

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2011, LEGISLATIVE DAY NO. 12
July 5, 2011 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 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 June 6, 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 26-11, 27-11, 28-11, 29-11, 30-11, 31-11, 32-11 and 33-11.

D. INTRODUCTION OF BILLS

BILL 39-11, entitled An Act for the purpose of amending the type of retail electric customer subject to a certain electricity tax rate to include a manufacturer on tariff schedule T.

BILL 40-11, entitled An Act for the purpose of amending the 2011-2012 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 Department of Housing and Urban Development (HUD); and providing for the effective date of this Act.

BILL 41-11, entitled An Act for the purpose reorganizing county government by providing for the establishment of the Department of Health and Human Services; providing for the organization of the Department; providing for the Director of the Department; providing that it is not the intent of this Act to establish the Department in derogation of the requirements of the Charter or state law; clarifying that the Director of Social Services remains answerable to the state Department of Human Resources; providing for the construction and application of this Act; providing for the continuity of terms of certain officials, the status of certain transactions and employees, rights, titles, and interests, licenses, registrations, certifications, and permits; and generally relating to the reorganization of county government.

BILL 42-11, entitled An Act for the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; and generally relating to accessory apartments.

BILL 43-11, entitled An Act for the purpose of increasing the rate of contribution to the retirement system by certain employees; authorizing certain employees to obtain a benefit under the Deferred Retirement Option Plan (DROP) under certain circumstances without electing to participate in the DROP at a certain time; providing for the retroactivity of this Act; and generally relating to the Employees' Retirement System.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 34-11, CEB - Growing Home Campaign, was called. John Markley 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 35-11, CEB - FFY 08 HSGP UASI - Homeland Security and Emergency Management, was called. Chief John Hohman 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 36-11, Planned Unit Developments, was called. Councilmembers Quirk, Marks and Olszewski commented. Councilman Quirk then moved to amend this Bill with the following amendments:

1. On page 1, in the first line of the title, after "of", insert "requiring a post-submission community meeting for a proposed Planned Unit Development;" ; in the fourth line, after "relating to" insert " the Planned Unit Development process, including"
2. On page 1, before the function paragraph, insert:

"By adding
Section 32-4-242(c)
Article 32 - Planning, Zoning and Subdivision Control
Title 4 - Development
Baltimore County Code, 2003 as amended"
3. On page 1, in the function paragraph, after "32-4-242(c) (3)", insert "and renumbering "(c)" to be "(d)"
4. On page 1, in the WHEREAS clause, after "wishes to" insert "require a post submission community meeting for and"
5. On page 2 before line 1, insert:

“SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that Section 32-4-242(c) be and it is hereby added to Article 32-Planning, Zoning and Subdivision Control, Title 4. Development, of the Baltimore County Code, 2003, to read as follows:

Section 32-4-242. Application.

(C) POST-SUBMISSION COMMUNITY MEETING. FOLLOWING THE SUBMISSION OF AN APPLICATION FOR A PLANNED UNIT DEVELOPMENT UNDER SUBSECTIONS (A) AND (B), AND PRIOR TO THE ADOPTION OF A RESOLUTION UNDER SUBSECTION (D) (1) AND (2), THE FOLLOWING ARE REQUIRED:

(1) POST-SUBMISSION COMMUNITY MEETING. A POST-SUBMISSION COMMUNITY MEETING SHALL BE HELD AS FOLLOWS:

(I) THE APPLICANT SHALL PROVIDE THREE WEEKS ADVANCE NOTICE REGARDING THE DATE, TIME, AND LOCATION OF THE POST-SUBMISSION COMMUNITY MEETING BY THE POSTING OF A SIGN ON THE SUBJECT PROPERTY IN THE SAME MANNER AS REQUIRED BY SECTION 32-4-217(B) OF THIS SUBTITLE. WRITTEN NOTICE SHALL BE MAILED TO:

1. ALL ADJOINING PROPERTY OWNERS AS IDENTIFIED IN THE RECORDS OF THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION; AND

2. ANY COMMUNITY ASSOCIATIONS OR CIVIC ORGANIZATIONS THAT REPRESENT THE GEOGRAPHIC AREA OF THE SUBJECT PROPERTY OR ANY ADJOINING PROPERTIES.

(II) AT THE POST-SUBMISSION COMMUNITY MEETING, THE APPLICANT SHALL:

1. MAKE AVAILABLE THE PLANNED UNIT DEVELOPMENT SUBMISSION THAT WAS PRESENTED TO THE COUNTY COUNCIL MEMBER;

2. PROVIDE INFORMATION TO THE COMMUNITY REGARDING THE PROPOSED DEVELOPMENT AND ALLOW COMMUNITY RESIDENTS TO ASK QUESTIONS AND MAKE COMMENTS;

3. MAINTAIN A RECORD OF THE NAMES, ADDRESSES, AND ELECTRONIC MAIL ADDRESSES, IF AVAILABLE, OF THE POST-SUBMISSION COMMUNITY MEETING ATTENDEES; AND

4. COMPILE COMPREHENSIVE MINUTES OF THE MEETING, WHICH SHALL BE FORWARDED TO THE COUNCIL MEMBER AND TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.

