

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

*Issued: October 22, 2015
Work Session: October 27, 2015
Legislative Day No. 18 : November 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

November 2, 2015

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 18
NOVEMBER 2, 2015 6:00 P.M.**

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

Page

CALL OF BILLS FOR FINAL READING AND VOTE

VINCE GARDINA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

1 Bill 70-15 - Mrs. Bevins(By Req.) - 2015 - 2016 Capital Budget - Southland Hills Mini Park

DR. GREGORY BRANCH, DEPARTMENT OF HEALTH AND HUMAN SERVICES

3 Bill 71-15 - Mrs. Bevins(By Req.) - CEB - Partner Services

6 Bill 72-15 - Mrs. Bevins(By Req.) - CEB - Linkage to Care Re-engagement to Care Program

9 Bill 73-15 - Mrs. Bevins(By Req.) - CEB - Tobacco Enforcement Initiative to Support Synar Compliance

12 Bill 74-15 - Mrs. Bevins(By Req.) - CEB - Ryan White HIV Case Management Program

15 Bill 75-15 - Mrs. Bevins(By Req.) - CEB - MIECHV Enhanced Healthy Families

18 Bill 76-15 - Mrs. Bevins(By Req.) - CEB - Breastfeeding Peer Counselor WIC Supplementation Grant

MIKE FIELD, COUNTY ATTORNEY, OFFICE OF LAW

21 Bill 77-15 -Mrs. Bevins(By Req.) - Baltimore County Code - Code Revision - First Enactment

COUNCIL

25 Bill 78-15 - Councilmembers Quirk & Marks - Recreational Space - Reports

26 Bill 79-15 - Mr. Quirk - Basic Services Maps

APPROVAL OF FISCAL MATTERS/CONTRACTS

ED ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

27 1. Contracts - (2) - On-call snow removal, de-icing and salt application - DPW

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

30 2. Contract - E.J. Herring & Son, Inc. - Chiller maintenance -Baltimore County facilities - OBF

33 5. Amendment to Contract - A. Morton Thomas & Associates, Inc. - Professional civil engineering/site design services-OBF

VINCE GARDINA, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

37 3. Amendment to Contract - Mar-Len Environmental, Inc. - Professional forestry services - DEPS

AMY HICKS GROSSI, REAL ESTATE COMPLIANCE

40 4. Contract of Sale - Julius Adeleke - 3114 Rolling Road, 21244 - Widening of Rolling Road - Real Estate Compliance

MISCELLANEOUS BUSINESS

COUNCIL

48 1. Correspondence - (a)(5) - Non-Competitive Awards (September 28, 2015)

2. Res. 90-15 - Mr. Marks - Local Open Space Waiver Fees

DR. GREGORY BRANCH, DEPARTMENT OF HEALTH AND HUMAN SERVICES

43 3. Res. 91-15 - Mrs. Bevins(By Req.) - Accept Gift - Pet disaster relief trailer and supplies - AKC Reunite

LIZ GLENN/ANDREA VAN ARSDALE, DEPARTMENT OF PLANNING

44 4. Res. 92-15 - Mrs. Bevins(By Req.) - Payment in lieu of property taxes - TABCO Towers Housing Associates, LLC

COUNCIL

5. Res. 93-15 - Mrs. Bevins - Property Tax Exemption - BLIND - Flordeliz R. Paloma

6. Res. 94-15 - Mrs. Bevins - Property Tax Exemption - DAV - Ronald Lavalley

7. Res. 95-15 - Mr. Quirk - Property Tax Exemption - DAV - Herbert F. Hiteshew

8. Res. 96-15 - Mr. Jones - Property Tax Exemption - DAV - JoAnn R. Evans

9. Res. 97-15 - Mr. Jones - Property Tax Exemption - DAV - Barry S. Hooper

Bill 70-15 (Supplemental Appropriation)

Council District(s) 5

Mrs. Bevins (By Req.)

Department of Environmental Protection and Sustainability

2015-2016 Capital Budget – Southland Hills Mini Park

The Administration is requesting a supplemental appropriation of grant funds totaling \$9,500 from the Southland Hills Improvement Association (SHIA) to the Stormwater-Sustainability Capital Project. The funds will be used to reimburse the County for costs already incurred to plant trees and provide water for the trees at the County-owned Southland Hills Mini Park in Towson.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County ⁽¹⁾	--	\$ 2,000,100	\$ 2,000,100
State	--	--	--
Federal ⁽²⁾	--	15,000	15,000
Other ⁽³⁾	\$ 9,500	--	9,500
Total	<u>\$ 9,500</u>	<u>\$ 2,015,100</u>	<u>\$ 2,024,600</u>

⁽¹⁾ Capital Projects Fund (General Obligation Bonds and Stormwater Remediation Fees).

⁽²⁾ U.S. Environmental Protection Agency, Chesapeake Bay Program funds.

⁽³⁾ BGE grant funds passed through the Southland Hills Improvement Association.

Analysis

The proposed grant funds will be used to reimburse the County for expenditures incurred in May 2015 to plant 54 Arborvitae trees at the County-owned Southland Hills Mini Park in Towson along Towsontown Boulevard. The Mini Park, a popular green space used by local residents, lost many

trees with the relocation of BGE power lines to allow for Towson University's construction of a main entrance on Towsontown Boulevard. The SHIA was awarded a \$9,500 grant from BGE for the purpose of replanting trees. As part of the negotiations with the community involving the location of the new Towson fire station, the County agreed to plant trees and provide water (through slow release watering bags for trees) to help preserve the green buffer between Towson University and the Southland Hills neighborhood. In return, the SHIA agreed to turn over the \$9,500 BGE grant to the County. The Department advised that the County's on-call contractor, Environmental Quality Resources, provided the reforestation services; the contract requires a 1-year maintenance period that includes watering, re-mulching (if necessary), and ensuring the survival of all the trees.

With the affirmative vote of five members of the County Council, Bill 70-15 will take effect November 15, 2015.

Bill 71-15 (Supplemental Appropriation)

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Partner Services

The Administration is requesting a supplemental appropriation of federal funds totaling \$68,220 to the Partner Services Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to support the salary and fringe benefit costs of one new part-time (34 hours-per-week) Public Health Investigator I and to increase the hours of two existing part-time Public Health Investigator I positions to provide additional partner investigation services to County residents diagnosed with a sexually transmitted infection. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 68,220	\$ 215,022	\$ 283,242
Other	--	--	--
Total	<u>\$ 68,220</u>	<u>\$ 215,022</u>	<u>\$ 283,242</u>

⁽¹⁾ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention funds passed through the Maryland Department of Health and Mental Hygiene. No County matching funds are required.

Analysis

The Partner Services program works to identify possible partners and associates of an individual with a sexually transmitted infection in order to notify those individuals of possible exposure to an infection and link those individuals to appropriate testing and treatment. Program staff review laboratory reports, morbidity reports, and collaborate with the Maryland Department of Health and Mental Hygiene (DHMH) to identify new cases of sexually transmitted infections. In addition, program staff assist Linkage to Care Re-engagement to Care Program staff (Bill 72-15 on this agenda) in order to link County residents to treatment and medical care.

The proposed grant funds will be used to support the salary of one new part-time Public Health Investigator I (34 hours-per-week) and to increase the hours (by a total of 10.2 hours-per-week) of two existing part-time Public Health Investigator I positions to provide additional partner services investigations. Services are available to all County residents regardless of income. Clients are referred to the program by medical care providers, the Department's HIV program and sexually transmitted infections clinics, DHMH, and self-referrals. The Department estimates the additional funding will allow the program to serve approximately 300 additional clients in FY 2016; 1,178 clients were served in FY 2015.

