

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2011, LEGISLATIVE DAY NO. 09
May 2, 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 led by Boy Scout Troop 239 of St. Helena Community Association in Dundalk. There were approximately 40 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 Oliver, seconded by Councilwoman Bevins, the reading of the Journal Entries for the meeting of April 18, 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 12-11, 14-11, 15-11 and 16-11.

D. INTRODUCTION OF BILLS

BILL 26-11, entitled An Act for the purpose of amending the 2010-2011 Current Expense Budget, by appropriating to the General Fund Surplus as of June 30, 2010. The Department of Public Works Storm Emergencies Program has experienced personnel and supply costs in excess of the amount projected in the original 2010-2011 Current Expense Budget.

BILL 27-11, 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. The Maryland Department of Labor, Licensing and Regulation has made an award of federal funds available to the Baltimore County Department of Economic Development/Office of Workforce Development, to be used for employment and training activities.

BILL 28-11, 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. The Maryland Department of Labor, Licensing and Regulation has made an award of federal funds available to the Baltimore County Department of Economic Development/Office of Workforce Development, to be used for employment and training activities.

BILL 29-11, entitled An Act for the purpose of correcting a drafting error in Bill 107-10; and generally relating to correcting an error in the county false alarm law.

BILL 30-11, entitled An Act for the purpose of authorizing the Police Department to tow vehicles parked on roads or alleys so as to prevent or impede the free passage of another vehicle; and generally relating to the towing of certain vehicles.

BILL 31-11, entitled An Act 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. The Maryland Department of Labor, Licensing and Regulation has made an award of federal funds available to the Baltimore County Department of Economic Development/Office of Workforce Development, to be used for employment and training activities.

BILL 32-11, entitled An Act 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. The Maryland Department of Labor, Licensing and Regulation has made an award of federal funds available to the Baltimore County Department of Economic Development/Office of Workforce Development, to be used for employment and training activities.

BILL 33-11, 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 Federal Emergency Management Agency. The Federal Emergency Management Agency has made an award of federal funds available to the Baltimore County Department of Public Works, to be used to further refine the Digital Flood Insurance Rate Map prepared for the entire county.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 17-11, Bond Ordinance, was called. Keith Dorsey 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 18-11, CEB - Minority Infant Mortality Reduction Demonstration Project, 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 19-11, CEB - Maryland Cancer Fund Treatment Program, 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 20-11, Maryland Agricultural Land Preservation Foundation, was called. Wally Lippincott 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 21-11, Hunting, was called. Councilmembers Quirk and Marks commented. Councilwoman Bevins and Councilman Olszewski questioned Mr. Peddicord. Councilman Oliver then moved to amend this Bill with the following amendments:

1. On page 1, in the title, strike “permitting hunting” and substitute “authorizing a deer cooperator program”
2. On page 2, before line 1, insert the following:

“WHEREAS, Maryland law currently permits the Maryland Department of Natural Resources to reduce the wildlife population in the county upon a determination that wildlife is seriously injurious to agricultural or other interests in the affected area; and

WHEREAS, the county will maintain a continuing dialogue with the Department of Natural Resources, naturalists, and animal welfare organizations on all methods of herd control, including sterilization, hunting, and birth control; and

WHEREAS, this bill is one method of addressing the overpopulation in county owned park lands in the most humane manner possible as specified by the American Veterinary Medical Association; and

WHEREAS, this bill is not intended to open the county park lands to hunting, and hunting by the general public on these lands continues to be prohibited; now therefore”

3. On page 3, in line 9, strike “MANAGED HUNT” and substitute “DEER COOPERATOR PROGRAM”

4. On page 3, insert the following after line 22:
“(A) DEFINITION. AS USED IN THIS SECTION, “DEER COOPERATOR PROGRAM” MEANS A PROGRAM CONDUCTED BY A LICENSED WILDLIFE MANAGEMENT COMPANY UNDER THE SUPERVISION OF THE DEPARTMENT OF NATURAL RESOURCES, IN COOPERATION WITH THE COUNTY, TO REDUCE THE WILDLIFE POPULATION OF PROTECTED WILDLIFE DETERMINED TO BE OVERPOPULATED.”

