications.

The Department advised that two other contractors are currently providing similar on-call architectural services as follows:

Contractor	Council Approval Date	Contract Total	Expenditures/ Encumbrances as of January 6, 2014	Balance	Contract Expiration Date
Sanders Designs	10/3/2006	\$ 2,000,000			
	7/7/2008	2,000,000			
		<u>4,000,000</u>	\$ 3,176,016	\$ 823,984	10/2/2014
Rubeling and Associates, Inc.	10/3/2006	2,000,000			
	3/16/2009	3,000,000			
	9/7/2010	2,000,000			
	2/3/2014	1,000,000			
		<u>8,000,000</u>	6,627,604	1,372,396	Open-ended
Total		<u>\$12,000,000</u>	<u>\$ 9,803,620</u>	<u>\$ 2,196,380</u>	

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

Executive Summary Sheet On-Call Architectural Service Agreement

THE PROJECT SCOPE

Hord Coplan Macht, Inc. was selected by the Professional Services Selection Committee on April 7, 2006 to furnish professional architectural and engineering services to provide consultation, reports, feasibility studies, sketches, renderings, schematic design, design development, contract documents, cost estimates, construction administration, and other assistance on various projects on County Buildings. Funding for this agreement needs to be increased for future tasks to be assigned. The total original funding of \$1,999,931.00 was not initially encumbered under this contract but will be established for each assigned task.

THE CONSULTANT

The Professional Services Selection Committee selected the Consultant, Hord Coplan Macht, Inc. on April 7, 2006.

THE AGREEMENT

Scope:

Provide on-call architectural services for consultant reports, feasibility studies, sketches, schematic design, design development, construction documents, cost estimates, construction administration, and other assistance on various projects in County Buildings.

	<u>Original Agreement</u>	
Upset Limit	\$1,999,931.00	
	<u>First Addendum</u>	<u>Total Agreement</u>
Upset Limit	\$2,000,000.00	\$3,999,931.00

THIS ADDENDUM

Scope:

Provide on-call architectural services on an as-required basis.

	<u>This Addendum</u>	<u>Total Agreement</u>
Upset Limit	\$2,000,000.00	\$5,999,931.00

Prepared by: Department of Public Works

FM-3 (Contract)

Council District(s) All

Department of Public Works

Provide Scrap Tire Hauling and Recycling Services

The Administration is requesting approval of a contract with Auston Contracting, Inc. to provide scrap tire hauling and recycling services for the Department’s Bureau of Highways & Equipment Maintenance. The contract commenced January 1, 2014, continues until February 18, 2014, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through December 31, 2014 and will automatically renew for four additional 1-year periods with an option to further extend the initial term or any renewal term for an additional 90 days. Compensation is limited to the amount appropriated for these services. Estimated compensation totals \$25,000 for the initial 1-year term and \$125,000 over the entire 5-year and 3-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Initial Term	Total Compensation	Notes
County ⁽¹⁾	\$ 25,000	\$ 125,000	⁽¹⁾ General Fund Operating Budget.
State	--	--	⁽²⁾ Estimated compensation for the initial 1-year term. The contract does not specify a maximum compensation amount for the initial 1-year term. Compensation may not exceed the amount appropriated.
Federal	--	--	
Other	--	--	
Total	<u>\$ 25,000</u> ⁽²⁾	<u>\$ 125,000</u> ⁽³⁾	⁽³⁾ Estimated compensation for the entire 5-year and 3-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated.

Analysis

The contractor will provide as-needed scrap tire hauling and recycling services for the Department’s Equipment Operations Maintenance (EOM) and Highway shops, to possibly include tires collected from illegal tire dumps or other sources. The contractor will provide 30

cubic-yard containers for the collection of scrap tires at five different locations, including one at the EOM Glen Arm facility and four at designated Highway shops throughout the County in order to maximize pickup efficiencies. The four Highway shops are: Shop #2 – 7224 Windsor Mill Road; Shop #42 – 20046 Middletown Road; Shop #8 – 14 Emala Avenue; and Shop #9 – 1535 Sparrows Point Boulevard. Contractor compensation is based on tonnage hauled at the unit price of \$125/ton for oversized and on- and off-rim scrap tires. The contractor must have every load weighed at a certified scale.

