

**BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2023**

*Issued: February 9, 2023
Reissued: February 16, 2023
Work Session: February 14, 2023
Legislative Day No. 4: February 21, 2023*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

February 21, 2023

NOTES TO THE AGENDA

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* Note included in 2/13/23 reissued package

** Revised note included in 2/16/23 reissued package

**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2023, LEGISLATIVE DAY NO. 4
FEBRUARY 21, 2023 6:00 P.M.**

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

Page

CALL OF BILLS FOR FINAL READING AND VOTE

LEONARD HOWIE, DIRECTOR, DEPARTMENT ECONOMIC & WORKFORCE DEVELOPMENT

1 Bill 3-23 – Mr. Jones(By Req.) – CEB – Good Jobs Challenge – Maryland Works for Wind

TERRY HICKEY, DIRECTOR, DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

4 Bill 4-23 – Mr. Jones(By Req.) – Housing Opportunities Fund
7 Bill 5-23 – Mr. Jones(By Req.) – Vacant Structures
11 Bill 6-23 – Mr. Jones(By Req.) – Zoning Regulations – Minimum Width (Modernizing Townhome Construction Act)
14 Bill 7-23 – Mr. Jones(By Req.) – Zoning Regulations – Accessory Apartments

APPROVAL OF FISCAL MATTERS/CONTRACTS

ASHLEY MEYER, GRANT COORDINATOR, EXECUTIVE OFFICE

16 1. Contract – Eleventh House Solutions – On-call grant writing assistance and services - AO

DEBRA SHINDLE, CHIEF, PROPERTY MANAGEMENT

20 2. Contract – Lorenz Lawn and Landscape, Inc. d/b/a Lorenz, Inc. – Landscape maintenance and streetscape services-PM
27 3. Contract – Burns Septic Tank and Line Cleaning, Inc.–Septic tank, grease trap, holding tank pumping & disposal services-PM

DAVID LYKENS, DIRECTOR, DEPARTMENT OF ENVIRONMENTAL PROTECTION & SUSTAINABILITY

30 4. Contract of Sale – Kings Eye, LLC – Acquisition-Forest Conservation Easement-3332 Butler Rd., 21136-DEPS
34 5. Contract of Sale – Locust Hill Farm, LP – Acquisition-Forest Conservation Easement-3012 Butler Rd., 21136-DEPS

STEVE LAFFERTY, DIRECTOR, DEPARTMENT OF PLANNING

38 6. Contract of Sale – James & Catherine Herbert – Acquisition – Perpetual Conservation Easement-Ag. Land Preservation Program - 18413 Pretty Boy Dam Rd., 21120-DP
41 7. Contract of Sale – Belfast Farms, LLC – Acquisition – Perpetual Conservation Easement-Ag. Land Preservation – Keeney Mill Road, 21053 - DP
44 8. Contract of Sale – Back 50, LLC – Acquisition – MD DNR State Rural Legacy Program – Back River Neck Rd., 21221-DP

MISCELLANEOUS BUSINESS

COUNCIL

49 1. Correspondence - (a) (7) - Non-Competitive Awards (January 23, 2023)
2. Appointment – Mr. Jones(By Req.) – County Administrative Officer – Stacy L. Rodgers
3. Reappointment – Mr. Jones(By Req.) – Baltimore County Revenue Authority – Steven A. Thomas
47 4. Res. 2-23 – Mr. Marks – Development of Greater Middle River Design Guidelines

Bill 3-23 (Supplemental Appropriation)

Council District(s) All

Mr. Jones (By Req.)

Department of Economic and Workforce Development

Good Jobs Challenge – Maryland Works for Wind

The Administration is requesting a supplemental appropriation of federal funds totaling \$2,062,500 to the Good Jobs Challenge – Maryland Works for Wind Gifts and Grants Fund program. The Department advised that the County will use the funds to support the Maryland Department of Labor’s offshore wind (OSW) workforce development pipeline (with the Department serving as regional convener for the central Maryland region) by helping to gather data, support programming for 12 regional training providers, and recruit County residents into OSW regional training programs and apprenticeships. The Department further advised that the funds will be used primarily for the salaries and benefits of 4 new part-time (34 hours per week) positions (i.e., Program Manager, OSW Navigator, Apprenticeship Navigator, and Good Jobs Challenge Program Analyst). See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County	--	--	--
State	--	--	--
Federal ⁽¹⁾	\$ 2,062,500	--	\$ 2,062,500
Other	--	--	--
Total	<u>\$ 2,062,500</u>	<u>--</u>	<u>\$ 2,062,500</u>

⁽¹⁾ U.S Department of Commerce, Economic Development Administration funds passed through the Maryland Department of Labor. No County matching funds are required.

Analysis

The Department advised the Good Jobs Challenge (GJC) is a component of the American Rescue Plan Act (ARPA) designed to help Americans recover from the economic impacts of the pandemic. The Department further advised that the Maryland Department of Labor was awarded GJC grant funds for its Maryland Works for Wind (MWW) project, a statewide workforce training initiative focused on the OSW industry. The Department advised that the County will use the grant funds to support the Maryland Department of Labor's OSW development pipeline (with the Department serving as regional convener for the central Maryland region) by helping to gather data, support programming for 12 regional training providers, and help recruit County residents into OSW regional training programs and apprenticeships. The Department anticipates that these newly trained workers will support OSW projects across the State, including several projects at Tradeport Atlantic. The Department advised that the State's MWW goal is to train and/or place into jobs 4,300 Marylanders; the number specific to the County is not available.

The Department advised that of the proposed \$2,062,500 supplemental appropriation, \$1,275,000 will be used for the salaries and benefits of 4 new part-time (34 hours per week) positions (i.e., Program Manager, OSW Navigator, Apprenticeship Navigator, and GJC Program Analyst). The remaining \$787,500 will be used as follows:

- \$450,000 for one or more project consultants with OSW expertise to assist in the development and implementation of the GJC initiative;
- \$187,500 for indirect costs (i.e., existing County staff to coordinate the receipt and payment of program expenses); and
- \$150,000 for marketing, operational, and meeting expenses.

The grant period is December 16, 2022 through September 30, 2025. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 3-23 will take effect March 6, 2023.

Executive Summary

In August 2022, the U.S. Department of Commerce Economic Development Administration (EDA) awarded the Maryland Department of Labor (MD DoL) \$22,952,185 through the Good Jobs Challenge grant program for its Maryland Works for Wind project (MWW). As a subrecipient of this grant, Baltimore County's Department of Economic and Workforce Development (DEWD) will be awarded \$2,062,500 to support the MWW project.

The Good Jobs Challenge, a component of the American Rescue Plan Act (ARPA), is designed to help Americans recover from the economic impacts of the pandemic. Through this project, MD DoL has been charged to create an offshore wind (OSW) workforce development pipeline helping provide skilled talent to the emerging OSW clean energy industry in Maryland. DEWD will serve as regional convener for the central Maryland region by helping to gather program data and support programming for 12 regional training providers. DEWD will also help recruit County residents into OSW training programs. This work is essential to support businesses in the OSW industry attract and retain hundreds of newly trained workers to support projects across the State, including several projects at Tradepoint Atlantic.

With this grant, DEWD will connect residents to regional training programs and apprenticeships to set them on a successful career path in the OSW industry.

The period of performance for the grant is the date the State signs the Grant Agreement to September 30, 2025.

Prepared by: Department of Economic and Workforce Development

Bill 4-23**Council District(s) All**

Mr. Jones (By Req.)

Department of Housing & Community Development

Housing Opportunities Fund

Bill 4-23 establishes a Housing Opportunities Fund. See Exhibit A.

In the context of County finances, this Fund is classified as a special purpose fund. Special purpose funds are set forth in the Finance Article (Article 10) of the County Code. Special purpose funds generally receive monies only from specific sources identified in law rather than traditional sources received by the County, such as property or income tax. Monies in a special purpose fund generally may only be spent for the purposes and in the form specified in law. Examples of current special purpose funds include: the Recreational Facilities Fund; the Development Impact Surcharge Fund; the Stormwater Management Fund; and the Neglected Property Community Fund, which is the most recent special purpose fund created with the enactment of Bill 43-21.

