

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

*Issued: April 25, 2024
Reissued: April 29, 2024
Work Session: April 30, 2024
Legislative Day No. 9 : May 6, 2024*

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



OFFICE OF THE COUNTY AUDITOR

BALTIMORE COUNTY COUNCIL

May 6, 2024

NOTES TO THE AGENDA

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AGENDA
BALTIMORE COUNTY COUNCIL
LEGISLATIVE SESSION 2024, LEGISLATIVE DAY NO. 9
May 6, 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

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3 **MAJOR GLEN WIEDECK, POLICE DEPARTMENT**
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6 **LAUREN BUCKLER, DEPUTY DIRECTOR, DEPARTMENT OF PUBLIC WORKS & TRANSPORTATION**
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24 Bill 32-24 – Mr. Patoka – Zoning Regs. – R.A.E. 1 Zone – Location Requirement Relative to Business Zones

25 Bill 33-24 – Cnclmbrs. Marks, Crandell, Kach, Ertel & Patoka – County Charter – Baltimore County Planning Board – Confirmation of Appointees by County Council

26 Bill 34-24 – Mr. Crandell – Loitering on or About Commercial Premises

27 Bill 35-24 – Mr. Crandell – Parking – Obstruction of Alleys and Streets

APPROVAL OF FISCAL MATTERS/CONTRACTS

28 **COLONEL JOSEPH CONGER, POLICE DEPARTMENT**
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31 **MEGAN BENJAMIN, DEPARTMENT OF PLANNING**
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34 **KEVIN LEDFORD, CIRCUIT COURT**
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38 **KEVIN REED, DIRECTOR, OFFICE OF BUDGET & FINANCE**
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COUNCIL

- 54 1. Correspondence - (a) (2) - Non-Competitive Awards (March 27, 2024)
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STEVE LAFFERTY, DIRECTOR, DEPARTMENT OF PLANNING

- ~~WITHDRAWN~~ 3. ~~Res. 18-24 – Mr. Patoka(By Req.) – Authorize Conservation Easement – The Land Preservation Trust, Inc. – Susan & Joseph Hui~~
~~WITHDRAWN~~ 4. ~~Res. 19-24 – Mr. Patoka(By Req.) – Authorize Conservation Easement – The Land Preservation Trust, Inc. – Vernon & Evelyn Bull~~

MARCIA WILLIAMS, DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

- 42 5. Res. 20-24 – Mr. Patoka(By Req.) – Approval of loan – New Weinberg House, LP – Weinberg House, Pikesville
42 6. Res. 21-24 – Mr. Patoka(By Req.) – Payment in lieu of property taxes (PILOT) – New Weinberg House, LP – Weinberg House, Pikesville

COUNCIL

- 47 7. Res. 22-24 – Councilmembers Jones, Patoka & Kach – Adopt the Reisterstown Main Street Design Recommendations
48 8. Res. 23-24 – Mr. Marks – Amend the Perry Hall Community Plan

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- 49 9. Res. 24-24 – All Councilmembers – Adopt Construction and Materials Standards and Specifications Manuals

COUNCIL

10. Res. 25-24 – Mr. Young – Property Tax Exemption – BLIND – Harbhajan Singh
11. Res. 26-24 – Mr. Ertel – Property Tax Exemption – BLIND – Helen Malone
12. Res. 27-24 – Mr. Marks – Property Tax Exemption – BLIND – Randall Fahs
13. Appointment – Mr. Patoka(By Req.) – Acting Director – Department of Health & Human Services – Della Leister
14. Appointment – Mr. Patoka(By Req.) – Director – Department of Economic & Workforce Development – Jonathan Sachs

Bill 15-24

Council District(s) 5

Mr. Marks

**Zoning Regulations – Out-of-Water Storage Facilities for Commercial Fishing
and Shell Fishing Operations**

Bill 15-24 permits the storage of certain equipment related to commercial fishing and shell fishing operations in certain areas under certain conditions. There are residents living within the Bowleys Quarters Community Action Plan 2000 area who own or operate a commercial fishing or shell fishing facility, or possess a license issued by the State of Maryland to engage in such activity. On many occasions and for varying lengths of time, it becomes necessary to store gear and equipment related to the commercial fishing or shell fishing operation out of the water and on land. These residents often have limited storage options, generally having to place gear and equipment in the front yards and other areas of their waterfront homes. This gear and equipment by its nature can be bulky, be considered unsightly by other neighbors, give off odors, and generally interfere with the bucolic waterfront setting commonly enjoyed by residents living within Baltimore County's waterfront communities.

Under Bill 15-24, certain property shall be permitted to store gear, equipment, or other items associated with commercial fishing and shell fishing operations. The property, including a vacant lot, must be: (1) located within the Bowleys Quarters Community Action Plan 2000 area; (2) at least 0.75 acre in size; and (3) located within 500 feet of the commercial fishing and shell fishing operation. However, Bill 15-24 only applies to a property where a commercial fishing or shell fishing operation or business has been established by special exception, has been issued a use permit, is a legal non-conforming use, or where the owner possesses a valid commercial crabbing license issued by the State of Maryland.

Bill 15-24 permits an accessory building to be constructed on the storage lot property provided it is accessory to the permitted storage use. However, no commercial activity is permitted on the storage lot property, and the storage lot property must be properly screened and a landscape plan submitted and approved by the Department of Permits, Approvals and Inspections.

At the request of the bill's sponsor, the Council voted at its April 15 legislative session to extend the vote on Bill 15-24 until its legislative session on May 6.

With the affirmative vote of five members of the County Council, Bill 15-24 will take effect 14 days after its enactment.

Bill 16-24 (Supplemental Appropriation)

Council District(s) All

Mr. Patoka (By Req.)

Police Department

State SRO Adequate Coverage Grant

The Administration is requesting a supplemental appropriation of State funds totaling \$1,219,820 (as amended) to the State SRO Adequate Coverage Grant Gifts and Grants Fund program. The funds will be used for overtime expenses related to School Resource Officers' coverage of after-school events at BCPS middle and high schools. See Exhibit A.

Fiscal Summary

<u>Funding Source</u>	<u>Supplemental Appropriation</u>	<u>Current Appropriation</u>	<u>Total Appropriation</u>
County	--	--	--
State ⁽¹⁾	\$ 1,219,820	--	\$ 1,219,820
Federal	--	--	--
Other	--	--	--
Total	\$ 1,219,820	--	\$ 1,219,820

⁽¹⁾Maryland State Department of Education, Maryland Center for School Safety funds passed through Baltimore County Public Schools (BCPS).

Analysis

The Department advised that the proposed grant funds will be used for overtime expenses related to School Resource Officers' coverage of approximately 200 after-school events (e.g., sporting events, proms) per month (2 officers per event) at BCPS middle and high schools.

The grant period is July 1, 2023 through June 30, 2024. No County matching funds are required.

With the affirmative vote of five members of the County Council, Bill 16-24 will take effect May 19, 2024.

Executive Summary

A grant award of \$1,219,820.00 has been received by the Baltimore County Police Department from the Baltimore County Public Schools through the Maryland Center for School Safety. This request is for Council's approval to accept and appropriate the \$1,219,820.00 in funding.

The \$1,219,820.00 appropriation will be utilized to cover the cost of overtime salaries for School Resource Officers (SROs) to provide adequate coverage for Baltimore County Public Schools' after-school athletic events and other school sponsored events at 27 middle schools and 24 high schools.

Prepared by: Police Department

Bill 17-24

Council District(s) All

All Councilmembers

Department of Public Works & Transportation

2024 Basic Services Maps

Article 4A of the Baltimore County Zoning Regulations (“BCZR”) sets out the provisions for growth management in Baltimore County. The growth management provisions are designed to facilitate implementation of the Master Plan with specific regard to the quantity and timing of new growth and development. BCZR Section 4A02.1 provides that:

“The County Council finds that important public facilities in certain predominantly urban areas of the County are inadequate to serve all of the development that would be permitted under the regulations of the zones or commercial districts within which those areas lie. Basic Services Maps are hereby established to regulate nonindustrial development in those under-served areas to a degree commensurate with the availability of these facilities. Basic Services Maps are not permanent and will be reviewed annually with reports to the County Council.”

Basic Services Maps are designed to aid the County in providing public services (water, sewer, and transportation) in an amount that facilitates the level of growth allowed by the current zoning. This growth management system applies inside the Urban Rural Demarcation Line (URDL).

Article 4A requires that the three Basic Services Maps for water, sewer, and transportation be prepared annually by the appropriate Executive agencies, and thereafter the Planning Board must recommend to the County Council any proposed annual revisions to the maps. The law requires the Council to take legislative action on the maps after consideration of the Planning Board’s recommendations. The Council is required to hold one public hearing prior to the adoption of the maps; the hearing is scheduled for April 30, 2024.

Bill 17-24 repeals the 2023 Basic Services Maps and enacts the 2024 Basic Services Maps. A summary of the changes proposed by the Planning Board is attached as Exhibit A.

With the affirmative vote of five members of the County Council, Bill 17-24 will take effect 15 days after its enactment.



Exhibit A
Bill 17-24

JOHN A. OLSZEWSKI, JR.
County Executive

STEPHEN LAFFERTY, Director
Department of Planning

February 20, 2024

The Honorable Israel Patoka
Chairman, Baltimore County Council
County Courthouse
400 Washington Avenue
Towson, MD 21204

Re: 2024 Basic Services Maps

Dear Chairman Patoka,

At its regular meeting on February 15th, 2024, the Baltimore County Planning Board voted, in accordance with Section 4A02.3.E.1 of the Baltimore County Zoning Regulations (BCZR), to recommend adoption of the proposed 2024 Basic Services Maps as presented.

The item was first introduced to the Board on January 18th, 2024. A Public Hearing was conducted on February 1st, 2024.

The proposed Water Supply, Sewerage, and Transportation Maps, at a 1" = 4000' scale, as well as the accompanying reports from the Department of Public Works and Transportation, are enclosed for Public Hearing and adoption by the County Council.

Thank you in advance for your consideration.

