AGENDA ITEM #7
January 12, 2010

Public Hearing

MEMORANDUM

January 8, 2010

TO: County Council

FROM: Amanda Mihill, Legislative Analyst

SUBJECT: **Public Hearing:** Bill 43-09, Callithea Farm Stables – Lease Amendment and Extension

Bill 43-09, Callithea Farm Stables – Lease Amendment and Extension, sponsored by the Council President at the request of the Maryland-National Capital Park and Planning Commission, was introduced on November 17, 2009. A Planning, Housing and Economic Development Committee worksession will be scheduled at a later date.

Bill 43-09 would approve an extension to a certain ground lease between the Maryland-National Capital Park and Planning Commission and George Sengstack for certain land known as the Callithea Farm Stables. The Bill would also approve lease amendments to require Mr. Sengstack to adopt the Commission's Equestrian Facility Best Practices and submit an Emergency Action Plan to the Commission for approval.

This packet contains:	Circle
Bill 43-09	1
Legislative Request Report	3
Memo from Planning Board Chair Royce Hanson	4

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Bill No. 43-09
Concerning: Callithea Farm Stables – Amendment and Lease Extension
Revised: 10/13/09 Draft No. 1
Introduced: November 17, 2009
Expires: May 17, 2011
Enacted: _____
Executive: _____
Effective: _____
Sunset Date: None
Ch. _____, Laws of Mont. Co. _____

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: Council President at the request of the Maryland-National Capital Park and Planning Commission

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AN ACT to approve a lease amendment and an extension to a certain ground lease between the Maryland-National Capital Park and Planning Commission and George Sengstack for certain land known as the Callithea Farm Stables.

By adding to
Laws of Montgomery County 2009

Boldface	*Heading or defined term.*
Underlining	*Added to existing law by original bill.*
[Single boldface brackets]	*Deleted from existing law by original bill.*
Double underlining	*Added by amendment.*
[[Double boldface brackets]]	*Deleted from existing law or the bill by amendment.*
* * *	*Existing law unaffected by bill.*

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Lease Extension Approval.** As required by state law, the
2 County Council hereby approves the attached extension to the ground lease for a
3 period longer than 20 years between the Maryland-National Capital Park and
4 Planning Commission and George Sengstack for certain land known as the
5 Callithea Farm Stables.

6 **Sec. 2. Lease Amendment Approval.** As required by state law, the
7 County Council hereby approves the attached Second Amendment to the ground
8 lease between the Maryland-National Capital Park and Planning Commission and
9 George Sengstack for certain land known as the Callithea Farm Stables to require
10 Lessee to:

11 (a) adopt the Commission's Facility Best Practices; and
12 (b) provide written policies and procedures for public and equine
13 evacuation to the Commission for approval.

14 *Approved:*

15

Philip M. Andrews, President, County Council Date

16 *Approved:*

17

Isiah Leggett, County Executive Date

18 *This is a correct copy of Council action.*

19

Linda M. Lauer, Clerk of the Council Date

LEGISLATIVE REQUEST REPORT

Bill 43-09, Callithea Farm Stables – Amendment and Lease Extension

DESCRIPTION:	To approve an extension to a lease agreement between the Maryland-National Capital Park and Planning Commission and George Sengstack related to the Callithea Farm Stables as required by state law. The Bill would also approve an amendment to require the Lessee to adopt the Commission's Equestrian Facility Best Practices and create an Emergency Action Plan.
PROBLEM:	State law requires the Council to approve a lease that is in excess of 20 years.
GOALS AND OBJECTIVES:	To approve the lease extension and second amendment.
COORDINATION:	Maryland-National Capital Park and Planning Commission
FISCAL IMPACT:	To be requested.
ECONOMIC IMPACT:	To be requested.
EVALUATION:	To be requested.
EXPERIENCE ELSEWHERE:	To be researched.
SOURCE OF INFORMATION:	Amanda Mihill, 240-777-7815
APPLICATION WITHIN MUNICIPALITIES:	N/A
PENALTIES:	N/A

MONTGOMERY COUNTY PLANNING BOARD
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

OFFICE OF THE CHAIRMAN

Memorandum

November 2, 2009

To: Phil Andrews, Council President

From: Royce Hanson, Chairman, MCPB

Subject: Callithea Farm Stables Second Amendment and Lease Extension

The phased purchase of Callithea Farm by the Commission began in 2002 and was completed in September 2006. It was the intent of all parties to the sale and purchase that the operator (George Sengstack) of the equestrian facilities at Callithea be granted a 20-year lease effective from the date of final acquisition of the property.

