

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

*Issued: May 8, 2014
Work Session: May 13, 2014
Legislative Day No. 10: May 22, 2014*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

May 22, 2014

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2012, LEGISLATIVE DAY NO. 10
MAY 22, 2014 10:00 A.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 22-14 - Mr. Olszewski - Manufacturing, Light (M.L.) Zone Use Regulations

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

2 Bill 25-14 - Mrs. Bevins(By Req.) - Employees Retirement System - Contributions - Pay Schedule IV

APPROVAL OF FISCAL MATTERS/CONTRACTS

ED ADAMS , DIRECTOR, DEPARTMENT OF PUBLIC WORKS

3 1. Contract Amendments - (4) - Continuation of Civil Engineering Services - On-call, as-needed basis - Public Works

VINCE GARDINA, DIRECTOR, DEPT. OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

7 2. Contracts - (2) - Marine Services - Waterways - Marine debris, storm debris and derelict/abandoned boats-DEPS

AMY GROSSI, REAL ESTATE COMPLIANCE

* 3. Contract of Sale - State of MD - Dept. of Health and Mental Hygiene - Spring Grove Hamilton Building Site - Real Estate Compliance

MISCELLANEOUS BUSINESS

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

9 3. Res. 43-14 - Mrs. Bevins(By Req.) - Accept a gift - MD Dept. Of Public Safety & Correctional Services – 911 Center - Training Software Upgrade

COUNCIL

12 1. Res. 40-14 - Mr. Marks - Review of PUD - DMS Development, LLC - 101 York

15 2. Res. 44-14 - Mr. Marks - Amendment to the Honeygo Plan

FRONDA COHEN, OFFICE OF COMMUNICATIONS

20 4. Grant - Mrs. Bevins(By Req.) - Dundalk Renaissance Corporation - Wall Mural - War of 1812 - Battle of North Point

* See addendum

Bill 22-14**Council District(s) All**

Mr. Olszewski

Manufacturing, Light (M.L.) Zone Use Regulations

Bill 22-14 amends the Zoning Regulations with regard to the uses permitted in the M.L. (Manufacturing, Light) Zone.

Currently, the M.L. Zone lists several categories of uses that are permitted by right. These categories include (A) industrial uses; (B) transportation, storage or quasi-public uses or utilities; and (C) auxiliary retail, service, or semi-industrial uses, provided the latter uses are located in a planned industrial park at least 25 acres in net area or in an I.M. (Industrial, Major) district.

Bill 22-14 adds to the category of auxiliary retail, service, or semi-industrial uses. In addition to a location in an industrial park at least 25 acres in net area or in an I.M. district, the bill would also permit this category of uses where located in a combination of an A.S. (Automotive Services) and I.M. district. Finally, the bill would add a "Service Garage" to the list of uses permitted by right in this category of uses, provided the land is assigned with a combination of an A.S. and I.M. district.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 22-14 will take effect on June 4, 2014.

Bill 25-14

Council District(s) All

Mrs. Bevins (By Req.)

Office of Budget and Finance

Employees Retirement System – Contributions – Pay Schedule IV

Bill 25-14 provides for the retirement contribution of certain members of the Police Department.

Section 5-1-203 of the County Code sets out the retirement contribution of all County employees. Effective July 1, 2014, sworn members of the Police Department on Pay Schedule IV who are hired on or after that date will contribute to the pension system at the rate of 10% of earnable compensation.

This rate was agreed to in the bargaining process.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 25-14 will take effect July 1, 2014.

FM-1 (4 Contract Amendments)

Council District(s) All

Department of Public Works

Continuation of Civil Engineering Services – On-Call, As-Needed Basis

The Administration is requesting amendments to four contracts to provide additional on-call civil engineering and highway design services to reduce impervious areas at County facilities as-needed. The four contractors are: Brudis and Associates, Inc.; Whitney, Bailey, Cox and Magnani, LLC; Century Engineering, Inc.; and McCormick Taylor, Inc. The amendments increase the maximum compensation for each contract by \$1.0 million, from \$1.0 million to \$2.0 million, for a combined amended maximum compensation of \$8.0 million over the 4-year term, including the renewal periods. Three contracts commenced in September and one in November 2012.

