

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

*Issued: October 26, 2023
Work Session: October 31, 2023
Legislative Day No. 20: November 6, 2023*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

November 6, 2023

NOTES TO THE AGENDA

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**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2023, LEGISLATIVE DAY NO. 20
NOVEMBER 6, 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

- 1 **DANIELLE KNATZ, BUREAU CHIEF, FIRE DEPARTMENT**
Bill 77-23 – Mr. Jones(By Req.) – CEB – Assistance to Firefighters
- 4 **LAWRENCE RICHARDSON, DEPUTY DIRECTOR, DEPARTMENT OF HEALTH & HUMAN SERVICES**
Bill 78-23 – Mr. Jones(By Req.) – Semi-Public Swimming Pools
- COUNCIL**
- 6 Bill 79-23 – Mr. Ertel – Zoning Regs. – Uses Permitted – C.B. Zone – Community Building
- 7 Bill 80-23 – Mr. Marks – Zoning Regs. – Community Building Use in the B.L. Zone

APPROVAL OF FISCAL MATTERS/CONTRACTS

- 8 **BOB SMITH, DIRECTOR, DEPARTMENT OF RECREATION & PARKS**
1. Contract – Lardner/Klein Landscape Architects, P.C. – Trail design services – Oregon Ridge Park - DRP
- ~~WITHDRAWN~~ ~~2. Contract – Harnden Group, LLC – On-call landfill gas services – Eastern Sanitary Landfill – DPWT~~
- 12 **STEVE LAFFERTY, DIRECTOR, DEPARTMENT OF PLANNING**
3. Contract – Maryland Association of Nonprofit Organizations-technical assistance-community based orgs./ARPA subrecipients-DP
- 16 **FAITH THOMAS, CHIEF, REAL ESTATE COMPLIANCE**
4. Contract of Sale – Cross Creek Associates Limited Partnership–Acquisition of parcel–1 Duke of Windsor Court, 21207 – REC
- 16 5. Contract of Sale – David & Mary Ann Himmelmann – Acquisition of parcel – 6715½ Windsor Mill Road, 21207 – REC
- 16 6. Contract of Sale – David Himmelmann – Acquisition of parcel - 6719 Windsor Mill Road, 21207 – REC
- 22 **DEBRA SHINDLE, PROPERTY MANAGEMENT**
7. Contract – SEAM Group, LLC – On-site NFPA 70E Electrical/Arc Flash Safety Training – electrical personnel – PM
- 26 8. Contracts – (3) – On-call plumbing services - PM

MISCELLANEOUS BUSINESS

- 33 **COUNCIL**
1. Correspondence - (a) (6) - Non-Competitive Awards (October 11, 2023)
- 30 2. Res. 33-23 – Cnclmbrs. Ertel, Patoka, Marks & Kach - MDE – Historic East Towson – Environmental Impact of Herring Run Headwaters
3. Appointment – Mr. Jones(By Req.) – Chief Administrative Law Judge – Maureen Murphy
4. Appointment – Mr. Jones(By Req.) – Administrative Law Judge – Derek Baumgardner
5. Appointment – Mr. Jones(By Req.) – Administrative Law Judge – Andrew Belt

Bill 77-23 (Supplemental Appropriation)

Council District(s) All

Mr. Jones (By Req.)

Fire Department

Assistance to Firefighters

The Administration is requesting a supplemental appropriation of federal funds totaling \$354,545 to the Assistance to Firefighters Gifts and Grants Fund program. The grant funds, together with County matching funds totaling \$35,455, will be used to purchase three large sport utility vehicles (SUVs) for the Department’s Office of Integrated Health to expand its ability to engage with clients (e.g., at-risk individuals) in real time and connect them to resources. See Exhibit A.

Fiscal Summary

Funding Source	Supplemental Appropriation	Current Appropriation	Total Appropriation
County ⁽¹⁾	--	--	--
State	--	--	--
Federal ⁽²⁾	\$ 354,545	--	\$ 354,545
Other	--	--	--
Total	<u>\$ 354,545</u>	<u>--</u>	<u>\$ 354,545</u>

⁽¹⁾ The County is required to provide a 10% match (\$35,455) of the grant award. The Office of Budget and Finance advised that the matching requirement will be met through funds to be appropriated in the FY 2025 General Fund budget.

⁽²⁾ U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) funds.

Analysis

The Department advised that the proposed grant funds, together with County matching funds, will be used to purchase three large SUVs (vehicle specifics to be determined) for the Department’s Office of Integrated Health’s new Mobile Integrated Health (MIH) program, which expands upon

the current Integrated, Community, Assessment, Referral, and Evaluation (ICARE) program through the addition of mobile units. Through the ICARE program, various County agencies and community partners collaborate to share resources and knowledge and link programs and activities to assist vulnerable County residents; the Department advised that the ICARE program reduced EMS calls from high utilizers and enabled first responders to identify at-risk and vulnerable individuals and refer them to existing resources. The Department further advised that the MIH program's mobile units will expand its ability to engage with clients in real time and connect them to resources; the Department will use BCSTAT's Familiar Faces program to identify at-risk individuals and high utilizers to target for services. The Department advised that it anticipates the vehicles will be placed in service in FY 2025 due to supply chain issues.