The contract commenced January 1, 2014, continues until February 18, 2014, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through December 31, 2014 and will automatically renew for four additional 1-year periods with an option to further extend the initial term or any renewal term for an additional 90 days, on the same terms and conditions, unless the County provides notice of non-renewal. Compensation is limited to the amount appropriated for these services. Estimated compensation totals \$25,000 for the initial 1-year term and \$125,000 over the entire 5-year and 3-month term, including the renewal and extension periods.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in the unit price in accordance with the Consumer Price Index – All Urban Consumers – United States Average – All Items (CPI-U), as published by the United States Department of Labor, Bureau of Labor Statistics at the time of the request, or up to a maximum 5% increase on the current pricing, whichever is lower. The County may terminate the agreement by providing 30 days prior written notice.

The Department advised that services incurred under the contract as of February 6, 2014 total \$635. The contract was awarded through a competitive procurement process based on the lowest responsive bid from four bids received, of which only 2 bids were considered responsive.

The Purchasing Division advised that Remac America, Inc. previously provided scrap tire hauling and recycling services; expenditures paid to the contractor totaled \$42,485 in FY 2012, \$23,813 in FY 2013, and \$11,163 in FY 2014 through December 31, 2013.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

FM-4 (Contract)

Council District(s) 6

Department of Permits, Approvals and Inspections

Acquisition of Land – 3102 California Avenue

The Administration is requesting approval of a contract to acquire property totaling 0.496 acre for \$32,000 for the construction of a T-turnaround at the end of Arizona Avenue in Parkville. The turnaround is necessary so that large vehicles can turn around to exit the dead-end street, rather than backing out of the street. Anne C. Lang currently owns the property, which is located at 3102 California Avenue and is zoned DR-5.5 (Density Residential - 5.5 dwelling units/acre). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County	\$ 32,000 (1)	(1) Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	\$ 32,000	

Analysis

Robert W. Kline, staff appraiser, completed an appraisal of the property in July 2013, recommending a value of \$32,000. After review and analysis, S. David Nantz, review appraiser, concurred with the appraisal, recommending the respective amount as just compensation for the acquisition. The Department of Permits, Approvals and Inspections – Real Estate Compliance Division advised that the property owner accepted the County's offer.

The 0.496-acre property to be acquired is part of a 0.82-acre parcel that is residentially improved with a detached one-story single family dwelling and detached accessory structures. This acquisition will enable the construction of a T-turnaround at the end of Arizona Avenue for use by trash haulers and other large vehicles (e.g., fire trucks and ambulances) and provide access to a stormwater management pond to be constructed by the County on a portion of the Lang property to collect stormwater runoff associated with the additional impervious surface.

The Department advised that two acquisitions are needed for this project, both of which require Council approval. This acquisition is the first to be considered for Council approval.

Estimated project costs for the improvement to Arizona Avenue total \$400,000, including \$200,000 for construction. As of January 30, 2014, \$161,462 has been expended/encumbered for this project, excluding the cost of this acquisition. The Department advised that construction is expected to begin in June 2014 and to be completed in August 2014.

County Charter, Section 715, requires Council approval of real property acquisitions where the purchase price exceeds \$5,000.

EXECUTIVE SUMMARY

PROGRAM TITLE:	Arizona Avenue
PROJECT NO.:	205-0002-0897
FISCAL MATTER:	Contract of Sale
PROPERTY OWNERS:	Anne C. Lang
PROPERTY INTEREST TO BE ACQUIRED:	Fee Taking Area 0.4958 acre (21,596 sq. ft.) +/-
LOCATION:	3102 California Avenue Baltimore, Maryland 21234
CONSIDERATION	\$32,000.00
PURPOSE OF PROJECT:	To add a T-turnaround at the end of Arizona Avenue
LIMITS OF PROJECT:	To improve the roadway from 3052 Arizona Avenue to the end of the road where the T-turnaround will be installed.