Fiscal Summary

Funding Source	Combined Contract Amendments	Current Combined Maximum Compensation	Combined Amended Maximum Compensation
County ⁽¹⁾	\$ 4,000,000	\$ 4,000,000	\$ 8,000,000
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 4,000,000</u> ⁽²⁾	<u>\$ 4,000,000</u>	<u>\$ 8,000,000</u> ⁽³⁾

⁽¹⁾ Capital Projects Fund.

⁽²⁾ Additional compensation for the four contractors combined (\$1.0 million each) for the entire 4-year term, including the renewal periods.

⁽³⁾ Maximum compensation for the four contractors combined (\$2.0 million each) for the entire 4-year term, including the renewal periods.

Analysis

The contractors provide on-call civil engineering services (e.g., highway, landscape, storm drain, water, sewer, structural, traffic engineering, and civil site design) for various types of public projects throughout Baltimore County. These services include the preparation of reports, studies, and design/construction documents, as well as providing other assistance as requested on various projects.

The State required local municipalities that are subject to a National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Separate Storm Sewer System (MS4) Permit to pass legislation to help clean up the Chesapeake Bay. This permit stipulates that the County treat stormwater runoff from 20% of its untreated impervious surfaces. The Council passed legislation (Bill 20-13) to provide resources (Stormwater Remediation Fee) to help cover the County's costs to accomplish that task. As a result, the County initiated several projects to reduce pollutants entering the Bay. These include roadway sweeping, inlet cleaning, stream restoration, storm drain outfall repair, and reducing impervious areas at County facilities. The Department advised that in order to reduce impervious areas in a timely fashion and with County agencies under-staffed, the compensation limits on these four on-call civil engineering contracts need to be increased.

The Council approved the original 4-year contracts, each with total compensation not to exceed \$1.0 million over the entire term including renewals, as follows: Brudis & Associates, Inc. and Whitney, Bailey, Cox & Magnani, LLC on September 4, 2012; Century Engineering, Inc. on September 17, 2012; and McCormick Taylor, Inc. on November 5, 2012. The amendments increase the maximum compensation for each contract by \$1.0 million, from \$1.0 million to \$2.0 million, over each contract 4-year term. The amendments also incorporate the contractors' supplemental proposal for the additional work including renewals, revised insurance certificates, and revised MBE/WBE forms for each contract. All other terms and conditions remain unchanged. The Department advised that as of May 2, 2014, expenditures and encumbrances for each contract totaled \$995,268, \$973,676, \$868,581, and \$926,963, respectively, or \$3,764,488 for the four contracts combined. The County may terminate the agreements by providing 30 days prior written notice. Funding for each contract will not be encumbered until specific projects are assigned.

Services are performed at the engineers' 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 contracts stipulate that should work be performed under the September 20, 2005 consent decree, each contractor shall be liable for payment of penalties charged to the County for failure by the contractor to meet or achieve deadlines or requirements. The damages payable are dependent upon the type of project and the length of delay in completing the project. The Department advised that it has not been necessary to utilize these contractors for consent decree projects; however, it decided to build flexibility into the contracts should the need arise.

The Department advised that it currently utilizes five on-call contractors to perform similar civil engineering services as follows:

Contractor	Council Approval Date ⁽¹⁾	Contract Total	Expenditures/ Encumbrances as of April 29, 2014	Balance
Dewberry & Davis, LLC	5/15/06	\$ 2,000,000	\$ 1,971,011	\$ 28,989
Brudis & Associates, LLC	5/15/06	2,000,000	1,706,424	293,576
Century Engineering, Inc.	5/15/06	2,000,000	1,868,581	131,419
Whitney, Bailey, Cox and Magnani, LLC	5/15/06	2,000,000	1,826,200	173,800
KCI Technologies, Inc.	6/05/06 4/19/10	3,000,000 ⁽²⁾	2,175,302	824,698
Total		<u>\$11,000,000</u>	<u>\$ 9,547,518</u>	<u>\$1,452,482</u>

⁽¹⁾ The contracts expire when their respective ongoing projects are complete.

