

Amendment 12 to Council Bill No. 24-2014

**BY: Chairperson at the request
of the County Executive and
Greg Fox, Mary Kay Sigaty and
Jennifer Terrasa**

**Legislative Day No. 6
Date: May 21, 2014**

Amendment No. 12

(This amendment reduces the Fleet Operations Fund, fuel reserve, by \$1,000,000, adds \$1,000,000 to Pay as You Go Funds, and adds \$1,000,000 to the Total, General Fund. In addition to changes to the Ordinance, this amendment also ~~includes the changes~~ authorizes increased funding for the Downtown Columbia Arts and Culture Commission as reflected in the attached budget document pages entitled Non Departmental Expenses.)

1 On page 4, before line 1, insert:

2 “Section 12. And Be It Further Enacted by the County Council of Howard County,
3 Maryland, that no funds appropriated by this Act may be disbursed to the Downtown
4 Columbia Arts and Culture Commission (DCACC) until the Board of Directors of the
5 Downtown Arts and Culture Commission and the County shall first execute a grant
6 agreement that provides for the following:

7 (a) Howard County will grant to DCACC \$500,000 upon execution of a grant agreement
8 or on July 1, 2014, whichever is later; and

9 (b) Howard County will establish a bank managed trust (“trust”) to hold the funds
10 appropriated by Howard County for the DCACC, including funds intended to benefit the
11 redevelopment of Merriweather Post Pavilion. Howard County will deposit \$9.5 million
12 appropriated for this purpose on the later of July 31, 2014 or the execution of the Joint
13 Development Agreement as called for in the MOU and execution of a trust agreement
14 between the County and DCACC and a trustee. The trust will pay on a regular basis, but

1 at least annually, to the DCACC any interest income on funds held in trust, less fees
2 associated with the trust. The trustee will release the remaining funds held in trust to the
3 DCACC after it confirms that as a minimum the following conditions have been satisfied:

- 4 • A joint development agreement has been executed, that conforms generally to the
5 executed MOU dated April 10, 2014 and provides for the following: a)
6 availability of the facility to the DCACC and Howard County for use for public
7 school and Howard Community College graduations and other civic, cultural,
8 and community events; b) creating a permanent parking solution for
9 Merriweather and the Crescent; c) that the commercial loan for the renovation of
10 Merriweather be spent first; d) that the DCACC has the right to approve
11 renovation plans and revisions; e) the property will be conveyed to the DCACC
12 by special warranty deed, with good and marketable title, free and clear of all
13 encumbrances; f) the renovations for Merriweather generally listed in Exhibit A
14 and g) a preliminary schedule for required renovations to Merriweather as
15 generally proposed in Exhibit B, attached to this amendment.

- 16
17 • A site development plan (SDP) has been submitted to the Department of Planning
18 and Zoning that conforms generally to the 2004 Ziger Snead Study and to the
19 requirements in Exhibit A attached to this amendment and that includes plans a)
20 to raise the main roof to meet current concert standards, b) to install a sprinkler
21 system for the 932 Club, c) for a new trash and recycling area, and d) for meeting
22 all current building and development codes.

- 23
24 • The SDP has been approved as submitted or as modified by the Planning Board

25
26 (c) The DCACC will submit an annual report to the County Council and the County
27 Executive on the status of the redevelopment of Merriweather, the satisfaction of the
28 terms of the grant agreement and the joint development agreement, the expenditure of

1 funds appropriated by the County, and the activities of the DCACC to accomplish its
2 mission of stimulating arts and culture in Downtown Columbia;

3
4 (d) Any funds in the trust that have not been disbursed by May 21, 2019, shall revert
5 to Howard County, unless the County, the DCACC, the Merriweather Post Business
6 Trust, and the Howard Hughes Corporation agree mutually to an extension of this time
7 period.

8 Also on page 4, in line 1, strike "**Section 12**" and substitute "**Section 13**" and in line 6 strike
9 "**Section 13**" and substitute "**Section 14**".

10
11 Remove pages 5, 53, and 185 from the Operating Budget for Fiscal Year 2015, attached to the
12 Bill as introduced, and replace with the substitute page 5, 53, and 185 as attached to this
13 Amendment.