Sincerely,



Stephen Lafferty
Secretary to the Board

SL:KP:tb

Enclosures

- c: Members, Baltimore County Council
Thomas Bostwick., Legislative Counsel/Secretary
Lauren M. Smelkinson, County Auditor
Stacy L. Rodgers, Administrative Officer
James R. Benjamin Jr., County Attorney
D³ Andrea L. Walker, Acting Director, Department of Public Works and Transportation
Jeannette Applauso, Department of Public Works and Transportation
Justin Hall, Department of Public Works and Transportation
Krystle Patchak, Department of Planning

105 West Chesapeake Avenue, Suite 101 | Towson, Maryland 21204 | Phone: 410-887-3211 | Fax: 410-887-5862
planning@baltimorecountymd.gov | www.baltimorecountymd.gov/planning
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Exhi



Department of Public Works and Transportation

2024 Basic Services Map Transportation Zones

DRAFT

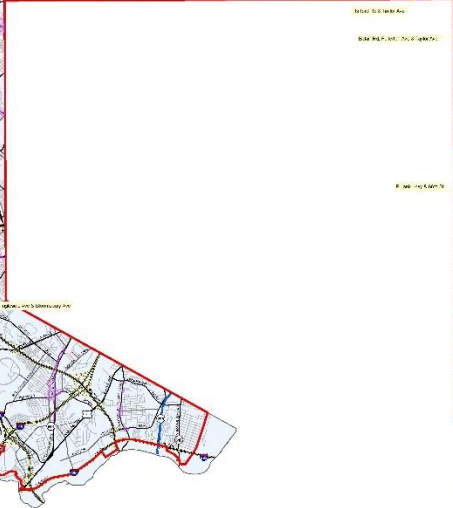
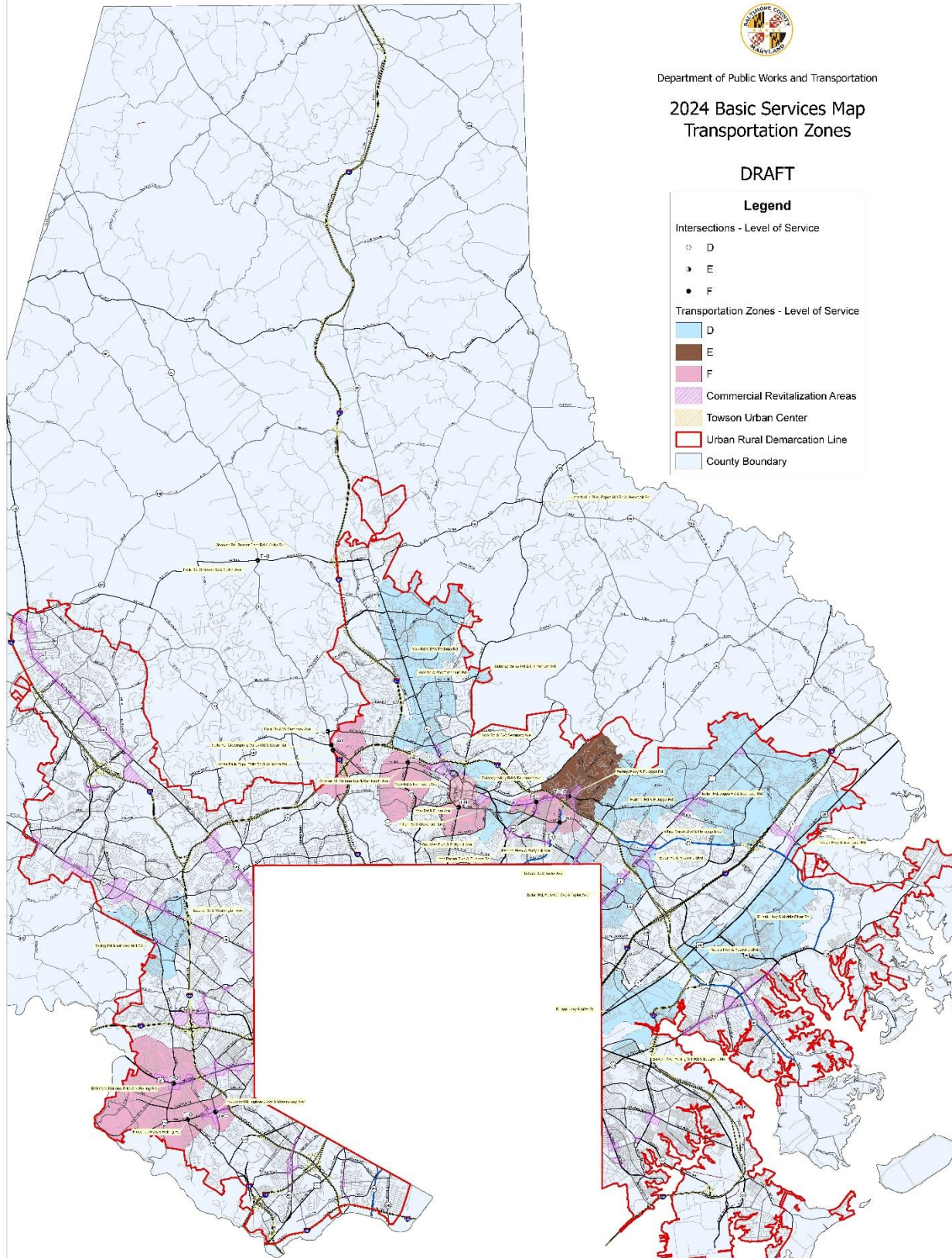
Legend

Intersections - Level of Service

- D
- E
- F

Transportation Zones - Level of Service

- D
- E
- F
- Commercial Revitalization Areas
- Towson Urban Center
- Urban Rural Demarcation Line
- County Boundary



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER _____ AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED BY THE COUNTY COUNCIL ON _____, EFFECTIVE _____.

COUNTY COUNCIL OF BALTIMORE COUNTY



SCALE 1 INCH = 4,000 Feet



NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT PERMISSION IN WRITING FROM THE BALTIMORE COUNTY DEPARTMENT OF PUBLIC WORKS AND TRANSPORTATION.

Feature Class	Product or Date
Transportation Zones	2024
Intersections	2024
Commercial Revitalization Areas	2021
Towson Urban Center	2011
Urban Rural Demarcation Line	2012
Wetlands	2014
County Boundary	2014

Printed by Baltimore County Department of Public Works and Transportation
 North American Datum 1983 (NAD 83) U.S. Survey Feet
 File Path: \\s:\g\m\2024\BSP\2024_BSP_2024_01_24.mxd



Department of Public Works and Transportation

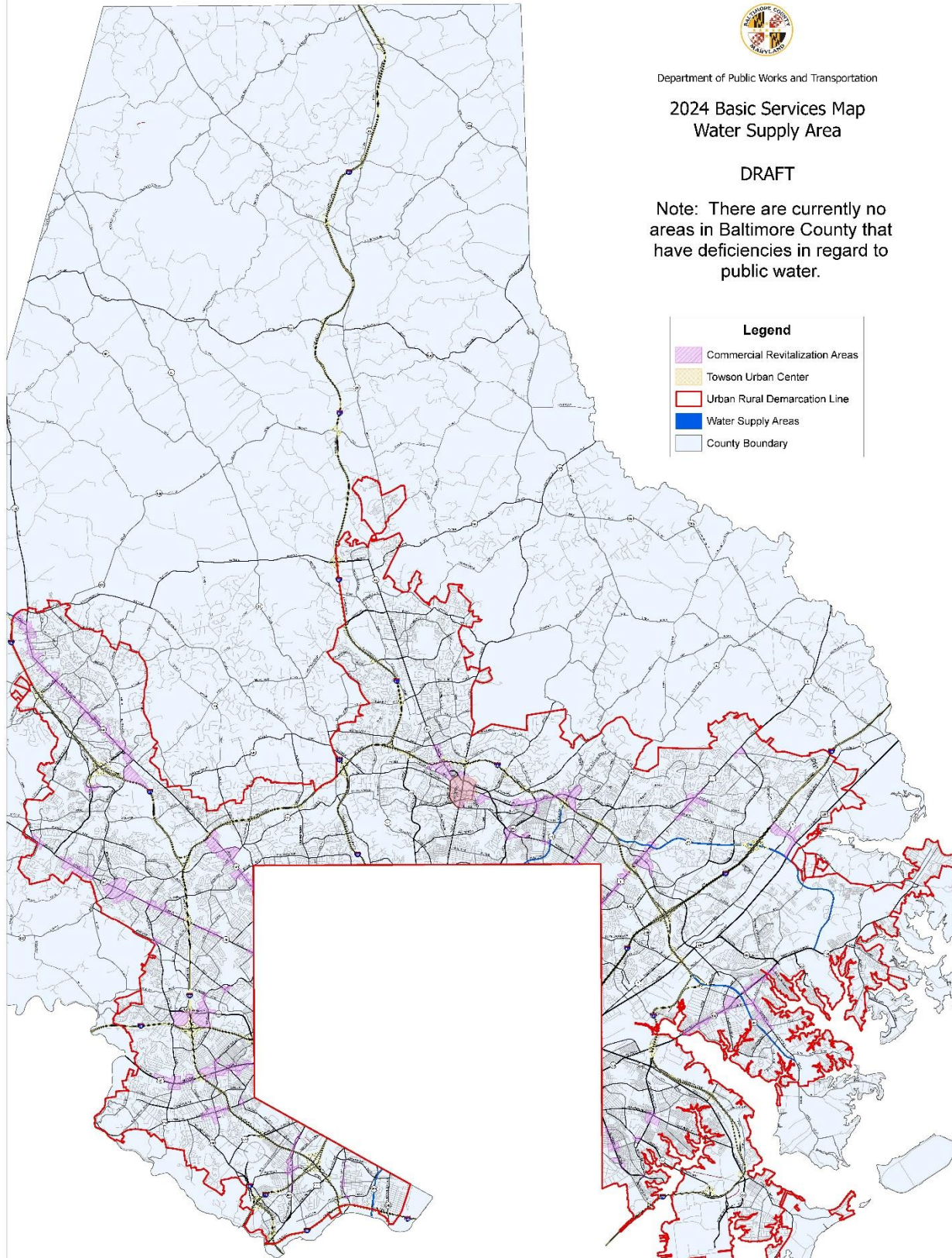
2024 Basic Services Map Water Supply Area

DRAFT

Note: There are currently no areas in Baltimore County that have deficiencies in regard to public water.

Legend

- Commercial Revitalization Areas
- Towson Urban Center
- Urban Rural Demarcation Line
- Water Supply Areas
- County Boundary



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER _____ AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED _____ EFFECTIVE _____.

COUNTY COUNCIL OF BALTIMORE COUNTY



SCALE 1 INCH = 4,000 Feet



RED - In preparation of the Basic Services Map, the Department of Public Works and Transportation is conducting a study to determine the appropriate Water Supply Area for Baltimore County. This study is a part of the County's ongoing efforts to improve the County's infrastructure and services. The study is currently in progress and will be completed by the end of 2024. The study will be used to determine the appropriate Water Supply Area for Baltimore County and will be used to update the County's Basic Services Map.