The FY 2016 Adopted Operating Budget included a \$215,022 appropriation to the Department's Partner Services program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$68,220 to the program, increasing the total appropriation to the actual \$283,242 grant award.

The grant period is FY 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 71-15 will take effect November 15, 2015.



COUNCIL ACTION REQUEST FORM

EXECUTIVE SUMMARY

Partner Services Supplemental

The Baltimore County Department of Health is seeking a supplemental appropriation in the amount of \$68,220. The FY 2016 County appropriation for this program was approved for \$215,022. The final grant award to include an additional \$68,220, over what was originally appropriated in the County budget would bring the total award to \$283,242.

BACKGROUND

The Partner Services Program has been in existence since the 1960's. Partner Services staff review laboratory reports, Morbidity Reports, and collaborate with DHMH to identify new cases of sexually transmitted infections, including Syphilis and HIV. Program staff assist in linking County residents to appropriate treatment and medical care for their infection. Staff also conduct patient interviews to identify possible partners and associates of the infected individual. They work with the infected individual to assist in notifying those County residents of their possible exposure to an infection and link those contacts to appropriate testing and treatment.

Funds are available from DHHS/CDC (Department of Health and Human Services/Centers for Disease Control) and are granted to Baltimore County Department of Health to provide partner services investigations for Baltimore County residents.

PURPOSE

This additional funding will be used to provide disease investigation to Baltimore County residents diagnosed with a sexually transmitted infection. It is anticipated that this additional funding will be used to cover the salary of one part time (34 hour) Public Health Investigators I and increased Partner Service hours for two existing Public Health Investigator I positions.

FISCAL

Supplemental Funding \$68,220

Prepared by:
Department of Health and Human Services

Bill 72-15 (Supplemental Appropriation)

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Linkage to Care Re-engagement to Care Program

The Administration is requesting a supplemental appropriation of federal funds totaling \$43,851 to the Linkage to Care Re-engagement to Care Program Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to support the salary and fringe benefit costs of one new part-time (34 hours-per-week) Public Health Investigator II to re-engage County residents infected with HIV who have had a lapse in medical care and to identify and link to appropriate services partners of the infected individuals. See Exhibit A.

Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 43,851	\$ 156,149	\$ 200,000
Other	--	--	--
Total	<u>\$ 43,851</u>	<u>\$ 156,149</u>	<u>\$ 200,000</u>

⁽¹⁾ U.S. Department of Health and Human Services, Centers for Disease Control and Prevention funds passed through the Maryland Department of Health and Mental Hygiene. No County matching funds are required.

Analysis

The Linkage to Care Re-engagement to Care Program links County residents infected with HIV to case management, the Department's Partner Services Program, and appropriate medical care. The program primarily focuses on connecting newly infected residents to services and re-engaging care for residents who have been lost to care; Program staff also work in support of the Department's Partner Services Program (Bill 71-15 on this agenda).

The proposed grant funds will be used to support the salary of one new part-time (34 hours-per-week) Public Health Investigator II to re-engage individuals who have lapsed from receiving medical care and to identify and link to services partners of infected individuals. Clients are referred to the program by medical care providers, the Department's HIV program and sexually transmitted infections clinics, the Maryland Department of Health and Mental Hygiene, and self-referrals. The Department estimates the program will serve approximately 456 clients in FY 2016; 304 clients were served in FY 2015.

The FY 2016 Adopted Operating Budget included a \$156,149 appropriation to the Department's Linkage to Care Re-engagement to Care Program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$43,851 to the program, increasing the total appropriation to the actual \$200,000 grant award.

The grant period is FY 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 72-15 will take effect November 15, 2015.



COUNCIL ACTION REQUEST FORM

EXECUTIVE SUMMARY

Linkage to Care Re Engagement to Care Program Supplemental

The Baltimore County Department of Health is seeking a supplemental appropriation in the amount of \$43,851. The FY 2016 County appropriation for this program was approved for \$156,149. The final grant award included an additional \$43,851 over what was originally appropriated in the County budget bringing the total award to \$200,000.

BACKGROUND

The Linkage to Care\Re-engagement ^{to} Care Program has been in existence since December 2013. Through Prevention Services under the Division of Health Care Access, the Linkage to Care\Re-engagement ^{to} Care Program has worked to link Baltimore County residents infected with HIV to case management, partner services, and appropriate medical care. Program staff accomplish their goals through provider communication, patient communication, and field work. While their efforts primarily focus on connecting newly infected residents to care and re-engaging care for those residents who have been lost to care, the program staff have also worked in support of Partner Services.

Funds are Department of Health and Mental Hygiene funds granted to Baltimore County Department of Health to provide Linkage to Care\Re-engagement ^{to} Care services to eligible Baltimore County residents and Partner Services investigations.

PURPOSE

This additional funding will be used to re-engage Baltimore County residents who have had a lapse in medical care and investigate partners who may be in need of services. It is anticipated that this additional funding will be used to cover the salary of a part time (34 hour) Public Health Investigator II.

FISCAL

Supplemental Funding \$43,851

Prepared by:
Department of Health and Human Services

Bill 73-15 (Supplemental Appropriation)

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Tobacco Enforcement Initiative to Support Synar Compliance

The Administration is requesting a supplemental appropriation of state funds totaling \$163,170 to the Tobacco Enforcement Initiative to Support Synar Compliance Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used for costs associated with tobacco education and compliance checks regarding sales to minors at Baltimore County licensed tobacco retailers. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State ⁽¹⁾	\$ 163,170	\$ 111,830	\$ 275,000
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 163,170</u>	<u>\$ 111,830</u>	<u>\$ 275,000</u>

⁽¹⁾ Maryland Department of Health and Mental Hygiene, Center for Tobacco Prevention and Control. No County matching funds are required.

Analysis

The 1992 Synar Amendment requires states to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18, and states must maintain a retailer violation rate of 20% or less or be penalized. The Department advised that the state has

exceeded that rate for the past 2 years, and local enforcement data show that over 30% of County retailers sell tobacco products to individuals under the age of 18. As a result, the County has received state funds to increase efforts to reduce tobacco sales to minors.

The proposed grant funds will be used for costs associated with tobacco education and enforcement of sales to minors laws. The Department advised that the funds will be used to reduce tobacco access to minors, educate retailers, conduct awareness campaigns, host community meetings, and partner with schools, faith-based organizations, and non-governmental agencies to increase awareness of sales to minors issues and educate retailers on youth access laws. Two Health Enforcement Officers (HEO) and two Tobacco Compliance Assistants (TCA) will conduct compliance buys to determine if a retailer sells tobacco to the TCA; if a sale occurs, the HEO will issue a civil citation.

The Department advised that it expects to educate 1,000 tobacco retail employees, conduct 1,800 tobacco retailer compliance checks, and facilitate six community tobacco awareness town hall meetings that will be open to the public. The Department further advised that the purpose of the town hall meetings is to bring awareness to the significant amount of tobacco sales to minors within the County and state, report on the activities being conducted to reduce the retailer violation rate, and solicit ideas to help bring those rates down. The meetings will be held in the east, central, and north areas of the County (each area will have two meetings in one day; one at noon and one in the evening).

The FY 2016 Adopted Operating Budget included an \$111,830 appropriation to the Department's Tobacco Enforcement Initiative to Support Synar Compliance program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$163,170 to the program, increasing the total appropriation to the actual \$275,000 grant award.

The grant period is FY 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 73-15 will take effect November 15, 2015.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Tobacco Enforcement Initiative to Support Synar Compliance

The Baltimore County Department of Health and Human Services, Department of Health, Bureau of Behavioral Health is seeking a Supplemental Appropriation in the amount of \$163,170. The FY 2016 County appropriation for this program was approved for \$111,830. The final grant award included an additional \$163,170 over what was originally appropriated in the County budget which brings the FY 2016 total award to \$275,000.

