

Baltimore Metropolitan Council



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Anne Arundel County
Baltimore City
Baltimore County
Carroll County
Harford County
Howard County

BMC BOARD OF DIRECTORS OCTOBER 27, 2009

MINUTES

MEMBERS PRESENT

Honorable John Leopold, Anne Arundel County Executive and Chairman
Honorable Sheila Dixon, Mayor, Baltimore City
Honorable James T. Smith, Jr., Baltimore County Executive
Honorable Dean L. Minnich, Vice President, Board of County Commissioners, Carroll County
Honorable Ken Ulman, Howard County Executive

OTHERS PRESENT

Carl Balsler, Howard County
Ned Cheston, Howard County
Marneisha Freeland, SB & Company
Alan Friedman, Anne Arundel County
Andrew Frank, Baltimore City
Elaine Garven, Baltimore City
Frank Johnson, Carroll County
Robert Maloney, Director, Mayor's Office of Emergency Management, Baltimore City
Marsha McLaughlin, Howard County
Rob McCord, Harford County
Frank Principe, Baltimore County
Bill Seymour, SB & Company

BMC STAFF

Larry Klimovitz, Executive Director
Regina Aris
Harvey S. Bloom
Dunbar Brooks
Monica Haines
Barbara Herron
Mike Kelly
Mary Logan
Sandra Spears

Presentations

Quarterly Update by Urban Area Work Group (UAWG)

County Executive and Chair John Leopold called the meeting to order at 3:10 p.m. He then introduced Lt. Robert Maloney, Director of the Mayor's Office of Emergency Management, to give the quarterly update from the Urban Area Work Group (UAWG).

Lt. Maloney began by discussing upcoming changes to DHS guidance. He stated that periodically the UAWG has come to the BMC Board for political support (such as with the Shelf Life Extension Program). He then introduced David Brummett, Policy Analyst, Office of Emergency Management, to present changes to DHS guidance regarding maintenance agreements.

Mr. Brummett reported that the National Governor's Association and Governor O'Malley, are writing letters sending our concern that maintenance and sustainment costs for the numerous Homeland Security assets that have been purchased since 2003 with grant dollars are now not allowable for funding from grant dollars. The argument we are putting forth is that it is not reasonable to disqualify these costs when it is clearly eligible to replace these assets if they fall apart. The Department of Homeland Security (DHS) has no problem with us replacing our mobile command vehicle fleet, but they will not deem eligible the satellite subscription costs for air card costs for their built-in wireless systems. Mayor Dixon asked what the reason for this was. Mr. Brummett replied the decision is coming out of the Office of Management and Budget, which has oversight of DHS's grants. OMB maintains that since the inception of the UASI Program and Homeland Security Program (2003), it was always intended to be seed money and start up costs for assets not currently owned by the locals. It was not intended to be a long-term sustainment program. Mr. Brummett stated we are somewhat caught up in semantics. DHS sees the reality that it is much wiser to spend smaller amounts on maintenance rather than repurchase these assets.

Mayor Dixon stated that without these grants, we wouldn't have this equipment, since most of the locals wouldn't have been able to fund this on their own. Mr. Brummett stated he responded to the Governor's office today to add anecdotal evidence about what would happen if this policy was strongly enforced. He reiterated that there is no problem buying new equipment and the service agreement attached to that, we are just not allowed to have stand alone agreements for equipment purchased in prior years. We have asked this body for help in legislative requests, such as the Shelf Life Extension Program. We are again asking the BMC Board to follow this process as well.

Mr. Klimovitz stated that the Shelf Life Extension Program is continuing along the same path. Mr. Brummett stated that Homeland Security and the Homeland Security community are going through the Congressional Delegations of all of the states to try to expand that policy. Mr. Klimovitz asked if he knew where this stood, because he has not received any update in regards to allowing properly preserved stockpiles of pharmaceuticals to be able to follow the same guidelines as the Feds do. Mr. Brummett stated the goal that we sought was to allow all of these drugs for large scale response or delivery to be eligible; that has not happened yet. He stated there has been incremental progress towards that end. The Federal government has suggested that the stockpiles not be destroyed until this has been settled. Mr. Klimovitz stated that this Board sent letters supporting this position. That was the last we heard.