Feature Class - Production Dates

- Water Supply Area - 2024
- Commercial Revitalization Areas - 2021
- Towson Urban Center - 2011
- Urban Rural Demarcation Line - 2012
- Roads - 2014
- County Boundary - 2014

Map made by Baltimore County Department of Public Works and Transportation
 North American Datum 1983 - NAD 83 - US Survey Feet
 Units: Feet (US)



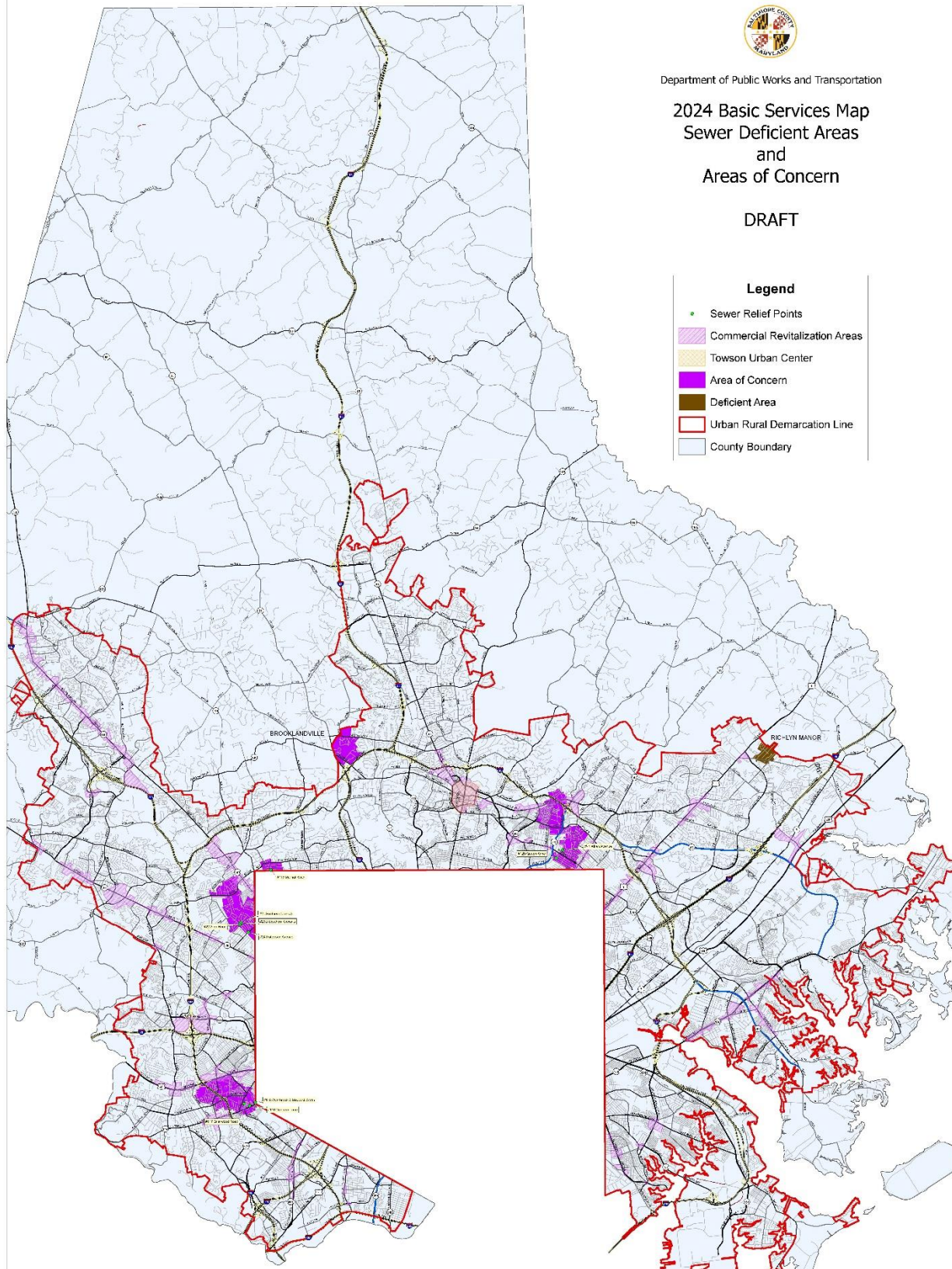
Department of Public Works and Transportation

2024 Basic Services Map Sewer Deficient Areas and Areas of Concern

DRAFT

Legend

- Sewer Relief Points
- Commercial Revitalization Areas
- Towson Urban Center
- Area of Concern
- Deficient Area
- Urban Rural Demarcation Line
- County Boundary



THIS MAP HAS BEEN ENACTED UNDER BILL NUMBER _____ AND IS PART OF THE BALTIMORE COUNTY ZONING REGULATIONS, 1955, AS AMENDED BY THE BILL ADOPTED BY THE COUNTY COUNCIL ON _____ EFFECTIVE _____.

COUNTY COUNCIL OF BALTIMORE COUNTY



SCALE 1 INCH = 4,000 Feet



RED - In preparation of the Basic Services Map, an Authority for the purposes provided for in Article 21 of the County Zoning Ordinance, as amended, was created. This Authority is a public body of the County, and its members are appointed by the County Council. The Authority is authorized to conduct the study, prepare the map, and report to the County Council. The Authority is also authorized to conduct the study, prepare the map, and report to the County Council. The Authority is also authorized to conduct the study, prepare the map, and report to the County Council.

Feature Class Product on Dates

Sewer Relief Points	2024
Deficient Areas	2024
Commercial Revitalization Districts	2021
Towson Urban Center	2011
Urban Rural Demarcation Line	2012
Waters	2014
County Boundary	2014

Printed by Baltimore County Department of Public Works and Transportation
North Carolina State 1030 US Survey Feet
Scale will vary 5:1/24

BALTIMORE COUNTY GOVERNMENT
DEPARTMENT OF PUBLIC WORKS
INTER-OFFICE CORRESPONDENCE

DATE: January 4, 2024

TO: D'Andrea Walker, Acting Director
Department of Public Works and Transportation

FROM: Lisa Eicholtz, PE, Chief *LKE*
Bureau of Engineering & Construction

SUBJECT: 2024 Basic Services Maps
Public Water & Sewer Status

In accordance with your request, we are furnishing an update for the 2024 Basic Services Map.

Water

No deficiencies are known to exist.

Sewer

All of the 10 remaining sewer relief point locations are being metered. We have completed several rehabilitation projects and are now performing post-construction monitoring to determine the effectiveness of the projects. In addition, we have projects in design and also construction which will eventually allow the elimination of the areas of special concern.

Revisions to the Basic Services Maps to remove an area of special concern do not mean that an area has unlimited development potential. Computer modeling and simulations to assess the impacts on the County's sewer system resulting from development are completed on a case-by-case basis. Determinations are made to assess if the impacts from development will require downstream improvements to ensure adequate capacity in the sewer system.

LKE: DAB

cc: Erin McKenna-Streyle, P.E. – Chief, Water Design Section
Amy Bley, P.E. – Chief, Sewer Design Section
David Bayer, P.E. – Sewer Design Section
Jeannette Applauso, P.E. – Sewer Design Section

**BALTIMORE COUNTY, MARYLAND
BUREAU OF TRAFFIC ENGINEERING AND TRANSPORTATION PLANNING
INTER-OFFICE CORRESPONDENCE**

DATE: December 14, 2023

TO: D'Andrea Walker, Director
Department of Public Works and Transportation

FROM: Angelica Daniel, Bureau Chief
Bureau of Transportation

SUBJECT: 2024 Basic Service Map – Transportation:

Our bureau has restudied all of the intersections currently on the Basic Services Map for 2023 as well as continued the update of all other signalized intersections.

CHANGES:

Based on these studies over the past year, we are recommending the following change to the Transportation Map for 2023:

Ridgely Rd/ York Rd (MD 45) F to C

With the change above, there are ten “F” level intersections and one “E” level intersection that are being proposed on the 2024 Basic Service Transportation Map that would control development. These intersections are:

Baltimore Nat'l Pike (US 40)/ Rolling Rd N	LOS = F
Bellona Ave / Charles St (MD 139) / Kenilworth Dr	LOS = F
Bloomsbury Ave / Frederick Rd (MD 144) / Ingleside Ave	LOS = F
Burke Ave / Burke Ave W / York Rd (MD 45)	LOS = F
Falls Rd (MD 25) / Seminary Ave W (MD 131)	LOS = F
Falls Rd (MD 25) / Jones Falls Expy /Joppa Rd W	LOS = F
Falls Rd (MD 25) / Greenspring Valley Rd (MD 130) / Station Dr	LOS = F
Falls Rd (MD 25) & Shawan Rd & Tufon Ave *	LOS = F*
Frederick Rd (MD 144) / Rolling Rd S (MD 166)	LOS = F
Joppa Rd E & Loch Raven Blvd (MD 542)	LOS = F
Perring Pkwy (MD 41) / Putty Hill Ave	LOS = F
Joppa Rd E / Perring Pkwy (MD 41)	LOS = E

*The intersection of Falls Rd(MD25)/Shawan Rd and Tufton Rd is outside the URDL there will be no commuter shed associated with this intersection.

Ridgely Rd/ York Rd (MD 45) was level of service F on the Basic Services Map for 2023 per Bill 19-23.

Enclosed is a list of the current D, E, and F intersections for your use. Should you have any questions in regard to the Basic Services Transportation Map for 2024, please contact me at ext.3554.

