

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

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*Issued: September 5, 2024  
Work Session: September 10, 2024  
Legislative Day No. 17: September 16, 2024*

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



OFFICE OF THE COUNTY AUDITOR

**BALTIMORE COUNTY COUNCIL**

**September 16, 2024**

**NOTES TO THE AGENDA**

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**BALTIMORE COUNTY COUNCIL AGENDA  
LEGISLATIVE SESSION 2024, LEGISLATIVE DAY NO. 17  
SEPTEMBER 16, 2024 6:00 P.M.**

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

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**CALL OF BILLS FOR FINAL READING AND VOTE**

- 1            **PETE GUTWALD, DIRECTOR, DEPARTMENT OF PERMITS, APPROVALS & INSPECTIONS**  
Bill 63-24 – Mr. Patoka(By Req.) – Tax on Vacant Structure
- 4            **LAWRENCE RICHARDSON, DEPUTY DIRECTOR, DEPARTMENT OF HEALTH & HUMAN SERVICES**  
Bill 64-24 – Mr. Patoka(By Req.) – Penalties and Enforcement for Distribution of Tobacco Products and  
Electronic Smoking Devices to Persons Under 21
- 7            **RENEE COLEMAN, DIRECTOR, OFFICE OF HUMAN RESOURCES**  
Bill 65-24 – Mr. Patoka(By Req.) – The creation of the position of Labor Commissioner
- 9            **BOB SMITH, DIRECTOR, DEPARTMENT OF RECREATION & PARKS**  
Bill 66-24 – Mr. Patoka(By Req.) – CEB – Recreation Council Donations
- 12           **COUNCIL**  
Bill 68-24 – Mr. Ertel – Rental Housing Licenses – Short-Term Rental Lease

**BILLS FOR FIRST CONSIDERATION**

**COUNCIL**

- 16           Bill 69-24 – Mr. Patoka – Zoning Regs. – Uses Permitted in the Residential-Office (R-O) Zone – Uses in the  
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- 17           Bill 70-24 – Mr. Young – Bill 47-24 – Repeal of Redistricting and School Board Sections
- 19           Bill 71-24 – Councilmembers Young & Ertel – Boards, Commissions, Panels, and Foundations –  
Standardization of Member Compensation and Expense Reimbursement
- 22           Bill 72-24 – Mr. Jones – Amendments to Development Plans – Limited Exemptions
- 24           Bill 74-24 – Mr. Marks – Zoning Regs. – Uses Permitted in the Manufacturing, Light (M.L.) Zone - School

**APPROVAL OF FISCAL MATTERS/CONTRACTS**

- 25           **COLONEL JOSEPH CONGER, POLICE DEPARTMENT**  
1. Contract – Metals Treatment Technologies, LLC – Maintenance – Police Outdoor Firing Range
- 29           **WALT PESTERFIELD, DIRECTOR, DEPARTMENT OF CORRECTIONS**  
2. Contract – The Electric Motor Repair Company – Repair services – Kitchen equipment
- 33           **KEVIN REED, DIRECTOR, OFFICE OF BUDGET AND FINANCE**  
3. Amendment to Contract – Contractor Compliance and Monitoring, Inc. – Compliance services – Labor  
Compliance Program

**MISCELLANEOUS BUSINESS**

**COUNCIL**

1. Appointment – Mr. Patoka(By Req.) – Director – Office of Information Technology – Christopher Martin

**MEGAN BENJAMIN, PLANNER, DEPARTMENT OF PLANNING**

- 37 2. Res. 40-24 – Mr. Patoka(By Req.) – Applications and Ranking - Maryland Agricultural Land Preservation Foundation FY25-26 Agricultural Easement Cycle
- 44 3. Res. 41-24 – Mr. Patoka(By Req.) – Approval – Purchase of development rights easements – Maryland Agricultural Land Preservation Foundation FY24 Cycle

**Mr. Patoka (By Req.)**

**Department of Permits, Approvals and Inspections**

**Tax on Vacant Structure**

Bill 63-24 establishes a new tax on vacant structures as authorized under State law. During its 2024 legislative session, the Maryland General Assembly passed House Bill 2, allowing local jurisdictions to establish a subclass and set a special rate for vacant and abandoned property. Under House Bill 2, a vacant structure tax may be imposed on vacant lots or improved property cited as vacant and unfit for habitation or other authorized use on a housing or building violation notice.

Bill 63-24 permits the County to impose the vacant structure tax on vacant structures that have been designated as vacant and unfit for habitation or other authorized use on a housing or building violation notice in accordance with § 6–202.1 of the Tax – Property Article of the Annotated Code of Maryland. See Exhibit A.

The County’s process for designating a property as vacant is established in Article 35, Subtitle 5 – Vacant Structures. Under County law, originally established in Bill 5-23, the County may designate as vacant a structure if: there are past due utility notices for the structure or disconnected utilities to the property; accumulated mail, litter or debris on the property; the structure has physical damage, decay, dilapidation, or other signs of deferred maintenance; the structure has a history as an object of vandalism, loitering, or criminal conduct; there are code enforcement violations issued to the property owner within the previous 12 months; and there are outstanding liens on the property, among other criteria. The County must notify the property owner, who may appeal within 30 days.

A property with a structure that has been designated as vacant and unfit for habitation or other authorized use may be taxed at \$10.00 per \$100.00 of assessed value. One-half of the revenue shall be directed to the Neglected Property Community Fund, which was established via Bill 43-21, and one-half of the revenue shall be directed to the Housing Opportunities Fund, which was

established via Bill 4-23. The Department advised that there are currently 435 registered vacant properties, with 31 deemed unfit for habitation or other authorized use; the Department further advised that based on the assessed value of the 31 properties, the current fiscal impact of the legislation is estimated to be a \$700,272 revenue increase. The Department also advised that administrative costs associated with implementing the tax are to be determined.

The vacant structure tax shall be removed if the Department of Permits, Approvals and Inspections determines that the structure has been razed, redeveloped, or made fit for habitation or other authorized use within six months of receiving the vacant structure tax. Failure to pay the vacant structure tax or make the structure fit for habitation or another authorized use within six months shall result in a lien being placed on the property.

As required under State law, the County shall annually report to the Maryland Department of Housing and Community Development and the General Assembly on: the special tax rate for vacant and unfit structures; the number of properties to which the special rate applies; the revenue change resulting from the special rate; the use of the revenue from the special rate; and whether properties subject to the special rate are viable for adaptive reuse under State law and any plans to convert viable properties.

With the affirmative vote of five members of the County Council, Bill 63-24 will take effect July 1, 2025.

## Executive Summary

During the 2024 legislative session the Maryland General Assembly passed House Bill 2, allowing local jurisdictions to establish a subclass and set a special rate for vacant and abandoned property. Under state law, a vacant structure tax may be imposed on vacant lots or improved property cited as vacant and unfit for habitation or other authorized use on a housing or building violation notice.

The Vacant Structure Tax is intended to serve as a tool to improve quality of life by addressing blighted properties and incentivizing rehabilitation of vacant structures. In accordance with state law, the tax may only be applied to vacant structures that have been cited as both vacant and unfit for habitation or other authorized use.

A vacant structure that meets the conditions of this section may be taxed at \$10.00 per \$100 of assessed value. One-half of the revenue shall be directed to the Neglected Property Community Fund, and one-half of the revenue shall be directed to the Housing Opportunities Fund.

The Vacant Structure Tax shall be removed if the Department of Permits, Approvals, and Inspections determines that the structure has been razed, redeveloped, or made fit for habitation or other authorized use within six months of receiving the Vacant Structure Tax. Failure to pay the Vacant Structure Tax or meet the conditions of § 11-4-607(a) within six months shall result in a lien being placed on the property.

The County's process for designating a property as vacant is established in Article 35, Subtitle 5 – Vacant Structures. Under County law, the County may designate as vacant a structure that has past due utility notices or disconnected utilities to the property; accumulated mail, litter or debris; physical damage, decay, dilapidation or other deferred maintenance; a history as an object of vandalism, loitering, or criminal conduct; code enforcement violations issued to the property owner within the previous 12 months; and outstanding liens on the property, among other criteria. The County must notify the property owner, who may appeal within 30 days.

Prepared by: Department of Permits, Approvals and Inspections

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Mr. Patoka (By Req.)

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Department of Health & Human Services

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**Penalties and Enforcement for Distribution of Tobacco Products and  
Electronic Smoking Devices to Persons Under 21**

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Bill 64-24 updates the County Code sections regarding distribution of tobacco products and electronic smoking devices to comply with federal law prohibiting such distribution to persons under the age of 21. Under Article 13, Title 12 of the Baltimore County Code, the County regulates the distribution of tobacco products and electronic smoking devices. However, multiple provisions contained in this title are in conflict with State and federal law. See Exhibit A.