The grant period is August 9, 2023 through August 8, 2025. The County is required to provide a 10% match (\$35,455) of the grant award (\$354,545). The Office of Budget and Finance advised that the matching requirement will be met through funds to be appropriated in the FY 2025 General Fund budget. The Department advised that the County will also be responsible for other vehicle-related costs (e.g., maintenance, equipment, fuel) but did not provide an estimate of those costs.

With the affirmative vote of five members of the County Council, Bill 77-23 will take effect November 19, 2023.

Executive Summary

Baltimore County Fire Department has been awarded \$354,545.45 by the Federal Emergency Management Agency (FEMA) Assistance to Firefighters Grant (AFG) for three (3) vehicle acquisitions.

This grant award provides funding to purchase vehicles for BCoFD's Office of Integrated Health. The creation of the Mobile Integrated Health (MIH) program allows for expansion of the current ICARE program. This will create mobile units which will expand the ability to engage with clients in real time and connect to resources. BCoFD will use BCSTAT's Familiar Faces program to identify at-risk individuals and high utilizers to target for services.

The required local share of this award is \$35,454.55. The performance period of the award is from August 09, 2023, through August 08, 2025.

This bill will allow the County to accept the federal award.

Prepared by: Fire Department

Bill 78-23**Council District(s) All**

Mr. Jones (By Req.)

Department of Health & Human Services

Semi-Public Swimming Pools

Bill 78-23 amends the definition of a semi-public swimming pool. Historically, all commercial pools in the County were defined as public pools and were required to have a lifeguard on site. In 2020, the County Council enacted Bill 11-20, which added a definition for “Semi-Public Swimming Pool” to the County Code and allowed facilities with this designation to forgo providing a lifeguard. (See Exhibit A.)

Currently, a semi-public swimming pool means a swimming pool with a water surface area of under 2,500 square feet and a maximum depth of 5 feet. The bill modifies the 2,500 square feet requirement such that a qualifying pool can be part of a facility with multiple pools within a single enclosure with a combined water surface area of under 2,500 square feet.

The current definition also requires that a semi-public pool be located within or outside a facility which is a temporary or transient dwelling (including a hotel, motel or similar dwelling) or a spa or health club used by its members and guests who are at least 16 years old. The bill modifies this requirement so that for a spa or health club, the pool must be located within or outside a facility which is an adult health club or spa when it is used by its members and guests.

The Administration advises that the purpose of these changes to the County’s definition of a semi-public swimming pool is to bring the County Code in line with COMAR §§ 10.17.01.05.B(23)(a)(ii) and 10.17.01.40(D)(6) concerning semi-public swimming pools and lifeguard requirements at these facilities.

With the affirmative vote of five members of the County Council, Bill 78-23 will take effect 15 days after its enactment.

Semi-Public Swimming Pools

The Baltimore County Department of Health is seeking changes to the Baltimore County Code of Ordinances regarding semi-public swimming pools.

Background

The Baltimore County Department of Health, Division of Environmental Health Services, regulates and performs inspections at approximately 580 pools in Baltimore County. Historically, all commercial pools in the County were defined as public pools and were required to have a lifeguard on site. In 2020, County Council Bill 11-20 added a definition for “Semi-Public Swimming Pool” to the Baltimore County Code of Ordinances and allowed for facilities with this designation to forgo providing a lifeguard. This definition and lifeguard requirement conflict with the definition of “Semi-Public Swimming Pool” and lifeguard requirements established in State of Maryland regulations governing pools (COMAR 10.17.01). Specifically, the Code of Ordinances currently allows many gyms/health clubs in Baltimore County to forgo providing a lifeguard when minors are present, and there is potential for some multi-pool facilities to forgo providing a lifeguard, which are not allowed by COMAR.

Purpose

The purpose of this bill is to bring the Baltimore County Code of Ordinances in line with COMAR §§ 10.17.01.05.B(23)(a)(ii) and 10.17.01.40(D)(6) concerning semi-public swimming pools and lifeguard requirements at these facilities.

Fiscal

N/A

Prepared by: Department of Health & Human Services

Bill 79-23

Council District(s) All

Mr. Ertel

Zoning Regs. – Uses Permitted – C.B. Zone – Community Building

Bill 79-23 adds a by-right commercial use to the Community Business (C.B.) Zone. Specifically, the bill permits a community building or other structure or land use devoted to civic, social, recreational, and educational activities. Community buildings are currently permitted by right in several other zones, including the Business Maritime Marina (B.M.M.), Business Maritime Yacht Club (B.M.Y.C.), and Manufacturing, Heavy (M.H.) zones and by special exception in the Business, Local (B.L.), Business, Major (B.M.), and Resource Conservation 2 (R.C.2) zones.

The primary purpose of the C.B. Zone is to provide for the daily shopping and service needs of nearby residents through small businesses which do not generate large amounts of traffic at any one time. The C.B. Zone is not intended to be used to replace the Business Local, Restricted (B.L.R.), B.L., B.M., or Business, Roadside (B.R.) zones on developed sites. Rather, the zone is intended as an additional classification which may be appropriate for locations that are no longer desirable for other noncommercial purposes but where application of the other business zones may prove detrimental to nearby residential properties.

