

**BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2018**

*Issued: February 8, 2018
Work Session: February 13, 2018
Legislative Day No. 4 : February 20, 2018*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

February 20, 2018

NOTES TO THE AGENDA

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**BALTIMORE COUNTY COUNCIL AGENDA
LEGISLATIVE SESSION 2018, LEGISLATIVE DAY NO. 4
FEBRUARY 20, 2018 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

KEVIN REED, DEPUTY DIRECTOR, DEPARTMENT OF HEALTH AND HUMAN SERVICES

- 1 Bill 1-18 – Mr. Jones(By Req.) – CEB – Childhood Lead Poisoning Prevention & Environmental Case Management Program

COUNCIL

- 4 Bill 2-18 – Mr. Kach - Animals – Holding Facilities – Noise and Excessive Lighting

APPROVAL OF FISCAL MATTERS/CONTRACTS

STEVE WALSH, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

- 6 1. Contract – Goodearth Services, Inc. – Snow removal and deicing services - DPW

DAVID V. LYKENS, DEPARTMENT OF ENVIRONMENTAL PROTECTION AND SUSTAINABILITY

- 9 2. Contract – Versar, Inc. – Macroinvertebrate sample collection - DEPS

KEITH DORSEY, DIRECTOR, OFFICE OF BUDGET AND FINANCE

- 13 3. Contract–Havtech Service Division, LLC–HVAC repairs-Animal Services Facility -OBF
* 4. Contract – Lorenz, Inc. – Maintenance of ball diamonds and mowing services - OBF

MISCELLANEOUS BUSINESS

COUNCIL

- 26 1. Correspondence - (a)(2) - Non-Competitive Awards (January 12, 2018)

STEVE WALSH, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

- 16 2. Res. 5-18 – Mr. Quirk(By Req.) – Adoption of the 2017 Triennial Review of the Baltimore County Water Supply & Sewerage Plan

COUNCIL

- 17 3. Res. 14-18 – Mr. Marks - Approval of PUD – Bosley Estates

WILL ANDERSON, DIRECTOR, DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT

- 19 4. Res. 18-18 – Mr. Jones(By Req.) – Support of conditional loan-MD Dept. Commerce-Black & Decker, Inc.
22 5. Res. 19-18 – Mr. Jones(By Req.) – Support of conditional loan-MD Dept. Commerce-Sinclair Broadcasting Group, Inc.

COUNCIL

6. Res. 20-18 – Mr. Quirk – Property Tax Exemption – DAV – Ricky J. Lambert
7. Res. 21-18 – Mr. Jones – Property Tax Exemption – DAV – Raymond Warfield
8. Res. 22-18 – Mr. Crandell – Property Tax Exemption – DAV – Irvin L. Becker

* See Addendum

Bill 1-18 (Supplemental Appropriation)

Council District(s) All

Mr. Jones (By Req.)

Department of Health and Human Services

Childhood Lead Poisoning Prevention & Environmental Case Management Program

The Administration is requesting a supplemental appropriation of State and federal funds totaling \$113,183 to the Childhood Lead Poisoning Prevention and Environmental Case Management Program Gifts and Grants Fund program. The funds will be used to hire one part-time (34 hours-per-week) Public Health Nurse and three part-time (30 hours-per-week) Community Health Workers to improve health outcomes for youth with elevated blood lead levels and asthma. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State ⁽¹⁾	\$ 13,582	--	\$ 13,582
Federal ⁽²⁾	99,601	--	99,601
Other	--	--	--
Total	<u>\$ 113,183</u>	<u>--</u>	<u>\$ 113,183</u>

⁽¹⁾ Maryland Department of Health, Environmental Health Bureau funds. No County matching funds are required.

⁽²⁾ U.S. Department of Health and Human Services – Centers for Medicare and Medicaid Services (CMS) funds passed through the Maryland Department of Health. No County matching funds are required.

Analysis

The purpose of the Childhood Lead Poisoning Prevention and Environmental Case Management Program is to decrease the impact of lead and other environmental toxins on vulnerable low-income children through environmental assessment and in-home education. The Program aims

to improve health outcomes for children through reductions in environmental hazards in the home, improved coordination with the children's medical care providers, and environmental case management by the County Health Department in conjunction with each family and primary care provider. Specifically, the proposed \$113,183 will be used for the salary and fringe benefit costs (\$81,036) of one part-time (34 hours-per-week) Public Health Nurse (Environmental Case Manager) and three part-time (30 hours-per-week) Community Health Workers, supplies (\$12,560), indirect costs (\$10,289), and conferences and mileage (\$9,298).