Currently, under County, State, and federal law, it is illegal to sell tobacco products—including cigarettes, cigars, and e-cigarettes—to anyone under 21. Also, retailers are required to verify by means of government-issued identification containing the bearer's date of birth that each person purchasing a tobacco product or tobacco paraphernalia is at least 21 years of age.

However, the County Code currently contains an exception that allows for retailers to sell tobacco to an active-duty member of the military who is 18-20 years old. Retailers can fulfill the verification requirement if the government-issued identification shows the purchaser is at least 18 years old and an active-duty military member. These provisions conflict with federal law, referred to as Tobacco 21, which eliminated the military exemption. Bill 64-24 eliminates these active-duty military exceptions. Also, County law states that no age verification is required for any person over the age of 27. Bill 64-24 raises this standard to 30 years of age, consistent with State law.

Finally, Bill 64-24 aligns the County's civil penalty structure with the State's. Currently, the owner of a retailer who violates the distribution provisions of County law in any calendar year is subject to a civil penalty as follows: \$500 for a first violation; \$1,000 for a second violation; and \$1,500 or suspension of all tobacco sales for one month or both for a third or subsequent violation. Bill 64-24 would require that an owner who violates the distribution provisions in any two-year period is subject to a civil penalty as follows: \$ 500 for a first violation; \$1,000 for a second violation; and \$3,000 or suspension of all tobacco sales for one month or both for a third or subsequent violation.



In addition, currently, the owner of a retailer who violates the product placement and identification check provisions in any calendar year is subject to a correction notice for a first violation and thereafter a civil penalty; Bill 64-24 changes “calendar year” to “two-year period.”

The Department advised that there is minimal fiscal impact associated with Bill 64-24.

With the affirmative vote of five members of the County Council, Bill 64-24 will take effect 45 days after its enactment.

## **Executive Summary**

Under Article 13, Title 12 of the Baltimore County Code, Baltimore County Government regulates the distribution of tobacco products and electronic smoking devices to persons under 21. However, multiple provisions contained in this title are in conflict with state and federal law. This legislation is intended to align components of the County Code with state and federal standards.

Under County, state, and federal law, it is illegal to sell tobacco products—including cigarettes, cigars, and e-cigarettes—to anyone under 21. §13-12-103 of the County Code currently allows for retailers to sell tobacco to an active-duty member of the military who is 18-20 years old. However, this provision conflicts with federal law referred to as Tobacco 21, which eliminated the military exemption. The Administration's proposed legislation would align the County code with federal law.

Under §13-12-103.1 of the County Code, retailers are required to verify by means of government issued identification containing the bearer's date of birth that each person purchasing a tobacco product or tobacco paraphernalia is at least 21 years of age. However, under §13-12-103.1(B), this verification is not required for persons over 27. The Administration's proposed legislation would raise this standard to 30 years of age, consistent with state law.

Finally, the Administration's proposed legislation would align the County's civil penalty structure with the State's. Currently, under §13-12-105, the owner of a retailer who violates the distribution provisions of §13-12-103 in any calendar year is subject to a civil penalty as follows: \$500 for a first violation; \$1,000 for a second violation; and \$1,500 or suspension of all tobacco sales for one month or both for a third or subsequent violation. The proposed legislation would require that an owner who violates the distribution provisions in any two year period is subject to a civil penalty as follows: \$500 for a first violation; \$1,000 for a second violation; and \$3,000 or suspension of all tobacco sales for one month or both for a third or subsequent violation.

Prepared by: Department of Health and Human Services

**Mr. Patoka (By Req.)**

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**Office of Human Resources**

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**The Creation of the Position of Labor Commissioner**

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Bill 65-24 amends the County’s executive compensation plan to add the position of Labor Commissioner to the exempt service of the County. See Exhibit A.

The Administration advised that the Labor Commissioner shall be located within the Administrative Office. The Labor Commissioner shall be responsible for administering the County’s Labor Relations program in conformance with federal and State laws and applicable County rules and policies and shall assist with oversight of the daily functions performed. The position will negotiate collective bargaining agreements with all six County unions with employee representatives of each union group and act as Hearing Officer for the final internal step in the employee grievance procedures. The position’s pay ranges from a minimum of \$147,900 to a maximum of \$221,850. The Office of Budget and Finance advised that establishing this position does not have a material impact on the Employees’ Retirement System. The County Code previously established the position of Labor Commissioner, but it was eliminated in 2011 with the enactment of Bill 123-10.

With the affirmative vote of five members of the County Council, Bill 65-24 will take effect 45 days after its enactment.

Executive Summary

The Administration is proposing legislation to establish the position of Labor Commissioner within the exempt service of the county. Located within the Administrative Office, the Labor Commissioner shall be administering the County's Labor Relations program in conformance with Federal and State laws and applicable County rules and policies and assists with oversight of the daily functions performed. The position will negotiate collective bargaining agreements with all six County unions with employee representatives of each union group and act as Hearing Officer for final internal step in the employee grievance procedures. The position's pay ranges from a minimum of \$147,900 to a maximum of \$221,850.

Prepared by: Office of Human Resources

Mr. Patoka (By Req.)

Department of Recreation and Parks

Recreation Council Donations

The Administration is requesting a supplemental appropriation of private funds totaling \$18,840 from the now-defunct Police Athletic League Board of Directors to the Recreation Council Donations Gifts and Grants Fund program. The Department advised that the funds will continue to be used to provide educational, cultural, and athletic experiences for children who may otherwise not have such opportunities. See Exhibit A.

Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State	--	--	--
Federal	--	--	--
Other <sup>(1)</sup>	\$ 18,840	\$ 125,000	\$ 143,840
<b>Total</b>	<b>\$ 18,840</b>	<b>\$ 125,000</b>	<b>\$ 143,840</b>

<sup>(1)</sup> Police Athletic League (PAL) Board of Directors funds. No County matching funds are required.

Analysis

In FY 2024, the Department reorganized the County’s Police Athletic League (PAL) Centers to Recreation Activity Centers (RACs) in order to provide recreational, social, and wellness opportunities to a wider range of people in the communities, including programming and space for all ages. The Department advised that the PAL Board of Directors has decided to dissolve at this time and donate the funds comprising the \$18,840 supplemental appropriation. These funds were previously raised by the Board of Directors to provide educational, cultural, and athletic

experiences for children who may otherwise not have such opportunities; the Department advised that it will continue to use the funds for similar purposes, including field trips and supplies.

The Department advised that no County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 66-24 will take effect September 29, 2024.

## **Executive Summary**

A supplementary budget appropriation in the amount of \$18,840.06 is needed to enable Baltimore County Recreation and Parks to utilize a donation from the now defunct Police Athletic League (PAL) Board of Directors. In the past, under PAL, the Board of Directors raised funds to enhance the experiences of the children by attending educational, cultural and athletic events that would otherwise not be possible. This included cost of tickets, transportation to and from these events, and other program supplies. Now that the PAL Board of Directors has been dissolved, this donation is to continue to use these funds for these purposes with remaining funds.

Prepared by: Department of Recreation and Parks

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Mr. Ertel

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### Rental Housing Licenses – Short-Term Rental Lease

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Bill 68-24 establishes a license requirement for the operation of a short-term rental in Baltimore County. The bill also defines several terms and sets specific operational and building requirements for a short-term rental. The bill also requires short-term rentals to pay the County's transient occupancy tax.

#### Definitions

Bill 68-24 defines a "short-term rental" ("STR") as a residential dwelling unit that may be leased for occupancy through a hosting platform in exchange for rent or monetary compensation for a period of no more than 30 consecutive days, and includes a sleeping accommodation. However, this term does not include a bed-and-breakfast inn, a hotel, or a motel, as those terms are defined in the County Code and the Baltimore County Zoning Regulations. An STR is subject to the transient occupancy tax under Article 11, Subtitle 4, Title 4 of the County Code and shall comply with all applicable requirements.

The bill defines a "host" as the owner of an STR, or the owner's authorized agent. A "hosting platform" is an internet-based entity that facilitates reservations and booking transactions for an STR, and a "booking transaction" is a reservation transaction between a host and a prospective guest for an STR. A "guest" means an individual, including a child or adult, who occupies an STR through a booking transaction. Last, "rent" is defined as charges for services and booking transactions, excluding taxes or government-issued fines, in exchange for occupancy of an STR.

#### License Application and Renewal

A host may not advertise an STR on a hosting platform, accept a booking transaction, or rent an STR to a guest unless the host has been issued a license for the STR by the Director of the Department of Permits, Approvals and Inspections (the "Director"). A license may not be issued for an accessory dwelling unit or a dwelling or unit that has a regular rental license. An STR license is not transferrable to another host for any reason, including the sale of the STR.