With the affirmative vote of five members of the County Council, Bill 79-23 will take effect 14 days after its enactment.

Bill 80-23

Council District(s) All

Mr. Marks

Zoning Regs. – Community Building Use in the B.L. Zone

Bill 80-23 adds a by-right commercial use to the Business, Local (B.L.) Zone. Specifically, the bill permits a community building or other structure or land use devoted to civic, social, recreational, and educational activities, not including the use of the building as a catering hall, if located in a shopping center in the Commercial, Community Core (C.C.C.) Overlay District with a minimum gross floor area of 125,000 square feet. Community buildings are currently permitted by right in several other zones, including the Business Maritime Marina (B.M.M.), Business Maritime Yacht Club (B.M.Y.C.), and Manufacturing, Heavy (M.H.) zones and by special exception in the Business, Local (B.L.), Business, Major (B.M.), and Resource Conservation 2 (R.C.2) zones.

With the affirmative vote of five members of the County Council, Bill 80-23 will take effect 15 days after its enactment.

FM-1 (Contract)

Council District(s) 3

Department of Recreation and Parks

Trail Design Services – Oregon Ridge Park

The Administration is requesting approval of a contract with Lardner/Klein Landscape Architects, P.C. to provide trail planning and design services for Oregon Ridge Park in Cockeysville. The contract commences upon Council approval and continues through the date upon which the required services are completed. (The Department advised that tasks are estimated to take 18 months to complete.) Compensation may not exceed \$491,220 for the entire contract term (including a maximum of \$44,000 for eligible expenses). See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 491,220	(1) Capital Projects Fund.
State	--	(2) For the entire term (upon completion of the required services, which the Department estimates will take 18 months).
Federal	--	
Other	--	
Total	<u>\$ 491,220</u> ⁽²⁾	

Analysis

The contractor will provide trail planning and design services for Oregon Ridge Park based on recommendations in the Oregon Ridge Park Master Plan. On December 23, 2021, the County entered into a contract not to exceed \$470,000 with Lardner/Klein Landscape Architects, P.C. to develop a master plan, which would serve as a blueprint for improvements (both capital and operational) to Oregon Ridge Park. The Department advised that under the 2021 contract, the contractor completed an inventory and assessment of the Park’s current conditions, including the existing amenities and recreation opportunities (including trails); user and staff engagement and

input meetings; market research and cost-benefit analysis; sketches and schematics; preparation of a draft master plan (released April 13, 2023 for public comment); and preparation of the final master plan (issued on October 17, 2023). The Department further advised that the Oregon Ridge Park Master Plan calls for improvements focused on the park's trail network, both the upgrades and extensions of the existing natural surface trail network and the addition of a one-mile ADA-accessible loop in the park's Terrace Core. The contract, which was cooperatively procured, expired June 30, 2023; the County expended \$468,460 under this contract.

The Department advised that under the proposed contract, the contractor will create design plans and construction drawings for deteriorated trails, new/additional trails, and bridge crossings. The contractor will develop a 35% Preliminary Trail Design for the entire trail network within Oregon Ridge Park's 1,100 acres, which includes the design and alignment of a proposed trail network, and will identify work needed to gain site plan and environmental approvals and will flag areas that may require additional engineering design development. The contractor will also develop a 100% Final Paved Loop Trail Design for the proposed approximately 1.65-mile-long ADA-accessible Paved Loop Trail that will connect the existing Nature Center with the Quarry Lake and Lodge Area, which will include the development of plans and specifications, permitting, bidding, and construction administration for the trail loop.

The contract commences upon Council approval and continues through the date upon which the required services are completed. The Department advised that the tasks are estimated to take 18 months to complete. Compensation may not exceed \$491,220 for the entire contract term, including a maximum of \$44,000 for eligible expenses. The County may terminate the agreement by providing 30 days prior written notice.

The Department requested that the proposed contract be designated as a noncompetitive 902(f) award secured in the best interest of the County based on qualifications and experience since Lardner/Klein Landscape Architects, P.C. led the Oregon Ridge Park Master Plan process. The Department advised that there is not an M/WBE participation requirement.

County Charter, Section 902(f), states that "when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations."

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

LEGISLATIVE ISSUE: Contract – Oregon Ridge Trail Design Project

STAFF MEMBER: Drew Emmer

DESCRIPTION OF CONTRACT: This is a contract to provide trail design services for Oregon Ridge Park. Selected Contractor: Lardner/Klein Landscape Architects, P.C.

PURPOSE OF THE REQUEST: To establish contract for Trail planning and design at Oregon Ridge Park, including construction drawings and permits for trail work.

CONTRACT BACKGROUND INFORMATION: Lardner/Klein Landscape Architects, P.C. Contractor was selected as the best qualified and experienced due to knowledge associated with Oregon Ridge Master Plan project. Note: The Contractor was selected non-competitively under Section 902F of the County Charter.