The Environmental Case Manager and Community Health Workers will conduct home visits for at-risk families which will focus on engaging and supporting families to: decrease environmental hazards (e.g., lead dust, secondhand smoke); utilize safe cleaning techniques; recognize early warning signs of asthma attacks; ensure medications are being used correctly; and improve coordination with medical providers. Staff will conduct approximately three to six home visits per family depending on the severity of risks present. The program is available to all children in the County up to age 18 who receive or are eligible for Medicaid benefits. Children will be identified through elevated blood lead level reports that are submitted to the State and through Department outreach efforts for children diagnosed with moderate to severe asthma. The Department estimates 59 children will be served during the grant period.

The grant period is December 1, 2017 through June 30, 2018. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 1-18 will take effect March 5, 2018.



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Childhood Lead Poisoning Prevention and Environmental Case Management Program

Background

Children exposed to lead can suffer physical and neurological damage including decreased brain development, learning disabilities, hearing and speech problems, kidney damage, seizures and even death. Moderate to severe asthma can result in decreased lung growth, complications from adverse effects of medications, increased school absence, more frequent hospitalizations, ICU admissions and death in children.

Purpose

This purpose of this program is to decrease the impact of lead and other environmental toxins on vulnerable low-income children through environmental assessment and in-home education. This program will be available to all children in Baltimore County, 0-18 years of age who are enrolled in Medicaid or Medicaid eligible who meet enrollment criteria. Under the proposed program, a Baltimore County Department of Health Environmental Nurse Case Manager and three Community Health Workers will provide three to six (or more as deemed necessary) home visits per family, focused on engaging and supporting families to: decrease environmental hazards, including lead dust, secondhand smoke, allergens associated with mice, cockroaches, dust mites, animals and pollen; utilize safe cleaning techniques; recognize early warning signs of asthma attacks; ensure medications are being used correctly; and, improve coordination with medical providers.

Fiscal

The amount of available funds is \$113,183.00.

Provided by: Department of Health and Human
Services

Bill 2-18

Council District(s) All

Mr. Kach

Animals – Holding Facilities – Noise and Excessive Lighting

Bill 2-18 prohibits an animal shelter from permitting an animal confined on its property to create an unreasonable noise across a real property line which unreasonably disturbs or interferes with the health, comfort, peace, or repose of an affected property owner.

The bill defines an “unreasonable noise” as a noise from an animal of sufficient loudness, character, and duration that exceeds a level of 60 decibels during daytime hours between 7:00 a.m. and 10:00 p.m., or 50 decibels during nighttime hours between 10:00 p.m. and 7:00 a.m. The bill then sets forth the prohibition that an animal shelter, including a facility owned or operated by the County, shall not permit any domesticated or caged animals confined or detained on its property to create an unreasonable noise across a real property line which disturbs or interferes with the health, comfort, peace, or repose of an affected property owner, or refuse or intentionally fail to cease and remediate the unreasonable noise.

Bill 2-16 sets forth a process for notifying an employee of the animal shelter and the County Health Officer of the unreasonable noise, requiring notification within 7 days of the occurrence, and also sets forth due process for a determination by the Health Officer as to whether the shelter is in violation of the prohibition on unreasonable noise. The bill also provides for a *de novo* appeal from a decision that is adverse to a property owner to the County Board of Appeals.

In the event the Health Officer or Board of Appeals on appeal determines that the noise level from the animal shelter exceeds the levels set forth in the definition of “unreasonable noise,” the bill requires the County or the owner or operator of the shelter if not the County to promptly, and in any event within 90 days, remediate the noise levels. The bill also requires that remediation efforts be completed to permanently reduce future emitted noise from the shelter to acceptable levels, including installation of an appropriately sized sound wall or acoustical panels.

Finally, Bill 2-18 requires that the County or the owner or operator of the shelter if not the County minimize the brightness of excess lighting when in or adjacent to a residentially zoned area by

utilizing security lighting that is motion sensitive in a localized area and does not exceed one foot-candle at the property line, except for the primary entrance area of the shelter.

Upon the affirmative vote of five members of the County Council, Bill 2-18 shall take effect on March 5, 2018.

FM-1 (Contract)

Council District(s) All

Department of Public Works

Snow Removal and Deicing Services

The Administration is requesting approval of a contract with Goodearth Services, Inc. to provide on-call snow removal and salt application services. The contract commenced December 1, 2017, continues through April 30, 2018, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will automatically renew 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 5-month term, including the renewals. The contract amount is not reasonably estimable at this time.

Fiscal Summary

Funding Source	Initial Term	Maximum Compensation
County ⁽¹⁾	*	*
State	--	--
Federal	--	--
Other	--	--
Total	* ⁽²⁾	* ⁽³⁾

⁽¹⁾ General Fund Operating Budget.

⁽²⁾ The hourly rates for the contractor are \$140 and \$145, depending on the type of equipment provided, 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.

