

*BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2015*

*Issued: February 19, 2015
Work Session: February 24, 2015
Legislative Day No. 5: March 2, 2015*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

March 2, 2015

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 5
MARCH 2, 2015 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

VINCE GARDINA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

- 1 Bill 9-15 - Mrs. Bevins(By Req.) & Mr. Jones - Stormwater Management Fee - Rates for Fiscal Year 2016
- 4 Bill 10-15 - Mrs. Bevins(By Req.) - The 2014-2015 Capital Budget

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- 7 Bill 11-15 - Councilmembers Quirk, Kach, Almond, Bevins & Jones - Employees Retirement System Board of Trustees
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ED ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

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KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

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- 20 2. Res. 7-15 - Mr. Marks - Towson community - Designation of Design Review Area
- 22 3. Res. 11-15 - Mr. Quirk - Endorsement of application - 6400 Frederick Road, LLC
- 4. Res. 12-15 - Mr. Crandell - Property Tax Exemption - DAV - Clinton R. Purkey, Jr.
- 5. Res. 13-15- Mrs. Bevins - Property Tax Exemption - BLIND - Leroy E. Lingelbach, Jr.
- 6. Res. 14-15- Mrs. Bevins - Property Tax Exemption - DAV - Bernard S. Watts
- 7. Appointment - Mrs. Bevins(By Req.) - Baltimore County Adult Public Guardianship Review Board - Michael R. Lachance
- 8. Appointment - Mrs. Bevins(By Req.) - Baltimore County Animal Hearing Board - Leslie Kaminski

Bill 9-15**Council District(s) All****Mrs. Bevins (By Req.) and Mr. Jones****Department of Environmental Protection and Sustainability****Stormwater Management Fee – Rates for Fiscal Year 2016**

Bill 9-15 establishes the rates for the stormwater remediation fee for FY 2016.

In 2013, the State adopted the Watershed Protection and Restoration Program which required that certain counties adopt a law to establish an annual fee to fund their stormwater remediation programs.

For years, the State has been trying to mitigate the adverse effects of stormwater runoff to the Chesapeake Bay. Baltimore County has been complying with Federal and State stormwater management requirements and has successfully operated a stormwater management program for years. The 2013 State law, in an attempt to accelerate the remediation process regionally, arguably took flexibility away from the County as to the means to achieve this goal.

Nevertheless, the County complied with the State requirement. The County Executive presented a proposal to the County Council to establish a stormwater remediation fee (Bill 20-13). The Council amended the proposal and adopted the initial rates for FY 2014 by statute as follows:

Single-family detached	\$39
Single-family attached	\$21 per dwelling unit
Residential, condominium or cooperative ownership	\$32 per dwelling unit
Residential, unimproved	\$0
Agricultural, non-residential	\$0
Agricultural, single-family	\$39
Non-residential, non-institutional	\$69 per ERU
Non-residential, institutional	\$20 per ERU

“ERU” or “equivalent residential unit” means the statistical mean of the total planimetric impervious surface of developed single-family detached residences inside the URDL that serves as the base unit of assessment for the stormwater remediation fee.

The fees remained unchanged for FY 2015. However, in its budget message, the Council urged the Department of Environmental Protection and Sustainability to expand its public outreach efforts with regard to the stormwater remediation fee. In particular, the Council recommended stronger efforts to publicize the projects funded by the fee and to explain how credits can be obtained - especially for property owners whose bills may be significant. The Council also asked the Department to investigate options for reducing the fee structure for mobile home parks, since the commercial fee placed on such a property is typically passed along to mobile home owners, with a cost per household far exceeding the annual residential rate of \$39 per single-family detached home.

In June of 2014, the Council passed Resolution 51-14 that asked the Department of Environmental Protection and Sustainability to review the effectiveness of the stormwater remediation fee as it is applied to non-residential, non-institutional property, and to report its recommendations to the Council.

