

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

*Issued: October 6, 2016
Work Session: October 11, 2016
Legislative Day No. 18: October 17, 2016*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

October 17, 2016

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 18
OCTOBER 17, 2016 6:00 P.M.**

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

Page

CALL OF BILLS FOR FINAL READING AND VOTE

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

1 Bill 64-16 – Mrs. Almond(By Req.) – CEB – Ryan White Part A Medical Transportation

COUNCIL

4 Bill 65-16 – Mr. Crandell – Noise

5 Bill 66-16 – Mr. Crandell – Zoning Regulations - Special Regulations – B.M.-C.T. Zone

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7 Bill 68-16 – Mr. Kach – Solar Farms

8 Bill 69-16 – Mr. Jones – Zoning Regulations - Sharing of Yard Space and Minimum Area

9 Bill 70-16 – Councilmembers Marks & Quirk – Planned Unit Developments

WITHDRAWN ~~Bill 71-16 – Mr. Kach – Planned Unit Developments~~

APPROVAL OF FISCAL MATTERS/CONTRACTS

STEVE WALSH, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

10 1. Contract – S.K. Services, LLC – Snow Removal and Salt Application – DPW

AMY GROSSI, REAL ESTATE COMPLIANCE

13 2. Contract of Sale – Susan, William and Ryan McCoy – 806 Stevenson Lane, 21286 – Overbrook Floodplain-REC

MISCELLANEOUS BUSINESS

COUNCIL

16 1. Res. 101-16 – Mr. Kach – Planning Board – Solar Farms

ANDREA VAN ARSDALE, DIRECTOR, DEPARTMENT OF PLANNING

17 2. Res. 108-16 – Mrs. Almond(By Req.) – Approval of assumption of Loan – Golden Ring 2, LLC-8620 Kelso Drive

17 3. Res. 109-16 – Mrs. Almond(By Req.) – PILOT Agreement – Golden Ring 2, LLC – 8620 Kelso Drive

WALLY LIPPINCOTT, DEPARTMENT OF PLANNING

22 4. Res. 110-16 – Mrs. Almond(By Req.) – MD Agricultural Land Preservation Foundation (MALPF) Easements -(20)

COUNCIL

32 5. Res. 111-16 – Councilmbrs. Marks, Quirk & Almond – Accept a gift from Baltimore County Monument Commission – Middle East Conflicts Memorial

33 6. Res. 112-16 - Mr. Kach - Renaming portion of Baisman Run - Wolman Run

7. Res. 114-16 – Mr. Jones – Property Tax Exemption – DAV – Sol P. Tripp, Jr.

8. Res. 115-16 – Mrs. Almond – Property Tax Exemption – DAV – John P. Merson

9. Res. 116-16 – Mrs. Almond – Property Tax Exemption – DAV – John E. Feaster, Jr.

10. Res. 117-16 – Mr. Jones – Property Tax Exemption – DAV – Everett P. Harris

11. Res. 118-16 – Mrs. Bevins – Property Tax Exemption – DAV – Douglas R. Hott, Sr.

Bill 64-16 (Supplemental Appropriation)

Council District(s) All

Mrs. Almond (By Req.)

Department of Health and Human Services

Ryan White Part A Medical Transportation

The Administration is requesting a supplemental appropriation of federal funds totaling \$5,613 to the Ryan White Part A Medical Transportation Gifts and Grants Fund program to increase the amount appropriated to the actual amount of the grant award. The funds will be used to provide additional eligible HIV-positive clients transportation (taxicab vouchers) to medical and other supportive services appointments. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 5,613	\$ 60,000	\$ 65,613
Other	--	--	--
Total	<u>\$ 5,613</u>	<u>\$ 60,000</u>	<u>\$ 65,613</u>

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

Analysis

The Ryan White HIV Program provides eligible HIV-positive clients with a continuum of services that include medical and non-medical case management and emergency financial support services. Services include case management, prescription assistance, co-pays and co-insurance

for medical services, eviction prevention, utility turn-off prevention, medical transportation, food vouchers, and psychosocial support services. Eligible HIV-positive clients reside and/or work in the County and are at or below 300% of the federal poverty level (e.g., \$35,640 for a single-person household and \$48,060 for a 2-person household).

The proposed \$5,613 supplemental appropriation will be used to provide eligible HIV-positive clients transportation services via taxicab vouchers to medical and other supportive services appointments. The Department advised that taxicab transportation is required for many clients who live far from public transportation stops and require multiple transfers to get across the region. The Department also advised that these services are currently being provided to 134 clients, and this funding will provide 102 additional rides to an additional 34 clients. The Department further advised that according to the most recent data, 3,788 Baltimore County residents are living with HIV.

The FY 2016 Adopted Operating Budget included a \$60,000 appropriation to the Department's Ryan White Part A Medical Transportation 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 \$5,613 to the program, increasing the total appropriation to the actual \$65,613 grant award.

The grant period is March 1, 2016 through February 28, 2017. No County matching funds are required for this grant. With the affirmative vote of five members of the County Council, Bill 64-16 will take effect October 30, 2016.



COUNCIL ACTION REQUEST FORM

EXECUTIVE SUMMARY

Ryan White Part A Medical Transportation

The Baltimore County Department of Health is seeking a supplemental appropriation in the amount of \$5,613. The FY2016 County appropriation for Ryan White Part A Medical Transportation was approved for \$60,000. The final grant award included an additional \$5,613 over what was originally appropriated in the County budget bringing the total award to \$65,613.

