

*BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2016*

*Issued: February 25, 2016
Work Session: March 1, 2016
Legislative Day No. 5: March 7, 2016*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

March 7, 2016

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 5
MARCH 7, 2016 6:00 P.M.**

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

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CALL OF BILLS FOR FINAL READING AND VOTE

COUNCIL

1 Bill 4-16 - Councilmembers Kach & Marks - Mercantile Exposition Overlay District

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

2 Bill 5-16 - Mrs. Almond(By Req.) - CEB - Supplemental Nutrition Assistance Program for Employment & Training

PAUL S. LURZ, FIRE DEPARTMENT

5 Bill 6-16 - Mrs. Almond(By Req.) - CEB - State Homeland Security Program Award

APPROVAL OF FISCAL MATTERS/CONTRACTS

EDWARD ADAMS, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

8 1. Contract - Protection Services, Inc. - Installation/maintenance of signs - PW
11 2. Contract - Vachino Masonry Construction Company, Inc. - Snow removal and deicing services - PW

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

14 3. Amendment to Contract - Lorenz Lawn and Landscape, Inc. - On-call landscaping services - OBF

AMY GROSSI, REAL ESTATE COMPLIANCE

WITHDRAWN 4. ~~Lease Agreement - The Emmanuel Baptist Church, Inc. - Lot 48 - Cherry Heights - Linden Avenue, 21206 - REC~~

MISCELLANEOUS BUSINESS

AMY GROSSI, REAL ESTATE COMPLIANCE

17 1. Res. 25-16 - Mrs. Almond(By Req.) - Accept donation - James Rea Garrett - Parcel of land - Ruxton

COUNCIL

2. Res. 26-16 - Mrs. Bevins - Property Tax Exemption - DAV - Gary L. DeVoe
3. Res. 27-16 - Mr. Jones - Property Tax Exemption - DAV - Patricia A. Garner
4. Res. 28-16 - Mr. Jones - Property Tax Exemption - DAV - Eric A. Blount
5. Res. 29-16 - Mr. Kach - Property Tax Exemption - DAV - William C. Collins
6. Res. 30-16 - Mr. Crandell - Property Tax Exemption - DAV - John J. Clarke

Bill 4-16**Council District(s) 3**

Councilmembers Kach and Marks

Mercantile Exposition Overlay District

Bill 4-16 prohibits satellite simulcast betting (off-track betting) and intertrack betting at the Maryland State Fair property in Timonium.

The Maryland State Fair & Agricultural Society, Inc. is a Maryland non-profit corporation that owns and operates the 100-acre Fairgrounds property abutting York Road in Timonium. The annual State Fair has been held there for over 100 years. Currently, the Fair conducts 10 days of thoroughbred racing in conjunction with the State Fair in late August of each year.

In 2012, the Council created the Mercantile Exposition Overlay District. The district is applied to a tract of land of at least 80 acres, zoned for commercial or industrial use, that is owned by an agricultural society. The uses permitted consist of a variety of commercial and agricultural activities. Slot machines and video lottery facilities are expressly prohibited (Bill 16-12). The district was applied to the Fairgrounds property during the 2012 CZMP.

The Maryland Jockey Club has applied for a permit from the Maryland Racing Commission to operate a satellite simulcast betting facility (off-track betting) at the Maryland State Fairgrounds. Bill 4-16 proposes to expressly prohibit off-track betting at a mercantile exposition overlay district, effectively prohibiting off-track betting at the Maryland State Fairgrounds except during the authorized 10 days of racing that are conducted concurrently with the State Fair.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 4-16 will take effect on the date of enactment, retroactive to January 1, 2016.

Bill 5-16 (Supplemental Appropriation)

Council District(s) All

Mrs. Almond (By Req.)

Department of Health and Human Services

Supplemental Nutrition Assistance Program for Employment & Training

The Administration is requesting a supplemental appropriation of federal funds totaling \$176,060 to the Supplemental Nutrition and Assistance Program for Employment and Training 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 the program to provide employment and training services to able-bodied adults without dependents; such services qualify as “work activities” thereby allowing such individuals to remain eligible to receive food stamps. 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⁾	\$ 176,060	\$ 146,931	\$ 322,991
Other	--	--	--
Total	<u>\$ 176,060</u>	<u>\$ 146,931</u>	<u>\$ 322,991</u>

⁽¹⁾ U.S. Department of Agriculture, Food and Nutrition Service funds passed through the Maryland Department of Human Resources – Family Investment Administration. No County matching funds are required.