The Department now estimates that the rates can be reduced by approximately one-third for the following reasons:

- Increased pollutant load reduction credits for various practices due to Chesapeake Bay Program Expert Panel analysis;
- Continued success in obtaining state and federal grants for project implementation;
- Reduction in the funding needed to address the sites that fall under the General Discharge Permit for Industrial Sites; and
- Reduction in startup funding needed for street sweeping and storm drain vacuum maintenance.

Bill 9-15 therefore proposes the following stormwater remediation fees for FY 2016:

Single-family detached (including mobile homes)	\$26
Single-family attached	\$14 per dwelling unit
Residential, condominium or cooperative ownership	\$22 per dwelling unit
Residential, unimproved	\$0
Agricultural, non-residential	\$0
Agricultural, single-family	\$26
Non-residential, non-institutional	\$46 per ERU
Non-residential, institutional	\$14 per ERU

The Administration advised that the proposed fee rate reductions will reduce revenues by approximately \$8.1 million per year. The reductions are not expected to affect the ability of Baltimore County to meet federally required Total Maximum Daily Loads for local waterways or the Chesapeake Bay.

With passage by the County Council, Bill 9-15 will take effect 45 days after its enactment.

Bill 10-15 (Supplemental Appropriation)

Council District(s) 3

Mrs. Bevins (By Req.)

Department of Environmental Protection and Sustainability

The 2014-2015 Capital Budget

The Administration is requesting a supplemental appropriation of grant funds totaling \$73,500 from the Harry R. Hughes Center for Agro-Ecology, Inc. to the Environmental Management Capital Project. The funds will be used to support the Prettyboy Resource Collaborative project in its solicitation of a research consultant to characterize the watershed’s resources, property parcelization, landowner patterns, and resource aggregation, as well as to provide simple cost analyses of different management practices. The goal of the research project is to identify cost-effective projects that would help protect the Prettyboy Reservoir. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	\$ 7,940,535	\$ 7,940,535
State	--	680,321	680,321
Federal	--	25,000	25,000
Other ⁽¹⁾	\$ 73,500	400,000	473,500
Total	<u>\$ 73,500</u>	<u>\$ 9,045,856</u>	<u>\$ 9,119,356</u>

⁽¹⁾ The Harry R. Hughes Center for Agro-Ecology, Inc. funds. No County matching funds are required; however, the County will provide in-kind services valued at approximately \$3,500 to administer the grant.

Analysis

The proposed grant funds will be used to support the Prettyboy Resource Collaborative (PRC) project in its solicitation of a research consultant to characterize the watershed's resources, property parcelization, landowner patterns, and resource aggregation, as well as to provide simple cost analyses of different management practices. The PRC is an effort originated by the Department to incentivize landowners within the 51,100-acre Prettyboy watershed to sustainably manage watershed resources. Approximately 15,000 people live within the watershed. The PRC is guided by a Steering Committee comprised of more than 20 representatives from 14 government, business, and citizen organizations.

The consultant's research project will provide new analyses and GIS mapping that will be used by partner organizations to develop and implement ecosystem-serving projects for landowners in the Prettyboy watershed with the goal of helping the County and the other local governments in the watershed to protect the Prettyboy Reservoir. The Department advised that the Request for Proposal will be issued following Council approval of this supplemental appropriation. The Department further advised that the selection process is expected to take approximately 3 months, at which time the Council will be asked to approve the contract with the selected research consultant.

This grant award does not have a strict performance period. The Department advised that the project is expected to be completed within 18 months of Council approval of this supplemental appropriation. No County matching funds are required for the grant. The County will provide in-kind services through the administration of the grant with an estimated value of approximately \$3,500. Other members of the PRC will also be providing in-kind support for this project.

With the affirmative vote of five members of the County Council, Bill 10-15 will take effect March 15, 2015.