BACKGROUND

According to the most recent data from the Department of Health and Mental Hygiene (DHMH), Center for Epidemiology and Evaluation of the Prevention and Health Promotion Administration, 3,788 Baltimore County residents are living with HIV. Since 1994, Baltimore County Department of Health (BCDH) Bureau of Healthcare Access has served Ryan White-eligible County residents with a continuum of services that include medical and non-medical case management and emergency financial support services. These services include prescription assistance, co-pays and coinsurance for professional medical services, eviction prevention, utility turn-off prevention, medical transportation, food vouchers, and psychosocial support services.

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

PURPOSE

This additional funding will be used to provide transportation services to Ryan White eligible clients living with HIV to medical and other supportive service appointments via taxi cab vouchers. Due to the lack of accessible public transportation in Baltimore County, cab transportation is still required for many clients who live far from public transportation stops and require multiple transfers to get across the region. These rides promote adherence with medical appointments, visits with case managers, and other supportive services. The supplemental funds will allow BCDH to provide an additional 102 medical transportation rides to eligible Baltimore County clients.

FISCAL

Supplemental Funding \$5,613

Provided by: Department of Health and Human
Services

Bill 65-16**Council District(s) All**

Mr. Crandell

Noise

Bill 65-16 amends the definition of “domestic noise,” as the term pertains to the Noise statute set forth in the Baltimore County Code, 2015.

Current law states that a person may not create domestic noise or allow domestic noise to be created that unreasonably disturbs the peace, quiet, and comfort of the neighboring inhabitants. Enforcement of the Noise statute is by the Police Department.

The definition of “domestic noise” means noise related to a human activity that is not created by machinery, tools, mechanical devices, or equipment used in connection with a business purpose. It also includes noises produced vocally; with a radio receiving set, musical instrument, phonograph or any other device intended for the production or reproduction of sound; or by a household tool or other equipment.

Bill 65-16 includes in the definition of “domestic noise” specifically a portable generator that provides electricity to a residence, except when used on a temporary basis during utility power outages.

Bill 65-16 will take effect 45 days after its enactment.

Bill 66-16**Council District(s) 6 & 7**

Mr. Crandell

Zoning Regulations – Special Regulations – B.M.-C.T. Zone

Bill 66-16 amends the uses permitted in the B.M.-C.T. (Business Major – Commercial, Town Center Core) Zone, particularly as to apartments.

Current law permits apartments in the B.M.-C.T. Zone only above the first story of a building, but apartments located in a building in the C.T. District of Hunt Valley and elderly housing facilities are permitted in any story of the building.

Bill 66-16 continues to permit apartments as set forth above, except in the Chesapeake Enterprise Zone. Properties in an Enterprise Zone may be eligible for tax incentives for reinvestment and new job creation, and are an important tool to encourage redevelopment in older industrial and office areas. Last year, the State and County approved the Chesapeake Enterprise Zone, which replaced and expanded an existing North Point Enterprise Zone and includes over 877 industrial and commercial properties.

Bill 66-16 will take effect 45 days after its enactment.

Bill 67-16

Council District(s) 1 & 4

Mr. Quirk

Zoning Regulations – Parking Requirements

Bill 67-16 provides an exclusion to the number of parking spaces required for certain developments in a C.T. (Commercial, Town Center Core) District.

The Baltimore County Zoning Regulations set forth in general the number of parking spaces required for residential, commercial, industrial, and recreational or institutional uses. The Zoning Regulations also set forth adjustments that can be made to the general parking requirements. These include a transit adjustment, a ridesharing adjustment, and a shared parking adjustment.

As to the transit adjustment, the Zoning Regulations state that the required number of off-street parking spaces for any plan of development with a minimum of 750,000 square feet of gross leasable area in a C.T. District may be reduced by 25% if served by a transit stop on a Mass Transit Administration route with scheduled peak-period headway of 20 minutes or better. Bill 67-16 inserts the language “except for a C.T. District within the Woodlawn Commercial Revitalization District” to remove this area from the transit adjustment.

Bill 67-16 will take effect 45 days after its enactment.

Bill 68-16**Council District(s) All**

Mr. Kach

Solar Farms

Bill 68-16 proposes to impose a 6-month moratorium on the issuance of any authorization for the location of a solar farm or other type of solar facility in an R.C. (Resource Conservation) Zone, whether as a utility or otherwise, until April 30, 2017.

A solar farm means the use of land whereby a series of one or more solar collectors or solar energy systems are placed in an area on a parcel of land for the purpose of generating photovoltaic power for commercial use, including a solar power plant or solar photovoltaic farm.

The bill recites that, notwithstanding the presumed benefits of solar energy, the Council believes that a study of the land use impact of solar farms should be conducted before they are authorized, whether as a public utility or otherwise, and that consideration should be given to the impact that a solar farm may have upon the County's land use policies, as well as the impact upon surrounding residential communities.

The County Council believes that it is necessary for the public health, safety and welfare to impose a temporary moratorium on the issuance of any form of authorization for a solar farm or solar facility for a period of 6 months, pending the completion of a study by the Baltimore County Planning Board (Resolution 101-16 on this agenda).

The moratorium does not apply to:

1. The installation of a solar collector that gathers solar radiation as a substitute for traditional energy for water heating, active space heating and cooling, passive heating, or generating electricity for a residential property; or
2. A solar project on federal, state, or local government-owned land that produces energy for government use.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 68-16 will take effect on October 31, 2016.

The bill applies prospectively, and also retroactively to any application for approval of a solar farm in an R.C. Zone that was filed prior to the effective date.

