

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

*Issued: April 21, 2016
Work Session: April 26, 2016
Legislative Day No. 9 : May 2, 2016*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

May 2, 2016

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 9
MAY 2, 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

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COUNCIL

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27 4. Contract of Sale - State of Maryland (DNR) - Gwynnbrook Avenue - Owings Mills - REC

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COUNCIL

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30 2. Res. 49-16 - Mrs. Almond(By Req.) - Baltimore County Code of 2015

32 3. Res. 50-16 - Mr. Marks - Loch Raven Commercial Revitalization District

4. Res. 52-16 - Mr. Quirk - Property Tax Exemption - DAV - Walter T. Coryell, Jr.

5. Res. 53-16 - Mrs. Almond - Property Tax Exemption - DAV - Calvin S. Burgess

Bill 18-16

Council District(s) All

All Councilmembers

Department of Public Works

Basic Services Maps

Article 4A of the Baltimore County Zoning Regulations sets out the provisions for growth management in Baltimore County. The growth management provisions are designed to facilitate implementation of the Master Plan with specific regard to the quantity and timing of new growth and development. Section 4AO2.1 provides that:

“The County Council finds that important public facilities in certain predominately urban areas of the County are inadequate to serve all of the development that would be permitted under the regulations of the zones or commercial districts within which those areas lie. Basic Services Maps are hereby established to regulate nonindustrial development in those underserved areas to a degree commensurate with the availability of these facilities. Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council.”

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).

Article 4A requires that the three Basic Services Maps be prepared annually by the appropriate Executive agencies, and thereafter the Planning Board must recommend to the County Council any proposed annual revisions to the maps. The law requires the Council to take action on the maps after consideration of the recommendations of the Planning Board; the Council is required to hold one public hearing prior to the adoption of the maps. The hearing was held on April 4, 2016.

Bill 18-16 repeals the 2015 Basic Services Maps and enacts the 2016 Basic Services Maps. Attached is a summary of the changes proposed by the Planning Board on February 18, 2016. See Exhibit A.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 18-16 will take effect on May 16, 2016.



KEVIN KAMENETZ
County Executive

ANDREA VAN ARSDALE, *Director*
Department of Planning

February 24, 2016

The Honorable Vicki Almond
Chairwoman, Baltimore County Council
County Courthouse
400 Washington Avenue
Towson, MD 21204

Re: Annual Basic Services Maps

Dear Councilwoman Almond:

At its regular meeting on February 18, 2016, the Baltimore County Planning Board voted, in accordance with Section 4A02.3.E.1 of the Baltimore County Zoning Regulations (BCZR), to recommend the proposed annual revisions to the Basic Services Maps.

The revised Water Supply, Sewerage and Transportation maps at 1"= 4000' scale, the accompanying reports, and a CD of the reports from the Department of Public Works are enclosed for public hearing and adoption by the County Council. Thank you in advance for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Andrea Van Arsdale".

Andrea Van Arsdale
Secretary to the Board

AVA:msd

Enclosures

C: Members, Baltimore County Council
Thomas Peddicord, Jr., Legislative Counsel/Secretary
Lauren M. Smelkinson, County Auditor
Fred Homan, Administrative Officer
Arnold Jablon, Deputy Administrative Officer and Director, Permits, Approvals, and Inspections
Donna Morrison, Deputy Administrative Officer
Mike Field, County Attorney
Edward Adams, Jr., Director, Department of Public Works
David L. Thomas, Assistant to the Director, Department of Public Works
Kathy Schlabach, Department of Planning

BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE

DATE: January 21, 2016

TO: Ed Adams, Jr., Director
Department of Public Works

FROM: Greg Carski, Bureau Chief
Bureau of Traffic Engineering and Transportation Planning

SUBJECT: 2016 Basic Service Map – Transportation: Final Report

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2015 as well as continued the update of all other signalized intersections. Based on these studies over the past year, we are recommending the following changes to the Transportation Map for 2016:

<u>ADDITIONS:</u>	<u>LEVEL-OF-SERVICE</u>
Belair Rd (US 1) / Rossville Blvd	D from C
Pulaski Hwy (US 40)/ Rossville Blvd	D from C
<u>CHANGES:</u>	
Goucher Blvd / Putty Hill Ave	D to E
Joppa Rd E / Perring Pkwy (MD 41)	D to E
Pulaski Hwy (US 40) / 66 th Street	F to D

With the changes above, there are eight "F" level intersections and three "E" level intersections that are being proposed on the 2016 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130)	LOS = F
Joppa Rd / Loch Raven Blvd (MD 542)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Ebenezer Rd / Pulaski Hwy (US 40)	LOS = E
Goucher Blvd / Putty Hill Ave	LOS = E
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

The intersections of Belair Rd/ Rossville Blvd, and Pulaski Hwy / Rossville Blvd went from LOS C to D. Even with timing adjustments from MDSHA, the LOS was not able to be improved. Due to increased traffic volumes in the area, capacity of these intersections is being pressed during certain times of the day for a significant duration.

The intersections of Goucher Blvd / Putty Hill, and Joppa Rd / Perring Pkwy went from LOS D to E due to increased traffic volumes in the area. The timings were analyzed it was determined that the current timings best serve the intersection. MDSHA is aware of the increased congestion at Joppa Rd / Perring Pkwy, and are looking into modifying timings along the Joppa Rd corridor, but we would expect any improvements to be limited.

Pulaski Hwy / 66th Street was upgraded from "F" to "D". Several observations of this intersection this year has shown it running at a LOS service "D". Looking at past years with similar volumes to our latest count, we suspect the change in LOS can be attributed to signal timings improvements by MDSHA.