Hughes Center for Agro-Ecology Grant Executive Summary

The Harry R. Hughes Center for Agro-Ecology, Inc. (Hughes Center) has awarded a \$73,500 grant to Baltimore County EPS in support of the Prettyboy Resource Collaborative (PRC) project. The Hughes Center is a 501c3-affiliated foundation with the University of Maryland Foundation College Park. The PRC is an EPS-originated effort to incentivize landowners to sustainably manage watershed resources. The PRC is guided by a Steering Committee currently comprised of 20+ representatives from 14 agency, business, citizen, and other organizations, including Baltimore, Carroll, and York Counties; the City of Baltimore; the Prettyboy Watershed Alliance; the Alliance for the Chesapeake Bay; the Maryland Departments of Agriculture, Natural Resources, and the Environment; Glatfelter Wood Division; Mar-Len Environmental, Inc.; Find Your Niche LLC; Hogan Lovell's US LLP; and the Johns Hopkins Carey Business School. The Prettyboy Reservoir watershed encompasses 80 square miles (51,100 acres) and nearly 15,000 citizens.

The Hughes Center funds will be used by EPS to solicit research consultant proposals that will characterize the watershed's resources, property parcelization, landowner patterns, and resource aggregation potentials, as well as provide simple cost analyses of different management practices. The research project is expected to conclude in one year from its start. The premise of the PRC is that landowners can better manage their lands for watershed benefits such as clean water, healthy forests, and quality habitat by working together in a manner that compensates for fragmented parcels that are often too small for cost effective management. The PRC will work to provide services to landowners currently not available through existing programs and will seek to transition from public-sector initiatives to a local economic sustainability model. Landowners will be incentivized to manage their lands through projects that save them time or money, that generate income, or that provide technical assistance or services not otherwise available. Examples include reforesting excess lawns on large rural residential properties (saves landowner time and cost for mowing), implementing forest stand improvement projects for forest health (provides income to landowners from canopy thinning), and working with farmers to better protect streams (provides assistance for riparian buffer projects). The PRC is also looking at approaches for multi-owner cooperation for deer herd management, brook trout restoration, and control of invasive plant species. Some projects have already been implemented, such as rural residential "turf-to-trees" projects, using the County's stormwater remediation fees.

This research project will provide new analyses and mapping that will be used by partner organizations to develop and implement ecosystem-serving projects for landowners in the Prettyboy watershed. The projects implemented as a result of the grant will help Baltimore County and the other local governments in the watershed to protect the Prettyboy Reservoir, thereby supporting the long-standing inter-local Reservoir Watershed Management Agreement. Projects will further help to meet water quality mandates including the Phase II Chesapeake Bay Watershed Implementation Plan (WIP) and local Total Maximum Daily Load (TMDL) requirements. The PRC concept and this grant application to the Hughes Center have already generated considerable interest from the partner organizations as well as the commitment of additional funding. This includes a \$25,000 grant from the MD Department of Natural Resources – Forest Service to EPS (already appropriated) to conduct multi-owner forest health assessments in the Prettyboy, a \$20,000 commitment from the Alliance for the Chesapeake Bay to work with landowners to provide assistance and organize projects, and a \$20,000 commitment from the MD Department of Agriculture to pilot assessment of the potential for cross-sector nutrient trading for farms in the watershed in support of TMDL compliance. In addition, the PRC was included in a grant application by the Alliance for the Chesapeake Bay to the USDA Natural Resources Conservation Service for set-aside cost-share funding to assist landowners with implementation of best management practices in the Mason-Dixon area. The PRC is also in the early stages of collaborating on a brook trout conservation and restoration project sponsored by Trout Unlimited, and on approaches to community-level quality deer herd management recommended by Patriot Land and Wildlife Management Services, Inc.

Prepared by: Department of Environmental
Protection and Sustainability

Bill 11-15**Council District(s) All**

Councilmembers Quirk, Kach, Almond, Bevins & Jones

Employees Retirement System Board of Trustees

Bill 11-15 expands the membership of the Employees Retirement System Board of Trustees and specifies the qualifications for the additional members.

Under the provisions of the Pensions and Retirement Article (Article 5) of the County Code, the Employees Retirement System Board of Trustees is responsible for the proper operation of the Retirement System and for making effective the provisions of the Retirement System subtitle. The general administration of the Retirement System is vested in the Director of Budget and Finance.