A host must submit an application for an STR license to the Director and pay the application fee, which may not be less than \$300. Among other information, the host must provide the following.

- The names and contact information for all persons with ownership of the dwelling, including any agent of the owner responsible for the STR.
- The type or classification of the building in which the STR is located, including whether it is a single-family detached dwelling, single-family attached dwelling, single-family semi-detached dwelling, or other type of dwelling.
- The number of bedrooms in the STR.
- The number and location of all parking spaces intended for guests, including whether each space is: an on or off-street parking space; paved or unpaved; and located in a registered parking area.

In addition to the information required on the application, the building in which an STR is located must meet the minimum requirements for residential structures in the applicable zone and comply with the Fire Prevention Code of Baltimore County for lodging or rooming houses. Also, an STR must have at least 2 doors with direct exterior access. All bedrooms in an STR must: be at least 100 square feet; comply with all applicable livability, building, and fire prevention codes for a bedroom; and may not be located in a basement or other below ground area unless it has a door with direct exterior access.

In evaluating an application or renewal of an STR license, the Director has the sole discretion to determine: whether a particular dwelling may constitute an STR; the number of bedrooms in the STR that may be advertised on a hosting platform; and the number and location of all parking spaces available to a guest.

An STR license expires on the third anniversary of its effective date. Before a license expires, a host may renew it for an additional 3-year term if: the host and the STR are otherwise entitled to be licensed; the host pays to the Director the renewal fee (which may not be less than \$300); and the host submits to the Director a renewal application.

### Inspections

The host, as a condition precedent to the issuance or renewal of a license, shall permit the County to enter and inspect the STR, in its discretion, to verify compliance with all applicable requirements. The County may conduct such an inspection at any time during the term of the license, provided the County has given notice of the inspection to the host 24 hours in advance

and the inspection occurs during normal business hours. Also, prior to the issuance or renewal of an STR license, the Director may require an inspection by Code Enforcement or the Fire Marshal to verify compliance with applicable building or operational requirements.

### STR and Host Limitations

Bill 68-24 establishes several limitations for licensed STRs. An STR may not be rented for more than 30 consecutive days by the same guest. The maximum number of guests that may occupy an STR at any given time shall be limited by: the number of bedrooms in the STR; the number of provided parking spaces; and if applicable, the capacity of the septic system that serves the STR. Specifically, an STR may host no more than 2 guests per bedroom; provide a minimum of one parking space per 2 guests; and (if applicable) may not host more guests than the maximum capacity of the individual sewage disposal system. Regardless of whether more guests may be permitted under those factors, the maximum number of simultaneous guests is 8 in a single-family detached dwelling and 6 in a single-family attached or single-family semi-detached dwelling.

Additionally, a host may not advertise an STR as a private or public event space or as having more parking than the number of parking spaces available, as established by the Director. A host may not advertise an STR for rent at all if there are overdue taxes or fines due to the County.

### Host Requirements and Recordkeeping

The host of an STR must at all times ensure the following:

- One or more guests is at least 21 years old;
- The use of the STR abides by Article 13 of the County Code and any other applicable County law or regulation;
- The STR complies with a waste collection schedule; and
- The host or a representative of the host is available to respond to calls from emergency services and government agencies and to be onsite within 60 minutes.

The host shall include the rental license number in any advertisement or listing on a hosting platform for the STR, and display within the unit that it is registered with the Department. Also, the host shall provide the Department with a list of the names of all hosting platforms that the host uses for an STR and shall update the Department within 10 days after any additions or deletions to the list. Last, the host shall retain electronic records of guests for 3 years and provide such records to the County upon written request.

License Suspension or Revocation

The Director may deny a license to a host or suspend or revoke a license if the host:

- Fraudulently or deceptively obtains or attempts to obtain a license for the host or for another person;
- Fraudulently or deceptively uses a license;
- Violates the requirements in Bill 68-24 or an applicable regulation;
- Violates Title 4 or Title 7 of Article 13 of the County Code;
- Fails to correct a final order issued under Article 3, Title 6 of the Code;
- Fails to comply with any of the requirements of § 35-6-106 or any of the requirements of Title 3, Subtitle 4, or Title 5 of Article 35 of the County Code; or
- Fails to levy, collect, remit, or otherwise comply with the transient occupancy tax requirements under Article 11, Subtitle 4, Title 4 of the County Code or an applicable regulation.

A host shall have the right to appeal all decisions under this section to the Office of Administrative Hearings.

A person or host who advertises an STR on a hosting platform, accepts a booking transaction, or rents an STR to a guest without a license is subject to a civil penalty of \$1,000. Each day of a violation constitutes a separate offense. The remedies available to the County and the Director under this subtitle are cumulative and not exclusive.

The Department and the Office of Budget and Finance may adopt regulations, in accordance with Article 3, Title 7 of the County Code, to carry out the provisions in Bill 68-24.

The Department advised that there is minimal fiscal impact associated with Bill 68-24.

With the affirmative vote of five members of the County Council, Bill 68-24 will take effect 14 days after its enactment, and hosts who operated an STR prior to the effective date of this Act shall have 180 days to come into compliance.

**Mr. Patoka**

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**Zoning Regs. - Uses Permitted in the Residential-Office (R-O) Zone – Uses in the Pikesville Design Review Area**

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Bill 69-24 permits several additional by-right uses and one additional special exception use in the Residential Office (R-O) Zone, if located along Church Lane in the Pikesville Design Review Area. Specifically, the bill permits the following additional by-right uses:

- personal service establishments, including barber shops and beauty shops, with accessory retail sales;
- accessory showroom and sales, including accessory storage; and
- accessory day and overnight parking for passenger or business vehicles, including cars, vans, and pick-up trucks, subject to reasonable screening with landscaping or fencing from a public street or abutting residentially zoned property.

The bill also permits the expansion, renovation, or reconstruction of a class A or class B office building by special exception, if located along Church Lane in the Pikesville Design Review Area. However, this use must have an approved County Review Group plan prior to the granting of a special exception.

With the affirmative vote of five members of the County Council, Bill 69-24 will take effect 14 days after its enactment.

Bill 70-24

Council District(s) All

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**Mr. Young**

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**Bill 47-24 – Repeal of Redistricting and School Board Sections**

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Bill 70-24 repeals several uncodified sections of Bill 47-24 that implemented a councilmanic redistricting map and required a written notification be sent by the County Executive and Council to the County's General Assembly delegation regarding the County School Board. As stated in Bill 47-24, the effectiveness of the redistricting map and the notification requirement are both contingent upon the approval of the 2024 ballot question amending the County Charter to increase the number of Councilmembers and Council districts.

Bill 47-24

As enacted, Bill 47-24 had nine sections. The first two sections are "codified," meaning they amend a section of the County Charter or County Code. The remaining seven sections are "uncodified," meaning they have the same force of law, but do not specifically amend a section of the Charter or Code. A description of each section in Bill 47-24 is as follows.

- **Section 1** – Amend Charter Sections 201, 204, 206, and 207 (all regarding the Council size and Council districts);
- **Section 2** – Amend Charter Sections 522 (Planning Board membership), 601 (Board of Appeals membership), and 1201 (Charter termination) for consistency with the increase in Council size in Section 1;
- **Section 3** – Revise and reconstitute the Council districts into nine districts, stated in terms of election districts and precincts (i.e., the redistricting plan);
- **Section 4** – Attach and incorporate a map and population summary of the nine districts, as stated in the redistricting plan, as Exhibits A and B;
- **Section 5** – Require the County Executive and Council to send written notification to Baltimore County's General Assembly delegation 30 days after the 2024 election regarding the composition of the County School Board;
- **Section 6** – Require that a ballot question regarding Sections 1 and 2 be submitted to the voters of Baltimore County at the 2024 election;

- **Section 7** – Upon the approval of the 2024 ballot question, set the effective date for Section 1 as 30 days after the 2024 election and the effective date for Section 2 as 30 days after the 2026 general election;
- **Section 8** – States that Sections 3, 4, and 5 are contingent on the passage of Sections 1 and 2 and approval of the 2024 ballot question (meaning if passage and ratification does not occur, Sections 3, 4, and 5 will be null and void with no further action required by the Council); and
- **Section 9** – Subject to Section 8, sets the effective date for Sections 3, 4, and 5 as 30 days after the 2024 election and applicable to the 2026 election.

#### Bill 70-24

Bill 70-24 repeals Sections 3, 4, 5, 8, and 9 of Bill 47-24 as described above. The bill also repeals Exhibits A and B attached to Bill 47-24. Last, the bill re-numbers Sections 6 and 7 to be Sections 3 and 4.

Bill 70-24 will take effect 45 days after its enactment unless it is passed by the affirmative vote of at least five members of the County Council, in which case Bill 70-24 shall take effect on October 21, 2024.

