

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2010, LEGISLATIVE DAY NO. 13
August 2, 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. There were approximately 50 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 July 6, 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 44-10, 45-10, 46-10, 47-10, 48-10, 49-10 and 50-10.

D. INTRODUCTION OF BILLS

BILL 65-10, 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 Aging.

BILL 66-10, 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 Labor, Licensing and Regulation.

BILL 67-10, entitled An ORDINANCE concerning authorization of the issuance, sale and delivery by Baltimore County, Maryland (the “County”) of its (i) general obligation consolidated public improvement bonds in the maximum aggregate principal amount of \$276,937,000, (ii) general obligation metropolitan district bonds in the maximum aggregate principal amount of \$174,000,000, (iii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds and (iv) general obligation refunding bonds in an aggregate principal amount not to exceed 130% of the aggregate principal amount of the bonds authorized to be refunded; and the determination of various matters relating to the authorization, issuance, sale and delivery of such bonds and notes.

BILL 68-10, 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 69-10, 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 United States Department of Justice.

BILL 70-10, 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 Human Resources.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 51-10, CEB - FFY 2010 HMEP Program, was called. Paul Lurz 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 52-10, CEB - Service Linked Housing, was called. Mary Harvey 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 53-10, CEB - Shelter Plus Care, 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 54-10, CEB - Mental Health Service Agencies - Family Intervention Services, was called. Stephanie House 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 55-10, CEB - Workforce Investment Act Program, 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 56-10, CEB - Career Centers, was called. Barry Williams 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 57-10, Bay Restoration Fund Septic System Upgrade Program, was called. John Markley 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 58-10, this Bill was withdrawn prior to the meeting.

Bill 59-10, Zoning Regulations - Signs, was called. Councilman Moxley 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 60-10, this Bill was withdrawn prior to the meeting.

Bill 61-10, Public Business, was called. Councilmembers McIntire, Kamenetz, Gardina and Moxley commented. Councilman Moxley also questioned Mr. Peddicord. Councilman Bartenfelder moved to amend this Bill with the following amendment:

On page 3, in line 7, before "IF" insert "IN ACCORDANCE WITH THE PROCESS SET FORTH IN SECTION 7-1-105, AND"

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

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

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

Strike lines 1 and 2 on page 4.

After further discussion, Councilman Moxley moved to amend Councilman McIntire's amendment to the following:

On page 4, line 2, strike "Sections 1 and 3 of"

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

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

Thereafter, upon motion by Councilman Gardina, seconded by Councilman Moxley, Bill 61-10, as amended, passed by the following roll call vote:

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

Bill 62-10, this Bill was withdrawn prior to the meeting.

Bill 63-10, Rental Housing - Public Nuisances, was called. Mr. Peddicord explained the amendments and was questioned by Councilman Kamenetz. Councilman Gardina commented and then moved to amend this Bill with the following amendments:

1. On page 2, in line 11, strike from "§12-3-109" through "(IV)" on line 12, on line 12, after "(ANIMAL AT-LARGE);", insert "OR"; and after line 12, insert "(IV) ARTICLE 12, TITLE 8 OF THE CODE (DANGEROUS ANIMAL);"; in line 18, strike "HEALTH, SAFETY, OR SANITATION" and substitute "BOARDING- OR ROOMING HOUSE"; also in line 18, strike "THIS CODE OR"; and strike from "THAT" in line 19 through "CODE" in line 20.
2. On page 3, in line 1, strike "THAT" and substitute "THAT, WITHIN A 6-MONTH PERIOD,"; also in line 1, strike "ACTIVITIES" and substitute "INCIDENTS"; strike from "ATTEMPT" in line 4, through "SECTION" in line 8 and substitute "PROVIDE NOTICE OF THE PUBLIC NUISANCE INCIDENTS TO THE PROPERTY OWNER IN ACCORDANCE WITH § 3-6-203(C) OF THE CODE"; in line 9, strike "(3)" and substitute "(2)", in line 10, strike "NUISANCES" and substitute "NUISANCE INCIDENTS"; in line 12, after "NUISANCE", insert "INCIDENT"; in line 16, after "NUISANCE", insert "INCIDENT"; and in line 19, strike "APPEAL" and substitute "HEARING".