⁽³⁾ Maximum compensation, together with all other contracts for these services for the entire 9-year and 5-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 commenced December 1, 2017, continues through April 30, 2018, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will automatically renew for nine additional years on the same terms and conditions, unless the County provides notice of non-renewal. A snow season begins November 1 and ends April 30. The contract does not establish a fixed dollar amount; rather, the contract provides that the compensation paid to all contractors providing snow removal and salt application services may not exceed the amount appropriated 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 2018 budget for the Storm Emergencies Program totals \$9 million, including \$1.1 million for contractual snow removal services. As of January 29, 2018, after six storm events, the County's financial system indicated that approximately \$4.9 million has been expended under this program, including approximately \$1.6 million for contractual services. The Department advised that FY 2017 snow removal expenditures totaled approximately \$5.8 million, including approximately \$2.4 million for contractual services.

The contractor will provide one single-axle dump truck with a plow and spreader at an hourly rate of \$145 and one skid loader (for emergencies only) at an hourly rate of \$140. 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 Department advised that, including the snow event of January 30, 2018, the contractor has incurred expenditures totaling \$4,930.

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 contracts also include 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 2017/2018 snow season, the Department advised that approximately 260 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, the Department of Education, and the Office of Budget and Finance – Property Management Division. The County currently has contracts with 53 contractors, excluding this contractor, which provide an estimated 325 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) All

Department of Environmental Protection & Sustainability

Macroinvertebrate Sample Collection

The Administration is requesting approval of a contract with Versar, Inc. to provide biological sampling services in order to assess the water quality of County streams and tidal rivers. The contract commences upon Council approval, continues for 3 years, and will automatically renew for two 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 3-year term. Compensation may not exceed \$335,000 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 335,000	⁽¹⁾ Capital Projects fund. ⁽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 3-year term.
State	--	
Federal	--	
Other	--	
Total	\$ 335,000 ⁽²⁾	

Analysis

The County is divided into two major river basins, the Patapsco River/Back River Basin and the Gunpowder Falls/Deer Creek Basin, which are sampled in alternate years. The contractor will collect samples of benthic macroinvertebrates (primarily aquatic insects) from 50 stream sites and 25 tidal sites annually. The Department advised that the benthic macroinvertebrates are widely accepted indicators of water quality across the United States. In addition, to support the County's Total Maximum Daily Load (TMDL) sediment monitoring program, the contractor will provide

sampling in the Patapsco (53 sites), Gwynns Falls (48 sites) and Jones Falls (25 sites) watersheds on a 3-year cycle. The Department reports the data to the Maryland Department of the Environment as one component of the County's effort to maintain and improve its waterways. The Department also uses the data to help prioritize stream restoration projects and aid in watershed planning activities.

In addition to supply costs and other direct expenses, sampling rates range from \$51.76 to \$143.11, depending on the individual performing the work (e.g., lab technician, field technician) and whether the samples are from stream or tidal sites. Hourly rates for a project manager are \$71.89 for stream monitoring and \$92.76 for tidal monitoring.

The contract commences upon Council approval, continues for 3 years, and will automatically renew for two 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 3-year term. Compensation may not exceed \$335,000 for the entire 5-year and 4-month term, including the renewal and extension periods. The County may terminate the agreement by providing 30 days prior written notice.

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 – Washington/Baltimore – 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 awarded the contract through a competitive procurement process based on low bid from five bids received.

On March 18, 2013, the Council approved a similar 5-year and 3-month contract not to exceed \$235,000 with Versar, Inc. On April 17, 2017, the Council approved an amendment to the contract, increasing the maximum compensation by \$65,000 to \$300,000 for the term. The Department advised that the amendment was necessary due to increased biological monitoring in the Patapsco, Gwynns Falls, and Jones Falls watersheds in order to meet the requirements of the Department's sediment TMDL implementation plans. The Department advised that as of February 1, 2018, \$273,061 has been expended 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....”



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

This contract provides biological sampling services within Baltimore County streams and tidal rivers. Benthic macroinvertebrates will be collected and used as bio-indicators of stream and river health. Benthic macroinvertebrates (primarily aquatic insects) are widely accepted indicators of water quality across the United States. These data are reported to the Maryland Department of the Environment in the annual Non-Point Discharge and Elimination System report as one component of the County's effort to maintain and improve its waterways for use by the citizens of Baltimore County.

This contract is for our biological random point monitoring program under the MS4 to provide county wide probabilistic monitoring for stream and tidal waters. In order to meet the requirements of our sediment TMDL implementation plans we increased the biological monitoring in the Patapsco, Gwynns Falls, and Jones Falls watersheds.

