

*BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2019*

*Issued: November 7, 2019
Work Session: November 12, 2019
Legislative Day No. 19: November 18, 2019*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

November 18, 2019

NOTES TO THE AGENDA

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**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2019, LEGISLATIVE DAY NO. 19
NOVEMBER 18, 2019 6:00 P.M.**

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

Page

CALL OF BILLS FOR FINAL READING AND VOTE

ED BLADES, DIRECTOR, OFFICE OF BUDGET AND FINANCE

- * Bill 55-19 – Mr. Quirk(By Req.) - General Obligation Bonds

LAWRENCE RICHARDSON, BUDGET ANALYST, OFFICE OF BUDGET AND FINANCE

- * Bill 56-19 – Mr. Quirk(By Req.) – Capital Budget – 209-209-P894 Owings Mills Center-CCBC

COUNCIL

- 1 Bill 57-19 – Mr. Kach – The Building Code of Baltimore County – Agricultural Buildings
2 Bill 58-19 – Mr. Marks – Conveyance of Property – Governments and Non-Profit Entities

APPROVAL OF FISCAL MATTERS/CONTRACTS

LAWRENCE RICHARDSON, BUDGET ANALYST, OFFICE OF BUDGET AND FINANCE

- * 1. BAT#20-01C – Community College of Baltimore County

STEVE WALSH, DIRECTOR, DEPARTMENT OF PUBLIC WORKS

- 3 2. Crusse Construction, LLC – Snow removal and deicing services

AMY GROSSI, REAL ESTATE COMPLIANCE

- 6 3. Contract of Sale – Oakleigh Properties, LLC – Acquisition of parcel-drainage/utility easement-Darlington Dr. 21234

MISCELLANEOUS BUSINESS

COUNCIL

- 15 1. Correspondence - (a)(2) - Non-Competitive Awards (October 11, 2019)

WILL ANDERSON, DIRECTOR, DEPARTMENT OF ECONOMIC AND WORKFORCE DEVELOPMENT

- 9 2. Res. 145-19 – Mr. Quirk(By Req.) – Economic Development Revenue Bond – McDonogh School, Inc.

COUNCIL

- 13 3. Res. 146-19 – Mr. Quirk – Support of financing - MD Dept. Housing & Comm. Dev. - Neighborhood Business Works Program – 818 Frederick, LLC
4. Res. 147-19 – Mr. Quirk – Property Tax Exemption – DAV – Raymond Stern
5. Res. 148-19 – Mr. Jones – Property Tax Exemption – DAV – Kevin Thomas
6. Res. 149-19 – Mrs. Bevins – Property Tax Exemption – DAV – Louis Sica
7. Res. 150-19 – Mr. Crandell – Property Tax Exemption – DAV – Leigh Austin
8. Appointment – Mr. Quirk(By Req.) – County Attorney – James R. Benjamin, Jr.
9. Res. 151-19 – Mrs. Bevins – Property Tax Exemption – DAV – Bruce Long

* Addendum

Bill 57-19

Council District(s) All

Mr. Kach

The Building Code of Baltimore County – Agricultural Buildings

Bill 57-19 proposes to amend the Baltimore County Building Code relating to agricultural buildings. Periodically, the County adopts a version of the most recent edition of the International Building Code (ICC) that has been modified for use in Baltimore County. The County Council most recently adopted a version of the 2015 Edition of the ICC via Bill 40-15. Since enactment, Bill 40-15 has been referred to as the Baltimore County Building Code (BCBC).

BCBC, Part 112.1, sets forth types of work that do not require a permit, with Part 112.1.1 detailing the exemption for agricultural buildings. Currently, the BCBC does not apply to the construction, alteration, addition, repair, removal, demolition, use, location, or maintenance of agricultural buildings. However, the owner of an agricultural building must still obtain any required permits for electrical or plumbing and gasfitting work.