3. On page 4, in line 4, strike “CODE ENFORCEMENT” and substitute “BOARDING- OR ROOMING HOUSE” in line 8, strike “CODE OFFICIAL SHALL BE DEEMED TO HAVE FAILED TO MEET THIS STANDARD” and substitute “HEARING OFFICER MAY DECLINE TO DENY, SUSPEND, OR REVOKE A LICENSE”; in line 12, strike “ACTIVITY” and substitute “INCIDENTS”; also in line 12, strike “IS” and substitute “ARE”; in line 13, strike “ACTIVITY” and substitute “INCIDENTS”; in line 14, strike “ALL NECESSARY” and substitute “REASONABLE”; in lines 16 and 18, strike “ACTIVITY” and substitute “INCIDENTS”; in line 19, strike “ALL” and substitute “REASONABLE”; also in line 19, strike “NECESSARY”; after line 19, insert “(4) THE HEARING OFFICER MAY DECLINE TO DENY, SUSPEND OR REVOKE A LICENSE FOR ANY REASON THAT JUSTICE REQUIRES.”

Councilman Kamenetz 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 Gardina, seconded by Councilman Bartenfelder, Bill 63-10, as amended, passed by the following roll call vote:

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

Bill 64-10, Wireless Telecommunications Towers, was called. Councilmembers McIntire and Gardina commented. Councilman Kamenetz questioned Mr. Peddicord. There being no further discussion, this Bill failed by the following roll call vote:

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

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 29, 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 6 and 8 through 15. Fiscal Matter 7 was withdrawn prior to the meeting.

1. Contracts - (9) - Cancer Screening, Diagnosis and Treatment Services

Nine contracts to provide cancer screening, diagnosis 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 treatment.

2. Contract - EBL Engineers, LLC - Electrical/Mechanical Engineering Services

A contract with EBL Engineers, LLC, to provide an on-call agreement for electrical/mechanical engineering services.

3. Contract - Kittelson & Associates, Inc. - Phase II BRAC Redevelopment Study

_____A contract with Kittelson & Associates, Inc, for the County and Phase II of the BRAC Redevelopment study.

4. Contract Amendment - Eastern Sales & Engineering - Tank Monitoring Systems

An amendment to the contract with Eastern Sales and Engineering Co., Inc., to increase the total compensation.

5. Contract - Sterling Helicopter - Helicopter Maintenance Services

A contract with Sterling Helicopter, to provide helicopter maintenance services for the Baltimore County Police Department.

6. Contract - G.E. Tignall & Co., Inc. - Plumbing Services

A contract with G.E. Tignall & Co., Inc., to provide a term contract for plumbing services.

7. This matter was withdrawn prior to the meeting.

8. Contract of Sale - Megan B. Johnson & Colleen Marie Cotton - Extension of Public Sewerage

_____A contract of sale with Megan B. Johnson & Colleen Marie Cotton, to acquire a parcel of land located at 2908 Mayfield Avenue, Windsor Mill, Maryland 21244, for a health project to extend public sewage to additional properties.

9. Contract of Sale - Paula L. Smith & Ronald H. Ridgely, Personal Reps. for Estate of Russell Harold Ridgely - 100-year floodplain

A contract of sale with Paula L. Smith and Ronald H. Ridgely, Personal Representative of the Estate of Russell Harold Ridgely, to purchase an existing house, located at 3718 Century Avenue, Halethorpe, Maryland 21227, entire within the 100-year floodplain.

10. Contract of Sale - Steven & Linda Waldhauser - Kenwood Avenue Road Improvements

A contract of sale with Steven & Linda Waldhauser, to purchase a parcel of land, located at 5107 Kenwood Avenue, Baltimore, Maryland 21206, for road improvements to Kenwood Avenue.

11. Contract of Sale - Nathaniel Hill - Widening of Rolling Road

A contract of sale with Nathaniel Hill, to acquire a portion of a parcel of land and necessary easements, located at 3120 N. Rolling Road, Baltimore, Maryland 21244, for the widening of Rolling Road.

12. Contract of Sale - Jae Ho & Mying S. Lim - Widening of Rolling Road (3042)

A contract of sale with Jae Ho & Mying S. Lim, to acquire a portion of a parcel of land and necessary easements, located at 3042 Rolling Road, Baltimore, Maryland 21244, for the widening of Rolling Road.

13. Contract of Sale - Jae Ho & Mying S. Lim - Widening of Rolling Road (3044)

A contract of sale with Jae Ho & Mying S. Lim, to acquire a portion of a parcel of land and necessary easements, located at 3044 Rolling Road, Baltimore, Maryland 21244, for the widening of Rolling Road.