Bill 71-24

Council District(s) All

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**Councilmembers Young & Ertel**

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**Boards, Commissions, Panels, and Foundations – Standardization of Member Compensation and Expense Reimbursement**

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Bill 71-24 updates and standardizes the compensation and expense reimbursement rules for members of most Baltimore County boards, commissions, committees, panels, and foundations (generally “boards and commissions”).

Baltimore County currently has over 50 boards and commissions with over 600 individual appointments. These boards and commissions cover a wide range of topics, including: environmental protection; adult guardianship; arts and sciences; plumbing and gasfitting; human relations; police accountability; animal welfare; and veterans’ affairs.

Generally, boards and commissions are “standing” bodies, meaning they are intended to be permanent and were not established only to produce a report and recommendations or for another temporary purpose, such as a work group or task force. Boards and commissions are generally established under one or more of the following authorities:

- State authorities, meaning the Maryland Code, legislation enacted by the General Assembly, or an executive order of the Governor;
- The County Charter;
- The County Code; or
- An executive order of the County Executive.

Of the County’s over 50 boards and commissions, 28 are governed by or established in Article 3, Title 3 of the County Code. Each subtitle in Title 3 sets forth the provisions for a particular board or commission. These provisions generally cover the same topics, including the number of members and their appointment process; term lengths and, if applicable, term limits; mandatory and discretionary powers and duties; frequency of meetings; quorum and rules of procedure for meetings; selection of a chair and vice-chair; filling a vacancy; and staffing by an agency or department. While many boards and commissions in Article 3, Title 3 contain some individualized provisions, most of these provisions are broadly similar, with small variations in wording. This is

most common with provisions detailing procedure and is least common with rules regarding membership size, qualifications, and appointment.

The category in which the variations in Article 3, Title 3 have made the most negative impact is member compensation and reimbursement for expenses. Of the 28 boards and commissions: 8 make no mention of either compensation or reimbursement; 10 use the same language to bar compensation but permit reimbursement; 3 use non-standard language for barring compensation (meaning each one uses a different wording), of which, 1 does not mention reimbursement; 3 permit compensation and reimbursement of members generally; 3 permit compensation for the members and separate compensation for the chair; and 1 bars both compensation and reimbursement.

Bill 71-24 seeks to standardize the provisions for compensation and reimbursement across all boards and commissions in Article 3, Title 3. First, the bill amends Subtitle 1 of Article 3, Title 3 to clarify that all provisions that are generally applicable to all boards and commissions should be stated there (this does not affect the current removal provisions in Subtitle 1, which remain applicable to all Article 3, Title 3 boards and commissions).

Next, the bill sets forth a new section in Subtitle 1 that states that, unless specifically listed in that section, no member of a board or commission may receive compensation for their service as a member, but is entitled to reimbursement for expenses necessarily incurred, if approved by the body to which the member is appointed and provided for in the County operating budget. This will entitle all members of boards and commissions to reimbursement for expenses necessarily incurred, including members of boards or commissions that, under current law, either have no express authorization for reimbursement or expressly bar reimbursement (such as the Commission on Veterans' Affairs).

The section then sets forth a list of boards and commissions whose members may receive compensation from time to time as specified in Article 3, Title 3 or the County's executive compensation plan in § 4-6-101 of the Code. Only boards and commissions whose members are entitled to compensation under current law are included in the list. Under this update, for the members of a board or commission to begin receiving compensation, the board or commission must be added to the list and the compensation amount specified in the executive compensation plan § 4-6-101 of the County Code.



Finally, the bill repeals all compensation or reimbursement provisions in Article 3, Title 3 outside of Subtitle 1, except for a unique provision for the Plumbing and Gasfitting Board that mandates that their compensation and reimbursement be paid from the fees for examinations and certificates.

The fiscal impact of Bill 71-24 is dependent upon future compensation decisions but according to County Council staff is expected to be minimal.

With the affirmative vote of a majority of the County Council, Bill 71-24 will take effect 45 days after its enactment.

**Mr. Jones**

**Amendments to Development Plans – Limited Exemptions**

Bill 72-24 clarifies the conditions under which an amendment to an approved development plan or plat may be eligible for an exemption. The bill also updates certain outdated definitions and processes regarding the evaluation of material amendments to an approved development plan or plat.

The County Code exempts several categories of development from two requirements of the County’s full development process – the community input meeting and the Hearing Officer’s hearing. Examples of these exempt development categories include lot line adjustments, a subdivision of a farm tract into two lots, and subdivisions based on an approved development plan for a planned office or industrial park. Bill 72-24 clarifies a particular category of exempted development and the process for receiving a limited exemption for that category.

Currently, an amendment to an approved development plan or plat that does not materially alter the proposed development is exempt. However, the current meaning of a “material amendment” is not fully defined. The Code merely states that a material amendment is any amendment to an approved development plan or plat that results in an increase in residential density or increase in the number of buildable residential lots. However, density is only one factor in an evaluation for materiality, not a standard unto itself. The bill clarifies the standard for materiality by adding that an amendment that alters the essential elements and functional performance of an approved development plan or plat is also a material amendment. An amendment that is material may qualify for an exemption upon a determination by the Director of the Department of Permits, Approvals and Inspections (the “Director”, “PAI”), supported by findings submitted to the Director.

The bill also updates the process for evaluating whether an amendment to an approved development plan should receive an exemption. In general, to receive a limited exemption, an applicant must file an application with PAI. Upon receipt of the application, the Director must review the application and supporting documentation, and receive input from relevant County

agencies that review and approve development. The Director must then convene an open meeting with County agency representatives to consider the application and receive recommendations as to whether the application qualifies for a limited exemption.

The open meeting to consider an application for a limited exemption under Bill 72-24 must be held between the 30th and 60th day after receipt of the application. Within seven days of receiving the application, PAI must conspicuously post a sign on the property that is the subject of the application with notice of the open meeting, which must remain posted for a period of at least 14 consecutive days and at least 7 days before the date of the open meeting. The sign must measure at least 24 inches by 36 inches in size and be placed within view of a public road where possible. Specifically, the notice on the sign must state:

- The address of the property that is the subject of the application or, if not available, a description of the property;
- The specific subsection and paragraph under which the limited exemption is requested by the application; and
- The date, time, and place of the open meeting to consider the application.

After the open meeting, the Director may determine the material amendment qualifies for the limited exemption if that determination is supported by findings submitted to the Director that, regardless of whether the amendment increases the residential density or number of buildable units, the amendment does not alter the essential elements and functional performance of an approved development plan or plat.

If the Director determines that the material amendment does alter the essential elements and functional performance of an approved development plan or plat, the amendment is reviewed and approved either: (a) in the same manner as the original plan if the plan is non-residential; or (b) under current law, if the plan is residential. The bill also updates this process to reflect the current law that this process does not apply to an amendment to a PUD. The bill also clarifies that for both residential and non-residential plans, if the Director determines a public hearing is required, the Administrative Law Judge shall act as Hearing Officer, County Review Group, or the Joint Subdivision Planning Committee, as applicable.

With the affirmative vote of five members of the County Council, Bill 72-24 will take effect 14 days after its enactment.

**Bill 74-24**

**Council District(s) All**

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**Mr. Marks**

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**Zoning Regs. – Uses Permitted in the Manufacturing, Light (M.L.) Zone - School**

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Bill 74-24 expands the permitted use of schools, including business or trade schools, in the Manufacturing, Light (M.L.) Zone.

Currently, schools, including business or trade schools, are only permitted in the M.L. Zone as an auxiliary retail or service use or semi-industrial use, which must be located in a planned industrial park at least 25 acres in net area, in an Industrial, Major (I.M.) District, or in combination of an Automotive Service (A.S.) and I.M. District. The bill removes these restrictions, permitting schools, including business or trade schools, generally in the M.L. Zone as a transportation, storage, or quasi-public use or utility.

With the affirmative vote of five members of the County Council, Bill 74-24 will take effect 14 days after its enactment.

**FM-1 (Contract)**

**Council District(s) 3**

**Police Department**

**Maintenance – Police Outdoor Firing Range**

The Administration is requesting approval of a contract with Metals Treatment Technologies, LLC to provide for the complete removal and disposal of accumulated lead remnants (bullets and lead waste residue) at the Police Department’s outdoor firing range. 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 180 days. The contract provides that compensation may not exceed the amount appropriated for these services for the entire contract term. Property Management advised that estimated compensation totals \$646,301 for the entire 5-year and 6-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Total Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 646,301	<sup>(1)</sup> General Fund Operating Budget and/or Capital Projects Fund. <sup>(2)</sup> Estimate for the entire 5-year and 6-month term.
<b>State</b>	--	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	\$ 646,301 <sup>(2)</sup>	

**Analysis**

The contractor will provide all labor, materials, supervision, equipment, services, incidentals, and related items necessary for maintenance of the Police Department’s outdoor firing range in Timonium. Services will include the complete removal and disposal of accumulated lead remnants (excavating, screening, treating, backfilling, and grading work) on an annual basis and a general surface cleanup (sweeping dirt and raking depressions) on a weekly or as-needed

basis; the frequency of the abatement services shall be directed by the Firearms Range Supervisor or designee. Hourly labor rates range from \$128 to \$202.50, depending on the worker's skill level (apprentice or skilled mechanic) and time status (regular or overtime). Lead abatement will be billed at \$213.43 per cubic yard of material. The mark-up on materials and rental equipment is 20%. The rate for inspection and maintenance of a new system that removes stormwater pollutants is \$5,513. Additional charges apply for waste disposal, sampling and testing, and furnishment and placement of fill material.