The intersections of Hillen Rd / Stevenson Ln, Honeygo Blvd / White Marsh Blvd and Joppa Rd E/ Loch Raven Blvd were not studied in 2015 due to current construction and will be evaluated in 2016 once construction has completed.

Commuter sheds for the intersections noted above have been updated and will be shown on the 2016 Basic Services Map.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2016, please contact me at ext. 3554.

Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	3/10/14 F		10/07/15 F			Baltimore Nat'l Pk	Rolling Rd N		
C0712	9/18/14 D		9/02/15 D			Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	3/11/14 D		8/25/15 D			Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	3/31/14 D		10/15/15 D			Belair Rd	Fullerton Ave	Taylor Ave	
S2325	8/23/12 C		10/08/15 D			Belair Rd	Rossville Blvd		
S1594	4/22/14 D		10/14/15 D			Bellona Ave	Charles St	Kenilworth Dr	
C4270	4/28/14 F		10/13/15 F			Bloomsbury Ave	Frederick Rd	Ingleside Ave	
S4270	4/01/14 F		10/20/15 F			Burke Ave	Burke Ave W	York Rd	
S1927	9/02/14 D		1/05/16 D			Dulaney Valley Rd	Fairmount Ave		
S2294	4/24/14 D		5/18/15 D			Dulaney Valley Rd	Timonium Rd E		
S0616	4/07/14 D		3/24/15 D			Eastern Ave	Rolling Mill Rd	Eastpoint Mall	
S0605	5/06/14 E		5/20/15 E			Ebenezer Rd	Pulaski Hwy		
S3981	6/12/14 D		4/23/15 D			Fairmount Ave	York Rd		
S0268	9/10/14 F		10/21/15 F			Falls Rd	Greenspring Valley	Station Dr	
S0271	9/10/14 F		10/21/15 F			Falls Rd	Jones Falls Expwy	Joppa Rd W	
S2231	9/10/14 F		10/21/15 F			Falls Rd	Seminary Ave W		
S0428	5/07/14 D		5/19/15 D			Falls Rd	Shawan Rd	Tufton Ave	
S3356	9/08/14 D		9/15/15 D			Frederick Rd	Rolling Rd S		
C0036	5/22/14 D		9/01/15 E			Goucher Blvd	Putty Hill Ave		
S3016	4/08/14 D		10/06/15 D			Harford Rd	Joppa Rd E		
S2167	4/02/14 D		8/26/15 D			Harford Rd	Taylor Ave		
S0591	4/09/13 D		5/27/14 D			Hillien Rd	Stevenson Ln		Construction
S2512	3/24/10 D		4/27/11 D			Honeygo Blvd	White Marsh Blvd		Construction
S0917	5/16/13 D		8/24/15 D			Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	4/12/13 F		4/10/14 F			Joppa Rd E	Loch Raven Blvd		
S4320	5/08/14 D		5/06/15 E			Joppa Rd E	Perring Pkwy		Construction
S1911	3/24/14 D		9/08/15 D			Liberby Rd	Washington Ave		
S0628	5/12/14 D		5/20/15 D			Middle River Rd	Pulaski Hwy		
S4310	3/27/14 D		9/23/15 D			Padonia Rd E/W	York Rd		
S0852	5/21/14 F		9/09/15 F			Perring Pkwy	Putty Hill Ave		
S0889	4/23/14 F		1/04/16 D			Pulaski Hwy	66th St		
S0885	6/27/12 C		10/19/15 D			Pulaski Hwy	Rossville Blvd		
C0220	5/13/14 D		9/14/15 D			Rolling Rd	Windsor Mill Rd		

1/21/2016

D, E, F List1

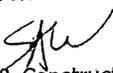
Sig#	Prev Date	Prev L	Curr Date	Curr L	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S1580	5/14/14/D		1/05/16 D			Seminary Ave E/W	York Rd		
S3008	5/20/14/D		9/24/15 D			Timonium Rd E/W	York Rd		

BALTIMORE COUNTY MARYLAND

INTER-OFFICE CORRESPONDENCE

DATE: January 19, 2016

TO: Edward C. Adams, Jr., Director
Department of Public Works

FROM: Steven A. Walsh, Chief 
Bureau of Engineering & Construction

SUBJECT: 2016 Basic Services Maps
Public Water and Sewer Status

In accordance with your request, we are furnishing an update for the 2016 Basic Services Map.

Water

No deficiencies are known to exist.

Sewer

Sanitary Sewer Overflow (SSO) #103 (Montbel Avenue) has been monitored and has been closed. The area of concern upstream of SSO #103 has been removed from the Basic Services Map.

All of the remaining sewer relief point locations are being metered. We have completed several rehabilitation projects and are now performing post-monitoring to determine the projects' effectiveness. In addition, we have projects still in construction and in design which will eventually eliminate the areas of concern.

Everyone should be aware that the removal of an area of special concern does not mean that an area has unlimited development potential. All developments are evaluated hydraulically on a case-by-case basis, and determinations are made to see if the development will need downstream supplementation.

SAW:GAK:MJM:bjk

cc: David L. Thomas – Assistant to the Director
Michael J. Mazurek – Chief, Water Design Section
Glen A. Keller – Chief, Sewer Design Section
Lisa K. Eicholtz – Sewer Design Section

Bill 19-16 (Supplemental Appropriation)

Council District(s) 6 & 7

Mrs. Almond (By Req.)

