

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

*Issued: November 5, 2015
Work Session: November 10, 2015
Legislative Day No. 19 : November 16, 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 16, 2015

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 19
NOVEMBER 16 , 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

DR. GREGORY BRANCH, HEALTH OFFICER, DEPARTMENT OF HEALTH AND HUMAN SERVICES

1 Bill 80-15 - Mrs. Bevins(By Req.) - Public Swimming Pools and Bathing Beaches

COUNCIL

3 Bill 81-15 - Mr. Kach - Nuisances – Prohibiting the Growth of Bamboo

4 Bill 82-15 - Mr. Kach - Fireworks

5 Bill 83-15 - Mrs. Almond - Medical Cannabis

6 Bill 84-15 - Mr. Quirk - Recreational Space Fees

7 Bill 85-15 - All Councilmembers - Stormwater Management Fee

APPROVAL OF FISCAL MATTERS/CONTRACTS

KATIE BROWN, DIRECTOR, BOARD OF ELECTIONS

9 1. Contract - Answer Quest Technologies, Inc. - Training for Election Judges - Board of Elections

MISCELLANEOUS BUSINESS

ED ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

13 1. Res. 98-15 - Mrs. Bevins(By Req.) - Approval of extension of sanitary sewer system - Middle River area

COUNCIL

2. Res. 100-15 - Mrs. Bevins - Property Tax Exemption - DAV - James M. Hodgins

3. Res. 101-15 - Mr. Quirk - Property Tax Exemption - DAV - James A. Shreve

4. Appointment - Mrs. Bevins(By Req.) - Baltimore County Design Review Panel - Qutub Syed

Bill 80-15

Council District(s) All

Mrs. Bevins (By Req.)

Department of Health and Human Services

Public Swimming Pools and Bathing Beaches

Bill 80-15 increases the number of members on the committee that oversees public swimming pools and bathing beaches and moves some of the functions of the Department of Environmental Protection and Sustainability and its Director to the Department of Health and the Health Officer.

There is a Review Committee for Public Swimming Pools and Bathing Beaches. This Review Committee is an advisory body that currently consists of eight members, and includes:

- A member of the Board of Health, approved by the Chairman of the Board;
- A representative of the State Department of Health and Mental Hygiene; and
- Six members appointed by the Director of Environmental Protection and Sustainability, including:
 - One representative of the Department of Environmental Protection and Sustainability;
 - One member of the American Red Cross or a similar organization; and
 - Four members of the swimming pool industry, of whom: two must be actively engaged in the swimming pool construction or swimming pool supply business; and two must be actively engaged in the ownership, management, or operation of one or more public swimming pools.

The Review Committee meets at least once a year. At the annual meeting, the Review Committee reviews rules and regulations adopted under the County Code; hears recommendations by interested persons; and recommends changes in the rules and regulations that are in the public interest. The Review Committee may submit recommendations for changes in the rules and regulations for public swimming pools and bathing beaches to the Director of Environmental Protection and Sustainability (EPS) for the Director's consideration.

Bill 80-15 increases the Committee from 8 to 10 members and substitutes the members appointed by the Director of EPS with the Health Officer. It also increases the number of appointees by the Health Officer from six to eight. These two additional members must be individuals actively engaged in the ownership, management, or operation of one or more public bathing beaches.

The bill also substitutes a number of reporting functions, the “approving authority,” and the adoption of regulations from EPS and the Director of EPS, to the Department of Health and the Health Officer, respectively.

Bill 80-15, having been passed by the affirmative vote of five members of the County Council, shall take effect on November 29, 2015.

Bill 81-15

Council District(s) All

Mr. Kach

Nuisances – Prohibiting the Growth of Bamboo

Bill 81-15 prohibits the growing of bamboo under certain circumstances.

