

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 08
April 19, 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 55 persons in attendance and the following Councilmembers were present:

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| 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 April 5, 2010 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

 The Chairman stated that the following bill was passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bill 9-10.

D. INTRODUCTION OF BILLS

BILL 21-10, entitled An Act for the purpose of amending the 2009-2010 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 United States Department of Housing and Urban Development.

BILL 22-10, entitled An Act for the purpose of amending the 2009-2010 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 Maryland Emergency Management Agency (MEMA). MEMA has made an award of federal funds available to the Baltimore County Office of Homeland Security and Emergency Management, to be used to fund regional emergency health preparedness and response efforts.

BILL 23-10, entitled An Act for the purpose of amending the 2009-2010 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 Maryland Emergency Management Agency (MEMA). MEMA has made an award of federal funds available to the Baltimore County Office of Homeland Security and Emergency Management, to be used to fund planning, equipment, training, exercises and personnel for anti-terrorism efforts.

BILL 24-10, entitled An Act for the purpose of amending the 2009-2010 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 Maryland Emergency Management Agency (MEMA). MEMA has made an award of federal funds available to the Baltimore County Office of Homeland Security and Emergency Management, to be used to fund planning, equipment, training, exercises and personnel for anti-terrorism efforts.

BILL 25-10, entitled An Act for the purpose of enacting changes to the Stormwater Management title in accordance with changes required by the state's Stormwater Management Act of 2007; requiring certain stormwater management plans; requiring the use of new techniques; providing for certain waivers; providing for enforcement; defining certain terms; providing for the effective date of this Act and generally relating to stormwater management.

BILL 26-10, entitled An Act for the purpose of amending the definition of an adult entertainment business; regulating the location of adult entertainment businesses; stating certain findings; providing for the application of the Act; and generally relating to adult entertainment businesses.

BILL 27-10, entitled the Annual Budget and Appropriation Ordinance of Baltimore County to adopt the County Budget, consisting of the Current Expense Budget for the fiscal year ending June 30, 2011, the Capital Budget for the fiscal year ending June 30, 2011 and the Capital Improvement Program for the fiscal years ending June 30, 2012, June 30, 2013, June 30, 2014, June 30, 2015 and June 30, 2016; and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2010 and ending June 30, 2011, as hereinafter indicated.

BILL 28-10, entitled An Act for the purpose of levying and imposing a property tax for the use of Baltimore County for taxable year beginning July 1, 2010 and ending on the thirtieth day of June following; fixing the rate of county taxation for such taxable year; fixing the rate to be charged when property taxes are paid on a semi-annual basis; and generally relating to the property tax.

BILL 29-10, entitled An Act for the purpose of providing for certain changes to the Baltimore County Classification and Compensation Plans by adding certain new class titles, codes and grades; abolishing certain job classifications, codes, and grades; amending certain personnel rules and regulations; providing for the application of this Act; and generally relating to the governance and compensation of the personnel of Baltimore County Government.

BILL 30-10, entitled An Act for the purpose of lowering the age at which a person may choose not to join the Employees Retirement System; limiting the ability to purchase service credit under certain circumstances; increasing the rate of regular contributions for certain members; excluding time spent in “sick leave bank,” its equivalent or other extraordinary leave time from the creditable service calculation; clarifying benefits for certain Group 4 members; requiring certain members to have 10 years of creditable service to be eligible for an ordinary disability retirement with corresponding change to the law on the benefit; providing for retirement for service in lieu of an ordinary disability retirement under certain circumstances; altering the benefit for an accidental disability under certain circumstances; clarifying certain accidental disability provisions; altering the ability to collect a death benefit under certain circumstances; clarifying the disposition of certain funds when a member dies intestate under certain circumstances; altering the timing of certain post-retirement increases under certain circumstances; altering the crediting of post-retirement increases with regard to the DROP under certain circumstances; lowering the maximum amount of a post-retirement increase; authorizing certain members to participate in a deferred retirement option program; clarifying a certain condition for a certain option; clarifying certain law regarding the Annuity Savings Fund; clarifying the calculation of reduction in the retirement allowance for a member who transferred from a noncontributory system to the Retirement system due to unpaid contributions; clarifying the method for determining applicable rates of interest; clarifying that interest shall be calculated on a monthly basis; clarifying that the reduction is based on a single life annuity; clarifying the fiduciary duties of the members of the Board of Trustees; clarifying the definition of regular interest; clarifying that all assets of the deferred compensation plan are held by a trustee designated by the county; clarifying that the county does not have the obligations of a debtor to employees with regard to the deferred compensation plan; making technical changes; defining a certain term; making portions of this act retroactive; and generally relating to the Employees Retirement System.