Background

In 1992, Congress enacted the Synar Amendment (named after Oklahoma Congressman Mike Synar), which requires states to enact and enforce laws prohibiting the sale or distribution of tobacco products to individuals under the age of 18. States must comply with the Synar Amendment in order to receive their full Substance Abuse Prevention and Treatment Block Grant awards. All states must adhere to a requirement that they maintain a Retailer Violation Rate of 20% or less or be penalized. Maryland has exceeded that rate for the past two years. Baltimore County was allocated State monies to increase efforts to reduce tobacco sales to minors.

Local enforcement data show that over 30% of Baltimore County retailers sell tobacco products to individuals under the age of 18.

Purpose

The Baltimore County Department of Health, Bureau of Behavioral Health receives grant funding from the Maryland Department of Health and Mental Hygiene, Center for Tobacco Prevention and Control to support tobacco education and enforcement of sales to minors laws by reducing tobacco access to minors, educating retailers, conducting awareness campaigns, hosting community meetings for the public, partnering with schools, faith-based organizations and non-governmental agencies to increase awareness of sales to minors issues and educate retailers on youth access laws. It is anticipated that this additional funding will be used to support staff salaries for compliance checks, funding for retailer education by non-governmental organizations as well as retailer trainings.

Fiscal

The amount of available funds is \$ 275,000

Prepared by:
Department of Health and Human Services

Bill 74-15 (Supplemental Appropriation)

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Ryan White HIV Case Management Program

The Administration is requesting a supplemental appropriation of federal funds totaling \$13,205 to the Ryan White HIV Case Management Program Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to support the salary cost of one new part-time (14 hours-per-week) Public Health Nurse to provide nursing oversight and case management services to eligible HIV-positive County residents. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 13,205	\$ 86,795	\$ 100,000
Other	--	--	--
Total	<u>\$ 13,205</u>	<u>\$ 86,795</u>	<u>\$ 100,000</u>

⁽¹⁾ U.S. Department of Health and Human Services, Health Resources and Services Administration (HRSA) funds passed through Associated Black Charities, Inc. on behalf of the Baltimore City Health Department. No County matching funds are required.

Analysis

The Ryan White HIV Case Management Program provides eligible HIV-positive County residents with a continuum of services that include medical and non-medical case management and

emergency financial support services. All HIV-positive clients who reside and/or work in the County and are at or below 300% of the federal poverty level (e.g., \$35,510 for a single-person household and \$47,790 for a 2-person household) are eligible to receive these services. Services include case management, prescription assistance, co-pays and co-insurance for medical services, eviction prevention, utility turn-off prevention, medical transportation, food vouchers, and psychosocial support services. The Department advised that it maintains strategic partnerships and collaborations with other providers to maximize access to, and service for, those at highest risk and most in need of its public health services. The Department also advised that according to the most recent data, 2,856 Baltimore County residents are living with HIV.

The proposed \$13,205 supplemental appropriation will be used to support the salary cost of one additional part-time (14 hours-per-week) Public Health Nurse to provide nursing oversight and case management services. The Public Health Nurse will assist at the County's sero-positive clinics and provide supplemental medical case management services to the most medically fragile clinic clients through telephonic case management and home visits as needed. This nurse will also provide targeted case management to those clients that are not virally suppressed. The Department advised that these services are currently being provided to 50 clinic clients, and this additional position will enable the provision of medical support services to an additional 20 existing clinic clients annually.

The FY 2015 Adopted Operating Budget included a \$86,795 appropriation to the Department's Ryan White HIV Case Management Program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$13,205 to the program, increasing the total appropriation to the actual \$100,000 grant award.

The grant period is March 1, 2015 through February 29, 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 74-15 will take effect November 15, 2015.



COUNCIL ACTION REQUEST FORM

EXECUTIVE SUMMARY

Ryan White HIV Case Management Program Supplemental

The Baltimore County Department of Health is seeking a supplemental appropriation in the amount of \$13,205. The FY2017 County appropriation for this program was approved for \$86,795. The final grant award included an additional \$13,205 over what was originally appropriated in the County budget bringing the total award to \$100,000.

BACKGROUND

Since 1994, the HIV Case Management Program within the Baltimore County Department of Health's (BCDH) Bureau of Healthcare Access has served Ryan White-eligible County residents with a continuum of services that include medical and non-medical case management and emergency financial support services. These services include prescription assistance, co-pays and coinsurance for professional medical services, eviction prevention, utility turn-off prevention, medical transportation, food vouchers, and psychosocial support services. Throughout this time, partnerships with community organizations and other State and local government agencies have remained an integral part of the BCDH's approach to serving and responding to the evolving needs of those living with HIV and/or AIDS. As a local health department, BCDH maintains strategic partnerships and collaborations with other providers to maximize access to, and services for, those at highest risk and most in need of its public health services. According to the most recent data from the Center for Epidemiology and Evaluation of the Prevention and Health Promotion Administration, 2,856 Baltimore County residents are living with HIV.

Ryan White A (RWA) funds are Health Resource and Services Administration (HRSA) funds administered by Baltimore City Department of Health and granted to Baltimore County Department of Health to provide HIV Case Management services to eligible Baltimore County residents.

PURPOSE

This additional funding will be used to provide case management services to eligible HIV-positive Baltimore County residents with complex medical and psychiatric needs who meet RWA eligibility criteria. It is anticipated that this additional funding will be used to fund a Salary-Monthly part-time nurse who will provide nursing oversight and case management services to eligible Baltimore County residents.

FISCAL

Supplemental Funding \$13,205

Prepared by:
Department of Health and Human Services

Bill 75-15 (Supplemental Appropriation)

Council District(s) 6 & 7

Mrs. Bevins (By Req.)

Department of Health and Human Services

MIECHV Enhanced Healthy Families

The Administration is requesting a supplemental appropriation of federal funds totaling \$62,550 to the Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Enhanced Healthy Families Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to expand home visiting services for high-risk pregnant women and families with young children in the Essex and Dundalk areas by increasing the hours (from 28 to 30 hours-per-week) of one existing part-time Public Health Nurse and supporting the salary costs of one additional contractual full-time (40 hours-per-week) Family Support Worker. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 62,550	\$ 267,436	\$ 329,986
Other	--	--	--
Total	<u>\$ 62,550</u>	<u>\$ 267,436</u>	<u>\$ 329,986</u>

⁽¹⁾ U.S. Department of Health and Human Services, Health Resources and Services Administration funds passed through the Maryland Department of Health and Mental Hygiene. No County matching funds are required.

Analysis

The goal of the MIECHV Enhanced Healthy Families program is to improve pregnancy outcomes, improve parenting skills and child development outcomes, and address maternal mental health. The program provides home visiting assessment, education, and support for high-risk pregnant women and their children through age two in the Essex and Dundalk areas. The program pairs a County Department of Health public health nurse with the Department's Healthy Families home visitor program, which provides intensive support and education to parents on child health and development. The County contracts with Abilities Network, Inc. to provide the Healthy Families program services.

The proposed \$62,550 supplemental appropriation will be used to increase the hours (from 28 to 30 hours-per-week) of the existing part-time Public Health Nurse, and to add an additional full-time (40 hours-per-week) Family Support Worker, plus supervision, through an expanded contract with Abilities Network, Inc. The Department advised that the program served 35 families in FY 2015, and expects to serve 45 families in FY 2016 due to the additional funds.

The FY 2016 Adopted Operating Budget included a \$267,436 appropriation to the Department's MIECHV Enhanced Healthy Families program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$62,550 to the program, increasing the total appropriation to the actual \$329,986 grant award.

The grant period is FY 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 75-15 will take effect November 15, 2015.