Prepared By: Department of Recreation and Parks

FM-3 (Contract)

Council District(s) All

Department of Planning

Technical Assistance – Community Based Orgs./ARPA Subrecipients

The Administration is requesting approval of a contract with the Maryland Association of Nonprofit Organizations, Inc. (a nonprofit organization) to provide technical assistance, training, and capacity building services to the County’s American Rescue Plan Act (ARPA)-eligible community-based organizations, organizations (located within and outside the County) serving the County’s ARPA-eligible communities (areas of disproportionate impact in the County identified through County-specific analysis of Public Safety Hotspots, Vulnerable Housing Areas, Qualified Census Tracts, etc.), and current County ARPA subrecipients. The contract commences upon Council approval and continues through December 31, 2024, and the County may extend the term an additional 120 days. Compensation may not exceed \$299,288 for the entire approximate 1-year and 6-month term, including the extension period. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County	--	(1) U.S. Department of the Treasury, American Rescue Plan Act (ARPA) funds. (2) For the entire approximate 1-year and 6-month term.
State	--	
Federal ⁽¹⁾	\$ 299,288	
Other	--	
Total	<u>\$ 299,288</u> ⁽²⁾	

Analysis

Consistent with the plan communicated by the Administration during the FY 2024 budget process, and in accordance with the RFP, the Department of Planning and the Office of Government Reform and Strategic Initiatives (GRSI) sought out a third-party partner 1) to assist the County in providing hands-on services to its community-based organizations to enable them to develop

competencies and skills that increase long-term sustainability and 2) to provide technical assistance to the County's community-based ARPA subrecipients to increase their financial and human capital management capabilities. The Department advised that the contractor will provide technical assistance to the County's ARPA-eligible community-based organizations, organizations (located within and outside the County) serving the County's ARPA-eligible communities, and current County ARPA subrecipients. Services will be provided at no cost to eligible organizations and include:

- Program technical assistance and training services (e.g., support and training in organizational plan development; federal/state and local funding application processes; reporting and compliance techniques; financial literacy; and technology services);
- Program capacity building services and training (e.g., assistance with board development, governance and oversight; staffing models, communications strategies; staff recruitment and development; leadership succession; and community outreach/involvement); and
- Technical assistance related to ARPA requirements (e.g., metrics and data gathering and aggregation; expenditure reporting; and performance reporting).

The contractor will work with County agencies to develop assessment tools to help identify the population of eligible community-based organizations and to gauge their capacity and growth potential, conducting outreach as needed. The Department advised that the services will address gaps in capacity identified by the Department's community planning staff, the Office of Community Engagement, and GRSI staff over the past several years of interfacing with community-based and business nonprofit organizations.

The contractor will bill the County at a blended hourly rate of \$250. The Department estimates 150 eligible organizations (including 50 organizations that are currently County ARPA subrecipients) will access services such as webinars and trainings, while a smaller number may receive more focused technical assistance.

The contract commences upon Council approval and continues through December 31, 2024. The County may extend the term an additional 120 days on the same terms and conditions, unless it provides notice of non-renewal. Compensation may not exceed \$299,288 for the entire approximate 1-year and 6-month term, including the extension period. 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; the Department advised that two

proposals were deemed non-responsive. According to the procurement documents, there is a 30% M/WBE participation requirement.

Also consistent with the plan communicated by the Administration during the FY 2024 budget process, the Department advised that it plans to utilize an additional \$200,000, beyond the cost of the proposed contract, of previously appropriated ARPA funds for direct capacity-building financial support to ARPA-eligible community-based organizations that have accessed technical assistance services through 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

Consulting Services, Capacity Building and Technical Assistance for Community Based Organizations

Maryland Association of Nonprofit Organizations (Contractor) has been selected through a competitive procurement process to provide technical assistance capabilities to the County's ARPA-eligible community-based organizations, organizations serving the County's ARPA-eligible communities whether or not they are located in Baltimore County, and current County American Rescue Plan Act (ARPA) subrecipients, to increase financial and human capital management capabilities. Their contract will under no circumstances exceed the amount of \$299,288.00 in ARPA funds. Contractor has committed to meet a 30% MBE/WBE goal.

Contractor will provide services at no cost to eligible organizations and include program technical assistance and training services, and capacity building services such as assistance with board development, governance and oversight, staffing models, financial systems and reporting, employment law, communication strategies, digital and social media, branding, staff recruitment/development, technology solutions, community outreach and involvement, leadership succession, and sustainability planning. The Contractor scope of work also includes working with relevant County departments and offices to develop an assessment tool to help identify the population of eligible community-based organizations and small business organizations and to gauge their capacity and growth potential, conducting outreach as needed.

Maryland Association of Nonprofit Organizations was selected based on their experience and determined to be the best qualified and offer the best value for this project by the Department of Planning and the Office of Government Reform and Strategic Initiatives. Contractor has a network of experienced and capable technical assistance providers that is both broad and deep, spanning several decades of work in many areas of expertise with nonprofit and community-based organizations in the Baltimore region and across the State. Contracted services will address gaps in capacity identified by community planning, office of community engagement, and GRSI staff over the past several years of interfacing with community-based and business organizations and providing grants to these organizations to address community needs and conditions.