Sig#	Prev Date	Prev LOS	Curr Date	Curr LOS	Time	1st Rd Name	2nd Rd Name	3rd Rd Name	Notes
S0284	9/28/22	F	9/11/23	F		Baltimore Nat'l Pike	Rolling Rd N		
C0712	9/19/22	D	9/18/23	D		Beaver Dam Rd	Cuba Rd	Shawan Rd	
S0564	10/17/22	D	9/27/23	D		Belair Rd	Ebenezer Rd	Joppa Rd	
S0619	10/18/22	D	9/13/23	D		Belair Rd	Fullerton Ave	Taylor Ave	
S2325	10/19/22	D	9/20/23	D		Belair Rd	Rossville Blvd		
S1594	11/01/22	F	11/02/23	F		Bellona Ave	Charles St	Kenilworth Dr	
C4270	9/26/22	F	9/13/23	F		Bloomsbury Ave	Frederick Rd	Ingleside Ave	
S 087	10/27/22	F	10/19/23	F		Burke Ave	York Rd		
S1927	11/03/22	D	10/31/23	D		Dulaney Valley Rd	Fairmount Ave		
S2294	9/28/22	D	9/25/23	D		Dulaney Valley Rd	Timonium Rd E		
S0616	10/11/22	D	10/10/23	D		Eastern Ave	Rolling Mill Rd	Mall Ent	
S0605	12/14/22	D	9/27/23	D		Ebenezer Rd	Pulaski Hwy		
S3981	10/25/22	D	11/07/23	D		Fairmount Ave	York Rd		
S0268	11/29/22	F	11/14/23	F		Falls Rd	Greenspring Valley Rd	Station Dr	
S0271	11/29/22	F	11/14/23	F		Falls Rd	Jones Falls Expwy	Joppa Rd W	
S2231	11/29/22	F	11/14/23	F		Falls Rd	Seminary Ave W		
S0428	9/21/22	F	10/17/23	F		Falls Rd	Shawan Rd	Tufton Ave	
S3356	9/21/22	F	9/20/23	F		Frederick Rd	Rolling Rd S		
C0036	11/02/22	D	10/17/23	D		Goucher Blvd	Putty Hill Ave		
S3016	10/24/22	D	10/10/23	D		Harford Rd	Joppa Rd		
S2167	10/13/22	D	10/12/23	D		Harford Rd	Taylor Ave		
S0591	10/20/22	D	10/19/23	D		Hillen Rd	Stevenson Ln		
S2512	3/02/20	D	11/09/23	D		Honeygo Blvd	White Marsh Blvd		
S0917	10/05/22	D	10/31/23	D		Jarrettsville Pike	Paper Mill Rd	Sweet Air Rd	
S2015	10/26/22	F	11/07/23	F		Joppa Rd E	Loch Raven Blvd		
S4320	10/31/22	E	11/02/23	E		Joppa Rd E	Perring Pkwy		
S1911	10/03/22	D	9/18/23	D		Liberty Rd	Washington Ave		
S0628	9/12/22	D	10/02/23	D		Middle River Rd	Pulaski Hwy		
S4310	10/03/22	D	10/04/23	D		Padonia Rd E/W	York Rd		
S0852	10/05/22	F	11/09/23	F		Perring Pkwy	Putty Hill Ave		
S0889	10/11/22	D	10/02/23	D		Pulaski Hwy	66th St		
S0885	10/12/22	D	10/04/23	D		Pulaski Hwy	Rossville Blvd		
C0220	9/19/22	D	9/25/23	D		Rolling Rd	Windsor Mill Rd		
S1580	11/07/22	D	10/26/23	D		Seminary Ave E/W	York Rd		
S3008	9/26/22	D	10/12/23	D		Timonium Rd E/W	York Rd		

Bill 31-24

Council District(s) All

Mr. Patoka, Ertel, Kach & Marks

Adequate Public Facilities – Overcrowded School Districts

Bill 31-24 significantly reforms the County's Adequate Public Facilities Ordinance (APFO) regarding school capacity to create a comprehensive process led by a new interdepartmental committee for evaluating and approving developments that could impact the school system. Bill 31-24 adopts substantially all of the recommendations from the December 31, 2020 final report of the Baltimore County APFO Task Force.

Current APFO-School Capacity Evaluation

The County's current process for evaluating school capacity under the APFO was put in place in 1999 with the enactment of Bill 110-99. Under the current law, the impact on school capacity of a residential development is evaluated when a development plan is approved by the Administrative Law Judge at the Hearing Officer's Hearing. Prior to that hearing, the Department of Planning (the "Department") must submit a recommendation of whether any school district where the proposed development is located is currently overcrowded (meaning at the time the developer filed their development plan) or would become overcrowded as a result of the development. The current definition of an overcrowded school district is 115% of the State-Rated Capacity.

Planning Department Analysis and Recommendation

Currently, the Department prepares an annual APFO report containing maps of each overcrowded school district using the school enrollment numbers from the State-mandated September 30 survey annually conducted by Baltimore County Public Schools ("BCPS"). In order to assess whether school districts are overcrowded, the Department must review the developer-submitted school impact analysis for each proposed residential development plan.

Administrative Law Judge Consideration at the Hearing Officer's Hearing

Currently, the Administrative Law Judge determines whether a proposed development meets the APFO school capacity standards alongside other departmental recommendations (such as environmental impacts, building design standards, and zoning compliance) for development plan

approval at the Hearing Officer's Hearing. In general, approval may not be granted if the proposed development is projected to generate additional school population that would result in the school district becoming overcrowded as of the development plan filing date.

Current APFO-School Capacity Exceptions

The current law provides three exceptions, originally enacted in 1999, that are eliminated by Bill 31-24. The first exception is generally referred to as the "adjacency rule." This rule states that "development approval may be granted in overcrowded school districts if any school in a district adjacent to the overcrowded school district has sufficient capacity to render the overcrowded school less than 115% of the State-Rated Capacity." This exception is a signal to the School Board that enrollments in adjacent school districts could be re-balanced through redistricting.

The second exception is the capital budget rule, which allows development approval in overcrowded school districts if the capital budget contains a capital project that has appropriations or authorizations sufficient to fund the construction of a new school, a school addition, or a renovation which would result in the district not being an overcrowded school district. The final exception is the educational program change rule. This rule allows development approval if the School Board has approved a plan that implements, within one school year, educationally sound programs or initiatives that will provide adequate capacity in an overcrowded school district.

Bill 31-24 re-works the existing "educational program change" rule and requires the Department of Education to provide annual reports that would give similar information. The bill does not permit a development to move forward based on educational program changes; rather, the Committee (as described below) may recommend "potential educational options, redistricting, and programming changes" that the County and the School Board could consider to alleviate school overcrowding.

2020 APFO Task Force

On August 3, 2020, the Council established the APFO Task Force with the enactment of Resolution 76-20. The Task Force was formed to study and evaluate methods to make improvements to the Baltimore County APFO as it relates to development and the need for adequate infrastructure, particularly public school facilities. The Task Force reviewed: the structure and efficacy of APFOs in other Maryland jurisdictions; the Baltimore County Master Plan 2020; census data and population projections; and reports from the Maryland Department of Planning.

The eight-member Task Force consisted of various stakeholders, including education advocates from the community and County Government, BCPS, and building industry representatives.

The Task Force convened virtually six times from September 9, 2020 through November 18, 2020 and once virtually on December 16, 2020 for a public hearing on the subject of school overcrowding (in-person meetings were not permitted under the COVID-19 public gathering restrictions at that time). The Task Force's comprehensive final report and minutes from all meetings are available for review on the County Council's website.

As noted above, Bill 31-24 adopts substantially all of the recommendations of the Task Force. Accordingly, the detailed summary below of the bill's contents serves as both an explanation of the bill and a summary of the Task Force recommendations.

Bill 31-24 Generally

Bill 31-24 enacts several structural changes to the current APFO law regarding school capacity.

Overcrowded School Definition

The bill reduces the current overcrowded threshold of 115% of State-Rated Capacity to 100%. Starting on September 30, 2025, the bill phases down the threshold in 5% increments until it reaches 100% beginning on October 1, 2030. In addition, the bill amends the County's definition of State-Rated Capacity to match the most recent State law definition.

Types of Developments Subject to School Capacity APFO

The bill also clarifies the types of development that are subject to the school capacity APFO. Under current law, the APFO regarding school capacity applies only to residential development. Bill 31-24 expands the applicability to include development that results in the creation of residential dwelling units on any type of property, including commercially zoned property. The bill also eliminates the exemption for "minor subdivisions," replacing it with a more specific exemption for subdivisions of three or fewer units. The bill also makes it clear that the elderly housing exemption applies to any age-restricted housing. Last, the bill clarifies that only redevelopment projects that do not increase the number of dwelling units or the average square footage per unit are exempt.

Interdepartmental Committee on School Overcrowding

Bill 31-24 transfers the school capacity evaluation for new development and redevelopment from County agencies and the Administrative Law Judge to a new Interdepartmental Committee on

School Overcrowding (the “Committee”). The purpose of the Committee is to coordinate with County officials, BCPS, the School Board, and the public in order to address and prevent public school overcrowding.

Committee Membership and Meetings

The Committee consists of 11 members as follows.

- one member appointed by each Councilmember that is a resident of the appointing Councilmember’s district;
- one member appointed by the County Executive that is a County resident;
- one member appointed by the County Executive from the Planning Department on the recommendation of the Planning Director and confirmed by the County Council;
- one member appointed by the BCPS superintendent that is a County resident; and
- one member appointed by the School Board that is a County resident.

Committee members may not be:

- a candidate for public office in the current election cycle in which they serve;
- a chair or treasurer of an open campaign account;
- an elected or appointed member of a local or state central committee of a political party; or
- a lobbyist registered with the County.

Committee members serve four-year terms with a limit of two full terms. The Committee will be headed by a Chair and Vice Chair that the Committee annually selects from among its members on July 1 of each year. The Committee must meet at least quarterly, but may meet more often. Staffing for the Committee will be provided by the Planning Department with additional support by other County agencies as necessary.

School Capacity Approval Certificates

The primary responsibility of the Committee will be to evaluate applications and issue School Capacity Approval Certificates (“Certificates”) for approved developments. Building permits may not be issued for an approved development unless the development holds an active Certificate issued by the Committee. The Committee replaces the current process of Planning Department recommendation and school capacity evaluation by the Administrative Law Judge at the Hearing Officer’s Hearing, such that school capacity is no longer considered at the plan approval stage. Instead, a developer may request that the Committee evaluate the approved plan for school capacity at any time after approval but before building permit issuance; hence, school capacity evaluations will occur at a later – and more relevant – stage in the development process.

To receive a Certificate, an approved development must pass the school capacity adequacy test (discussed below) or reach the five-year limitation on school capacity adequacy wait time. In other words, a project may be eligible for the issuance of building permits for an approved development five years after applying for a Certificate if the Committee has not issued the Certificate in that time due to failing the school capacity test. Once issued, a Certificate expires three years from its date of issuance. Upon the expiration of a Certificate, an approved development may not be eligible to receive building permits until it passes the school capacity test again.

School Capacity Adequacy Test

An approved development **passes** the school capacity adequacy test and the Committee must issue a Certificate for an approved development if:

- the school districts serving the development are not currently overcrowded and are not projected to be overcrowded at any point during the upcoming three years, (taking into consideration the projected enrollment yield associated with all vested and unvested developments with active Certificates); and
- the issuance of the proposed building permits would not result in any such school district becoming overcrowded during the current school year or during the upcoming three years.