The lease signed and dated September 30, 2003, between George Sengstack and M-NCPPC commences October 1, 2003, and ends October 1, 2008, and provides for three consecutive renewal terms of five years each. However, the actual year of purchase, at which time Mr. Sengstack was provided, through lease, the full use of the property, was three years later (2006).

The attached second Amendment and Lease Extension effectively provides Mr. Sengstack with a 20-year lease beginning in 2006, the year of the final installment purchase of the property, consistent with the intent of the seller and the agreement of M-NCPPC. Because the original lease began in 2003, this amendment creates a lease that is in excess of 20 years and requires County Council approval.

The attached second Amendment and Lease Extension also includes two amendments being applied to all of the Commission's five leased equestrian facilities – Adoption of the Commission's Equestrian Facility Best Practices, and provision to the Commission within 120 days written policies and procedures ("Emergency Action Plan") for public and equine evacuation, including contact information for facility staff, contact information for fire system maintenance, schedule for routine testing of safety systems.

The attached second Amendment and Lease Extension was unanimously approved by the Montgomery County Planning Board at a public meeting on September 24, 2009. Pursuant to section 6 of the Amendment the Planning Board respectfully requests Council approval.

Additional information can be provided by M-NCPPC Equine Resources Coordinator David Tobin (david.tobin@montgomeryparks.org).

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MONTGOMERY COUNTY DEPARTMENT OF PARKS
THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

MCPB Agenda Item 11

MEMORANDUM

Date: September 15, 2009

TO: Montgomery County Planning Board

VIA: Mary Bradford, Director of Parks
Mike Riley, Deputy Director
John Nissel, Chief, Facilities Management JN

FROM: David Tobin, Equine Resources Coordinator DT

SUBJECT: Recommendation for Approval: Callithea Farm Stables Second Amendment and Lease Extension

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Staff Recommendation

1. Planning Board approval of Callithea Farm Stables Second Amendment and Lease Extension and transmittal to the County Council for approval.

Background

The phased purchase of Callithea Farm by the Commission began in 2002 and was completed in September 2006. It was the intent of all parties to the sale and purchase that the operator (George Sengstack) of the equestrian facilities at Callithea be granted a twenty year lease effective from the date of final acquisition of the property.

The lease signed and dated September 30th, 2003 between George Sengstack and M-NCPPC commences October 1, 2003 and ends October 1, 2008, and provides for three consecutive renewal terms of five years each. However, the actual year of purchase, at which time Mr. Sengstack was provided, through lease, the full use of the property, was three years later (2006).

The attached second Amendment and Lease Extension effectively provides Mr. Sengstack with a 20 year lease beginning in 2006, the year of the final installment purchase of the property, consistent with the intent of the seller and the agreement of M-NCPPC. Because the original lease began in 2003, this

amendment creates a lease that is in excess of 20 years and requires County Council approval.

The attached second Amendment and Lease Extension also includes two amendments being applied to all of the Commission's five leased equestrian facilities – Adoption of the Commission's Equestrian Facility Best Practices, and provision to the Commission within 120 days written policies and procedures ("Emergency Action Plan") for public and equine evacuation, including contact information for facility staff, contact information for fire system maintenance, schedule for routine testing of safety systems.