Prepared by: Department of Planning

FMs-4 through 6 (3 Contracts)

Council District(s) 2

Office of Law – Real Estate Compliance Division

**Acquisition of Parcels – 1 Duke of Windsor Court, 6715½ Windsor Mill Road,
and 6719 Windsor Mill Road, 21207**

The Administration is requesting approval of three contracts to acquire land and easement access spanning, in total, approximately 0.26 acre for \$25,239, for the construction of a sidewalk along Windsor Mill Road in Gwynn Oak. FM-4 is a contract with Cross Creek Associates Limited Partnership, for \$7,325, for land (0.043 acre) and easement access (0.091 acre) located at 1 Duke of Windsor Court; the property is zoned DR-16. FM-5 is a contract with David Himmelmann and Mary Ann Himmelmann, for \$6,970, for land (0.019 acre) and easement access (0.012 acre) located at 6715½ Windsor Mill Road; the property is zoned DR-5.5. FM-6 is a contract with David Himmelmann, for \$10,944, for land (0.069 acre) and easement access (0.026 acre) located at 6719 Windsor Mill Road; the property is zoned DR-5.5. The acquired land will be used for highway widening areas, including an area in paving, and the easements will be used for temporary construction areas, drainage and utility easements, or revertible slope easements necessary to retain and support the highway and/or adjacent property. Each contract’s compensation amount takes into account any adverse impacts to site improvements. See Exhibits A through C.

Fiscal Summary

Funding Source	Combined Purchase Price	Notes
County ⁽¹⁾	\$ 25,239	⁽¹⁾ Capital Projects Fund.
State	--	⁽²⁾ Includes \$742 to compensate for adverse impacts to certain site improvements.
Federal	--	
Other	--	
Total	<u>\$ 25,239</u> ⁽²⁾	

Analysis

Descriptions of the three acquisitions are as follows:

FM-4 – 1 Duke of Windsor Court

The County's appraisal consultant, Everett Benfield Advisors, completed an appraisal of the property effective November 29, 2022, recommending a value of \$7,325. After review and analysis, 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 County will reinstall or replace as necessary impacted site improvements.

The 0.134-acre property to be acquired, including both the land and the easement access area, is part of a larger 9.288-acre parcel that is residentially improved with an apartment complex, including landscaping and parking areas.

FM-5 – 6715½ Windsor Mill Road

The County's staff appraiser completed an appraisal of the property effective January 18, 2023, recommending a value of \$6,970. After review and analysis, 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 purchase price includes \$742 to compensate for adverse impacts to certain site improvements; additionally, the County will reinstall or replace as necessary other impacted site improvements.

The total 0.031-acre property to be acquired, including both the land and the easement access area, is part of a larger 0.204-acre parcel that is residentially improved with a detached dwelling.

FM-6 – 6719 Windsor Mill Road

The County's staff appraiser completed an appraisal of the property effective January 18, 2023, recommending a value of \$10,944. After review and analysis, 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 total 0.095-acre property to be acquired, including both the land and the easement access areas, is part of a larger 0.317-acre parcel that is unimproved.

The Department of Public Works and Transportation (DPWT) advised that construction of a sidewalk along Windsor Mill Road will be completed in three phases: phase one (current phase) will run from Woodlawn Drive to Featherbed Lane; phase two will continue to Windsor Boulevard; and phase three will continue to Rolling Road. The Office further advised that, in total, 190 acquisitions are needed for this project for all phases, and following approval of these three proposed acquisitions, approximately 10 remaining phase one acquisitions will require Council approval.

The Council has previously approved contracts for 19 properties totaling \$228,363. DPWT advised that estimated phase one costs for property acquisition total \$1.0 million; other estimated phase one costs (including design and construction costs) total \$5.5 million. As of the adoption of the FY 2024 Capital Budget, appropriations earmarked for the project total \$2.5 million, of which \$500,000 is earmarked specifically for phase two. DPWT further advised that as of October 25, 2023, the County had expended/encumbered approximately \$300,000 for land acquisition and had not encumbered any funding for construction.

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

Executive Summary

PROGRAM TITLE: Windsor Mill Sidewalk Project

PROJECT NO.: 205-0286-0516

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: Cross Creek Associates Limited Partnership

LOCATION: 1 Duke of Windsor Court
Lochearn, MD 21207

CONSIDERATION: \$7,325.00

PURPOSE OF PROJECT: This contract is for the purchase of Highway Widening Area 1,907 sq. ft. and a Temporary Construction Area of 3,971 sq. ft.

LIMITS OF PROJECT: 1 Duke of Windsor Court

Prepared by: Office of Law – Real Estate Compliance Division

Executive Summary

PROGRAM TITLE: Windsor Mill Sidewalk Project

PROJECT NO.: 205-0286-0516

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: David Himmelmann
Mary Ann Himmelmann

LOCATION: 6715 ½ Windsor Mill Road
Baltimore, MD 21207

CONSIDERATION: \$6,970.00

PURPOSE OF PROJECT: This contract is for the purchase of Highway Widening Area of 841 sq. ft., a Temporary Construction Area of 492 sq. ft., and a Drainage and Utility Easement Area of 70 sq. ft.