An approved development **fails** the school capacity adequacy test and the Committee cannot issue a Certificate for the approved development if:

- the school districts serving the approved development are currently overcrowded and are projected to be overcrowded at any point during the upcoming three years, (taking into consideration the projected enrollment yield associated with all vested and unvested developments with Certificates); or
- the issuance of the proposed building permits would result in any such school district becoming overcrowded during the current school year or during the upcoming three years.

Mitigation Opportunities

The Committee may endorse requests from an approved development to mitigate overcrowding through construction of additional capacity or through redistricting to zone students yielded by the development to nearby schools that are not overcrowded. Upon endorsement of such a request, the Committee will forward its rationale to the School Board for consideration.

If the School Board enters into an agreement for such construction or approves such a redistricting, the Committee shall issue a Certificate for the approved development, effective as

of the date of the School Board action. Put simply, the Committee may only issue a Certificate after the School Board completes a redistricting process or contracts with the developer to build a school facility.

Last, if a developer constructs additional capacity, upon providing an accounting to the Director of the Department of Permits, Approvals and Inspections (PAI) for the costs associated with such construction, the County shall reduce the impact fee assessed to the developer.

Certificate Waiting List

If an approved development fails the school capacity adequacy test and is not issued a Certificate, the approved development is placed at the bottom of a waiting list queue for future consideration of a Certificate. Nonetheless, an approved development that does not pass the school capacity adequacy test must be issued a Certificate after five years on the waiting list queue.

Committee Review

At each of its meetings, the Committee must review newly received data, as well as existing waiting lists for Certificates to determine if any wait-listed approved developments are eligible to receive a Certificate based on newly received data and waiting list placements, or if the time elapsed since an approved development was placed on a waiting list reaches or exceeds five years.

Bill 31-24 requires that “on or before June 30, 2025 and each year thereafter, the Committee shall recommend to the County Council data-driven enrollment yield factors tied to square footage of living space and uniformly applicable to developments throughout the County” and to utilize such recommended yield factors in its analysis of the impact of approved developments.

In general, a pupil yield factor is an estimate of how many students are likely to live in a new development; that is, how many students will live in a given property that is still in the planning or development stage? This is critical to evaluating the impact of a new development on school capacity. The bill requires the Committee to use a “county-wide averages of square footage” model rather than the current “location-and-housing-type” model. A number of other jurisdictions, including Anne Arundel, Harford, Howard, Montgomery, and Prince George’s counties, use the location-and-housing-type model currently used by BCPS. The APFO Task Force recommended the “square footage” model as a more conservative approach to determining pupil yield that would utilize publicly available data and be uniformly applicable to developments throughout the County.

The Committee must also issue an annual report to the County Executive and the County Council outlining its activities related to school overcrowding and development for the school year just ended by July 31 of each year.

Other Committee Duties

In addition to issuing Certificates, the Committee will be responsible for:

- reviewing and evaluating information related to public school capacities, public school enrollments, public school facilities, and growth trends including the specialized needs of individual communities;
- assessing whether the process of requesting adjustments to State-Rated Capacity is sufficient to accommodate the varied needs of magnet and other specialized programs;
- recommending potential educational options, redistricting, and programming changes that the County and Board of Education could consider to alleviate school overcrowding; and
- collecting, analyzing, and disseminating other information as necessary to inform the public about the County's overcrowding determinations, and efforts to alleviate and prevent school overcrowding.

School System Reporting

Bill 31-24 requires the "Department of Education" to provide several annual reports to the Committee, which provide information on public school enrollments and student interest in and need for specialized programs, including:

- an annual report for each receiving school, showing the total number of students enrolled, by home school, for each grade level;
- an annual report for each receiving school, showing the total number of special permission transfer students enrolled, by special permission status, including magnet, medical, and childcare, for each grade level;
- an annual report for each program, including but not limited to ESL, SLS, CTE programs, magnet programs, virtual school, home and hospital, showing the total number of students enrolled in each program, and for programs requiring application, the total number of applications to each program, by home school and receiving school, for each grade level;
- an annual report for each residential development approved in the past ten years, for which use and occupancy permits have been issued, showing the total enrollments yielded by home school and receiving school, for each grade level; and
- timely utilization impact analyses disclosing the enrollment effects of proposed and adopted program changes projected to affect a school's enrollment by more than 1%.

In addition to these reports, Bill 31-24 requires the Department of Education to annually disclose detail on specific assumptions underlying each school enrollment projection and self-audit prior enrollment projections to explain deviations of more than 1% at the school level.

Finally, Bill 31-24 requires the Departments of Planning and PAI to update their respective regulations within 180 days following the date of enactment, consistent with the changes to the County's APFO.

Bill 31-24 will take effect 45 days after its enactment.

Bill 32-24

Council District(s) All

Mr. Patoka

Zoning Regs. – R.A.E. 1 Zone – Location Requirement Relative to Business Zones

Bill 32-24 expands a relative location requirement for the Residential, Apartment, Elevator (R.A.E.) 1 Zone. Under current law, the R.A.E. 1 Zone must be entirely located within 1,000 feet of a C.C.C. District or within a town center, as defined in Section 101 of the Zoning Regulations. Generally, the term “town center” is obsolete and has been replaced by overlay districts. Specifically, the Commercial, Town-Center Core (C.T.) and Downtown Towson (D.T.) overlay districts now represent town centers.

Bill 32-24 expands this relative location requirement of the R.A.E. 1 Zone to be either within a town center or inside the URDL and within 2,640 feet of a Business Zone, including only the Business Local (B.L.), Business Roadside (B.R.), Business Major (B.M.), Community Business (C.B.), or Business Local Restricted (B.L.R.) zones, that abuts a state highway.

With the affirmative vote of five members of the County Council, Bill 32-24 will take effect 14 days after its enactment.

Bill 33-24

Council District(s) All

Mr. Marks, Crandell, Kach, Ertel & Patoka

**County Charter – Baltimore County Planning Board –
Confirmation of Appointees by County Council**

Bill 33-24 amends the Baltimore County Charter section related to appointments to the Baltimore County Planning Board.

Currently, Charter Section 522 states that the Planning Board shall consist of 15 members serving three-year terms with no term limits. Those terms are staggered so that only five terms expire in a given year. Eight of the 15 members are direct appointments made by the County Executive. Seven of the 15 members are appointments of the County Council, with each Councilmember directly appointing one member that must be a resident of the Councilmember’s district. The Chair and Vice Chair are appointed by the County Executive and confirmed by the County Council.

Bill 33-24 would add a requirement that all appointments to the Planning Board be subject to confirmation by the County Council. This would apply to both Executive and Council appointments. A similar appointment and Council confirmation process is utilized for the County Board of Appeals, the Baltimore County Fair Election Fund Commission, and the County Police Accountability Board.

Last, Bill 33-24 updates gendered terms such as “Councilman” or “Chairman” to be gender-neutral.

As a potential amendment to the County Charter, Bill 33-24 requires the affirmative vote of five members of the County Council, which shall be exempt from Executive veto. If passed by the voters on November 5, 2024, the amendment shall stand adopted and become a part of the Charter from and after the thirtieth day following said election.

Bill 34-24

Council District(s) All

Mr. Crandell

Loitering on or About Commercial Premises

Bill 34-24 prohibits a person from loitering within 50 feet of a commercial premises during ordinary business hours and establishes an effective period for a warning from a police officer.

Loitering is defined as idling, standing, remaining, or tarrying, alone or as part of a group of individuals, on a commercial premises without conducting any lawful business with the owner or operator of the commercial premises. This includes remaining on a commercial premises for an unreasonable amount of time after conducting lawful business with the owner or operator.

Currently, a person may not “loiter on or about a commercial premises during ordinary business hours if the owner, operator, or authorized agent of the commercial premises has requested the person to leave the commercial premises and a police officer has directed the person to leave the commercial premises.” While this prohibition clearly prohibits loitering “on” commercial premises, the boundaries of loitering “about” a commercial premises are not well defined. This prohibition also does not state how long a directive from a police officer to leave is effective.

To address these issues, Bill 34-24 replaces the use of “about” with a boundary of “within 50 feet” of a commercial premises. The bill also states that a police officer’s directive to leave the commercial premises shall be in effect for 48 hours.

With the affirmative vote of five members of the County Council, Bill 34-24 will take effect 14 days after its enactment.

Bill 35-24

Council District(s) All

Mr. Crandell

Parking – Obstruction of Alleys and Streets

Bill 35-24 amends the definition of “private property used by the public in general” and prohibits a person from stopping or parking on such property.

Currently “private property used by the public in general” means a parking lot of a shopping center, condominium building, apartment building or development, or townhouse development where official county parking signs or fire hydrants have been situated. Bill 35-24 amends this definition to include a private alley or driveway that is regularly used for trash pick-up, emergency services, or other public health, safety, or welfare vehicular uses.

Under the County’s current parking laws, a person may not stop, park, or leave standing a vehicle on any road or alley in a manner that prevents free passage of vehicles or the movement of a lawfully parked vehicle to or from a driveway or parking area. Bill 35-24 states that, in addition to applying to any road or alley, this parking prohibition applies to private property used by the public in general.

Last, Bill 35-24 clarifies that the owner of a vehicle that is towed for violating this parking prohibition shall pay all fees associated with the towing, including storage, towing, or winching fees.

With the affirmative vote of five members of the County Council, Bill 35-24 will take effect 14 days after its enactment.

FM-1 (Contract)

Council District(s) All

Police Department

Maintenance/Repairs – Integrated Ballistic Identification System (IBIS) Equipment

The Administration is requesting approval of a contract with Forensic Technology, Inc. to provide maintenance and repairs for the Integrated Ballistic Identification System (IBIS) equipment used in the Department's Forensics Services Section to identify cartridge casings. The contract states that it is for the coverage period of August 17, 2023 through August 16, 2028. The contract provides that compensation may not exceed \$30,799 per year (\$153,997 for the entire 5-year coverage period). See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 153,997	⁽¹⁾ General Fund Operating Budget. ⁽²⁾ For the entire 5-year coverage period (\$30,799 per year).
State	--	
Federal	--	
Other	--	
Total	<u>\$ 153,997</u> ⁽²⁾	

Analysis

The contractor will provide maintenance and repairs for the IBIS equipment used in the Department's Forensics Services Section. The Department advised that the Firearms Unit uses the IBIS system to search the IBIS National Database to identify cartridge cases with other possible cartridge cases and/or firearms. The Department also advised that the Alcohol, Tobacco and Firearms (ATF) agency is the administrator of the IBIS system.

The contract states that it is for the coverage period of August 17, 2023 through August 16, 2028. The contract provides that compensation may not exceed \$30,799 per year (\$153,997 for the entire 5-year coverage period). The County may terminate the agreement by providing written notice.