Article 13, Title 7 of the County Code prohibits nuisances on private property. Subtitle 4 deals with weed control. Section 13-7-401 prohibits a person from maintaining on his property any ragweed, poison ivy, or other noxious weeds that are known to be either allergenic, a skin irritant, or toxic when ingested. These weeds may not be allowed to grow within 20 yards of an adjoining property line. There are criminal penalties for violations. In addition, the Department of Environmental Protection and Sustainability may initiate a code enforcement proceeding by giving notice to the property owner to destroy the noxious weeds.

Bill 81-15 proposes to similarly prohibit the maintaining of bamboo on one's property within 20 yards of an adjoining property line.

Bamboo is technically a grass and one of the world's most invasive plants. Once established, it is nearly impossible to control. The sponsor believes that bamboo should be treated in similar fashion as a noxious weed by prohibiting its growth within 20 yards of a property line and by authorizing the County to order the abatement of the growth.

With the affirmative vote of five members of the County Council, Bill 81-15 will take effect 45 days after its enactment.

Bill 82-15

Council District(s) All

Mr. Kach

Fireworks

Bill 82-15 amends the County Code statute pertaining to fireworks displays to require that notice be provided to certain nearby property owners.

The discharge of fireworks and pyrotechnics displays are governed by State law, and includes the requirement that an applicant obtain a license issued by the State Fire Marshal. These displays are also addressed in the Baltimore County Code, which limits the number of times a person with a license may discharge fireworks to no more than three times in 1 year, prohibits discharges after 11:00 p.m., and prohibits the discharge at a location in the County where fireworks have been previously discharged three times during the same year.

The County Code statute also contains certain exceptions as well as a penalty for a violation of the section.

Bill 82-15 adds a notice requirement to the County Code statute. It requires a person intending to discharge fireworks in the County to first give notice to each property owner whose nearest property line is within 1,500 feet of the location of the planned fireworks display via certified mail at least 21 days prior to the planned fireworks display. The notice is to contain: the location of the planned fireworks display, the date and time, and the estimated duration. The bill also exempts from the notice requirement a fireworks display authorized under County and State law that is open to attendance by the general public.

Finally, the bill increases the penalties for a violation of the County Code section from a fine not exceeding \$100 to \$250 for a first violation, and a fine not exceeding \$1,000 for a second or subsequent violation.

Bill 82-15 shall take effect 45 days after its enactment.

Bill 83-15**Council District(s) All**

Mrs. Almond

Medical Cannabis

Bill 83-15 permits a state-licensed medical cannabis grower/processor to also dispense medical cannabis.

Earlier this year, the Council regulated the permitted location of medical cannabis growing, processing, and dispensing facilities (Bill 61-15).

State regulations provide for the method of obtaining a license to grow or process or dispense medical cannabis. The regulations permit a person or entity to obtain all three licenses and to dispense the product at the location where it is also grown and processed.

Bill 83-15 amends the recently enacted legislation to authorize a person or entity that is licensed as both a medical cannabis grower and a medical cannabis processor to operate a licensed medical cannabis dispensary at its growing and processing facility, if located in a M.L. (Manufacturing, Light)-I.M. (Industrial, Major) Zone.

With the affirmative vote of five members of the County Council, Bill 83-15 will take effect November 30, 2015.

Bill 84-15**Council District(s) All**

Mr. Quirk

Recreational Space Fees

Section 32-6-108 of the County Code contains a procedure that authorizes a developer to pay a fee to the County in lieu of providing local open space in a proposed development. These fees are established by the County Administrative Officer, at least once every 2 years, based upon the zoning classification of land and the uses of the land and the public purposes. The fees are required to be proportionate to offset the County's cost of acquiring recreational land. The recommended schedule of fees is sent to the Council for adoption by resolution.

Bill 84-15 provides that the fees adopted by Council resolution may not be reduced below the amounts established in the resolution.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 84-15 will take effect on November 30, 2015.

Bill 85-15

Council District(s) All

All Councilmembers

Stormwater Management Fee

Bill 85-15 reduces the rates for stormwater management fees for FY 2017, beginning July 1, 2016.