LIMITS OF PROJECT: 6715 ½ Windsor Mill Road

Prepared by: Office of Law – Real Estate Compliance Division

Executive Summary

PROGRAM TITLE: Windsor Mill Sidewalk Project

PROJECT NO.: 205-0286-0516

FISCAL MATTER: Contract of Sale

PROPERTY OWNERS: David Himmelmann

LOCATION: 6719 Windsor Mill Road
Baltimore, MD 21207

CONSIDERATION: \$10,944.00

PURPOSE OF PROJECT: This contract is for the purchase of Highway Widening Area of 3,029 sq. ft., a Revertible Slope Area of 1,112 sq. ft., and a Drainage and Utility Easement Area of 62 sq. ft.

LIMITS OF PROJECT: 6719 Windsor Mill Road

Prepared by: Office of Law – Real Estate Compliance Division

FM-7 (Contract)

Council District(s) All

Property Management

On-Site NFPA 70E Electrical/Arc Flash Safety Training – Electrical Personnel

The Administration is requesting approval of a contract with SEAM Group, LLC to provide complete on-site current National Fire Protection Association (NFPA) 70E Electrical/Arc Flash Safety Training for Baltimore County Government electrical personnel. 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. The contract currently states that compensation may not exceed \$265,055 for the entire 5-year and 4-month term, including the renewal and extension periods; however, Property Management advised that the contract will be revised to reflect that compensation may not exceed \$252,433 for the entire term. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 252,433	⁽¹⁾ General Fund Operating Budget.
State	--	⁽²⁾ For the entire 5-year and 4-month term (pending revised contract).
Federal	--	
Other	--	
Total	\$ 252,433 ⁽²⁾	

Analysis

The contractor will provide all time, material, labor, and incidentals necessary to perform complete on-site current NFPA 70E Electrical/Arc Flash Safety Training for electrical personnel. Property Management advised that the goal of the training is to keep electrical personnel free from the hazards of shock, electrocution, arc flash, and arc blast. Employees will be introduced to the

current NFPA 70E requirements and rules and regulations as required by the OSHA Electrical Safety-Related Work Practices Standard. Employees will be tested at the conclusion of the training to verify comprehension level and will receive a completion certificate that is valid for 3 years.

Property Management advised that the contractor will bill the County a flat fee of \$9,227 per high voltage training class and \$6,001 per low voltage training class, with a maximum of 15 students per class.

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 \$252,433 for the entire 5-year and 4-month term, including the renewal and extension periods (pending revised contract).

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; Property Management advised that the lowest bid was withdrawn. According to the bid documents, there is not an M/WBE participation requirement.

On June 4, 2018, the Council approved a similar 5-year and 3-month contract (effective March 15, 2018) not to exceed \$84,392 with Lewellyn Technology, LLC (which merged with two other companies to form SEAM Group, LLC). The County's financial system indicated that expenditures/encumbrances under the contract totaled \$24,875 and that the contract expired August 14, 2023. Property Management advised that training has not been provided since the contract expired.

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 approval of a contract for SEAM Group, LLC to provide complete on-site current NFPA 70E Electrical/Arc Flash Safety Training for electrical personnel. The provided training will keep electrical workers free from hazards of shock, electrocution, arc flash, and arc blast.

In no event shall the total compensation paid to the Contractors exceed the sum of Two Hundred Fifty-Two Thousand, Four Hundred Thirty-Three Dollars and Thirty-Two Cents (\$252,433.32) (pending revised contract) 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 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.

Prepared by: Property Management

FM-8 (3 Contracts)

Council District(s) All

Property Management

On-Call Plumbing Services

The Administration is requesting approval of three contracts, with BMC Services, LLC, Denver-Elek, Inc., and Temp Air Co., to provide on-call plumbing services at various County-owned and/or operated buildings. Each 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 contracts do not specify a maximum compensation for the initial 1-year term. Combined compensation may not exceed \$7,920,000 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Combined Maximum Compensation	Notes
County ⁽¹⁾	\$ 7,920,000	(1) General Fund Operating Budget and/or Capital Projects Fund, depending on the nature of the work.
State	--	
Federal	--	(2) For the entire 5-year and 4-month term.
Other	--	
Total	\$ 7,920,000 ⁽²⁾	

Analysis

The contractors will provide all labor, materials, tools, equipment, and supervision to perform plumbing services at various County-owned and/or operated buildings on an on-call basis. Property Management advised that it intends to assign work equally among the contractors, except in emergency situations, when the work will be awarded to the contractor with the quickest response time.

Hourly labor rates range from \$40 to \$140, depending on the worker's skill level (apprentice or journeyman) and time status (regular or overtime). (The hourly labor rates for drain cleaning range from \$90 to \$305.) Mark-ups on materials, subcontracting, and equipment rental range from 8% to 18%, depending on the contractor. Property Management advised that for County-financed construction projects valued over \$300,000, hourly labor rates range from \$46 to \$161, and the mark-up on subcontracting ranges from 8% to 32%, depending on the contractor.

Each 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 contracts do not specify a maximum compensation for the initial 1-year term. Combined compensation may not exceed \$7,920,000 for the entire 5-year and 4-month term, including the renewal and extension periods. Property Management advised that the maximum compensation amount reflects the price escalation, contingency, and the potential for prevailing wage projects.