14. Contract of Sale - Nancy C. Fait, a/k/a Nancy Collier Fait et al - Loveton Farms Stormwater Management Pond

A contract of sale with Nancy C. Fait, a/k/a Nancy Collier Fait et al, for the purchase of 100-year floodplain easements in lieu of reconstruction of upstream Loveton Farms Stormwater Management Pond. The acquisition also includes necessary rights of way for the Phoenix Road Bridge.

15. Lease - Rosedale Properties, LLC d/b/a 201 Back River Neck Rd., LLC - Young Parent Support Services

A lease with Rosedale Properties, LLC d/b/a 201 Back River Neck Road, LLC, to lease 5908 square feet of space at the Middleborough Plaza in Essex, to accommodate the Young Parents Support Services, which is a comprehensive family support and development center.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 6 and 8 through 15 were approved by the following roll call vote:

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

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 June, 2010.

2. Reappointment - Gregg L. Baty - Board of Liquor License Commissioners

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the reappointment of Gregg L. Baty to the Baltimore County Board of Liquor License Commissioners for a term of 2 years, effective immediately. There being no discussion, this Reappointment was approved by the following roll call vote:

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

3. Res. 61-10 - Sanitary Sewer Extension - Marriottsville Road

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 Hernwood Area, Second Election District and Fourth Councilmanic District of Baltimore County. Steve Walsh appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was approved by the following roll call vote:

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

4. Res. 62-10 - Accept Donation from Herring Run Watershed Association for Overlook Park

At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a donation of the construction and planting of a rain garden in Overlook Park. The Baltimore County Department of Recreation and Parks has been offered a donation of the construction and planting of a rain garden in the Overlook Park from the Herring Run Watershed Association. Bob Barrett appeared. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this Resolution was approved by the following roll call vote:

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

5. Res. 63-10 - Baltimore County Design Manual

At the direction of the Chairman, the Secretary read this resolution to adopt the Baltimore County Design Manual. The Baltimore County Department of Public Works has revised and updated the Baltimore County Design Manual which is intended to guide the design of public works projects in the County. Councilman Olszewski moved to amend this Resolution with the following amendments:

1. On page 1 of the General Instructions section of the Manual, after the second paragraph under "I. General Information", insert the following:

"The objective of this Design Manual is to provide a sound, workable guide for the standardization of all designs prepared for public (and private, as applicable) construction projects in Baltimore County. In using this document, the Design Professional shall not be relieved of the responsibility of applying his own knowledge and professional judgement toward the designs.

Waivers or Variances

Waivers or variances of these design guidelines may be approved, by the Director of Public Works or his designee, on the basis of a justification/analysis which will include but not be limited to life cycle costs, maintenance requirements, context sensitive considerations or other local considerations."

2. On page 1 of the "Water Main Design Standards" section of the Manual, in paragraph B., strike beginning with the third sentence down to and including the end of the paragraph.

3. On page 3 of the “Wastewater Collection and Pumping” section of the Manual, in paragraph G., strike beginning with the third sentence down to and including the end of the paragraph.

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 Moxley, seconded by Councilman Kamenetz, Resolution 63-10, as amended, passed by the following roll call vote:

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

6. Res. 64-10 - Property Tax Exemption - Charles M. Spangler

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Charles M. Spangler 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 Gardina, seconded by Councilman Moxley, this Resolution was approved by the following roll call vote:

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

7. Res. 65-10 - Smart Sites Nomination

At the direction of the Chairman, the Secretary read this resolution nominating the Dundalk and Sollers Point Technical High Schools construction project as a Smart Site for participation in the Maryland Smart Sites Initiative of the Governor’s Smart Green and Growing initiative, administered by the Maryland Department of Housing and Community Development. Councilman Olszewski commented. There being no further discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was approved by the following roll call vote:

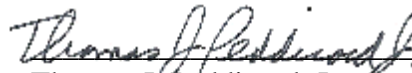
Aye - Moxley, Kamenetz, Oliver, Gardina, Bartenfelder, Olszewski
Nay - None
Absent - McIntire

8. Appointments - (2) - Baltimore County Revenue Authority

_____At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Donald P. Hutchinson for confirmation to replace Bean Sibel. The Council has already confirmed his appointment as Chair of the Authority at the July meeting. Upon confirmation Donald P. Hutchinson will replace Bean Sibel and his term on the Revenue Authority will expire on June 30, 2015. The County Executive is also requesting the appointment of Bonnie Phipps to complete Donald P. Hutchinson current term. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Oliver, these Appointments were approved by the following roll call vote:

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

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 6:55 P.M.


Thomas J. Peddicord, Jr.