Among the duties set forth in the County Code, the Board of Trustees hires actuarial and other services as required to transact the business of the Retirement System; establishes rules and regulations for the administration of the funds created by the Retirement System and for the transaction of its business; may hold hearings when deemed necessary in the performance of its duty, the hearings to be governed by the rules and regulations of the Board; designates a Medical Board to arrange for and pass upon all medical examinations required under the provisions of the Retirement System subtitle, to include an investigation in connection with a member's application for disability retirement, and a written report of its conclusions and recommendations to the Board of Trustees of all the matters referred to it; and adopts for the Retirement System mortality, service, and other actuarial tables, and adopts an actuarial cost method that is in conformity with generally accepted actuarial principles and practices for measuring pension obligations.

In addition, the Board of Trustees is generally empowered to manage the funds of the Retirement System. According to the provisions of Article 5, Subtitle 2, the Board "shall be the trustees of the several funds created by this title" ... "and shall have full power to invest and reinvest such funds, provided, however, in exercising such power, the Board of Trustees shall act with the care, skill, prudence and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of like character and with like aims, and the Board shall diversify the investment of the several funds to

minimize the risk of large losses, unless under the circumstances it is clearly prudent not to do so; the Board shall have full power to hold, purchase, sell, assign, transfer, and dispose of any of the securities and investments in which any of the funds created herein shall have been invested as well as the proceeds of such investments and any moneys belonging to such funds.”

Currently, the Board of Trustees consists of eight members. Five trustees serve ex officio by virtue of their positions in County Government and include the County Executive or the Executive’s designee, the Directors of Budget and Finance, Human Resources, and Public Works, and the Chief of Police. Two trustees are members of the Retirement System elected by members of the Retirement System, and one trustee is a retired member of the Retirement System elected by retired members of the Retirement System.

Bill 11-15 adds three members to expand the number of trustees to eleven. Of the three additional members, two trustees shall be appointed by the County Council and the County Executive shall appoint one trustee. These members shall be residents of the County who do not hold elective or appointed office or employment with the County or State, are not participants in the Retirement System, and are knowledgeable and experienced in the administration and operation of pension systems, investments, or trust funds.

With passage by the County Council, Bill 11-15 will take effect 45 days after its enactment.

Bill 12-15**Council District(s) All**

Councilmembers Marks, Kach, Crandell, Quirk, Almond & Bevins

County Charter – Charter Review Commission

Bill 12-15 establishes a Baltimore County Charter Review Commission that would review the provisions of the County Charter and make recommendations for possible amendments to the Charter.

The County Charter has undergone several reviews since its adoption almost 60 years ago, with the most recent formal review occurring almost 25 years ago. That Commission was appointed on July 24, 1989 and Chaired by former County Executive James T. Smith, Jr. (who was at the time a Judge of the Circuit Court for Baltimore County). Their Final Report was issued on April 30, 1990.

This bill authorizes the creation of a decennial (every 10 years) Charter Review Commission appointed by the County Council and County Executive by March 1st in the seventh year of each decade. The Commission would be established by resolution and consist of 11 members who are residents of the County. One member would be appointed by each Council member and three members would be appointed by the County Executive. The County Attorney would also be a member and the Chairperson of the Commission. In addition, a person who holds elective office is not eligible for appointment to the Commission.

Upon formation, the Commission will be tasked to review the Charter and undertake a comprehensive study of its contents and make recommendations for any changes that will improve the efficiency and operations of County government. The Commission shall also hold at least one public hearing prior to adoption of its findings and recommendations. The Commission shall submit a written report to the County Council and County Executive by October 15th of the year in which it is appointed.

As a potential amendment to the County Charter, Bill 12-15 requires the affirmative vote of five members of the County Council, which shall be exempt from Executive veto. The question so

proposed by this Act shall then be submitted to the voters of the County at the next general or Congressional election occurring after the passage of the Act (November 8, 2016) and, if passed by the voters, such amendment shall stand adopted and become a part of this Charter from and after the thirtieth day following said election.

Bill 13-15

Council District(s) All

Councilmembers Quirk, Marks & Bevins

Distribution of Tobacco Products to Minors

Bill 13-15 amends certain penalties and enforcement provisions of the statute pertaining to the distribution of tobacco products to minors.