Prepared By: Department of Permits, Approvals &
Inspections

FM-5 (Contract)

Council District(s) 4

Department of Permits, Approvals and Inspections

Acquisition of Land - 9631 Liberty Road

The Administration is requesting approval of a contract to acquire property totaling 0.55 acre for \$57,500 for the widening and extension of Owings Mills Boulevard south, from Winands Road to Liberty Road. Deer Park MZL, LLC currently owns the property, which is located at 9631 Liberty Road in Randallstown. The property is zoned MLR (Manufacturing Light Restricted) and DR-3.5 (Density Residential - 3.5 dwelling units/acre) and will be used for highway right-of-way and temporary construction areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County	\$ 57,500 ⁽¹⁾	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	\$ 57,500	

Analysis

Robert W. Kline, staff appraiser, completed an appraisal of the property in September 2012, recommending a value of \$32,690. After review and analysis, S. David Nantz, review appraiser, concurred with the appraisal, recommending the respective amount as just compensation for the acquisition. The Department of Permits, Approvals and Inspections – Real Estate Compliance Division advised that the property owner submitted a detailed counteroffer and, as a result of negotiations, a settlement was reached at \$57,500 (including compensation for a parking space that will be lost permanently, and tenant concessions during the period of construction).

The 0.55-acre property to be acquired is part of a 23.12-acre parcel that is improved with four detached, single-story, light-industrial, multi-tenant buildings known as “Deer Park Business Center.”

The Department advised that 14 acquisitions are needed for this project, 10 of which require Council approval. As of February 3, 2014, the Council has approved five property acquisitions and two petitions for condemnation for this project.

The widening of Owings Mills Boulevard consists of two phases. Phase I is from Lyons Mill Road to Winands Road; Phase II is from Winands Road to Liberty Road. Phase I was completed in August 2012 at a cost of \$14 million. Estimated project costs for Phase II total \$17 million, including \$15 million for construction. As of January 30, 2014, \$16,060,745 has been expended/encumbered for this project, excluding the cost of this acquisition. The Department advised that construction commenced in July 2013 and is expected to be completed by summer 2015.

County Charter, Section 715, requires Council approval of real property acquisitions where the purchase price exceeds \$5,000.

EXECUTIVE SUMMARY

PROGRAM TITLE: Owings Mills Boulevard

PROJECT NO.: 205-0303-0384

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Deer Park MZL, LLC.

PROPERTY INTEREST TO BE ACQUIRED: Highway Right of Way containing 0.218 acre (9,488 sq. ft.) +/-
Temporary Construction area containing 0.332 acre (14,452 sq. ft.) +/-

LOCATION: 9631 Liberty Road
Randallstown, Maryland 21133

CONSIDERATION \$57,500.00

PURPOSE OF PROJECT: To acquire a portion of a parcel of land and the necessary easement for the widening and extension of Owings Mills Boulevard. Phase II, extending Owings Mills Boulevard south to Liberty Road. This particular property is a commercial/retail complex with several tenants. Access and usability will be impacted during the period of construction.

LIMITS OF PROJECT: PHASE I – Lyons Mill Road to Winands Road
PHASE II – Windands Road to Liberty Road

Prepared By: Department of Permits, Approvals &
Inspections

MB-1 (Res. 11-14)

Council District(s) 3

Mrs. Bevins (By Req.)

Department of Environmental Protection and Sustainability

Approval of County Contribution –
Maryland Agricultural Land Preservation Foundation

The Administration is requesting approval to provide \$1,044,801 of County matching funds to the State for the purchase of two development rights easements totaling 213.06 acres under the Maryland Agricultural Land Preservation Program for FY 2013 and FY 2014. The State will purchase the two easements for \$2,040,525. The properties are located within Agricultural Preservation Priority Areas in the County. See Exhibits A and B.

Fiscal Summary

Funding Source	Combined Purchase Price	Notes
County ⁽¹⁾	\$ 1,044,801	⁽¹⁾ Capital Projects Fund. ⁽²⁾ Maryland Agricultural Land Preservation Program. ⁽³⁾ Total of State-approved purchase prices.
State ⁽²⁾	995,724	
Federal	--	
Other	--	
Total	<u>\$ 2,040,525</u> ⁽³⁾	

Analysis

On October 15, 2012 (Resolution 73-12), the Council approved 12 recommended easement applications to be submitted to the State for further purchase consideration. The Department of Environmental Protection and Sustainability and the Baltimore County Agricultural Land Preservation Advisory Board ranked the 12 properties based on an analysis of the benefits per

acre (including soil analysis) and costs per acre. The Department advised that the State has made offers on 7 of the 12 recommended properties; Resolution 105-13 approved provision of \$636,184 in County matching funds for 5 of the 7 properties (for a total purchase price of \$2,471,799), and Resolution 11-14 approves provision of \$1,044,801 in County matching funds for the other 2 properties (for a total purchase price of \$2,040,525). The two easements to be purchased, the related acreages, and the County's share of the purchase prices are as follows:

