

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 09
May 3, 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
KENNETH N. OLIVER	FOURTH DISTRICT
VINCENT J. GARDINA	FIFTH DISTRICT
JOSEPH BARTENFELDER	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

Councilman McIntire was absent the entire meeting.

B. APPROVAL OF JOURNAL

Upon motion by Councilman Moxley, seconded by Councilman Gardina, the reading of the Journal Entries for the meeting of April 19, 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 10-10, 11-10, 12-10, 13-10 and 14-10.

D. INTRODUCTION OF BILLS

BILL 40-10, 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).

BILL 41-10, 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).

BILL 42-10, entitled An Act for the purpose of prohibiting a person from registering as a lobbyist with the Baltimore County Ethics Commission if the person has been convicted of or entered a plea of guilty to a crime which is a felony; requiring the Commission to terminate the registration of a person who is convicted of or pleads guilty to a felony; and generally relating to lobbyist registration requirements.

BILL 43-10, entitled An Act for the purpose of altering the definition of a high performance home; revising the method of determining the amount of tax credit for a high performance home; specifying the manner of measuring the increased energy efficiency of a high performance home in order to determine the amount of the tax credit; and generally relating to the tax credit program for high performance homes.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 17-10, Basic Services Maps, was called. Dave Thomas appeared. Councilman Bartenfelder then moved to amend this Bill with the following amendment:

On page 2, in line 11, after “Map”, insert “, WITH THE FOLLOWING AMENDMENT: PULASKI HIGHWAY AND MIDDLE RIVER ROAD – LEVEL OF SERVICE: D”

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

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

Thereafter, upon motion by Councilman Bartenfelder seconded by Councilman Moxley, Bill 17-10, as amended, passed by the following roll call vote:

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

Bill 18-10, Landmarks Preservation Commission, was called. There being no discussion, this bill was passed by the following roll call vote:

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

Bill 19-10, Personnel Law of Baltimore County - Classification and Compensation Plan, was called. Theresa Hill appeared. There being no discussion, this bill was passed by the following roll call vote:

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

Bill 20-10, Zoning Regulations - Domestic Animal Sanctuaries was called. Councilman Olszewski moved to amend this Bill with the following amendments:

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

“Section 421.8
Baltimore County Zoning Regulations, as amended”

2. On page 1, in line 3, before “be”, insert “and Section 421.8”

3. On page 2, in lines 6 and 7, strike “ON A NOT-FOR-PROFIT BASIS” and substitute “BY AN ORGANIZATION QUALIFIED AS A NONPROFIT UNDER SECTION 501(C)(3) OF TITLE 26 OF THE UNITED STATES CODE. THE ORGANIZATION MUST FACILITATE AT LEAST 50 ANIMAL ADOPTIONS PER YEAR”

4. On page 2, line 17, strike “10” and substitute “7.5”

5. On page 2, after line 17, insert:

“421.8. DOMESTIC ANIMAL SANCTUARY.

(A) THE OPERATOR OF A DOMESTIC ANIMAL SANCTUARY SHALL COMPLY WITH THE LICENSING REQUIREMENTS AND MINIMUM STANDARDS ESTABLISHED FOR A HOLDING FACILITY IN ARTICLE 12, TITLE 6 OF THE BALTIMORE COUNTY CODE.

(B) A DOMESTIC ANIMAL SANCTUARY MAY NOT BE LOCATED WITHIN A TEN-MILE RADIUS OF ANY OTHER DOMESTIC ANIMAL SANCTUARY.

(C) A DOMESTIC ANIMAL SANCTUARY MAY NOT BE LOCATED WITHIN 200 FEET OF THE NEAREST PROPERTY LINE, IF THE SANCTUARY IS ALLOWED IN A RESIDENTIAL ZONE.”

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

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

Nay - None

Absent - McIntire

Thereafter, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, Bill 20-10, as amended, passed by the following roll call vote:

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

Nay - None

Absent - McIntire

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 27, 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 and 2.

1. Contracts - (2) - Fire Alarm System Equipment, Maintenance, etc.

Two contracts with The Fireline Corporation and Ark Systems, Inc., to provide fire alarm system equipment and installation , repairs, parts and preventative maintenance.

2. Contracts - (3) - Remote Video Surveillance Security Systems - On-call Basis

Two contracts with Computerized Management Systems, Inc., M.C. Dean, Inc. and CelPlan Technologies, Inc., for remote video surveillance and security systems - design, buildings, installation and maintenance on an as needed, on-call basis.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, Fiscal Matters 1 and 2 were unanimously approved by the six Councilman present.

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 and April, 2010.

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

At the direction of the Chairman, the Secretary read this resolution to adopt an amendment to the Baltimore County Master Plan 2010. Pat Keller appeared. Councilman Moxley then moved to amend this Resolution with the following amendments:

1. On page 3, in the second sentence of the paragraph titled “The New Master Plan”, strike “However” and substitute the following: “One of the fundamental concepts of Master Plan 2010 is that the orderly development of the Baltimore County community is not a static process. It is subject to the social and economic changes that will naturally occur during the life of the master plan. The policy decisions of the County Council, which are expressed through its law-making power, are the means to address the county’s evolving needs. The statements of Master Plan 2010 and the statements of this amendment to Master Plan 2010 are intended to guide the Council in this role. With this latest statement,”
2. On page 7, in the fourth line of the second full paragraph, after “private water wells”, strike “and” and substitute “, or other private water sources, and private”

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

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

Thereafter, upon motion by Councilman Moxley seconded by Councilman Oliver, Resolution 20-10, as amended, passed by the following roll call vote:

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

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

At the direction of the Chairman, the Secretary read this resolution of the Baltimore County Council to adopt the Lower Back River Neck Community Action Plan as part of the Baltimore County Master Plan 2010. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this resolution was unanimously approved by the six Councilmembers present.