DT:dt

Attachments

Control Number 240287-2

SECOND AMENDMENT AND LEASE EXTENSION

The Lease dated September 30, 2003 by and between Maryland–National Capital Park and Planning Commission, a public body corporate of the State of Maryland, located at 6611 Kenilworth Avenue, Riverdale, MD 20737, hereinafter "Commission"; and George Sengstack,(hereinafter referred to as the "Lessee." located at 15000 River Road, Potomac, MD 20815 hereinafter the "Lessee", commencing October 1, 2003 and ending October 1, 2008 and amendment dated October 24, 2004 is hereby amended as follows:

1. Section 1.2 Phased Leasehold Interest shall be deleted.

2. The first sentence of the first paragraph of Section 2.3 shall be amended to read: "The Lessee shall have the option to renew ("Option to Renew") this lease for three consecutive terms of five (5) years each and a fourth renewal term of three (3) years ending October 1, 2026 subject to the terms and conditions herein."

3. Lessee exercises the first of four options under amended Section 2.3 of this lease to renew this term for an additional 5 years extending the lease from October 1, 2008-September 30, 2013.

4. Lessee will adopt the Commission's Equestrian Facility Best Practices that are included as Attachment 1.

5. Within 120 days of execution of this Lease Agreement, Lessee will provide the Commission with written policies and procedures ("Emergency Action Plan") for public and equine evacuation, including contact information for facility staff, contact information for fire system maintenance, and schedule for routine testing of safety systems. The policies must be approved by the Commission and meet or exceed the American Association of Equine Practitioners' ("AAEP") Emergency Preparedness Guidelines. Specific information regarding said Emergency Action Plan is available at http://www.aaep.org

6. This Amendment shall be incorporated into the Lease dated September 30, 2003. All terms and conditions of the Amendment are hereby ratified and affirmed in all respects, except that in the event the County Council does not approve this Amendment, the Amendment shall terminate and be of no further force and effect, and the terms of the Original Lease shall continue in full force and effect.

Signature Page Follows

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be properly executed on the 16 day of July 2009.

George Sengstack

ATTEST:

Patricia Colihan Barney
Secretary-Treasurer

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

Oscar S. Rodriguez
Executive Director

Attachment 1

M-NCPPC EQUESTRIAN FACILITY
BEST PRACTICES

Facility Management

1. Keep a tidy appearance: pastures and non-pasture land should be mowed, fences should be repaired, manure should be contained and managed, garbage should be contained in garbage cans, etc.
2. Repairs should be made to the facility as needed (ie fence boards).
3. Manure should be contained on a concrete slab and graded so that water does not run off to a water source (stream, pond, etc). It should be composted or removed regularly. It should be a minimum of 100 feet from the barn.
4. Manure tubs in the barn should be emptied on a daily basis.
5. Standing water should be eliminated whenever possible.
6. Rodent/pest/insect control measures should be taken.
7. Riding arenas should be watered and dragged on a regular basis.
8. Pastures should be rotated, dragged, and fertilized as needed.
9. Horses should not be able to access natural water sources such as streams or ponds.
10. Stalls and water/feed buckets should be cleaned on a daily basis.
11. Water troughs must be cleaned whenever they start becoming slimy (depending on season, between every other day and once a week).
12. Bedding should be replaced as needed.
13. Farm equipment (including arena drags) should be stored in an area where horses cannot reach it.
14. Barn aisles should be clear of clutter (pitchforks, tack boxes, tack trunks, blankets, etc).
15. Stall door latches and gate closures must be kept in good repair and stalls/pastures should close securely and be impossible for a horse to open.
16. Stall cards that clearly display the horse's name and a brief description (age, color, breed), the owner's name (and contact info, if not owned by the stable), what the horse is

to be fed, farrier and vet name and their phone numbers and any medical condition or special instructions regarding the horse should be mounted on the stall.

17. A record for each horse should be maintained that states any injury or illness that the horse suffers from and describe the treatment methods used (free software such as http://www.rendaivu.com/ is highly recommended if internet is available at the facility).

18. A diagram depicting where horses are stalled and/or turned out should be available to the public if students/boarders will be retrieving horses from the pasture.

