

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2011, LEGISLATIVE DAY NO. 17
October 17, 2011 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 50 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
TODD HUFF	THIRD DISTRICT
KENNETH N. OLIVER	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilman Huff, seconded by Councilman Oliver, the reading of the Journal Entries for the meeting of October 3, 2011 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 50-11, 51-11, 52-11, 53-11, 54-11, 55-11, 56-11, 57-11, 58-11 and 60-11. Bill 59-11 was also enrolled.

D. INTRODUCTION OF BILLS

BILL 70-11, entitled An Act for the purpose of amending the 2011-2012 Current Expense Budget, by appropriating to the Gifts and Grant Special Revenue Fund monies derived from State funds and made available to the County through the Maryland Department of Business and Economic Development.

BILL 71-11, entitled An Act for the purpose of providing an exception to bulk regulations for certain approved condominium regimes in a D.R. 3.5 Zone.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 61-11, CEB - Community Care Program, was called. Joanne Williams appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 62-11, CEB - Affordable Care Act Grant for School-Based Health Centers Capital Program, was called. Stephanie House appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 63-11, CEB - DHMH Lab Project, was called. Stephanie House remained. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 64-11, PUD Application - Community Benefit, was called. Councilmembers Marks and Quirk commented. Councilman Quirk then moved to amend this Bill with the following amendments:

1. On page 1, in the third line of the purpose paragraph, after the semicolon, insert “revising the standards for a capital improvement benefit and a public policy benefit;”
2. On page 3, in line 1, before “facility”, insert “OR STATE-OWNED”
3. On page 3, in lines 4, after “opportunities”, insert “BY LOCATING THE PLANNED UNIT DEVELOPMENT IN A COMMERCIAL REVITALIZATION DISTRICT”; in line 5, strike “senior or”

Councilwoman Almond seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Quirk seconded by Councilman Oliver, Bill 64-11, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 65-11, Zoning Regs. - Signs, was called. Councilman Marks moved to amend this Bill with the following amendments:

1. On page 1, in the first line of the purpose paragraph, strike “or county”
2. On page 3, in lines 9 and lines 25 and 26, and on page 6, in line 3, strike “OR COUNTY” in each instance.
3. On page 3, in line 12, column III, after “FACILITY” insert “LOCATED WITHIN A COMMERCIAL DEVELOPMENT WITH A MINIMUM OF 150,000 SQUARE FEET OF OFFICE AND/OR RETAIL GROSS FLOOR AREA”

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Marks seconded by Councilwoman Bevins, Bill 65-11, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 66-11, Dispute Resolution Procedures - Binding Arbitration, was called. George Gay appeared. Councilman Olszewski then moved to amend this Bill with the following amendments:

1. On page 1, in the fifth line of the purpose paragraph, after “allowing”, insert “or considering” and after “requiring”, insert “and authorizing”; in the sixth line of the purpose paragraph, before “defining”, insert “providing for the disposition of certain disputes; making certain technical changes;”.
2. On page 2, after the first function paragraph, insert:
“By adding
Section 4-5-401.1
Part I. Scope
Subtitle 4. Dispute Resolution Procedures - Employees Other than Police Officers and Professional Firefighters and Paramedics
Title 5. Same - Employee Relations Act
Article 4. Human Resources
Baltimore County Code, 2003”
3. On page 11, in line 15, after “(H)”, insert “(1)”.
4. On page 13, in line 5, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, that Section 4-5-401.1 is hereby added to Part I. Scope, Subtitle 4. Dispute Resolution Procedures - Employees Other than Police Officers and Professional Firefighters and Paramedics, Title 5. Same - Employee Relations Act, Article 4. Human Resources of the Baltimore County Code, 2003, as amended, to read as follows:

§ 4-5-401.1.

(A) IN THIS SECTION “PARTY” AND “WAGES” HAVE THE MEANINGS STATED IN § 4-5-408 OF THIS SUBTITLE.

(B) A PARTY MAY NOT SUBMIT A DISPUTE INVOLVING PENSION BENEFITS OR WAGES FOR RESOLUTION UNDER PART II OF THIS SUBTITLE WITHOUT THE IRREVOCABLE WRITTEN CONSENT OF THE OTHER PARTY.

(C) A DISPUTE INVOLVING PENSION BENEFITS OR WAGES MAY ONLY BE SUBMITTED FOR RESOLUTION UNDER A SINGLE PART OF THIS SUBTITLE.”

and in line 6, strike “5.” and substitute “6.”.