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

At the direction of the Chairman, the Secretary read this resolution of the Baltimore County Council to adopt the Carney-Cub Hill-Parkville Area Community Plan as part of the Baltimore County Master Plan 2010. Councilman Bartenfelder then moved to amend this Resolution with the following amendments:

1. On page 35, after the word “measures” in the second sentence of paragraph A., insert “, subject to the discretion of the County Council in the exercise of its law-making power”
2. On page 37, strike paragraph “D” in its entirety and substitute the following:

“D. Amendments to the 2008 Zoning Map

The amendments to the 2004 Baltimore County Zoning Map recommended in Section C above may not necessarily include all of the zoning reclassifications that are necessary. It is recommended that additional zoning map revisions be considered as part of the upcoming 2012 Comprehensive Zoning Map Process (CZMP).

Amendments to the 2008 Zoning Map recommended by the Carney-Cub Hill-Parkville Plan Citizen Advisory Committee are presented in Appendix L. The specific proposals contained in Appendix L are solely those of the Citizen Advisory Committee.

Prior to the 2012 CZMP, the Office of Planning should (1) determine which zoning map amendments recommended in Appendix L are appropriate and (2) determine any additional zoning reclassifications that may be appropriate for Planning Board consideration. In accordance with the 2012 CZMP, the Office of Planning should file for consideration by the Planning Board a zoning reclassification application for each of the potential zoning map amendments identified by the Office of Planning.”

3. On page 53, strike paragraph “B.3.” in its entirety and substitute the following:

“3. In accordance with the 2012 Comprehensive Zoning Map Process, request the enactment of zoning classifications as appropriate to bring the official zoning map into general conformance with the future land use plan, subject to the discretion of the County Council.

Time Frame: Short-term

Primary Responsibility: County Council, Planning Board, Office of Planning”

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

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

Thereafter, upon motion by Councilman Bartenfelder seconded by Councilman Gardina, Resolution 22-10, as amended, passed by the following roll call vote:

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

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

_____ At the direction of the Chairman, the Secretary read this resolution of the Baltimore County Council to adopt the Greater Hillendale Community Plan as part of the Baltimore County Master Plan 2010. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilmembers present.

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

_____ This Resolution was withdrawn prior to the meeting.

7. Res. 26-10 - Accept Donation-Towson University Video Class for Recycling Campaign

_____ At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a donation of an informational video produced by Towson University's Corporate Video class for the use of the Baltimore County Department of Public Works, Bureau of Solid Waste Management. Dave Thomas appeared. Councilman Olszewski questioned Mr. Thomas. There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this resolution was unanimously approved by the six Councilmembers present.

8. Res. 27-10 - Property Tax Exemption - DAV - Frank J. Melton

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Frank J. Melton 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 Kamenetz, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilmembers present.

9. Res. 28-10 - Property Tax Exemption - Blind - James A. Caraway

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from James A. Caraway 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 Oliver, seconded by Councilman Moxley, this resolution was unanimously by the six Councilmembers present.

10. Res. 29-10 - Public Disclosure - Lauri R. Bost

At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of Lauri R. Bost, an employee of Baltimore County Office of Budget and Finance, has applied for the assignment of a tax sale certificate for a 20,000 square foot property that adjoins her residence on Revolea Beach Road. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilmembers present.

11. Res. 30-10 - Master Plan 2010 Amendment - Turner Station Community Charrette Plan

_____ At the direction of the Chairman, the Secretary read this resolution of the Baltimore County Council to request the Planning Board to review the Turner Station Community Charrette Plan. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilmembers present.

12. Res. 31-10 - Property Tax Exemption - Surviving Spouse of DAV - Carol Casciero

_____ At the direction of the Chairman, the Secretary read this resolution for the purpose to approve the refund of certain real property taxes collected from Carol L. Casciero who is entitled to an exemption from State and County real property taxes by reason of the exemption afforded to surviving spouses of disabled veterans under State law. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilmembers present.

13. Res. 32-10 - Adoption of Rosewood Institutional Educational Center Plan

_____ This Resolution was for introduction only.


14. Res. 33-10 - Amendment to PUD Review - Nottingham Ridge

_____ This Resolution was for introduction only.

15. Res. 34-10 - May 2010 Melanoma/Skin Cancer Awareness & Prevention Month

_____ At the direction of the Chairman, the Secretary read this resolution recognizing May 2010 as Melanoma/Skin Cancer Awareness & Prevention Month in Baltimore County. Councilman Gardina commented. There being no further discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this resolution was unanimously approved by the six Councilman present.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman Gardina, the meeting adjourned at 7:25 P.M.


Thomas J. Peddicord, Jr.