Bill 69-16

Council District(s) All

Mr. Jones

Zoning Regulations – Sharing of Yard Space and Minimum Area

Bill 69-16 proposes to amend a provision in the Baltimore County Zoning Regulations that limits the ability to share space between buildings for purposes of determining the minimum area required for a building.

Specifically, the Zoning Regulations (Section 102.2) provide that “no yard space or minimum area required for a building or use shall be considered as any part of the yard space or minimum area for another building or use.”

Bill 69-16 proposes to exempt buildings associated with a hospital or school from the prohibition.

The bill also provides that the Act applies to any new building or construction on property subject to an approved JSPC (Joint Subdivision Planning Committee), CRG (County Review Group), or Development Plan notwithstanding any common law or statutory vesting provisions to the contrary.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 69-16 will take effect on October 31, 2016.

Bill 70-16**Council District(s) All**

Councilmembers Marks & Quirk

Planned Unit Developments

A proposed Planned Unit Development (PUD) must include a community benefit. The statute sets forth the types of benefits that are acceptable. One such benefit is a capital improvement benefit to an onsite or nearby County-owned or state-owned facility, or to property owned by NeighborSpace of Baltimore County, Inc., for use by community residents, or to a volunteer fire company that serves the PUD.

Bill 70-16 proposes to permit such a benefit in cases in which a property is leased by NeighborSpace of Baltimore County, Inc.

With the affirmative vote of five members of the County Council and signature by the County Executive, Bill 70-16 will take effect on October 31, 2016.

FM-1 (Contract)

Council District(s) All

Department of Public Works

Snow Removal and Salt Application

The Administration is requesting approval of a contract with S.K. Services, LLC to provide on-call snow removal and salt application services. The contract commences November 1, 2016, continues through April 30, 2017, and may be automatically renewed for nine additional years (November 1 through April 30 constitutes a snow season). Compensation for this contract, together with all other contracts for these services, may not exceed the amount appropriated for snow removal and salt application services during the entire 9-year and 6-month term of the agreement.

Fiscal Summary

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

- (1) The hourly rate for the contractor is \$110 with no specified maximum compensation. The contract, together with all other contracts for these services, is limited in the aggregate to the amount appropriated for snow removal and salt application services. The contract amount is not reasonably estimable at this time.
- (2) Maximum compensation together with all other contracts for these services for the entire 9-year and 6-month term, including renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amounts are not reasonably estimable at this time.

Analysis

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

The contract commences November 1, 2016, continues through April 30, 2017, and may be automatically renewed for nine additional years on the same terms and conditions, unless the County provides notice of non-renewal. A snow season begins November 1st and ends April 30th. The contract does not establish a fixed dollar amount; rather, 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 contract term. 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 2017 budget for the Storm Emergencies Program totals \$5,986,000, including \$1,100,000 for contractual snow removal services. The Department advised that snow removal expenditures for FY 2016 totaled approximately \$15.6 million, including approximately \$8.9 million for contractual services.

The contractor will provide two 1-ton pickup trucks with plows and spreaders at an hourly rate of \$110. 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 rates in effect at that time. The state contract includes an additional incentive payment to the contractor after the snow season ends in the amount of \$500 per truck if the contractor was available and present for all snow events. The County's contract also includes this incentive payment.

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

For the 2016/2017 snow season, the Department advised that approximately 246 pieces of snow removal equipment (e.g., trucks, loaders, backhoes, and graders) are available from its Bureau of Highways and Equipment Maintenance and Bureau of Utilities, the Department of Recreation and Parks, and the Department of Education. The County currently has contracts with 53 contractors, excluding this contractor, which provide approximately 257 pieces of equipment.

County Charter, Section 715, requires that “any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year....”

FM-2 (Contract)

Council District(s) 5

Department of Permits, Approvals and Inspections

806 Stevenson Lane – Overbrook Floodplain

The Administration is requesting approval of a contract to acquire property totaling approximately 0.3 acre for \$375,000 from Susana M. McCoy, William M. McCoy, Sr., and Ryan McCoy. The property is located at 806 Stevenson Lane and is in the Overbrook Floodplain in Towson. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 375,000	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 375,000</u>	

Analysis

The 0.3-acre property to be acquired from Susana M. McCoy, William M. McCoy, Sr., and Ryan McCoy is mostly zoned DR 3.5 (Density Residential – 3.5 dwelling units/acre) with some area zoned DR 5.5, and is improved with a detached brick rancher style dwelling.

David B. Johns, staff appraiser, completed an appraisal of the property in April 2016, recommending a value of \$375,000. After review and analysis, S. David Nantz, review appraiser, concurred with the appraisal, recommending the amount as just compensation for the acquisition. The Department advised that the property owner accepted the County’s offer.

The Department advised that the property is located in the 100-year Overbrook Floodplain area and that the property owner approached the County about purchasing the property due to flooding issues. The Department further advised that the County has a policy to purchase floodplain properties at the fair market value, as calculated without consideration that the property is located in a floodplain. The purchase is being funded from the Acquisition of Flooded Homes capital project, which provides for the purchase of homes that are subject to flooding whenever this option is less costly than repairing or replacing the associated storm drains or in the event repair or replacement is impractical or not possible.

The Department advised that the County has made offers to purchase a total of six properties in the Overbrook Floodplain. This property is the sixth to be presented for Council approval.

The Council has previously approved the following five contracts:

<u>Council Approval</u>	<u>Address</u>	<u>Amount</u>
7/5/16	317 Worthington Road	\$360,000
	810 Stevenson Lane	390,000
9/6/16	321 Worthington Road	355,000
	808 Stevenson Lane	360,000
10/3/16	319 Worthington Road	385,000

The Office of Budget and Finance, Property Management Division advised that the estimated razing cost for each of the properties is \$18,000.