The purpose of the Housing Opportunity Fund is to:

1. Provide for gap financing to enable the County to support the development, preservation, and rehabilitation of new and existing workforce, accessible, and opportunity housing, including rental housing;
2. Provide financial and non-financial assistance to renters, homeowners and homebuyers of eligible income, or organizations who serve renters, homeowners, and homebuyers of eligible income;
3. Acquire, rehabilitate, resell, or lease-purchase for sale properties in the County including vacant, abandoned, and foreclosed properties to persons of eligible income, not-for-profit organizations, and for-profit housing providers;
4. Provide for land banking of vacant, abandoned, and foreclosed properties in the County; and
5. Equitably increase and preserve the affordability and accessibility of housing opportunities for persons of eligible income in the County.

The Fund may provide assistance in the form of loans, guarantees, grants, and direct financial assistance, or any combination thereof. The County's financial assistance utilized through the Fund may supplement other federal, State, and County financial assistance programs. The Directors of Housing and Community Development and Budget and Finance will administer the Fund.

The Fund may be financed from: current expense budget funds; contributions, donations, gifts, grants, or appropriations by or through the United States, the State of Maryland, any other political jurisdiction, or any private entity; payments made on financial assistance provided from the Fund; fees or other charges levied on loan or grant recipients; and any other funds designated and provided by the County. Monies provided to the Fund are treated as a grant to the Fund. The bill provides that the Fund is non-lapsing. The Administration advised that the Fund will initially utilize \$16 million in American Rescue Plan (ARP) Act funds.

The Director of Housing and Community Development, through the County Administrative Officer, will provide written notification to the Secretary of the County Council the intent to provide financial assistance utilizing the Fund. If the Council does not object through written notice within 7 days, the Director may proceed in providing the financial assistance. The Director will also provide the Secretary of the County Council an annual report that outlines the financial assistance that has been provided.

Upon passage by the County Council, Bill 4-23 will take effect 45 days from the date of its enactment.

Executive Summary

The Administration, recognizing the need for sustained investment in the creation of new and preservation of existing housing opportunities in Baltimore County, proposes the establishment of a non-lapsing Housing Opportunities Fund. The purpose of this Fund is to:

1. Provide for gap financing to enable the County to support the development, preservation, and rehabilitation of new and existing workforce, accessible and opportunity housing, including rental housing;
2. Provide financial and non-financial assistance to renters, homeowners and homebuyers of eligible income, or organizations who serve renters, homeowners and homebuyers of eligible income;
3. Acquire, rehabilitate, resell, or lease-purchase for sale properties in the County including vacant, abandoned and foreclosed properties to persons of eligible income, not-for-profit organizations and for-profit housing providers;
4. Provide for land banking of vacant, abandoned and foreclosed properties in the County; and,
5. Equitably increase and preserve the affordability and accessibility of housing opportunities for persons of eligible income in the county.

The Fund may provide assistance in the form of loans, guarantees, grants, and direct financial assistance or any combination thereof. The County's financial assistance utilized through the Fund may supplement other federal, state, and county financial assistance programs. The Directors of Housing and Community Development and Budget and Finance will administer the fund.

The Director of Housing and Community Development, through the County Administrative Officer, will provide written notification to the Secretary of the County Council the intent to provide financial assistance utilizing the Fund. If the Council does not object through written notice within 7 days, the Director may proceed in providing the financial assistance. The Director will also provide the Council an annual report that outlines the financial assistance that has been provided.

Prepared by: Department of Housing and Community Development

Bill 5-23**Council District(s) All**

Mr. Jones (By Req.)

Department of Housing & Community Development

Vacant Structures

Bill 5-23 amends the County Code to address blighted and abandoned properties in the County. Specifically, the bill adds a definition of a vacant structure to the County Code and establishes a process and parameters for designating a structure as vacant. See Exhibit A.

The bill defines a vacant structure as real property, or a portion of real property, improved by a building which is uninhabited. The bill grants the Director of Permits, Approvals and Inspections the authority to designate a structure as vacant if the Director determines that there are no human inhabitants for which an intent to occupy the structure can be shown. In making this determination, the Director may consider the following factors:

- Past due utility notices or disconnected utilities to the property;
- Accumulated mail;
- Lack of observable furniture or personal affects;
- Open accessibility;
- Windows or entrances to the structure that are boarded up or closed off;
- Doors or window coverings that are continuously unlocked, detached, missing, or damaged;
- Accumulation of junk, litter, trash, debris, or hazardous, noxious, or unhealthy substances or material at the property;
- Physical damage, decay, dilapidation, or other deferred maintenance;
- The property's history as an object of vandalism, loitering, or criminal conduct;
- Any code enforcement violations issued to the property owner within the previous 12 months;
- Outstanding liens on the property;
- Reports or complaints from neighbors and the community; or
- Other reasonable indicia that there is no intent to occupy the structure.

Exemptions to Vacant Structure Designation

The Director may not designate a property or structure as vacant if:

- The property is owned by a foreign, local, state, or federal government or its instrumentalities;
- The property is under active construction or undergoing active rehabilitation, renovation, repair, or demolition under a building permit to make the building fit for occupancy or to be demolished;
- The property owner provides documentation that they have been actively seeking in good faith to rent or sell the property; or
- The property is the subject of a pending application pursued in good faith for necessary approval for development before a County agency, the Board of Appeals, or the Office of Administrative Hearings.

The cumulative time period that a vacant structure may be exempted under any of these criteria may not exceed three years.

Dispute Process for Vacant Structure Designation

The Director must notify the owner in writing that the property has been designated as vacant and of the owner's ability to request a reconsideration of the vacant structure designation. Within 30 days after the Director provides the written notice, the owner may submit a petition to the Director for reconsideration, which must state with particularity an explanation for the defenses the owner intends to raise. The Director must issue a final determination within 45 days after receiving a petition for reconsideration. The Director's decision is final.

The Director may inspect any designated vacant structure to verify: the property's designation as a vacant structure; that the property complies with all applicable laws; and that the vacant structure is not detrimental to public health, safety, and welfare, a hazard to police officers or firefighters entering the building, or a public nuisance. Finally, the bill requires the Director to maintain an inventory of designated vacant structures.

The vacant structure designation, along with the reconsideration process, set forth in Bill 5-23 will help streamline the administrative hurdles the County faces when trying to address blighted and abandoned properties through the variety of market-based and government-initiated processes that move neglected or tax-delinquent homes from vacancy to occupancy. The Administration advised that costs associated with the proposed legislation are expected to be minimal.

Upon passage by the County Council, Bill 5-23 will take effect 45 days from the date of its enactment.

Executive Summary

The Administration, recognizing the need to create a streamlined process to address the County's blighted and abandoned properties, proposes modifications to the County Code to create a definition of a Vacant Structure and establish parameters and process for designating a structure as vacant. The Director of Permits, Approvals, and Inspections is granted the authority to designate a structure as vacant if the Director determines that there are no human inhabitants for which an intent to occupy the structure can be shown. In making this determination, the Director may consider a variety of factors:

1. Past due utility notices or disconnected utilities to the property;
2. Accumulated mail;
3. Lack of observable furniture or personal affects;
4. Open accessibility;
5. Window or entrance to the structure that is boarded up or closed off;
6. Doors or window coverings that are continuously unlocked, detached missing, or damaged;
7. Accumulation of junk, litter trash, debris, or hazardous, noxious, or unhealthy substances or material at the property;
8. Physical damage, decay, dilapidation or other deferred maintenance;
9. Property's history as an object of vandalism, loitering, or criminal conduct;
10. Any code enforcement violation issued to the property owner within the previous 12 months;
11. Outstanding liens on the property;
12. Reports or complaints from neighbors and the community; or,
13. Other reasonable indicia that there is no intent to occupy the structure

Property is exempt from being designated vacant if it is owned by a foreign, local, state, or federal government or its instrumentalities; under active construction or undergoing active rehabilitation, renovation, repair, or demolition under a building permit to make the building fit for occupancy or to be demolished; the property owner provides documentation that they have been actively seeking in good faith to rent or sell the property; or, it is the subject of a pending application pursued in good faith for necessary approval for development before a county agency, the board of appeals, or the office of administrative hearings. The cumulative time period that a vacant structure may be exempted under these terms may not exceed three years.

The Director must notify the owner that the property has been designated as vacant, and of the owner's ability to request a reconsideration of the vacant structure designation.

The Director may inspect any designated vacant structure to verify its designation as a vacant structure, that the property complies with all applicable laws, and that the vacant structure is not detrimental to public health, safety, and welfare, a hazard to police officers or firefighters entering the building, or a public nuisance. Finally, the proposed legislation requires the Director of Permits, Approvals and Inspections to maintain an inventory of designated vacant structures.