Councilwoman Almond seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Councilman Marks then moved to amend this Bill with the following amendments:

1. On page 10, in line 8, strike “CONTIGUOUS” and substitute “COMPARABLE”
2. On page 11, strike lines 18 and 19, and in line 15, strike “(I)”

Councilwoman Almond seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Oliver seconded by Councilwoman Almond, Bill 66-11, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 67-11, Employees Retirement System - Retirement Incentive Program, was called. Keith Dorsey appeared. Councilman Oliver then moved to amend this Bill with the following amendment:

On page 3, in line 5, strike “AND”; and in line 7, strike “CODE” and substitute:

“CODE; AND

(9) BALTIMORE COUNTY PUBLIC SCHOOL NURSES, BUS DRIVERS, GROUNDS WORKERS, BUILDING SERVICE WORKERS, AND CAFETERIA WORKERS, PERSON-IN-CHARGE, ASSISTANT MANAGERS, AND MANAGERS.”

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Olszewski seconded by Councilwoman Bevins, Bill 67-11, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Bill 68-11, Zoning Regs. - Regulations for New Churches Constructed in B.R. Zone, was called. Councilman Oliver moved to amend this Bill with the following amendment:

On page 1, in the second WHEREAS clause, strike “residential”

Councilwoman Almond seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski
Nay - None

Thereafter, upon motion by Councilman Oliver seconded by Councilman Huff, Bill 68-11, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, 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 October 11, 2011. 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 3.

1. Contract - G&K Services Co. - Supply and service floor mats - Baltimore County Buildings-Public Works

A contract with G & K Services Co., to supply and service floor mats in various Baltimore County Buildings.

2. Contracts - (9) - Cancer screening, diagnosis and treatment services - Heath and Human Services

Nine contracts to provide cancer screening, diagnosis and treatment services to Baltimore County residents.

3. Contracts - (2) - Wrap-around services for children and adolescents w/emotional illness - Health and Human Services

Two contracts with associated Catholic Charities, Inc., and Institute for Family Centered Services, Inc., to provide wrap-around services for children and adolescents with serious emotional illness. Wrap-around services are intended to provide needed support to children and their families in crisis or to sustain placement in the home.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, Fiscal Matters 1 through 3 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 August, 2011.

2. Res. 108-11 - Review of PUD - Southwest Physicians Pavilion - 1st Councilmanic District

At the direction of the Chairman, the Secretary read this Resolution of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law. Applicant Whalen Properties Limited Liability Company, Catonsville, Series XV, has submitted an application for approval of a 2.4691± acre site, zoned OR-1 (Office Building – Residential) and DR 5.5 (Density Residential, 5.5 dwelling units per acre), located on Kenwood Avenue at the Northbound access ramp to the inner loop of the Baltimore Beltway (I-695) at the Wilkens Avenue Interchange (Exit 12), in the 1st Councilmanic District, to be developed as a general development planned unit development (PUD) to be known as Southwest Physicians Pavilion PUD. There being no discussion, upon motion by Councilman Quirk, seconded by Councilman Huff, this Resolution was unanimously approved.

3. Res. 116-11 - Endorsement of Application - Baltimore Neighborhoods - Community Investment Tax Credit Program

At the direction of the Chairman, the Secretary read this Resolution to endorse the application of Baltimore Neighborhoods, Inc. to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for the Housing Education Project. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

4. Res. 117-11 - Endorsement of Application -North Pt. Village Civic Assoc., Inc. - Community Investment Tax Program

At the direction of the Chairman, the Secretary read this Resolution to endorse the application of North Point Village Civic Association, Inc. to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for a community center, a fishing pier, a community home repair fund, and a community transportation fund. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.


5. Res. 118-11 - Support of Conditional Loan - State of MD to EA Engineering, Science and Technology, Inc.

At the direction of the Chairman, the Secretary read this Resolution in support of a conditional loan in an amount up to \$200,000 from the Maryland Department of Business and Economic Development to EA Engineering, Science and Technology, Inc. pursuant to the Maryland Economic Development Assistance Fund, Sections 5-301 through 5-349 of the Economic Development Article of the Annotated Code of Maryland. Daniel Gundersen appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

6. Res. 119-11 - Support of Conditional Loan - State of MD - Stanley Black and Decker Headquarters

At the direction of the Chairman, the Secretary read this Resolution in support of a conditional loan in an amount up to \$1,000,000 from the Maryland Department of Business and Economic Development to Stanley Black and Decker, Inc. pursuant to the Maryland Economic Development Assistance Fund, Sections 5-301 through 5-349 of the Economic Development Article of the Annotated Code of Maryland. Daniel Gundersen remained. There being no discussion, upon motion by Councilman Oliver seconded by Councilwoman Almond, this Resolution was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Oliver, seconded by Councilman Huff, the meeting adjourned at 7:20 P.M.


Thomas J. Peddicord, Jr.