⁽²⁾ Original contract approved on June 5, 2006 with a maximum compensation of \$2.0 million; amendment approved by Council on April 19, 2010 increased maximum compensation by \$1.0 million, to \$3.0 million. In addition, the Department advised that the Administrative Officer approved a second addendum to the contract, effective April 13, 2013, to extend the term until the Cross Road project is complete.

On March 5, 2012, the Professional Services Selection Committee (PSSC) selected the four engineering firms to perform on-call civil engineering services from 24 submittals based on qualifications.

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-2 (2 Contracts)

Council District(s) All

Department of Environmental Protection and Sustainability

Marine Debris, Storm Debris and Derelict/Abandoned Boats

The Administration is requesting approval of two contracts to remove and dispose of derelict boats and marine debris from the County’s waterways as needed. The two contractors are Gonce Enterprises, Inc. and T. Allen Marine, LLC. The contracts commence upon Council approval, continue for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 90 days. The contracts do not specify a maximum compensation for the initial 1-year term. Compensation for both contractors combined may not exceed \$576,563 over the entire 5-year and 3-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Combined Maximum Compensation	Notes
County	--	⁽¹⁾ Maryland Department of Natural Resources funds. ⁽²⁾ Maximum compensation for both contractors combined for the entire 5-year and 3-month term, including the renewal and extension periods. The contracts do not specify a maximum compensation for the initial 1-year term.
State⁽¹⁾	\$ 576,563	
Federal	--	
Other	--	
Total	<u>\$ 576,563</u> ⁽²⁾	

Analysis

The contractors will provide derelict or abandoned boat removal as well as marine debris removal, including, but not limited to storm debris. The contractors will provide all labor, materials, supervision, equipment, services, incidentals and related items as needed. Both contractors will serve as primary contractors with the intention of the County to issue work

equally; however, the assignment of work will be at the County's sole discretion. Hourly rates range from \$65 (certified diver) to \$300 (barge).

The contracts commence upon Council approval, continue for 1 year, and will automatically renew for four additional 1-year periods unless the County provides notice of non-renewal. The County may extend the agreements at the end of the initial term or any renewal term for an additional 90 days, on the same terms and conditions. The contracts do not specify a maximum compensation for the initial 1-year term. Compensation for both contractors combined may not exceed \$576,563 over the entire 5-year and 3-month term, including the renewal and extension periods. This maximum compensation includes an additional 25% for contingencies in the event of storm emergencies that require the County's waterways to be cleared.

Prior to the commencement of each renewal period, the County may entertain a request for an escalation in unit prices 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 agreements by providing 30 days prior written notice.

The two contracts were awarded through a competitive procurement process based on the two lowest bids from four bids received.

On July 6, 2009, the Council approved two similar 5-year contracts not to exceed a combined maximum compensation of \$982,100 with T. Allen Marine, LLC and Marine Technologies, Inc. The contracts expired on March 14, 2014. The Department advised that expenditures under these contracts totaled \$437,053. The Department further advised that no marine services have been provided since the previous contracts expired.

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....”

MB-3 (Res. 43-14) Donation**Council District(s) All**

Mrs. Bevins (By Req.)

