

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 16
October 4, 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 45 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 McIntire, the reading of the Journal Entries for the meeting of September 20, 2010 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

 At this time there were no Bills for enrollment.

D. INTRODUCTION OF BILLS

BILL 86-10, entitled An Act for the purpose of adding new landmarks to the Final Historical Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

BILL 87-10, entitled An Act for the purpose of reauthorizing the County program that requires a permit to be obtained by any person or organization that solicits on County roadways; defining terms; providing for the application for a permit and its contents; authorizing the Department of Permits and Development Management to investigate the application and to issue or deny the permit requested; providing for the contents, term, and display of a permit; providing for enforcement of the Act; providing penalties; stating the purpose of the Act; and generally relating to the regulation of certain types of solicitation.

BILL 88-10, entitled An Act for the purpose of permitting certain large retail businesses by Special Exception in certain of the County's business zones; and generally relating to uses in certain business zones.

BILL 89-10, entitled An Act for the purpose of requiring the proposed exchange of real or leasehold County property, valued at \$5,000 or less, to be subject to review by the County Council; requiring the lease of County property to be subject to Council review; and generally relating to the exchange or lease of County property.

E. CALL OF BILLS FOR FINAL READING AND VOTE

 Bill 71-10, CEB - American Recovery and Reinvestment Act Workforce Investment Act, was called. Barry Williams 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 72-10, CEB - Wraparound Family Support Services - VPA Diversion Program, was called. Don Schlimm 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 73-10, CEB - Children In Need of Supervision Grant, was called. Captain Barry Barber 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 74-10, CEB - School-Based Dental Sealant 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 75-10, Zoning Regulations - Housing Standards, was called. Pat Keller 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 76-10, CEB - Tourism Program, was called. David Iannucci 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 78-10, Zoning Regulations - Condominium Regimes, was called. Tim Kotroco appeared. Councilman Olszewski moved to amend this Bill with the following amendments:

1. On page 1, before line 1, insert:

“BY adding
Section 1B02.3.E
Baltimore County Zoning Regulations, as amended”

2. On page 2, after line 13, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, that Section 1B02.3.E be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

§ 1B02.3. Special regulations for certain existing OR PROPOSED developments or subdivisions and for small lots or tracts in D.R. Zones.

E. NOTWITHSTANDING ANY PROVISION OF THESE REGULATIONS TO THE CONTRARY, THE BULK REGULATIONS AND BUILDING SETBACK REQUIREMENTS APPLICABLE TO AN APPROVED DEVELOPMENT PLAN FOR A CONDOMINIUM REGIME SHALL BE THE ONLY BULK REGULATIONS AND BUILDING SETBACK REQUIREMENTS APPLICABLE TO A SUBSEQUENT CONVERSION OF THE ENTIRE CONDOMINIUM REGIME, OR A PORTION THEREOF, TO INDIVIDUAL LOTS OF RECORD, SO LONG AS THE APPROVED CONDOMINIUM REGIME IS LOCATED ON A LOT, TRACT, OR PARCEL ZONED D.R. 5.5, D.R. 10.5, AND/OR D.R. 16 THAT IS WITHIN THE CHESAPEAKE BAY CRITICAL AREA.”

3. On page 2, in line 14, strike “2” and substitute “3”

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 Olszewski, seconded by Councilman McIntire, Bill 78-10, as amended, passed by the following roll call vote:

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

Bill 79-10, Junk Dealers and Scrap Metal Processors - Conformance with State Law, was called. Chief Johnson 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 77-10, Regulation of Certain Synthetic Products, was called. Councilman Kamenetz commented. 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 80-10, this Bill was withdrawn prior to the meeting.

Bill 81-10, Zoning Regulations - M.R. Zone - Permitted Uses, was called. Councilman McIntire commented then moved to amend this Bill with the following amendment:

On page 2, in line 6, strike "243.3" and substitute "240.3"

Councilman Moxley seconded the motion and this amendment passed by the following roll call vote:

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

Thereafter, upon motion by Councilman Gardina, seconded by Councilman Moxley, Bill 81-10, as amended, passed by the following roll call vote:

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

Bill 82-10, Tax Credit - Energy Conservation Devices, was called. Councilman McIntire commented. 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 83-10, Zoning Regulations - Anemometers, was called. Councilman McIntire commented. Councilman Moxley then moved to amend this Bill with the following amendments:

1. On page 2, in line 10, after “(1)’ insert “AS ACCESSORY TO A PERMITTED PRINCIPAL USE,”
2. On page 2, in line 10, strike “AN R.C. Zone” and substitute “R.C. ZONES AND MANUFACTURING ZONES”
3. On page 2, insert the following after line 14:
“(3) AN ANEMOMETER SHALL BE SET BACK FROM THE NEAREST PROPERTY LINE A DISTANCE AT LEAST EQUAL TO ITS HEIGHT.”