Department of Aging

**2015-2016 Capital Budget –
Building Repairs, Renovations and Minor Additions**

The Administration is requesting a supplemental appropriation of state funds totaling \$131,000 to the Building Repairs, Renovations and Minor Additions project. The funds will be used to renovate the parking lots of the Ateaze Senior Center in Dundalk and the Overlea Senior Center in Nottingham. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	\$ 165,576,000	\$ 165,576,000
State ⁽¹⁾	\$ 131,000	588,872	719,872
Federal	--	1,500,000	1,500,000
Other	--	25,728,025	25,728,025
Total	<u>\$ 131,000</u>	<u>\$ 193,392,897</u>	<u>\$ 193,523,897</u>

⁽¹⁾ Maryland Department of Aging funds. Renovation costs are estimated to total \$261,525, with the County providing the remaining \$130,525.

Analysis

The proposed grant funds will be used to repair and resurface the parking lots of the Ateaze Senior Center (182 parking spaces) in Dundalk and the Overlea Senior Center (35 parking spaces) in Nottingham, to address safety hazards. The Department advised that the parking lots have

numerous large potholes and cracks resulting from uneven surfaces, and that the Department of Public Works can no longer patch the potholes due to the poor condition of the pavement. The Department advised that the centers serve a total of 255 visitors daily.

Renovation costs are estimated to total \$261,525, of which the State will provide \$131,000 and the County will provide \$130,525. The Department advised that the renovations would begin immediately after Council approval (pending contractor availability) and would be performed by M.T. Laney Company, Inc., one of the County's on-call contractors.

With the affirmative vote of five members of the County Council, Bill 19-16 will take effect May 15, 2016.

Executive Summary

*Supplemental Appropriation
Building Repairs, Renovations and Minor Additions
Parking Lot Renovations for
Ateaze Senior Center and Overlea Senior Center*

The Baltimore County Department of Aging will renovate two Senior Center parking lots to address safety hazards, one at the Ateaze Senior Center in Dundalk (182 spaces) and another at the Overlea Senior Center in Baltimore (35 spaces). Numerous, large potholes and cracks resulting from uneven surfaces have become a threat for both vehicles driving and persons walking to and from the facilities. The Department of Public Works - Bureau of Highways and Equipment Maintenance report they can no longer patch the potholes due to the poor condition of the pavement. By improving the parking lots at both Ateaze and Overlea Senior Centers, older adults, including the 255 daily visitors, will have easier access to the Centers' wide array of activities. It is predicted that resurfacing the parking lots will improve safety hazards.

Baltimore County Department of Aging is requesting to accept \$131,000 from the Maryland Department of Aging.

Prepared by: Department of Aging

Bill 20-16 (Supplemental Appropriation)

Council District(s) All

Mrs. Almond (By Req.)

Department of Aging

CountyRide System Project

The Administration is requesting a supplemental appropriation of state, federal, and private funds totaling \$165,040 to the CountyRide System Project Gifts and Grants Fund program. The funds will be used to upgrade the CountyRide program's computer system in order to improve efficiency and services. See Exhibit A.

Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State ⁽¹⁾	\$ 16,504	--	\$ 16,504
Federal ⁽²⁾	132,032	--	132,032
Other ⁽³⁾	16,504	--	16,504
Total	<u>\$ 165,040</u>	<u>--</u>	<u>\$ 165,040</u>

⁽¹⁾ Maryland Department of Transportation, Maryland Transit Administration (MTA) funds.

⁽²⁾ U.S. Department of Transportation, Federal Transit Administration funds passed through the MTA. Matching funds of 20% of the total project cost (or \$33,008) are required, which are being provided by the MTA and Other funding.

⁽³⁾ Cash donation from the estate of Margaret Leister.

Analysis

CountyRide provides specialized transportation services to County residents 60 years of age or older, persons with disabilities ages 18 to 59, and rural residents of all ages. CountyRide operates

Monday through Friday, 8 a.m. to 4 p.m., and has 25 standard bus-size vehicles in its fleet. Destinations include medical appointments, shopping, and other general purpose trips. Fares range from \$2.50 to \$6.00 each way, depending on whether the fare is pre-paid or paid at the time of service and whether the destination is within the County or crosses the City-County line.

The proposed \$165,040 supplemental appropriation will be used to upgrade the computer system for the CountyRide program. The Department advised that the existing computer system is difficult to maintain, does not facilitate agency reporting requirements, and does not provide necessary features such as secure customer fare handling. The Department further advised that an updated computer system will enable CountyRide to operate in "real time" by utilizing automated, bi-directional messaging; improve efficiency by utilizing web-based tools for account management, reporting, auditing, and billing; integrate secure magnetic swipe cards for secure customer fare handling; and improve data collection by instantly and electronically recording client names, times and dates of trips, GPS locations of pick-ups and drop-offs, and fares. The Department advised that it has not selected a vendor or software package but has been working with the Office of Information Technology to analyze current software, future needs, and potential software packages. The Department expects a new CountyRide computer system to be implemented and operational by April 2017. The Department estimates that the CountyRide program will serve 3,499 clients in FY 2016 and 3,848 clients in FY 2017.

The grant period is FY 2016-FY 2018. The federal grant requires a 20% match of the total project cost (or \$33,008), which will be met with \$16,504 in MTA funds and a \$16,504 cash donation from the estate of Margaret Leister. On September 2, 2014, the Council approved a \$163,866 donation from the estate of Margaret Leister, a portion of which was to be used for the CountyRide computer system upgrade.

With the affirmative vote of five members of the County Council, Bill 20-16 will take effect May 15, 2016.