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 180 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. Property Management advised that estimated compensation totals \$646,301 for the entire 5-year and 6-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 two bids received. According to the bid documents, there is not an M/WBE participation requirement.

On September 3, 2019, the Council approved a similar 5-year and 3-month contract (effective June 1, 2019) not to exceed \$532,000 with Metals Treatment Technologies, LLC dba MT2, LLC. The County's financial system indicates that as of August 26, 2024, \$270,798 has been expended/encumbered under the contract; the contract expired August 29, 2024. Property Management advised that it does not anticipate the contractor providing services between the expiration of the prior contract and the Council's consideration of the proposed 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 Metals Treatment Technologies, LLC to provide maintenance of the Baltimore County Police Outdoor Firing Range, for the complete removal and disposal of bullets and lead waste residue from the earthen berm at the outdoor shooting range. Total abatement maintenance shall be performed annually with additional weekly cleanup around the berm or as needed maintenance. Metals Treatment Technologies will continue to perform berm maintenance in compliance with EPA lead handling guidelines, as this contract replaces the existing service with the same vendor.

In no event shall the total compensation paid to the Contractor exceed the sum of the County Council approved appropriated amount during the entire term of this Agreement including renewals thereof. The Agreement shall be effective when it has been properly signed by all parties and when executed by the County through one (1) year (the "Initial Term"). The County reserves the right to 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 180 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-2 (Contract)

Council District(s) All

**Department of Corrections**

**Repair Services – Kitchen Equipment**

The Administration is requesting approval of a contract with The Electric Motor Repair Company to provide preventative maintenance and repair services for kitchen equipment at various County agency locations (primarily at the Department of Corrections). 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 180 days. The contract provides that compensation may not exceed \$797,834 for the entire 5-year and 6-month term, including the renewal and extension periods. See Exhibit A.

**Fiscal Summary**

<b>Funding Source</b>	<b>Maximum Compensation</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 797,834	<sup>(1)</sup> General Fund Operating Budget. <sup>(2)</sup> For the entire 5-year and 6-month term.
<b>State</b>	--	
<b>Federal</b>	--	
<b>Other</b>	--	
<b>Total</b>	<u>\$ 797,834</u> <sup>(2)</sup>	

**Analysis**

The contractor will provide all labor, materials, tools, equipment, and supervision to repair kitchen equipment at various County agency locations (primarily at the Department of Corrections), as well as provide quarterly preventative maintenance for the Department of Corrections’ kitchen equipment. The Department provides three meals per day with continuous use of its kitchen equipment located at the Baltimore County Detention Center and Annex (Kenilworth Drive) and the jail expansion (Bosley Avenue). The hourly labor rate for repairs is \$195 for regular time and

\$292.50 for overtime, and the rate for quarterly preventative maintenance services is \$4,624 per inspection for the Detention Center kitchen equipment collectively. The mark-up on materials is 60%.

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 180 days on the same terms and conditions, unless the County provides notice of non-renewal. The contract provides that compensation may not exceed \$797,834 for the entire 5-year and 6-month term, including the renewal and extension periods. The Department advised that the maximum compensation amount includes a 10% contingency.

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 two proposals received; the Department advised that the other bid was deemed non-responsive. The Department advised that there is not an M/WBE participation requirement.

On September 16, 2019, the Council approved a similar 5-year and 3-month contract with The Electric Motor Repair Company (effective July 1, 2019) not to exceed \$210,000. On July 5, 2022, the Council approved an amendment to the contract, increasing the maximum compensation by \$216,224 to \$426,224 for the entire 5-year and 3-month term. The Department advised that as of September 5, 2024, the County has expended/encumbered \$435,903 under the contract, and it anticipates the County will continue to incur additional costs through the Council's consideration of the proposed contract on September 16, 2024. The Department further advised that an accounting error occurred during the County's transition to the Workday financial system, resulting in requisition and purchase order amounts exceeding the contract amount.

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...." As previously mentioned, due to the accounting error, the County effectively amended the current contract to increase its maximum

compensation without seeking Council approval to do so; accordingly, this situation constitutes a violation of the aforementioned section of the County Charter.

## Executive Summary

Department of Corrections is requesting approval of a supplier contract with The Electric Motor Company. The proposed contract includes an initial term of one year with four one-year renewal options, Not to Exceed \$797,834.00. The Contractor shall furnish quarterly inspections, preventative maintenance, mechanic labor (regular and overtime) and materials, tools, equipment and supervision necessary to perform kitchen equipment repairs at various county locations.

Prepared by: Department of Corrections

Office of Budget and Finance

Compliance Services – Labor Compliance Program

The Administration is requesting approval of an amendment to a contract with Contractor Compliance and Monitoring, Inc. (CCMI) to continue to provide labor compliance program (prevailing wage) consulting services. The proposed amendment, which commences upon Council approval, removes the existing compensation cap of \$190,000 and limits compensation to the amount appropriated for these services for the entire contract term. The Office advised that estimated compensation totals \$525,000 for the entire approximate 2-year and 2-month term, including the renewal and extension periods (an increase of \$335,000). The contract commenced August 7, 2023. See Exhibit A.

Fiscal Summary

Funding Source	Current Maximum Compensation	Amended Estimated Compensation
County <sup>(1)</sup>	\$ 190,000	\$ 525,000
State	--	--
Federal	--	--
Other	--	--
<b>Total</b>	<b>\$ 190,000</b>	<b>\$ 525,000</b> <sup>(2)</sup>

<sup>(1)</sup> Capital Projects Fund.

<sup>(2)</sup> For the entire approximate 2-year and 2-month term.

Analysis

On November 2, 2020, the Council approved Bill 102-20 (effective July 1, 2021), which stipulated new requirements for County capital improvement contracts valued at more than \$300,000 and County-subsidized capital contracts receiving assistance over \$5 million. Specifically, the legislation required that all contractors and subcontractors pay the construction employees for such contracts no less than the prevailing wage in the County. "Prevailing wage" is the basic

hourly and fringe benefit rates paid for comparable work in the private sector within the County. Prevailing wage rates are calculated annually by the State Commission of Labor and Industry and, in part, based on surveys of construction company employers. The legislation also required the monitoring of contractor compliance.

The contractor will continue to provide comprehensive labor compliance program consultant services including, but not limited to, the monitoring and enforcement of labor compliance for projects subject to the County's prevailing wage law, conducting prevailing wage related trainings, providing telephone and email support to contractors and subcontractors for prevailing wage related inquiries, monitoring of apprenticeship requirements, performing audits of certified or verified payrolls, and drafting associated reports and summaries. The Office advised that the proposed amendment is necessary due to its identification of additional contracts that require monitoring to ensure contractor compliance with applicable prevailing wage and local hiring laws.

The contractor will continue to bill the County at hourly rates ranging from \$85 to \$425, depending on the staffing level (e.g., technician, principal) and service, and a flat fee of \$250 for onsite interviews and preconstruction conferences.

On August 7, 2023, the Council approved the original approximate 2-year and 2-month contract not to exceed \$190,000. The proposed amendment removes the existing compensation cap and limits compensation to the amount appropriated for these services for the entire contract term. The Office advised that estimated compensation totals \$525,000 for the entire approximate 2-year and 2-month term, including the renewal and extension periods (an increase of \$335,000). All other terms and conditions remain the same. The County may terminate the agreement by providing 30 days prior written notice. The County's financial system indicates that as of August 28, 2024, expenditures under the contract totaled \$163,492; however, the Office advised that the total value of services to be provided through the Council's consideration of the proposed contract amendment is approximately \$287,229.

Prior to the commencement of the 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.

The County awarded the contract as a cooperative procurement of an existing competitively-bid 5-year Montgomery County agreement that was awarded June 11, 2020. The Office advised that there is not an M/WBE participation requirement.

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....” As previously mentioned, the value of services provided by CCMI will exceed the contract’s current \$190,000 maximum compensation prior to the Council’s consideration of the proposed contract amendment. Accordingly, this situation constitutes a violation of the aforementioned section of the County Charter.