Bill 57-19 clarifies that the exemption in Part 112.1.1 includes the construction, alteration, or modification of an agricultural building for the intended subordinate uses set forth in Section 12-508(c) of the Public Safety Article of the Annotated Code of Maryland. However, any such work must comply with Sections 12-508(d) and (e). Those provisions set forth occupancy limits and other public safety features such that a qualifying agricultural building would not need a building permit due to a change in occupancy.

With the affirmative vote of five members of the County Council, Bill 57-19 will take effect December 2, 2019.

Bill 58-19

Council District(s) All

Mr. Marks

Conveyance of Property – Governments and Non-Profit Entities

Bill 58-19 would permit the conveyance of surplus County property to a non-profit entity at less than its appraised value or for no compensation under certain circumstances.

In general, and under the authority granted by the General Assembly, the County is permitted to acquire and convey property. The right to convey property includes property that is determined to be surplus property. In particular, the County may convey surplus property or easement rights to a governmental entity for less than its present appraised value or for no compensation.

The County may also convey surplus property to non-profit entities, including hospitals, religious, charitable, scientific, literary, educational, fraternal, or benevolent institutions, civic improvement associations, service clubs, volunteer fire companies, or youth organizations if no part of their net income inures to private shareholders or individuals. The price to be paid by a non-profit entity is related to the appraised value of the property. Conveying property or easement rights to a government or non-profit entity requires a procedure that includes approval of a contract by the County Council.

Bill 58-19 would permit the County to convey property that is located in a County Historic District, on the County Final Landmarks List, or listed in the National Register of Historic Places to non-profit entities for less than its present appraised value or for no compensation, similar to the circumstances under which a conveyance may be made to a government entity.

With the affirmative vote of five members of the County Council, Bill 58-19 will take effect December 2, 2019.

FM-2 (Contract)

Council District(s) All

Department of Public Works

Snow Removal and Deicing Services

The Administration is requesting approval of a contract with Crusse Construction LLC to provide on-call snow removal and salt application services. The contract commenced November 1, 2019, continues through April 30, 2020, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will renew automatically for nine additional 1-year periods. (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, including the renewals. The contract amount is not reasonably estimable at this time.

Fiscal Summary

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

(1) General Fund Operating Budget.

(2) The hourly rates for the contractor are \$110 and \$145, depending on the truck, 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 6-month term, including renewals, may not exceed the amount appropriated for snow removal and salt application services each year. The amount is not reasonably estimable at this time.

Analysis

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

The contract commenced November 1, 2019, continues through April 30, 2020, and may not exceed \$25,000 unless approved by the Council. If approved, the contract will renew automatically for nine additional 1-year periods on the same terms and conditions, unless the County provides notice of non-renewal. A snow season begins November 1 and ends April 30. Compensation paid to all contractors providing snow removal and salt application services may not exceed the amount appropriated during the entire 9-year and 6-month term, including the renewals. The Department advised that an estimated amount for the contract is undeterminable due to the unpredictable nature and timing of snowfalls (i.e., density and depth of snowfalls, number of snowfalls occurring during the season). The County may terminate the agreement by providing 30 days prior written notice.

The FY 2020 budget for the Storm Emergencies Program totals approximately \$8.4 million, including \$1.1 million for contractual snow removal services. The County's financial system indicated that FY 2019 snow removal expenditures totaled approximately \$9.2 million, including approximately \$4.0 million for contractual services.

The contractor will provide 6 one-ton pick-up trucks and 1 single-axle dump truck, each with plows and spreaders, at hourly rates per vehicle of \$110 and \$145, respectively. 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 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 2019/2020 snow season, the Department advised that approximately 529 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 Purchasing Division advised that as of October 29, 2019, the County has contracts with 48 contractors, excluding this contractor, which provide approximately 251 trucks and 55 pieces of equipment.

On January 4, 2010, the Council approved a 9-year and 4-month contract with Crusse Construction, LLC for similar services. The contract expired April 30, 2019. The County's financial system indicated that \$1,333,503 was expended under this contract.

