

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 11
June 7, 2010 6:00 P.M.

A. The meeting was called to order by Chairman Olszewski at 6:00 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag led by Boy Scout Troop # 181 of St. John’s Church of Phoenix, Maryland. There were approximately 40 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 May 27, 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 21-10, 22-10, 23-10, 24-10, 25-10, 27-10, 28-10, 29-10, 30-10, 31-10, 32-10, 33-10, 34-10, 35-10, 36-10, 37-10, 38-10 and 39-10.

D. INTRODUCTION OF BILLS

BILL 44-10, 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 Maryland Department of Business and Economic Development.

BILL 45-10, 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 Maryland Department of Labor, Licensing and Regulation.

BILL 46-10, 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 Health and Mental Hygiene, Office of Minority Health and Disparities.

 BILL 47-10, entitled An Act for the purpose of adopting with certain amendments, deletions and additions, the ICC International Building Code, 2009 Edition; the ICC International Residential Code, 2009 Edition; the ICC International Mechanical Code, 2009 Edition, and the ICC International Energy Conservation Code, 2009 Edition, all as the "Building Code of Baltimore County, Maryland,"; altering the Plumbing and Gasfitting Code of Baltimore County; amending certain law related to floodplain management; and providing for a retroactive effective date of this Act.

 BILL 48-10, entitled An Act for the purpose of adopting the Fire Prevention Code of Baltimore County; repealing the 2007 Fire Prevention Code; adopting certain amendments to the Fire Prevention Code; making the provisions of this act severable; and generally relating to fire prevention.

 BILL 49-10, 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 from the United States Department of Defense, Office of Economic Adjustment, through the Chesapeake Science and Security Corridor.

 BILL 50-10, entitled An Act for the purpose of amending the definition of an adult entertainment business; regulating the location of adult entertainment businesses; regulating the location of certain other businesses in certain zones; regulating the arrangement of viewing booths; stating certain findings; providing for the application of the Act; and generally relating to adult entertainment businesses.

E. CALL OF BILLS FOR FINAL READING AND VOTE

 Bill 40-10, CEB - FFY09 HSGP Citizen Corps Program, was called. Jim Korn 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 41-10, CEB - FFY09 - HSGP UASI, was called. Jim Korn 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 42-10, This Bill was withdrawn prior to the meeting.

Bill 43-10, High Performance Homes, was called. Councilman Gardina commented and then moved to amend this Bill with the following amendments:

1. On page 2, in line 18, after “STRUCTURE”, INSERT:

“(I) THAT ACHIEVES AT LEAST A SILVER RATING ACCORDING TO THE U.S. GREEN BUILDING COUNCIL’S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) FOR HOMES RATING SYSTEM; OR
(II)”

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

3. On page 3, insert the following after line 9:

“(C) LEED - AMOUNT AND DURATION.
FOR A HIGH PERFORMANCE HOME THAT IS CERTIFIED IN THE LEED FOR HOMES RATING SYSTEM, THE AMOUNT OF TAX CREDIT IS A PERCENTAGE OF THE TOTAL COUNTY PROPERTY TAX ASSESSED ON THE HIGH PERFORMANCE HOME AS FOLLOWS:

- (1) LEED SILVER - 40%;
- (2) LEED GOLD - 60%;
- (3) LEED PLATINUM - 100%.”

4. On page 3, strike line 10 and substitute:

“(D) ENERGY EFFICIENCY IMPROVEMENT - AMOUNT AND DURATION.”

5. On page 3, in line 11, after “(1)”, insert:

“FOR A HIGH PERFORMANCE HOME THAT IS CERTIFIED FOR INCREASED ENERGY EFFICIENCY BASED UPON IMPROVEMENTS,”; IN LINES 15 AND 23, STRIKE “(D)” AND SUBSTITUTE “(4)”; IN LINE 18, STRIKE “40” AND SUBSTITUTE “30”.

6. On page 4, in lines 1, 7, 12 and 14, strike “1”, “2”, “3” and “4”, respectively, and substitute “I”, “II”, “III” and “IV”, respectively.

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 Garidna, seconded by Councilman McIntire, Bill 43-10, as amended, 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. Extensive testimony on each item was taken at the Council's work session on June 1, 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 22.

1. Memo of Understanding - CCBC - Counseling Services - DOL funded Classes

A memorandum of understanding with the Community College of Baltimore County, to provide counseling to prospective students of DOL-funded classes and to track enrollments, completions and job placements for those students.

2. Amendment Contract - Bel Air Auto Auction, Inc. - Auctioneering Services

An addendum to the contract with Bel Air Auto Auction, Inc., to delete the per contract year compensation cap paid to the contractor.

3. Contract - Ace Uniform Services, Inc. - Uniform Rentals

A contract with Ace Uniform Services, Inc., to provide uniform rental of 100% cotton shirts and pants, 65%/35% polycotton shirts and pants and rags for equipment maintenance services.

4. Contract - Honeywell International, Inc. - Maintenance/County Buildings

A contract with Honeywell International, Inc., to provide maintenance on automated temperature controls for the County Courts Building and the Jefferson Building.