Analysis

The Supplemental Nutrition Assistance Program Education and Training (SNAP E&T) program provides employment and training services to assist able-bodied adults (between the ages of 18 and 50) without dependents (ABAWD) who receive food stamps in becoming employed. The program provides 8 weeks of work activities including individual and group job search, career

assessment, budgeting, effective communication training, work experience, and parent and health education. Additional services include interview and resume writing skills, educational and vocational options, job leads, job placements, and subsidized employment. The County contracts with the Community College of Baltimore County to provide the employment and training services.

On December 31, 2015, Maryland's federal waiver for the ABAWD work requirement expired. The waiver allowed all ABAWDs to receive SNAP food stamps without having to engage in work activities. Beginning January 1, 2016, all non-exempt ABAWDs will be required to participate in 80 hours per month of countable work activities in order to remain eligible to receive food stamps. Countable work activities include documented attendance and participation in a federal or local work experience and/or training program, volunteering at a non-profit organization, or self-employment of at least 120 hours per month. Exemptions include, but are not limited to, chronic homelessness, participation in drug/alcohol treatment, and attending an accredited educational institution at least half time.

The additional funds will expand the program in order to provide additional employment and training services since the County's waiver has expired. The Department advised that as of December 2015, there were approximately 5,400 ABAWDs that needed to be screened for potential participation. The Department further advised that approximately 4,000 will be required to participate in the program to remain eligible for food stamps.

The FY 2016 Adopted Operating Budget included a \$146,931 appropriation to the Department's SNAP E&T 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 \$176,060 to the program, increasing the total appropriation to the actual \$322,991 grant award.

The grant period is October 1, 2015 through September 30, 2016. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 5-16 will take effect March 20, 2016.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The Department of Social Services received additional funds to expand the Supplemental Nutrition Assistance Program Education and Training program for Able-Bodied Adults Without Dependents (ABAWD) who receive food stamps. Effective December 31, 2015 Maryland's federal waiver for the ABAWD work requirement expires. Therefore, effective January 1, 2016 ABAWDs will be required to participate 80 hours per month in countable work activities in exchange for receiving food stamps. The Department must expand its program to provide employment and training services to the ABAWD population.

The additional \$176,060 will be used to expand services through an existing vendor. In FY 2016, 5,400 current food stamp recipients will be assessed and may be required to participate in this program.

Prepared by:
Department of Health and Human Services

Bill 6-16 (Supplemental Appropriation)

Council District(s) All

Mrs. Almond (By Req.)

Fire Department

State Homeland Security Program Award

The Administration is requesting a supplemental appropriation of federal funds totaling \$93,814 to the State Homeland Security Program Award Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The additional funds will be used for laptops and personnel-related costs (e.g., training) for the County’s homeland security efforts. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 93,814	\$ 296,393	\$ 390,207
Other	--	--	--
Total	<u>\$ 93,814</u>	<u>\$ 296,393</u>	<u>\$ 390,207</u>

⁽¹⁾ U.S. Department of Homeland Security funds passed through the Maryland Emergency Management Agency (MEMA). No County matching funds are required.

Analysis

The purpose of the State Homeland Security Program is to enhance the County’s ability to prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events. The Department advised that it will use the grant funds for laptops and personnel-related costs (costs associated with training, exercises, and equipment and support training) for 2 police officers and 1 sheriff assigned to the Maryland Coordination and Analysis

Center (MCAC). The MCAC coordinates the efforts of federal, state, and local agencies to gather, analyze, and share intelligence information with law enforcement, public health, and emergency responder personnel.

The FY 2016 Adopted Operating Budget included a \$296,393 appropriation to the Department's Homeland Security Grant 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 \$93,814 to the program, increasing the total appropriation to the actual \$390,207 grant award.

The grant period is from September 1, 2015 to June 30, 2017. No County matching funds are required. With the affirmative vote of five members of the County Council, Bill 6-16 will take effect March 20, 2016.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

GRANT 005-016-1631

\$390,207.00

FFY2016 HSGP SHSP

(Homeland Security Grant Program – State Homeland Security Program)

The Maryland Emergency Management Agency (MEMA) through the Department of Homeland Security, has awarded Baltimore County \$390,207.00. This supplemental appropriation is being requested to correct the appropriation amount from \$296,393.00. This grant is used for Anti-Terrorism efforts (Funding shall be used for statutorily eligible costs related to the planning, organization, equipment training, and exercise needs that prevent, protect against, mitigate, respond to, and recover from acts of terrorism and other catastrophic events) throughout Baltimore County.

There are no matching fund requirements for this grant. There is no additional cost to Baltimore County.