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

FM-3 (Contract)

Council District(s) 6

Department of Permits, Approvals and Inspections

Acquisition of Parcel – Drainage/Utility Easement – Darlington Dr. 21234

The Administration is requesting approval of a contract to acquire easements across approximately 0.889 acre on two parcels for \$50,000 for the construction of the East Branch Herring Run relief sewer. Oakleigh Properties, LLC currently owns the properties, which are located on Darlington Drive in Parkville. The properties are zoned BL-AS (Business Local/Automotive Service), RO (Residential Office), and DR-5.5 (Density Residential – 5.5 units/acre). The easements will be used for drainage and utility and temporary construction areas. See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 50,000	⁽¹⁾ Capital Projects Fund (Metropolitan District).
State	--	
Federal	--	
Other	--	
Total	<u>\$ 50,000</u>	

Analysis

The County’s staff appraiser completed an appraisal of the property in June 2016, recommending a value of \$42,209. After review and analysis, the County’s review appraiser concurred with the appraisal, recommending the respective amount as just compensation for the acquisition. The Department of Permits, Approvals and Inspections – Real Estate Compliance Division advised that the property owner rejected the County’s offer of \$42,209, and upon further negotiations, the amount of \$50,000 was deemed acceptable to both parties.

The properties to be acquired consist of easements across 0.889 acre on two parcels totaling 4.34 acres with site and building improvements, supporting its current use as a neighborhood multiple-tenant strip shopping center known as the Oakleigh Shopping Center.

The Department advised that the East Branch Herring Run relief sewer project involves the construction of approximately 9,000 feet of relief sewer along the East Branch Herring Run, from McClean Boulevard to Taylor Avenue. The Department also advised that 25 acquisitions are needed for this project, 5 of which require Council approval. The Council previously approved three acquisitions: 0.84 acre for \$18,510, 2.71 acres for \$69,796, and 0.16 acre for \$16,985 on March 18, 2019, November 5, 2018, and May 1, 2017, respectively.

Estimated project costs total \$20.7 million, including \$19.2 million for construction. As of October 29, 2019, \$1,429,989 had been expended/encumbered for this project, excluding the cost of this acquisition. The Department of Public Works advised that construction is anticipated to begin in early 2020.

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: East Branch Herring Run Relief Sewer
(RW 14-016, Items 21 & 22)

PROJECT NO.: 231-201-0077-7103

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Oakleigh Properties, LLC

PROPERTY INTEREST TO
BE ACQUIRED: *Drainage & Utility Easement Area
Containing 0.083 acre (3,594 sq. ft.) +/- (It. 21)*

*Total Temporary Construction Area containing
0.416 acre (18,120 sq. ft.) +/- (Item 21)*

*Drainage & Utility Easement Area
Containing 0.234 acre (10,179 sq. ft.) +/- (It. 22)*

*Total Temporary Construction Area containing
0.156 acre (6,812 sq. ft.) +/- (It. 22)*

LOCATION: Map 0080, Parcel 179 (Darlington Drive)
Map 0080, Parcel 218 (Darlington Drive)
Baltimore, Maryland 21234

CONSIDERATION \$50,000.00

PURPOSE OF PROJECT: To Construct approximately 9,000 feet of relief
Sewer along the East Branch Herring Run

LIMITS OF PROJECT: McClean Boulevard to Taylor Avenue

Prepared by: Department of Permits, Approvals &
Inspections

MB-2 (Res. 145-19)

Council District(s) 4

Mr. Quirk (By Req.)

Department of Economic and Workforce Development

Economic Development Revenue Bond – McDonogh School, Incorporated

This resolution authorizes the issuance of Baltimore County revenue bonds in an amount not to exceed \$16 million on behalf of McDonogh School, Incorporated located at 8600 McDonogh Road in Owings Mills. The bonds will be used to finance costs associated with the construction of a new middle school and to finance issuance costs related to the transaction. See Exhibit A.

Fiscal Summary

The Department advised that the County will earn an annual fee of 1/16 of 1% on the outstanding principal balance of the bonds, provided the bonds exceed \$15 million (1/8 of 1% if they do not). McDonogh School, Incorporated will pay all debt service related to the bonds. The County does not incur any liability nor pledge its full faith and credit for the bonds.