Office of Budget and Finance

**Maryland Department of Public Safety and Correctional Services –
Training Software Upgrade**

Resolution 43-14 authorizes the County to accept a monetary donation of up to \$25,576 from the Maryland Department of Public Safety and Correctional Services, Emergency Number Systems Board (ENSB) for the County's Emergency Communications Center (9-1-1 Center). The funds will be used for an upgrade to the County's 9-1-1 training software. The Office advised that the software will provide an enhanced learning experience for 9-1-1 Center trainees by mimicking live emergency and non-emergency calls in a classroom setting. Instructors will also be able to remotely monitor multiple trainees simultaneously. The intent of the software upgrade is to provide a more realistic training experience for the trainees and shorten the length of time required in the training program. See Exhibit A.

The Office advised that the total estimated cost of the software upgrade is \$115,059. The Office further advised that the County will be responsible for additional annual maintenance and support costs following the software upgrade; these costs are estimated to total \$59,700 over a 6-year period.

This donation is contingent upon the availability of funds in the State's 9-1-1 Trust Fund, which is financed by a state fee assessed on individual telephone bills, currently \$0.25 per subscriber per month. Further, the County is required to award a contract to the vendor by June 16, 2014 and is required to complete the training software upgrade by December 16, 2014. The Office advised that it expects the County to award a contract for the software upgrade by June 2014 and that the software upgrade will be completed by October 2014. The Office further advised that the ENSB will pay the selected software vendor directly.

Resolution 43-14 shall take effect from the date of its passage by the County Council.

Executive Summary

This Resolution authorizes Baltimore County to accept a gift of money from the State of Maryland Department of Public Safety and Correctional Services, Emergency Number Systems Board (ENSB). The total donation is up to \$25,576.00, and the funding is contingent upon funds being available from the State of Maryland 9-1-1 Trust Fund (see ~~attached ENSB Letter for Project # 13-143, Training Software Upgrade~~). Baltimore County's treasury will not receive the funds. Instead, the State of Maryland will make payments on behalf of the County directly to the selected software contractor(s).

These funds have been provided for a 9-1-1 training software upgrade, for use by the 9-1-1 Center's Training section. The training software that is under consideration is a proprietary, licensed software module developed by MicroAutomation, Inc., that integrates with the MicroAutomation 9-1-1 telephone system software which operates on the 9-1-1 Center's phone system hardware. Included in the 9-1-1 training software purchase are integral services items such as installation/configuration, staff training and software support/maintenance.

The 9-1-1 training software will be used by the 9-1-1 training staff to identify Automatic Location Identification (ALI) records that can be inputted into simulated 9-1-1 emergency calls to more closely mimic live 9-1-1 calls. This training module will provide more realistic training calls for the 9-1-1 trainees, so that they can fully understand the 9-1-1 call-taking process, prior to the 9-1-1 trainees moving to the 9-1-1 operations area for the final phases of live call-taker training.

Another added benefit of the training software is that it will allow a 9-1-1 trainer to closely monitor the 9-1-1 trainees' actions for the simulated calls from a remote workstation, making it possible to monitor multiple trainees simultaneously.

The funding from the ENSB represents a portion of the total cost for the 9-1-1 training software. The estimated costs for the software upgrade are as follows:

Training Software (includes software licensing; installation/ configuration; staff training; vendor travel & living expenses; change orders/enhancements)	\$115,059
Software support/maintenance cost (6-years of support)	<u>\$59,700</u>
Total Cost (estimated)	\$174,759

Total funding for this software project is estimated to be available from the following sources:

State of Maryland 9-1-1 Trust Fund (ENSB Project # 13-143)	\$25,576
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Baltimore County Equipment Financing Program (2008 Equipment Financing Package)	\$80,000
Baltimore County 9-1-1 Center Operating Budget (estimated expenses for 6 fiscal years)	<u>\$69,183</u>
Total Project Funding (estimated)	\$174,759

Any County contract(s) that are issued, which include the expenditure of funds provided by the State of Maryland 9-1-1 Trust Fund, will stipulate that payments can be made directly by the State of Maryland Department of Public Safety and Correctional Services, Emergency Number Systems Board (ENSB), to the contractor(s). It is anticipated that the contract(s) for the 9-1-1 training software will be issued by the end of June 2014, with the software in operational use in the 9-1-1 Training section by October 2014.

