

**BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
LEGISLATIVE SESSION 2024**

*Issued: December 21, 2023
Work Session: None
Legislative Day No. 1: January 2, 2024*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

January 2, 2024

NOTES TO THE AGENDA

TABLE OF CONTENTS

| | PAGE |
|--------------------------------------|-------------|
| LEGISLATIVE SESSION | |
| Witnesses | ii |
| <u>BILLS – FINAL READING</u> | |
| None | |
| <u>FISCAL MATTERS</u> | |
| FM-1 | 1 |
| FM-2 | 5 |
| <u>MISCELLANEOUS BUSINESS</u> | |
| None | |
| APPENDIX | |
| None | |

**AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2024, LEGISLATIVE DAY NO. 1
JANUARY 2, 2024 6:00 P.M.**

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

CALL OF BILLS FOR FINAL READING AND VOTE

NONE

APPROVAL OF FISCAL MATTERS/CONTRACTS

STEVE LAFFERTY, DIRECTOR, DEPARTMENT OF PLANNING

- 1 1. Contract – Anne Hottel Turnbull - Acquisition of conservation easement – 501 Belfast Road – DP

AMY MANTAY, DEPUTY DIRECTOR, DEPARTMENT OF PLANNING

- 5 2. Contract – Leuterio Thomas, LLC – Commercial Revitalization Program’s On-call Architect Services Program-DP

MISCELLANEOUS BUSINESS

NONE

FM-1 (Contract)

Council District(s) 3

Department of Planning

Acquisition of Conservation Easement – 501 Belfast Road

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 95.29 acres of land for \$717,259 under the County’s Rural Legacy Program, Gunpowder Valley Rural Legacy Area. Anne Hottel Turnbull, Trustee of the Anne Hottel Turnbull Revocable Trust, currently owns the property, which is located at 501 Belfast Road in Sparks. The property is primarily zoned RC-4 (Resource Conservation-Watershed Protection) and RC-7 (Resource Conservation-Resource Preservation). See Exhibit A.

Fiscal Summary

| Funding Source | Purchase Price | Notes |
|-----------------------|-------------------|--|
| County ⁽¹⁾ | \$ 717,259 | ⁽¹⁾ Capital Projects Fund – Rural Legacy Program. |
| State | -- | |
| Federal | -- | |
| Other | -- | |
| Total | \$ 717,259 | |

Analysis

The Maryland General Assembly established the State’s Rural Legacy Program in 1997 to set aside large blocks of rural lands for the protection of natural and scenic resources and the fostering of rural industries such as agriculture and forestry. 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. For the County’s Rural Legacy Program, the County seeks applications from Rural Legacy Area sponsors, which work with property owners to help identify their best preservation opportunities. The Administration previously advised that

matches from the County for rural conservation easements increase the chances that the County's Rural Legacy Areas will receive additional State funding in the future.

The Maryland Rural Legacy Board established the Gunpowder Valley Rural Legacy Area in 1999. The area consists of 13,819 acres in the north central portion of the County; conservation within the area provides water quality benefits to the Prettyboy and Loch Raven Reservoirs. The Office of Law – Real Estate Compliance Division advised that since the inception of the program, the Gunpowder Valley Conservancy, Inc. (GVC), the Gunpowder Valley Rural Legacy Area sponsor, has received approximately \$6.6 million in State Rural Legacy funding. The Office further advised that the County reviews projects submitted by area sponsors and moves forward projects as funding allows; it does not anticipate submitting any additional easement acquisitions for FY 2024 at this time.

The 95.29-acre property to be acquired is located within the Gunpowder Valley Rural Legacy Area. The use of the property will be subject to a deed of conservation easement to be granted to GVC and the County by the seller. The Office advised that the property is primarily zoned RC-4 and RC-7, with a small portion zoned RC-5 (Rural Residential). The Department of Planning advised that the property's growth tier allows for a maximum of three lots and its zoning provides for special exceptions (e.g., antique shop, church, golf course, bed and breakfast, and winery). The Office 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 Office advised that GVC calculated a value of approximately \$787,259 (\$8,262 per acre) for the easement in accordance with Section 24-5-101 of the Baltimore County Code; the final purchase price of \$717,259 (\$7,527 per acre) reflects a \$70,000 adjustment for one seller-retained development right. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (e.g., development units, land features, environmental values, agricultural and economic opportunity, development pressure, and location) and the willingness of the property owner to discount easement prices. The Office further advised that the valuation formula is approved through the State Rural Legacy Program.