Executive Summary

Supplemental Appropriation CountyRide System Project

The Baltimore County Department of Aging is in need of an improved computerized system to handle all of the intricate processes of our CountyRide program. An updated computer system will greatly improve our services and also deliver the reporting tools we need to help us become as efficient as possible. CountyRide anticipates the ability to operate in “real time” while utilizing automated, bi-directional messaging to and from vehicles. Updated transaction processing will enable CountyRide to make on-the-fly efficiency improvements by utilizing web-based tools for account management, reporting, auditing, and partner billing. We expect the new software system will allow us to seamlessly integrate safe, secure, magnetic swipe cards into our program; making our fare collection a convenient and comfortable process for our clientele. An updated software system will enable us to instantly and electronically record participant name, time of trip, date of trip, GPS location of pick-up, drop-off and fare.

Baltimore County Department of Aging is requesting to accept \$148,536 from the Maryland Transit Administration. The matching portion of the grant \$16,504, will be supplied by miscellaneous revenue (Margaret Leister donations).

Bill 21-16

Council District(s) All

Mr. Kach

R-O (Residential – Office) Zone – Use Regulations

The R-O (Residential – Office) Zone was created over 20 years ago to accommodate houses converted to office buildings (Class A office buildings) and some small Class B office buildings located in, or in close proximity to, predominantly residential areas on sites that, because of adjacent commercial activity, heavy commercial traffic, or other similar factors, are no longer practical for uses solely allowable in moderate-density residential zones.

A Class B office building is defined in the Baltimore County Zoning Regulations as a building used for offices that is not a Class A office building. A Class A office building is essentially defined as a building that was originally constructed as a one-family or two-family dwelling converted by proper permit to office use. A Class B office building is generally permitted in the R-O Zone by special exception, subject to certain restrictions – particularly for medical offices.

In recognition of the growth of internet commerce, Bill 21-16 permits a Class B office building containing internet retail, except that such use is restricted to retail sales of merchandise purchased via mail, phone, or the internet and shipped to a customer. There are additional restrictions on this use, which include: (1) no walk-in business is permitted; (2) storage of internet retail merchandise is permitted as an accessory use only and no more than 10% of the total gross floor area of the building may be so used; (3) a variance may be granted to increase this percentage to no more than 40% of the total gross floor area; (4) compliance with the Bulk Regulations of the R-O Zone is required; and (5) the special exception findings may also include restrictions or conditions on the use, including limitations on deliveries by means, time, and manner of delivery, and compliance with the goals and objectives of the R-O Zone.

With passage by the County Council, Bill 21-16 will take effect 45 days after its enactment.

FM-1 (Contract Amendments)

Council District(s) All

Office of Budget and Finance

On-Call, As-Needed Fencing Services

The Administration is requesting an amendment to two contracts that provide on-call fencing services for various County facilities. The two contractors are Hercules Fence of Maryland, LLC (Hercules) and P&H Fencing, LLC (P&H). The proposed amendments increase the maximum compensation for both contractors combined by \$1,741,079, from \$1,741,679 to \$3,482,758, for the entire 5-year term, including the renewal periods. The contracts expire May 19, 2018. See Exhibit A.

Fiscal Summary

Funding Source	Contract Amendments	Current Maximum Compensation	Amended Maximum Compensation
County ⁽¹⁾	\$ 1,741,079	\$ 1,741,679	\$ 3,482,758
State	--	--	--
Federal	--	--	--
Other	--	--	--
Total	<u>\$ 1,741,079</u> ⁽²⁾	<u>\$ 1,741,679</u>	<u>\$ 3,482,758</u> ⁽³⁾

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

⁽²⁾ Additional compensation for both contractors combined for the entire 5-year term, including the renewal periods.

⁽³⁾ Maximum compensation for both contractors combined for the entire 5-year term, including the renewal periods.

Analysis

The contractors provide all labor, materials, tools, equipment, and supervision to perform various fencing services for County-owned and/or operated facilities on an on-call basis. Services include

fencing, gates, concrete footings, bollards, and recreational structures (e.g., backstops, goals, cages, etc.). Both contractors serve as primary contractors with the intention of the County to issue work equally; however, the assignment of work is at the sole discretion of the County.

The Office advised that the proposed contract amendments are necessary since certain estimates (e.g., installation of fencing at new sites) were unknown at the time the original contract value was estimated and there has been increased usage of the contracts by the Department of Environmental Protection and Sustainability for stormwater management work.

On June 3, 2013, the Council approved the original 5-year contracts not to exceed \$1,741,679 for the two contractors combined. The proposed amendments increase the maximum compensation for both contractors combined by \$1,741,079, from \$1,741,679 to \$3,482,758, for the entire 5-year term, including the renewal periods. The contracts expire May 19, 2018. All other terms and conditions remain the same.

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

The contracts were awarded through a competitive procurement process based on the two lowest responsive bids from three bids received. The Office advised that as of April 14, 2016, expenditures/encumbrances totaled \$333,782 under the Hercules contract and \$1,306,620 under the P&H contract.

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 the increase to the NTE because at the time when the original contract value was estimated, the volume of work to install fencing at new sites was an unknown, and has been greater than expected. Also, estimated was the number of repairs to fencing due to normal wear and tear, as well as those that are damaged due to accidents and vandalism. Additionally, there has been increased usage of these contracts by Environmental Protection and Sustainability (EPS), due to storm water management work.

At this time we are requesting the current NTE be increased from \$1,741,678.98 to \$3,482,757.94. The current ordered amount from both contracts totals \$1,301,570.91 (as of 3/17/16). The contracts do not expire until May 19, 2018.