5. Contract - Holmes Lawn Care, Inc. - Mowing Services

A contract with Holmes Lawn Care, Inc., to provide mowing services at Mount Vista Park, in order to properly maintain the park.

6. Contract - Capitol Sports Fields - Cleaning/Maintenance - Artificial Turf Fields

A contract with Capitol Sports Fields, LLC, to provide cleaning and maintenance services for Baltimore County's 13 artificial turf athletic fields.

7. Contracts - (4) - Cancer Screening

Four contracts with Greater Baltimore Medical Center, Greater Baltimore Pathology Associates, Parson's Medical Group, P.C. and Physicians Anesthesia Associates, P.A. 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 a choice regarding medical providers for their screening, diagnosis and treatments.

8. Contract - Columbia Telecommunications Corp. - Tower Engineering Support

An amendment to the contract with Columbia Telecommunications Corp., to extend the terms of the contract for one additional year to June 30, 2011.

9. Contract - Versar, Inc. - Radio Tower Maintenance

A contract with Versar, Inc., to provide radio tower maintenance to include all labor, supervision, equipment, tools and materials to perform annual inspections and repairs on radio towers and monopoles.

10. Contract of Sale - Eric & Cynthia deKozlowski - Easements - Old York Road

A contract of sale with Eric and Cynthia deKozlowski, for the acquisition of easement rights, located at 14811 Old York Road, Phoenix, Maryland 21131, to preserve and protect natural rural resources in the Manor area and its environs.

11. Contract of Sale - Fred Stephen Schaefer - Easement - Old Hanover Road

A contract of sale with Fred Stephen Schaefer, for the acquisition of an agricultural easement, located on Old Hanover Road, Boring, Maryland 21020, for the protection of farmland through the County Agricultural Land Preservation Program.

12. Contract of Sale Edgar Leroy Schaefer, Jr. & Leroy Paul Schaefer - Easement - Old Hanover Road

A contract of sale with Edgar Leroy Schaefer, Jr., for the acquisition of an agricultural easement, located on Old Hanover Road, Boring, Maryland 21020, for the protection of farmland through the County Agricultural Land Preservation Program.

13. Contract of Sale - Verna L. Squirrel - Widening of Rolling Road

A contract of sale with Verna L. Squirrel, for the acquisition of a parcel of land and necessary easements, located at 3241 Rolling Road, Baltimore, Maryland 21244, for the widening of Rolling Road.

14. Contract of Sale - Jeri H. Cuffley - Widening of Dolfield Boulevard

A contract of sale with Jeri H. Cuffley, for the acquisition of a parcel of land, located at 9 Church Road, Owings Mills, Maryland 21117, for the widening of Dolfield Boulevard, together with easements.

15. Contract of Sale - Agnes Elaine Gregg-Hollenbaugh & Lois E. Johnson - Widening of Dolfield Boulevard

A contract of sale with Agnes Elaine Gregg-Hollenbaugh and Lois E. Johnson, for the acquisition of a parcel of land, located at 55 Featherbed Lane, Owings Mills, Maryland 21117, for the widening of Dolfield Boulevard, together with easements and severed area.

16. Contract of Sale - Dorothy Lucetta Featherston - Widening of Dolfield Boulevard

A contract of sale with Dorothy Lucetta Featherston, for the acquisition of a parcel of land, located at 1 Church Road, Owings Mills, Maryland 21117, for the widening of Dolfield Boulevard, together with easements.

17. Lease - 401 Associates, LLC - Court-Appointed Psychiatrist for Circuit Court

A lease agreement with 401 Associates, LLC, for the County to lease approximately 1,680 square feet of space on the 5th floor of the building known as the First Financial Building, located at 401 Washington Avenue in Towson, Maryland 21201. The space will be utilized by the court -appointed psychiatrist for the Circuit Court of Baltimore County.

18. Contract - Gilchrist Hospice Care - Clinical Education - Fire Dept. Paramedic Program

A contract with Gilchrist Hospice Care to provide clinical education for advanced life support students from the Fire Department paramedic program.

19. BAT #10-05 - Balto. Co. Public Schools - Mandated Services, Maintenance, Instructional Materials, etc.

A budget appropriation transfer for Baltimore County Public Schools. Funds are available due to savings in salary expenditures, changes to transportation mileage reimbursement rates, reduced fuel oil rates, and the reclassification of accounts according to MSDE criteria. The funds will be used to fund mandated related services and paid helpers in special education, low turnover in maintenance of plant, school and office supplies previously categorized by MSDE as equipment, the reallocation of school budgets according to site-based management policies and additional instructional materials and textbooks.

20. Contracts - (17) - Dept. of Aging - Adult Medical Day Care Services

Seventeen contracts to provide adult medical day care services. This program will serve approximately 60 clients in FY2011.

21. BAT 10-08 - Department of Aging - Salary and overtime shortfall

A budget appropriation transfer for the Department of Aging. Funds are available due to unexpected levels of turnover. The funds will be used to cover the projected short fall due to original turnover cuts that exceed actual expenditures.