5. On page 3, in line 23, strike “(A)” and substitute “(B)”

6. On page 4, in line 2, strike “(B)” and substitute “(C)”

7. On page 4, strike lines 4 through 7 and substitute the following:

“(2) NOTWITHSTANDING THE PROVISIONS OF SUBTITLE 2, A DEER COOPERATOR PROGRAM, SUBJECT TO THE FOLLOWING CONDITIONS:

(I) A PROGRAM SHALL BE CONDUCTED ONLY DURING NIGHTTIME HOURS;

(II) ALL VENISON SHALL BE DONATED TO A FOOD BANK OR OTHER CHARITABLE ORGANIZATION, AND ALL PROCESSING OR BUTCHERING SERVICES SHALL BE PROVIDED BY BALTIMORE COUNTY CONTRACTORS, IF FEASIBLE;

(III) NOTIFICATION OF THE DATES AND TIMES OF A PROGRAM SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION AND PROMINENTLY POSTED AT MULTIPLE LOCATIONS ON THE LAND AT LEAST TWO WEEKS PRIOR TO THE PROGRAM; AND

(IV) DURING A PROGRAM, THE LAND SHALL BE CLOSED TO THE GENERAL PUBLIC.”

8. On page 4, in line 8, strike “(C)” and substitute “(D)”

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

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski
Nay - Almond

Councilwoman Bevins then moved to amend this Bill with the following amendments:

On page 3, add the following at line 13:

“(d) *Automatic weapons.*

(1) In this subsection “automatic weapon” means any weapon capable of firing multiple shots with one depression of the trigger.

(2) Except as provided in subsection (c) of this section, a person may not fire or discharge an automatic weapon in the county.”

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

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski
Nay -Almond

Thereafter, upon motion by Councilman Huff, seconded by Councilman Quirk, Bill 21-11, as amended, passed by the following roll call vote:

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski
Nay -Almond

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 26, 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 6 and 8 through 10. Fiscal Matter 7 was withdrawn prior to the meeting.

1. Contract of Sale - Nancy & Kenneth Biscoe - 9018 Cowenton Avenue - Improvements to Cowenton Avenue

A contract with Nancy & Kenneth Biscoe, to acquire a portion of land and necessary easements, located at 9018 Cowenton Avenue, Perry Hall, Maryland 21128 for the improvement of Cowenton Avenue.

2. Contract of Sale - Kenneth & Helen Biscoe - 9024 Cowenton Avenue - Improvements to Cowenton Avenue

A contract with Nancy & Kenneth Biscoe, to acquire a portion of land and necessary easements, located at 9024 Cowenton Avenue, Perry Hall, Maryland 21128 for the improvement of Cowenton Avenue.

3. Contract of Sale - John & Bonnie Wilcox - Improvements of Cowenton Avenue

A contract with John & Bonnie Wilcox, to acquire a portion of a land and necessary easements, located at 9023 Cowenton Avenue, Perry Hall, Maryland 21128 for the improvement of Cowenton Avenue.

4. Contract of Sale - William Ronald Schilpp - Widening of Rolling Road

A contract with William Ronald Schilpp, to acquire a portion of a parcel of land and necessary easements, located at 3200 Rolling Road, Windsor Mill, Maryland 21244, for the widening of Rolling Road.

5. Contract of Sale - Carlos Abinader - Widening of Rolling Road

A contract with Carlos Abinader, to acquire a portion of a parcel of land and necessary easements, located at 3303 N. Rolling Road, Windsor Mill, Maryland 21244, for the widening of Rolling Road.

6. Contract of Sale - Francel & Darcia Smith - New Forge Road Extension Project

A contract with Francel & Darcia Smith, to acquire a revertible slope easement, located at 5713 Allender Road, White Marsh, Maryland 21162, in connection with New Forge Road extension project.

7. This matter was withdrawn prior to the meeting.

8. Amendment to Contract - MD Environmental Service - Recreation & Parks - Water Testing Services

An amendment to the contract with Maryland Environmental Services, to extend the original agreement at the end of the last renewal term for an additional 26 weeks, on the same terms and conditions.

9. Contract - Curtis Bay Energy, LP - Health Dept. - Domestic Animal Carcass Disposal Services

A contract with Curtis Bay Energy, LP, to provide domestic animal carcass disposal services, including pick-up, transportation and the disposal of animal remains per EPA guidelines.

10. Contract - Sinai Hospital of Baltimore, Inc. - Fire Dept. - Clinical Education for Advanced Life Support Students

A contract with Sinai Hospital of Baltimore, Inc., to provide clinical education for advanced life support students from the Baltimore County Fire Department's paramedic program. The purpose of the agreement is to afford the opportunity to the students to further their nursing and clinical education experience in order to complete their professional development.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, Fiscal Matters 1 through 6 and 8 through 10 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, 2011.