FM-2 (Contract)

Council District(s) All

Office of Budget and Finance

Maintenance/Minor Repairs to Proprietary Building Controls

The Administration is requesting approval of a contract with Honeywell International, Inc. to provide temperature control systems maintenance services in five County-owned buildings. The contract commenced December 7, 2015, continues until May 2, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through December 6, 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. Compensation may not exceed \$646,313 for the entire 5-year and 4-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 646,313	⁽¹⁾ General Fund Operating Budget. ⁽²⁾ Maximum compensation for the entire 5-year and 4-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the initial 1-year term.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 646,313</u> ⁽²⁾	

Analysis

The contractor will provide all labor, supervision, equipment, materials, tools, and related incidentals to maintain, troubleshoot, and make minor repairs to the proprietary building control systems at five County-owned buildings in accordance with manufacturers' recommendations. The systems are located in the Drumcastle Government Center, the Historic Courthouse, the Jefferson Building, the County Office Building, and the Baltimore County Courts Building. Regular

maintenance service will be performed during the hours of 8:00 a.m. to 4:30 p.m., Monday through Friday, excluding federal holidays. The contract stipulates that the contractor must be available for emergency calls 365 days-per-year, 24 hours-per-day, and have personnel on the job site within 4 hours after receiving a request for emergency service.

The annual maintenance fee ranges from \$9,918 (Historic Courthouse) to \$33,204 (Drumcastle Government Center), depending on the building serviced. Charges for emergency and unscheduled service repair work will be in addition to the annual maintenance fee. An hourly rate of \$181.38 will be charged during the initial term with a 3% increase each year. Material costs are 50% off the contractor's list price plus a 15% mark-up.

The contract commenced December 7, 2015, continues until May 2, 2016, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through December 6, 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. Compensation may not exceed \$646,313 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 up to a maximum 5% increase on the current pricing. The County may terminate the agreement by providing 30 days prior written notice.

The contract was awarded through a sole source procurement process since the operating software is proprietary to Honeywell International, Inc.

The Office advised that no expenditures have been incurred under the proposed contract as of April 14, 2016.

On June 7, 2010, the Council approved a similar 5-year and 4-month contract not to exceed \$207,299 with Honeywell International, Inc. for the County Courts Building and the Jefferson Building. On October 19, 2015, the Council approved an amendment to the contract, increasing the contract's extension period an additional 60 days, from 120 days to 180 days (through December 6, 2015), and increasing the maximum compensation of the contract by \$35,411, from \$207,299 to \$242,710, for the entire 5-year and 6-month term. During the last three months

of the contract, services were also provided for the Historic Courthouse, County Office Building, and Drumcastle Government Center.

The amendment was necessary to extend maintenance services until a new contract was procured. The Office advised that expenditures totaled \$221,094 under the contract.

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)

Council District(s) All

Department of Public Works

On-Call Engineering Services – Water & Sewer Main Design

The Administration is requesting approval of a contract with Rummel, Klepper & Kahl, LLP (RK&K) to provide on-call engineering design services for the replacement or rehabilitation of County-owned water and sewer facilities. The contract commences upon Council approval, continues for 3 years, and will automatically renew for two additional 1-year periods. The contract does not specify a maximum compensation for the initial 3-year term. Compensation may not exceed \$2.0 million for the entire 5-year term, including the renewal periods. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 2,000,000	⁽¹⁾ Capital Projects Fund (Metropolitan District). ⁽²⁾ Maximum compensation for the entire 5-year term, including the renewal periods. The contract does not specify a maximum compensation for the initial 3-year term.
State	--	
Federal	--	
Other	--	
Total	\$ 2,000,000 ⁽²⁾	

Analysis

The contractor will provide on-call engineering design services for County-owned water and sewer facilities. Services include water and sewer main design with related surveying and plat preparation, geotechnical testing, corrosion control design, sediment and erosion control design, preparation of permit applications, and preparation of bid-ready documents with construction cost estimates and participation in public meetings as necessary.

The contract commences upon Council approval, continues for 3 years, and will automatically renew for two additional 1-year periods, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 3-year term. Compensation may not exceed \$2.0 million for the entire 5-year term, including the renewal periods.

Services will be performed at the engineer'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. The County may terminate the agreement by providing 30 days prior written notice.

The contract stipulates that should work be performed under the September 20, 2005 consent decree, the contractor shall be liable for payment of penalties charged to the County for failure by the contractor to meet or achieve deadlines or requirements. The damages payable are dependent upon the type of project and length of delay in completing the project. The Department advised that it does not expect to utilize this contract for consent decree projects; however, it decided to build flexibility into the contract so that should the need arise, the contractor would be available for work related to the consent decree.

The Department advised that in procuring the contracts, the Professional Services Selection Committee (PSSC) had selected The Wilson T. Ballard Company and Michael Baker, Jr., Inc. as the prime contractors, and selected RK&K as the alternate. These selections were based on qualifications and experience from 22 submittals, of which 3 submittals were considered non-responsive. The Department advised that it is requesting approval of the proposed contract with RK&K since it is the most expeditious way to have continuing on-call water and sewer main design services available.

On August 6, 2012, the Council approved two 5-year contracts to provide similar on-call engineering design services, one with The Wilson T. Ballard Company and one with Michael Baker, Jr., Inc., (now known as Michael Baker International) with maximum compensation for each contractor not to exceed \$2.0 million. The contracts may be renewed through August 2017. However, the Department advised that expenditures/encumbrances under the Ballard contract are close to the upset limit, totaling \$1,954,488 as of March 22, 2016.

The Department advised that RK&K currently provides on-call engineering services (e.g., civil, structural, pumping station, and sewer rehabilitation design) for the County under six other contracts.