MB-1 (Res. 40-14)**Council District(s) 5**

Mr. Marks

Review of PUD – DMS Development, LLC – 101 York

Resolution 40-14 approves the review of a proposed Planned Unit Development (PUD) in the 5th Councilmanic District.

Bill 5-10 substantially revised the process for the review and approval of a Planned Unit Development. However, the first step in the process was not changed. As the first step in the review process, an application for a PUD must be submitted to the Council member in whose district the PUD is proposed to be located.

Bill 36-11 further amended the PUD process to require that, after submission of the PUD application to the Council member, the applicant must hold a post-submission community meeting. The applicant must give 3 weeks' notice of the meeting and post the property. Similar to a Community Input Meeting (CIM), notice must be mailed to adjoining property owners and community associations that represent the area; the applicant must provide information about the plan, allow questions and comments; maintain a record and compile minutes; and forward the minutes to the Council member and to the Department of Permits, Approvals and Inspections (PAI). Community residents and organizations may provide written comment to the Council member. The Council member may require the applicant to hold another post-submission meeting.

The applicant must also send copies of the PUD application to PAI; PAI must then transmit copies to the appropriate review agencies, and these agencies must provide a preliminary written evaluation of the PUD proposal to the Council member. The minutes of the post-submission community meeting and the preliminary written evaluations by reviewing County agencies are posted on the County's citizen access Online Services website.

Once these procedures are completed to the satisfaction of the Council member, and if the Council finds that the proposed site is eligible for review, the Council, by adoption of a resolution, may approve the continued review of the PUD, subject to additional advertising and posting requirements. The adopting resolution is introduced only after all of the steps required by Bill 36-11 have been concluded.

In this case, an application was filed on October 7, 2013 by DMS Development, LLC for approval of a 2.74-acre site located on York Road, south of Downtown Towson and just north of Burke Avenue, to be developed as a general development PUD to be known as "101 York."

The applicant proposes to redevelop the property with a mixed residential (dormitory) and commercial project containing 611 beds, 495 parking spaces, and approximately 10,000 square feet of commercial space, and provides for two means of access – one via York Road and one via an easement to Burke Avenue.

The applicant proposes several statutorily required community benefits, including a land use benefit via the use of a higher quality architectural design and higher quality building materials; a capital improvement benefit in the form of a \$55,000 financial contribution to benefit nearby County-owned facilities and properties as follows: \$10,000 to Southland Hills for improvement of the publicly owned mini-park; \$25,000 in and around the Burkleigh Square community; and \$20,000 for improvements to Towson Manor Village; moreover, any local open space waiver funding shall be directed to the improvement of recreation and parks facilities within a 1-mile radius of the project, with the advice of the Towson Recreation Council; and a public policy benefit by promoting economic development opportunities via the location of the proposed PUD within the Towson Commercial Revitalization District.

The applicant proposes these additional upgrades:

1. Installation of bicycle racks to provide parking for a minimum of 100 bicycles on the property; the bicycle racks may be allocated between the residential and commercial aspects of the project, but the commercial complex shall comply with the requirements for bicycle parking contained in the Zoning Regulations;

2. Construction of a dedicated lane along the York Road side of the PUD area, as well as a roofed shelter with seating for a minimum of six individuals on the York Road side of the PUD area, to accommodate a future 40-foot Towson Circulator stop, along with signage that identifies the Circulator stop;
3. Reservation and designation of a minimum of at least two dedicated parking spaces for a car-sharing program;
4. Improved street presence and plantings to enhance Downtown Towson's tree canopy along major corridors, including trees planted along York Road with spacing similar to Downtown Towson and planted in a brick base and in such a manner and with a certain type so as not to destroy sidewalks;
5. The applicant shall make good faith efforts to procure a long-term agreement with a nearby public or private parking garage or facility to provide overflow parking for residents, visitors, and guests; and
6. No hookah lounges, bail bondsman businesses, or tattoo parlors shall be permitted.