Prepared by: Fire Department

FM-1 (Contract)

Council District(s) All

Department of Public Works

Installation/Maintenance of Signs

The Administration is requesting approval of a contract with Protection Services, Inc. to provide installation and repair services of traffic signs and traffic sign assemblies, and to furnish rat eradication signs and posts within the County as needed. The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation for the initial 1-year term. Estimated compensation totals \$384,906 for the initial 1-year term. Compensation may not exceed \$2,126,847 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation	Notes
County ⁽¹⁾	\$ 384,906	\$ 2,126,847	⁽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	--	--	
Other	--	--	
Total	<u>\$ 384,906</u> ⁽²⁾	<u>\$ 2,126,847</u> ⁽³⁾	⁽³⁾ Maximum compensation for the entire 5-year and 4-month term, including the renewal and extension periods.

Analysis

The contractor will provide all labor, supervision, tools, equipment, incidentals and related items to furnish, maintain, and/or install various street and traffic signs/sign assemblies, and to furnish rat eradication signs and posts within the County as needed. The contractor will use County-supplied materials. The contractor will also be responsible for the safe and continuous maintenance of traffic in areas of sign installation or repair. The Department advised that the rat

eradication signs and posts will be used by the Department of Permits, Approvals and Inspections, Code Enforcement.

The Department advised that this contract will be used to supplement its in-house installation efforts. The Department also advised that its backlog of sign work fluctuates, with more staff available to reduce the backlog in the winter when it is not performing roadway painting.

The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods unless the County provides notice of non-renewal. The County may further extend the contract at the end of the initial term or any renewal term an additional 120 days, on the same terms and conditions. The contract does not specify a maximum compensation for the initial 1-year term. Estimated compensation totals \$384,906 for the initial 1-year term. Compensation may not exceed \$2,126,847 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 three bids received.

On September 10, 2010, the Council approved a similar 5-year and 4-month contract not to exceed \$2,233,377 with Shannon-Baum Signs, Inc. The contract expired January 17, 2016. The Department advised that as of February 12, 2016, expenditures under the contract totaled \$781,974. The Department also advised that in the interim period prior to Council approval of the proposed contract, County sign crews can be relied upon to perform emergency installations.

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**

**EXECUTIVE SUMMARY
Request for Bid No. B-945
Protection Services, Inc.
Traffic Signs & Installation, Term Contract**

Baltimore County wishes to retain Protection Services, Inc. to provide services to install new and maintain existing signs, sign assemblies, posts, related sign installation hardware, furnish only rat eradication signs and posts, and labor, supervision, tools, equipment, incidentals and related items to perform the scope of services as per specifications.

In no event shall the total compensation paid to the contractor under this agreement exceed the sum of Two Million One Hundred Twenty-Six Thousand Eight Hundred Forty-Seven Dollars and Twenty-Four Cents (\$2,126,847.24) during the entire term of this Agreement including renewals. This Agreement shall continue through one (1) year for the Initial Term and may be renewed for an additional four (4) one-year renewal options.

Prepared by: Department of Public Works

FM-2 (Contract)

Council District(s) All

Department of Public Works

Snow Removal and Deicing Services

The Administration is requesting approval of a contract with Vachino Masonry Construction Company, Inc. to provide on-call snow removal and salt application services. The contract commenced December 24, 2015, continues through April 30, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract may be renewed for 9 years (November 1 through April 30 constitutes a snow season). Compensation for this contract, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire approximate 9-year and 4-month term of the agreement.

Fiscal Summary

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

(1) The hourly rate for the contractor is \$145 with no specified maximum compensation. The contract is limited in the aggregate to the amount appropriated for snow removal and salt application services. The contract amount is not reasonably estimable at this time.

(2) Maximum compensation for these services for the entire approximate 9-year and 4-month term, including renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amount is not reasonably estimable at this time.

Analysis

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

The contract commenced December 24, 2015, continues through April 30, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract 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 contract does not establish a fixed dollar amount; rather, compensation for this contract, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire term of the agreement. The Department advised that an estimated amount for the contract is undeterminable due to the unpredictable nature and timing of snow falls (i.e., density and depth of snow falls, number of snow falls occurring during the season). The County may terminate the agreement by providing 30 days prior written notice.

The 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 an estimated \$11 million has been expended as of February 22, 2016 of which approximately \$9.4 million was for the January 22nd blizzard; contractor costs are not readily available. The Department also advised that as of February 22, 2016, the contractor has been paid approximately \$5,075. In addition, the Department advised that snow removal expenditures for FY 2015 totaled approximately \$14.9 million, including approximately \$4.3 million for contractual services.