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

ON-CALL WATER/SEWER DESIGN SERVICES
PROJECT NO. 2010-05

The Project

The scope of services shall include water and sewer main design with related surveying and plat preparation, geotechnical testing, corrosion control design, sediment and erosion control design, and preparation of permit applications. Additionally, services shall include preparation of bid-ready documents with construction cost estimates and participation in public meetings as necessary.

The Professional Services Selection Committee selected two (2) consultants for this on-call contract: The Wilson T. Ballard Company and Michael Baker, Jr., Inc. (now known as Michael Baker International). Rummel, Klepper & Kahl (RK&K), LLP was selected as the lone alternate.

Both the Ballard contract and the Baker contract were executed in August of 2012; both contracts were effective for three (3) years, and both contracts have exercised the first of two (2) 1-year renewal options. Set to expire in August 2016, both the Ballard contract and the Baker contract can be extended for time to August 2017 by exercising the second, and final, 1-year renewal option. However, encumbrances for The Wilson T. Ballard Company's services are very close to the Upset Limit for the Contract. (Encumbrances for Michael Baker International's services are well under the Upset Limit for their Contract at this time.)

Public Works has established a preliminary list of tasks for which design should begin as soon as possible, and both prime consultants are busy performing current tasks. RK&K is well experienced in the type of design services requested, and Public Works believes the most expeditious way to have continuing on-call water and sewer main design services available is to bring RK&K under contract. (Considering it took over 14 months from project advertisement to selection by the Professional Services Selection Committee, the option to advertise for a new on-call project – in lieu of bringing RK&K under contract at this time – would add undesirable and potentially harmful delay in the design of important water and sewer projects.)

Anticipated New Projects (all water projects at this time)

1. *Falls Road 16-Inch Water Main Replacement:* Replace old (1956 and 1926) cast iron main, from Baltimore City Line to Baltimore Beltway, that has broken repeatedly over the last 10 years. Main serves Bare Hills and Ruxton areas of Baltimore County.
2. *Joppa Road 12-Inch Water Main Replacement:* Replace old (1936) cast iron main, from Oakleigh Road to Old Harford Road, that is tuberculated (rusty inside) generating numerous dirty water complaints. In addition, at least one Maryland Department of the Environment (MDE) mandate has been delivered to Baltimore City (which operates and maintains the water distribution system) to notify consumers that haloacetic acid (HAA) levels exceeded the action limit set by MDE. Main serves the Carney area of Baltimore County.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

3. *Providence Road 12-Inch Water Main over Baltimore Beltway:* Main currently is out of service and requires an engineering inspection with recommendations for repair/replacement. The Towson area north of the Beltway normally is served by this main in conjunction with a second main creating a "loop." However, with the Providence Road main now out of service, the area is served by just the one remaining main resulting in poor water quality and reduced fire protection.
4. *Victory Villa Water Mains Replacement/Rehabilitation:* Replace, or structurally rehabilitate, old (1940's) cast iron mains in Taxi Way, Beacon Road, Plastic Court, Catapult Road, Duralumin Court, Navigator Court, Honeycomb Road, Blinker Court, and Transverse Road. Mains in this Middle River area of Baltimore County have broken numerous times over the years. Additionally, there have been multiple complaints regarding poor water quality.
5. *Old Court Road 12-Inch Water Main Replacement:* Replace old (early 1950's) cast iron main, from I-83 to Joppa Road, that has caused a significant number of dirty water complaints. Existing main will be replaced with a new 16-inch water main eliminating dirty water complaints and increasing fire protection for Ruxton and adjacent areas.

The Consulting Agreement

The consultant, Rummel, Klepper & Kahl, LCC, was selected by the Professional Services Selection Committee, as the lone alternate, on March 5, 2012.

1st Agreement: For Current Approval – May 2, 2016

Scope: Provide on-call engineering services for water and sewer main design.

Amount: \$2,000,000

MJM:GRM:bjk
3/16/16

Prepared by: Department of Public Works

FM-4 (Contract)

Council District(s) 2

Department of Permits, Approvals and Inspections

Gwynnbrook Avenue – Owings Mills

The Administration is requesting approval of a contract to acquire property totaling approximately 0.451 acre for \$26,081 to be used for roadway improvements and a bridge replacement at the intersection of Owings Mills Boulevard and Gwynnbrook Avenue in Owings Mills. The State of Maryland currently owns the property, which fronts on the east side of Owings Mills Boulevard and the north and south sides of Gwynnbrook Avenue. The property is primarily zoned DR-2 (Density Residential – 2 dwelling units/acre), with a portion (6,000 sq. ft.) zoned ML-IM (Manufacturing Light – Industrial Major), and will be used for roadway improvements and various easement areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 26,081	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 26,081</u>	

Analysis

Muller-Casella Associates, Inc. completed an appraisal of the property on May 12, 2011, recommending a value of \$26,081. After review and analysis, Robert W. Kline, review appraiser, concurred with the appraisal, recommending the respective amount as just compensation for the acquisition.

The 0.451-acre property to be acquired is part of an 87.34-acre parcel owned by the State, which is improved with facilities of the Gwynnbrook Wildlife Management Area, including the central region office of the Maryland Natural Resources Police, as well as the Maryland Public Television (MPT) broadcasting station and tower. The property acquisition will have no adverse impact on the property. The Department advised that the contract will also be presented to the Maryland Board of Public Works for approval once approved by the County Council.