Prepared by: Department of Environmental
Protection and Sustainability

FM-3 (Contract)

Council District(s) 3

Office of Budget and Finance

HVAC Repairs – Animal Services Facility

The Administration is requesting approval of a contract with Havtech Service Division, LLC to provide repair services for air conditioning equipment at the County’s Animal Services facility on Manor Road in Baldwin. The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 120 days. The contract does not specify a maximum compensation for the initial 1-year term. Compensation may not exceed \$94,710 for the entire 5-year and 4-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 94,710	⁽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	\$ 94,710 ⁽²⁾	

Analysis

The contractor will provide all labor, materials, tools, equipment, incidentals, and supervision to perform repair services on 13 specific AAON and Daikin brand HVAC equipment types (e.g., condenser, roof top units) located at the Animal Services facility in Baldwin. The contract provides that the County reserves the right to add facilities that have the same name brand equipment at any time during the term of the contract.

Hourly labor rates for system repairs, parts installation, or service calls range from \$187 to \$330 depending on time status (i.e., regular, overtime, weekend, or holiday). Markup for materials is 30%. Additional service call fees include a \$40 trip/truck charge and a \$20 environmental impact fee (e.g., recycling of removed refrigerant and compressor oil). The contractor must respond to an emergency service call within 1 hour of notification and must report to the work site within 3 hours. Technicians must be available for emergency services 24 hours-per-day, 365 days-per-year.

The contract commences upon Council approval, continues for 1 year, and will automatically renew for four additional 1-year periods with the option to further extend the initial term or any renewal term an additional 120 days 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 \$94,710 for the entire 5-year and 4-month term, including the renewal and extension periods.

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

The Office requested that the proposed contract be designated as a non-competitive 902(f) proprietary sole-source contract secured in the best interest of the County. The Office advised that Havtech is the only distributor in the area for this equipment, which is a new technology that requires special expertise beyond the County's staff and on-call contractors, and can quickly provide the parts and service required. County Charter, Section 902(f), states that "when...[competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations."

A contract with Havtech Service Division, LLC was previously presented on the October 2, 2017 Council agenda and was "deferred." Specifically, the contract provided for repair services, as well as for inspection and preventative maintenance services for specific AAON and Daikin brand HVAC equipment at both the County's Animal Services facility in Baldwin and the Westside Men's Shelter in Catonsville. The Office had advised that since the HVAC warranty period expired,

thorough preventative maintenance had not been performed on this equipment; Property Management staff have only been able to perform limited maintenance due to the sophistication of the equipment. However, the Office has procured Havtech Service Division, LLC when repair services were needed. The 5-year and 4-month term of the contract could not exceed \$869,524. Hourly rates ranged from \$145 to \$260, depending on the time status.

The Office advised that since the proposed contract provides for repair services only at the Animal Services facility, Property Management staff will provide inspection and preventative maintenance services at both facilities and basic repair services at the Westside Men's Shelter. The Office also advised that the contractor's hourly rates have increased in order to ensure that Havtech will respond on-site within 3 hours of an emergency call and due to the removal of the preventative maintenance services.

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

MB-2 (Res. 5-18)

Council District(s) All

Mr. Quirk (By Req.)

Department of Public Works

Adoption of the 2017 Triennial Review of the Baltimore County Water Supply & Sewerage Plan

Resolution 5-18 adopts the report of the 2017 Triennial Review of the Baltimore County Water Supply and Sewerage Plan.

Title 9, Subtitle 5 of the Environment Article of the Annotated Code of Maryland requires the County to adopt a comprehensive 10-year water supply and sewerage plan. State law also requires the County to review its plan every three years and submit a report of the review to the Maryland Department of the Environment (MDE).

The last separate triennial review report was approved by the County Council, following the recommendation of the Planning Board, in 2014 (Resolution 116-14). The 2014 Triennial Review was approved by MDE in a letter dated May 21, 2015.

The new Triennial Review was due for submission in 2017. The review includes updated population projections and reports on the status of the public water and sewer infrastructure and private on-site well and septic system issues, and demonstrates consistency with *Master Plan 2020* and all applicable County and State requirements for water and sewer planning.

The Planning Board held a public hearing on the report on July 20, 2017 and voted at its regular meeting of September 7, 2017 to adopt the 2017 Triennial Review and recommend that it be forwarded to the County Council for further action. The Council's public hearing will occur at the work session on February 13, 2018.

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

MB-3 (Res. 14-18)**Council District(s) 5**

Mr. Marks

Approval of Planned Unit Development – Bosley Estates

Resolution 14-18 approves the review of a proposed Planned Unit Development (“PUD”) in the Fifth Councilmanic District.

Bill 5-10 substantially revised the process for the review and approval of a PUD. However, the first step in the process was not changed. Namely, that an application for a PUD must first be submitted to the Council member in whose District the PUD is proposed to be located.