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: Overbrook Floodplain Purchase

PROJECT NO.: 204-329-1553

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Susana M. McCoy, William M. McCoy, Sr.
and Ryan McCoy

PROPERTY INTEREST TO
BE ACQUIRED: 13,020 sq. ft. – Total Take

LOCATION: 806 Stevenson Lane
Towson, Maryland 21286

CONSIDERATION \$375,000.00

PURPOSE OF PROJECT: Property owners have asked the County to purchase
the property due to Floodplain issues.

LIMITS OF PROJECT: Six properties known as: 806, 808 & 810
Stevenson Lane and 317, 319 & 321 Worthington
Road, Towson, Maryland 21286

Prepared by: Department of Permits, Approvals &
Inspections

MB-1 (Res. 101-16)**Council District(s) All**

Mr. Kach

Planning Board – Solar Farms

Resolution 101-16 asks the Planning Board to propose amendments to the Baltimore County Zoning Regulations in order to regulate the location and use of solar farms for commercial energy use.

The resolution recites that, although the Baltimore County Zoning Regulations do not currently regulate the location or use of solar farms for the generation of power for commercial use, applications have been filed for the approval of solar farm projects in north Baltimore County, and the Council believes that the public health, safety, and welfare demands that a study be conducted on the impact of solar farms, and that regulations be developed for solar farms, prior to the issuance of any authorization for their use.

The Planning Board is asked to consider, at a minimum, the appropriate zoning classification for solar facilities, the minimum acreage required for a facility, the impact of a facility on adjoining or nearby properties, the maximum number of solar panel arrays that should be permitted, whether solar facilities should be permitted in priority preservation areas or environmentally sensitive areas, whether fencing and other security measures are to be required in order to limit access and lessen the chance of injury, the appropriate setbacks, buffers, landscaping, lighting and screening of such facilities, and the regulations required for the removal or discontinuance of such facilities.

The Planning Board is required to report its findings and recommendations to the County Council on or before April 30, 2017.

Bill 68-16 on this agenda proposes to impose a 6-month moratorium on the granting of any approvals for the location of a solar farm or other type of solar facility in an R.C. (Resource Conservation) Zone, pending the completion of the proposed Planning Board study.

**MB-2 (Res. 108-16) Loan Approval
 MB-3 (Res. 109-16) PILOT**

Council District(s) 7

Mrs. Almond (By Req.)

Department of Planning

Golden Ring 2 LLC – Loan and PILOT

Resolution 108-16 authorizes Golden Ring 2 LLC to assume a County loan of federal CDBG funds totaling approximately \$1,042,333 in outstanding principal and accrued interest from Golden Ring Limited Partnership, the current owner of a low income senior apartment complex located at 8620 Kelso Drive in Essex. As a companion matter, resolution 109-16 authorizes the County to enter into a 10-year agreement with Golden Ring 2 LLC for stipulated payments-in-lieu-of-real-property-taxes (PILOT) in order to provide financial assistance for the renovation of the complex. See Exhibit A.

Fiscal Summary

Funding Source	County Loan	Property Tax Reduction	Notes
County	--	\$ 1,662,548	(1) Golden Ring 2 LLC will assume an existing loan of federal CDBG funds totaling approximately \$1,042,333 (\$530,000 in principal and \$512,333 in accrued interest). The loan will have a deferred repayment period of 35 years with 4% interest. (2) Estimated net present value of property tax loss over the 10-year term of the PILOT agreement.
State	--	--	
Federal	\$ 1,042,333	--	
Other	--	--	
Total	<u>\$ 1,042,333</u>	<u>\$ 1,662,548</u>	

Analysis

Golden Ring Limited Partnership currently owns the 153-unit Golden Ring Co-op Apartments, a senior housing apartment complex located at 8620 Kelso Drive in Essex. All 153 units are reserved for elderly persons aged 62 and older whose incomes do not exceed 60% of the area median income (\$41,640 for a 2-person household). The Department advised that 90% of the units are occupied by households whose income does not exceed 50% of the area median income (\$34,700 for a 2-person household). The Department further advised that Golden Ring 2 LLC will acquire the property and begin renovations to the units in November 2016; renovations are expected to take 1 year to complete. The Department advised that relocation of existing tenants will not be necessary.

Improvements to the approximately 23-year old units will include:

- Renovation of kitchens (new cabinets, floors, countertops, sinks, paint);
- Renovation of bathrooms (new vanities, floors, toilets, paint);
- Energy efficient upgrades (low-flow faucets and shower heads);
- Accessibility improvements (install grab bars, relocate thermostats); and
- Safety improvements (install hardwired combination smoke and carbon monoxide detectors).

Resolution 108-16 authorizes Golden Ring 2 LLC to assume a County loan of federal CDBG funds from Golden Ring Limited Partnership (the current property owner). The County originally provided a 40-year, \$530,000 deferred loan to Golden Ring Limited Partnership in 1993 to assist with the development of the complex. The loan will have a restated principal balance of approximately \$1,042,333 (\$530,000 in outstanding principal and \$512,333 in accrued interest) with a 4% interest rate and a 35-year term with deferred payments. The Department advised that the current property owner is refinancing the original project debt, which will enable the investment of over \$5 million in improvements and updates to the apartments.