Currently, the County Code prohibits an owner (a person engaged in the commercial business of selling tobacco products) from distributing any tobacco product, tobacco paraphernalia, or a coupon redeemable for a tobacco product to a minor. In addition, a person other than an owner may not buy for or sell any tobacco product to a minor or distribute tobacco paraphernalia to a minor. There is also a requirement that each owner or other distributor verify that the purchaser of a tobacco product or tobacco paraphernalia is not a minor by means of photographic identification containing the bearer’s date of birth, except that no such verification is required for any person over the age of 26.

County law also contains a product placement provision stating that any person who owns or operates a business that engages in the retail sale of a tobacco product may not store or display tobacco products unless such products are not immediately accessible to customers and are accessible only to the owner or operator of the business or an agent or employee of the owner or operator.

Presently, an owner who violates any of the aforementioned provisions is subject to a civil penalty of \$300 for the first violation and \$500 for any subsequent violations, and is liable for a violation committed by an employee or agent of the owner.

Bill 13-15 increases the civil penalty for a violation of the distribution to minors provision or the product placement provision in any calendar year to: \$500 for a first violation, \$1,000 for a second violation, and suspension of all tobacco sales for 1 month for a third or subsequent violation. The bill also decreases the civil penalties for a violation of the identification check provision of a person aged 26 or younger in a calendar year to: a written warning for a first violation, \$100 for a second violation, and \$250 for a third or subsequent violation.

With passage by the County Council, Bill 13-15 will take effect 45 days after its enactment.

Bill 14-15**Council District(s) All**

Mr. Marks

Medical Clinic

Bill 14-15 defines a medical clinic and provides that a medical clinic is not subject to regulation under the Baltimore County Zoning Regulations as a state-licensed medical clinic.

In 2002, the Council passed legislation to regulate state-licensed medical clinics (Bill 39-02). The stated purpose of the bill was to provide suitable locations for certain types of medical facilities while limiting their adverse effects on the community. The bill repealed the existing definition of a “medical clinic” and defined a “state-licensed medical clinic” to include a variety of facilities that are licensed under the Health-General Article of the Annotated Code of Maryland. One such facility covered by the law is a kidney dialysis center.

Under Article 4C of the Zoning Regulations, state-licensed medical clinics are now permitted by right in manufacturing zones and by Special Exemption in the B.R., B.M., B.L., B.L.R., O.T., OR-1, OR-2, and O-3 zones of the County. Additional set back and parking limitations are applicable. Accordingly, a kidney dialysis center is permitted in manufacturing zones by right and in the enumerated zones by Special Exemption.

A medical clinic is a use permitted by the Zoning Regulations, but it is no longer defined. The use is permitted by right in the B.L., OR-1, OR-2, O-3, M.L., and M.R. zones.

Bill 14-15 proposes to exclude a kidney dialysis center from the definition of a “state-licensed medical clinic” subject to regulation under Article 4C and to define a “medical clinic” to include a kidney dialysis center. The net effect is that a kidney dialysis center will be permitted by right in certain zones where it would have been permitted by Special Exemption.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 14-15 will take effect on March 16, 2015.

Bill 15-15**Council District(s) All**

Mr. Kach

A.S. (Automotive Services) Overlay District

Bill 15-15 proposes to repeal Bill 2-14.

Bill 2-14 amended Section 259.2 of the Zoning Regulations - A.S. (Automotive Services) Overlay District - to provide that 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.

Bill 2-14 was passed on February 18, 2014 and became effective on March 3, 2014. The sponsor proposes to repeal Bill 2-14.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 15-15 will take effect on March 16, 2015.

FM-1 (Contract)

Council District(s) All

Department of Public Works

Snow Removal and Salt Application Services

The Administration is requesting approval of a contract with Browne’s Independent Trucking, LLC to provide on-call snow removal and salt application services. The contract commenced December 15, 2014, continues until April 30, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contract may be renewed for nine additional years (November 1 through April 30 constitutes a snow season). Compensation for this contract, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation
County	*	*
State	--	--
Federal	--	--
Other	--	--
Total	* (1)	* (2)

(1) The hourly rate for the contractor is \$160 with no specified maximum compensation. The contract, together with all other contracts for these services, is limited in the aggregate to the amount appropriated for snow removal and salt application services. The contract amount is not reasonably estimable at this time.