22. BAT 10-07 - Public Works - Snow Removal

A budget appropriation transfer for the Department of Public Works. Funds are available due to FY2010 expenditure projected to be less than anticipated. The funds will be used to cover expenditure appropriations related to the FY2010 snow season.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 22 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 April, 2010.

2. Intentionally left blank.

3. Nominations - 5 Nominees for position of Supervisor of Assessments for Baltimore County

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, submitting a list of five names, which require approval by the Baltimore County Council, for the position of Supervisor of Assessments for Baltimore County. The nominees are J. Rodger Lee, Charlotte F. Rodgers, Donald Paddy, David A. Wilson, Esq., and Joyce Dreisch. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Gardina, these nominations was unanimously approved.

4. Grant Recommendations - Non-Profit Organizations

At the direction of the Chairman, the Secretary read the correspondence from the Administrative Office, for FY11 Arts and Sciences grant recommendations to non-profit organizations. Bob Barrett appeared. Councilman Olszewski questioned Mr. Barrett. There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, these grant recommendations were unanimously approved.

5. Petition for Condemnation - Richard & Joanne Davenport

At the direction of the Chairman, the Secretary read the correspondence from the Administrative Officer of a complaint for condemnation with Richard and Joanne Davenport, for the acquisition of a parcel of land located at 3008 Putty Hill Avenue, Parkville, Maryland 21234, for the widening of Putty Hill Avenue. Shirley Murphy appeared. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this petition for condemnation was unanimously approved.

6. Res. 39-10 - Property Tax Credit - Rosewald Beach Civic League

At the direction of the Chairman, the Secretary read this resolution to grant a property tax credit against the County property tax imposed on real property owned by the Rosewald Beach Civic League. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this resolution was unanimously approved.

7. Res. 40-10 - Property Tax Exemption - Blind - Virginia R. Orner

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Virginia R. Orner 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.

8. Res. 41-10 - Property Tax Exemption - DAV - Anthony S. Bettick

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Anthony S. Bettick 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 Olszewski, seconded by Councilman Moxley, this resolution was unanimously approved.

9. Res. 42-10 - Property Tax Exemption - DAV - Michael L. Rogers

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Michael L. Rogers 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 Oliver, seconded by Councilman Moxley, this resolution was unanimously approved.

10. Res. 43-10 - Property Tax Exemption - DAV - Richard E. Keenan

At the direction of the Chairman, the Secretary read this resolution to to approve the refund of certain real property taxes collected from Richard E. Keenan 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 Olszewski, seconded by Councilman Moxley, this resolution was unanimously approved.

11. Res. 44-10 - Public Disclosure - Michael Field

At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of Michael E. Field, an employee of the Baltimore County Office of Law who has applied for a zoning variance to construct an addition on his residence at 2416 Lightfoot Drive, Baltimore, Maryland 21209. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this resolution was unanimously approved.

12. Res. 45-10 - Primary Law Enforcement Unit for Receipt of Junk/Scrap Metal Reports

At the direction of the Chairman, the Secretary read this resolution to designate the Baltimore County Police Department as the “primary law enforcement unit” for receipt of certain junk and scrap metal reports in the county. Chief Johnson appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Kamenetz, this resolution was unanimously approved.

13. Res. 46-10 - Balto. Co. Public Library - Expenditure of Non-Local Funds

_____ At the direction of the Chairman, the Secretary read this resolution concerning the Department of Libraries (Baltimore County Public Library) and the authorization for expenditures of non-local funds. Jim Fish appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this resolution was unanimously approved.

14. Reappointment - Ethics Commission - Thomas J. Whiteford

_____ At the direction of the Chairman, the Secretary read the correspondence from the County Executive requesting the reappointment of Thomas J. Whiteford to the Baltimore County Ethics Commission for an additional three year term. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this reappointment was unanimously approved.

15. Res. 47-10 - Planning Board - Agriculture

_____ At the direction of the Chairman, the Secretary read this resolution requesting the Baltimore County Planning Board to study ways to ensure the survivability of agriculture in Baltimore County. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this resolution was approved by the following roll call vote:

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

16. Res. 48-10 - Healthcare Workers

_____ At the direction of the Chairman, the Secretary read this resolution urging Baltimore County healthcare institutions and employers to support family-sustaining jobs with advancement opportunities for healthcare workers and the right of these workers to a fair union election. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this resolution was approved by the following roll call vote:

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


17. Res. 49-10 - Regional Management Authority

_____ At the direction of the Chairman, the Secretary read this resolution urging the creation of a regional management authority to specifically address the future infrastructure needs of the County's public water and sewer system. Councilman Kamenetz commented and was questioned by Councilman McIntire. There being no further discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this resolution was unanimously approved.

18. Res. 50-10 - Alternate Review of PUD - Villages of Bear Creek: Lynch Cove, LLC

_____ 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 6:30 P.M.


Thomas J. Peddicord, Jr.