As a companion matter, Resolution 109-16 authorizes the County to enter into a 10-year PILOT agreement with Golden Ring 2 LLC, effective July 1, 2017, with payments-in-lieu-of-taxes in the amount of \$300 per unit during the first year, and increasing by 2% annually for the remaining 9 years. If the property is transferred or sold subject to the governing Declaration of Covenants and the PILOT agreement, the payments will increase by 4% per year. The PILOT agreement will

reduce County real property tax revenue for the earlier of 10 years or as long as the developer continues to operate the facility as low-income housing. The PILOT agreement states that the property owner shall make annual payments at the end of each calendar year, and the tax payment shall be made prior to payment of any debt service on the property.

Estimated PILOT-generated revenue is \$179,121 less than the estimated County property tax revenue amount in the first year. PILOT-generated revenue is estimated to be a net present value amount of \$1,662,548 less than the County property tax amount over 10 years (assuming that payments are \$300 per unit in the first year and increase by 2% annually; the initial assessed value of the property is equal to the project cost of \$20,457,455; property values increase by 3% each year; and the present-value discount rate equals 5% per year). Should the property no longer be used as low-income housing, all foregone County property taxes would accrue from the date of the change in usage.

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

Estimated project costs total approximately \$20.5 million with projected financing as follows:

U.S. Department of Housing and Urban Development (HUD) 223(f) Mortgage Loan	\$	6,035,550
Gross Partner Limited Capital (Federal Low Income Housing Tax Credits)		5,466,418
Seller's Note		3,264,652
Maryland Department of Housing and Community Development Rental Housing Funds		2,100,000
Maryland Department of Housing and Community Development Community Development Administration Funds		2,054,577
Baltimore County CDBG Loan (federal funds)		1,042,333
Developer Fee		263,819
Existing Cash Reserves		230,106
Total	\$	<u>20,457,455</u>



**COUNCIL ACTION REQUEST FORM
EXECUTIVE SUMMARY**

Exhibit A
MB-2 & 3
(page 1 of 2)

**GOLDEN RING 2 LLC
Resolution in Support of PILOT**

The Baltimore County Department of Planning is requesting a County Council resolution of support for a Payment-in-Lieu-of-Taxes (PILOT) agreement between the County and the anticipated new owner of a 153-unit senior apartment building located at 8620 Kelso Drive. The PILOT will assist the anticipated new owner – Golden Ring 2 LLC – in implementing a renovation of the property/units. The agreement involves a 10-year stipulated payment in lieu of real property taxes in the amount of \$300 per unit per year. Payment shall increase 2% annually. Payments will be paid out of the project’s operating budget before any debt service payments are made. The present owner, Golden Ring Limited Partnership, is expected to transfer the property to Golden Ring 2 LLC in the near term.

Background

Golden Ring Co-op Apartments is a 153 unit senior apartment building originally opened in 1993, owned by Golden Ring Limited Partnership pursuant to a 99 year ground lease. CSI Support and Development Services (CSI), a mission-driven, 501(c)(3) organization, currently manages it using a unique cooperative management system where residents are engaged and take a very active role in the daily management of their home. Golden Ring serves a very low income senior population and approximately 90% of the current residents are below 50% of the area median income.

This property was originally developed using 9% Low Income Housing Tax Credits, RHPP funds from the State of Maryland, and CDBG funds from Baltimore County. The current debt, (principal plus accrued interest), on the property, as of the 8/23/16 unaudited financials, is:

HUD 223(f) mortgage	\$5,706,700
State of Maryland Rental Housing Works	\$2,500,000
Deferred Developer’s Fee	\$ 300.809
State of Maryland Rental Housing Partnership	\$2,031,455
Baltimore County CDBG Mortgage	\$1,042,333.34**
Seller Note from Golden Ring Limited Partnership	\$3,173,633

CSI is planning a large renovation of this 23 year old property using 4% Low Income Housing Tax Credits, Tax Exempt Bonds, a new HUD 223(f) Mortgage, and Rental Housing Works funds from the State of Maryland. This financing structure will enable the developer to invest over \$5,000,000 in improvements and updates to the building.

This refinance/renovation project involves a change of ownership in order to syndicate the new Low Income Housing Tax Credits. Additionally, this refinance



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Exhibit A
MB-2 & 3
(page 2 of 2)

involves paying off the current HUD 223(f) mortgage and replacing it with a new HUD 223(f) mortgage.

The borrower is requesting that the County extend the maturity date of the loan, allow the new owner to assume the outstanding CDBG mortgage on the property, and subordinate the debt to the new loans that will be placed on the property as a result of this refinance. The assumed loan will have a restated principal balance equal to the current outstanding principal and accrued interest, will bear interest at the rate of 4% percent annum, and will be for a term of 35 years.

As a local contribution to the project, CSI has requested, and the Department of Planning recommends, a 10 year stipulated payment in lieu of real property taxes (PILOT) in the amount of \$300 per unit per year. Payment shall increase 2% annually. Payments will be paid out of the project's operating budget before any debt service payments are made.

** Amount owed to County as of September 24, 2016 is \$530,000 (principal) and \$512,333.33 (accrued interest). This amount is subject to change depending on the date of closing on the financing. The per diem interest is \$58.89.

Prepared by: Department of Planning

MB-4 (Res. 110-16)

Council District(s) 3

Mrs. Almond (By Req.)

Department of Planning

Applications Development Rights Easements

Resolution 110-16 approves 20 applications for the sale of development rights easements on agricultural properties totaling approximately 1,366 acres to the Maryland Agricultural Land Preservation Foundation (the Foundation). See Exhibits A and B.