In April 2013, the Council passed Bill 20-13 that established a stormwater remediation fee as required by State law. In March 2015, the Council passed Bill 9-15 that reduced the rates for the stormwater remediation fee by one-third. Subsequent to that action, the Maryland General Assembly repealed the requirement that a county stormwater remediation program must include a stormwater remediation fee (Ch. 124, Acts of 2015).

In adopting Bill 9-15, the Council had provided that, if the Maryland General Assembly repealed the Watershed Protection and Restoration Act of 2012, or otherwise altered the manner in which the County is required to comply with the Act, the County Council would review the provisions of Council Bill 20-13 to determine if the County’s Stormwater Management Program should be amended and if the stormwater remediation fee should be repealed or reduced.

Bill 85-15 reduces the current rates for the fee for FY 2017, effective July 1, 2016, as follows:

Class	FY 2016 Rates	FY 2017 Rates
Single-family detached (including mobile homes)	\$26	\$17
Single-family attached	\$14 per dwelling unit	\$9 per dwelling unit
Residential, condominium or cooperative ownership	\$22 per dwelling unit	\$15 per dwelling unit
Residential, unimproved	\$0	\$0
Agricultural, non-residential	\$0	\$0
Agricultural, single-family	\$26	\$17
Non-residential, non-institutional	\$46 per ERU	\$31 per ERU
Non-residential, institutional	\$14 per ERU	\$9 per ERU

Bill 85-15 also repeals the stormwater management fee for FY 2018, effective July 1, 2017.

The proposed fee rate reductions will reduce revenues by approximately \$5 to \$6 million in FY 2017 and by the remaining approximately \$10 to \$11 million in FY 2018. The executive branch will be responsible for developing a budget plan that relies upon other revenue sources, such as general obligation bond financing, to ensure that Baltimore County continues to meet state and federal stormwater management requirements.

With the affirmative vote of five members of the County Council, Bill 85-15 will take effect November 30, 2015.

FM-1 (Contract)

Council District(s) All

Board of Elections

Training for Election Judges

The Administration is requesting approval of a contract with Answer Quest Technologies, Inc. to provide election judge training services. The contract commences upon Council approval, continues for 1 year, and will automatically renew for seven additional 1-year periods, with the option to further extend the initial term or any renewal term an additional 90 days. The contract does not specify a maximum compensation for the initial 1-year term. Estimated compensation for the initial 1-year term totals \$90,000. Compensation may not exceed \$420,000 for the entire 8-year and 3-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation	Notes
County ⁽¹⁾	\$ 90,000	\$ 420,000	⁽¹⁾ General Fund Operating Budget. ⁽²⁾ Estimated compensation for the initial 1-year term. The contract does not specify a maximum compensation for the initial 1-year term. ⁽³⁾ Maximum compensation for the entire 8-year and 3-month term, including the renewal and extension periods.
State	--	--	
Federal	--	--	
Other	--	--	
Total	<u>\$ 90,000</u> ⁽²⁾	<u>\$ 420,000</u> ⁽³⁾	

Analysis

The contractor will provide qualified trainers to assist with facilitating election judge training classes, which are led by County Board of Elections officials. State law requires election judges, as a condition of appointment, to attend a training session prior to each primary and general election due to the dynamic laws and procedures that govern elections. The trainers will each attend 1 day of State-mandated training prior to training the election judges.

The County will develop the election judge training materials in accordance with State and County regulations and procedures. The County will also provide all necessary equipment, including electronic poll books and printers, ballot scanners, ballot marking devices, accessibility equipment, barcode readers, routers, projectors, and laptops.

The Board anticipates that in election years, 12 to 16 election judge training classes will be conducted each week during the months of January through April and August through November in preparation for the primary and general elections. The training classes will be conducted at various locations throughout the County, including Arbutus, Owings Mills, Perry Hall, Hunt Valley, Essex, and Dundalk. Class size is expected to be between 20 and 30 attendees. The 3-hour classes will be held 2 to 3 times per day on Mondays through Thursdays between the hours of 9:00 a.m. and 9:00 p.m., and Fridays and Saturdays between the hours of 9:00 a.m. and 4:00 p.m. The Board anticipates that approximately 3,200 election judges will be trained before each primary and general election. The contractor will be compensated at a rate of \$345 per training class.