Prepared by: Department of Housing and Community Development

Bill 6-23**Council District(s) All**

Mr. Jones (By Req.)

Department of Housing & Community Development

Zoning Regulations – Minimum Width (Modernizing Townhome Construction Act)

Bill 6-23 modifies existing provisions relating to the minimum width of a townhouse. See Exhibit A.

Currently, the Zoning Regulations use the term “Group House” to refer to with what is commonly known as a “townhouse,” “townhome,” or “rowhome” – a group of three or more attached dwelling units which have been constructed together in a lateral row surrounded by yard space and separated from each other by a party wall. The term does not refer to and should not be confused with certain congregate living facilities, sometimes referred to as group homes, which the bill does not address.

Currently, a townhouse may not be less than 20 feet in width unless approved through the planned unit development process. However, this requirement is only stated in the Comprehensive Manual of Development Policies. The bill moves these regulations to a more appropriate section in the Zoning Regulations. The bill also adds a new process through which a townhouse may be less than 20 feet in width.

Specifically, the bill would permit a townhouse development located within a Growth Tier 1 designated area to have a minimum width of 16 feet or wider under the following conditions:

1. The development must have a mixture of different widths and square footages across the site;
2. A townhouse less than 20 feet in width can only be placed in the interior of the townhouse row and along the interior network of a development; and
3. There must be a set-aside, encumbered by a recorded deed restriction, of at least 10% of the total number of townhouses in the development for households with an income at or below 120% of the area median income for the Baltimore County region.

The set-aside townhouses must be: spread throughout the development; not clustered in one or more areas; equivalent in floor area; compatible in exterior design, scale and appearance with other townhouses in the proposed development; and comparable to the other townhouses in the same project as to the number of bedrooms and the overall quality of construction. The set-aside townhouses must also be consistent with the standards set forth in the applicable County housing, building, fire, energy efficiency, plumbing, and design laws, codes, rules, guidelines, manuals, and regulations.

A development plan that proposes townhouses less than 20 feet in width may not be granted waivers or variances from building height and setback requirements, landscaping, local open space, or environmental area requirements due to the reduction in width to less than 20 feet.

The Administration advised that costs associated with the proposed legislation are expected to be minimal.

Upon passage by the County Council, Bill 6-23 will take effect 45 days from the date of its enactment.

Executive Summary

The Administration, recognizing the need create additional housing opportunities for County residents, proposes modifications to existing provisions within the Baltimore County Zoning Regulations relating to the minimum width of townhouse units.

The Zoning Regulations currently use the term Group House to be synonymous with what is typically know as townhouses or townhomes – a group of not less than three attached dwelling units which have been constructed together in a lateral row separated from each other by a party wall. The term should not be confused with certain congregate living facilities, which are often referred to as group homes, a topic not addressed in this legislation.

The legislation proposes the minimum width of a townhouse unit may not be less than 20 feet in width unless approved through the planned unit development (PUD) process, or the townhouse development is located within a Growth Tier 1 designated area, subject to certain conditions.

If located in a Growth Tier 1 designated area, in order for the minimum width of any townhouse unit to be 16 feet, the proposed development must comply with the following conditions:

1. Townhouse developments must have a mixture of different widths and square footages across the site;
2. Townhouse units less than 20 feet in width can only be placed in the interior of the townhouse row and along the interior network; and,
3. There must be a set-aside, encumbered by a recorded deed restriction, of at least 10 percent of the total number of townhouse units in the development for households with an income at or below 120% area median income for the Baltimore County region.

The set-aside units must be spread throughout the development, not clustered in one or more areas, equivalent in floor area, compatible in exterior design, scale and appearance with other units in the proposed development, and comparable to the market rate units in the same project as to the number of bedrooms and the overall quality of construction. They must also be consistent with the standards set forth in the applicable County housing, building, fire, energy efficiency, plumbing, and design laws, codes, rules, guidelines, manuals, and regulations.

A development plan that proposes townhouse units less than 20 feet in width may not be granted waivers or variances from building height and setback requirements, landscaping, local open space, or environmental area requirements due to the reduction in width to less than 20 feet.

Prepared by: Department of Housing and Community Development

Bill 7-23

Council District(s) All

Mr. Jones (By Req.)

Department of Housing & Community Development

Zoning Regulations – Accessory Apartments

Bill 7-23 amends the Baltimore County Zoning Regulations relating to accessory apartments. See Exhibit A.

Currently, the definition of an accessory apartment limits occupants of the accessory apartment to “immediate family” related to the occupants of the principal dwelling “as grandparents, parents, or parents’ children by blood, marriage or adoption.” While many other Maryland jurisdictions have a family restriction for an accessory apartment, Baltimore County is the only jurisdiction whose restriction is to “immediate family.”

The bill simplifies this restriction to “family, related by blood, marriage, or adoption,” which is comparable to other jurisdictions in Maryland. The reference limiting accessory apartment occupancy to “immediate” family is also removed from the application approval process. Lastly, the requirement that the accessory apartment be provided “without compensation” is removed.

The Administration advised that costs associated with the proposed legislation are expected to be minimal.

Upon passage by the County Council, Bill 7-23 will take effect 45 days from the date of its enactment.

Executive Summary

The Administration, recognizing the need create additional opportunities for older adults to age in place, proposes modifications to the existing provisions within the Baltimore County Zoning Regulations relating to Accessory Apartments. Specifically, the definition of Accessory Apartment, which currently limits occupants of the accessory apartment to immediate family related to the occupants of the principal dwelling as grandparents, parents, or parents' children by blood, marriage or adoption, is amended to remove the term “immediate” before family. References to grandparents, parents, and parents’ children are also removed, broadening the occupancy allowance to all family members related by blood, marriage or adoption. The reference limiting accessory apartment occupancy to “immediate” family is also removed from the application approval process. Lastly, the requirement that the accessory apartment be provided “without compensation” is removed.

Prepared by: Department of Housing and Community Development

FM-1 (Contract)

Council District(s) All

Executive Office

On-Call Grant Writing Assistance and Services

The Administration is requesting approval of a contract with Eleventh House Solutions, LLC to provide on-call grant writing services for County agencies. The contract commences upon Council approval, continues through June 5, 2023, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 180 days. The contract does not specify a maximum compensation for the initial approximate 3½-month term or for the entire approximate 4-year and 9½-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services for the entire contract term. The Office advised that estimated compensation totals \$430,000 for the entire approximate 4-year and 9½-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Total Compensation	Notes
County ⁽¹⁾	\$ 430,000	⁽¹⁾ General Fund Operating Budget.
State	--	⁽²⁾ Estimated compensation for the entire approximate 4-year and 9½-month term, including the renewal and extension periods. The contract does not specify a maximum compensation for the initial approximate 3½-month term or for the entire term.
Federal	--	
Other	--	
Total	\$ 430,000 ⁽²⁾	

Analysis

The contractor will provide on-call grant writing services to assist County agencies in seeking and applying for federal, State, and local (i.e., nonprofit and private) funding sources. Services include researching grant opportunities; coordinating the acquisition of relevant information from County

agencies; participating in ongoing status meetings and conference calls; writing, revising, and completing grant applications; and monitoring and modifying grant applications.

The Office advised that the County's funding needs and priorities include:

- community/economic development;
- criminal justice support and technology programs;
- housing and housing programs;
- infrastructure development and maintenance;
- Geographic Information System (GIS);
- information technology;
- recreation and parks programs;
- transportation/highway/transit sustainability;
- workforce development;
- records management;
- senior, family, and youth programs;
- energy efficiency and environmental sustainability; and
- education.

The contractor will be paid a blended hourly rate of \$99.65 for professional and clerical services, including expenses (e.g., postage, travel, supplies).