2. Appointment - Director - Office of Planning - Andrea Van Arsdale

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Andrea Van Arsdale to serve as Director of the Baltimore County Office of Planning. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Huff, this appointment was unanimously approved.

3. Res. 38-11- Rural Legacy Applications

At the direction of the Chairman, the Secretary read this Resolution to rank five Rural Legacy Area Plan applications submitted to the Maryland Department of Natural Resources for consideration and approval by the Maryland Rural Legacy Board for funding in fiscal year 2012. These plans include the Baltimore County Coastal, Gunpowder River, Long Green Valley Area, Manor Area and Piney Run Area. There being no discussion, upon motion by Councilman Huff, seconded by Councilwoman Almond, this Resolution was unanimously approved.

4. Res. 39-11- Triennial Review of Baltimore County Water Supply and Sewerage Plan

At the direction of the Chairman, the Secretary read this Resolution ADOPTING THE REPORT OF THE 2011 TRIENNIAL REVIEW OF THE BALTIMORE COUNTY WATER SUPPLY AND SEWERAGE PLAN. The Plan was adopted on April 21, 2008 by Resolution 33-08. The County is required by State law to review the Plan every three years and to submit a report of its review, together with amendments thereto or revisions thereof, to the State Department of the Environment. Dave Thomas appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

5. Res. 40-11- Property Tax Exemption - Blind - Carol A. Sculla

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Carol A. Sculla 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 Oliver, this Resolution was unanimously approved.

6. Res. 41-11- Property Tax Exemption - DAV - John R. Barr

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from John R. Barr 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 Councilwoman Bevins, seconded by Councilwoman Almond, this Resolution was unanimously approved.

7. Res. 42-11- Property Tax Exemption - DAV -James J. Hendricks, Jr.

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from James J. Hendricks, Jr., 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 Marks, seconded by Councilman Quirk, this Resolution was unanimously approved.

8. Res. 43-11- Property Tax Exemption - DAV - Robert A. Burns

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Robert A. Burns 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 Councilwoman Almond, seconded by Councilman Quirk, this Resolution was unanimously approved.

9. Res. 44-11- Property Tax Exemption - DAV - Richard E. Tobash

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Richard E. Tobash 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 Councilwoman Bevins, seconded by Councilwoman Almond, this Resolution was unanimously approved.

10. Res. 45-11- Property Tax Exemption - DAV - Marjorie E. Eddinger

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Marjorie E. Eddinger 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 Councilwoman Bevins, this Resolution was unanimously approved.

11. Res. 46-11- Property Tax Exemption - DAV - Gerald F. L. Sutton

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Gerald F. L. Sutton 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 Quirk, this Resolution was unanimously approved.

12. Res. 47-11- Perry Hall Commercial Revitalization District

At the direction of the Chairman, the Secretary read this Resolution for the purpose of creating the Perry Hall Commercial Revitalization District. The Department of Economic Development has surveyed the commercial corridors of the County to evaluate the need for any additional Commercial Revitalization Districts. There exists a need for assistance to a concentration of businesses and shopping centers along the Belair Road corridor from Blakely Avenue to Minte Drive and along Joppa Road from Seven Courts Drive to Belair Road in Perry Hall. There being no discussion, upon motion by Councilman Marks, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

13. Res. 48-11- Property Tax Exemption - DAV - Larry E. Holland

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Larry E. Holland 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 Councilwoman Almond, seconded by Councilman Quirk, this Resolution was unanimously approved.

14. Res. 49-11- Public Disclosure - Thomas M. Davenport, Sr.

At the direction of the Chairman, the Secretary read this Resolution concerning the public disclosure of Thomas M. Davenport, Sr., an employee of the Baltimore County Department of Recreation and Parks. Thomas M. Davenport, Sr., an employee of the Baltimore County Department of Recreation and Parks, has applied for permission to increase the capacity of the day care center operated at his residence at 907 Prestwood Court, Catonsville, Maryland 21228. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Almond, this Resolution was unanimously approved.

15. Res. 50-11- Revoking prior approval of PUD - Thistle

At the direction of the Chairman, the Secretary read this Resolution of the Baltimore County Council revoking the prior approval of the County review of a proposed planned unit development. Dimitris Properties LLC, submitted an application for approval of a 1.45± acre site, zoned BM, located on the south side of Frederick Road, west of Thistle Road, in the 1st Councilmanic District, to be developed as a general development planned unit development. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Bevins, 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 Quirk, the meeting adjourned at 7:25 P.M.


Thomas J. Peddicord, Jr.