Bill 36-11 further amended the PUD process to require that, after submission of the PUD application to the appropriate Council member, the applicant must hold a post-submission community meeting. This meeting is similar to the community input meeting that is required during the development review and approval process, except the post-submission community meeting is required at the beginning of the process, prior to the adoption of a resolution approving the review of the PUD. The applicant must give three weeks’ notice of the meeting and post the property. Notice must be mailed to adjoining property owners and community associations that represent the area. At the meeting, the applicant must provide information about the plan, allow questions and comments, maintain a record, compile minutes of the meeting, and forward the minutes to the Council member and to the Department of Permits, Approvals, and Inspections (PAI). Community residents and organizations may also provide written comments to the Council member. In addition, the Council member may require the applicant to hold another post-submission meeting.

The applicant must also send copies of the PUD application to PAI; PAI must then transmit copies of the application to the appropriate reviewing agencies, and these agencies must provide a preliminary written evaluation of the PUD proposal to the Council member.

Once these procedures are completed to the satisfaction of the Council member, and if the Council finds that the proposed site is eligible for review, the Council, by adoption of a resolution that has additional advertising and posting requirements, may approve the continued review of

the PUD according to the County's development review and approval process. The adopting resolution is introduced only after all of the steps required by Bill 36-11 have been concluded.

In the proposed PUD project known as "Bosley Estates," an application was filed by Bosley Estates, LLC for an approved 4.5± acre property located at 400 Georgia Avenue to be developed as a general development PUD in the Southland Hills community. The PUD application proposes the development of a residential condominium community featuring up to 45 individual residential condominium units plus private amenity open space. Resolution 14-18 also avers that the applicant has complied with all of the aforementioned procedural steps.

The community benefit to be provided by the applicant will consist of the renovation and preservation of the original "Bosley Mansion" on the PUD property, along with the preservation of a significant part of the existing front lawn of the Bosley Mansion as private green space. As an additional enhancement to the project, the applicant's proposed landscape design will exceed the minimum requirements set forth in the County's Landscape Manual. Selected existing landscaping will be further improved to screen parking, complement the new building area, and enforce the open space area. The proposed design includes additional landscaping to the periphery of the PUD property to provide attractive green screening of the project from the existing residences on Florida Road and Dixie Road in the Southland Hills community.

Upon its passage by the County Council, Resolution 14-18 will be forwarded to the Departments of Planning and PAI.

MB-4 (Res. 18-18)

Council District(s) 6

Mr. Jones (By Req.)

Department of Economic and Workforce Development

Support of Conditional Loan – Black & Decker (U.S.), Inc.

The Administration is requesting the endorsement of a project and a corresponding Maryland Department of Commerce, Maryland Economic Development Assistance Authority and Fund (MEDAAF) conditional loan of up to \$2 million to assist with the expansion of Black & Decker (U.S.), Inc.'s tool divisional headquarters to be located in the Greenleigh at Crossroads development in White Marsh-Middle River. See Exhibit A.

Fiscal Summary

As a condition for providing assistance to the project, the State requires a local government resolution supporting the project and a minimum 10% matching County conditional loan. The Department advised that it will submit for Council approval a \$200,000 conditional loan to Black & Decker (U.S.), Inc. through the 7-day loan notification process as financial assistance for this project.

Analysis

Black & Decker (U.S.), Inc.'s 565,000-sq. ft. tool divisional headquarters is located at 701 East Joppa Road in Towson. The company will retain this location as well as lease 92,000 sq. ft. in the Greenleigh at Crossroads development in White Marsh-Middle River. Estimated project costs total \$8.5 million for various site improvements and the purchase of furniture, fixtures, and equipment.

This resolution endorses the project and a corresponding MEDAAF conditional loan of up to \$2 million as financial assistance for the project. As a condition for providing assistance to the

project, the State requires a local government resolution supporting the project and a minimum 10% matching County conditional loan. The Department advised that it will submit for Council approval a \$200,000 conditional loan to Black & Decker (U.S.), Inc. through the 7-day loan notification process as financial assistance for this project.

The Department advised that both the State and County conditional loans will have 10-year terms with 3% interest rates. In order for the loans to be forgiven at the end of the 10-year terms, the company is required to employ 2,000 workers by December 31, 2020 and retain the positions through the remaining terms of the loans (current employment is 1,600 workers). The Administration advised that the 400 positions to be added will be in electrical and electromechanical engineering, digital and brand marketing, industrial design, finance, and human resources; the average annual salary will be \$60,000. If the company does not meet its employment goal, the amount of the loans that will be converted to grants will be calculated on a pro-rata basis, and the company will be responsible for repaying the remaining loan balances. The Department advised that the expansion will bring Stanley Black and Decker's total employment in Maryland to approximately 2,700, including employees located at other leased properties in Towson.

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



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Black & Decker (U.S.), Inc.

Black & Decker (U.S.), Inc. is requesting a \$2 million conditional loan from the Maryland Department of Commerce. A Resolution in support of the State's conditional loan is a requirement of the Maryland Economic Development Assistance Authority and Fund (MEDAAF) loan program. The County will provide a matching \$200,000 conditional loan as required under the MEDAAF program.