EXHIBIT A

Preliminary Budget

| Columbia Town Center Merriweather Post Pavilion Renovation - Redevelopment Budget | | | | | | | |
|--|--|-----------|------------------|-----------|------------------|-----------|-------------------|
| Phase | Description | | | | | | TOTAL |
| Phase I | 0 | | | | | | |
| | Master Plan Preparation | \$ | 75,000 | | | | |
| | FDP Processing | \$ | 50,000 | | | | |
| | Utility Infrastructure Work | \$ | 844,992 | | | | |
| | Restroom / Concession A | \$ | 1,242,122 | | | | |
| | Admin Windows | \$ | 42,737 | | | | |
| | Soft Costs & OH @ 20% | \$ | 450,970 | | | | |
| | Phase Sub-total | \$ | 2,705,821 | \$ | - | \$ | - |
| Phase II | 0 | | | | | | |
| | Seating & Raise Main Roof | | \$ | 3,032,674 | | | |
| | New Loge Roofs | | \$ | 1,934,863 | | | |
| | Site Improvements - Phase 1 | | \$ | 582,976 | | | |
| | Add: New Roof | | \$ | 203,000 | | | |
| | Box Office 1 | | \$ | 438,361 | | | |
| | Widen Proscenium and New Stage House | | \$ | 864,234 | | | |
| | Soft Costs & OH @ 20% | | \$ | 1,238,375 | | | |
| | Phase Sub-total | \$ | 8,294,483 | \$ | - | \$ | - |
| Phase III | 0 | | | | | | |
| | Site Improvements East Side | | | \$ | 582,976 | | |
| | Restroom/Concession B | | | \$ | 1,242,122 | | |
| | Box Office 2 | | | \$ | 438,361 | | |
| | Restroom /Concession C | | | \$ | 1,242,122 | | |
| | Soft Costs & OH @ 20% | | | \$ | 701,116 | | |
| | Phase Sub-total | \$ | - | \$ | 4,206,697 | \$ | - |
| Phase IV | 0 | | | | | | |
| | Dressing Room / Catering and new Stage | | | | \$ | 2,693,296 | |
| | Parking | | | | \$ | 373,859 | |
| | Soft Costs & OH @ 20% | | | | \$ | 613,431 | |
| | Phase Sub-total | \$ | - | \$ | - | \$ | 3,680,586 |
| Phase V | 0 | | | | | | |
| | Sprinklers In 932 Club | | | | | \$ | 15,600 |
| | New Trash / Recycling Area | | | | | \$ | 80,600 |
| | Soft Costs & OH @ 20% | | | | | \$ | 19,240 |
| | Phase Sub-total | \$ | - | \$ | - | \$ | 115,440 |
| TOTALS | | \$ | 2,705,821 | \$ | 8,294,483 | \$ | 4,206,697 |
| | | | | | | \$ | 3,680,586 |
| | | | | | | \$ | 115,440 |
| | | | | | | \$ | 19,003,027 |