The Department requested that the proposed contract be designated as a noncompetitive 902(f) award due to the proprietary nature of the IBIS equipment to be maintained.

The Department advised that the County entered into a similar contract not to exceed \$454,100 with Forensic Technology, Inc. (effective August 18, 2013), which expired August 17, 2023, for the purchase, support, and maintenance of the IBIS equipment. (The Council was notified via Correspondence at the May 23, 2013 legislative session.) The County's financial system indicates that as of April 5, 2024, the County expended/encumbered \$393,964 under the contract.

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

County Charter, Section 715, requires that "any contract must be approved by the County Council before it is executed if the contract is...for services for a term in excess of two years or involving the expenditure of more than \$25,000 per year...." Because the proposed coverage period commenced prior to Council approval, we believe this situation constitutes a violation of the aforementioned section of the County Charter.

Executive Summary

Subject: Supplier Contract
Term Agreement for IBIS BRASSTRAX and IBIS MATCHPOINT equipment maintenance.
Vendor: Forensic Technology, Inc.
Not to Exceed \$153,997.00
SCON 10002331

This Supplier Contract establishes a 5-year term agreement with Forensic Technology, Inc. for yearly maintenance and repairs (SafeGuard Warranty and Protection Plan) for the Integrated Ballistic Identification System (IBIS) equipment used in the Forensics Services Section to identify cartridge casings. The Alcohol, Tobacco and Firearms (ATF) agency is the administrator of the IBIS system.

Forensic Technology, Inc. is the manufacturer and is the only company able to provide personnel to maintain, upgrade and calibrate their patented equipment and provide training on its' use.

Vendor Background with the County: The County's previous agreement covered this equipment (MA 2383 / SCON 10000051) at a fixed cost of \$22,500.00/yr. This new agreement will cover costs over the next 5 years at a firm price of \$30,799.40 per year.

Prepared by: Police Department

FM-2 (Contract)

Council District(s) 3

Department of Planning

Conservation Easement – 1755 Oakland Road, 21053

The Administration is requesting approval to acquire a perpetual conservation easement on approximately 29.139 acres of land for \$174,834 under the County’s Agricultural Land Preservation Program. Vincent Hackler and Shelley Hackler currently own the property, which is located at 1755 Oakland Road in Freeland. The property is zoned RC-2 (Resource Conservation-Agricultural Protection) and RC-8 (Resource Conservation-Environmental Enhancement). See Exhibit A.

Fiscal Summary

Funding Source	Purchase Price	Notes
County ⁽¹⁾	\$ 174,834	⁽¹⁾ Capital Projects Fund – Agricultural Preservation Program.
State	--	
Federal	--	
Other	--	
Total	<u>\$ 174,834</u>	

Analysis

The County established the Agricultural Land Preservation Program in 1994 to preserve working family farms and to utilize innovative and collaborative funding mechanisms for the preservation of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources in the County.

The 29.139-acre property (two parcels) to be acquired is located within the Freeland & Maryland Line Agricultural Priority Preservation Area. The use of the property will be subject to a deed of conservation easement to be granted to the County on behalf of the Baltimore County Agricultural

Land Preservation Board by the seller. The property is zoned RC-2 and RC-8. The Department advised that the purpose of the easement is to provide for the protection of large contiguous blocks of natural and agricultural resources including forest, scenic, and environmental resources, in the County.

The Department advised that it calculated a value of approximately \$6,140 per acre for the easement in accordance with the formula set forth by Section 24-3-106 of the Baltimore County Code. The formula considers factors relating to the quality of the land and its importance relative to preservation efforts (e.g., size, soil productivity, contribution to agricultural industry, woodland area, and development pressure). The Department advised that the property owners discounted the per-acre price to \$6,000.

The Department advised that the County has preserved a total of 71,382 acres through all preservation programs as of April 2024; 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 Baltimore County Code, Article 24, Section 3-101, authorizes Baltimore County to purchase easements and real property to preserve agricultural land in the County. The Department advised that the County reviews applications submitted by property owners and moves forward projects as funding allows.

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

Executive Summary

PROGRAM TITLE: Baltimore County Agricultural Land Preservation Program

PROJ ID.: 170010302

FISCAL MATTER: Contract of Sale

PROPERTY OWNER: Vincent and Shelley Hackler

LOCATION: 1755 Oakland Rd. Map 2 and 6; Grid 21 and 3; Parcel 13 and 315; 29.139 ac+/-.

CONSIDERATION \$174,834.00

PURPOSE OF PROJECT: This contract being a perpetual conservation easement containing a total of 29.139 ac+/- . Under the Baltimore County Agricultural Preservation Program.

LIMITS OF PROJECT: 1755 Oakland Rd., Freeland 21053

Prepared by: Office of Law – Real Estate Compliance

FM-3 (Contract)

Council District(s) All

Circuit Court

Digital Recording Equipment and Services

The Administration is requesting approval of a contract with CourtSmart Digital Systems, Inc. to provide maintenance and support services for the digital recording systems in the Circuit Court courtrooms, hearing rooms, Settlement Court, and jury assembly/selection area. The Office of Budget and Finance, Purchasing Division advised that the contract does not include terms or spending limitations and the County has elected to cap the maximum contract term at 10 years and compensation at \$3,000,000. The Purchasing Division further advised that the contract commences upon Council approval, continues for 1 year, and will renew automatically for nine additional 1-year periods. See Exhibit A.

Fiscal Summary

Funding Source	Maximum Compensation	Notes
County ⁽¹⁾	\$ 3,000,000	⁽¹⁾ General Fund Operating Budget.
State	--	⁽²⁾ For the entire 10-year term.
Federal	--	
Other	--	
Total	<u>\$ 3,000,000</u> ⁽²⁾	

Analysis

The contractor will provide maintenance and support services for CourtSmart digital recording systems, which provide audio and video recordings of proceedings in Circuit Court courtrooms, hearing rooms, the Settlement Court, and the jury selection/assembly area.

The Purchasing Division advised that the contract commences upon Council approval, continues for 1 year, and will renew automatically for nine additional 1-year periods. The Purchasing Division further advised that compensation may not exceed \$3,000,000 for the 10-year term. The

County may terminate the agreement for breach or default by providing 30 days prior written notice.

The Circuit Court and Purchasing Division advised that the cost of support/maintenance is equivalent to 12% of the licensed software and hardware cost or software only and will be prepaid annually. The contract provides that annual support and maintenance charges may be increased on the contract's anniversary date.

The Circuit Court requested that the proposed contract be designated as a noncompetitive 902(f) award due to the proprietary nature of the equipment to be maintained. The Circuit Court and Purchasing Division advised that the County has utilized the contractor's systems and support since at least 2010.

On September 20, 2010, the Council approved an 11-year and 6-month contract with CourtSmart not to exceed \$1,710,000 for maintenance, training, installation, upgrades, and expansion for/of the digital recording systems. On March 4, 2019, the Council approved an amendment to increase the maximum compensation by \$786,780 to \$2,496,780 for the entire 11-year and 6-month term, including the renewal and extension periods. The Circuit Court and Purchasing Division advised that expenditures under the contract, which expired September 21, 2021, totaled \$2,119,073.

The Circuit Court and Purchasing Division advised that the County then awarded two contracts as noncompetitive 902(f) awards secured on an emergency basis to prevent a lapse in coverage as the Circuit Court was engaged in negotiations for a new long-term agreement with CourtSmart Digital Systems, Inc. The first contract (purchase order) commenced July 1, 2021 and expired on June 30, 2022, and the Purchasing Division advised that the County expended \$137,096 under the contract. The Purchasing Division further advised that the service and pricing remained consistent with the 2010 agreement. The second contract was submitted to the Council via Correspondence at the March 20, 2023 legislative session; the contract commenced July 1, 2022 and expired June 30, 2023. The Purchasing Division advised that the County expended \$137,096 under the contract. The Purchasing Division and Circuit Court advised since the expiration of the prior contract on June 30, 2023, the Court has continued to use the digital recording systems; however, maintenance has not been performed.

The Purchasing Division further advised that the County expended \$180,262 from March 2023 through January 2024 for a required hardware and software upgrade for the new jury assembly

rooms. The Purchasing Division also advised that an oversight prevented the Council from being notified via Correspondence at a legislative session.

County Charter, Section 902(f), states that “when... [competitive] bidding is not appropriate, a contract shall be awarded only by competitive negotiations, unless such negotiations are not feasible. When neither competitive bidding nor competitive negotiations are feasible, contracts may be awarded by noncompetitive negotiations. Whenever a contract is awarded by a process other than competitive bidding, a copy of the contract shall be given to the county council and, at the next legislative session-day following the award of the contract, the secretary to the county council shall formally announce to the council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, a permanent record, which shall be available for inspection by the public.”

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....” Since the Council was not notified of the expenditures related to the required hardware and software upgrade, this situation constitutes a violation of Section 902(f) of the County Charter.

EXECUTIVE SUMMARY

The Circuit Court is requesting a contract between Baltimore County and Courtsmart Digital Systems, Inc.

Courtsmart Digital Systems, Inc. is a digital recording system that allows the court to concurrently record audio in multiple court proceedings. Recording equipment is currently installed in 20 courtrooms, 7 hearing rooms, Settlement Court, and 5 rooms in the new jury assembly/selection area. The software is stored on a state managed network, provided by the Administrative Office of the Courts.

The Circuit Court currently has 1 Digital Recording Manager and 8 Court employees who listen to proceedings concurrently in the above locations from a central control center. The employees have the ability to listen, identify important case information for transcription purposes, identify errors and mistakes of the record, identify issues with the recording equipment in real-time, and communicate with a Courtsmart tech to resolve any software issues. The audio recordings are saved and made available to the public upon request.

This system has allowed the Court and Baltimore County to move away from needing a court reporter in every court room. The Circuit Court has used this system since 2010, and has been a great success.

Prepared by: Circuit Court

FM-4 (Contract)

Council District(s) All

Office of Budget and Finance

Professional Auditing Services

The Administration is requesting approval of a contract with CliftonLarsonAllen, LLP to provide auditing services for the County’s annual financial statements and federal financial assistance/awards programs, as well as other auditing services as requested. The contract commences upon Council approval, continues for 5 years, and will renew automatically for two additional 2-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. The Office advised that estimated compensation totals \$2,950,557 for the entire 9-year and 6-month term, including the renewal and extension periods. See Exhibit A.