The Office advised that with the approval of this purchase, the County's five Rural Legacy Areas' preserved easement acreage will total approximately 46,639 acres, including 4,960 acres in easement in the Gunpowder Valley Rural Legacy Area. The Office further advised that the County

has preserved a total of 70,869 acres through all preservation programs as of December 2023; the County's goal is at least 80,000 acres.

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.

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

Executive Summary

PROGRAM TITLE: Rural Legacy-Gunpowder Valley Conservancy

PROJ ID.: 10000590

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Anne Hottel Turnbull

LOCATION: 501 Belfast Rd. Map 34; Grid 3; Parcel 83
95.2868 ac.+/-

CONSIDERATION \$717,259.00

PURPOSE OF PROJECT: This contract being a perpetual conservation
easement containing a total of 95.2868 ac+/-.
Under the County's Rural Legacy Program,
Gunpowder Valley Rural Legacy Area.

LIMITS OF PROJECT: 501 Belfast Rd., Sparks 21152

Prepared by: Office of Law – Real Estate Compliance

FM-2 (Contract)

Council District(s) All

Department of Planning

Commercial Revitalization Program’s On-Call Architect Services Program

The Administration is requesting approval of a contract with Leuterio Thomas, LLC to provide on-call architectural services for the County’s Architect-On-Call Program, which assists commercial properties within the County’s Commercial Revitalization Districts with exterior improvements to their buildings. 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 provides that compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$60,000 for the entire 5-year and 4-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

| Funding Source | Total Compensation | Notes |
|------------------------------|---------------------------|--|
| County ⁽¹⁾ | \$ 60,000 | ⁽¹⁾ Capital Projects Fund. ⁽²⁾ Estimate for the entire 5-year and 4-month term. |
| State | -- | |
| Federal | -- | |
| Other | -- | |
| Total | \$ 60,000 ⁽²⁾ | |

Analysis

The Department advised that each of the County’s 22 Commercial Revitalization Districts is staffed by a planner who works closely with the business and property owners, business associations, and the local communities to provide a wide range of services aimed at maintaining the health and vitality of the County’s neighborhood commercial areas. The Department manages the County’s Architect-On-Call Program, which considers requests from property owners located

within the Commercial Revitalization Districts to receive up to 10 free hours of professional architectural design services for exterior improvements to their buildings. The Department advised that eligible improvements include façade, landscaping, signage/awnings, parking lots, exterior lighting, and windows/doors. The contractor will provide services that include conducting an initial site visit and meeting, preparing a digital rendering of the property with design recommendations, and providing a cost estimate for improvements. The Department advised that the architect's services must be completed within 6 months (per project). The architect will bill the County at the hourly rate of \$120.

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 provides that compensation may not exceed the amount appropriated for these services for the entire contract term. The Department advised that estimated compensation totals \$60,000 for the entire 5-year and 4-month term, including the renewal and extension periods. The County may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract through a competitive procurement process based on qualifications and experience from three proposals received. According to the bid documents, there is not an M/WBE participation requirement.

On January 22, 2019, the Council approved a similar 5-year and 4-month contract with Murphy & Dittenhafer, Inc. The County's financial system indicated that expenditures/encumbrances under this contract as of December 12, 2023 totaled \$12,060. The Department advised that the number of applicants per year is unpredictable and varies based on the needs of the community.

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

This item is to award the contract for Baltimore County Commercial Revitalization Program's Architect-on-Call services to the design firm, Leuterio Thomas, LLC.

Baltimore County's 22 officially designated Commercial Revitalization Districts are the "front doors" to our desired established communities. They offer a shopping and entertainment experience where family owned business and national retail chains are neighbors. Each district is staffed by a planner who works closely with the business and property owners, business associations and the local communities to provide a range of services aimed at maintaining the health and vitality of our neighborhood commercial areas.

As part of the County's effort to provide revitalization services to older commercial areas, the Baltimore County Department of Planning manages the County's Architect-on-Call program. The Architect-on-Call program considers requests for services from owners of commercial properties located within Baltimore County Commercial Revitalization Districts. The program offers up to ten (10) free hours of professional architectural design services for **exterior** improvements to their buildings. After an initial site visit and meeting, the architect prepares a digital rendering of the building with design recommendations and a rough cost estimate. This service is free when improvements are certified as complete within six months.

Improvements considered for the Architect-on-Call program:

- Façade
- Landscaping
- Signage/Awnings
- Parking lot
- Exterior lighting
- Windows/Doors

Improvements **not** considered for the Architect-on-Call program:

- Interior
- Mechanical/Systems

The program requires direct coordination with the Department of Planning in developing architectural renderings and cost estimates, in addition to working with the business or property owner. At least one site visit is required for each project. The services provided by the Architect-on-Call program must be completed within 6 months (per project).

Prepared by: Department of Planning