COUNCIL ACTION REQUEST FORM

EXECUTIVE SUMMARY

Maternal, Infant, and Early Childhood Home Visiting (MIECHV) Enhanced Healthy Families Program

Baltimore County Department of Health (BCDH) is seeking a supplemental appropriation in the amount of \$62,550. The FY 2016 County appropriation for this program was approved for \$267,436. The final grant award included an additional \$62,550 over what was originally appropriated in the County budget bringing the total award to \$329,986.

BACKGROUND

The Baltimore County's MIECHV Enhanced Healthy Families Program began in FY15 with a competitive federal grant obtained by the State's Department of Health and Mental Hygiene (DHMH) for "evidence-based" home visiting services for high risk pregnant women and families with young children. DHMH had identified the Essex-Dundalk area of Baltimore County as one of three areas statewide to be served under this grant through a sub-grant to the Baltimore County Department of Health.

Baltimore County's program is unique in that it pairs a public health nurse employed by BCDH with the Healthy Families home visitor program provided by Abilities Network under a sub-contract. The Healthy Families Program is one of a limited set of home visiting programs that could be supported under this grant and involves intensive home visiting services provided by a Family Support Worker. By adding a nurse to the home visiting provided by Healthy Families, Baltimore County's project is better able to address the three targeted goals identified by the State for this funding: (1) improve birth outcomes including infant mortality, premature birth rate and low birth weight rates, (2) address maternal mental health through improved screening and referral, and (3) improve parenting skills and child development outcomes through enhanced parent training and screening and referral for developmental delays.

PURPOSE

Baltimore County's Enhanced Healthy Families Program has been so successful both in recruiting families in need of services and in providing that service that DHMH approached us in April of 2015 asking if we could expand our services immediately to serve 45 families instead of the original planned 35 families. The additional funds have allowed us to increase the public health nurse's time to 30 hours per week and to add an additional Family Support Worker plus appropriate supervision through an expanded contract with Abilities Network.

FISCAL

Supplemental Funding \$62,550

Prepared by:
Department of Health and Human Services

Bill 76-15 (Supplemental Appropriation)

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Breastfeeding Peer Counselor

The Administration is requesting a supplemental appropriation of federal funds totaling \$43,097 to the Breastfeeding Peer Counselor Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to support the salary and fringe benefit costs of one new part-time (34 hours-per-week) Outreach Worker to provide breastfeeding-related outreach services at the County’s Women, Infants, and Children (WIC) clinics. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 43,097	\$ 149,200	\$ 192,297
Other	--	--	--
Total	<u>\$ 43,097</u>	<u>\$ 149,200</u>	<u>\$ 192,297</u>

⁽¹⁾ U.S. Department of Agriculture, Food and Nutrition Service funds passed through the Maryland Department of Health and Mental Hygiene. No County matching funds are required.

Analysis

The WIC program offers services such as nutrition education, supplemental food, and referrals to appropriate resources for pregnant, post-partum, and breastfeeding women as well as for infants

and children up to age five who are at nutritional risk in order to decrease the incidence of health-related problems and reduce healthcare costs. In addition, the program aims to encourage and expand breastfeeding through promotion and support activities because of the health benefits that breastfeeding provides to both infants and mothers.

The Breastfeeding Peer Counselor program seeks to encourage WIC program participants to initiate and continue breastfeeding; increase referrals to WIC for breastfeeding support; increase general public acceptance and support of breastfeeding; and provide technical assistance to the County's WIC staff related to the promotion of breastfeeding. The Breastfeeding Peer Counselor program currently supports three part-time (two 34 hours-per-week and one 20 hours-per-week) outreach workers (peer counselors).

The proposed grant funds will be used for the salary and fringe benefit costs for one new part-time (34 hours-per-week) Outreach Worker to provide additional support at the County's WIC clinics.

The Department advised that its WIC and Breastfeeding Peer Counselor programs provided support to 2,500 breastfeeding women during FY 2015, and expects to support at least 2,713 women during FY 2016.

The FY 2016 Adopted Operating Budget included a \$149,200 appropriation to the Department's Breastfeeding Peer Counselor program based on the estimated amount of the grant award at the time the Department submitted its budget request to the Office of Budget and Finance. Accordingly, this bill appropriates the additional \$43,097 to the program, increasing the total appropriation to the actual \$192,297 grant award.

The grant period is FY 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 76-15 will take effect November 15, 2015.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The Baltimore County Department of Health is seeking a supplemental appropriation in the amount of \$43,097. The FY2016 County appropriation for this program was approved for \$149,200. The final grant award included an additional \$43,097 over what was originally appropriated in the County budget bringing the total award to \$192,297.

BACKGROUND

The Special Supplemental Nutrition Program for Women, Infants, and Children - better known as the WIC Program - serves to safeguard the health of low-income pregnant, postpartum, and breastfeeding women, infants, and children up to age 5 who are at nutritional risk by providing nutritious foods to supplement diets, information on healthy eating including breastfeeding promotion and support, and referrals to health care.

PURPOSE

WIC promotes breastfeeding as the optimal method of infant feeding. The purpose of the Breastfeeding Peer Counselor Program is to enhance the continuity and consistency of the Women, Infants and Children's current breastfeeding promotion and to increase breastfeeding initiation rates in Baltimore County.

The grant currently supports two 34 hr/wk and one 20 hr/wk, non-merit Outreach Workers. The additional funds would help expand the program to include an additional 34 hr/wk Outreach Worker at the clinics.

FISCAL

Supplemental Funding \$43,097

Prepared by:
Department of Health and Human Services

Bill 77-15

Council District(s) All

Mrs. Bevins (By Req.)

Office of Law

Baltimore County Code – Code Revision – First Enactment

Bill 77-15 is a Code revision bill. As explained in the attached Executive Summary (Exhibit A), the process of Code revision is a periodic one that is required by the Charter. The revision process that resulted in the 2003 Code involved a major rewriting and restructuring of the Code. As a result, the current revision that begins with Bill 77-15 will not require major changes.

Code revision essentially involves making corrections to and clarifying the language and arrangement of the statutory law. Bill 77-15 makes such changes, but also makes some minor, non-controversial, but substantive changes to the Code. These changes are explained in detail in the attached Executive Summary (Exhibit A).

With the affirmative vote of five members of the County Council, Bill 77-15 will take effect on the date it is signed by the County Executive.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Section 1005(a) of the Baltimore County Charter provides: "At intervals not greater than every ten years, the county council shall provide for a compilation and codification of this Charter and all public local laws, acts, rules, regulations, resolutions and ordinances, having the force and effect of law other than those of a temporary or special character of the county in effect at such times. It shall be published together with an index, and such appropriate notes, citations, annotations and appendices as may be determined by the county council and the office of law."

This process, often referred to as "code revision," typically occurs whenever the county's contract with the publisher of the Baltimore County Code terminates and the Office of Law begins the process of seeking a new publisher. In the code revision process that resulted in the *current* Code (Baltimore County Code, 2003), the Office of Law, in consultation with the Council Secretary, undertook a significant revision of the County Code. The entire Code was rewritten and restructured in significant ways mostly to reflect the Maryland style of legislative drafting, which resulted in an increase in the use of numbered tabulation for internal subsections and paragraphs. Another significant change was moving from the main divisions being in "Titles" appearing in alphabetical order to "Articles" grouped more or less thematically. A quick review of the current code shows that the first 11 articles largely involve administrative matters (broadly speaking); the next seven are about public health, welfare and safety; the next eight are miscellaneous matters that can be thought of as quality of life issues; and the final four are about land use regulation. All this was accomplished in a series of bills beginning with Bill 93-98 and ending with Bill 77-04.