The contract commences upon Council approval, continues through June 5, 2023, and will renew automatically for four additional 1-year periods with the option to extend the initial term or any renewal term an additional 180 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 approximate 3½-month term or for the entire 4-year and 9½-month term, including the renewal and extension periods. Compensation may not exceed the amount appropriated for these services for the entire contract term. The Office advised that estimated compensation totals \$430,000 for the entire approximate 4-year and 9½-month term, including the renewal and extension periods. 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 qualifications and experience from four proposals received. According to the bid documents, there was a 20% MBE/WBE participation requirement per task. This procurement process also

resulted in the award of a 5-year and 6-month contract with Wallace, Montgomery and Associates, LLP with estimated compensation of \$500,000, which the Council approved on June 6, 2022. The County's financial system indicates that as of February 2, 2023, expenditures/encumbrances under the contract totaled \$30,000. The Office advised that as a grant application need is identified, the individual department will determine which of the two contractors (has the most experience and qualifications for the particular grant in question; if both the department and the contractor can agree to the needs, terms, and timeframe, then the department will utilize that contractor. The Office further advised that a strategic pursuit of grant funding is a priority of the Administration's, and that these contracts are needed since very few County departments have the capacity to compile grant applications and devote time to grant seeking.

On April 20, 2020, the Council approved 5-year and 4-month contracts (which commenced December 1, 2019) with three contractors, including Eleventh House Solutions, LLC, to develop evaluation plans to assess the impact/effectiveness of multiple grant awards the Department of Health and Human Services received. The County's financial system indicates that as of February 2, 2023, combined expenditures/encumbrances totaled \$1,662,221, including \$364,370 for Eleventh House Solutions, LLC.

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...."

EXECUTIVE SUMMARY

The Baltimore County Office of Government Reform and Strategic Initiatives (OGRSI) is seeking one or more on-call grant writers to assist various County offices in seeking and applying for a variety of federal, state, and local funding sources on an as-needed basis. The County previously approved Wallace Montgomery and Associates as a County on-call grant-writing firm, and the County has chosen Eleventh House Solutions to move forward in the process at this time. Currently, very few County departments have the capacity to compile grant applications and devote time to grant seeking, as this was not a priority in past administrations. However, strategic pursuit of grant funding has been identified as a priority by the current administration, particularly with additional federal funding opportunities in the wake of the COVID-19 pandemic. County offices in need of grant writing or grant seeking services will engage with an on-call grant-writing firm and provide payment as needed through the office's budget for services rendered. Due to the high volume of federal funds currently competitively available, more than one grant-writing firm is needed to both respond to the need and to address various types of expertise required. There is a 20% MWBE goal for this contract.

Prepared by: Executive Office

FM-2 (Contract)

Council District(s) 1, 2, 4, 5, 6, & 7

Property Management

Landscape Maintenance and Streetscape Services

The Administration is requesting approval of a contract with Lorenz Lawn and Landscape, Inc., dba Lorenz, Inc. to provide landscape maintenance and streetscape services in the County’s four designated service areas (Eastside, Dundalk, Westside, and Towson). The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to 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 \$930,000 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⁾	\$ 930,000	⁽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	\$ 930,000 ⁽²⁾	

Analysis

The contractor will furnish all labor, materials, and incidentals to perform landscape maintenance and streetscape services in the County’s four designated service areas: Eastside, Dundalk, Westside, and Towson (see Exhibit B). Services will include pruning and trimming; mulching; fertilization; replacement of dead trees, shrubs, and groundcover; weed control; turf maintenance; and chemical applications. In addition, the County may purchase various optional services, including tree planting and removal. The contract provides that all litter, including paper, trash, and tree limbs, shall be removed prior to mowing and from the site during each visit.

The contractor is expected to perform these services two times per month, March through November (a total of 18 visits per site), at the following unit rates per site visit:

Streetscape Area	Unit Price per Site Visit
Dundalk	\$ 2,290
Eastside	\$ 2,180
Towson	\$ 2,000
Westside	\$ 2,180

The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to 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 \$930,000 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 County awarded the contract through a competitive procurement process based on low bid from three bids received (the third bid was withdrawn by the bidder). According to the bid documents, there was a 20% M/WBE participation requirement.

On March 5, 2018, the Council approved three 5-year and 3-month contracts (which commenced March 1, 2018) with combined compensation totaling \$881,744 for similar services, with Lorenz Lawn and Landscape, Inc. not to exceed \$344,889 for the Towson area, Classic Lawn and Landscape, Inc. not to exceed \$184,093 for the Eastside area, and LMC Landscaping, Inc. not to exceed \$352,762 for the Dundalk and Westside areas. On November 5, 2018, the Council approved the first amendment to the Lorenz Lawn and Landscape, Inc. contract, increasing the maximum compensation by \$154,304 to \$499,193, and expanding the contractor’s scope of work to include the Dundalk and Westside areas due to the termination of the respective contract. On May 26, 2022, the Council approved the second amendment to the Lorenz Lawn and Landscape, Inc. contract, increasing the maximum compensation by \$33,396 to \$532,589 due to unforeseen

accidents and natural damage to trees and shrubs at certain sites, resulting in the need for additional replacements. The County's financial system indicates that as of February 1, 2023, expenditures/encumbrances under the contract with Lorenz, Inc., Classic Lawn and Landscape, Inc., and LMC Landscaping, Inc. totaled \$531,844, \$135,714, and \$27,320 respectively. The contracts with Lorenz, Inc. and Classic Lawn and Landscape, Inc. expire February 28, 2023.

The County's financial system indicates that as of January 31, 2023, Lorenz, Inc. currently has 5 other contracts with the County, in addition to the aforementioned contract for similar services which the proposed contract will replace.

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...."

EXECUTIVE SUMMARY

Property Management is requesting the approval of a contract for Lorenz Lawn and Landscape, Inc. to provide landscape maintenance and streetscape services for various locations throughout the County.

In no event shall the total compensation paid to the Contractor exceed the sum of Nine Hundred Thirty Thousand Dollars and Zero Cents (\$930,000.00) during the entire term of this Agreement, including renewals thereof. This Agreement shall be effective when it has been executed by the County and shall continue through one year (the "Initial Term"). The County reserves the right to automatically renew this Agreement for four (4) additional one (1) year renewal options on the same terms and conditions. The County shall have the option of extending this Agreement at the end of the Initial Term or any renewal term for an additional 120 days on the same terms and conditions.

This Agreement has a MBE/WBE goal of 20%.

Prior to the commencement of subsequent renewal terms, the County may entertain a request for an escalation in accordance with the current 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.

Prepared by: Property Management

1.5 All landscape maintenance and streetscapes services covered by this contract will be divided into four (4) areas:

1.5.1 Westside Area (West County)

WESTSIDE AREA	
	ST-CATONED Edmondson Ave., from North Bend Rd. to Aldershot Rd
	ST-CATONED Edmonson Ave medians at Malbrook Road.
	ST-CATONFR Frederick Road, Bishop's Lane To Sanford Avenue
	ST-LANSD Hammonds Ferry Road, Lansdowne Boulevard to Hollins Ferry Road
	ST-LIBGTWY Liberty Road Gateway Signs (2), at Flannery Lane and Croydon Road
	ST-PIKES Reisterstown Road, Glengyle Avenue (City Line) to Old Court Road.
	ST-RANDALL Liberty Road, Washington Avenue to Resource Drive
	ST-ARBUTUS 1 Sulphur Spring Rd., Benson to East Drive
	ST-ARBUTUS 1 East Drive, Sulphur Spring to North Ave
	ST-ARBUTUS 2 Linden Ave., East Dr. to Leeds
	RND-RANDALL Roundabouts, Randallstown (Greens Ln @Old Court)
	ST-GREENSPRNG Greenspring Avenue at Smith Avenue, the Corner Garden
	RND-OLDPIM Roundabouts, Pikesville (Rockland Hills@Old Pimlico)
	ST-REIST Reisterstown Rd., from Stocksdale Ave (across from Wawa) to just pass Westminster Pike

1.5.2 Towson - Central Area (Central County)

TOWSON - CENTRAL AREA	
ST-CANCSURVPK	Cancer Survivor Park
ST-PUBLICSFT	Public Safety Building
ST-TOWSONMAN	Towson Manor Park
ST-TOWSONSOUTH	York Road, City line to Stevenson Lane
ST-TOWSONSOUTH	Sherwood Road, Overbrook Road to Limit Avenue (City Line)
ST-TOWSON	York Road, Roundabout to Fairmount Avenue, including roundabout island and five legs of roundabout;
ST-TOWSON	York Road, south of Roundabout to Burke Avenue;
ST-TOWSON	Washington Ave., York to Towsontown
ST-TOWSON	All sidewalks along: Allegheny Ave., Pennsylvania Ave., Chesapeake Ave., Washington Ave. to York Rd
ST-TOWSON	Towsontown Blvd., Bosley Ave. to Fairmount Ave
ST-TOWSON	Bosley Ave at Towsontown Island
ST-TOWSON	Bosley Ave., from Joppa Road to York Road
ST-TOWSON	Bosley medians to Allegheny
ST-TOWSON	Dulaney Valley Rd. median
ST-TOWSON	Fairmount Avenue, median west of Dulaney Valley Road

1.5.3 Eastside Area (East-Central County)

EASTSIDE AREA	
ST-ESSEX	Eastern Blvd, Selig Ave. to Martin Blvd, Gateway Sign
ST-ESSEX	Eastern Avenue, Mace Ave. to Woodward Ave.
ST-ESSEX	Eastern Boulevard Triangle Park
ST-ESSEX	Old Eastern Ave, Back River Neck Rd to Eastern Blvd
ST-OVERLEA	Belair Road, Maple Avenue to Chesley Avenue
ST-PARKVL	Harford Road, south of Taylor Avenue to Alden Avenue
ST-CHESGATEWA	Chesapeake Gateway Park
RND-PERRYH	Roundabouts, Perry Hall (Seven Cts Dr @ Proctor)
ST-LOCH	Loch Raven Blvd., Joppa Rd. to south of Taylor Ave.
ST-LOCH	Taylor Ave., Pleasant Plains to east of Loch Raven Blvd.