Property Owner	Acres	County Share of Easement Cost	Total Easement Cost	Council District
Morris, Robert	33.77	\$ 99,046	\$ 247,615	3
McGinnis, John W., et al.	179.29	945,755	1,792,910	3
Total	<u>213.06</u>	<u>\$ 1,044,801</u>	<u>\$ 2,040,525</u>	

The Department further advised that it expects the State to make offers on 3 more of the 12 recommended properties, leaving only 2 properties without offers; however, additional details on the future offers are not available at this time.

The State relies on general allotment and/or matching fund sources to purchase easements under the Maryland Agricultural Land Preservation Program. General allotment fund purchases do not require a county contribution; matching fund purchases require a county to contribute at least 40% of the amount not funded by the general allotment fund. The Department advised that the State funding for the two purchases proposed by Resolution 11-14 will include both general allotment and matching funds. The Department further advised that County matching funds may be financed by general funds (PAYGO) and/or general obligation bonds. Both of these properties are located within Agricultural Preservation Priority Areas in the County.

Approval of these purchases will add 213.06 acres to the 22,993 acres of farmland preserved through the Maryland Agricultural Land Preservation Program in Baltimore County. The Department advised that the total amount of land in the County preserved through all preservation programs as of January 27, 2014 is 62,187 acres; the County's goal is 80,000 acres.

The Annotated Code of Maryland, Agriculture Article (Title 2, Subtitle 5), and the Baltimore County Code, Article 24, Land Preservation (Titles 2 and 3) require Council approval of development rights easements to be purchased under the Maryland Agricultural Land Preservation Program.

**BALTIMORE COUNTY, MARYLAND
ENVIRONMENTAL PROTECTION & SUSTAINABILITY**

Vincent J. Gardina, Director
Resolution to Approve Agricultural Land Preservation Easements
Executive Summary
December 17, 2013

This resolution is to approve the County's contribution towards the purchase of two State agricultural easements protecting 213.06 acres through the Maryland Agricultural Land Preservation Foundation FY 13/14 easement cycle. The total cost of these two easements is \$2,040,525.11 of which the County share is \$1,044,800.87.

These two farms like the five recently approved in County Council Resolution 105-13 applied in July 2012 to sell an easement through the FY 13/14 Maryland Agricultural Land Preservation Foundation Cycle. The farms were ranked by the Baltimore County Agricultural Land Preservation Advisory Board, reviewed by the Department of Environmental Protection and Sustainability, and approved by County Council Resolution 73-12. The State appraised the applications and extended offers in the order of the ranking to the extent of the state and county funding.

The funding of the program includes an initial 100% State share followed by a match of 60% State to 40% County until the available funds are exhausted or the matching limit met. In this Cycle, the Administration has proposed allocating an additional \$380,985.00 over the County match to utilize the \$847,155.17 in state funding for the next ranked farm (McGinnis).

The Maryland Agricultural Land Preservation Foundation Easement Program is an integral part of the County's preservation strategy with its emphasis on protecting highly productive farmland to foster the farming industry in the State. There are 214 farms covering 22,993 acres of farmland in Baltimore County that are currently preserved through this program.

Name: Morris, Robert
Address: Freeland Road, Map 6, Parcel 353
Acreage 33.77 acres
Farm Ownership/Operation: Woodland and leased cropland
Within an APA: Yes
Within a Rural Legacy Area: No

Name: McGinnis, John W., Mary C. & John, M.
Address: 19220 Graystone Road
Acreage: 179.29 acres
Farm Ownership/Operation: Owner operated. Multi-farm Headquarters for corn, soy, cow/calf operation
Within APA: Yes
Within a Rural Legacy Area: Gunpowder, Manor Rural Legacy Areas and portions outside Legacy Areas.

Prepared by: Department of Environmental
Protection and Sustainability

Maryland Agricultural Land Preservation Program
FY 13 & 14 MALPF Easement Cycle Acquisitions

