

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 17
October 18, 2010 7:00 P.M.

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 25 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 Moxley, seconded by Councilman Oliver, the reading of the Journal Entries for the meeting of October 4, 2010 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following Bills were passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bills 71-10, 72-10, 73-10, 74-10, 75-10, 76-10, 77-10, 78-10, 79-10, 81-10, 82-10, 83-10 and 84-10.

D. INTRODUCTION OF BILLS

BILL 90-10, entitled An Act for the purpose of amending the 2010-2011 Capital Budget and the Capital Improvement Program FY 2012-2016 by appropriating \$19,030,840 as authorized in Bills 32-10 and 34-10.

BILL 91-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the National Institute of Justice. The National Institute of Justice has made an award of federal funds available to the Baltimore County Police Department, to be used to identify, review and investigate violent crime “cold cases” that have the potential to be solved through DNA analysis and analyze biological evidence associated with these cases.

BILL 92-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Federal Motor Carrier Safety Administration. The Federal Motor Carrier Safety Administration has made an award of federal funds available to the Baltimore County Police Department, to be used for equipment, professional services and crime analyst overtime needed to increase commercial motor vehicle traffic violation enforcement.

BILL 93-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the State of Maryland Community Health Resource Commission. The State of Maryland Community Health Resource Commission has made an award of state funds available to the Baltimore County Department of Health, to be used for the Coordinated Re-Entry Initiative.

BILL 94-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through Baltimore Homeless Services, Inc. Baltimore Homeless Services, Inc. has made an award of federal funds available to the Baltimore County Department of Health, to operate the Housing Opportunities for Persons with AIDS (HOPWA) for persons living with HIV and AIDS in Baltimore County.

BILL 95-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from the Cigarette Restitution Fund and made available to the County through the State of Maryland Department of Health and Mental Hygiene. The State of Maryland Department of Health and Mental Hygiene has made an award of Cigarette Restitution Funds available to the Baltimore County Department of Health, to be used to fund additional staff and to provide approximately 40 colonoscopies for low-income Baltimore County citizens.

BILL 96-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Center for Disease Control through the State of Maryland Department of Health and Mental Hygiene Infectious Disease and Environmental Health Administration. The State of Maryland Department of Health and Mental Hygiene has made an award of federal funds available to the Baltimore County Department of Health, to be used to increase HIV Health Education and Risk Reduction Services for persons at greatest risk of contracting HIV/AIDS.

BILL 97-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through Associated Black Charities. Associated Black Charities has made an award of federal funds available to the Baltimore County Department of Health, to be used to increase HIV Ryan White Part A Outreach Program services for persons at greatest risk of contracting HIV.

BILL 98-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the State of Maryland Department of Health and Mental Hygiene. The State of Maryland Department of Health and Mental Hygiene has made an award of federal funds available to the Baltimore County Department of Health, to be used to increase HIV Ryan White Part B services for persons living with HIV/AIDS.

BILL 99-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Governor's Office for Children. The Governor's Office for Children has made an award of state funds available to the Baltimore County Local Management Board, to be used for program administration.

BILL 100-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the State of Maryland Department of Juvenile Services. The State of Maryland Department of Juvenile Services has made an award of state funds available to the Baltimore County Local Management Board, to be used for the provision of an evidence based practice to prevent youth involvement with the Department of Juvenile Services and/or youth out-of-home placement by the Department of Social Services or other child serving agency.

BILL 101-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Governor's Office for Children. The Governor's Office for Children has made an award of state funds available to the Baltimore County Local Management Board, to be used for the provision of home visiting services to twenty families through the Health Families Baltimore County Program.

BILL 102-10, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County through the Governor's Office on Service and Volunteerism. The Governor's Office on Service and Volunteerism has made an award of federal funds available to the Baltimore County Department of Aging, to be used to establish a program to provide the opportunity for seniors to engage in community service by helping students in elementary school become proficient in reading and math and to improve their social and communication skills.

BILL 103-10, entitled An Ordinance concerning the designation of an area within Baltimore County, Maryland (the “County”) in which the Owings Mills subway station is located as a “transit-oriented development”, and the designation of a contiguous area “development district” and a “special taxing district” with such districts being located within the boundaries of such “transit-oriented development”, the creation of a special tax increment fund into which certain property taxes on real property in the development district will be paid, the levy and collection of one or more special taxes on real property in the special taxing district, the creation of one or more special tax funds into which the special taxes will be paid, and the authorization of the pledge by the County under one or more agreements that amounts in the special tax increment fund and the special tax funds shall be paid over to secure one or more series of bonds or other indebtedness issued by Maryland Economic Development Corporation in an aggregate principal amount not to exceed \$135,000,000 to finance costs of certain infrastructure improvements relating to the development district and special taxing district and that amounts in a special tax fund shall be paid over to provide for the payment of costs of certain infrastructure improvements and costs of operation and maintenance of certain infrastructure relating to the development district and special taxing district.

BILL 104-10, entitled An Act for the purpose of permitting a standard restaurant in the MD 43 Overlay District to offer live or recorded entertainment by special exception; and generally relating to the MD 43 Overlay District.