The contractor will provide one single-axle dump truck (over 8 tons) with a plow and spreader at an hourly rate of \$145. The contractor will be paid based on the actual hours the equipment is in service, including up to 2 hours for travel time (1 hour each to and from the County highway shop). Additionally, the minimum work shift for any dispatched truck is 4 hours. The County will provide all rock salt for spreading on road surfaces.

The Office of Budget and Finance, Purchasing Division advised that the pricing and contract terms are based on similar contracts established by the State of Maryland. However, hourly rates may be changed at the time of each annual renewal based on the 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, the contractor was selected on a non-competitive basis.

For the 2015/2016 snow season, the Department advised that approximately 413 pieces of snow removal equipment (e.g., trucks, loaders, backhoes, and graders) are available, including 173 pieces from its Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, and the Department of Education, and 240 pieces from the County's snow removal contractors. The County currently has contracts with 57 contractors, excluding this contractor, which provide a total of 193 trucks and 47 loaders.

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-3 (Contract Amendment)

Council District(s) All

Office of Budget and Finance

On-Call Landscaping Services

The Administration is requesting an amendment to a contract with Lorenz Lawn and Landscape, Inc. to perform on-call landscaping services throughout the County. The amendment increases the maximum compensation of the contract by \$61,084, from \$544,916 to \$606,000, for the entire 5-year and 3-month term of the contract, including the renewal and extension periods. The contract commenced April 26, 2011. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendment	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 61,084	\$ 544,916	\$ 606,000
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 61,084</u>	<u>\$ 544,916</u>	<u>\$ 606,000</u> ⁽²⁾

(1) General Fund Operating Budget and Capital Projects Fund.

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

Analysis

Under the proposed amendment, the contractor will continue to provide on-call landscaping services for park and trail development related to Capital projects, including all labor, equipment, materials, supervision, tools and related incidentals. Services include landscaping, wetland plantings, pedestrian paving, trail creation, and retaining wall construction. The Department

advised that the proposed amendment is necessary to cover the extension period (through July 25, 2016) while the County procures a new contract.

On April 18, 2011, the Council approved the original 5-year and 3-month contract with Lorenz Lawn and Landscape, Inc. (which commenced April 26, 2011), with compensation not to exceed \$544,916 along with a second contract with H.F. Huber and Son, Inc. for the same services with compensation not to exceed \$628,607 for both contractors combined. The Office advised that H.F. Huber and Sons recently went out of business and its contract was terminated on October 30, 2015; \$41,164 was expended under the contract.

The proposed amendment increases the maximum compensation of the Lorenz contract by \$61,084, from \$544,916 to \$606,000, for the entire 5-year and 3-month term of the contract, including the renewal and extension periods. All other terms and conditions remain the same. The Office advised that as of February 22, 2016, \$496,686 has been expended under this contract. The County may terminate the agreement by providing 30 days prior written notice.

The original contract was awarded through a competitive procurement process based on low bid from five bids received. One bidder was deemed non-responsive.

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

Property Management is requesting approval of an amendment to the Lorenz Lawn and Landscape, Incorporated Agreement dated April 26, 2011. The contract with Lorenz Lawn and Landscaping, Inc. was for the contractor to provide all labor, equipment, materials, supervision, tools, and related incidentals to provide on-call landscaping services.

The option to extend the expiration date for 90 days was exercised to seek approval for a new Agreement.

This amendment to increase the total compensation to cover the extension period will change the total compensation from Five hundred Forty Four thousand Nine hundred fifteen dollars and sixty five cents (\$544,915.65) to Six hundred six thousand dollars and no cents (\$606,000.00).

Prepared by: Office of Budget and Finance

MB-1 (Res. 25-16) Donation**Council District 2**

Mrs. Almond (By Req.)

Department of Permits, Approvals and Inspections

Accept Donation – Parcel of Land - Ruxton

This resolution authorizes the County to accept a donation of approximately 0.81 acre of floodplain property located along the west side of Falls Road (across from the Brooklandville Firehouse) in Ruxton from James Rea Garrett for floodplain conservation purposes. The property is valued at approximately \$9,000 according to the most recent assessment information.

The Department of Public Works will place donated property under its floodplain management, bringing its total floodplain management acreage to an estimated 5,438 acres. The Department advised that placing the property under floodplain management will prevent it from being used in any way that could cause increased flooding to nearby properties. The Department further advised that costs to maintain the property will be minimal (e.g., occasional removal of trash and maintenance of vegetation). In addition, the County's annual property tax revenue will be reduced by approximately \$97 based on the property owner's current tax bill.

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.