Councilman Kamenetz seconded the motion and this amendment passed by the following roll call vote:

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

Councilman Oliver then moved to amend this Bill with the following amendment:

On page 2, after line 14, insert:

“(4) AN ANEMOMETER MAY NOT BE ARTIFICIALLY LIT UNLESS LIGHTING IS REQUIRED BY THE FEDERAL AVIATION ADMINISTRATION.”

Councilman Gardina seconded the motion and this amendment 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 Gardina, Bill 83-10, as amended, passed by the following roll call vote:

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

Bill 84-10, Hucksters and Peddlers, was called. Councilman McIntire commented and was questioned by Councilman Moxley. 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

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 Matters 1 through 4 and 7.

1. Contracts of Sale - (4) - Widening of Rolling Road

_____ Four contracts of sale to acquire a portion of parcels of land and necessary easements for the widening of Rolling Road. The following is a list of the four property owners and their addresses:

James and Linda Nitsch - 3222 N. Rolling Road, Baltimore, Maryland 21244
Russell Williams - 3233 N. Rolling Road, Baltimore, Maryland 21244
Shirley Ensor - 3507 N. Rolling Road, Baltimore, Maryland 21244
Aung Ye - 3509N. Rolling Road, Baltimore, Maryland 21244

2. Contract - Hydrostructures, P.A., D/B/A CS/Hydrostructures of Virginia, LLC - Inspection/Cleaning Sewer Systems

_____ A contract with Hydrostructures, P.A., D/B/ACS/Hydrostructures of Virginia, LLC, to provide inspection and cleaning services for sanitary sewer systems.

3. Contracts - (4) - Cancer Screening, Diagnosis and Treatment Services

_____ Four contracts to provide cancer screening, diagnosis and treatment services. The Department of Health contracts with any provider that serves Baltimore County residents and meets the criteria and County Council requirements. Multiple contracts allow patients to have choices regarding medical providers for their cancer screening, diagnosis and treatments. The following is a list of these four contractors:

Gregory Gurfinkel, M.D., P.A.
St. Joseph Medical Center, Inc.
Siva Rama Kprasad Sompalli, M.D.
Woodholme Gastroenterology Associates, P.A.

_____ **4. Contract - Video Pipe Services, Inc. - Inspection and Cleaning Services for Sewer Systems**

_____ A contract with Video Pipe Services, Inc., to provide inspection and cleaning services for sanitary sewer systems.

7. Contract - Guardrail Etc., Inc. - Guardrail Installation & Repair Service

A contract with Guardrail Etc., Inc., to provide guardrail installation and repair services.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, Fiscal Matters 1 through 4 and 7 were unanimously approved.

Chairman Olszewski then called upon the Secretary to read the cover letters for Fiscal Matters 5 through 6 and 8 through 11.

_____ **5. Contract - Cigna Healthcare - Health Insurance Benefits for County Employees**

_____ A contract with Cigna Healthcare, to provide administrative claims payment services for self-funded Open Access HMO Preferred Provider Organization (PPO) and Medicare Supplemental benefits for eligible Baltimore County General Government (including Libraries and Revenue Authority), Baltimore County Public Schools and the Community College of Baltimore County employees, retirees and their families.

6. Contract - Cigna Healthcare - Dental HMO for County Employees

A contract with Cigna Healthcare, to provide a dental HMO Medical benefit plan for General Government (including Libraries and the Revenue Authority), Baltimore County Public Schools and the Community College of Baltimore County eligible employees and retirees.

_____ **8. Contract - Kaiser Permanente - Staff Model HMO Insurance Benefits for County Employees**

_____ A contract with Kaiser Permanente, to provide a Staff Model HMO insurance benefit for General Government, Baltimore County Public Schools and the Community College of Baltimore County eligible employees and retirees.

_____ **9. Contract - Express Scripts, Inc. - Prescription Benefits for Medical Plans**

_____ A contract with Express Scripts, Inc., to provide prescription benefits for Medical plans and PDP plan for medicare retirees.

10. Contract - CareFirst - Dental and Vision Benefits for County Employees

A contract with CareFirst, to provide a Dental Preferred Provider Option (Dental PPO) insurance benefit and vision benefits for General Government, Baltimore County Public Schools and Community College of Baltimore County eligible employees and retirees.

