

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 02**  
**January 19, 2010            7:00 P.M.**

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A.     The meeting was called to order by Chairman Olszewski at 7:00 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 20 persons in attendance and the following Councilmembers were present:

S.G. SAMUEL MOXLEY	FIRST DISTRICT
KEVIN KAMENETZ	SECOND DISTRICT
T. BRYAN MCINTIRE	THIRD DISTRICT
KENNETH N. OLIVER	FOURTH DISTRICT
VINCENT J. GARDINA	FIFTH DISTRICT
JOSEPH BARTENFELDER	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

**B.     APPROVAL OF JOURNAL**

Upon motion by Councilman McIntire, seconded by Councilman Moxley, the reading of the Journal Entries for the meeting of January 4, 2010 was waived and accepted unanimously.

**C.     ENROLLMENT OF BILLS**

There are no Bills for enrollment at this time.

**D.     INTRODUCTION OF BILLS**

**BILL 3-10**, entitled An Act for the purpose of prohibiting the use of certain tanning devices and tanning facilities by minors; defining terms; providing exceptions; requiring certain notice; and generally relating to the use of tanning devices at tanning facilities by minors.

**BILL 4-10**, entitled An Act for the purpose of requiring a tanning facility to post a certain notice; defining terms; providing penalties; and generally relating to notices required to be posted at tanning facilities.

**BILL 5-10**, entitled An Act for the purpose of revising the process for the review and approval of a Planned Unit Development; limiting the location of a Planned Unit Development; and generally relating to the process for the review and approval of Planned Unit Developments.

**BILL 6-10**, entitled An Act for the purpose of imposing certain requirements, limitations and restrictions on wireless telecommunications towers that are located in the R.C. Zones of the County; and generally relating to wireless telecommunications towers.

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

Bill 95-09, CEB - WIC (Women, Infants & Children) Program, was called. Stephanie House appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Bill 98-09, Breast & Cervical Cancer Diagnosis and Treatment, was called. Stephanie House remained. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Bill 96-09, CEB - FEMA, was called. Major Caslin appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Bill 97-09, CEB - Growing Home Campaign, was called. John Markley appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Bill 94-09, County Employees Retirement System, was called. Councilman Bartenfelder moved to amend this Bill with the following amendments:

1. On page 1, in the function paragraph, and in line 2, after “(b)”, insert “and (c)”
2. On page 2, in line 3, before “or” insert “AND HAS ATTAINED THE AGE OF FIFTY-FIVE (55); and strike “fifty-five (55)” and substitute “SIXTY (60)”
3. On page 2, insert the following after line 8:

“(c)(1) Deferred service retirement allowance. Any such member whose service is terminated after [four (4)] SIXTEEN (16) years of service prior to the attainment of age fifty-five (55) may, in lieu of the withdrawal of the member’s accumulated contributions, elect to receive a service retirement allowance deferred to commence at age fifty-five (55) and computed, IN ACCORDANCE WITH SUBSECTION (B), on the basis of the member’s years of service and earnable compensation to the date of the member’s termination.

(2) ANY SUCH MEMBER WHOSE SERVICE IS TERMINATED AFTER FOUR (4) YEARS OF SERVICE PRIOR TO THE ATTAINMENT OF SIXTEEN (16) YEARS OF SERVICE OR AGE SIXTY (60) MAY, IN LIEU OF THE WITHDRAWAL OF THE MEMBER’S ACCUMULATED CONTRIBUTIONS, ELECT TO RECEIVE A SERVICE RETIREMENT ALLOWANCE DEFERRED TO COMMENCE AT AGE SIXTY (60) AND COMPUTED, IN ACCORDANCE WITH SUBSECTION (B), ON THE BASIS OF THE MEMBER’S YEARS OF SERVICE AND EARNABLE COMPENSATION TO THE DATE OF THE MEMBER’S TERMINATION.

Due to lack of second to this motion, this amendment failed.

Councilman Bartenfelder then moved to amend this Bill with the following amendments:

1. On page 1, in the function paragraph, and in line 2, after “(b)”, insert “and (c)”
2. On page 1, insert the following before line 1:

“By adding  
Section 5-1-237(c)  
Article 5 - Pensions and Retirement  
Title 1 - Employees Retirement System  
Baltimore County Code 2003”

3. On page 2, in line 3, before “or” insert “AND HAS ATTAINED THE AGE OF FIFTY-FIVE (55); and strike “fifty-five (55)” and substitute “SIXTY (60)”
4. On page 2, insert the following after line 8:

“[(c)] (D) (1) Deferred service retirement allowance. Any such member whose service is terminated after [four (4)] SIXTEEN (16) years of service prior to the attainment of age fifty-five (55) may, in lieu of the withdrawal of the member’s accumulated contributions, elect to receive a service retirement allowance deferred to commence at age fifty-five (55) and computed, IN ACCORDANCE WITH SUBSECTION (B), on the basis of the member’s years of service and earnable compensation to the date of the member’s termination.