The contract commences upon Council approval, continues for 1 year, and will automatically renew for seven additional 1-year periods with the option to further extend the initial term or any renewal term an additional 90 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 \$90,000. Compensation may not exceed \$420,000 for the entire 8-year and 3-month term, including the renewal and extension periods.

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

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

On April 17, 2006, the Council approved a 9-year and 11-month contract not to exceed \$2,434,704 with the State of Maryland, on behalf of the University of Baltimore, for election judge training services. The contractor was responsible for developing an instruction manual and curriculum, training election judges, providing refresher training prior to the election, acquainting judges with any changes in laws, rules and regulations, and training County Board of Elections officials. The Board advised that the County declined to renew this contract in April 2011 and that \$1,130,901 was expended under this contract. The Board further advised that in December 2011, the Board began utilizing the training services of Answer Quest Technologies, Inc. under an existing 9-year and 8-month computer training consulting services contract approved by the Council on November 1, 2004; on August 4, 2014 the Council approved a 1-year contract extension through June 30, 2015 to allow time needed to solicit a new contract for services. The Board advised that \$136,194 was expended under this contract for election judge training services through November 2014.

On January 5, 2015, the Council approved a 5-year and 3-month contract not to exceed \$1 million with Answer Quest Technologies, Inc. and five other contractors to provide computer training and consulting 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....”



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Maryland law requires Election Judges to attend a training session as a condition of appointment. This contractor will assist with training of over 3200 judges. Time restraints and receipt of training mandates from State Board of Elections only allow for a three (3) month period to complete training. There are currently not enough full-time staff to provide the training in three months in addition to day to day work and additional duties in an election year. Judge training requires three hour classes to be held five or six days a week, 2 to 3 classes per day. Class sizes and curriculum require more than one trainer in a class, preferably 3 to 4 trainers are needed in order to fulfill State Board requirements. The addition of a trainer through this training contract will reduce the number of election staff needed to adequately prepare the election judges.

Prepared by: Board of Elections

MB-1 (Res. 98-15)

Council District(s) 6

Mrs. Bevins (By Req.)

Department of Public Works

Approval of Extension of Sanitary Sewer System – Middle River Area

Resolution 98-15 approves an extension of the County’s sanitary sewer to Carroll Island Road in the Middle River area, Fifteenth Election District and Sixth Councilmanic District. The extension will benefit one improved property at 643 Carroll Island Road.

Fiscal Summary

Funding Source	Construction Cost	Notes
County	\$ 41,203 (1)	(1) Capital Projects Fund – Metropolitan District; includes \$13,143 County contribution above the self-supporting project cost. (2) Property owner’s responsibility to be paid over 40 years through front-foot assessments and construction loan charges.
State	--	
Federal	--	
Other	37,694 (2)	
Total	<u>\$ 78,897</u>	

Analysis

Section 20-1-119 of the Baltimore County Code (2003) authorizes the extension of the water and sewer system to serve existing housing units without meeting the normal requirement of the Metropolitan District Act that the project be self-supporting. This section authorizes an exception if a project is judged necessary due to existing unsanitary conditions. However, the system extension is conditioned upon the holding of a public hearing at which the Department of Public Works must notify the affected property owner(s) of all project costs. The hearing for the proposed extension was held on October 8, 2015. The law also requires the County Council to approve the extension by adoption of a resolution.

According to the Administration, a determination has been made that a significant health problem exists in the affected area. The extension of the sanitary sewer system will eliminate the problem by halting discharge of surface sewerage into the public area and the resulting well contamination.

The Administration also advised that construction costs for the project total \$78,897. The County will assume a portion of the cost, and the balance will be paid by the property owner through front-foot assessment and associated construction loan charges over a 40-year period. The County's responsibility is \$41,203 (including a \$13,143 County contribution above the self-supporting project cost); the property owner's responsibility is \$37,694.

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