Project Description:

Black & Decker (U.S.), Inc. has made the decision to expand its tool divisional headquarters at the Greenleigh development in Middle River. The company will lease 92,000 square feet of additional space at the new location and maintain its existing 565,000 square foot facility in Towson.

The outline of the transaction is as follows:

Location #1	Tool Divisional Headquarters 701 East Joppa Road Towson, Maryland 565,000 square feet
--------------------	---

Location #2	Greenleigh Development Middle River, Maryland 92,000 Square Feet
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Employees:	Retained:	1,600
	New:	<u>400</u> (To be created by 12-31-2020)
	Total Jobs:	2,000

Project Cost:	\$8.5 million
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Prepared by: Department of Economic and
Workforce Development

MB-5 (Res. 19-18)

Council District(s) 3

Mr. Jones (By Req.)

Department of Economic and Workforce Development

Support of Conditional Loan – MD Dept. Commerce - Sinclair Broadcasting Group, Inc.

The Administration is requesting the endorsement of a project and a corresponding Maryland Department of Commerce, Maryland Economic Development Assistance Authority and Fund (MEDAAF) conditional loan of up to \$1.3 million to assist with the retention and expansion of Sinclair Broadcasting Group, Inc.'s corporate headquarters located on Beaver Dam and Gilroy Roads in Hunt Valley. See Exhibit A.

Fiscal Summary

As a condition for providing assistance to the project, the State requires a local government resolution supporting the project and a minimum 10% matching County conditional loan. The Department advised that it will submit for Council approval a \$130,000 conditional loan to Sinclair Broadcasting Group, Inc. through the 7-day loan notification process as financial assistance for this project.

Analysis

Sinclair Broadcasting Group, Inc. intends to retain its leased 74,000-sq. ft. corporate headquarters located at 10706 Beaver Dam Road in Hunt Valley. The Department advised that the company will consolidate several County operations that are currently in leased space in Hunt Valley into buildings owned by Sinclair, including its headquarters and at 10713 Gilroy Road (45,000 sq. ft.) and 10616 Beaver Dam Road (8,000 sq. ft.), also in Hunt Valley. Estimated project costs total \$12 million for the acquisition and construction costs; leasehold, site, and infrastructure improvements; and the purchase of equipment and other assets.

This resolution endorses the project and a corresponding MEDAAF conditional loan of up to \$1.3 million as financial assistance for the project. As a condition for providing assistance to the project, the State requires a local government resolution supporting the project and a minimum 10% matching County conditional loan. The Department advised that it will submit for Council approval a \$130,000 conditional loan to Sinclair Broadcasting Group, Inc. through the 7-day loan notification process as financial assistance for this project.

The Department advised that both the State and County conditional loans have 10-year terms with 3% interest rates. In order for the loans to be forgiven at the end of the 10-year terms, the company is required to employ 700 workers by December 31, 2023 and retain the positions through the remaining terms of the loans (current employment is 333 workers). The Department advised that the 367 positions to be added will consist of administrative and management positions. If the company does not meet its employment goal, the amount of the loans that will be converted to grants will be calculated on a pro-rata basis, and the company will be responsible for repaying the remaining loan balances.

This resolution 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

MB-1(a)

TO: Fred Homan
Administrative Officer

DATE: 1/12/18

FROM: Keith Dorsey, Director
Office of Budget & Finance



COUNCIL MEETING
DATE: 2/20/18

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 10958 Ruppert Landscape – Baseball Diamonds, multiple sites, De-lipping

This emergency justification request is because these fields pose unplayable conditions. The de-lipping is needed for baseball diamonds located in various areas of Baltimore County. Property Management is currently working with our on-call contractors (Lorenz and Classic Lawn) but after discussion with them they stated that with the current sites they are addressing that these additional sites cannot be handled by them. All of these sites need to be addressed immediately to ensure the sites are in playable condition by March 2018.

Total: \$64,227.92
Award Date: 1/12/18

PO 10962 Rexel Inc. – Parts, Replacement, Med Voltage VFD, Utilities, FY 18

It is in the best interest of the County to purchase the parts from Rexel because the existing VFD's were manufactured and installed by Rockwell Automation (Rexel) to work with the Long Quarters and Patapsco pump stations. Rexel, Inc. is the only distributor authorized to sell Rockwell Automation products in the geographic area in which the Baltimore County facilities are located.

The installation of the parts is needed in order to make sure that the pump stations remain operational. To keep the pump stations in working conditions, the existing parts can only be replaced with like manufactured parts.