EXHIBIT B

Preliminary Schedule

Phase I to be noted on the Preliminary Schedule

| Merriweather Post Pavilion EXHIBIT B - SCHEDULE | | | | |
|--|--|----------|--------------|--------------|
| Preliminary Redevelopment Schedule | | | | |
| ID | Task Name | Duration | Start | Finish |
| 1 | Master Plan | | | |
| 2 | Preliminary Program Development | 8 ewks | Thu 5/1/14 | Thu 6/26/14 |
| 3 | Final Program and Planning | 8 ewks | Thu 6/26/14 | Thu 8/21/14 |
| 4 | Master Utility Plan | 12 ewks | Thu 8/21/14 | Thu 11/13/14 |
| 5 | FDP Process | | | |
| 6 | Prepare FDP & Revised Design Guidelines | 6 ewks | Thu 6/26/14 | Thu 8/7/14 |
| 7 | Public Process and Planning Board Approval | 9 emons | Thu 8/7/14 | Mon 5/4/15 |
| 8 | SDP Process | | | |
| 9 | Prepare SDP Submission Documents | 4 emons | Mon 4/6/15 | Tue 8/4/15 |
| 10 | Prepare and Process ECP | 5 emons | Mon 4/6/15 | Thu 9/3/15 |
| 11 | Public Process and Planning Board Approval | 5 emons | Tue 8/4/15 | Fri 1/1/16 |
| 12 | Design Phase | | | |
| 13 | Phase 1 | | | |
| 14 | Building Design | 16 ewks | Thu 6/26/14 | Thu 10/16/14 |
| 15 | Site & Utility Design | 6 ewks | Thu 9/4/14 | Thu 10/16/14 |
| 16 | Phases 2, 3, 4 and 5 | | | |
| 17 | Building Design | 9 emons | Mon 4/6/15 | Fri 1/1/16 |
| 18 | Site Design | 6 emons | Sun 7/5/15 | Fri 1/1/16 |
| 19 | Construction Phases | | | |
| 20 | Phase 1 | | | |
| 21 | * SDP Redline and Administrative Approval | 4 emons | Thu 8/21/14 | Fri 12/19/14 |
| 22 | Building Permit | 6 ewks | Fri 12/19/14 | Fri 1/30/15 |
| 23 | Construction | 5 emons | Fri 1/30/15 | Mon 6/29/15 |
| 24 | Construction Blackout Period | 91 days | Mon 6/29/15 | Mon 11/2/15 |
| 25 | Phases 2, 3, 4 and 5 | | | |
| 26 | Phase 2 | | | |
| 27 | Building Permit | 6 ewks | Fri 11/20/15 | Fri 1/1/16 |
| 28 | Construction | 5 emons | Tue 11/1/16 | Fri 3/31/17 |
| 29 | Construction Blackout Period | 153 days | Fri 3/31/17 | Tue 10/31/17 |
| 30 | Phase 3 | | | |
| 31 | Building Permit | 6 ewks | Fri 11/20/15 | Fri 1/1/16 |
| 32 | Construction | 5 emons | Tue 10/31/17 | Fri 3/30/18 |
| 33 | Construction Blackout Period | 153 days | Mon 4/2/18 | Wed 10/31/18 |
| 34 | Phase 4 | | | |
| 35 | Building Permit | 6 ewks | Fri 11/20/15 | Fri 1/1/16 |
| 36 | Construction | 5 emons | Wed 10/31/18 | Sat 3/30/19 |
| 37 | Construction Blackout Period | 154 days | Mon 4/1/19 | Thu 10/31/19 |
| 38 | Phase 5 | | | |
| 39 | Building Permit | 6 ewks | Fri 11/20/15 | Fri 1/1/16 |
| 40 | Construction | 5.4 mons | Fri 11/1/19 | Tue 3/31/20 |
| 41 | Substantial Completion | 0 days | Tue 3/31/20 | Tue 3/31/20 |

* Contingent upon Howard County approval of SDP redline process to existing SDP

Proprietary Funds

Fund 6020000000

Fleet Operations Fund

Description

The Fleet Operations Fund is responsible for the purchase, operation and maintenance of all county vehicles. Revenue to operate fleet operations is generated from charges to users. Included are the salaries of the mechanics who maintain county vehicles, the cost of supplies and depreciation on all vehicles maintained by the bureau.

| | Actual FY2013 | Estimated FY2014 | Budget FY2015 |
|--|-------------------|---------------------|--------------------|
| REVENUES | | | |
| Fleet operations chargebacks (internal agencies) | 17,500,945 | 16,567,946 | 16,786,901 |
| Fleet operations chargebacks (external agencies) | | 688,304 | 650,490 |
| Fire Department Charge Back | | 2,208,160 | 2,086,500 |
| Howard Transit/Anne Arundel (internal) | | 308,000 | |
| Sale of capital asset | 483,652 | 500,000 | 60,000 |
| Other revenue | 5,751 | - | |
| Total revenues | 17,990,348 | 20,272,410 | 19,583,891 |
| EXPENDITURES | | | |
| Central stores | | | - |
| Fleet operations | 15,783,305 | 18,486,954 | 22,364,333 |
| Fuel Reserve | - | 1,000,000 | - |
| Contingency | | - | 700,930 |
| Non Operating Expenses | | | |
| Transfer to General Fund | | | 1,000,000 |
| Total expenditures | 15,783,305 | 19,486,954 | 24,065,263 |
| Net change in fund balance | 2,207,043 | 785,456 | (4,481,372) |
| Fund balances - beginning | 23,554,338 | 25,761,381 | 26,546,837 |
| Fund balances - ending | 25,761,381 | 26,546,837 | 22,065,465 |
| Less noncash assets | (17,198,969) | (17,198,969) | (16,258,938) |
| Reserved for future capital purchases | - | - | (5,806,527) |
| Operating surplus/deficit | 8,562,412 | 9,347,868 | - |