(2) Maximum compensation together with all other contracts for these services for the entire approximate 9-year and 4½-month term, including renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amounts are not reasonably estimable at this time.

Analysis

In accordance with the Department's snow removal plan, responsibility for most Priority 1 routes (i.e., roads with traffic volumes of at least 10,000 vehicles per day) will be assigned to contractors, allowing the County to focus its efforts on subdivision streets more quickly.

The contract commenced December 15, 2014, continues through April 30, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contract may be automatically renewed for nine additional years on the same terms and conditions, unless the County provides notice of non-renewal. A snow season begins November 1st and ends April 30th. The contract does not establish a fixed dollar amount; rather, it states that "In no event shall the compensation paid to the contractor together with all other contractors for snow removal and salt application exceed the...approved appropriation during the term of this agreement including renewals thereof." The Department advised that an estimated amount for this contract is undeterminable due to the unpredictable nature and timing of snow falls (i.e., density and depth of snow falls, number of snow falls occurring during the season). The County may terminate the agreement by providing 30 days prior written notice. The Department advised that as of February 10, 2015, \$8,720 has been expended under this contract.

The FY 2015 budget for the Storm Emergencies Program totals \$5,987,025, including \$1,100,000 for contractual snow removal services. The Department advised that as of February 11, 2015, \$3,458,633 has been expended for snow removal services during the current snow season.

Browne's Independent Trucking, LLC will provide one tri-axel dump truck with a plow and spreader at an hourly rate of \$160. The contractor will be paid based on the actual hours the equipment is in service, including up to 2 hours for travel time (1 hour each to and from the County highway shop). Additionally, the minimum work shift for any dispatched truck is 4 hours. The County will provide all rock salt for spreading on road surfaces.

The Office of Budget and Finance, Purchasing Division advised that the pricing and contract terms are based on similar contracts established by the State of Maryland. However, hourly rates may be changed at the time of each annual renewal based on the rates in effect with the state at that time. The state contract includes an additional incentive payment to the contractor after the snow season ends in the amount of \$500 per truck if the contractor was available and present for all snow events. The County's contract also includes this incentive payment.

In procuring these services, the Department requested and received a waiver of a sealed bid process from the Administrative Officer due to the competition with surrounding jurisdictions. Accordingly, the contractor was selected on a non-competitive basis.

For the 2014/2015 snow season, the Department advised that it has approximately 175 pieces of snow removal equipment (e.g., trucks, loaders, backhoes, and graders) available from its Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, and the Department of Education. The County currently has contracts with 47 contractors, excluding this contractor, which provide a total of 152 trucks and 47 loaders to supplement the County's snow removal and salt application efforts this winter. The Department plans to submit another contract for snow removal services for Council approval on the March 16, 2015 agenda.

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

Office of Budget and Finance

Estimating Services for Damaged Vehicles

The Administration is requesting approval of two contracts to provide vehicle damage estimating services. The two contractors are John M. Haynes, Jr. and Elizabeth Cooney Insurance Services, Inc. The contracts commenced July 1, 2014, continue until March 31, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contracts will continue through June 30, 2015 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 \$268,000 for the entire 5-year and 3-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Combined Maximum Compensation	Notes
County ⁽¹⁾	\$ 268,000	(1) Self-Insurance Fund.
State	--	(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.
Federal	--	
Other	--	
Total	<u>\$ 268,000</u> ⁽²⁾	

Analysis

The contractors will provide cost estimating services for vehicle body and frame damage on County and civilian-owned vehicles on an as-needed basis primarily for the Office of Budget and Finance, Automobile and General Liability Claims Management Unit. The County will be billed at

unit prices ranging from \$60 to \$275 per estimate, depending on the type (e.g., car, truck, motorcycle, water vessel) and weight of the vehicle and the extent of the damage. The contractors will also provide a 20% discount when servicing more than one vehicle at the same location. The contracts provide that if the estimating service is not made within 24 hours after receipt of the order, the County may procure the service elsewhere, in which event the extra cost of procuring the service may be charged against the contractor(s). The contracts do not guarantee any minimum amount of work. The Office advised that the work will be assigned to the contractors based on their specialty and the location of the damaged vehicle.