Fiscal Summary

This resolution has no immediate fiscal impact to the County since the related purchases of the development rights easements will occur separately at a later date. The Foundation purchases easements on farms and woodlands with State and matching County funds. The purchases are subject to Council approval.

Analysis

The Department of Planning and the Baltimore County Agricultural Land Preservation Advisory Board (the Board) recommended and ranked the 20 properties totaling approximately 1,366 acres in priority order. After the resolution is approved, the State may extend offers to purchase the easements in the order of the ranking and the landowner's easement offer price, depending upon the availability of State and County funding, and subject to County Council approval of the purchase. The Foundation purchases the easements with the State and County funds. Agricultural Article §2-511 of the Annotated Code of Maryland establishes a maximum purchase price for the Foundation easements at 75% of the fair market value of the land.

The Department advised that the Board visited each property and determined the priority ranking based on factors such as contribution to agricultural economy and land quality. The Department also advised that its priority ranking considered soils, number of development rights, and acres of contiguous protected ground.

In accordance with Agricultural Article §§2-501 to 2-519 of the Annotated Code of Maryland, the rankings are to remain confidential until the end of the Foundation’s offer cycle. On July 25, 2016, the Board approved the priority ranking of the following 20 properties, which are located in Council District 3 and are listed in alphabetical order by name of the property owner(s):

Property Owner	Acres
Dorn, Thomas and Tara	43.08
Ensor, Jr., Leoinal Kemp, Residuary Trust and Barbara L. Ensor	96.24
Ensor, Jr., Leoinal Kemp, Residuary Trust	100.72
Foster, Vernon R. and Richard M., Trustees	111.38
Hale, Lewis M.	77.00
Hewitt, James L. and Sheila A., Trusts	78.06
Hickory Hill Partners	25.12
Jenkins, Joanne and Nancy Bruehl Wheatley	48.00
Johansson Family, LLC	78.90
Miller, Dale C., Trustee	79.10
Nash, Jr., Michael S.	20.18
Phillips Development LLC	82.60
Rush, William R. and Maryann	95.71
Troyer Farms LLC	116.09
Whipperman, Bill and Kristy	20.33
White, Dorothy B.	79.00
Wilhelm, Ronald E.	14.37
Wirtz, James and Blanche	52.50
Wismer, Ralph B. and Anne P.	107.90
Yeager, Robert and Betty	39.54
Total	1,365.82

The Department advised that the State has combined the FY 2017 and FY 2018 application cycles into one cycle. Therefore, these 20 applications will be considered for both years and no new applications will be accepted until the FY 2019 cycle.

The public meeting for this matter will be held at the Council's work session on October 11, 2016.

The Department advised that as of October 1, 2016, 23,551 acres of farmland have been preserved through the Maryland Agricultural Land Preservation Program in Baltimore County. In addition, the total amount of land in the County preserved through all preservation programs totals 63,768 acres; the County's goal is at least 80,000 acres.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

The Department of Planning recommends the approval of 20 applications and the ranking of same on 1,366 +/- easement acres by landowners to sell an easement to the Maryland Agricultural Land Preservation Foundation (Foundation) FY 17/18 Easement Purchase Cycle.

The Foundation purchases easements on farms and woodlands with State and matching County funds. The State has combined the FY 17 and FY 18 application cycles into one cycle. The State had combined funding years in recent years because of shortage in funding. The State will not accept new applications until the FY 19 cycle.

The Department reviewed 29 applications, 1 of which withdrew. The Baltimore County Agricultural Land Preservation Advisory Board (Advisory Board) visited each farm and ranked them on factors such as contribution to agricultural economy and quality of the land. The county also ranked the farms based on soils, number of development rights, and acres of contiguous protected ground. The 28 applications were ranked by a Land Evaluation and Site Assessment analysis and scored between 94 and 56. The Advisory Board voted to recommend 20 applications be approved cutting off the selection at 70 points. The Department reviewed the ranking by the Advisory Board and recommends the approval as submitted.

In accordance with the Agricultural Article Section 2-501 to 2-519 of the Annotated Code of Maryland the ranking is to remain confidential until the completion of the acquisition cycle. Therefore, the Resolution lists the farms in alphabetical order. A public hearing on the applications is required and it is requested that it be held at the County Council Work Session on October 11, 2016.

The following applications are recommended for approval in the ranking order on a separately provided confidential list:

Name: Thomas & Tara Dorn
Address: 1934 White Hall Rd, White Hall, MD 21161 (Map 18, Parcel 52)
Acreage: 43.0843
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Owner operated, horse operation

Name: Leonial Kemp Ensor Jr Residuary Trust & Barbara Lee Ensor
Address: 14736 Thornton Mill Rd, Sparks, MD 21152 (Map 34, Parcel 290)
Acreage: 96.24
Preexisting Dwellings: 1 main dwelling, 2 tenant dwellings
County Council District: 3rd
Zoning/Tier: RC 2& RC 7/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Owner operated/ dairy and crop



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Name: Leoinal Kemp Ensor, Jr. Residuary Trust
Address: WS Thornton Mill Rd, 400' SE Priceville Rd, Sparks, MD 21152 (Map 34, Parcel 14)
Acreage: 100.719
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2& RC 7/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Owner operated/ dairy and crop

Name: Vernon R. & Richard M. Foster, Trustees
Address: 1039 Mt. Carmel Rd, Parkton, MD 21120 (Map 21, Parcel 25; Map 22, Parcel 63)
Acreage: 111.384
Preexisting Dwellings: 1 main dwelling, 1 tenant dwelling (excluded)
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Owner operated, grain (corn/soy rotation)