Total: \$226,409.20
Award Date: 1/12/18

c: M. Field,
T. Peddicord,
L. Smelkinson

400 Washington Avenue, Room 221
Towson, Maryland 21204



Office (410) 887-3193
Fax (410) 887-4621

OFFICE OF THE COUNTY AUDITOR INTEROFFICE MEMORANDUM

TO: All Council Members
FROM: Lauren M. Smelkinson, County Auditor
DATE: February 13, 2018
SUBJECT: Addendum to Council Meeting Notes

Please find attached an addendum (FM-4) to the Council Meeting Notes issued February 8, 2018. This item will be discussed at the February 13, 2018 work session for the February 20, 2018 Council meeting.

Attachment

cc: notes distribution list

FM-4 (Contract)

Council District(s) All

Office of Budget and Finance

Maintenance of Ball Diamonds and Mowing Services

The Administration is requesting approval of a contract with Lorenz, Inc. to provide athletic field maintenance and mowing services at various sites (athletic fields, parks, and other County-owned property) throughout Baltimore County. The contract commenced February 1, 2018, continues through April 30, 2018, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through November 30, 2018 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 90 days. The contract does not specify a maximum compensation for the initial 10-month term. Compensation paid to the contractor, together with all other contractors awarded a contract under the same bid solicitation, may not exceed \$16,406,233 for the entire 5-year and 1-month term, including the renewal and extension periods.

Fiscal Summary

Funding Source	Combined Maximum Compensation	Notes
County ⁽¹⁾	\$ 16,406,233	⁽¹⁾ General Fund Operating Budget. ⁽²⁾ Maximum compensation for all contractors combined for the entire 5-year and 1-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the initial 10-month term.
State	--	
Federal	--	
Other	--	
Total	\$ 16,406,233 ⁽²⁾	

Analysis

The contractor will provide all labor, materials, tools, equipment, and supervision for mowing services and maintenance of athletic fields, parks, and other County-owned properties throughout the County. Ball diamonds will be groomed every 7 to 10 days at a cost of \$85.63 per ball diamond. Other sites will be mowed every 7 to 10 days (180 sites) at unit prices ranging from \$49.00 (Carroll Manor Park – 4.9 acres) to \$1,367.10 (Oregon Ridge Park – 130.2 acres) or 4 times per year (12 sites) at unit prices ranging from \$110.50 (Cloverland Park Site – 3.4

acres) to \$4,077.00 (Cromwell Valley Park – 135.9 acres) depending on the size of the site. The contract provides that trash, paper, glass, and debris shall be picked up and bagged prior to mowing. Grooming includes edging and trimming. The County may add or delete sites as necessary.

The Office advised that Lorenz, Inc. will serve as the primary contractor, and both Classic Lawn & Landscape and Ruppert Landscape, Inc. will serve as secondary contractors; the Office expects to present the two secondary contracts for Council approval on April 2, 2018. The contract provides that the secondary contractors will be called only when, and if, the primary contractor is unable to perform the assigned work due to the full use of its crews in the performance of work under this contract or due to default.

The contract commenced February 1, 2018, continues through April 30, 2018, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will continue through November 30, 2018 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 90 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract does not specify a maximum compensation for the initial 10-month term. Compensation paid to the contractor, together with all other contractors awarded a contract under the same bid solicitation, may not exceed \$16,406,233 for the entire 5-year and 1-month term, including the renewal and extension periods.

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

The County awarded the contract through a competitive procurement process based on low bid from three bids received. The two other bidders will serve as the secondary contractors.

On May 24, 2012, the Council approved two similar approximate 5-year and 3-month contracts (which commenced April 10, 2012) with Lorenz, Inc. and Bartenfelder Landscaping Services, Inc. not to exceed \$12,806,591 for both contracts combined. On March 20, 2017, the Council approved an amendment to the contract with Lorenz, Inc. to extend the term of the agreement

by 5 months (through November 30, 2017). The Office previously advised that it also offered a 5-month extension to Bartenfelder Landscaping Services, Inc.; however, the contractor chose not to extend its agreement. According to the County's financial system, expenditures under both contracts totaled \$4,762,076, including \$4,710,148 to Lorenz, Inc. and \$51,928 to Bartenfelder Landscaping Services, Inc. The Office advised that the amount expended under the prior contract was significantly less than the not-to-exceed amount because the contract was not fully executed in its early stages. The Office also advised that the proposed contract reflects a significantly higher not-to-exceed amount because costs have increased. For example, the rate to groom a ball diamond has increased from \$41.25 to \$85.63. Additionally, the proposed contract reflects 8 more sites (twenty 7-day mowing cycle sites were added and twelve 14-day mowing cycle sites were removed). The Office advised that the 14-day mowing cycle sites will be serviced by new 14-day mowing contracts; the Office plans to submit the contracts for Council approval on the March 5, 2018 agenda. The Office further advised that it decided to award one primary contract and two secondary contracts rather than two primary contracts because of the need for consistent service throughout the County.