Lt. Maloney then presented his report. He reminded the Board that each local UAWG representative would report back on how funds are allocated. He reported that the FY 09 Award was \$10.98 million. There has been no change in what Baltimore received in terms of percent of nationwide total of UASI awards (1.4%). Overall, he stated a 4% reduction in raw dollars from FY 08 (-\$545,000). In FY 10, \$887,000,000 was appropriated for UASI. There was a slight increase (1%) over the total

amount shared by the Nation through UASI in FY 08. He stated no dramatic change is expected for Baltimore's FY 10 Award. Lt. Maloney then brought the Board up-to-date on the recent Dundalk water main break. It shows how far we have progressed. His presentation included pictures from the water main rupture in Baltimore County. In the past, this would have strictly been a Fire Department engagement. He said he was notified immediately as Emergency Manager. He worked with the City water department and implemented the incident management system from there. At that time, he contacted Mayor Dixon and asked her permission to activate the EOC. Bayview Hospital was losing water. Recovery organizations became involved and it was quite a collaboration of forces.

Regarding the H1N1 virus, we have made a decision to reprogram some funding so that each jurisdiction would have money to deal with the H1N1 initiative from an emergency standpoint. UASI is acting as a forum to discuss innovative and best practices, to coordinate regional input, and provide situational awareness and information sharing.

Lt. Maloney added that Howard County made a decision to retain the services of Chief Herr who has been instrumental in taking several projects and pushing them forward. He has been a terrific asset. He further stated that UASI is the host of the upcoming Environmental Protection Agency Regional Conference. The BMC has been gracious enough to host the committee. Mr. Klimovitz asked what the progress was on the Regional Alert Agreement. Mr. Brummett stated that it is being circulated for signature.

County Executive Ulman thanked Chief Herr (Retired) for agreeing to serve the UASI effort. County Executive Smith stated that he would like to add a remark concerning the water main incident. He stated that it was a tremendous cooperative undertaking on all levels, including the State. He stated he had calls to provide assistance from many local leaders. A bad situation was contained on every level of government. The information given to the community was very helpful, and helped to relieve a very stressful situation.

Status and Next Step on Transportation Vision Report and Regional Land Use Exercise

County Executive Leopold then introduced Frank Johnson from Carroll County and Marsha McLaughlin from Howard County. Mr. Johnson thanked the Board for allowing him to make this presentation. He stated that the group has been making good progress, referring to this initial process as Metro Baltimore 2050 and Beyond. He stated that while some of the concepts that come out of this visioning effort will be used in the 2011 Transportation Plan, the next major plan, the focus is much beyond that. He stated it has taken the help and cooperation from many including, Planning Directors, BRTB members, county staff, BMC staff and other regional metropolitan planning organizations to see how they have handled similar processes. What we have established is a draft of a process and parameters that we plan to follow. The process we intend to use or how we intend to go about this is scenario development. This is how we would propose to consider what would lead to a future transportation vision. This would also prescribe options for possible future land use scenarios for the region. This may range from a largely sprawled development to a more balanced development to one that may be more compact. We have worked with the Planning Directors and staff on what some of these options may look like. The idea would be to present this to the public and solicit feedback as to what some of the preferences are. We do know that one key to this process, if the general goal is to lay out a long-term transportation vision that focuses on transit opportunities, is to require a regional land use development plan that encourages more compact development in areas that could be served by additional transit. Not all areas can necessarily be served by transit. This is why it is so important that we work with the Planning Directors. The goal clearly is a transportation plan. The scenarios would be linked to major transportation investments. In terms of process, Mr. Johnson stated that our next step would be to continue the internal review, and make corrections and updates to what would turn out to be some of the

baseline scenarios. This would entail additional assistance from county staff, planning departments, etc. The next formal step would be to begin the public involvement process, presenting the scenarios, working with stake holders and using consultants, especially on technical issues that will arise, particularly in public involvement. He stated that the 2011 Plan could also be referred to as the 2040 Plan because that is how far out it would run. The concepts we have come up with will certainly be a part of that. The four goals would be:

1. An efficient and connected transportation system;
2. Use of smart growth principles;
3. Protection of the environment; and
4. Invigoration of economic development