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

The County awarded the contracts through a competitive procurement process based on low bid from four bids received. According to the bid documents, there is a 20% M/WBE participation requirement.

On September 17, 2018, the Council approved three similar 5-year and 4-month contracts, with Denver-Elek, Inc., Spears Mechanical Contractors, Inc., and BMC Services, LLC, with combined compensation not to exceed \$4,342,747. On April 17, 2023, the Council approved amendments to the contracts, increasing the maximum combined compensation by \$1,278,902 to \$5,621,649. Spears Mechanical Contractors, Inc. provided services for tier 1 projects (up to \$5,000), and Denver-Elek, Inc. and BMC Services, LLC provided services for tier 2 projects (\$5,001 and above with a 20% M/WBE subcontracting goal/requirement for projects \$25,000 and above). The

County's financial system indicates that as of October 18, 2023, the County expended/encumbered \$5,423,558 under the contracts: \$3,182,341 to Denver-Elek, Inc., \$1,407,706 to BMC Services, LLC, and \$833,511 to Spears Mechanical Contractors, Inc.

The County's financial system indicated that as of October 18, 2023, the County has one other contract with Denver-Elek, Inc., one other contract with Temp Air Co., and no other contracts with BMC Services, 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

Property Management is requesting the approval of a contract with BMC Services, LLC, Denver Elek, Inc., and Temp Air Co. to provide all labor, engineering materials, tools, equipment, and supervision for on-call plumbing services.

In no event shall the total compensation paid to the Contractor exceed the sum of Seven Million, Nine Hundred Twenty Thousand Dollars (\$7,920,000) 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

MB-2 (Res. 33-23)

Council District(s) 6

Councilmembers Ertel, Patoka, Marks & Kach

MDE – Historic East Towson – Environmental Impact of Herring Run Headwaters

Resolution 33-23 encourages the Maryland Department of the Environment to study the potential adverse environmental impact of further development along the headwaters of the Herring Run watershed in Historic East Towson to prevent the continued environmental injustice impacting this historically African American community.

The 1992 Towson Community Plan identified Historic East Towson as an historic African American community, which is the only remaining portion of a larger community that from 1830 to 1960 extended as far as York Road and Bosley Avenue. The 2000 Master Plan designated this community as an enhancement area to stabilize the neighborhood and provide adequate buffers and protection from commercial encroachment from the Towson commercial core.

In 2002, the community was the subject of an African American Survey District – as the oldest ethnic enclave in Baltimore County. A 2016 ethnographic study funded by the National Park Service found that many current residents of East Towson are direct descendants of the first freed slaves who inhabited the community. In 2017, a historical marker was dedicated in Historic East Towson and included in the Historical Marker Database, an online national catalog of historical sites.

Historic East Towson has been the target of commercial encroachment and environmental injustice, beginning in 1968 when the Baltimore Gas & Electric Company was granted property in East Towson, including a baseball field used by the Negro League and seven historic homes, to build a power substation; followed by the demolition of additional homes to build the District Courthouse, Trinity House, and office buildings; and the building of the Towson Bypass, further encroaching on the community and consuming green space, reducing the neighborhood to just 6 blocks.

The remaining, forested portion of green space in Historic East Towson located at 407 East Joppa Road – which is also the location of the proposed “Red Maple Place” development consisting of

a four-story apartment building with an associated parking garage – contains the headwaters of a branch of the Herring Run stream and an associated wetland.

Pennsylvania Avenue has flooded for many years, and Harris Hills condominiums has documented ground erosion along the property line bordering the green space that will be exacerbated by further development; and communities downstream already experience flooding, requiring the County to purchase and demolish 5 homes, with additional homes slated for demolition.

The Maryland Department of the Environment is encouraged to study the potential adverse environmental impact of further development along the headwaters of the Herring Run watershed in Historic East Towson to prevent the continued environmental injustice impacting this historically African American community.

Resolution 33-23 will take effect from the date of its passage by the County Council and copies of this Resolution shall be sent to the Secretary of the Maryland Department of the Environment, the Director of the Baltimore County Department of Environmental Protection and Sustainability, and the Chairs and Vice Chairs of the Baltimore County Senate and House Delegations.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

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

TO: Administrative Officer **DATE:** 10/11/23
FROM: Kevin D. Reed, Director **COUNCIL MEETING**
 Office of Budget & Finance **DATE:** 11/6/23
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

PO 10010647 Delmarva Pump Center, Inc.

This Purchase Order provides for parts/repair of Reserve Tiller Truck TR-94, a 2012 Spartan Gladiator, assigned to the Fire Department. As detailed in the Sole Source justification memo signed by D'Andrea Walker, Delmarva Pump Center, Inc. (DPC Emergency Equipment) is the sole dealer for Spartan chassis parts in the State of Maryland. Truck TR-94 requires extensive repairs to maintain its reserve status in the fleet. If these repairs are not completed timely, the Fire Department's daily operations will be negatively impacted, and potentially affect the safety of County residents, as the Department will have fewer trucks available for response.