The County currently has 12 contracts with Lorenz, Inc., 9 of which will expire by March 31, 2018 (e.g., contracts for mowing and landscaping services at Double Rock, Inwood, Texas, Sparrows Point clusters and Towson, Dundalk, and Westside streetscapes). The Office advised that these contracts were recently put out to bid and it plans to submit the resulting awarded contracts for Council approval on the March 5, 2018 agenda. The County's three other contracts with Lorenz, Inc. provide mowing services for highway medians, roadsides, and roundabouts (expires February 28, 2022); on-call landscaping services (expires February 28, 2021); and on-call maintenance and repair of natural turf fields (expires February 28, 2021). According to the County's financial system, as of February 8, 2018, expenditures for the 12 contracts totaled \$1,704,438.

On January 12, 2018, the Administration entered into a non-competitively bid emergency contract totaling \$64,228 with Ruppert Landscape, Inc. (correspondence item MB-1(a) on this agenda) to repair 13 baseball diamonds rendered unplayable due to severe lipping conditions (bumps that form where the dirt meets the grass). The Administration advised that the sites needed to be addressed immediately to ensure playable conditions by March 2018. The Office advised that Ruppert Landscape, Inc. was solicited to perform the work after Lorenz, Inc. and Classic Lawn & Landscape Inc., the County's on-call contractors for the maintenance and repair of natural turf fields, indicated they could not handle the additional sites.

Additionally, the Office advised that County employees still are responsible for grass mowing. See Exhibit A for a list of the agencies responsible for mowing and athletic field maintenance at school facilities, by area of responsibility.

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...."

Maintenance at School Facilities

Baltimore County Property Management (PM) works with the Baltimore County Public Schools (BCPS) and Baltimore County Bureau of Solid Waste (SW) to maintain school-recreation centers throughout the county. Each organization is responsible for specific maintenance functions on the school grounds, recreation offices and activity rooms as noted below.

If you have questions or concerns about the maintenance or repair of any of the items on this list, please contact the noted agency:

- For BCPS responsibilities call the BCPS [Department of Facilities Management](#) at 410-887-6435.
- For Baltimore County Property Management responsibilities contact the constituent services section at propmngt-constituentservices@baltimorecountymd.gov or 410-887-3827.
- For outdoor trash issues please contact Baltimore County Bureau of Solid Waste at 410-887-2000 or solidwaste@baltimorecountymd.gov.

Area of Responsibility	Elementary Schools	Middle Schools	High Schools
Ball Diamonds			
Maintain	PM	BCPS	BCPS
Supply ball diamond mix (dirt)	PM	BCPS	BCPS
Backstops	PM	BCPS	BCPS
Player benches	PM	BCPS	BCPS
Hose bib outlets	PM	BCPS	BCPS
Athletic Field Lighting Systems			
Grass Fields	PM	PM	BCPS
Artificial Turf Fields	PM	PM	PM
Multi-Use Courts			
Backboards	PM	BCPS	BCPS
Rims	PM	BCPS	BCPS
Basketball nets	PM	BCPS	BCPS
Fencing	PM	BCPS	BCPS
Court lines	PM	BCPS	BCPS
Re-surface and re-build	PM	BCPS	BCPS
Pole lighting	PM	BCPS	BCPS
Tennis Courts			
Net supports	PM	BCPS	BCPS
Nets	PM	BCPS	BCPS
Fencing	PM	BCPS	BCPS
Court lines	PM	BCPS	BCPS
Re-surface and re-build	PM	BCPS	BCPS
Pole lighting	PM	BCPS	BCPS
Bleachers (portable)			
Movement and placement	PM	PM	PM
Repairs	PM	PM	PM
Materials	PM	PM	PM
Bleachers (stationary)	BCPS	BCPS	BCPS
Water Fountains			
Not attached to buildings	PM	PM	PM
Attached to buildings	BCPS	BCPS	BCPS
Trash			
Playing Fields	SW	SW	SW
Multi purpose and tennis courts (barrels only)	SW	SW	SW
Playgrounds (barrels only)	SW	SW	SW
School grounds in general	BCPS	BCPS	BCPS
Grass mowing	BCPS	BCPS	BCPS
Playground Structures			
Maintain and repair	BCPS	BCPS	BCPS
Filling and maintaining base material	BCPS	BCPS	BCPS
Recreation Offices and Activity Rooms			
Windows, doors and locks	PM with BCPS approval	PM with BCPS approval	PM with BCPS approval
Floors and ceilings	PM with BCPS approval	PM with BCPS approval	PM with BCPS approval
HVAC—self contained	PM with BCPS approval	PM with BCPS approval	PM with BCPS approval
HVAC—part of overall system	BCPS	BCPS	BCPS

Prepared by: Office of Budget and Finance