In addition, the resolution strongly recommends that the applicant hire a reputable and highly competent management company for the complex – one that will work with Towson University and mandate strong standards of behavior among its student residents and visitors at the complex, in order to foster amicable relations with the surrounding residential neighborhoods.

Resolution 40-14 will be forwarded to the Department of Planning and PAI.

MB-2 (Res. 44-14)**Council District(s) 5**

Mr. Marks

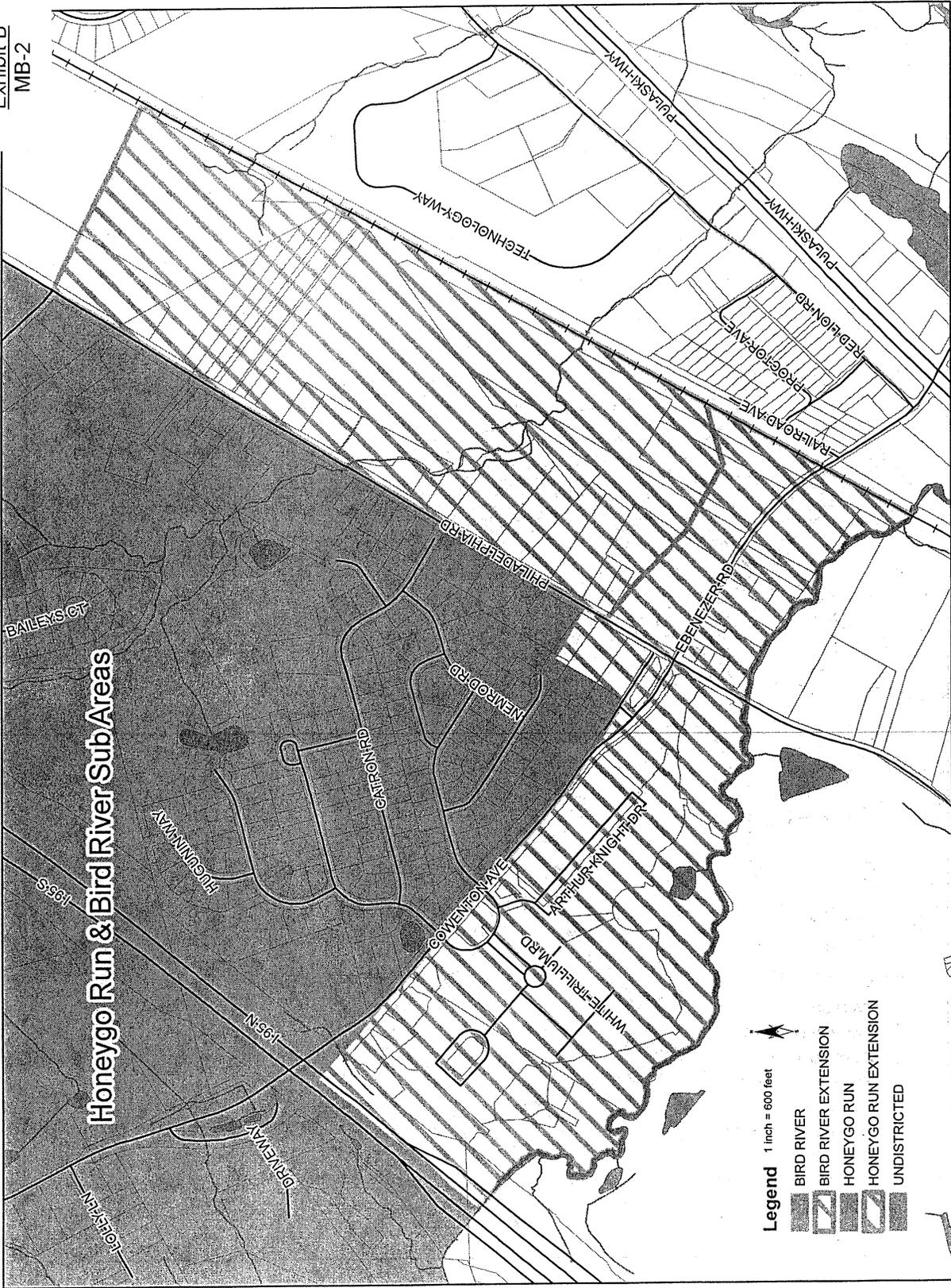
Amendment to the Honeygo Plan

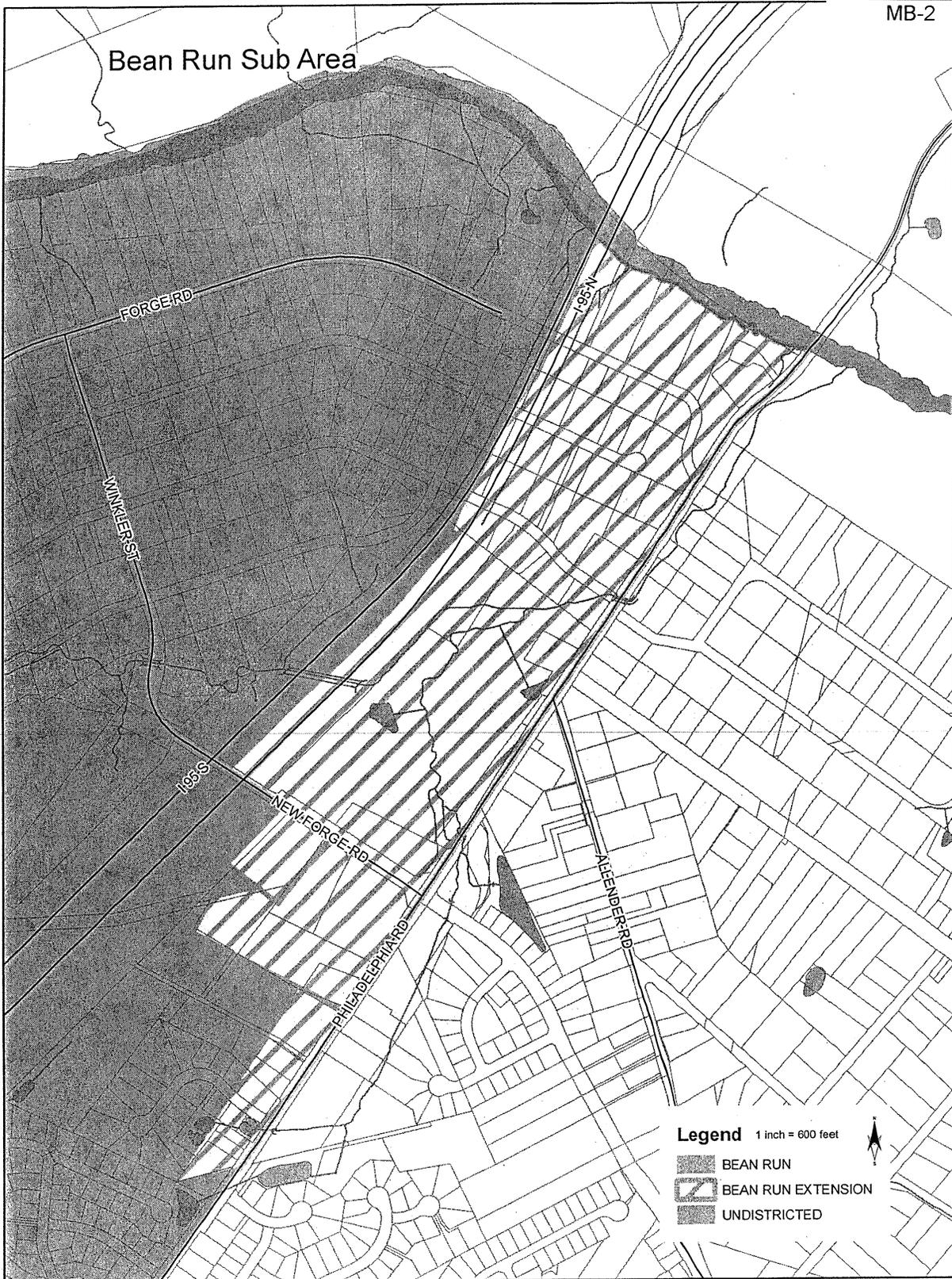
Resolution 44-14 amends the Honeygo Plan in order to adjust the boundaries of the Honeygo Area.