Fiscal Summary

Funding Source	Total Compensation
County	\$ 2,774,940
State ⁽¹⁾	131,005
Federal ⁽²⁾	44,612
Other	--
Total	<u>\$ 2,950,557</u> ⁽³⁾

⁽¹⁾ Maryland Department of Business and Economic Development, Maryland Department of Public Safety and Correctional Services, and the Governor’s Office for Children.

⁽²⁾ U.S. Department of Housing and Urban Development.

⁽³⁾ Estimate for the entire 9-year and 6-month term.

Analysis

The contractor will audit the County's financial statements (i.e., Baltimore County primary government and the Employees' Retirement System) and the County's federal financial assistance/awards programs (Single Audit). The contractor will also provide audit and reporting services for the following audits: Landfill Closure and Post-Closure Costs; Maryland 911 Emergency Number Systems Program Schedule of Revenues and Expenditures; Boost Fund Agreed Upon Procedures and Financial Statements; and Housing Choice Voucher Program financial statements. Upon request, the contractor may provide consulting and/or auditing services on other related financial issues, including comfort or consent letters related to the issuance of debt; Comcast Rate Review; Audit of Fire and Rescue Expenditures; and Review and Certification of the State of Maryland Uniform Financial Report (UFR).

The total all-inclusive maximum price for FY 2024 is \$250,000, with blended hourly rates ranging from approximately \$140 to \$192, depending on the service.

The contract commences upon Council approval, continues for 5 years, and will renew automatically for two additional 2-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. The Office advised that estimated compensation totals \$2,950,557 for the entire 9-year and 6-month term, including the renewal and extension periods.

Prior to commencement of engagement year FY 2025 and any subsequent fiscal year, the County may entertain a request for escalation in accordance with the Consumer Price Index – All Urban Consumers – Washington-Baltimore 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 or the contractor may terminate the agreement by providing 30 days prior written notice.

The County awarded the contract through a competitive procurement process based on qualifications, value, and experience from four proposals received. According to the bid documents, there is a 15% M/WBE participation requirement.

On July 6, 2015, the Council approved a similar 9-year and 3-month contract, effective June 1, 2015, with CliftonLarsonAllen, LLP. The County's financial system indicates that as of April 9, 2024, expenditures/encumbrances under the contract totaled \$2,131,140.

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

EXECUTIVE SUMMARY

The Office of Budget and Finance requests approval of a term Agreement with CliftonLarsonAllen, LLP, for annual professional auditing services that audits our Annual Comprehensive Financial Statements (ACFR) for both the County and Employees Retirement System, and the annual Single Audit. The Contractor shall provide all time, labor and incidentals necessary, to perform external auditing services and assistance with compiling annual financial statements.

The initial term of the Agreement is five (5) years, reserving the right to renew for up to two (2) additional 2-year renewal periods. In no event shall the total compensation paid to the Contractor exceed the sum of the County Council approved appropriation during the entire term of the Agreement, including renewals thereof. This Agreement contains a 15% Minority Business Enterprise and Women Business Enterprise (MBE/WBE) subcontracting requirement.

The Contractor was selected through the competitively solicited Baltimore County Request for Proposal (RFP) No. P-10000213, dated February 23, 2024. Four (4) total Offerors responded to the RFP. The Proposal received from CliftonLarsonAllen, LLP was found to be the most advantageous, based on the Offeror's qualifications, experience and overall best value to the County.

Prepared by: Office of Budget and Finance

**MB-5 (Res. 20-24) Approval of Loan
 MB-6 (Res. 21-24) PILOT**

Council District(s) 2

Mr. Patoka (By Req.)

Department of Housing and Community Development

Approval of Loan and Payment in Lieu of Taxes – New Weinberg House, LP

Resolution 20-24 authorizes the County to provide a 40-year, \$2,725,000 loan from the County’s HOME Loan Fund to New Weinberg House, LP to assist in financing the renovation of 116 multi-family units, all of which are income-restricted rental units for eligible seniors, located at 16 Old Court Road in Pikesville. As a companion matter, Resolution 21-24 authorizes the County to enter into a 20-year agreement with New Weinberg House, LP for stipulated payments-in-lieu of real property taxes (PILOT) in order to provide financial assistance to support the affordability restrictions. The PILOT agreement shall be effective July 1, 2025 or the date the future owner acquires the property (estimated to be November 2024). See Exhibit A.

Fiscal Summary

Funding Source	(MB-5) County Loan	(MB-6) Property Tax Reduction
County	\$ 2,725,000 ⁽¹⁾	\$ 5,730,457 ⁽²⁾
State	--	--
Federal	--	--
Other	--	--
Total	<u>\$ 2,725,000</u>	<u>\$ 5,730,457</u>

⁽¹⁾ County HOME Loan Funds; the loan will have a 40-year repayment period with 3% interest.

⁽²⁾ Estimated net present value of property tax loss over the 20-year term of the PILOT agreement.

Analysis

New Weinberg House, LP will acquire an existing multi-family community consisting of 116 1-bedroom units located at 16 Old Court Road in Pikesville from the current owner The Harry and Jeanette Weinberg House, Inc. All 116 units will be leased to senior households earning up to 50% of the area median income (e.g., up to \$42,600 for an individual and up to \$48,700 for a family of two). The Department anticipates that the acquisition will occur in November 2024, and that renovations will be completed in November 2025. The Department advised that meetings will be held with residents prior to construction to explain the renovation process, and that during the construction period a hospitality unit will be established where residents who are home during the day can go to relax and enjoy refreshments while their units are being renovated.

MB-5

Resolution 20-24 authorizes the County to provide a \$2,725,000, 40-year loan from the County’s HOME Loan Fund to New Weinberg House, LP to partially fund the costs associated with the renovations. Renovations will consist of a new roof, code compliance updates, energy efficiency upgrades, and all new major systems as well as replacement windows, doors, doorframes, shower doors, shower and tub surrounds, bathroom vanities, kitchen cabinets, grab bars, medicine cabinets, towel bars, and exterior masonry. The loan will have a 0% interest rate during the Construction Loan Period, which is expected to last approximately 13 months, and a 3% interest rate during the Permanent Loan Period, which commences upon the completion of construction and continues for 40 years.

The Department advised that project costs are expected to total approximately \$34 million and will be financed as follows:

Low Income Housing Tax Credit (State of MD)	\$ 9,911,101
MEEHA Greenhouse Gas Reduction (State of MD)	9,800,000
Rental Housing Program (State of MD)	6,650,000
Rental Housing Works (State of MD)	3,250,000
Baltimore County HOME Funds	2,725,000
MEEHA/EmPower (State of MD)	1,192,206
Private Philanthropy	297,596
Interim Income	125,000
Deferred Developer Fee	32,611
Total	\$ 33,983,514

MB-6

Resolution 21-24 authorizes the County to enter into a 20-year PILOT agreement (effective July 1, 2024) with New Weinberg House, LP with payments-in-lieu of taxes in the amount of \$300 per unit in the first year and increasing 2% per year. The PILOT agreement will reduce County real property tax revenue for the earlier of 20 years or as long as the developer continues to maintain the affordability restrictions. The property owner shall make annual payments at the end of each calendar year, and the tax payment shall be made prior to payment of any debt service on the property.

Payments in the first year will total \$34,800 (\$300 per unit for 116 units). Estimated PILOT-generated revenue is \$339,019 less than the estimated County property tax revenue amount in the first year. PILOT-generated revenue is estimated to be a net present value amount of \$5,730,457 less than the County property tax amount over 20 years (assuming the assessed value of the property is equal to the total project costs of approximately \$34 million; the property value increases by 3% each year; and the present-value discount rate equals 5% per year). Should the property no longer maintain its affordability restrictions within the first 15 years of the agreement, New Weinberg House, LP will be liable for all foregone County property taxes. Should the property no longer maintain its affordability restrictions in year 16 of the agreement or beyond, New Weinberg House, LP will be liable for the full amount of County property taxes for the remainder of the 20-year agreement.

The Annotated Code of Maryland, Tax-Property Article, Section 7-506.1 exempts certain subsidized rental housing projects from property taxation if the owner and governing body of the County agree to negotiated payments-in-lieu of real property taxes.

On October 11, 1994, the County entered into a PILOT agreement with The Harry and Jeanette Weinberg House, Inc. to provide financial assistance to support this senior affordable housing project. The Department advised that The Harry and Jeanette Weinberg House, Inc. is in compliance with the terms of the PILOT and that the PILOT will terminate upon the change in the property's ownership.

These resolutions shall take effect from the date of their passage by the County Council.

EXECUTIVE SUMMARY

Comprehensive Housing Assistance, Inc. (“CHAI”) developed Weinberg House Apartments at 16 Old Court Road in the heart of the Pikesville Sustainable Communities area in 1993. Since then, the building has provided hundreds of low- income seniors with quality affordable housing and supportive services, including a meal program. The residents’ range in age from 62 to 97, many with incomes at or below \$10,000 per year. The site is conveniently located within walking distance of shops, post office, bank, libraries and other amenities.

At nearly 30 years of age, the building is in need of major renovations including a new roof, code compliance updates, energy efficiency upgrades, all new major systems and finishes. Weinberg House is zoned BL-CT (senior housing permitted use by right) on 1.21 acres. There are 116 one- bedroom units, with six (6) of those designated fully UFAS accessible. Units are 534 square feet on average. Total building square footage is 97,855 with ample common space for resident services, programs and amenities, including the “Eating Together Program.” All units are affordable to households at or below 50% of Area Median Income (“AMI”) and fill a critical need for affordable senior housing in the County.

The property is currently owned by a single purpose entity, a non-profit corporation established for the HUD 202 project 30 years ago, called The Harry and Jeanette Weinberg House, Inc.

CHAI or its assigns will form a limited partnership, The New Weinberg House, LP, to purchase the building at the time of closing.

Preserving this important asset through a property renovation and extension of its affordability covenant will allow the County to better meet needs of the county’s seniors while preserving scarce senior affordable units for the county’s aging community.

PROPOSED LOAN

The Proposed Request is for substantial rehabilitation of all units and common areas that will include replacement of all metal windows, shower doors, shower and shower -tub surrounds, bathroom vanities, kitchen cabinets, grab bars, toothbrush and soap holders at vanity, Medicine cabinets, towel bars, exterior masonry, roofing, metal flashing and trim, metal and wood doors and frames.