Award Total: \$35,571.76
 Award Date: 9/25/23

SCON 10001918 Rexel USA, Inc.

This Supplier Contract through Rexel USA, Inc. is to provide the Bureau of Solid Waste the ability to purchase Allen-Bradley components and parts such as Variable Frequency Drives (VFD's), Solid State Reduce Voltage Starters (SSRVs), Panel View Human-Machine Interface (HMI), Programmable Logic Controllers (PLCs), and a number of other parts. As detailed in the 902f Justification memo signed by D'Andrea Walker, these parts are integral to the functions of the pumping stations. VFDs control the speed of the pumps, SSRVs start and stop the pumps, HMIs allow operators to access and adjust the station control systems, and PLCs are the main automated control device of the pumping station and alarm systems. If an Allen-Bradley part, such as a VFD, were to fail, the pump it controls would be inoperable. This would create more dependency on remaining pumps, lowering pumping capacity and efficiency overall. In the event of inclement weather causing heavy water flow, reduced pumping capacity could result in a sewage overflow. Overflows are a safety and health hazard to the public as well as County employees. Overflows also incur fines from the EPA and State of Maryland, per the Consent Decree.

5 yr. Estimated Award Total: \$2,000,000.00
 Award Date: 9/28/23

SCON 10001836 Verizon Maryland, LLC

This Supplier Contract is for the purchase of ANI-ALI database records for Fiscal Year 2024 for the 911 Center.

According to the Sole Source memo dated 7/7/23, signed by Mike Fried, these are tariff regulated database record services under the Miscellaneous Service Arrangements Tariff, Universal Emergency Number 911 Service and provided by Verizon Maryland, Inc.

These 911 database records can only be provided by Verizon Maryland

The expenditure of \$610,000.00 is inclusive of all charges, fees, taxes and tariff surcharges as allowed by law, regulations or tariffs.

The County will be reimbursed for these expenditures by the ENSB (Emergency Number Systems Board)

Estimated Award Total: \$610,000.00
Award Date: 9/28/23

SCON 10001903 Van Dyk Baler Corp

The Department of Public Works and Transportation requests approval of SCON-10001903 with Van Dyk Baler Corp.

As stated in the Sole Source memo dated 8/23/23 signed by D'Andrea Walker, VanDyk Vision AR headset utilized Augmented Reality technology to enable County employees to have direct contact with VanDyk technicians, when a problem with the equipment occurs. The AR technology enables the VanDyk technician to see and hear the problem as the Baltimore County maintenance team performs the repair. The VanDyk Vision is a proprietary piece of equipment designed to interact seamlessly with the existing VanDyk single stream system. When there is a mechanical issue, Baltimore County employees will have a VanDyk trained technician virtually provide instructions and guidance for equipment services such as troubleshooting, repairs, and installations. The ability to virtually connect with the technician is more efficient, will reduce downtime, and maximize productivity.

5 yr. Estimated Award Total: \$50,000.00
Award Date: 9/29/23

SCON 10001882 Sherwood Logan & Assoc., Inc.

The Department of Public Works and Transportation requests approval of SCON-10001882.

As stated in the Sole Source memo dated 8/4/23 signed by D'Andrea Walker, this Supplier Contract provides DPWT the ability to purchase Xylem Flygt pumps and parts, as well as legacy brands from Sherwood-Logan & Associates, Inc. This supplier is the sole provider in the State of Maryland for this equipment. Xylem Flygt pumps are used in a large number of our Sewage Pumping Stations. No other pump will fit in the existing infrastructure of those stations without re-engineering. No other parts will work in the Flygt or Xylem pump besides ones designed to do so. If a replacement pump of the same model were not available, the pumping station would need extensive redesign for piping, controls, and electrical services. This would also require re-engineering of the pump system. While awaiting design and construction

work, the pumping station would run at reduced capacity, increasing the potential for overflows during high flow times like storms or flooding. This is a health and safety hazard for the public as well as County employees, and incurs a fine from the State of Maryland per the Consent Decree.

5 yr. Estimated Award Total: \$250,000.00
Award Date: 10/2/23

SCON 10001881 Indian River Equipment, Co.

The Department of Public Works and Transportation requests approval of SCON-10001881.

As stated in the Sole Source memo dated 7/3/23 signed by D'Andrea Walker, this Supplier Contract provides DPWT the ability to purchase Subsite/RST inspection equipment, parts and services from Indian River Equipment, Co. This supplier is the sole provider in the State of Maryland for this equipment. DPWT utilizes RST video pipeline inspection system for accessing our harder to reach areas (right of ways) in a portable system. Additionally, Utilities Construction, has one operating system until their new system comes in. Baltimore County has two complete RST systems in use. These systems consist of a controller, camera, and camera carriers. The cameras are used to inspect pipes and look for blockages and internal repairs. This allows the crew to see needed repairs on pipes without needing to manually dig up the site. If a damage or blocked line were unable to be fixed efficiently, this would cause backups and potential overflows, which are a health and safety hazard to the public as well as County workers and incurs a fine from the State of Maryland per the Consent Decree.

5 yr. Estimated Award Total: \$250,000.00
Award Date: 10/2/23

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