## **EXECUTIVE SUMMARY**

The Office of Budget and Finance is requesting approval of an Amendment to a contract with Contractor Compliance and Monitoring, Inc. to increase the compensation cap of the Agreement. If approved, the compensation cap will increase from \$190,000.00 to not to exceed the County Council approved appropriation during the entire term of the Agreement, including renewals thereof.

The County Council approved a term Contract with Contractor Compliance and Monitoring, Inc. on August 7, 2023. The Contractor provides comprehensive Labor Compliance Program compliance services, including, but not limited to the monitoring and enforcement of labor compliance for projects subject to the County's Prevailing Wage Law, conducting Prevailing Wage related trainings, providing telephone and email support to Contractors and Subcontractors for Prevailing Wage related inquiries, monitoring of apprenticeship requirements, audits of certified or verified payrolls and drafting of associated reports and summaries.

This contract was awarded as a Cooperative Agreement, pursuant to the competitively solicited Montgomery County Request for Proposal No. 1100437. The term of the Agreement was effective upon approval of the County Council, and continued through June 10, 2024, at which time, the County exercised the one (1) one-year renewal option through June 9, 2025. The Contract was approved by the County Council, not to exceed the sum of \$190,000.00 during the entire term of the Agreement.

Since August 2023, the Office of Budget and Finance has identified thirty-six (36) additional contracts subject to prevailing wage law. These additional contracts require monitoring by the Contractor, to ensure the Contractors are in compliance with all applicable prevailing wage and local hire laws. Baltimore County is unaware of the number of projects that will be added through the term of this Agreement. As a result of monitoring additional contracts, the compensation cap stated in the Agreement is no longer sufficient.

Prepared by: Office of Budget and Finance



**MB-2 (Res. 40-24)**

**Council District(s) 3, 4, & 5**

**Mr. Patoka (By Req.)**

**Department of Planning**

**Applications and Ranking – Maryland Agricultural Land Preservation Foundation  
FY 25-26 Agricultural Easement Cycle**

Resolution 40-24 approves 11 applications for the sale of developmental rights easements on agricultural properties totaling approximately 604.26 acres pursuant to the Maryland Agricultural Land Preservation Foundation (Foundation) FY 2025-2026 easement cycle. The Department advised that due to budget constraints, the State has decided to combine the FY 2025 and FY 2026 cycles rather than approving applications and rankings for a single fiscal year. See Exhibits A and B.

**Fiscal Summary**

This resolution has no immediate fiscal impact to the County since the related purchases of the development rights easements will occur separately at a later date. The Foundation uses State funds and County matching funds to acquire easements on farms and woodlands. The purchases are subject to funding availability and County Council approval.

**Analysis**

The Department of Planning and the Baltimore County Agricultural Land Preservation Advisory Board (the Advisory Board) recommended and ranked the 11 properties (with 15 associated development rights) totaling approximately 604.26 acres in priority order. After the resolution is approved, the Foundation may extend offers to purchase the easements in the order of the ranking and the landowner’s easement offer price, depending upon the availability of State funds and County matching funds, and subject to County Council approval of the purchase. The Foundation

purchases the easements with State and County funds. Agricultural Article §2-511 of the Annotated Code of Maryland establishes minimum and maximum purchase prices for the Foundation easements at 25% and 75% of the fair market value of the land, respectively (unless the owner’s asking price is less than 25% of the fair market value).

The Department advised that due to budget constraints, the State has decided to combine the FY 2025 and FY 2026 cycles rather than approving applications and rankings for a single fiscal year. The Department further advised that the Advisory Board reviewed each property and determined the priority ranking based on factors such as contribution to agricultural economy, land quality, soils, number of development rights, acres of contiguous protected ground, and environmental benefit.

In accordance with Agricultural Article §§2-501 to 2-519 of the Annotated Code of Maryland, the rankings are to remain confidential until the completion of the acquisition cycle. The Department advised that on June 12, 2024, the Advisory Board approved the priority ranking of the following 11 properties, which are located in the 3<sup>rd</sup>, 4<sup>th</sup>, and 5<sup>th</sup> Councilmanic Districts, and are listed in alphabetical order by name of the property owner(s).

Property Owner(s) (Alphabetical Order)	Easement Acreage	Council District
Badders, Timothy & Donna	38.93	3
Burchett, Thomas & Stacy	47.96	3
Font Hill Properties, LLC	81.94	3
Laudenklos, Ernest & Brenda	23.80	5
Pierce, Thomas H.	42.58	3
Radebaugh, John Travis & John Bennett	40.84	3
Rawl, Allen & Elizabeth	36.50	5
Svec, Igor & Robin (North)	59.83	3
Svec, Igor & Robin (South)	33.11	3
Uhler, Eula Mae	127.91	4
Vaartjes, Deborah et al	70.86	3
Total	604.26	

The public hearing for this matter will be held at the Council's work session on September 10, 2024.

The Department advised that as of August 2024, the County has preserved 26,895 acres of farmland through the Maryland Agricultural Land Preservation Program and 71,382 acres through all preservation programs; the County's goal is to protect at least 80% of the prime agricultural and forestlands within the County's Agricultural Priority Preservation Area.

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

**BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PLANNING**

**Stephen Lafferty, Director  
Executive Summary**

**Subject:** Resolution to Approve Applications and Ranking of Applications to the Maryland Agricultural Land Preservation Foundation FY 25-26 Easement Purchase Cycle.

The Department of Planning recommends the approval of 11 applications and the ranking of same on 604 +/- easement acres by landowners to sell an easement to the Maryland Agricultural Land Preservation Foundation (Foundation) FY 25-26 Easement Purchase Cycle. The 11 properties have 15 associated development rights that would be extinguished through the easements.

The Department received and reviewed 11 applications. The Baltimore County Agricultural Land Preservation Advisory Board (Advisory Board) reviewed each farm and analyzed and ranked on factors such as contribution to agricultural economy, quality of the land, soils, number of development rights, acres of contiguous protected ground, environmental benefit and other factors. The Advisory Board voted on June 12, 2024 to recommend the 11 applications.

In accordance with the Agricultural Article Section 2-501 to 2-519 of the Annotated Code of Maryland the ranking is to remain confidential until the completion of the acquisition cycle. Therefore, the Resolution lists the farms in alphabetical order. A public hearing on the applications is required and it is requested that it be held at the County Council Work Session on September 10, 2024.

The following applications are recommended for approval in the ranking order on a separately provided confidential list:

Name: Badders, Timothy & Donna  
Address: 1700 White Hall Rd, White Hall, MD 21161 (Map 27, Parcels 396 & 416)  
Proposed Easement Acreage: 38.925  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Owner Operated/ Cattle

Name: Burchett, Thomas & Stacy  
Address: MD/PA line-off Steltz Rd, Freeland, MD 21053 (Map 1, Parcel 9)  
Proposed Easement Acreage: 47.956  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Owner Operated/ Grain

Name: Font Hill Properties, LLC  
Address: 2324 Butler Rd, Butler, MD 21023 (Map 33, Parcel 6)  
Proposed Easement Acreage: 81.94  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ grain (corn/soy) rotation

Name: Laudenklos, Ernest & Brenda  
Address: New Cut Rd, Kingsville, MD 21087 (Map 54, Parcel 47)  
Proposed Easement Acreage: 23.8  
County Council District: 5th  
Zoning/Tier: RC 2/RC 5/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ grain (corn/soy) rotation

Name: Pierce, Thomas H.  
Address: Black Rock Rd, Upperco, MD 21055 (Map 26, Parcel 21)  
Proposed Easement Acreage: 42.5833  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ grain (corn/soy) rotation

Name: Radebaugh, John Travis & John Bennett  
Address: 21515 Keeney Mill Rd, Freeland, MD 21053 (Map 2, Parcel 47)  
Proposed Easement Acreage: 40.842  
County Council District: 3rd  
Zoning/Tier: RC 2/ RC 8/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ Cattle, Hay, Grain

Name: Rawl, Allen & Elizabeth  
Address: 11314 Reynolds Rd, Kingsville, MD 21087 (Map 64, Parcel 470)  
Proposed Easement Acreage: 36.497  
County Council District: 5th  
Zoning/Tier: RC 5/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Owner operated/ Hay, beekeeping, timber