(III) PRIOR TO ADOPTION OF A RESOLUTION APPROVING THE CONTINUED REVIEW OF THE PLANNED UNIT DEVELOPMENT, COMMUNITY RESIDENTS AND ORGANIZATIONS MAY PROVIDE WRITTEN INPUT AND COMMENTS REGARDING THE PROPOSED DEVELOPMENT TO THE COUNCIL MEMBER.

(IV) AT THE DISCRETION OF THE COUNCIL MEMBER, ANOTHER POST-SUBMISSION COMMUNITY MEETING MAY BE REQUIRED.

(2) PRELIMINARY REVIEW. COPIES OF THE APPLICATION FOR A PLANNED UNIT DEVELOPMENT THAT WAS PRESENTED TO THE COUNCIL MEMBER SHALL BE SUBMITTED TO THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS. THE DEPARTMENT SHALL TRANSMIT THE COPIES TO THE APPROPRIATE REVIEWING AGENCIES FOR PRELIMINARY REVIEW AND COMMENT. PRIOR TO ADOPTION OF A RESOLUTION UNDER SUBSECTION (D), THE REVIEWING COUNTY AGENCIES SHALL PROVIDE A WRITTEN PRELIMINARY EVALUATION OF THE PROPOSAL TO THE COUNCIL MEMBER.

6. On page 2, in line 1, strike “1” and substitute “2”; in line 2, after “hereby,” insert “renumbered as (d) and”
7. On page 2, in line 6, strike “(c)” and substitute “(D)”
8. On page 3, in line 5 and 7, strike “2” and “3” and substitute “3” and “4”, respectively.

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 Huff seconded by Councilwoman Almond, Bill 36-11, as amended, passed by the following roll call vote:

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

Bill 37-11, Public Business, was called. 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 38-11, Towson Business Core Development, was called. Councilman Marks commented then moved to amend this Bill with the following amendments:

1. On page 3, in line 15, after “ANY” insert “USE PERMITTED IN THE B.M.-C.T. DISTRICT AND ANY”
2. On page 4, in line 19, after ‘MODIFICATION’ insert “OF THE PLAN OR OF ANY OF THE DESIGN PRINCIPLES”

3. On page 5, in line 17, after the semicolon, insert “EXCEPTION;”; in line 18, after the second “and” insert “, EXCEPT IN THE CASE OF A PLAN PROCESSED UNDER SECTION 235B.8. OF THE BALTIMORE COUNTY ZONING REGULATIONS,”; and strike lines 2 through 4 on page 5 and substitute “(2) THE PANEL’S”

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 Councilman Oliver, Bill 38-11, as amended, passed by the following roll call vote:

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

The Chairman stated that now they would consider Miscellaneous Business Item # 2.

2. Res.64-11 - To Adopt the Towson Business Core Design Principles

At the direction of the Chairman, the Secretary read this Resolution of the Baltimore County Council to adopt the Towson Business Core Design Principles. Councilman Marks moved to amend this Resolution with the following amendments:

1. On page 1, in the second WHEREAS clause after the semicolon, insert
“and
WHEREAS, the design principles recognize the importance of encouraging the development of high performance buildings in the Towson business core;”
2. On page 1, in the second line of the “RESOLVED” clause, after “adopted”, insert “, as part of the Comprehensive Manual of Development Policies,”
3. On page 4, insert the following as paragraph C.11.:
“11. THE DESIGN PRINCIPLES RECOGNIZE THE IMPORTANCE OF AND ENCOURAGE THE DEVELOPMENT OF HIGH PERFORMANCE BUILDINGS, AS DEFINED IN ARTICLE 11, TITLE 2 OF THE BALTIMORE COUNTY CODE, IN THE TOWSON BUSINESS CORE. FOR THAT PURPOSE, THE DESIGN PRINCIPLES ARE SUBJECT TO MODIFICATION BY THE DESIGN REVIEW PANEL.”
4. On page 4, in Section D.1.(A)2., strike “ENTRANCES SHALL” and substitute “, IF FEASIBLE, ENTRANCES SHOULD”
5. On page 5, in Section D.1.(A)8, strike “PROHIBITED AND ACCESS SHALL” and substitute “DISCOURAGED; IF FEASIBLE, ACCESS SHOULD”

6. On page 9, in Section E. , before the word “ILLUSTRATIONS” insert “TOWSON BUSINESS CORE DESIGN PRINCIPLES AND THE”; after “ADDED TO” insert “AND MADE PART OF”

Councilman Olszewski 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 Almond, Resolution 64-11, 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 June 28, 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 13 and 15 through 20. Fiscal Matter 14 was discussed separately.