Name: Lewis M. Hale
Address: 3932 Mount Carmel Road Upperco, MD 21155 (Map 20, Parcel 16)
Acreage: 77
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Owner operated/leased, general farming, grain, string beans - owner cuts some hay and truck patch

Name: James L & Sheila A. Hewitt, Trusts (Map 10, Parcel 17)
Address: 19411 Resh Mill Rd, Hampstead, MD 21074
Acreage: 78.056
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC8/ Tier 4



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Leased, corn/soybeans and other crops

Name: Hickory Hill Partners
Address: 4124 Black Rock Road Upperco, MD 21155 (Map 20, Parcel 101)
Acreage: 25.1179
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: owner operated and leased, crops- corn, soy, hay

Name: Joanne Jenkins & Nancy Bruehl Wheatley
Address: Mt. Carmel Road, 3300 FT W Prettyboy Dam Road, Upperco MD 21155 (Map 20, Parcel 27)
Acreage: 48
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Preservation Priority Area
Farm Ownership/Operation: Leased, grain/corn

Name: Johansson Family LLC
Address: 21105 S. Ruhl Rd, Freeland, MD 21053 (Map 6, Parcel 17)
Acreage: 78.9
Preexisting Dwellings: 1 main dwelling, 1 tenant dwelling
County Council District: 3rd
Zoning/Tier: RC 2 & RC 8/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated and leased, cropland leased for soy/corn and owner grows hops (2 ac.)

Name: Dale C. Miller, Trustee
Address: 18701 Cooper Rd, Parkton, MD 21120 (Map 16, Parcel 41)
Acreage: 79.1
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Zoning/Tier: RC 7/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area, Resource Preservation Area
Farm Ownership/Operation: Owner operated and leased, grain and beef

Name: Michael S. Nash, Jr. (Map 21, Parcel 11)
Address: South Side Mt. Carmel Rd., Parkton, MD. 21120
Acreage: 20.18364
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated, crops

Name: Phillips Development LLC (Map 13, Parcels 41, 194, 195)
Address: 19735 Graystone Rd, White Hall, MD 21161
Acreage: 82.6
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Leased, row crops

Name: William R. and Maryann Rush (Map 44, Parcels 201, 442)
Address: 4518 Hydes Road, Baldwin, MD 21013
Acreage: 95.711
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Leased, hay

Name: Troyer Farms LLC (Map 13, Parcel 63)
Address: 20035 Old York Rd, White Hall, MD 21161
Acreage: 116.09
Preexisting Dwellings: 1 main dwelling



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated, grain

Name: Bill and Kristy Whipperman (Map 2, Parcel 46)
Address: 1111 Oakland Rd, Freeland MD 21053
Acreage: 20.33
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated, horse breeding and hay

Name: Dorothy B. White (Map 44, Parcel 140)
Address: NS Hydes Road, 3,700' W. Long Green Pike, Hydes, MD 21082
Acreage: 79
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated, dairy farm

Name: Ronald E. Wilhelm (Map 15, Parcel 37)
Address: 2902 Traceys Store Rd, Parkton, MD 21120
Acreage: 14.374
Preexisting Dwellings: 0
County Council District: 3rd
Zoning/Tier: RC 2& RC 8/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation area, Resource Conservation Area
Farm Ownership/Operation: Leased, hay

Name: James and Blanche Wirtz (Map 2, Parcel 81)
Address: 2728 Chickentown Rd, Freeland, MD 21053
Acreage: 52.5



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

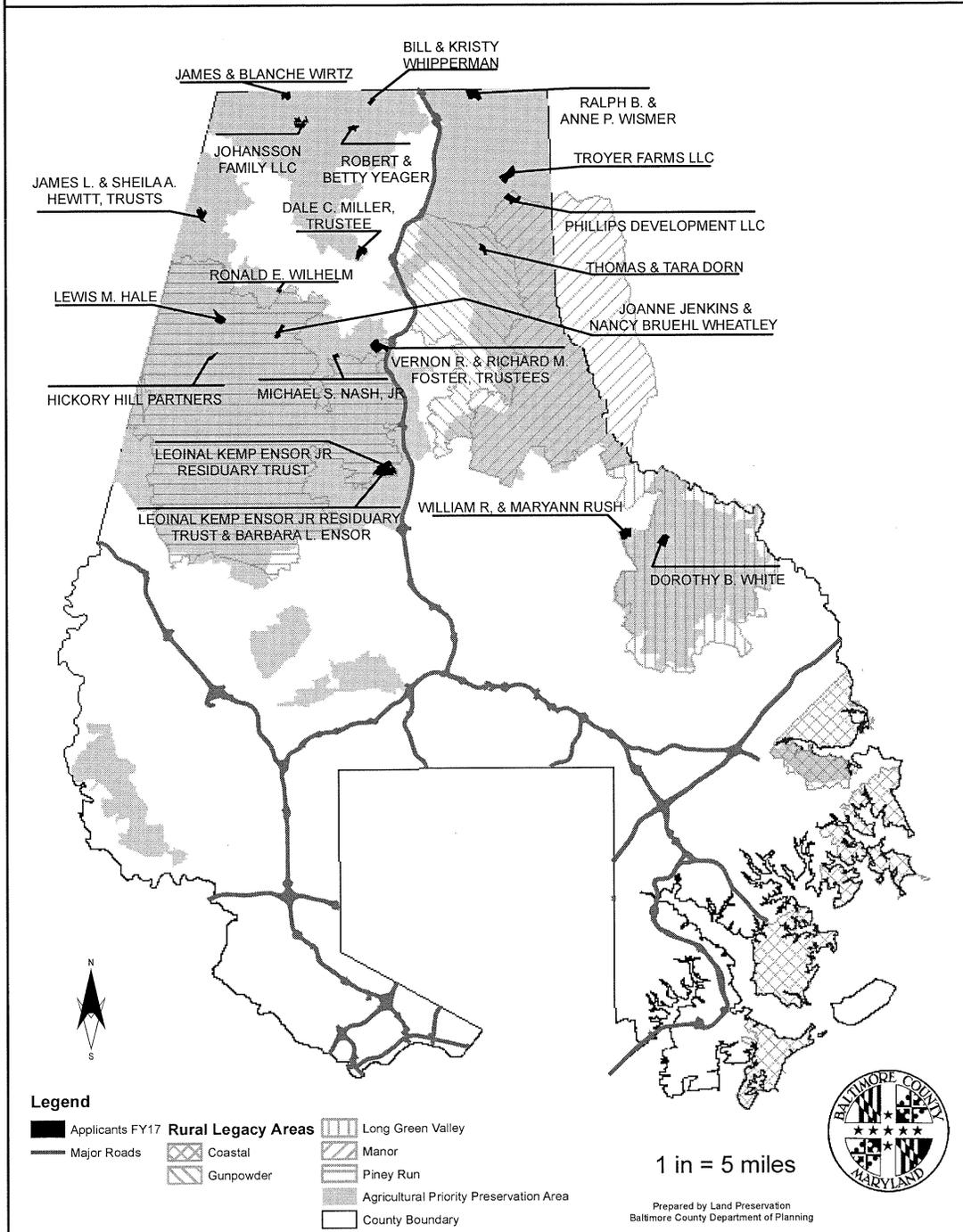
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Owner operated and leased, crop and pasture