(2) ANY SUCH MEMBER WHOSE SERVICE IS TERMINATED AFTER FOUR (4) YEARS OF SERVICE PRIOR TO THE ATTAINMENT OF SIXTEEN (16) YEARS OF SERVICE OR AGE SIXTY (60) MAY, IN LIEU OF THE WITHDRAWAL OF THE MEMBER'S ACCUMULATED CONTRIBUTIONS, ELECT TO RECEIVE A SERVICE RETIREMENT ALLOWANCE DEFERRED TO COMMENCE AT AGE SIXTY (60) AND COMPUTED, IN ACCORDANCE WITH SUBSECTION (B), ON THE BASIS OF THE MEMBER'S YEARS OF SERVICE AND EARNABLE COMPENSATION TO THE DATE OF THE MEMBER'S TERMINATION.

SECTION 2. AND BE IT FURTHER ENACTED, that Section 5-1-237(c) be and it is hereby added to Article 5 - Pensions and Retirement, Title 1 - Employees Retirement System, of the Baltimore County Code 2003 to read as follows:

(C) (1) EARLY SERVICE RETIREMENT ALLOWANCE. ANY SUCH MEMBER WHO HAS COMPLETED SIXTEEN (16) YEARS OF SERVICE PRIOR TO THE ATTAINMENT OF AGE FIFTY-FIVE (55) MAY RETIRE AND RECEIVE A RETIREMENT ALLOWANCE CALCULATED IN ACCORDANCE WITH SUBSECTION (B) WHICH ALLOWANCE SHALL BE REDUCED BY 0.417% FOR EACH MONTH BY WHICH THE RETIREMENT DATE PRECEDES THE DATE ON WHICH THE MEMBER REACHES AGE FIFTY-FIVE (55).

(2) ANY SUCH MEMBER WHO HAS COMPLETED AT LEAST FOUR (4) YEARS OF SERVICE AND LESS THAN SIXTEEN (16) YEARS OF SERVICE PRIOR TO THE ATTAINMENT OF AGE SIXTY (60) MAY RETIRE AND RECEIVE A RETIREMENT ALLOWANCE CALCULATED IN ACCORDANCE WITH SUBSECTION (B) WHICH ALLOWANCE SHALL BE REDUCED BY 0.417% FOR EACH MONTH BY WHICH THE RETIREMENT DATE PRECEDES THE DATE ON WHICH THE MEMBER REACHES AGE SIXTY (60).

5. On page 2, in line 10, strike "2" and substitute "3"

Due to lack of second to this motion, this amendment failed.

Councilman Bartenfelder then moved to amend this Bill with the following amendments:

1. On page 1, in the title, after "Councilmembers", insert "and County Executive"
2. On page 1, in the function paragraph, and in lien 2, after "(b)", insert "and (k)(1)"
3. On page 2, after line 8 insert the following:

“(k)(1) Notwithstanding any other provision of this title, average final compensation under this section for an elected official who has earned membership service as both a councilman and as County Executive shall be calculated separately for the period of membership service earned as a County Councilman from that earned as a County Executive. THE TOTAL COMBINED RETIREMENT ALLOWANCE PAYABLE TO SUCH OFFICIAL SHALL IN NO EVENT EXCEED FIFTY-FIVE PERCENT (55%) OF THE AVERAGE FINAL COMPENSATION AS COUNTY EXECUTIVE.

4. On page 2, in line 12, strike “Councilmember” and substitute “person”

Due to lack of second to this motion, this amendment failed.

Councilman Bartenfelder then moved to amend this Bill with the following amendments:

On page 2, strike lines 10 through 13, inclusive, and substitute the following:

“SECTION 2. AND BE IT FURTHER ENACTED that any Councilmember who is a member of the retirement system on the effective date of this Act, and whose service as Councilman is terminated on or before December 5, 2010 with at least sixteen (16) years of service, and who elects to retire prior to age 55, shall receive a reduced service retirement allowance. The allowance shall be reduced by 0.417% for each month by which the retirement date precedes the date on which the member reaches age fifty-five (55).