Analysis

McDonogh School, Incorporated is a private coeducational school for students in prekindergarten through 12th grade located in Owings Mills.

McDonogh School, Incorporated will use the proceeds of the bond sale (\$16 million) to finance a portion of the costs associated with the construction of a new 67,000 sq. ft. multi-purpose middle school and other related campus improvements, and to pay expenses related to the sale and issuance of the bonds. Project costs are estimated to total approximately \$23 million, with McDonogh School, Incorporated contributing approximately \$7 million in equity toward the project. Construction began in October 2019 and is estimated to be completed by December 31, 2020. McDonogh School, Incorporated expects employment to remain constant (at 359 personnel) and enrollment to increase (from 1,400 students to 1,409 students).

The County does not incur any liability by approving this resolution nor does it pledge its full faith and credit. McDonogh School, Incorporated will repay the principal and interest on the bonds. All costs incurred by, or on behalf of, the County in connection with the issuance, sale, delivery, and administration of the bonds, and the making of a loan, including the bond counsel fees, are the responsibility of McDonogh School, Incorporated. (Revenue bonds result in lower interest rates to the borrower since they are generally tax-exempt.)

The Department advised that the bonds, once issued, will be purchased by George K. Baum & Company; the bonds will be entirely tax-exempt and are estimated to have a 3% fixed interest rate with a 10-year term. The Department also advised that the County will earn an annual fee of 1/16 of 1% on the outstanding principal balance of the bonds, provided the bonds exceed \$15 million (1/8 of 1% if they do not). Settlement is expected to take place on December 5, 2019. Bond counsel for this transaction is Miles & Stockbridge.

A public hearing for this matter is scheduled for November 12, 2019. The Department advised that the hearing was advertised in *The Baltimore Sun* on November 1, 2019.

The Maryland Economic Development Revenue Bond Act (Annotated Code of Maryland, Economic Development Article, Title 12, Subtitle 1, Sections 12-101 to 12-118) allows counties to issue economic development revenue bonds for various purposes including encouraging the increase of industry, relieving unemployment, and promoting economic development. The bond proceeds may be used to finance or refinance the costs of acquiring a facility or to refund outstanding bonds. The proceeds may also be used to pay expenses related to the sale and issuance of the bonds, to fund reserves, and to pay interest with respect to the financing. The Act provides that a legislative body of any county may adopt a resolution to authorize the issuance of bonds by the county.



**COUNCIL ACTION REQUEST FORM
EXECUTIVE SUMMARY**

Name of Project: McDonogh School Middle School Project

Location: 8600 McDonogh Road, Owings Mills, MD 21117

Description: Construction of Middle School

	<u>Existing</u>	<u>Proposed</u>
Acres:	800 (entire campus)	800 (entire campus)
Building Square Footage:	600,000 (entire campus)	67,000
Construction Start Date:	n/a	October 15, 2019
Estimated Completion Date:	n/a	December 31, 2020

	<u>Current year</u>	<u>Projected</u>
Employment:	Middle School – 57 Entire School – 69 (admin), 290 (faculty & ops.)	Middle School – 60
Student Enrollment:	Middle School – 409 Entire School – 1,400	Middle School – 409 Entire School- 1,409
Outstanding bond amount:	\$36,110,000 (McDonogh School) Issued by the State	
Estimated amount of bonds to be issued:	\$16,000,000 (McDonogh School)	

Use of Bond Proceeds: Construction of Middle School Building



COUNCIL ACTION REQUEST FORM EXECUTIVE SUMMARY

Amount of Tax-Exempt Bonds: 100% (\$16,000,000 est.) Amount of Taxable bonds: None

Current interest rate: 2.10% (Outstanding State Issued Bonds)

Projected interest rate:

Variable or Fixed Rate:	Fixed
Term of the Bonds:	10 Years
Estimated Interest Rate:	TBD - Public bond market rates on planned pricing date in November, 2019
Estimated Settlement Date:	December 5, 2019