Previously, on July 5, 1994, the County Council adopted the Honeygo Plan as part of the Baltimore County Master Plan 1989-2000 pursuant to Resolution 55-94, incorporating the Honeygo Study Area, which boundaries include Bel Air Road to the northwest, Gunpowder Falls to the northeast, Chapel Road and Honeygo Run to the southwest, and Philadelphia Road along the southeast. The Council subsequently created the Honeygo Area zoning overlay districts pursuant to Bill 176-94.

In order to continue to manage the development of the Honeygo Area as conditions change and evolve, it is necessary to amend the Honeygo Plan from time to time. Resolution 44-14 amends the Honeygo Plan and adjusts the boundaries of the Honeygo Area. Specifically, the resolution extends the boundaries of the Bel Air Road, Honeygo Run, Bird River, and Bean Run sub-areas according to the maps attached to the resolution. See Exhibits A, B, C, and D.

Resolution 44-14 shall take effect on the date of its passage by the County Council.







MB-4 (Grant)

Council District(s) 7

Mrs. Bevins (By Req.)

Office of Communications

**Dundalk Renaissance Corporation –
Wall Mural – War of 1812 – Battle of North Point**

The Administration is requesting the approval of a grant totaling \$4,500 from the Maryland State Arts Council to Dundalk Renaissance Corporation (DRC) for the installation of a wall mural commemorating the War of 1812, Battle of North Point. The mural will be painted on a wall of a commercial building adjacent to the County’s Battle Acre Park, located at 3115 North Point Road in Dundalk.

Fiscal Summary

Funding Source	Grant Amount	Notes
County	--	⁽¹⁾ Maryland State Arts Council. ⁽²⁾ DRC will contribute funding of \$1,300 and volunteer hours valued at \$2,200 for this project.
State ⁽¹⁾	\$ 4,500	
Federal	--	
Other ⁽²⁾	--	
Total	<u>\$ 4,500</u>	

Analysis

DRC is a nonprofit, community-based membership organization and community development corporation dedicated to revitalizing the greater Dundalk community.

On May 6, 2013, the Council approved a \$9,000 grant to DRC for the design, installation and oversight of a wall mural to commemorate the War of 1812, Battle of North Point. The mural will

be painted on a wall of a commercial building adjacent to the County's Battle Acre Park in Dundalk. The grant funds provided for the salary and materials (\$8,000) of an artist involved in the design and painting of the mural, as well as half of DRC's cost (\$1,000) in managing the project.

This additional \$4,500 grant will be used for mural design, installation, and public education programs. The Office advised that the mural will be completed by September 12, 2014, the 200th anniversary of the Battle of North Point. The Office also advised that DRC projects maintenance costs (e.g., graffiti removal) for 10 years will total \$4,500; no state monies may be used for maintenance costs.

The grant application states that DRC will contribute funding of \$1,300 and volunteer hours valued at \$2,200 towards this project. The Office advised that the County's original \$9,000 grant satisfied the 100% matching requirement of the State Arts Council grant.

In recent years the County has provided DRC annual operating support grants as well as numerous other grants for various initiatives.

The proposed grant was originally submitted as part of the 14-day grants review process and has been placed on a legislative agenda in accordance with Baltimore County Code, Section 3-10-103(e).