1.5.4 **Dundalk Area** (Dundalk) to include all of Dundalk, east of the Baltimore City line and south of Route 40 (Pulaski Highway) to the Chesapeake Bay, All of Essex area east of Dundalk, South of the railroad tracks that are south of Pulaski Highway, up to Rossville Blvd. At Rossville Blvd and Orem's Road, we cover the south end to the Chesapeake Bay, the eastern border of our territory is the bridge over the creek on Eastern Blvd, before the Hawthorne area near Kingston Road that is near Chesapeake Gateway Park.

DUNDALK AREA	
ST- DUNDALKHPK	Dundalk Heritage Park
ST- DUNDALKVPK	Dundalk Veterans Park
ST-DUNDAL	Dundalk Avenue, City Line to Sollers Point Roundabout
ST-DUNDAL	Dundalk Shopping Center:
ST-DUNDAL	Shipping Place, from Dunmanway to Shipway
ST-DUNDAL	Dunmanway, Commerce Street, Center Place
ST-DUNDAL	Market Street, from Shipping Place to Trading Place
ST-DUNDAL	Trading Place, Shipway Rd to Dunman Way
ST-DUNDAL	Merritt Boulevard. at Holabird/Wise Avenue including mulch beds around parking lot at North Pt. Gov. Center
ST-DUNDAL	Wise Avenue, Winona Avenue to Seabright Avenue (New Deal Place)

Source: Request for Bid B-10000010

FM-3 (Contract)

Council District(s) All

Property Management

Septic Tank, Grease Trap, Holding Tank Pumping & Disposal Services

The Administration is requesting approval of a contract with Burns Septic Tank and Line Cleaning, Inc. to provide septic tank, grease trap, and holding tank pumping and disposal services for various County-owned and/or operated property with septic containment or grease trap recovery systems (e.g., Loch Raven Fishing Center, Oregon Ridge Park, various senior centers). The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to 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 \$150,000 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⁾	\$ 150,000	⁽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	\$ 150,000 ⁽²⁾	

Analysis

The contractor will provide all labor, supervision, materials, tools, fuel, equipment, trucks, and incidentals necessary to pump, clean out, and dispose of all sewage waste from County-owned and/or operated property containing a septic tank, dry well, cesspool, or any septic containment system or grease trap recovery system. Septic tank services will be provided at 24 locations

(most locations serviced annually). Grease trap services will be provided annually at 10 sites and quarterly at 1 site. Septic tank and grease trap services will be billed at \$0.12 per gallon. The contractor will provide other systems-related services at the Animal Services facility with rates of \$55 monthly or \$103 annually, and at the Westside Men's Shelter at a monthly rate of \$165. The hourly rate for emergency services is \$130 during regular hours and \$195 after hours, weekends, and holidays.

The contract commences upon Council approval, continues for 1 year, and will renew automatically for four additional 1-year periods with the option to 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 \$150,000 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 County awarded the contract through a competitive procurement process based on low bid from three bids received. According to the bid documents, there was not an M/WBE participation requirement.

On January 2, 2018, the Council approved a similar 5-year and 4-month contract not to exceed \$103,108 with Burns Septic Tank & Line Cleaning, Inc. Property Management advised that as of February 8, 2023, \$98,063 has been 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....”

EXECUTIVE SUMMARY

Property Management is requesting the approval of a contract with Burns Septic Tank and Line Cleaning, Inc. for septic tank, grease trap, and holding tank pumping and disposal services for various locations throughout the County.

In no event shall the total compensation paid to the Contractor exceed the sum of One Hundred Fifty Thousand Dollars and Zero Cents (\$150,000.00) during the entire term of this Agreement, including renewals thereof. This Agreement shall be effective when it has been executed by the County and shall continue through one year (the "Initial Term"). The County reserves the right to automatically renew this Agreement for four (4) additional one (1) year renewal options on the same terms and conditions. The County shall have the option of extending this Agreement at the end of the Initial Term or any renewal term for an additional 120 days on the same terms and conditions.

Prior to the commencement of subsequent renewal terms, the County may entertain a request for an escalation in accordance with the current 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.

Prepared By: Property Management

FM-4 (Contract)

Council District(s) 3

Department of Environmental Protection & Sustainability

Acquisition – Forest Conservation Easement – 3332 Butler Rd., 21136

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 41.15 acres of land, including a 40.76-acre forest conservation easement area and a 0.39-acre access easement area, for \$246,918 under the County's Forest Conservation Act Program. (The Department advised that the access easement area is incorrectly stated as 0.93 acre in the contract and will be corrected to reflect 0.39 acre.) Kings Eye, LLC currently owns the property, which is located at 3332 Butler Road in Reisterstown. The property is zoned RC-2 (Resource Conservation - Agricultural Protection). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 246,918	⁽¹⁾ Capital Projects Fund – Forest Conservation Fund.
State	--	
Federal	--	
Other	--	
Total	\$ 246,918	

Analysis

The Department advised that the State adopted the Maryland Forest Conservation Act in 1991, and the County adopted its version in 1993; the scope of these regulations state that any development activity that occurs on a unit of land that is 40,000 sq. ft. or greater is subject to the Act. The Department further advised that to be eligible for conservation, a property must meet forest retention criteria as specified in the Baltimore County Forest Conservation Manual; criteria include forests with critical habitats for rare or endangered species, forests within the forest buffer or adjacent to steep slopes, and forests with high structural diversity or within a larger contiguous

forest. The Department also advised that properties must be at least 10 acres in size, consisting of priority existing forest or land suitable for tree planting to create a forest in a priority area; properties less than 10 acres may be accepted for donation purposes only. The Department advised that applicants contact the Department's Forest Management Section to begin the conservation process; should a preliminary assessment determine a property qualifies for further investigation, the Department completes a Forest Stand Delineation (FSD), along with a site visit, to identify, describe, and evaluate the forest vegetation on a site in order to make a preliminary assessment of the natural site constraints and forest value.

The Department advised that the approximate 41.15-acre property to be acquired, which consists of an approximate 40.76-acre forest conservation easement area and a 0.39-acre access easement area, was rated as a high priority forest due to its proximity to streams and steep slopes, as well as high structural diversity and contiguity with a larger forest. (FM-5 on this agenda is a contract with Locust Hill Farm LP to acquire a perpetual conservation easement on approximately 133.96 acres of land adjacent to this acquisition for \$803,760 under the County's Forest Conservation Act Program.) The use of the property will be subject to a deed of conservation easement to be granted to the County on behalf of the seller. The deed shall state that the property shall be preserved for forest conservation, as defined in accordance with the provisions of Baltimore County Code, Section 33-6-110. The property's current RC-2 zoning allows for a maximum of two lots and provides for special exceptions (e.g., antique shop, animal boarding, church, and farm market). The Department advised that the purpose of the easement is to conserve and preserve a high priority forest.