The Office of Law, with help from Council Secretary, has secured a new contract for a publisher of the County Code. The County Attorney and the Council Secretary decided early on not to undertake a major revision of the County Code this time around. One of the major changes from the 1998 Code to the 2003 Code was a change in the section numbering system. For example, what had been § 14-405 of the 1998 Code became § 24-1-101 of the 2003 Code. It took a while for people, documents and courts to catch up to the new numbering system. Accordingly, it was decided to change as few section numbers as possible in this code revision. This has also meant that the new Code will continue to "Reserve" Articles 15, 16, 22, 27 and 31. These empty Articles were mostly created intentionally to hold spots open for new articles given the thematic structure of the new code as discussed above. This has proven unnecessary so far. But some Reserved articles were created because major drafting decisions were made late in the last code revision process when it would have been unfeasible to renumber succeeding sections.

Nevertheless, this process has created an opportunity to fix minor problems with the Code. This is more similar to the Maryland General Assembly's annual corrective bill than it is to the General Assembly's code revision process but it differs in one significant way; we are using these bills to make minor, non-controversial but substantive changes to the code (more on these below). For the most part, though, these code revision bills will be used to correct errors in the code and to update it in several ways:



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

- Cross references to state law are being updated to reflect the state's code revision process. *See e.g.*, § 2-1-102, which amends a cross reference to the former Article 25A, § 5(aa) of the Annotated Code of Maryland to the current § 10-302 of the Local Government Article of the Annotated Code of Maryland.
- Subsection and paragraph numbering within sections is amended to correctly reflect Maryland drafting style. *See e.g.*, § 2-3-103.
- Language is being amended to clarify law by using defined terms wherever possible. *See e.g.* § 3-1-202(a) where a reference to a "cable television franchise" is amended to use the defined term "cable system."
- Nomenclature is changed to reflect current usage. *See e.g.* § 3-2-303, which changes all references to "prisoners" in the detention center to "inmates," the term used by the detention center.

As noted, changes of a substantive nature are also being made:

- § 1-1-102 is amended to restore the name of Adelaide M. Haspert as the person who "presented" the county seal. Ms. Haspert's name was deleted as "unnecessary" in code revision Bill 93-98. This action favored efficiency over history; her name should be restored.
- §§ 3-2-602, 3-2-603 and 3-2-604 are repealed and/or amended to reflect the current structure of the Department of Environmental Protection and Sustainability (EPS).
- §§ 3-2-1202 and 3-3-305 are amended to reflect the current structure of the Department of Planning.
- §§ 3-3-1602 through 3-3-1606 are amended to reflect the move of Environmental Health Services from EPS to the Health Department.
- §§ 4-4-101 and 4-5-101(f) are amended to provide that neither the county nor its labor unions may engage in discrimination based on sexual orientation, gender identity or genetic information. This change is made to reflect the state of current state and federal law. Even without these provisions in the Code, both the county and its labor unions can be subject to complaints to the Maryland Commission on Civil Rights for alleged discrimination based on these elements. *See* § 20-606(a) and (c) of the State Government Article of the Annotated Code of Maryland. The county and labor are also subject to the federal Genetic Information Nondiscrimination Act.
- § 7-1-501(d) restores to the definition of "lobbyist" the requirement that the activity must be conducted "in the presence of any official or employee of the legislative or executive branch" in order for the person to be considered a lobbyist. This requirement had been present in the definition of "lobbyist" in § 28-2 of the 1998 Code but was inadvertently left out in code revision bill 91-99, which otherwise intended to revise the former definition "without substantive change." The absence of this language led to occasional confusion as individuals who intended only to encourage email and letter-writing campaigns to the Council asked if they were required to register as lobbyists if they somehow managed to spend more than \$100. They were always told no. This proposed



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

change and all the other changes to Article 7 of the Code have already been approved by the State Ethics Commission as reflected in a letter to the County Attorney dated June 24, 2015 from Jennifer K. Allgair, General Counsel.

Prepared by: Office of Law

Bill 78-15

Council District(s) All

Councilmembers Quirk and Marks

Recreational Space – Reports

Bill 78-15 requires the County Administrative Officer to provide an annual report to the County Council regarding local open space and the collection and use of fees related to open space.

The Administrative Officer must provide a report of the:

- Open space provided;
- Fees in lieu of providing open space that are assessed or collected;
- The specific local open space projects funded with fees in lieu;
- Name of each development project;
- Address and councilmanic district in which the project is located;
- Number and type of development units to be constructed;
- Amount and location of open space provided;
- Waivers requested, granted or denied, including the rationale for the grant or denial, and the date of the assessment or collection of any fee in lieu; and
- Cost of open space projects funded with fee in lieu revenues.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 78-15 will take effect on November 16, 2015.

Bill 79-15

Council District(s) All

Mr. Quirk

Basic Services Maps

Bill 79-15 exempts any development in a Commercial Revitalization District from the Basic Services mapping standards.

The Basic Services Maps are designed to aid the County in providing public services (water, sewer, and transportation) in an amount that facilitates the level of growth allowed by the current zoning. This growth management system applies inside the Urban Rural Demarcation Line (URDL). There are a variety of exceptions to the Basic Services Map standards. In addition, a special variance may be requested from any of the standards.

Bill 79-15 proposes to exempt any development in a Commercial Revitalization District from the Basic Services Maps standards. The County has 17 Commercial Revitalization Districts that have been officially designated by resolution of the County Council. They are: Arbutus, Baltimore National Pike, Catonsville, Lansdowne, Liberty Road, Pikesville, Reisterstown, Woodlawn, Cowenton-Ebenezer, Dundalk, Essex, Loch Raven, North Point, Overlea, Parkville, Perry Hall, and Towson.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 79-15 will take effect on November 16, 2015.

FM-1 (2 Contracts)

Council District(s) All

Department of Public Works

On-Call Snow Removal, De-icing and Salt Application

The Administration is requesting approval of two contracts to provide on-call snow removal and salt application services. The two contractors are Blake & Son’s Contracting LLC and J & J Truck & Trailer. The contracts commence November 1, 2015, continue through April 30, 2016, and may be renewed for 9 years (November 1 through April 30 constitutes a snow season). Compensation for the two contracts, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire 9-year and 6-month term of the agreements.

Fiscal Summary

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

(1) The hourly rate for the contractors is \$110 with no specified maximum compensation. The contracts, 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 amounts are not reasonably estimable at this time.

(2) Maximum compensation together with all other contracts for these services for the entire approximate 9-year and 6-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 contracts commence November 1, 2015, continue through April 30, 2016, and may be renewed for 9 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 contracts do not establish a fixed dollar amount; rather, the contracts state that the compensation paid to all contractors providing snow removal and salt application services may not exceed the amount appropriated during the entire term of the agreement. The Department advised that an estimated amount for each 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 agreements by providing 30 days prior written notice.

The FY 2016 budget for the Storm Emergencies Program totals \$5,987,025, including \$1,100,000 for contractual snow removal services. The Department advised that snow removal expenditures for FY 2015 totaled approximately \$14.9 million, including approximately \$4.3 million for contractual services.

Blake & Son's Contracting LLC and J & J Truck & Trailer will each provide one single-axle dump truck with a plow and spreader at an hourly rate of \$110. Each 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 State of Maryland rates in effect at that time. The State of Maryland contract includes an additional incentive payment to each 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, each contractor was selected on a non-competitive basis.

For the 2015/2016 snow season, the Department advised that it has approximately 300 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 52 contractors, excluding these two contractors, which provide a total of 188 trucks and 47 loaders to supplement the County's snow removal and salt application efforts this winter.