Bond Counsel: Miles & Stockbridge

Underwriter Counsel: Ballard Spahr

Borrower Counsel: DLA Piper

Underwriter: George K. Baum & Company

Lender: None

Prepared by: Department of Economic and
Workforce Development

MB-3 (Res. 146-19)

Council District(s) 1

Mr. Quirk

**Support of Financing – MD Dept. of Housing & Comm. Dev. – Neighborhood
BusinessWorks Program – 818 Frederick, LLC**

Resolution 146-19 expresses the support of the Baltimore County Council for state financial assistance through the Neighborhood BusinessWorks (NBW) Program for 818 Frederick, LLC for the renovation project known as 818 Market, located at 818-820 Frederick Road in Catonsville.

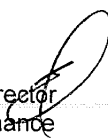
The Maryland Department of Housing and Community Development administers the NBW Program and requires a local government resolution supporting financing through the program. The proposed project, 818 Market, involves the demolition and renovation of a vacant commercial real estate building to open a gourmet grocer, restaurant, and bar. The estimated project cost totals \$8,601,300, and the requested NBW financing is \$4,872,000.

With the affirmative vote of five members of the County Council, Resolution 146-19 will take effect on its date of passage; copies of the resolution will be sent to the Baltimore County Executive, the Department of Economic and Workforce Development, and to the NBW Program at the Maryland Department of Housing and Community Development, Division of Neighborhood Revitalization.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

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

TO: Administrative Officer **DATE:** 10/11/19

FROM: Edward P. Blades, Director 
Office of Budget & Finance **COUNCIL MEETING
DATE:** 11/18/19

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:

Award Document

PO 13121 Cross Match Technologies, Inc. – Scanner, Fingerprint, Guardian 200, OIT

The Guardian 200 Compact Wet/Dry Finger Print Scanner offered by Cross Match Technologies, Inc. is the only device the County has identified that has the ability to integrate with customer screening and enrollment applications, including the Criminal Justice Information System (CJIS). The Guardian 200 Scanner also contains a patented Auto Capture functionality, which ensures rapid capture of high quality, error free images, which eliminates errors and possible reprint issues.

Baltimore County requires screening and background checks of personnel wishing to volunteer at several County agencies including the Health Department, Department of Social Services, and Recreation & Parks. A component of the background check includes fingerprinting of the applicant. The captured finger prints are submitted to CJIS, to verify that the applicant does not have any current or past convictions, to include felonies.

Currently, the County uses a third party contractor to perform volunteer background checks, which include fingerprinting. In order to expedite the fingerprinting process, the Administration has determined it is in the County's best interest to purchase the hardware, and conduct the fingerprinting in-house with County personnel. On-site training is included for County personnel and through the available integration with CJIS, will expedite submission of the captured finger prints for verification.

Estimated Total: \$29,760.00
Award of Date: 10/11/19

PO 13091 School Health Corporation – Vision Screening Equipment, CS, H&V

School Health Corporation has an exclusive agreement with Welch Allyn as distributor of their Spot Vision Screeners. Baltimore County Public Schools are in the process of converting to the new Health Office Anywhere (HOA) software. The HOA program is compatible with these Spot Vision machines, VS100S-B. They are currently used by the

Baltimore County Department of Health, Hearing and Vision Program. This equipment is also used in many pediatric and ophthalmology practices, and recommended by several ophthalmologists.

These Spot Vision screeners are currently used by our Hearing and Vision technicians to perform vision screening for close to 50,000 students annually. The students include public and private school, non-english speaking, and children with disabilities. This request is for new Spot machines identical to the current model which works effectively and our staff have been trained to operate.

Currently, our technicians have to share 6 machines. We are requesting an additional 4 Spot Vision Screeners. The additional screens will increase efficiency, and productivity, since our technicians work in separate schools throughout Baltimore County and will no longer be required to meet to exchange equipment.

Estimated Total: \$29,980.00
Award of Date: 10/11/19

- c. M. Field,
T. Bostwick
L. Smelkinson