1. Contract - Columbia Telecommunications Corp. - Technical Consulting Services - Wireless Telecommunications Facilities

A contract with Columbia Telecommunications Corporation, to provide technical consulting services to assist the County in facilitating deployment and placement of public and private wireless telecommunications facilities and services in the County.

2. Contract - CAS Severn, Inc. - Hardware, software and support services - OIT

A contract with CAS Severn, Inc., for hardware, software and support services at the minimum firm fixed percent discount off manufactures’ commercial list price pursuant to Prince George’s County Public Schools request for proposal 60-09.

3. Amendment #2 to Contract - Ward Boland Associates, Inc. - Maintenance of the County’s Uninterruptible Power Supply Units

Amendment number two to the contract with Ward Boland Associates, Inc., to increase the total compensation cap and to increase the term from (9) one-year renewal options to (19) one-year renewal options.

4. Amendment to Contract - GTSI Corp. - Countywide Contract for Information Technology Products and Services

An amendment to the contract with GTSI Corp., to increase the total compensation cap.

5. Contracts - (19) - Consulting/Technical/Services and/or Goods - OIT

Nineteen contracts to provide consulting and technical services and/or goods on an on-call, as-needed basis.

6. Contract - Robert A. Libby - Improvement of Cowenton Avenue

A contract with Robert A. Libby, to acquire land and easements, located at 9026 Cowenton Avenue, Perry Hall, Maryland 21128, for the improvement of Cowenton Avenue.

7. Contract - A. Morton Thomas and Associates, Inc. - On-call Landscape Architectural/Civil Engineering Services

A contract with A. Morton Thomas and Associates, Inc., to provide on-call landscape architectural/civil engineering services.

8. Contract - Hollins Organic Products, Inc. - Yard Waste processing Services at Resource Recovery Facility

A contract with Hollins Organic Products, Inc., to provide yard waste processing services at the Baltimore County Resource Recovery Facility.

9. Addendum #2 to Contract-EA Engineering, Science & Technology, Inc.-Program Management Services for Sewer Consent Decree

Amendment number two to the contract with EA Engineering, Science & Technology, Inc., to increase the total upset limit.

10. Contract - Johnson, Mirmiran and Thompson - Engineering Services for Owings Mills Blvd. South Phase II Project

A contract with Johnson, Mirmiran and Thompson, to provide engineering services for the design and construction of Owings Mills Boulevard South Phase II project.

11. Contract - Northwest Hospital Center, Inc. - Clinical Education for Advanced Life Support - Fire Dept. Paramedic Program

A contract with Northwest Hospital Center, Inc., to provide clinical education for advance life support students from the fire departments paramedic program. No funds are involved.

12. Contract - The Board of Trustees of the CCBC - Computer Based Program for Law Enforcement Personnel

A contract with The Board of Trustees of the CCBC, to develop a computer based training and educational program that will be made available to law enforcement personnel, prosecutors and judges; related to commercial driving licenses.

13. Contracts - (2) - Operation of Western Acceptance Facility & OTTTF and Baltimore County Resource Recovery Facility

Two contracts with Maryland Environmental Services (MES). One of the agreements with MES is to operate the Western Acceptance Facility & OTTTF in Halethorpe, Maryland for the collection and transfer of residential waste, recyclables and yard materials. The second agreement with MES is to operate the Baltimore County Resource Recovery Facility, modify the facility to accept and process mixed material, and make improvements to the solid waste transfer facilities by constructing a new BCRRF open top trailer facility.

15. Contract - Bay Life Services Corporation - Comprehensive Community Outreach Geriatric Service Team - Health Department

A contract with Bay Life Services Corporation, for the provision of a comprehensive community outreach geriatric service team. The team will provide outreach, early intervention, assessment, ongoing individual psychotherapy, supportive discussion groups in community settings, and consultation and training for the Department of Aging and other geriatric service providers.

16. Contract - Prologue, Inc. - Outreach Program Services to Mentally Ill - Health Department

A contract with Prologue, Inc., for the provision of comprehensive outreach program services to persons with mental illness who are homeless or at imminent risk of becoming homeless, including subsidizing the leasing of apartments for formerly homeless individuals, case management, vocational assistance, employment training, supportive counseling, and linkage to mental health treatment.

17. Contracts - (2) - Wellness and Recovery Centers for persons with mental illnesses

Two contracts with On Our Own, Inc., and Prologue, Inc., to operate wellness recovery centers for persons with mental illnesses. These centers provide mutual support, information and growth for individuals with mental illness.