Project costs total approximately \$ 33,983,514 and will be financed as follows:

Rental Housing Program (State of MD)	6,650,000
Rental Housing Works (State of MD)	3,250,000
Baltimore County HOME Funds	2,725,000
MEEHA Greenhouse Gas Reduction	9,800,000
MEEHA/EmPower	1,192,206
Private Philanthropy	297,596

Low Income Housing Tax Credit (State of MD)	9,911,101
Deferred Developer Fee	32,611
Interim Income	125,000

The proposed County investment consists of a HOME Loan Fund in the approximate amount of Two Million Seven Hundred Twenty Five Thousand Dollars (\$2,725,000.00), with payment of principal and interest to be payable from surplus funds for a period of forty (40) years from commencement of the Permanent Loan Period, then any outstanding balance repaid to the County on the Maturity Date, together with interest at the rate of zero percent (0%) per annum during the Construction Loan Period, which is expected to last for a period of approximately thirteen (13) months, and three percent (3%) per annum during the Permanent Loan Period, which commences once construction is complete, with payment to be made on an annual basis from a portion of net cash flow during the Permanent Loan Period, subject to coordination with the requirements of other Project lenders.

The budget code for **HOME funds-** CC670000 GR-1103 200

**PROPOSED
PILOT:**

New Weinberg House, LP, has requested a twenty (20) year PILOT, commencing on July 1, 2025 of \$300 per unit for the first year, with annual escalation of 2% annually.

Payments due annually in arrears. The Tax Payment shall be made prior to payment of any debt service on the Property.

The difference between the amount of stipulated payments in lieu of taxes remitted to the County under this Agreement and the amount of full real estate taxes which would have otherwise been paid based on the assessed value of the Property, shall be repaid upon default prior to the Termination Date. Any payment under this provision shall be limited to the extent of available proceeds after repayment of all debt and other obligations, which constitute liens on the Property.

The obligations of New Weinberg House, LP to operate the Property as rental housing for eligible residents will be set forth in covenants (the "Covenants") contained in a Deed of Trust, Assignment of Leases and Rents, Regulatory Agreement, and Security Agreement (the "Deed of Trust") to be recorded among the Land Records of Baltimore County.

Prepared by: Department of Housing and Community Development

MB-7 (Res. 22-24)

Council District(s) 2

Mr. Jones, Patoka & Kach

Adopt the Reisterstown Main Street Design Recommendations

Resolution 22-24 adopts the Reisterstown Main Street Design Recommendations. Reisterstown is a five-block retail district in western Baltimore County that is recognized by the Main Street Maryland Program as a Historic Main Street. With origins in the 18th century as an outpost between Baltimore City and western Maryland, the main street has a predominantly 19th century architectural character and is home to boutiques, restaurants, and local services.

In partnership with the Reisterstown Improvement Association, Inc., the Neighborhood Design Center (NDC) and &Access prepared an approach to addressing key challenges and opportunities for a thriving, multi-modal Main Street – with NDC performing information gathering, community visioning, and production of conceptual design plans; and &Access complementing the visioning process by assessing market retail and property conditions and opportunities for increased occupancy. Through this partnership, Reisterstown Main Street developed a Streetscape Plan, Storefront Design Guidelines, and Retail Plan in order to define and enhance a community identity and improve its user experience for local residents and bolster its popularity as a regional destination.

This resolution shall take effect from the date of its passage by the County Council and copies of this resolution shall be sent to the Baltimore County Planning Board and Planning Department.

MB-8 (Res. 23-24)

Council District(s) 5

Mr. Marks

Amend the Perry Hall Community Plan

Resolution 23-24 amends the Perry Hall Community Plan. Specifically, the amendments make changes to several recommendations, update an appendix with 2020 Census data, and update maps of the Plan area.

The amendments change a recommendation regarding the approval of Planned Unit Developments (PUDs) in the Plan area to strike the restriction that such a PUD could only amend or modify the density by up to 20% over the underlying zoning. The amendments also change a different recommendation regarding the intersection of Belair Road and Forge Road to state that access to the commercial development from the intersection of Belair Road and Forge Road is critical and should remain open. Forge Road, however, should remain closed as it currently exists and should not be reopened as a connection between Belair Road and Honeygo Boulevard. Also, County funding should not be used to extend Forge Road to Belair Road. Last, it is recommended that a traffic circle be provided at the intersection of Cross Road and Honeygo Boulevard.

The amendments also add to the plan Appendix II – United States Census Data, which contains general findings from the 2020 census data, two maps of the Plan area, and a chart. Last, the amendments update three maps in the Plan: the Community Plan Area; Master Plan 2020 Land Management Areas; and Community Plan Zoning, which includes a chart detailing the acreage of each zone in the Plan area.

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

MB-9 (Res. 24-24)

Council District(s) All

All Councilmembers

Department of Public Works & Transportation

Adopt Construction and Materials Standards and Specifications Manuals

Resolution 24-24 adopts the Baltimore County Standard Specifications for Construction and Materials Manual and the Baltimore County Standard Details for Construction Manual (collectively, the “Manuals”). See Exhibit A.

Section 32-4-404(d) of the County Code requires that each County agency that is required to prepare a manual shall submit the manual to the Planning Board for review, upon which the Planning Board must, within 75 days, hold a public hearing, approve the manual, and submit the manual to the County Council for adoption. Within 90 days after submission of the manual to the County Council, the Council shall adopt the manual with any amendments the Council considers appropriate, upon which the manual shall become effective.

Accordingly, the Department of Public Works and Transportation introduced and presented the updated Manuals to the Planning Board at its February 15, 2024 meeting. On March 7, 2024, the Planning Board held a public hearing on the Manuals and immediately thereafter held a meeting at which the Board voted to approve the Manuals as presented, thereby submitting the approved Manuals to the County Council for review and adoption.

Resolution 24-24 shall take effect from the date of its passage by the County Council.

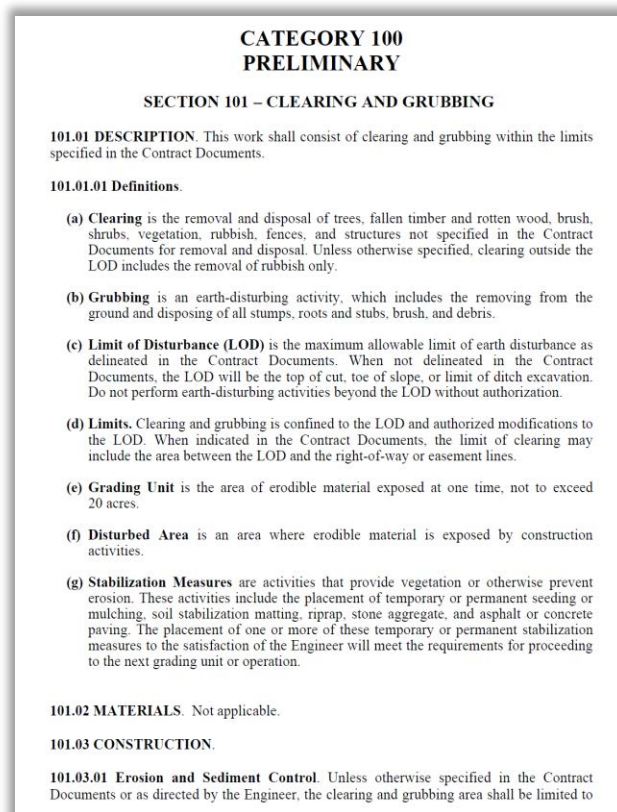
EXECUTIVE SUMMARY

DPWT Standard Specifications and Standard Details

Purpose - Present the revisions to the Department of Public Works and Transportation (DPWT) Standard Specifications and Standard Details for Construction to Council for approval.

DPWT is empowered by County Code Article 32, Title 4, Subtitle 4 – Adoption of Manuals, to prepare the Manual of Standard Details and the Manual of Standard Specifications.

The current specifications were approved and issued in 2000 with addendums from 2007 and 2013. The standard details were approved and issued in 2007.



Sample specification page



The Standard Specifications describe:

- How a contractor becomes prequalified
- How bids are solicited
- How bids are to be provided by interested parties, the basis to reject bids and how to protest a bid
- The processes for contract award, execution, disputes and termination
- How the payments are made to contractors
- How construction work is performed – including items such as site maintenance, traffic control, site & trench safety, excavation, pavement/site restoration and materials testing
- The materials that can be used (types of pipe, allowed concrete mixes, stone and soil for trenches, fittings, coatings, seed mix)
- How the contractors are paid for the materials used and work performed
- How work is accepted and projects are closed out

The Standard Details for Construction illustrate with precise dimensions and details how assets are constructed. Details exist for everything from storm drain inlets, pipeline encasement, fire hydrants, staircase railings, roadway pavement requirements to sewer grinder pump requirements.

BALTIMORE COUNTY COUNCIL
NOTES TO THE AGENDA
APPENDIX A

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

TO: Administrative Officer  **DATE:** 3/27/24
FROM: Kevin D. Reed, Director  **COUNCIL MEETING**
Office of Budget & Finance **DATE:** 5/6/24
SUBJECT: Public Recordation of Announcement
of Non-Competitive Awards Charter Sec. 902(f)

Whenever a contract over \$25,000 is awarded by a process other than a formal competitive bid, a copy of the contract must be given to the County Council, and at the next legislative session-day following the award of the contract, the Secretary to the County Council shall formally announce to the Council the nature of the contract and the parties to the contract. The announcement shall be recorded in the minutes of the County Council, and shall be available for inspection by the public. In compliance with this procedure, information is attached concerning the following awards, which are to be forwarded to the County Council:

Award Document

PO 10014408 Ahold Financial Services

This Purchase Order provides for the purchase of Giant Food Store Gift Cards, in \$25.00 denominations, for distribution to vulnerable populations by the Department of Social Services. As detailed in the Gift Card Justification signed by Donna Wallace, Ahold Financial Services dba Giant Food Stores is the only source for procuring Giant Food Store Gift Cards, which the Department of Social Services distributes to approved clients for the purchase of food and prescriptions on an emergency basis. The cards are procured and distributed in accordance with the Department of Social Services SOP #F-6, Merchant Gift Cards.

Award Total: \$29,996.25
Award Date: 3/27/24

SCON 10002295 Crye Precision, LLC

This Supplier Contract is for the purchase of G3 Combat Uniforms in Ranger Green with Knee and Elbow Pads from Crye Precision LLC for the Baltimore County Police Tactical and Hazardous Devices teams.

As detailed in the Sole Source justification from Chief McCullough, Crye Precision uniforms have been used by the County since 2021. This G3 Combat Uniform are unique in a number of designing features, safety measures and construction that no other uniform has and while other available uniforms contain some of these features, no other uniform contains all of these features. They hold patents (US-7636948-B1 and US-D602210-S) relating to the specific designs of the Combat Shirt and Airflex Knee Pads which result in advanced comfort, mobility, safety and protection of the wearer.

5 Year Estimated Award Total: \$164,806.00
Award Date: 3/27/24

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