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 (Contract)

Council District(s) All

Office of Budget and Finance

Chiller Maintenance – Baltimore County Facilities

The Administration is requesting approval of a contract with E.J. Herring & Son, Inc. to provide maintenance and minor repair services for the chiller systems in six County-owned buildings. The contract commences November 12, 2015, continues until December 21, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through November 11, 2016 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 120 days. The contract does not specify a maximum compensation for the initial 1-year term. Estimated compensation for the initial 1-year term totals \$125,585. Compensation may not exceed \$693,936 for the entire 5-year and 4-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation	Notes
County ⁽¹⁾	\$ 125,585	\$ 693,936	(1) General Fund Operating Budget.
State	--	--	(2) Estimated compensation for the initial 1-year term. The contract does not specify a maximum compensation for the initial 1-year term.
Federal	--	--	(3) Maximum compensation for the entire 5-year and 4-month term, including the renewal and extension periods.
Other	--	--	
Total	<u>\$ 125,585</u> ⁽²⁾	<u>\$ 693,936</u> ⁽³⁾	

Analysis

The contractor will provide all labor, supervision, equipment, materials, tools, and related incidentals to maintain, troubleshoot, and make minor repairs to the air-conditioning chiller systems at six County-owned buildings in accordance with manufacturers' recommendations.

The chillers are located in the Public Safety Building, the Historic Courthouse, the Jefferson Building, the County Office Building, the Circuit Courts Building, and the Eastern Family Resource Center. The County reserves the right to add or delete locations during the contract period. The contract stipulates that the contractor must be available for emergency calls 365 days-per-year, 24 hours-per-day, and have a mechanic on the job site within 2 hours after receiving a request for emergency service.

The hourly rate for repairs is \$85 during regular time (Monday through Friday, 7:00 a.m. to 3:30 p.m.). Charges for emergency and unscheduled service repair work will be in addition to the regular contract pricing and will be negotiated between the County and the contractor. The monthly maintenance fee for each of the six buildings is \$250. Equipment rental and materials are billed at 10% and 15% above the contractor's costs, respectively.

The contract commences November 12, 2015, continues until December 21, 2015, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through November 11, 2016 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 120 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 1-year term. Estimated compensation for the initial 1-year term totals \$125,585. Compensation may not exceed \$693,936 for the entire 5-year and 4-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 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 agreement by providing 30 days prior written notice.

The contract was awarded through a competitive procurement process based on low bid from eleven bids received.

On June 6, 2011, the Council approved a similar 4-year and 5-month contract not to exceed \$148,348 with Dynastics, Inc. The contract expires November 11, 2015. As of October 15, 2015, expenditures/encumbrances under this contract totaled \$137,514. The Department advised that

in July 2013, the Circuit Courts Building and the Historic Courthouse were removed from the agreement because both buildings were in the process of having the chiller equipment replaced and the new equipment would be under warranty. These two locations are included in the proposed contract, as it is anticipated that they will be added for maintenance after the warranty period for the new equipment expires.

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-5 (Contract Addendum)

Council District(s) All

Office of Budget and Finance

Professional Civil Engineering/Site Design Services

The Administration is requesting an addendum to a contract with A. Morton Thomas and Associates, Inc. (AMT) to provide additional on-call civil engineering and site design services for County buildings and miscellaneous projects. The addendum increases the maximum compensation of the contract by \$2.0 million, from \$1.0 million to \$3.0 million, for the entire 4-year term, including the renewal periods. The contract commenced November 5, 2012. See Exhibit A.

Fiscal Summary

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

⁽¹⁾ Capital Projects Fund.

⁽²⁾ Additional compensation for the remaining approximate 1-year term.

⁽³⁾ Maximum compensation for the entire 4-year term.

Analysis

Under the proposed addendum, the contractor will continue providing on-call engineering and site design services (preparation of various studies, preliminary designs, and contract documents) for the site development of building and miscellaneous projects throughout Baltimore County.

The proposed addendum increases the maximum compensation of the contract by \$2.0 million, from \$1.0 million to \$3.0 million. The addendum also incorporates the contractor's supplemental proposal for the additional work, revised insurance certificate, and MBE/WBE forms. All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

On November 5, 2012, the Council approved the original 4-year contract with AMT not to exceed \$1 million. The Office advised that as of October 1, 2015, \$956,668 has been expended/encumbered under the contract.

The Office advised that AMT has or is currently working on the design of the following projects: new fuel centers throughout the County, Lake Roland Acorn Hill, Indian Rock Trail (Phase II), and the new Fire and Rescue Station in Towson. The Office further advised that with the additional funds, AMT will be providing services for the following projects: synthetic turf fields at Towson High, Dundalk High, and the Spring Grove campus, the Hernwood Landfill salt storage building, Hydes Road Park, and Kingsville Park.

Services will be performed at the contractor'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 must be within established County limits. Funding for the contract will not be encumbered at this time. Rather, contract costs will be charged to specific projects as they are assigned.

On March 5, 2012, the Professional Services Selection Committee (PSSC) selected AMT and Pennoni Associates, Inc. based on qualifications and experience from 27 submittals, of which 3 submittals were disqualified.

On November 18, 2013, the Council approved a similar 4-year contract not to exceed \$1.0 million with Pennoni Associates, Inc. As of October 21, 2015, \$225,133 has been expended/encumbered under this contract.

On July 5, 2011, the Council approved a 4-year contract not to exceed \$600,000 with AMT to provide on-call landscape architectural and civil engineering services for park development in the County. On June 15, 2015, the contract was amended to include two additional 1-year renewal

periods. The Office advised that as of October 1, 2015, expenditures and encumbrances under the contract totaled \$527,067.

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....”



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

THE PROJECT SCOPE

A. Morton Thomas & Associates, Inc. was selected by the Professional Services Selection Committee on March 5, 2012 to furnish professional civil engineering/site design services to prepare studies, preliminary designs, and contract documents for site development of buildings and miscellaneous projects. Funding for this on-call agreement needs to be increased for future tasks to be assigned. The total original funding of \$1,000,000.00 was not initially encumbered under a single job but will be established for each assigned task.

THE CONSULTANT

The Consultant, A. Morton Thomas & Associates, Inc. was selected by the Professional Services Selection Committee on March 5, 2012.

SCOPE:

Provide on-call civil engineering/site design services to prepare studies, preliminary designs, and contract documents for site development of buildings and miscellaneous projects.

ORIGINAL AGREEMENT

TOTAL: \$1,000,000.00 upset limit

THIS ADDENDUM

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

	<u>This Addendum</u>	<u>Total Agreement</u>
TOTAL	\$2,000,000.00	\$3,000,000.00

Prepared by: Office of Budget and Finance

FM-3 (Contract Amendment)

Council District(s) All

Department of Environmental Protection and Sustainability

Professional Forestry Services

The Administration is requesting an amendment to a contract with Mar-Len Environmental, Inc. to provide additional on-call forest management services for the Department’s Forest Sustainability Program, which includes reforestation projects for the Chesapeake Bay Watershed Implementation Plan (WIP) program. The proposed amendment increases the maximum compensation of the contract by \$750,000, from \$750,000 to \$1,500,000, for the entire 5-year and 3-month term of the contract, including the extension period. The contract commenced April 21, 2014. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 750,000	\$ 750,000	\$ 1,500,000
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 750,000</u>	<u>\$ 750,000</u>	<u>\$ 1,500,000</u> ⁽²⁾

⁽¹⁾ Capital Projects Fund.

⁽²⁾ Maximum compensation for the entire 5-year and 3-month term, including the extension period.

Analysis

Under the proposed amendment, the contractor will continue to provide on-call forest management services, including forest assessment, monitoring, and planning; marking of trees; preparation of bids and permits for silvicultural treatments (the harvesting of dead trees and the

thinning of over-crowded forests); the oversight and inspection of contracted forestry operations; site preparation, planting, and maintenance for reforestation projects associated with the County's WIP program; training for forest monitoring; technical support for deer herd management; and other services specified for forest management. Reforestation projects include design, site preparation, planting and sheltering of trees, and providing 3 years of maintenance.