The Department advised that the cost of the acquisition is funded entirely by the Forest Conservation Fund, which consists of fees paid by developers when on-site or off-site compliance with Forest Conservation Act requirements is not attainable. The Department further advised that it calculated a value of approximately \$6,000 per acre for the easement in accordance with the Maryland Department of Natural Resources' forest preservation easement guidelines. Baltimore County Code, Article 33, Section 6-114 provides that the director of the Department of Environmental Protection and Sustainability, with the approval of the County Administrative Officer, shall determine the proposed uses of the Fund. The Department advised that FM-4 and FM-5 on this agenda are the first two proposed forest conservation easement acquisitions in accordance with the aforementioned section of the County Code.

The Department of Planning advised that the County has preserved a total of 70,013 acres through all preservation programs as of January 2023; the County's goal is at least 80,000 acres.

FMs-5, 6, 7, and 8 on this agenda include the acquisition of approximately 133.96, 25.65, 58.30, and 49.71 acres, respectively.

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

Executive Summary

Subject: Kings Eye Forest Conservation Easement
Fiscal Matter: Contract of Sale
Owner: Kings Eye LLC
Location: 3332 Butler Road
Consideration: \$246,918.00
Source of Funds: Forest Conservation Act Fee-in-Lieu Funds

Purpose: This Contract of Sale is for the acquisition of a 41.153 acre easement from Kings Eye LLC to preserve high-priority forest in northern Baltimore County. The \$246,918 acquisition is funded entirely by the Forest Conservation Act fee-in-lieu fund at a cost of \$6,000 per acre. The fund consists of fees paid by developers when on-site or off-site compliance with the Forest Conservation Act requirements is not attainable.

Utilizing the forest retention criteria in the Baltimore County Forest Conservation Manual, DEPS has determined this forest to be high priority and recommends it for retention. Criteria for high priority forest include forests with critical habitats for rare or endangered species, forests within the forest buffer or adjacent to steep slopes, and forests with high structural diversity or within a larger contiguous forest.

Based upon a Forest Stand Delineation Report from Watershed Environmental, LLC and a field inspection of the forest stands in July of 2020, DEPS confirmed the forest rated as high priority forest due to its proximity to streams and steep slopes, as well as high structural diversity and contiguity with larger forest.

For all of these reasons, DEPS recommends the acquisition of this Forest Conservation Easement to protect the 40.762 acres of high priority forest. A separate Contract of Sale for a One Hundred and Thirty Three (133) acre Forest Conservation Easement on property immediately adjacent to Kings Eye has also been submitted for Council approval.

Prepared by: Department of Environmental Protection & Sustainability

FM-5 (Contract)

Council District(s) 3

Department of Environmental Protection & Sustainability

Acquisition – Forest Conservation Easement – 3012 Butler Rd., 21136

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 133.96 acres of land for \$803,760 under the County’s Forest Conservation Act Program. Locust Hill Farm LP currently owns the property, which is located at 3012 Butler Road in Glyndon. The property is zoned RC-2 (Resource Conservation - Agricultural Protection). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 803,760	⁽¹⁾ Capital Projects Fund – Forest Conservation Fund.
State	--	
Federal	--	
Other	--	
Total	\$ 803,760	

Analysis

The Department advised that the State adopted the Maryland Forest Conservation Act in 1991 and the County adopted its version in 1993; the scope of these regulations state that any development activity that occurs on a unit of land that is 40,000 sq. ft. or greater is subject to the Act. The Department further advised that to be eligible for conservation, a property must meet forest retention criteria as specified in the Baltimore County Forest Conservation Manual; criteria include forests with critical habitats for rare or endangered species, forests within the forest buffer or adjacent to steep slopes, and forests with high structural diversity or within a larger contiguous forest. The Department also advised that properties must be at least 10 acres in size, consisting of priority existing forest or land suitable for tree planting to create a forest in a priority area;

properties less than 10 acres may be accepted for donation purposes only. The Department advised that applicants contact the Department's Forest Management Section to begin the conservation process; should a preliminary assessment determine a property qualifies for further investigation, the Department completes a Forest Stand Delineation (FSD), along with a site visit, to identify, describe, and evaluate the forest vegetation on a site in order to make a preliminary assessment of the natural site constraints and forest value.

The Department advised that the approximate 133.96-acre property to be acquired was rated as a high priority forest due to its proximity to streams and steep slopes, as well as high structural diversity and contiguity with a larger forest. (FM-4 on this agenda is a contract with Kings Eye, LLC to acquire a perpetual conservation easement on approximately 41.15 acres of land adjacent to this acquisition for \$246,918 under the County's Forest Conservation Act Program.) The use of the property will be subject to a deed of conservation easement to be granted to the County on behalf of the seller. The deed shall state that the property shall be preserved for forest conservation, as defined in accordance with the provisions of Baltimore County Code, Section 33-6-110. The property's current RC-2 zoning allows for a maximum of two lots and provides for special exceptions (e.g., antique shop, animal boarding, church, and farm market). The Department advised that the purpose of the easement is to conserve and preserve a high priority forest.

The Department advised that the cost of the acquisition is funded entirely by the Forest Conservation Act Fund, which consists of fees paid by developers when on-site or off-site compliance with Forest Conservation Act requirements is not attainable. The Department further advised that it calculated a value of approximately \$6,000 per acre for the easement in accordance with the Maryland Department of Natural Resources' forest preservation easement guidelines. Baltimore County Code, Article 33, Section 6-114 provides that the director of the Department of Environmental Protection and Sustainability, with the approval of the County Administrative Officer, shall determine the proposed uses of the Fund. The Department advised that FM-4 and FM-5 on this agenda are the first two proposed forest conservation easement acquisitions in accordance with the aforementioned section of the County Code.

The Department of Planning advised that the County has preserved a total of 70,013 acres through all preservation programs as of January 2023; the County's goal is at least 80,000 acres. FMs-4, 6, 7, and 8 on this agenda include the acquisition of approximately 41.53, 25.65, 58.30, and 49.71 acres, respectively.

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

Executive Summary

Subject: Locust Hill Farm LP Forest Conservation Easement
Fiscal Matter: Contract of Sale
Owner: Locust Hill Farm LP
Location: 3012 Butler Road
Consideration: \$803,760.00
Source of Funds: Forest Conservation Act Fee-in-Lieu Funds

Purpose: This Contract of Sale is for the acquisition of a Forest Conservation Easement from Locust Hill Farm LP to protect 133.96 acres of high-priority forest in northern Baltimore County. The \$803,760 acquisition is funded entirely by the Forest Conservation Act fee-in-lieu fund at a cost of \$6,000 per acre. The fund consists of fees paid by developers when on-site or off-site compliance with the Forest Conservation Act requirements is not attainable.

Utilizing the forest retention criteria in the Baltimore County Forest Conservation Manual, DEPS has determined this forest to be high priority and recommends it for retention. Criteria for high priority forest include forests with critical habitats for rare or endangered species, forests within the forest buffer or adjacent to steep slopes, and forests with high structural diversity or within a larger contiguous forest. Based upon a Forest Stand Delineation Report from Watershed Environmental, LLC and a field inspection of the forest stands in July of 2020, DEPS confirmed the forest rated as high priority forest due to its proximity to streams and steep slopes, as well as high structural diversity and contiguity with larger forest.

For all of these reasons, DEPS recommends the acquisition of this Forest Conservation Easement to protect the 133.96 acres of high priority forest. A separate Contract of Sale for a 40.762 acre Forest Conservation Easement on property immediately adjacent to Locust Hill LP has also been submitted for Council approval.

Prepared by: Department of Environmental Protection & Sustainability

FM-6 (Contract)

Council District(s) 3

Department of Planning

Acquisition – Perpetual Conservation Easement – Agricultural Land Preservation Program – 18413 Prettyboy Dam Road, 21120

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 25.65 acres of land for \$128,224 under the County’s Agricultural Land Preservation Program. James and Catherine Herbert currently own the property, which is located at 18413 Prettyboy Dam Road in Parkton. The property is zoned RC-2 (Resource Conservation – Agricultural Protection) and RC-7 (Resource Conservation – Resource Preservation). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 128,224	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 128,224</u>	

Analysis

The County established the Agricultural Land Preservation Program in 1994 to preserve working family farms; the program uses innovative and collaborative funding mechanisms for land preservation. The Department advised that to be eligible, a farm must be at least 50 acres in size or at least 20 acres if contiguous to a preserved property, be located in an Agricultural Priority Preservation Area (or meet State qualifying criteria), and meet certain soil criteria. The Department further advised that the County reviews applications submitted by property owners and moves forward projects as funding allows.