BILL 105-10, entitled An Act for the purpose of amending the applicability of Bill 61-10; and generally relating to the regulation of certain business activities with the County.

BILL 106-10, entitled An Act for the purpose of amending the 2010-2011 Capital Budget by deleting construction funds for a certain project from the Capital Improvement Program FY 2012-2016.

BILL 107-10, entitled An Act for the purpose of reducing the number of days under which a false alarm is not considered a false alarm; altering the authority of the Administrative Officer to adopt regulations; eliminating certain obsolete dates; altering certain registration requirements to be permit requirements; providing for the terms of certain permits; altering certain language regarding enforcement; authorizing the Administrative Officer to establish certain fees; clarifying the requirements for certain alarm system users; repealing the terms for certain registration; repealing the alarm reduction school; altering certain requirements for landlords; defining a certain term; providing for the application of this Act; and generally relating to false alarms.

BILL 108-10, entitled An Act for the purpose of permitting surface parking lots in the County’s O.T. Zones as a matter of right; and generally relating to uses permitted in the O.T. Zone.

BILL 109-10, 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 85-10**, CEB - Tot Lot and Shared Facility Development, was called. Bob Barrett 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

F. APPROVAL OF FISCAL MATTERS

The Chairman stated that the Council would now consider Fiscal Matters. 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 Matter 1.

1. Contract - PEPCO Energy Services, Inc. - Electrical Supply Services

_____ A contract with PEPCO Energy Services, Inc., to provide electric supply services for the purchase of electric power.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, Fiscal Matters 1 was unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chairman, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during August, and September, 2010.

**2. Res. 74-10 - Review of PUD - Dimitris Properties, LLC - 2209 Frederick Road -
_____ Catonsville**

At the direction of the Chairman, the Secretary read this Resolution to approve the review of a proposed planned unit development in accordance with County law. Applicant Dimitris Properties LLC, has submitted an application for approval of a 1.45± acre site, zoned BM, located on the south side of Frederick Road, west of Thistle Road, in the 1st Councilmanic District, to be developed as a general development planned unit development. The PUD site is a portion of the larger lot, which contains a total of 2.48± acres. Councilman Moxley commented. There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

3. Res. 85-10 - Agricultural Land Preservation - 15 Application Ranking Recommendations

At the direction of the Chairman, the Secretary read this Resolution to approve certain applications for the sale of development rights easements on property located on farms that meet the State criteria for application in accordance with Agriculture Article, Section 2-509, Annotated Code of Maryland. Wallace Lippincott, appeared. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

4. Res. 86-10 - Extension of Public Water System - Sue Creek Area - 6th District

At the direction of the Chairman, the Secretary read this Resolution for the purpose of approving the extension of the public water system of Baltimore County in the Sue Creek Area, Fifteenth Election District and Sixth Councilmanic District of Baltimore County. The Director of the Department of Environmental Protection and Resource Management and the Director of Public Works have found it necessary, for the protection of the public health, that the public water system of Baltimore County be extended in the Sue Creek Area, to serve seven existing housing units in the area and all property owners affected have been given a hearing by the Department of Public Works and made aware of all costs that will be their responsibility. Bill Korpman appeared. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this Resolution was unanimously approved.

5. Res. 87-10 - Sanitary Sewer Extension - Willow Green Lane - Sue Creek - 6th District

At the direction of the Chairman, the Secretary read this Resolution for the purpose of approving the extension of the sanitary sewer system of Baltimore County in the Sue Creek Area, Fifteenth Election District and Sixth Councilmanic District of Baltimore County. The Director of the Department of Environment Protection and Resource Management and the Director of Public Works have found it necessary, for the protection of the public health, that the sanitary sewer system of Baltimore County be extended in the Sue Creek Area, to serve seven existing housing units in the area and all property owners affected have been given a hearing by the Department of Public Works and made aware of all costs that will be their responsibility. Bill Korpman remained. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Res. 88-10 - Sanitary Sewer Extension - North Point Road - Edgemere -7th District

At the direction of the Chairman, the Secretary read this Resolution for the purpose of approving the extension of the sanitary sewer system of Baltimore County in the Edgemere Area, Fifteenth Election District and Seventh Councilmanic District of Baltimore County. The Director of the Department of Environment Protection and Resource Management and the Director of Public Works have found it necessary, for the protection of the public health, that the sanitary sewer system of Baltimore County be extended in the Edgemere Area, to serve fourteen existing housing units and three commercial properties in the area and all property owners affected have been given a hearing by the Department of Public Works and made aware of all costs that will be their responsibility. Bill Korpman remained. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.

7. Res. 89-10 - Property Tax Exemption - DAV - Peter W. Jones

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Peter W. Jones who is entitled to an exemption from State and County real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

8. Res. 90-10 - Accept donation from Mr. & Mrs. James T. Smith, Jr. for Olympian Park

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of \$5,150 for the use of the Baltimore County Department of Recreation and Parks. The Baltimore County Department of Recreation and Parks has received a donation from Mr. and Mrs. James T. Smith, Jr. to purchase and install a bronze statue dedicated to Baltimore County Olympic athletes to be placed in Olympian Park. Bob Barrett appeared.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

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


Thomas J. Peddicord, Jr.