11. Contract - Express Scripts, Inc. - PDP Plan for Medicare Retirees

An amendment and restated Medicare Part D employer-only sponsored group waiver plan prescription drug services agreement with Express Scripts Insurance Company, to provide prescription drug benefits for Part D eligible retirees.

Keith Dorsey appeared and was questioned by Councilmembers Oliver and McIntire. Then Councilmembers Olszewski, McIntire and Moxley questioned Mr. Homan. Councilman Kamenetz also commented. There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, Fiscal Matters 5 through 6 and 8 through 11 were approved by the following roll call vote:

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

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, 2010.

2. Res. 75-10 - Metropolitan District Extension No. 163 - Lyons Mill Road - 4th District

At the direction of the Chairman, the Secretary read this Resolution concerning the extension of the Metropolitan District Boundaries to include 108.698 acres of land on the south side of Lyons Mill Road west of Owings Mills Boulevard for the purpose of providing public water and sewer services. Bill Korpman appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

3. Res. 76-10 - Endorsement of State Financial Assistance - Park View at Randallstown

_____ At the direction of the Chairman, the Secretary read this Resolution of the County Council of Baltimore County, Maryland approving the development of housing in Randallstown, Baltimore County, Maryland, to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration. Mary Harvey appeared. Councilman Moxley then moved to amend this Resolution with the following amendments:

1. On page 1, in the third line up from the bottom, strike "(1)" and substitute "(i)".
2. On page 2, in the third line down from the top, strike "\$1,511,973" and substitute "\$1,511,793"; in the fourth line, strike "int eh" and substitute "in the"; and also in the fourth line, strike "\$833,225" and substitute "\$883,225".

Councilman McIntire 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 Oliver, Resolution 76-10, as amended, passed by the following roll call vote:

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

4. Res. 77-10 - PILOT - Park View at Randallstown

_____ At the direction of the Chairman, the Secretary read this Resolution to authorize the County Executive or other authorized administrative official to enter into a written agreement on behalf of the County with Randallstown LLLP, a Maryland limited liability limited partnership, for the payment of stipulated amounts in lieu of regular real property taxes in order to facilitate the development of an elderly housing project to benefit elderly persons in Baltimore County. Mary Harvey remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

5. Res. 78-10 - Endorsement of State Financial Assistance - Park View at Rosedale

At the direction of the Chairman, the Secretary read this Resolution of the County Council of Baltimore County, Maryland approving the development of housing in Rosedale, Baltimore County, Maryland, to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration. Mary Harvey remained. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Res. 79-10 - PILOT - Park View at Rosedale

At the direction of the Chairman, the Secretary read this Resolution to authorize the County Executive or other authorized administrative official to enter into a written agreement on behalf of the County with Rosedale LLLP, a limited liability limited partnership for the payment of stipulated amounts in lieu of regular real property taxes in order to facilitate the development of an elderly housing project to benefit elderly persons in Baltimore County. Mary Harvey remained. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.

7. Res. 80-10 - Endorsement of CASA - Community Investment Tax Credit Program

_____ At the direction of the Chairman, the Secretary read this Resolution to endorse the application of CASA of Baltimore County, Inc., to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for the administration and facilitation of the housing counseling program that provides volunteers who serve as Court Appointed Special Advocates in juvenile court. Mary Harvey remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

8. Res. 81-10 - Endorsement of application of Diversified Housing Development, Inc. - Community Investment Tax Credit Program

_____ At the direction of the Chairman, the Secretary read this Resolution to endorse the application of Diversified Housing Development, Inc., to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for the administration and facilitation of a housing counseling program, homebuyers education workshops, and a post-purchase counseling program for new homeowners to mitigate default and foreclosure. Mary Harvey remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

9. Res. 82-10 - Property Tax Exemption - Blind - Margaret R. Andrzejewski

_____ At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Margaret R. Andrzejewski who is entitled to a partial exemption from State and County real property taxes by reason of the exemption afforded to blind persons under State law. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.


10. Res. 83-10 - Appointment - County Auditor - Lauren M. Smelkinson

_____ At the direction of the Chairman, the Secretary read this Resolution appointing Lauren M. Smelkinson as County Auditor for an indefinite term effective September 8, 2010. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

11. Res. 81-10 - Review of PUD - J. Kirby Development, LLC - Pot Spring Road - 3rd District

_____ 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 McIntire, the meeting adjourned at 8:10 P.M.


Thomas J. Peddicord, Jr.