Non Departmental Expenses

Pay-As-You-Go-Funds

Operating Funds

Description

Pay As You Go Operating Funds provides cash payments to fund special one-time expenses with fund balance dollars from previous year's budgets in excess of the amount needed to maintain the County's Rainy Day Fund at mandated levels.

For FY 2015 These include:

| | |
|--|-------------|
| Solar Tax Credit Phase Out: | \$366,000 |
| New and Replacement Equipment for County Departments: | \$3,978,100 |
| Downtown Arts and Culture Commission: | \$8,000,000 |
| Inner Arbor Trust: | \$1,500,000 |
| One Time CSP Grants: | \$254,766 |
| Planning and Zoning Consultant: | \$75,000 |
| Commission on Pre-Kindergarten: | \$50,000 |
| Partners in Parks Fund: | \$250,000 |
| Central & East Columbia Library Landscape Improvements: | \$200,000 |
| Robinson Nature Center Mill Ruins Restoration: | \$200,000 |
| Neighborhood Revitalization Fund: | \$2,000,000 |
| Day Resource Center: | \$325,000 |
| Howard Community College Scholarship Fund: | \$2,500,000 |
| Grants to Non-Profit Agencies for Stormwater Mitigation: | \$2,000,000 |
| Neighborhood Investment Program: | \$150,000 |
| Corrections, Transitional Housing for released inmates: | \$175,000 |
| Howard County Arts Council: | \$450,000 |
| Community Action Council Matching Fund: | \$250,000 |

| Expenditures | FY2013 Actual | FY2014 Approved | FY2015 Requested | FY2015 Proposed | FY2014 App. vs FY2015 Prop Amount | Percent |
|---|------------------|--------------------|---------------------|--------------------|--------------------------------------|---------------|
| Expenditures By Commitment Summary | | | | | | |
| Operating Transfers | 0 | 13,965,000 | 19,200,000 | 22,723,866 | 8,758,866 | 19.76% |
| TOTAL | 0 | 13,965,000 | 19,200,000 | 22,723,866 | 8,758,866 | 19.76% |

Non Departmental Expenses

Pay-As-You-Go-Funds

Capital Funds

Description

Pay As You Go funds provide cash payments to fund capital projects from the General Fund with fund balance dollars from prior year's budgets in excess of the amount needed to maintain the County's Rainy Day Fund at mandated levels. For FY 2015 this includes the following:

| | |
|----------------------------|--------------|
| Bridge Projects: | \$400,000 |
| Storm Drainage Projects: | \$500,000 |
| Road Resurfacing Projects: | \$14,500,000 |
| Recreation & Parks: | \$200,000 |
| General County Projects: | \$1,350,000 |

| Expenditures | FY2014 Actual | FY2014 Approved | FY2015 Requested | FY2015 Proposed | FY2014 App. vs FY2015 Prop. Amount | FY2014 App. vs FY2015 Prop. Percent |
|--------------|------------------|--------------------|---------------------|--------------------|---------------------------------------|--|
|--------------|------------------|--------------------|---------------------|--------------------|---------------------------------------|--|

Expenditures By Commitment Summary

| | | | | | | |
|---------------------|-------------------|-------------------|-------------------|-------------------|--------------------|----------------|
| Operating Transfers | 15,481,022 | 28,060,000 | 19,473,866 | 16,950,000 | -11,110,000 | -21.77% |
| TOTAL | 15,481,022 | 28,060,000 | 19,473,866 | 16,950,000 | -11,110,000 | -21.77% |