The Department advised that two acquisitions are needed for this project and both require Council approval. On May 2, 2005, the Council approved the first property acquisition totaling \$22,000. Estimated project costs total \$2.7 million for the roadway improvements and bridge replacement on Gwynnbrook Avenue, including \$2.3 million for construction. As of March 21, 2016, \$121,635 has been expended/encumbered for this project, excluding the cost of this acquisition. The Department advised that construction is anticipated to begin in July 2017 and be completed in April 2018. The Department also advised that the long delay between acquisitions was due to environmental mitigation of the site, survey and title issues, and the retirements of key contact agents from both the County and State.

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



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

PROGRAM TITLE: Gwynnbrook Avenue Bridge # 202

PROJECT NO.: 207-0002-0428

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: State of Maryland to the Use of the Department of Health and Mental Hygiene

PROPERTY INTEREST TO
acre) +/-
BE ACQUIRED

Highway Right of Way containing 11,801 sq. ft. (0.271
Total Revertible Slope Easement containing 1,972 sq. ft.
(0.045 acre) +/-
Total Temporary Construction and Adjustment Area
containing 3,886 sq. ft. (0.089 acre)
Total Temporary Construction Area containing 1,986 sq.
ft. (0.046 acre) +/-

LOCATION: Portion of Parcel 164, fronting on the east side of Owings Mills Boulevard and the north and south sides of Gwynnbrook Avenue

CONSIDERATION: \$26,081.00

IMPROVEMENTS AFFECTED
BY ACQUISITION: None

PURPOSE OF PROJECT: Road construction and bridge replacement

LIMITS OF PROJECT: Gwynnbrook Avenue

Prepared By: Department of Permits, Approvals &
Inspections

MB-2 (Res. 49-16)**Council District(s) All**

Mrs. Almond (By Req.)

Office of Law

Baltimore County Code of 2015

Resolution 49-16 legalizes the Baltimore County Code of 2015.

Section 1005(a) of the Baltimore County Charter requires the County Council to “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” not greater than every 10 years.

This process, often referred to as “code revision,” typically occurs whenever the County’s contract with the publisher of the Baltimore County Code expires and the Office of Law begins the process of seeking and selecting a new publisher. When the code revision was last done (the current Baltimore County Code, 2003), it was a comprehensive revision of the County Code. The entire Code was rewritten and restructured in significant ways, mostly to reflect the Maryland Department of Legislative Services’ style of legislative drafting. This changed the numbering system that was previously used and also resulted in the main divisions of the Code that appeared in alphabetical order as “Titles” to be changed to “Articles” and grouped more thematically.

The Office of Law, with assistance from the Secretary of the County Council and representatives of the Office of Information Technology, has secured a new contract for the publication of the County Code with Municipal Code Corporation. The Office advised that the online version should be available within the next month or so, with the new Code published this summer. It is unnecessary to undertake major changes for this revision to the County Code; however, it does create an opportunity to fix minor problems and correct errors in the Code. These changes are reflected in Bill 77-15 entitled “Baltimore County Code – Code Revision – First Enactment,” which was passed by the Council on November 2, 2015.

Resolution 49-16 is the adopting ordinance that formally legalizes the Baltimore County Code of 2015, and it is deemed and taken by all courts of this State and by all public officials of this State to be evidence of the County Charter and the public local laws, rules, regulations, resolutions and ordinances enacted by the County Council contained therein.

Resolution 49-16 shall take effect on the date of its passage by the County Council, and the 2015 Edition of the County Code shall take effect on the publication of the 2015 Edition of the Baltimore County Code.

MB-3 (Res. 50-16)

Council District(s) 5

Mr. Marks

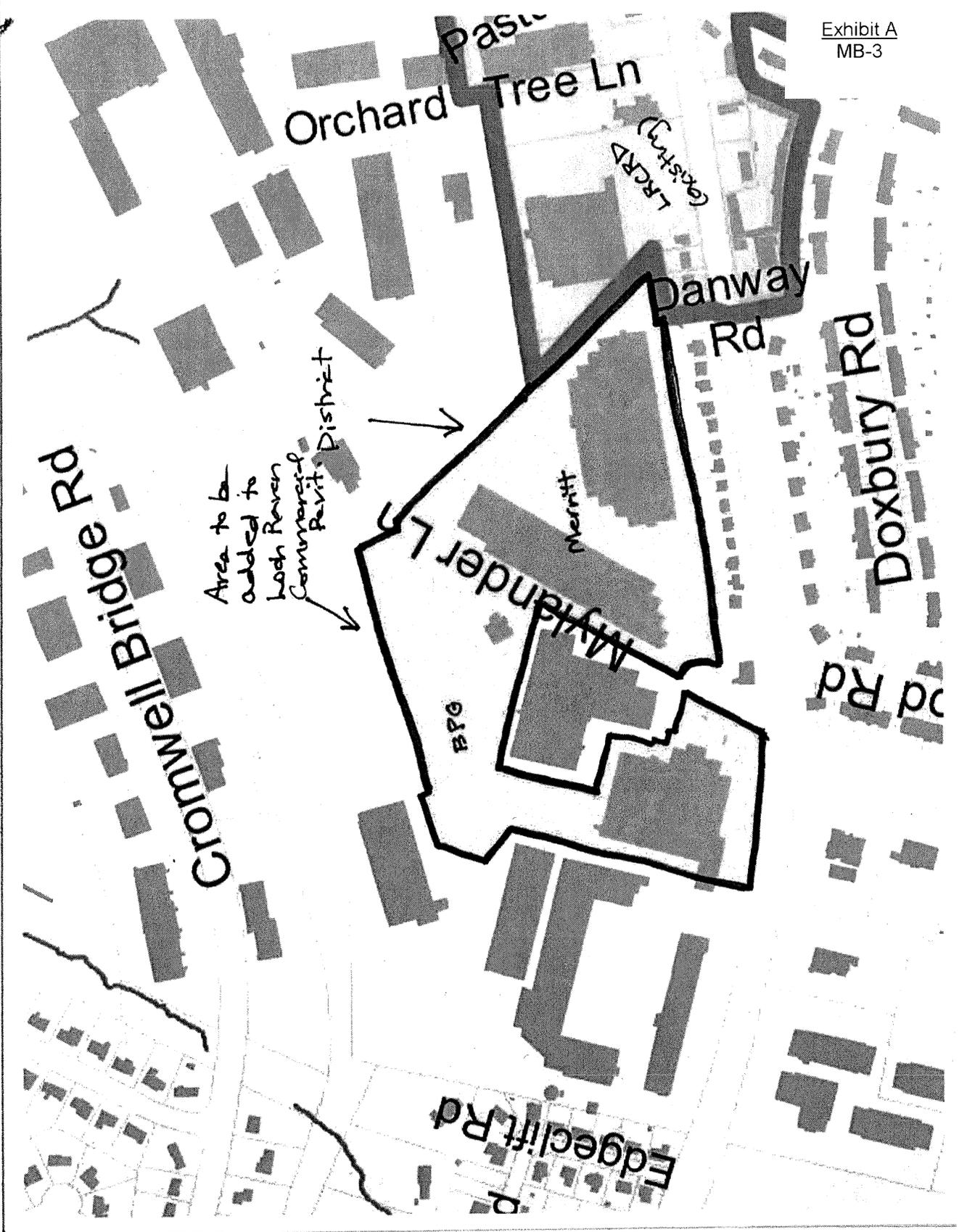
Loch Raven Commercial Revitalization District