The contracts commenced July 1, 2014, continue until March 31, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contracts will continue through June 30, 2015 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 \$268,000 for the entire 5-year and 3-month term, including the renewal and extension periods. The Department advised that as of February 10, 2015, \$1,975 and \$1,344 have been expended under the Haynes and Cooney contracts, respectively.

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

On September 6, 2005, the Council approved four 5-year contracts not to exceed a combined maximum compensation of \$150,000 with A.A. Appraisal and Adjustment Company, Inc., Claims Resource Management, LLC, Mid Atlantic Appraisal/Service, Inc., and Crawford and Company for similar services. The above contracts expired on September 5, 2010, with total expenditures of \$35,954 for all four contractors combined. The Office advised that \$27,192 has been paid to Crawford and Company for these services between September 5, 2010 (expiration of the prior

contacts) and July 9, 2014. The Office further advised that the decision to contract for these services beginning July 1, 2014 was based on the increased cost of vehicle repairs and the increased use of these services.

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-2 (Res. 7-15)**Council District(s) 5**

Mr. Marks

Towson Community – Designation of Design Review Area

This resolution designates the Towson community as a Baltimore County design review area. See Exhibit A.

Proposed development plans in a design review area are subject to review by the Baltimore County Design Review Panel. Bill 56-04 authorizes the County Council to designate such areas so long as they are within the boundaries of a community plan that has been adopted as part of the County Master Plan.

The Towson Community Plan was adopted as part of the Master Plan on February 3, 1992 by means of Resolution 12-92.

Resolution 7-15 will be forwarded to the Departments of Planning and Permits, Approvals and Inspections.

This resolution will take effect from the date of its passage by the County Council.

MB-3 (Res. 11-15)**Council District(s) 1**

Mr. Quirk

Endorsement of Application – 6400 Frederick Road, LLC

Resolution 11-15 expresses the Council's support of an application filed by 6400 Frederick Road, LLC with the Neighborhood Business Works Program of the Maryland Department of Housing and Community Development.

6400 Frederick Road, LLC has applied to the Neighborhood Business Works Program for a loan to fund the acquisition of and renovations to the property at 6400 Frederick Road in Catonsville. The project is located in a revitalization area.

The regulations of the Neighborhood Business Works Program require that all projects receiving a loan be approved and supported by the governing body of the County in which the project is situated.

Resolution 11-15 expresses the County's support for the application of 6400 Frederick Road, LLC, for a loan to be issued by the Neighborhood Business Works Program.

This resolution will take effect from the date of its passage by the County Council.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

**BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE**

TO: Fred Homan
Administrative Officer **DATE:** 01/22/15

FROM: Keith Dorsey, Director  **COUNCIL MEETING**
Office of Budget & Finance **DATE:** 03/02/15

SUBJECT: Public Recordation of Announcement
of Non-Competitive Awards Charter Sec. 902(f)

Whenever a contract over \$25,000 is awarded by a process other than a formal competitive bid, a copy of the contract must be given to the County Council, and at the next legislative session-day following the award of the contract, the Secretary to the County Council shall formally announce to the Council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, and shall be available for inspection by the public. In compliance with this procedure, information is attached concerning the following awards, which are to be forwarded to the County Council:

Purchase Order

PO 7662 Baltimore Gas & Electric Co dba BGE – Public Works Eng Const
Contracts
Relocation, facilities, Wards Chapel Road – BGE WMS #2064436 &
2350309

This purchase order represents the relocation of distribution facilities on Wards Chapel Road under Capital Improvement job no. 210-207-0002-0495. BGE owns the distribution facilities and is the only source for this relocation work.

Amount: \$178,186.00
Award Date: 01/22/15

c: M. Field
T. Peddicord
L. Smelkinson