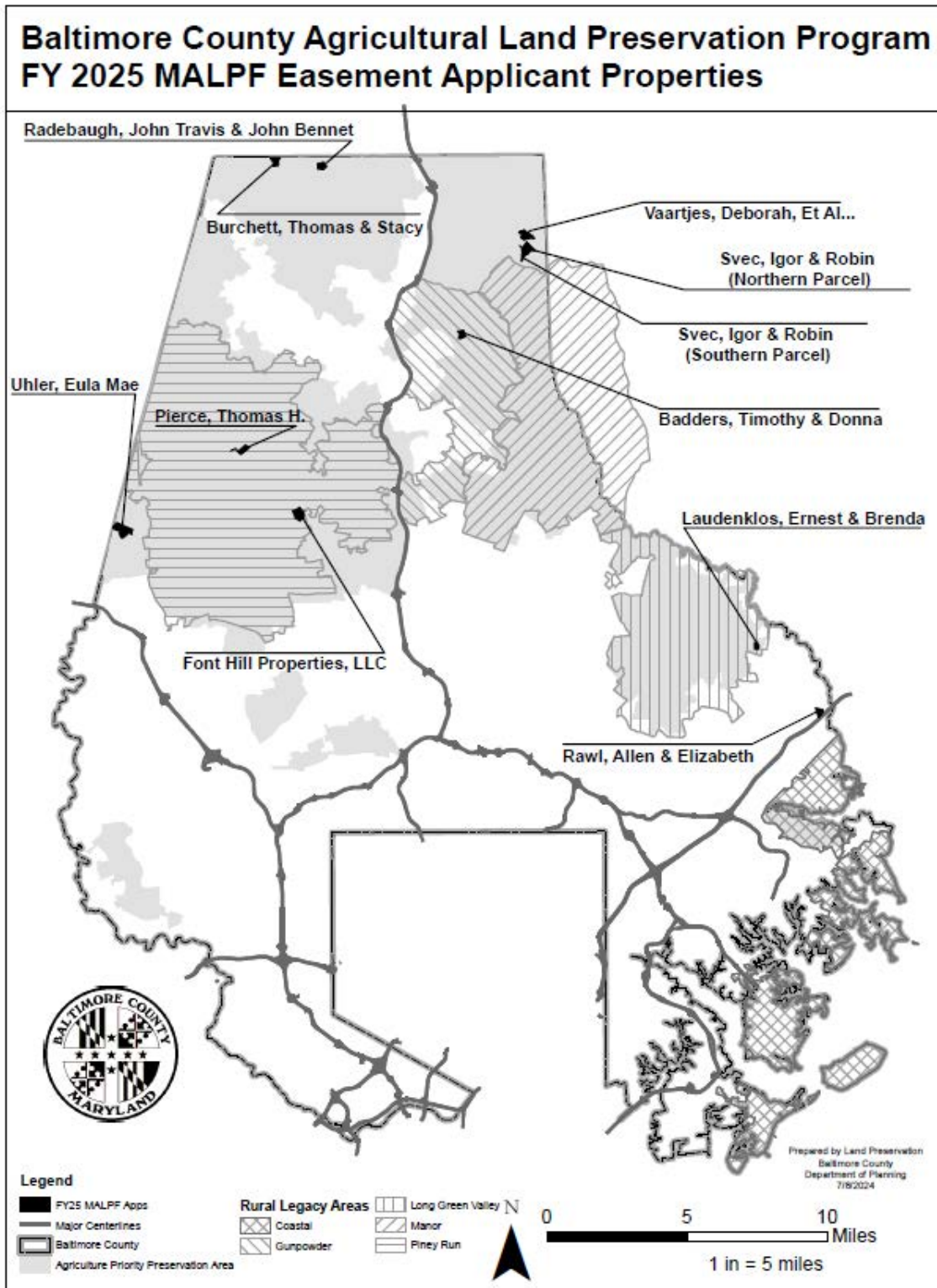
Name: Svec, Igor & Robin (North)  
Address: Openshaw Rd, White Hall, MD 21161 (Map 13, Parcel 16)  
Proposed Easement Acreage: 59.825  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ hay, vegetables

Name: Svec, Igor & Robin (South)  
Address: 2629 Openshaw Rd, White Hall, MD 21161 (Map 13, Parcels 125 & 134)  
Proposed Easement Acreage: 33.11  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ hay, vegetables

Name: Uhler, Eula Mae  
Address: 5900 Emory Road, Upperco, MD 21155 (Map 31, Parcel 34)  
Proposed Easement Acreage: 127.907  
County Council District: 4<sup>th</sup>  
Zoning/Tier: RC 2, RC 8 / Tier 4  
Master Plan Land Management Area: Agricultural Preservation Priority Area  
Farm Ownership/Operation: Leased/ row crops

Name: Vaartjes, Deborah et al  
Address: 2730 Openshaw Rd, White Hall, MD 21161 (Map 8, Parcel 35)  
Proposed Easement Acreage: 70.862  
County Council District: 3rd  
Zoning/Tier: RC 2/ Tier 4  
Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Leased/ row crops

Prepared by: Department of Planning



Prepared by: Department of Planning

MB-3 (Res. 41-24)

Council District(s) 3

Mr. Patoka (By Req.)

Department of Planning

**Approval – Purchase of Development Rights Easements – Maryland Agricultural Land Preservation Foundation FY 24 Easement Cycle**

The Administration is requesting approval of the County’s contribution toward the State’s purchase of 8 development rights easements totaling approximately 503.4 acres through the Maryland Agricultural Land Preservation Foundation FY 2024 easement cycle. The request would provide \$1,007,637 of County matching funds to the State for the purchase of the easements. The combined purchase price of the easements totals \$4,266,651. The 8 properties are located within Agricultural Preservation Priority Areas. See Exhibits A and B.

**Fiscal Summary**

<b>Funding Source</b>	<b>Combined Purchase Price</b>	<b>Notes</b>
<b>County</b> <sup>(1)</sup>	\$ 1,007,637	(1) Capital Projects Fund.
<b>State</b> <sup>(2)</sup>	3,259,014	(2) Maryland Agricultural Land Preservation Foundation.
<b>Federal</b>	--	(3) Total of State-approved purchase prices.
<b>Other</b>	--	
<b>Total</b>	<u>\$ 4,266,651</u> <sup>(3)</sup>	

**Analysis**

On September 18, 2023 (Resolution 29-23), the Council approved 9 recommended easement applications to be submitted to the State for purchase consideration. The Department of Planning



and the Baltimore County Agricultural Land Preservation Advisory Board ranked the 9 properties based on an analysis of the benefits per acre (including soil analysis) and costs per acre. The Department advised that the State made easement purchase offers to 8 of the 9 property owners (Clear Meadow, LLC withdrew their application for a second property prior to offers being extended), and the 8 property owners accepted the offers; all 8 properties are located within designated Agricultural Preservation Priority Areas. .

The Department advised that the easements are held by the Maryland Agricultural Land Preservation Foundation (Foundation); the County and the Baltimore County Land Preservation Advisory Board review landowner requests for approved activities, and the County monitors compliance. The Foundation purchases the easements with the State and County funds. Agricultural Article §2-511 of the Annotated Code of Maryland establishes minimum and maximum purchase prices for the Foundation easements at 25% and 75% of the fair market value of the land, respectively (unless the owner's asking price is less than 25% of the fair market value).

Purchases of easements by the Foundation may be made from the State's general allotment allocation, the State's matching allocation, and the reallocation of any remaining general allotment funds after allocations to all counties have been made. General allotment funds do not require a county contribution; matching fund purchases require a county to contribute at least 40% of the amount not funded by the general allotment fund. The Department advised that the 8 easement purchases will be funded with \$3,259,014 of State matching and general allotment funds and \$1,007,637 of County matching funds for a total cost of \$4,266,651. The County matching funds may be financed by Agricultural Transfer Tax revenue, General Funds (PAYGO), and General Obligation bonds.

The 8 easements to be purchased are located in the 3<sup>rd</sup> Councilmanic District. The related acreages and the County's share of the purchase prices are as follows:

Property Owner(s)	Easement Acres <sup>(1)</sup>	County Share of Easement Cost	Total Easement Cost
Clear Meadow, LLC	100.98	\$ 199,068	\$ 757,500
Foster, Richard M.	114.26	-	942,750
Hendrix, Bryan & Constance	51.48	208,500	521,250
Landa, Craig & Rebecca	46.76	154,200	385,500
Merryman, Jack & Virginia Roil	83.92	289,500	723,750
Morfoot Living Trust	53.83	-	544,978
Schafer, Herbert J. Jr.	38.90 *	60,669	151,673
Yeager, Steven-Trustee	31.95	95,700	239,250
Total	503.40	\$ 1,007,637	\$ 4,266,651

(1) Reflects acreage per Resolution 41-24, which may differ slightly from Resolution 29-23 due to minor acreage adjustments and/or acreage for which the landowner is not paid.

\* Easement will cover full 38.90 acres of property, but the owner is only paid based upon 20.22 acres, as a portion is already preserved by other restrictions.