The Department advised that since the commencement of the current contract, the contractor has provided forest assessments and forest management plans for eight County parks, in addition to conducting assessments for other contractual projects funded by the Maryland Department of Natural Resources. The contractor also has conducted reforestation projects for the County's Phase II WIP program including 67.9 acres of reforestation. The Department further advised that the amendment is necessary due to the acceleration of reforestation work in order to meet the County's WIP goal.

On April 21, 2014, the Council approved the original 5-year and 3-month contract, with compensation not exceed \$750,000. The proposed amendment increases the maximum compensation of the contract by \$750,000, from \$750,000 to \$1,500,000, for the entire 5-year and 3-month term of the contract, including the extension period. All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice.

The original contract was awarded on a non-competitive basis based on the Department's previous success with the contractor, existing projects that were in progress, and the specialized services provided. The Department advised that the contractor is uniquely qualified in this region regarding the use of the USDA Forest Service Northeast Decision Model software for forest health assessments. The contractor also has provided forestry services to the County since 2006. The Department advised that as of September 21, 2015, expenditures/encumbrances under this contract totaled \$574,640.

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...."



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Baltimore County EPS has an on-call contract with Mar-Len Environmental, Inc. to provide professional forestry services. Their principal staff is a MD Licensed Professional Forester. Forestry services performed by Mar-Len to date have included conducting forest health assessments and preparing forest management plans for 8 County parks, as well as conducting assessments for other contractual projects funded by the MD Department of Natural Resources – Forest Service. In addition, Mar-Len provides technical services for tree marking, harvest permitting, and inspection of Baltimore County's forest restoration projects. Beginning in fall 2013, EPS also used Mar-Len for reforestation projects for the County's Phase II Chesapeake Bay Watershed Implementation Plan (WIP) program while additional contractors were being procured. To date Mar-Len has planted 6 WIP projects totaling 67.9 acres of reforestation for a cost of \$574,640.00. Reforestation projects include design, site preparation, planting and sheltering of trees, and 3 years of maintenance. The increased project work, in order to accelerate reforestation work to meet the County's WIP goal, resulted in a faster drawdown of funds than anticipated when the original \$750,000 contract was initiated. This request is to increase the contract limit on the current 5-year Master Agreement (MA 00002670) by an additional \$750,000 to a new Not To Exceed limit of \$1,500,000. EPS anticipates continuing to use Mar-Len Environmental as a contractor for professional forestry services including reforestation projects for the WIP.

Prepared by: Department of Environmental
Protection and Sustainability

FM-4 (Contract)

Council District(s) 4

Department of Permits, Approvals and Inspections

Widening of Rolling Road

The Administration is requesting approval of a contract to acquire property totaling approximately 0.093 acre for \$7,304 to be used for the widening of Rolling Road in Windsor Mill. Julius Adeleke currently owns the property, which is located at 3114 Rolling Road. The property is zoned DR-5.5 (Density Residential – 5.5 dwelling units/acre) and will be used for highway widening and various easement areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 7,304	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 7,304</u>	

Analysis

David B. Johns, staff appraiser, completed an appraisal of the property in February 2015, recommending a value of \$7,304. 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 0.093-acre property to be acquired is part of a 0.54-acre property which is residentially improved with a detached, 2-story frame dwelling. The property acquisition will have no adverse impact on the property.

The Department advised that 129 acquisitions are needed for this project, 83 of which require Council approval. As of October 19, 2015, the Council has approved 37 property acquisitions and 2 condemnations for this project. The Department also advised that a total of 64 properties still need to be acquired for this project, of which 44 will require Council approval, not including this acquisition.

The widening of Rolling Road consists of two phases: Phase I is from Orchard Avenue to Windsor Mill Road; Phase II is from Orchard Avenue to Liberty Road and Windsor Boulevard to the south side of Windsor Mill Road. Estimated project costs total \$13 million, including \$10 million for construction (\$5 million each for Phases I and II). As of October 14, 2015, \$3,509,686 has been expended/encumbered for this project, excluding the cost of this acquisition. The Department advised that an anticipated construction date is not currently available.

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



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

PROGRAM TITLE: Rolling Road

PROJECT NO.: 205-0232-0009

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Julius Adeleke

PROPERTY INTERESTS TO BE ACQUIRED: Highway Widening Area containing 0.054 acre (2,367 sq. ft.) of which 0.003 acre (137 sq. ft.) +/- lies in existing paving

Temporary Construction Area containing 0.024 acre (1,066 sq. ft.) +/-

Temporary Slope Easement Area containing 0.008 acre (359 sq. ft.) +/-

Temporary Construction and Adjustment Area containing (81 sq. ft.)

Drainage and Utility Easement Area containing 0.004 acre (173 sq. ft.) +/-

LOCATION: 3114 Rolling Road
Windsor Mill, Maryland 21244

CONSIDERATION \$7,304.00

PURPOSE OF PROJECT: To acquire a portion of a parcel of land and the necessary easements for the widening of Rolling Road.

LIMITS OF PROJECT: PHASE I - Orchard Avenue to Windsor Mill Road
PHASE II - Orchard Avenue to Liberty Road and Windsor Boulevard to Windsor Mill Road

Prepared by: Department of Permits, Approvals & Inspections

MB-3 (Res. 91-15) Donation

Council District All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Accept Gift – Pet Disaster Relief Trailer and Supplies

This resolution authorizes the County to accept a donation of a pet disaster relief trailer and supplies valued at \$22,000 from the American Kennel Club Companion Animal Recovery Corporation d/b/a AKC Reunite. The Department will use the 16 ft. by 7 ft. two-axle custom trailer to help transport supplies and materials to a temporary home base for animals displaced during a disaster event. The trailer is fully equipped with non-perishable supplies such as crates, collars, leashes, cleaning supplies, and a microchip scanner. The Department advised that the trailer would be strategically placed in conjunction with sheltering facilities to accommodate displaced citizens with pets. The County contributed \$11,000 in Public Health Emergency Preparedness grant funding toward this project, approved through the 14-day grant notification process on April 27, 2015, and AKC Reunite provided the remaining \$11,000.

As part of the agreement between the County and AKC Reunite, the County will showcase the trailer at community events a minimum of two times per year in order to educate citizens about disaster preparedness for pets. In addition, the County will maintain the trailer according to proper standards of care and replenish the supplies as necessary so that the trailer is available at all times to house approximately 50 pets and service animals in the event of an emergency. The Department advised that the annual cost of maintaining the trailer is expected to be minimal and supplies will be replaced as used. When not in use, the trailer will be housed at the Baltimore County Animal Shelter.

County Charter, Section 306, vests in the County Council the power to accept gifts.

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

MB-4 (Res. 92-15) PILOT

Council District(s) 5

Mrs. Bevins (By Req.)

Department of Planning

Payments-In-Lieu-of-Property-Taxes

Resolution 92-15 authorizes the County to enter into a 42-year agreement with Tabco Towers Housing Associates, LLC for stipulated payments-in-lieu-of-real-property-taxes (PILOT) in order to provide financial assistance for a housing redevelopment project located at 305 East Joppa Road in Towson (Tabco Towers) for low-income elderly and disabled persons. See Exhibit A.

Fiscal Summary

Funding Source	Property Tax Reduction
County	\$ 27,113,266 ⁽¹⁾
State	--
Federal	--
Other	--
Total	<u><u>\$ 27,113,266</u></u>

⁽¹⁾ Estimated net present value of property tax loss over the 42-year term of the PILOT agreement.