BILL 31-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$5,000,000 for land preservation to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 32-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$32,693,570 for the purpose of community college projects to be undertaken in the ensuing fiscal years starting July 1, 2011 and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 33-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$17,000,000 for community and economic improvement and development projects to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 34-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$37,787,410 for public operational buildings, including, but not limited to general, health, police, fire, recreation, library, senior center and jail buildings or facilities and necessary or desirable equipment to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 35-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$5,000,000 for the purpose of parks, preservation and greenways projects to be undertaken in the ensuing fiscal years starting July 1, 2011 and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 36-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$68,112,500 for public works purposes, for the class of projects which includes, among other things, streets and highways, bridges and storm drainage systems, to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 37-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$6,114,000 for refuse disposal projects, to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 38-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$104,528,000 for public school buildings, buildings for school purposes, buildings to support school operations and site projects to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 39-10, entitled An Act for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$8,664,000 for waterway improvement projects to be undertaken in the ensuing fiscal years starting July 1, 2011, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 10-10, CEB - Commissary Account, was called. James O'Neill 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 11-10, CEB - Access to Care, was called. Stephanie House appeared. Councilman Moxley then moved to amend this Bill with the following amendments:

1. On page 1, in the purpose paragraph, strike "Kaiser Permanente" and substitute "Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.(KFHPMAS)" .

2. In the first WHEREAS clause, strike "Kaiser Permanente" and substitute "Kaiser Foundation Health Plan of the Mid-Atlantic States, Inc.".

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 McIntire, Bill 11-10, as amended, passed by the following roll call vote:

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

Bill 12-10, CEB - American Recovery and Reinvestment Act - Vaccination of Healthcare Personnel, was called. Stephanie House remained. Councilman Moxley then moved to amend this Bill with the following amendment:

On page 2, in line 7, strike "005-303-1092" and substitute "005-030-1092"

Councilman McIntire 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 McIntire, Bill 12-10, as amended, passed by the following roll call vote:

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

Bill 13-10, CEB - Energy Efficiency and Conservation Block Grant, was called. David Carroll 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 14-10, CEB - MD Institute of Emergency Medical Services System (MIEMSS), was called. Division Chief Michael Robinson 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 15-10, this Bill was withdrawn prior to the meeting.

Bill 16-10, this Bill was withdrawn prior to the meeting.

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 April 15, 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 4.

1. Contracts - (2) - On-call Property Appraisal Services - Land Acquisition

Two amendments to the contracts of sale with Muller-Casella Associates, Inc., and Page Appraisal Company, Inc., for on-call property appraisal services.

2. Addendum to Contract - KCI Technologies, Inc. - On-call Civil Engineering Services

An addendum to the contract with KCI Technologies, Inc., to increase the agreement compensation cap.

3. Contract - Modular Genius, Inc. - Temporary Women's Shelter

A contract Modular Genius, Inc., to provide modular trailer units for lease to Baltimore County to serve as a temporary woman's shelter.

4. Amendments to Contracts - (4) - Substance Abuse Treatment Programs

Four amendments to the contracts with: Alcohol and Drug Treatment, Inc.; AWARE/Woman's Treatment Program; First Step, Inc., Friends Research Institute, Inc, and Glass Mental Health Foundation, Inc., Awakenings Program, for substance abuse treatment programs.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 4 were 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 March, 2010.

2. Reappointment - Board of Appeals - Lawrence Westcott

At the direction of the Chairman, the Secretary read the correspondence requesting the reappointment of Mr. Lawrence Westcott to the Baltimore County Board of Appeals for an additional three year term. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this reappointment was unanimously approved.

3. Res. 18-10 - Sanitary Sewer Extension - Hilltop Drive - Carney Area

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 Carney Area, Eleventh Election District and Fifth Councilmanic District of Baltimore County. Bill Korpman appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this resolution was unanimously approved.

4. Res. 19-10 - Sanitary Sewer Extension - Maple Avenue - Ruxton Area

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 Ruxton Area, Ninth Election District and Second Councilmanic District of Baltimore County. Bill Korpman remained. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this resolution was unanimously approved.

5. Res. 20-10 - Adoption of Master Plan Amendment: Rural Areas

_____ This Resolution was for introduction only.

6. Res. 21-10 - Adoption of Lower Back River Neck Community Action Plan

_____ This Resolution was for introduction only.

7. Res. 22-10 - Carney - Cub Hill-Parkville Area Community Plan

_____ This Resolution was for introduction only.

8. Res. 23-10 - Adoption of Greater Hillendale Community Plan

_____ This Resolution was for introduction only.

**9. Res. 24-10 - BCPS - Authorization for Expenditure of Non-Local Funds
(American Recovery and Reinvestment Act)**

_____ At the direction of the Chairman, the Secretary read this resolution concerning the Baltimore County Public Schools and the authorization for expenditures of non-local funds. George Sarris appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, this resolution was unanimously.

10. Reappointment - Board of Appeals - Lawrence M. Stahl

_____ At the direction of the Chairman, the Secretary read the correspondence requesting the reappointment of Mr. Lawrence M. Stahl to the Baltimore County Board of Appeals for an additional three year term. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this reappointment was unanimously approved.

11. Reappointment - Board of Appeals - Andrew M. Belt

_____ At the direction of the Chairman, the Secretary read the correspondence requesting the reappointment of Mr. Andrew M. Belt to the Baltimore County Board of Appeals for an additional three year term. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this reappointment was unanimously approved.

12. Res. 25-10 - Amendment to PUD Review - Nottingham Ridge

_____ 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.