The approximate 25.65-acre property to be acquired is located within the Freeland & Maryland Line Preservation Area and is contiguous to the Prettyboy Reservoir land owned by Baltimore City as well as Gunpowder Falls State Park. The use of the property will be subject to a deed of conservation easement to be granted to the County on behalf of the Baltimore County Agricultural Land Preservation Board by the seller. The property's current RC-2 zoning allows for a maximum of two lots and provides for special exceptions (e.g., antique shop, animal boarding, church, and farm market); the RC-7 zoning allows no subdivision for tracts under 50 acres (0.04 lot per acre for tracts greater than or equal to 50 acres), and provides for special exceptions (e.g. antique shop, bed and breakfast, and winery). The Department advised that the purpose of the easement is to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, cultural, woodland, and wetland characteristics of the property.

The Department advised that it calculated a value of approximately \$5,443 per acre for the easement in accordance with the formula set forth by Section 24-3-106 of the Baltimore County Code; the property owners offered a discount to \$4,999 per acre. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (e.g., size, soil productivity, contribution to agricultural industry, woodland area, and development pressure) and the willingness of the property owner to discount easement prices.

FM-7 on this agenda is a contract to approve a perpetual conservation easement on approximately 58.30 acres of land in the Freeland & Maryland Line Priority Preservation Area for \$408,106. The Department advised that it anticipates two additional easement acquisitions, totaling \$518,757 for 84 acres, through the County's Agricultural Land Preservation Program during FY 2023. The Department further advised that the County has preserved a total of 70,013 acres through all preservation programs as of January 2023; the County's goal is at least 80,000 acres. FMs-4, 5, and 8 on this agenda also include the acquisition of approximately 41.15, 133.96, and 49.71 acres, respectively.

The Baltimore County Code, Article 24, Section 3-101, authorizes Baltimore County to purchase easements and real property to preserve agricultural land in the County. As noted, the purpose of the Agricultural Land Preservation Program is to provide for the protection of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources in the County.

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

Executive Summary

PROGRAM TITLE: County's Agricultural Land Preservation Program

JO NO.: 248.217.0001.0301

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: James Douglas Herbert
Catherine Alice Herbert

LOCATION: 18413 PrettyBoy Dam Rd. Map 0016; Grid 0011; Parcel
0083
25.650 ac.+/-

CONSIDERATION \$128,224.35

PURPOSE OF PROJECT: This contract being a perpetual conservation
easement containing a total of 25.650 ac+/- . County
Agricultural Land Preservation Program

LIMITS OF PROJECT: 18413 PrettyBoy Dam Rd. Parkton MD 21120

Prepared by: Office of Law – Real Estate Compliance

FM-7 (Contract)

Council District(s) 3

Department of Planning

Acquisition – Perpetual Conservation Easement – Agricultural Land Preservation – Keeney Mill Road, 21053

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 58.30 acres of land for \$408,106 under the County’s Agricultural Land Preservation Program. Belfast Farms, LLC currently owns the property, which is located on Keeney Mill Road in Freeland. The property is zoned RC-2 (Resource Conservation - Agricultural Protection) and RC-8 (Resource Conservation - Environmental Enhancement). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 408,106	⁽¹⁾ Capital Projects Fund.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 408,106</u>	

Analysis

The County established the Agricultural Land Preservation Program in 1994 to preserve working family farms; the program uses innovative and collaborative funding mechanisms for land preservation. The Department advised that to be eligible, a farm must be at least 50 acres in size or at least 20 acres if contiguous to a preserved farm, be located in an Agricultural Priority Preservation Area (or meet State qualifying criteria), and meet certain soil criteria. The Department further advised that the County reviews applications submitted by property owners and moves forward projects as funding allows.

The approximate 58.30-acre property to be acquired is located within the Freeland & Maryland Line Priority Preservation Area. The use of the property will be subject to a deed of conservation easement to be granted to the County on behalf of the Baltimore County Agricultural Land Preservation Board by the seller. The property's current RC-2 zoning allows for a maximum of two lots and provides for special exceptions (e.g., antique shop, animal boarding, church, and farm market); the RC-8 zoning allows for a maximum density of 0.02 lot per acre for tracts greater than or equal to 51 acres and provides for special exceptions (e.g., antique shop, bed and breakfast, winery). The Department advised that the purpose of the easement is to conserve and preserve the significant conservation values including the natural, agricultural, forestry, environmental, scenic, cultural, woodland, and wetland characteristics of the property.

The Department advised that it calculated a value of approximately \$7,604 per acre for the easement in accordance with the formula set forth by Section 24-3-106 of the Baltimore County Code; the property owner offered a discount to \$7,000 per acre. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (e.g., size, soil productivity, contribution to agricultural industry, woodland area, and development pressure) and the willingness of the property owner to discount easement prices.

FM-6 on this agenda is a contract to approve a perpetual conservation easement on approximately 25.65 acres of land in the Freeland & Maryland Line Priority Preservation Area for \$128,224. The Department advised that it anticipates two additional easement acquisitions, totaling \$518,757 for 84 acres, through the County's Agricultural Land Preservation Program during FY 2023. The Department further advised that the County has preserved a total of 70,013 acres through all preservation programs as of January 2023; the County's goal is at least 80,000 acres. FMs-4, 5, and 8 on this agenda also include the acquisition of approximately 41.15, 133.96, and 49.71 acres, respectively.

The Baltimore County Code, Article 24, Section 3-101, authorizes Baltimore County to purchase easements and real property to preserve agricultural land in the County. As noted, the purpose of the Agricultural Land Preservation Program is to provide for the protection of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources in the County.

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

Executive Summary

PROGRAM TITLE: County's Agricultural Land Preservation Program

JO NO.: 248.217.0001.0301

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Belfast Farms, LLC

LOCATION: Keeney Mill Rd. Map 0006; Grid 0003; Parcel 0047 and Parcel 0004
58.3009 ac.+/-

CONSIDERATION \$408,106.30

PURPOSE OF PROJECT: This contract being a perpetual conservation easement containing a total of 58.3009 ac+/- . Under the County Agricultural Land Preservation Program

LIMITS OF PROJECT: Keeney Mill Rd. Freeland MD 21053

Prepared by: Office of Law – Real Estate Compliance

FM-8 (Contract)

Council District(s) 7

Department of Planning

Acquisition – MD DNR State Rural Legacy Program – Back River Neck Rd., 21221

The Administration is requesting approval to acquire approximately 49.71 acres of land for \$403,500 under the State’s Rural Legacy Program, Coastal Rural Legacy Area. The Department advised that the use of the property will be subject to a deed of conservation easement to be granted to the Maryland Department of Natural Resources by the seller, subject to the approval of the Maryland Board of Public Works. Back 50, LLC currently owns the property, which is located on Back River Neck Road in Essex. The property is zoned DR-1 (Density Residential – 1 unit/acre), DR-3.5 (Density Residential – 3.5 units/acre), RC-20 (Resource Conservation Critical Area), and ML (Manufacturing Light). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County	--	⁽¹⁾ Capital Projects Fund – Rural Legacy Program.
State ⁽¹⁾	\$ 403,500	
Federal	--	
Other	--	
Total	<u>\$ 403,500</u>	

Analysis

Maryland’s Rural Legacy Program, which was established in 1997, provides funding to preserve large, contiguous tracts of land to enhance natural resources and agricultural, forestry, and environmental protection while supporting a sustainable land base for natural resource-based industries. The program emphasizes the protection of lands that are forested, have stream valleys, or are along the shoreline; there are five State-approved Rural Legacy Areas in the

County. The Baltimore County Coastal Rural Legacy Area encompasses 15,433 acres of wetlands, forests, marshes, farmland, and habitat along the shoreline of the Upper Western Shore of the Chesapeake Bay and is comprised of six distinct areas: Gunpowder Delta; Bird River; Dundee/Saltpeter; Bowleys Quarters; Back River/Holly Neck; and Fort Howard. The Administration advised that the Maryland Board of Public Works approved approximately \$5.6 million in FY 2023 Rural Legacy Program grants for the County's five Rural Legacy Areas, including approximately \$2.1 million for the Coastal Rural Legacy Area.

The approximate 49.71-acre property to be acquired is vacant and located on the west side of Back River Neck Road, south of Southeast Boulevard (MD-702), in Essex. The property consists of approximately 5 acres of wetlands, 30 acres of woodlands, and frontage on Muddy Gut, and provides scenic value of significant public benefit along Back River Neck Road. The Department advised that the use of the property will be subject to a deed of conservation easement to be granted to the Maryland Department of Natural Resources by the seller, subject to the approval of the Maryland Board of Public Works.