Resolution 50-16 expands the Loch Raven Commercial Revitalization District.

Whereas, the County has 17 Commercial Revitalization Districts that have been officially designated, either by resolution of the County Council or by adoption of the Master Plan or a Master Plan Amendment.

Resolution 50-16 expands the District to include the property shown on the attached map. See Exhibit A.

Resolution 50-16 shall take effect from the date of its passage by the County Council.



BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

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

TO: Fred Homan
Administrative Officer **DATE:** 3/29/16

FROM: Keith Dorsey, Director 
Office of Budget & Finance **COUNCIL MEETING**
DATE: 5/02/16

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 8910 Allan Myers MD Inc. – Emergency snow removal and deicing services for FY 2016

This purchase order for Allan Myers MD, Inc. was issued for emergency snow removal during the blizzard January 22, 2016 through January 24, 2016.

As indicated in the February 8, 2016 memo from Director of the Department of Public Works, Edward C. Adams, Jr., the Bureau of Highways called additional contractors not currently under contract to provide services during this storm when snow fall exceeded 30 inches and additional equipment was required to assist.

Estimated Total \$60,520.00
Award Date: 3/29/16

PO 8915 M T Laney Company Incorporated – Emergency snow removal and deicing services for FY 2016

This purchase order for M T Laney Company, Incorporated was issued for emergency snow removal during the blizzard January 22, 2016 through January 24, 2016.

As indicated in the February 8, 2016 memo from Director of the Department of Public Works, Edward C. Adams, Jr., the Bureau of Highways called additional contractors not currently under contract to provide services during this storm when snow fall exceeded 30 inches and additional equipment was required to assist.

Estimated Total \$150,560.00
Award Date: 3/29/16

PO 8916 Gray & Son Inc. – Emergency snow removal and deicing services for FY 2016

This purchase order for Gray & Son, Inc. was issued for emergency snow removal during the blizzard January 22, 2016 through January 24, 2016.

As indicated in the February 8, 2016 memo from Director of the Department of Public Works, Edward C. Adams, Jr., the Bureau of Highways called additional contractors not currently under contract to provide services during this storm when snow fall exceeded 30 inches and additional equipment was required to assist.

Estimated Total \$256,315.00
Award Date: 3/29/16

MA 3164 Delmarva Pump Center Inc. dba DPC Emergency Equipment – Parts and Service, Medic, P. L. Custom

This is a ten-year contract covering replacement parts and service for P.L. Custom Medics. As detailed in the justification memo signed by Director of the Department of Public Works, Edward C. Adams, Jr., dated March 3, 2016, Delmarva Pump Center, Inc. is the sole source of P.L. Custom parts and service in the State of Maryland. Additionally, Richard J. Strauss, President of Delmarva Pump Center, has confirmed that by entering into a term contract, the County will pay only the established labor costs, and no more than 20% above dealer cost for all replacement parts. Estimated annual expenditures are \$16,000.00 per year. Funds will be encumbered on Delivery Orders each fiscal year.

Estimated Total: \$160,000.00
Award Date: 3/29/16

MA 3163 Atlantic Emergency Solutions, Inc. – Parts, Medic, Wheeled Coach

This is a five-year contract covering replacement parts for Wheeled Coach Medics. As detailed in the justification memo signed by Director of the Department of Public Works, Edward C. Adams, Jr., dated March 3, 2016, Atlantic Emergency Solutions, Inc. has become the sole source distributor of Wheeled Coach parts in the State of Maryland. Additionally, as documented in the correspondence received from John Trotter at Atlantic Emergency Solutions, all pricing extended to Baltimore County shall not exceed the amounts of any published price sheet. Estimated annual expenditures are \$13,000.00 per year. Funds will be encumbered on Delivery Orders each fiscal year.

Estimated Total 5 years: \$65,000.00
Award Date: 3/29/16

c: M. Field
T. Peddicord
L. Smelkinson