The planning discussions, initial scenarios, and analysis all reflect a focus on those main four goals. He stated that the timeline is very important; this is where public involvement is key. He stated that we will continue to come back and report, so that the Board stays aware and because we need Board involvement and engagement. Also, if we are heading down the wrong path, we need to know. The reality is that an effective public involvement process is not quick. It takes time to get input, refine it, work with it, and then report back to people what we have to do. We will have an additional draft during 2010 with a final conclusion in 2011. In terms of next steps, we believe that by March, 2010, the initial steps for formal public involvement will begin. There are different components of public involvement to work through. This will take the next 5-6 months, ending in August, 2010. This will lead us to further refine the scenario options, the goal being a "preferred draft". We believe this entire process would conclude in the fall of 2011, with a final long-range plan that would also be concurrent with the next long-range transportation plan, (the fiscally constrained one required at the federal level). This would allow the process to move forward. It would allow for public involvement and refinement. In terms of costs, to develop this vision, there are many variables. We now believe that we can cut and limit costs shaving the original \$1-1.5 million estimate to \$600-750,000 for the process. The bulk of funding is needed for the consultant and public participation. Again, in working with BMC staff, and talking with other MPOs, this is the way to go. Obviously the process will require the involvement of elected officials, not necessarily in the technical review, but especially in identifying and highlighting stakeholders in your region, the bulk of the public involvement process being in late winter/early spring. Mr. Johnson stated that regular updates will be provided, emphasizing we will need Board leadership and involvement in the process. Strategic partnerships are going to be key, both regionally and locally. We do intend to use the scenario planning process with the first step in how we can utilize some of the goals we have focused on in the long-range transportation plan. We also intend to use an open and transparent public involvement process, in large part to solicit input into what we are developing from the county level and the regional level as well.

Mr. Klimovitz reminded the Board of Directors, the charge behind developing the Transportation Vision was created by this same body sitting as the BRTB. At that time, we pulled together the BMC Transportation Division with local planning directors and the Urban Land Institute (ULI) (Regional Land Use Exercise). The presentation just heard was presented earlier to the Management Committee; also in attendance were each of the Planning Directors and BRTB local empowered reps. The groups are all working together recognizing that land use affects transportation and vice versa. While the initial thoughts were for a quicker timeline for a transportation vision, this revised timeline was developed through a spirit of consensus between all of the groups for a transportation vision linked with the concept of regional land use. Regardless, even though they were calling this 2050 and beyond, this will impact the 2011 Transportation Plan, even though the published transportation plan will not be completed.

Ms. McLaughlin stated that each of the jurisdictions have been through many rounds of updating their general plans; we are not starting with a blank slate. We can look at what other areas have done. We have been through our own land use battles. We know where we can grow and where we have stable neighborhoods without significant change. We intend to look at the places that each jurisdiction has identified for either green field or gray field; where we can do a better job of mixed use walkable transit served development, and where we can maximize patterns that optimize transit service. Because we don't want to start from a blank state, we can condense the public involvement effort over what others have done. One of the concerns is that 2010 is an election year and land use sometimes generates controversy. The intent is to get out in early 2010 and talk about goals and performance measures and the scenarios we have looked at so far. Then, we can take, consider, and integrate appropriate input throughout the remainder of 2010.

Mr. Johnson stated that as part of that finalization we would be getting back to make sure this is an approach that satisfies this goal and we are headed towards the right goals, agreed to by the Board

County Executive Smith asked if there has been any communication with Jon Laria who chairs the Task Force for Future Growth and Development in Maryland. County Executive Smith suggested that the working group approach Jon Laria and coordinate with them. In reading their minutes, that growth task force may come up with "statewide" ideas totally undermining our efforts. County Executive Smith also suggested following what some of the State regulatory agencies are doing. MDE regs may totally prevent some of the concepts being considered with regard to densities and redevelopment. It is fine for us to be looking at something from our local perspective, but the reality is there are other viewpoints that have some legitimacy as well. It is better to begin this interaction at the visionary level, rather than after every one is finished and then recognizing we cannot do anything because of contradictions of plans. Smart growth advocates and environmentalists are oftentimes on separate paths. Respecting both, we have to be communicating more honestly and practically. If we don't have growth densities to support mass transit, we are never going to have mass transit, because we will never be able to pay for it. It will never make enough sense.

County Executive Smith expressed that for your work to bear fruit in the end, you have to coordinate with others that may have a more far reaching mission, such as the State Growth Task Force. Though we are a big part of what they are looking at, the regulatory agencies have got to become partners in looking at the growth issue, statewide and also with respect to the Baltimore metropolitan area.