19. Fire evacuation procedures should be posted and reviewed annually. A fire drill should be performed annually.

20. Exit signs should be posted near all doors leading to the exterior.

Public Safety

1. Post exit and no-smoking signs at each entrance in a barn.
2. Post barn hours and rules.
3. People must wear closed toed shoes when handling horses.
4. All people must sign a release of liability prior to handling or riding horses.
5. Fire extinguishers should be mounted throughout the barn.
6. Fire detection devices should be mounted in the barn.
7. Dogs, if permitted, must be kept on leashes.
8. Children should be supervised at all times.
9. Talking on cell phones while handling or riding a horse is forbidden.
10. No bikes, skateboards, rollerblades/shoes, or strollers are permitted in the barn.
11. A public telephone should be available for easy access.
12. Emergency information, such as the address of the facility, phone number, and basic driving directions should be left near the telephone.
13. Emergency contact information for all riders and staff should be in an easily accessible location.
14. A staff member that is CPR certified should always be on duty whenever the public is at the facility.

15. Visitors may not feed anything to the horses without permission and/or supervision.

16. Riders must have an ASTM/SEI approved helmet that is no older than 5 years (and should be replaced after any fall) and they must wear sturdy boots with a heal, such as paddock boots.

17. Helmets that are supplied by the facility should be sprayed with Lysol after each use and replaced after they have been involved in a fall.

18. Riders should pass left shoulder to left shoulder.

19. Horses that kick should have a red ribbon tied in their tail with a sign posted in or near the arena the states the purpose of the ribbon. This ribbon must be removed after lessons are completed for the day.

Horse Safety and Care

1. Shelter (stable, run-in shed, trees, etc.) must be provided for the horse at all times.

2. Basic first aid procedures should be posted in the farm.

3. The farm vet and blacksmith's phone numbers should be posted near the phone and on the stall cards.

4. Horses should be trimmed or shod every 4-6 weeks.

5. A health program should be devised with the help of the vet to determine the best de-worming and vaccine schedule for the farm (dependant on the number of horses/acre and the amount of traveling the horses do).

6. Fresh water should be provided at all times when the horse is not being ridden.

7. Hay should be fed, at a minimum, of three times per day, preferably free choice all day or as needed when grass is available.

8. Grain should be fed as needed on an individual basis (generally two times per day, especially in the winter, but one time per day may be sufficient for some horses during the summer) at regular time intervals.

9. Supplements (vitamin, hoof, joint, etc) should be fed as needed, especially electrolytes in the summer months.

10. Salt and/or mineral blocks must be provided at free choice to the horse.

11. Horses should be lead one at a time (two at a time is ok for barn staff and if the horses are quiet).

12. Horses must be lead with a halter and lead or a bridle (not a rope around the neck).

13. Halters must be leather or have a break-away leather crown piece or break-away tab.

14. Horses must be thoroughly groomed before riding and walked/brushed/bathed after riding to cool out the horse. Hooves should be picked before and after the ride.

15. Horses should be thoroughly cooled prior to feeding grain.

16. Horses must not be tied by their bridle.

17. Horses must not be left unattended in crossties. Crossties should be attached to bailing twine that is attached to a solid structure.

18. Horses must not be left unattended wearing a bridle and the reins should never touch the ground.

19. Each horse should be cooled down and untacked between lessons. If the horse is being used in back to back lessons, the girth should be loosened and the horse should be offered water.

20. Each horse should have their own saddle and bridle fitted to them. Horses should not share dirty saddle pads to reduce disease transmission.

21. Double ended snaps should be pointed away from the horse whenever possible (ie water buckets, cross ties, lunge lines, etc). However, throat snaps on halters should point towards the horse to minimize the chance of the horse snapping himself to the fence (if wire mesh fences are used).

22. Horses may work no more than 2 hours per day unless the 3rd hour is strictly walking. Horses must have at least one day of rest per week.

23. Lame horses may never be used in a lesson – they must be returned to the barn and examined by the barn manager who will determine if the vet/farrier needs to be called.