SECTION 3. AND BE IT FURTHER ENACTED that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on February 1, 2010 and, except as provided in Section 2, shall apply prospectively to any person who takes the oath of office as a Councilmember or as County Executive on or after December 6, 2010.”

Due to lack of second to this motion, this amendment failed.

Thereafter, Bill 94-09, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Olszewski  
Nay - Bartenfelder

**Bill 99-09**, Renaissance Redevelopment Pilot Program, was called. Councilman Bartenfelder moved to amend this Bill with the following amendments:

1. On page 1, in the first line of the purpose paragraph, strike “repealing” and substitute “amending”; in the function paragraph, after “repealing”, insert “and reenacting, with amendments”; in line 2, after “repealed”, insert “and reenacted with amendments”
2. On page 2, strike the bracket in lines 1 and 10; and in line 3, strike “five” and substitute “ten”

Councilman Moxley seconded the motion and these amendments passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, Bill 99-09, as amended, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

**Bill 100-09**, Zoning Regulations - Residential - Office Zone, was called. Councilman McIntire questioned Councilman Gardina. There being no further discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

**Bill 101-09**, Retirement System, was called. Councilman Moxley questioned Councilman Bartenfelder then moved to table this bill. Councilman Kamenetz seconded the motion. There being no further discussion this Bill was tabled by the following roll call vote:

Aye - Moxley, Kamenetz, Oliver, Gardina, Olszewski  
Nay - McIntire, Bartenfelder

**F. APPROVAL OF FISCAL MATTERS**

The Chairman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council's work session on January 12, 2010. The witnesses who testified at the work session were available to restate their testimony if needed. If a Councilmember had any questions regarding a particular Fiscal Matter, that item would be discussed as a separate matter. Chairman Olszewski then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 6.

**1. Contracts - (2) Asbestos Abatement and Reinsulation Services**

Two contracts with Colt Insulation, Inc., and C.C.A.P.S. Construction, LLC, to provide asbestos abatement and reinsulation services at various County-owned and/or operated facilities.

**2. Amendment to Agreement - Denali Solutions, LLC - InPursuit Interface**

An amendment to the contract with Denali Solutions, LLC, to revise the terms of the agreement through June 30, 2010, with the option to extend an additional 180 days on the same terms and conditions. The contract is for the design, planning, development and implementation of the InPursuit interface between the contractor's InPursuit Records Management System currently installed at the County and the new Enterprise Booking system known as "Digital Photo Works" from Data Works Plus, LLC.

**3. Contract of Sale - Leo and Cary Hastings - Agricultural Preservation**

A contract of sale with Leo and Cary Hastings, for the acquisition of an easement, located at 4503 Mt. Carmel Road, to preserve agricultural land, watershed and wetlands.

**4. Contracts - (2) - Storm drain Outfall and Stream Stabilization Project**

Two contracts to purchase parcels of land from Edward and Carolyn Wehner, located at 4318 Kolb Avenue, Baltimore, Maryland 21206 and Timothy and Valerie Cataldi, located at 4319 Kenwood Avenue, Baltimore, Maryland 21206 to facilitate a neighborhood storm drain outfall and stream stabilization project.

**5. Contract - Power and Combustion Inc. - HVAC Maintenance and Repair Services**

A contract with Power and Combustion Inc., to provide HVAC maintenance and repair services for computer environments at various County facilities.

**6. Contract - Public Financial Management, Inc. - Economist Services - Salary and Benefit Analyses**

A contract with Public Financial Management, Inc., to provide economist consulting services to conduct salary and benefit analyses and provide assistance to assist with County's collective bargaining efforts.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 6 were unanimously approved.

**G. MISCELLANEOUS BUSINESS**

**1. Res. 3-10 - Public Disclosure - Michael James**

At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of Michael James, an employee of the Department of Public Works who has applied for a zoning variance to park a recreational vehicle in the rear of his waterfront residence at 8264 Bullneck Court, Baltimore, Maryland 21222. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman McIntire, this resolution was unanimously approved.


**2. Res. 4-10 - Review of PUD - Ballard Family Property - Lakeside Boulevard**

This Resolution was for introduction only.

**3. Res. 5-10 - Employment of Aliens**

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman Oliver, the meeting adjourned at 7:20 P.M.

  
Thomas J. Peddicord, Jr.