Analysis

Tabco Towers Housing Associates, LLC currently owns the property located at 305 East Joppa Road in Towson. Tabco Towers consists of 200 apartments (a mix of studio and 1-bedroom units), all of which will be reserved for elderly persons aged 62 and older and disabled persons of any age whose incomes do not exceed 60% of the area median income (\$37,140 for an individual and \$42,480 for a couple). Renovations to the 200 apartments are expected to begin in December 2015 and be completed in December 2016. Tabco Towers Housing Associates, LLC will also

install a minimum of 10 washers and dryers in the laundry facilities and resolve outstanding safety issues to the satisfaction of the County Fire Marshal by December 31, 2016.

Resolution 92-15 authorizes the County to enter into a PILOT agreement with Tabco Towers Housing Associates, LLC with payments-in-lieu-of-taxes in the amount of \$275 per unit per year. The PILOT agreement will reduce County real property tax revenue for the earlier of 42 years or as long as the developer continues to operate the facility as low-income housing. The PILOT agreement states that the property owner shall make annual payments at the end of each calendar year, and the tax payment shall be made prior to payment of any debt service on the property. Payments in the first year after project completion will total \$55,000 (\$275 per unit for 200 units) and will annually increase by the greater of 3% or the percentage rent increase. (If the property is transferred or sold subject to the governing Regulatory Agreement and the PILOT agreement, the annual payments will increase by the greater of 4% or the percentage rent increase.) Estimated PILOT-generated revenue is \$495,961 less than the estimated County property tax revenue amount in the first year. PILOT-generated revenue is estimated to be a net present value amount of \$27,113,266 less than the County property tax amount over 42 years (assuming that payments are to increase by 3% each year, the initial assessed value of the property is equal to the project cost of \$50.1 million, property value is to increase by 3% per year, and the present-value discount rate equals 5% per year). Should the property no longer be used as low-income housing, Tabco Towers Housing Associates, LLC will be liable for all foregone County property taxes.

The Annotated Code of Maryland, Tax-Property Article, Section 7-506.1 exempts certain subsidized rental housing projects from property taxation if the owner and governing body of the County agree to negotiated payments-in-lieu-of-real-property-taxes.

Estimated project costs total approximately \$50.1 million and will be financed as follows:

Government National Mortgage Association mortgage	\$ 24,502,112
Maryland Department of Housing & Community Development, Community Development Administration revenue bonds	21,000,000
Maryland Rental Housing Works loan	2,500,000
Equity from Deferred Developer's Fee	1,385,288
Maryland Customer Investment Fund	700,000
Total	\$ 50,087,400



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Tabco Towers is a 200-unit affordable housing complex, located at 305 E. Joppa Road in Towson, which was constructed in 1975 primarily for elderly tenants. Over the years, the tenant base has evolved into a mix of both elderly (approximately 40%) and disabled (approximately 60%) tenants whose incomes do not exceed 60% of the area household median income for the Baltimore metropolitan area.

In December 2014, an affiliate of Wishrock Investment Group, Tabco Towers Housing Associates, LLC (Owner), purchased Tabco Towers with the goal of preserving the affordable nature of the property which is tied to the existing mortgage (2017 maturity). Owner will close on a new forty (40) year loan under FHA, and has entered into a 15-year Housing Assistance Payment Contract (HAP) with U. S. Department of Housing and Urban Development (HUD) under its Rental Assistance Demonstration Program (Component 2). The 15-year contract will become effective when the existing mortgage is paid off. Subsequently, Owner expects to utilize 4% Low Income Housing Tax Credits (LIHTC) in conjunction with a bond issuance in late October or early November by Maryland Community Development Administration (CDA).

The building, including every unit, will undergo a substantial renovation at a cost of approximately \$10 million. The Baltimore County Fire Marshal has required that certain life safety matters also be included in the renovations.

As a local contribution to this project the Department of Planning recommends a forty-two year PILOT (payments in lieu of taxes). The Owner will make payments in advance that will equal, at a minimum, \$275.00, the current year's Tax Payment. The Tax Payment shall increase by 3% annually. If the Property is transferred or sold subject to this Agreement, the Tax Payment shall increase by four percent (4%) annually.

Prepared by: Department of Planning

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Fred Homan
Administrative Officer

DATE: 9/28/15

FROM: Keith Dorsey, Director
Office of Budget & Finance *KAD*

**COUNCIL MEETING
DATE:** 11/2/15

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 8403 Baltimore Gas & Electric Co dba BGE. – Gwynns Falls Sewershed structural Sewer Rehab BGE Relocation

This purchase order represents relocation of distribution facilities on Gwynns Falls Sewershed structural Sewer rehab. under Capital Improvement Contract 14135-SXO. BGE owns the distribution facilities and is the only source for this relocation work.

Cost Estimate: \$25,000.00
Award Date: 09/28/15

PO 8289 Potters Industries LLC – Visilok Glass Beads – FY16

This Purchase Order is with Potters Industries, LLC for VisiLock Beads used by the Bureau of Highways for traffic paint enhancement. This product increases the productivity of the painting crews because it cuts the drying time of paint significantly. Also, the quicker drying time will reduce vehicle damage claims due to wet traffic paint that ends up on passing vehicles.

As indicated in the July 8, 2015 memo by DPW Director Edward C. Adams and the manufacturer's letter dated April 28, 2015, this product is a sole source because the manufacturer sells directly without the use of distributors.

Amount Total: \$51,700.00
Award Date: 09/28/15

PO 8454 Popowski Brothers Inc. dba PBI Restorations – Hereford Public Library

This order is for emergency water damage mitigation and repairs at the Hereford Library.

As indicated in Property Management Chief George Klunk's memo, approved by OBF Director Keith Dorsey on 9/14/2015, PBI Restoration responded to an emergency to mitigate water damage and make repairs in the Hereford Library, resulting from a hot water heater failure, which flooded three offices in the building and first floor library.

Amount Total: \$29,541.33
Award Date: 09/28/15

PO 8439 Branch Group Inc. dba Rexel – SCADA Upgrade/Parts for monitoring Pumping Stations

This Purchase Order is for Allen Bradley process logic controllers (PLC) from Rexel, USA, used at various wastewater-pumping stations and at the Fullerton complex.

Allen Bradley manufactures the Compactlogix 33ER Process Logic Controller (PLC) and Rexel, USA is the only authorized distributor of Allen Bradley parts/equipment in our area. Allen Bradley equipment is used extensively at the County's pumping stations and the new equipment must be compatible with existing equipment for communications and connectivity.

As stated in Department of Public Works Director Edward C. Adams' memo dated August 28, 2015, the County is upgrading and expanding the current SCADA (Supervisory Control and Data Acquisition) system in part, by replacing the PLCs. The existing units at thirty-two (32) pumping stations are nearing the end of their useful life. This purchase will complete the upgrade of the wireless SCADA at the remaining pumping stations.

In addition, seventeen (17) PLC's (for polling) are being purchased for installation in Towson.

Amount Total: \$128,119.89
Award Date: 09/28/15

MA 3027 Verizon Maryland LLC – 911 ANI/ALI Database Records CBS/CNE Case No. 2015-195322

This Master Agreement is for the purchase ANI-ALI database records for Fiscal Year 2016 for the 911 Center.

According to the memo dated June 10, 2015 prepared by Rich Sterba and approved by Budget and Finance Director Keith Dorsey, there are tariff regulated database record services under the Miscellaneous Service Arrangements Tariff, Universal Emergency Number 911 Service and proved by Verizon Maryland, Inc.

These 911 database records can only be provided by Verizon Maryland.

The expenditure of \$825,600.00 is inclusive of all charges, fees, taxes, and tariff surcharges as allowed by law, regulations or tariffs.

Amount Total: \$825,600.00
Award Date: 09/29/15

c: M. Field
T. Peddicord
L. Smelkinson