Name: Ralph B. and Anne P. Wismer (Map 3, Parcel 11)
Address: 1740 Harris Mill Road, Parkton, MD 21120
Acreage: 107.898
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2&RC 7, Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Leased, alternate soy and corn

Name: Robert and Betty Yeager (Map 6, Parcel 143)
Address: 21016 Ridge Rd, Freeland, MD 21053
Acreage: 39.5383
Preexisting Dwellings: 1 main dwelling
County Council District: 3rd
Zoning/Tier: RC 2/ Tier 4
Master Plan Land Management Area: Agricultural Priority Preservation Area
Farm Ownership/Operation: Leased, rotating crops

Prepared by: Department of Planning

Baltimore County Agricultural Land Preservation Program FY 17 & 18 MALPF Easement Applicant Properties



MB-5 (Res. 111-16)

Council District(s) All

Councilmembers Marks, Quirk & Almond

**Accept a Gift from Baltimore County Monument Commission –
Middle East Conflicts Memorial**

Resolution 111-16 authorizes the County to accept a gift from the Baltimore County Monument Commission.

Resolution 93-11 endorsed the creation of a Baltimore County Memorial commemorating the service of those who participated in the Middle East Conflicts, including the Persian Gulf War, the War in Afghanistan, and the War in Iraq. The construction of a Memorial was to be financed by private donations, with Baltimore County providing a location for the Memorial on the Historic Courthouse grounds.

The Baltimore County Monument Commission was formed to oversee the fundraising, design, construction, and dedication of a memorial. The members include veterans of the Iraqi and Afghanistan conflicts as well as veterans of the Vietnam War, representatives of veterans' organizations, representatives of civic organizations, prominent attorneys, and elected officials on the local, state, and federal level.

The granite memorial will contain the names of those who gave the ultimate sacrifice etched into the granite and will be co-located with the Vietnam Memorial, dedicated in 1996, to create a Memorial Garden. The site will include the Memorial itself, decorative boulders, a reflection bench, and lighting. The memorial stone, donor stone, bench, pavers, landscaping, and lighting will be donated to Baltimore County on November 5, 2016, and have an approximate total value of \$80,000.

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

MB-6 (Res. 112-16)

Council District(s) 3

Mr. Kach

Renaming Portion of Baisman Run – Wolman Run

Resolution 112-16 requests the U.S. Board on Geographic Names to approve the renaming of a portion of the Baisman Run in Oregon Ridge Park to be the Wolman Run.

M. Gordon “Reds” Wolman, who died in February 2010 at the age of 85, was a pioneer in the modern direction of water resources and hydrology, beginning in the 1960s. Reds Wolman worked for 52 years at The Johns Hopkins University, chairing two departments for more than 30 years, serving twice as interim provost, and teaching a course on geomorphology for 50 years.

The U.S. Board on Geographic Names is a federal body created in 1890 and established in its present form in 1947 to maintain uniform geographic name usage throughout the federal government. It serves the federal government and the public as a central authority to which name problems, name inquiries, name changes, and new name proposals can be directed. In partnership with federal, state, and local agencies, the Board provides a conduit through which uniform geographic name usage is applied and current names and data are promulgated.

During his career, Reds Wolman played a central role in defining a modern, quantitative, and generalizable framework that provided the foundation of modern river geomorphology, engineering, and restoration. He published the seminal paper on the Baisman Run drainage basin in Oregon Ridge Park and conducted research and led field trips to this watershed every year for decades.

The Baltimore County Council believes that the County should recognize the contribution of this distinguished scholar who played a central role in defining the modern understanding of rivers and that it is appropriate to rename that portion of the Baisman Run, above its confluence with Pond Branch, to be the Wolman Run.