Associated Appraisers LLC completed an appraisal of the property effective June 2022, recommending a value of \$403,500. The Office of Law – Real Estate Compliance Division advised that the County's review appraiser concurred with the appraisal, recommending the respective amount as just compensation for the acquisition. The Office advised that the property owner accepted the County's offer.

The Baltimore County Code, Article 24, Section 5-101, authorizes Baltimore County to purchase easements and fee interests in a State or County Rural Legacy Area. As noted, the purpose of the Rural Legacy Program is to provide for the protection of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources in the County.

The Department advised that the County has preserved a total of 70,013 acres through all preservation programs as of January 2023; the County's goal is at least 80,000 acres. FMs-4, 5, 6, and 7 on this agenda include the acquisition of approximately 41.15, 133.96, 25.65, and 58.30 acres, respectively.

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

Executive Summary

PROGRAM TITLE: MDDNR State Rural Legacy Program- BC Coastal RLA

JO NO.: 248.217.0002.0003

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Back 50, LLC

LOCATION: Back River Neck Rd. Map 97; Grid 0024; Parcel 326
49.714 ac.+/-

CONSIDERATION \$403,500.00

PURPOSE OF PROJECT: This contract being an acquisition of 49.714 +/- acres under the MDDNR State Rural Legacy Program- BC Coastal RLA. While simultaneously a conservation easement being granted to the State of Maryland.

LIMITS OF PROJECT: Back River Neck Road

Prepared by: Office of Law – Real Estate Compliance

MB-4 (Res. 2-23)

Council District(s) 5 & 7

Mr. Marks

Development of Greater Middle River Design Guidelines

Resolution 2-23 requests the Baltimore County Department of Planning to acknowledge and allow the Essex Middle River Civic Council (EMRCC) to develop the Greater Middle River Design Guidelines, in conjunction with the Department of Planning, and upon completion, submit the design guidelines to the Baltimore County Planning Board for possible adoption and addition into the Comprehensive Manual of Development Policies.


The resolution states that continuing development pressures and recent land use and zoning decisions, together with a greater understanding of the environmental and community impacts of such decisions, have resulted in the need for increased community planning and design standards in the Greater Middle River area. In addition, the Baltimore County Master Plan 2030 process is currently underway which makes the development of design guidelines for the Greater Middle River area timely.

The resolution further states that in accordance with Section 504 of the Zoning Regulations, the Greater Middle River Design Guidelines should be designated as a guide for the development of the Greater Middle River area and community, subject to such further modifications as deemed advisable and eventual adoption by the Planning Board. The EMRCC has represented the Greater Middle River area for decades and has participated and been instrumental in all significant development issues, and thus is uniquely situated to develop said guidelines.

This resolution shall take effect from the date of its passage by the County Council and a copy of the resolution shall be sent to the Planning Board and the Department of Planning for further action.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

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

TO: Administrative Officer **DATE:** 1/23/23
FROM: Kevin D. Reed, Director 
Office of Budget & Finance **COUNCIL MEETING**
DATE: 2/21/23
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

SCON 10001343 Agilent Technologies, Inc.

This Supplier Contract provides on-site preventative maintenance, service and parts with priority attention for the ICPMS 7800/7850 System through Agilent Technologies, Inc. As detailed in the 902(f) Justification signed by D'Andrea L. Walker, Agilent is the only company who can service these instruments in the State of Maryland. In addition, with this contract, DPWT can receive necessary proprietary updates, telephone and email support. If this Contract is not in place and the instruments fail due to lack of maintenance, the County would not be able to analyze water samples to remain in compliance with our Drinking Water Certification in the State of Maryland. It is critical that the instruments remain in good working order with little or no down time. These instruments are critical and would affect the safety of County constituents.

Total Award 3 yr: \$50,708.52
Award Date: 1/17/23

PO 10004973 Mainstar, Inc.

This Purchase Order is for the purchase of an Annual Subscription, Licenses, Support and Upgrades through Mainstar, Inc., the County's unified system for recording, tracking and reporting on all aspects of property maintenance work performed. Mainstar is used for work requests / work order management, inventory management, warranty tracking, lease tracking, security and reports and statistics.

According to the memo from Rob O'Connor, and Budget and Finance Director Ed Blades, Mainstar's annual subscription (v14) and upgrade from V14 to V15, as well as training for V15 is covered by this order.

Award Total: \$83,346.61
Award Date: 1/20/23

PO 10004565

Draeger, Inc.

This Purchase Order is for the purchase of Draeger Swede Survival Phase 1 Standard 20' Fire Training Module through Draeger, Inc. As detailed in the Sole Source Justification signed by Chief Rund, this is for the training module, the set-up, and includes an operational education program that instructs end-users on the proper utilization and maintenance procedures of the system that is only offered by Draeger, Inc. This training module is invaluable for fire recruits and fire fighters for them to see fire dynamics, fire spread and fire's progression in a safe environment to be able to give them the tools necessary to make fire attack decisions on an actual incident.

Award Total: \$87,467.24
Award Date: 1/20/23

PO 10005023

C & D Municipal Sales, Inc.

This Purchase Order is for the purchase of various replacement parts for the FLOWSERVE pump repair at the Bear Creek Sewage Pumping Station through C & D Municipal Sales, Inc. As detailed in the Sole Source Justification signed by D'Andrea Walker, C & D Municipal Sales, Inc. is the sole supplier of FLOWSERVE parts used at the County various pumping stations. If other parts were used, it will void the warranties and could provide continued deterioration of the pump and its rotating equipment that could lower pumping capacity and cause a sewage overflow. Therefore, it is in the best interest of Baltimore County to replace pumping stations using original replacement manufactured parts.

Award Total: \$30,748.00
Award Date: 1/17/23

PO 10005175

Digital Intelligence, Inc.

This Purchase Order is for purchase of Forensic Recovery of Evidence Device (FRED) workstations used by Forensics Digital and Multimedia Unit (DMEU) through Digital Intelligence, Inc. As detailed in the Sole Source Justification signed by Chief Hyatt, these workstations are the backbone of the unit and run continuously 24/7/365 executing keyword searches, carving deleted content, cracking passwords, etc. of digital evidence. They are compatible with existing FRED equipment and have interchangeable bays, power supplies and software that are unique to this manufacturer.

Award Total: \$37,663.56
Award Date: 1/17/23

PO 10005176

Beacon, Inc.

This Purchase Order is for the purchase and installation of two (2) Yamaha Outboard Boat Motors, cables, and props through Beacon, Inc. for the Marine Unit. As detailed in the Emergency Justification signed by Chief Delp, these motors are needed to replace existing motors that are failing. The existing Evinrude motors are discontinued and aftermarket replacement parts are extremely difficult to source and the Marine Unit had one boat out of service for over a year waiting on parts from the boat's manufacturer and another boat went out of service in October 2022. One of the two boats has been returned in service. Lead time for new motors are running approximately a year or more – inventory is very hard to come by. The chosen

vendor has two motors in stock. Having any boat out of service is a Public Safety concern because the Marine Unit cannot perform waterway patrol functions.

Award Total: \$35,950.00

Award Date: 1/17/23

SCON 10001374 Biotage, LLC

This Supplier Contract provides maintenance for the Horizon 3100 System and Controller through Biotage, LLC. As detailed in the Sole Source Justification signed by D'Andrea L. Walker, this instrument is used for the analysis of water and wastewater samples for FOG (Fats, Oils, and Grease) and TPH (Total Petroleum Hydrocarbon) in the mg/L (ppm) range. Only Biotage, LLC can perform preventive maintenance and repair on its own equipment with proprietary updates for software, telephone and email technical support, and recommended upgrades and service notes. This Contract will give Baltimore County priority on site services and attention in case of emergencies. The laboratory analyzes numerous samples for Utilities, Solid Waste and EPS (Environmental Protection and Sustainability). These departments require the analysis of certain parameters that they must report to their regulators. The Biotage 3100 System analyzes for FOG and TPH and with EPA holding times for samples, it is critical that the instrument remain in good working order with little or no down time. These instruments are critical and would affect the safety of County constituents.

Total Award 5 yr: \$27,465.27

Award Date: 1/17/23

cc: J. Benjamin Jr.,
T. Bostwick
L. Smelkinson