18. Contract - NEPC, LLC Inc. - Investment Consulting - Baltimore County Employees' Retirement System

A contract with NEPC, LLC Inc., to provide investment consulting services to the Board of Trustees of the employees' retirement system.

19. Contract - Carl Yarema and Grace Lambert - Agricultural Easement - Agricultural Land Preservation Program

A contract with Carl Yarema and Grace Lambert, to acquire an agricultural easement, located in Parkton, Maryland 21220, for the protection of farmland through the County Agricultural Land Preservation Program.

20. Contract - CorVel Corporation - Administrative Services - Baltimore County Workers' Compensation

A contract with CorVel Corporation, to provide third party administrative services for Baltimore County employee workers' compensation including Baltimore County Public Schools, the Community Colleges of Baltimore County and the Baltimore County Public Library.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Huff, Fiscal Matters 1 through 13 and 15 through 20 were unanimously approved.

The Chairman stated they would now consider Fiscal Matter 14.

14. Contract - Alliance, Inc. - Mental Health Services Programs - Health Department

A contract with Alliance, Inc., for the operation of two mental health service programs for incarcerated individuals in the Baltimore County Detention Center. Through the Maryland Community Criminal Justice Treatment Program individuals with severe mental illness receive mental health case management services while incarcerated and in preparation for re-entry into the community. There being no discussion, this Fiscal Matter was passed by the following roll call vote:

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

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 May, 2011.

3. Res. 65-11 - Accept Donation from MD/DC Anti-Car Theft Committee

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of a 2008 Dodge Caravan from the Maryland/DC Anti-Car Theft Committee through the Maryland Vehicle Theft Prevention Grant for use by the Regional Auto Theft Task Force to combat auto theft. Chief Johnson appeared. There being no discussion, upon motion by Councilman Huff, seconded by Councilwoman Almond, this Resolution was unanimously approved.

4. Res. 66-11 - Accept Donation from National Insurance Crime Bureau

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of a 2007 Nissan Maxima from the National Insurance Crime Bureau through the Maryland Vehicle Theft Prevention Council Grant for use by the Regional Auto Theft Task Force to combat auto theft. Chief Johnson remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Almond, this Resolution was unanimously approved.

5. Res. 67-11 - Accept Donation from the Dept. of Defense - Pentagon Force Protection Agency

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of a Remotec RONS Bomb Robot from the Department of Defense - Pentagon Force Protection Agency as an addition to the Hazardous Devices Team's arsenal of tools to address incidents involving explosive and hazardous devices/materials. Chief Johnson remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Almond, this Resolution was unanimously approved.

6. Res. 68-11 - Endorse Application of Super Kids Uniforms, Inc. - Microenterprise Loan Program

At the direction of the Chairman, the Secretary read this Resolution to endorse the application of Super Kids Uniforms, Incorporated, to the Department of Housing and Community Development for a loan for a local project. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Quirk, this Resolution was unanimously approved.

7. Res. 69-11 - Endorse Application of Salon and Beyond Lounge, LLC - Microenterprise Loan Program

This Resolution was withdrawn prior to the meeting.

8. Res. 70-11 - Property Tax Exemption - Surviving Spouse of DAV - Mary Howard

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Mary Howard 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 Oliver, seconded by Councilman Quirk, this Resolution was unanimously approved.

9. Release of County Owned Property - Corner of Washington and Susquehanna Avenues - Towson

This Resolution was withdrawn prior to the meeting.

10. Res. 71-11 - Property Tax Exemption -DAV - Harry W. Schuman

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Harry W. Schuman 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 Councilman Oliver, this Resolution was unanimously approved.

11. Complaint for Condemnation - Cheryl Brenza & Joseph Poirier - Widening of Putty Hill Ave.

At the direction of the Chairman, the Secretary read this correspondence from the County Administrative Officer for a Complaint for Commendation with Cheryl Brenza & Joseph Poirier, to acquire a parcel of land, located at 3010 Putty Hill Avenue, Parkville, Maryland 21234, for the widening of Putty Hill Avenue. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Complaint for Commendation was unanimously approved.

12. Appointment - Benjamin L. Polakoff, Esq.- Chair, Baltimore County Ethics Commission

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Benjamin L. Polakoff, Esq., as chairman to the Baltimore County Ethics Commission. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Quirk, this appointment was unanimously approved.

13. Appointment - Lawrence Daniels - Baltimore County Ethics Commission

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Lawrence Daniels to the Baltimore County Ethics Commission. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Quirk, this appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Huff, seconded by Councilman Oliver, the meeting adjourned at 6:20 P.M.


Thomas J. Peddicord, Jr.