County Executive Ulman thanked them for taking charge in developing the plan. He asked to see, as soon as possible, the specific schedule by which we will be sitting here as the BRTB in front of the public talking about Vision 2040. Mr. Klimovitz introduced Regina Aris, Acting Director of Transportation. She stated that BRTB members will have to approve it November, 2011 requiring a public hearing prior to that, so we will have the year 2011 to work through it. We want to make sure there isn't a document that comes out saying something we haven't all discussed. County Executive Ulman stated that he appreciated the work so far and that the schedule looks good.

Commissioner Minnich stated that three or four years ago at the MACO convention in Ocean City, most of the local elected officials were at a meeting with the then heads of the Departments of the Environment and Planning, with the previous administration. We were discussing these same things, and I stated that we can't talk about water resources until the Departments of the Environment and Planning have the same objectives. There was silence. We are still at this same place. He stated that what County Executive Smith discussed was critical then and is still critical today. Until we have the State directors being able to come together and agree that there is indeed some local autonomy, we are just going to be doing the same thing.

Mayor Dixon remarked this is exactly why County Executive Smith stated that we have to bring the State in at the beginning. County Executive Ulman stated we have to continue to get people on the same page, but we need a document we can point back to so that when MDP and MDE are not on the same page, we can go back and say we have been going down this road, it is in our transportation planning, etc. now we have to implement. If we have that document, we can have something to point to. By voice vote, the Board agreed with the timeline and process presented thusfar.

Mr. Klimovitz stated that as a part of the “charging” dialogue from last year, the thoughts were to assemble a local “visioning” group and come up with a regional vision, including regional land use scenarios as they impact transportation investments. We can show we’ve worked on this collaboratively together, not just within the region but also communicating with the requisite state agencies. We need to do this before (1) things get too far along and (2) we are faced with conflicting priorities between state agencies. At the very least, we as a region can have our own plan that will be worth consideration by the State. This speaks to what County Executive Smith says and is exactly what is being prepared by the work group.

Action Item – Approval of Minutes from April 28, 2009 Meeting

County Executive Leopold called for approval of the minutes of the April 28, 2009 meeting. County Executive Smith moved for approval and it was seconded by Mayor Dixon. As there were no changes or additions to the minutes, they were approved unanimously by voice vote.

Action Item – Presentation and Acceptance of Fiscal Year 2009 Financial Audit

County Executive Leopold introduced the item. Mr. Klimovitz stated that Mr. Gray Smith, principal of the company (SB and Associates, LLC), is not present. He introduced Ms. Marniesha Freeland and Mr. Bill Seymour to make the presentation. Mr. Klimovitz stated that preliminary financial statements were included as part of the agenda package. Final numbers just came in, but the net income is still the same, \$141,191.00. We bettered last year’s net income, almost tripling what we had projected at the start of the fiscal year. After the presentation, Mr. Klimovitz requested a Board motion to accept the audit. Mr. Seymour then gave his presentation. County Executive Ulman moved for a motion and it was seconded by County Executive Smith. The audit for FY 2009 was unanimously accepted.

Program Updates

September, 2009 Financials

Mr. Klimovitz reported that along with completion of the FY '09 audit, he regularly provides updates to the Management Committee and Board on the financials. Having just completed the first quarter of the fiscal year and the fact that we are on a reimbursable basis, as of the close of September '09, we are running a small deficit of \$44,000. He stated that it is nothing to be alarmed about because we are waiting on reimbursements from MDOT, MTA, etc. In addition, he added that we pay a lot of our insurances and business expenses on an annual basis, rather than on a quarterly basis. We normally run a deficit in the first two or three months of the year. He stated although we have been blessed in the past with year end surpluses, etc. and ended in the six figures, for FY '10, this will be difficult. One of the things the audit provides for us is the fringe and indirect rate which is the rate at which we bill the Federal government for reimbursement. He stated that when he came on board, the fringe and indirect was at 2.12%. As we became more efficient, trimmed expenses, renegotiated contracts, etc., the rate has gone down to 2.02. What this means is that while we have gotten more efficient, we receive less in reimbursement for every dollar billed. Though spending wisely, this will cut into our overall income.