The Department advised that approval of these purchases will add approximately 503.4 acres to the 26,895 acres of farmland currently preserved through the Foundation in Baltimore County. On September 18, 2023, the Council approved the County’s contribution toward the State’s purchase of 4 development rights easements totaling approximately 270.3 acres through the Foundation’s FY 2023 easement cycle. The Department advised that the total acreage preserved in the County through all preservation programs as of August 2024 is 71,382; the County’s goal is to protect at least 80% of the prime agricultural and forestlands within the County’s Agricultural Priority Preservation Area.

The Annotated Code of Maryland, Agriculture Article (Title 2, Subtitle 5), and the Baltimore County Code, Article 24, Land Preservation (Titles 2 and 3), require Council approval of development rights easements to be purchased by the Foundation.

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

**BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF PLANNING**

**Stephen Lafferty, Director  
Executive Summary**

This resolution is to approve the County's contribution towards the purchase of eight agricultural easements through the Maryland Agricultural Land Preservation Foundation FY 24 easement cycle.

The Department of Planning requests the County Council approve \$1,007,636.65 in Matching Funds for the purchase of eight (8) agricultural easements on +/- 503 acres. The total cost of the easements is \$ 4,266,650.63 with State funds making up the difference.

County Council Resolution 29-23 (September 18, 2023) approved and ranked nine (9) applications to sell an easement to the Maryland Agricultural Land Preservation Foundation. Appraisals were conducted and offers were extended based upon state funding, County's commitment of funds, and priority order set by County Council Resolution 29-23. The farm acreage indicated on this Resolution for easement offers may differ from that on Resolution 29-23 because of minor acreage adjustments and/or acreage for which the landowner is not paid such as the acre around an existing dwelling.

The Maryland Agricultural Land Preservation Foundation Easement Program is an integral part of the County's preservation strategy with its emphasis on protecting highly productive farmland to foster the farming industry in the State. The County's land preservation goal is to protect at least 80% of the prime agricultural and forestlands within the County's Agricultural Priority Preservation Areas. As of July 2024, the total acreage of preserved land in the County through all programs is 71,382 acres.

All eight of these farms are outside the URDL, within Tier 4 areas, and within the 2030 Master Plan delineated Agricultural Priority Preservation Areas. A map indicating the location of the eight proposed easements is attached and a brief description of each property is provided below:

Name: Clear Meadow, LLC

Address: Bond Rd, Parkton, MD 21120 (Map 7, Parcels 206, 164; Tax Map 8, Parcel 19)

Proposed Paid Easement Acreage: 100.979

County Council District: 3rd

Zoning/Tier: RC 2

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Owner Operation: Corn, Wheat, Soybean Rotation

Name: Foster, Richard M.

Address: 1039 Mt. Carmel Rd, Parkton, MD 21120 (Map 21, Parcels 25 & 63)

Proposed Paid Easement Acreage: 114.26

County Council District: 3rd

Zoning/Tier: RC 2/ Tier 4

Master Plan Land Management Area: Agricultural Priority Preservation Area  
Farm Ownership/Operation: Owner operated, grain (corn/soy) rotation

Name: Hendrix, Bryan & Constance

Address: 2624 W Ruhl Rd, Freeland, MD 21053 (Map 6, Parcels 346 (lot 1), 56 (lot 1), 322, 323, 100)

Proposed Paid Easement Acreage: 51.4824

County Council District: 3rd

Zoning/Tier: RC 2

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Owner operation: hay, corn, beans

Name: Landa, Craig & Rebecca

Address: 21012 Middletown Rd, Freeland, MD 21053 (Map 5, Parcel 20)

Proposed Paid Easement Acreage: 46.757

County Council District: 3rd

Zoning/Tier: RC 2

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Owner operated-pasture

Name: Merryman, Jack & Virginia Roil

Address: 3319 Mt. Zion Rd, Upperco, MD 21155 (Map 26, Parcel 10)

Proposed Paid Easement Acreage: 83.92

County Council District: 3rd

Zoning/Tier: RC 2/ Tier 4

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Leased, grain (corn/soy) rotation

Name: Morfoot Living Trust

Address: 4217 Black Rock Rd, Upperco, MD 21155 (Map 20, Parcel 97)

Proposed Paid Easement Acreage: 53.825

County Council District: 3rd

Zoning/Tier: RC 2

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Owner operated-row crops

Name: Schafer, Herbert J. Jr.

Address: 21113 West Liberty Rd, Parkton, MD 21120 (Map 8, Parcel 247)

Proposed Paid Easement Acreage: 20.223 (easement will cover full 38.902 acres of property, but only paid upon 20.223, as portion already preserved by other restrictions)

County Council District: 3rd

Zoning/Tier: RC 2/RC 7

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Leased corn/soybeans

Name: Yeager, Steven-Trustee

Address: 21206 Ridge Rd, Freeland, MD 21053 (Map 6, Parcel 189)

Proposed Paid Easement Acreage: 31.946

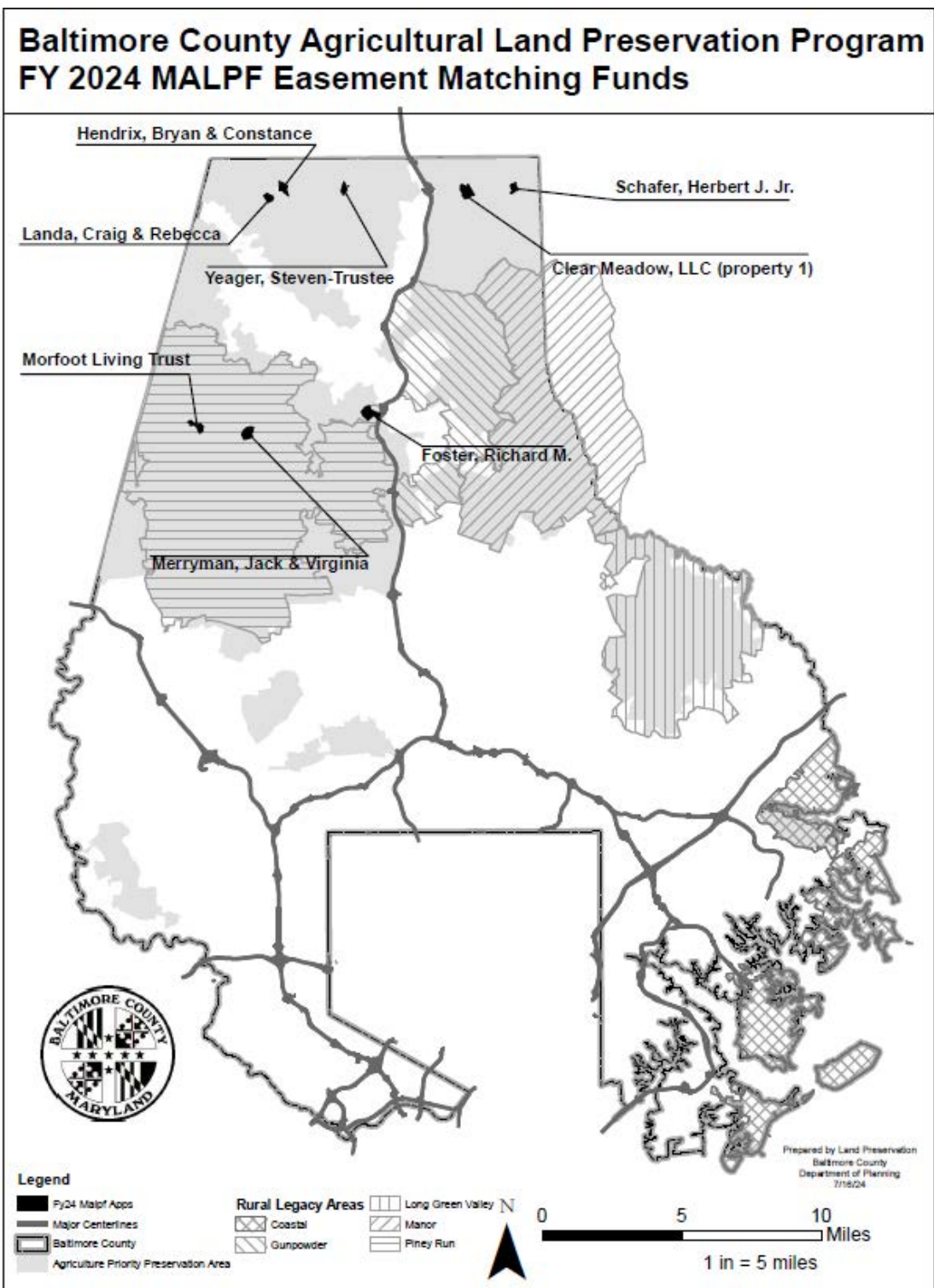
County Council District: 3rd

Zoning/Tier: RC 2

Master Plan Land Management Area: Agricultural Priority Preservation Area

Farm Ownership/Operation: Leased-grain

Prepared by: Department of Planning



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