BRCPC Activities

Mr. Klimovitz reported on the September, 2009 BRCPC written update. Regarding our electricity portfolio, we closed out FY 09 about 5.3% under budget. This means that sitting on account with PEPCO, (collectively as our buying consortium) is approximately \$6.8 million. One of the things our procurement directors are looking at is the fact that given the current economic climate, PJM is now requiring weekly billing settlements rather than monthly. This means that our capitalization requirement, the amount we need to be on account with PEPCO, will be increased. We expect the cash on reserve amount to be available some time in December. At that time your procurement directors will be coming to you to discuss disposition of any excess account balances. He reported we took in the energy purchase proposals on October 9th for a long-term energy purchase agreement. At next month's energy meeting, we will know more. Each proposer had to guarantee a constant 25 megawatts of power. Montgomery County just entered into a major long term solar energy power agreement with Sun Electric primarily geared towards schools with large roof areas. In return for agreeing to purchase Sun Electric's solar power for 20 years, Sun will provide the array of solar panels on minimum 40,000 sq. ft. roofs. County Executive Ulman stated that this should be put out on bid if we would consider this, that it is a great potential concept. Mayor Dixon also agreed about putting out a bid. She stated Baltimore City has been talking to some solar folks and is really intrigued about it, but there are a lot of innovative companies.

Executive Voices Outreach

Mr. Klimovitz introduced Mr. Mike Kelly to discuss this update. Mr. Kelly stated this is the three-part breakfast series that BMC is putting on, featuring the BMC Board members. He pointed out the invitation included in the Agenda packets. The first breakfast will take place on November 17 with County Executive Leopold and County Executive Craig discussing preparation of the BRAC workforce through STEM education, the second will take place on January 28 with Commissioner Minnich and Mayor Dixon discussing a regional perspective on the relationship between transportation and business, and the third on March 11 with County Executive Smith and County Executive Ulman discussing the 2010 legislative session and its impact on the Baltimore metropolitan area. These are all being hosted by local colleges and local corporations partnering with us for sponsorship

Regional GIS Committee

Mr. Klimovitz reported formation of this group has been discussed with the Management Committee. This idea is on the same basis as many other cooperative groups, such as BRCPC. He stated he has heard from GIS coordinators about the lack of a regional focus in the statewide group (MSGIC). The idea was developed from our GIS staff here. We discussed it at MACO and there was widespread interest among each of our GIS managers to form this group. It is another way that we will be reaching out to your local staff to assist BMC to help make services more efficient, cost-effective, etc.

McHenry Row Relocation Status

Mr. Klimovitz reported that McHenry Row is a couple of months behind schedule due to financing delays. Instead of a May 2010 move date, we are looking at a September/October, 2010 move date. It impacts us here because our current lease runs out June, 2010. It worked out well initially, but now we are forced to seek an extension here while we wait for McHenry Row to be completed. We are not in the best negotiating position, because we already filed notice that we are not renewing our lease. Any extension will probably include a multiple to our current rent. The McHenry Row developer has agreed to pick up those incremental costs.

2010 Census – Local and Regional Efforts

Mr. Klimovitz stated that a briefing was provided to the Management Committee on the importance of the 2010 Census. We are asking the Board to make sure that county staff is engaged in the 2010 Census. Mr. Dunbar Brooks provided the rest of the briefing.

Mr. Brooks stated there are 165 days to the Census Kick-off. He stated the Governor will be having a “roll-out” for the statewide census with the Honorary Chair, Dr. Ben Carson at the Randallstown Community Center. The Mayor had a big Baltimore City roll-out a few months ago. We are asking all our local governments to make sure there is an ample list of county-wide coordinators.

Other Business

County Executive Smith asked if there has been any progress on the Sustainability Committee. Mr. Kelly stated there is a website and they are proposing to work with the state on the Greenhouse Gas Inventory. The project we are working on now is a day-long summit which we hope will be held at the Randallstown Community Center. We hope to bring in focus groups and a collection of citizens from each jurisdiction, including Annapolis, to start looking at long-term sustainable planning in the region. He stated that he was hoping to be further along with Greengas Inventory, but this is proving tough to coordinate among the jurisdictions.

Mr. Klimovitz stated that everyone felt that the first priority should be agreement on standard definitions

County Executive Smith asked how the Energy Summit in the spring turned out. Mr. Kelly stated that it was very successful. He stated that he has been asked to sponsor another

Closing Remarks

Mr. Klimovitz stated there are four proposed dates for 2010 meetings. They have been approved by two jurisdictions. Commissioner Minnich gave his approval for Carroll County.

As there was no further business, the meeting was adjourned at 4:15 p.m.

Respectfully submitted,



Larry W. Klimovitz
Executive Director