

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2011, LEGISLATIVE DAY NO. 13
August 1, 2011 6:00 P.M.

A. The meeting was called to order by Chairman Olszewski at 6:05 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 125 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 Councilwoman Almond, the reading of the Journal Entries for the meeting of July 5, 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 34-11, 35-11, 36-11, 37-11, and 38-11.

D. INTRODUCTION OF BILLS

BILL 44-11, entitled An Act for the purpose of amending the 2012 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 National Highway Traffic Safety Administration, the Maryland State Highway Administration Highway Safety Office, and the Maryland Institute of Emergency Medical Services System.

BILL 45-11, entitled An Act for the purpose of amending the Zoning Regulations in order to permit a transit adjustment for certain developments in C.T. districts under certain conditions; and generally relating to the number of required parking spaces for certain commercial centers.

BILL 46-11, entitled An Act for the purpose of requiring the posting of proposed or adopted County regulations on the County's internet web site; and generally relating to the notification process for County regulations.

BILL 47-11, this Bill was withdrawn prior to the meeting.

BILL 48-11, entitled An Act for the purpose of clarifying the definition of Farmer's Roadside Stand and permitting a Farmer's Roadside Stand to be located in a barn or other farm building or portion thereof; and generally relating to a Farmer's Roadside Stand.

BILL 49-11, entitled An Act for the purpose of defining accessory apartment and permitting an accessory apartment in certain areas under certain conditions; providing for the issuance of a use permit and renewal thereof; and generally relating to accessory apartments.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 39-11, Electricity Tax - Manufacturer Rate - Tariff T, 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 43-11, Employees Retirement System - Contributions and DROP, was called. Keith Dorsey remained. Councilwoman Almond moved to amend this Bill with the following amendments:

1. On page 3, in line 6, before "AND", insert "COMPENSATION;"
2. On page 4, in line 6, after "Act" insert ", having been passed by the affirmative vote of five members of the County Council,"

Councilman Huff 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 Olszewski seconded by Councilwoman Almond, Bill 43-11, as amended, passed by the following roll call vote:

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

Bill 40-11, CEB - HUD - Supportive Housing Program (SHP), was called. Andrea Van Arsdale 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 41-11, Government Reorganization - Dept. of Health & Human Services, was called. Dr. Branch appeared and was questioned by Councilman Olszewski who then moved to amend this Bill with the following amendments:

1. On page 1, in the fifth line of the purpose paragraph, strike “answerable” and substitute “responsible”; and in the sixth line, after “Resources;”, insert “affirming the method of appointing the Health Officer; affirming the authority of the state Secretary of Human Resources over certain state programs; affirming that the Department of Social Services is an agency of the state Department of Human Resources; affirming the status of the state Department of Human Resources as the single state agency for federal law purposes; affirming the intent of this Act to preserve certain immunities for certain agencies and officials;”.

2. On page 2, in line 16, before the first “THE”, insert “(A)”; in line 18, insert “(B) THIS SECTION MAY NOT BE CONSTRUED TO ALTER THE REQUIREMENT THAT THE HEALTH OFFICER SHALL BE NOMINATED AND APPOINTED AS PROVIDED IN § 3-302 OF THE HEALTH-GENERAL ARTICLE OF THE ANNOTATED CODE OF MARYLAND.”; in line 20, before “NOTWITHSTANDING”, insert “(A)”; in line 21, strike “AND ANSWERABLE TO”; and in line 23, insert:

(B) ALL ACTIONS AND DECISIONS REGARDING THE ADMINISTRATION OF SOCIAL SERVICES AND PUBLIC ASSISTANCE PROGRAMS PROVIDED BY THE STATE OF MARYLAND UNDER THE AUTHORITY OF THE HUMAN SERVICES ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND ANY OTHER LAW, INCLUDING DECISIONS AFFECTING STATE PERSONNEL WHO IMPLEMENT THOSE PROGRAMS, ARE SUBJECT TO THE SUPERVISION AND PRIOR APPROVAL OF THE SECRETARY OF HUMAN RESOURCES.

(C) NOTWITHSTANDING ANY PROVISION OF THIS TITLE, THE COUNTY ACKNOWLEDGES THAT THE DEPARTMENT OF SOCIAL SERVICES IS AN AGENCY OF THE STATE DEPARTMENT OF HUMAN RESOURCES AND THAT THE STATE SECRETARY OF HUMAN RESOURCES RETAINS THE SECRETARY’S AUTHORITY UNDER TITLE 2, SUBTITLE 2 OF THE HUMAN SERVICES ARTICLE OF ANNOTATED CODE OF MARYLAND, AND ANY OTHER APPLICABLE LAW, TO:

 - (1) ESTABLISH GUIDELINES AND PROCEDURES TO PROMOTE THE ORDERLY AND EFFICIENT ADMINISTRATION OF THE STATE DEPARTMENT WITH REGARD TO THE COUNTY DEPARTMENT OF SOCIAL SERVICES; AND
 - (2) EXERCISE AND PERFORM ANY POWER, DUTY, RESPONSIBILITY OR FUNCTION OF THE COUNTY DEPARTMENT OF SOCIAL SERVICES.

(D) THIS TITLE DOES NOT ALTER THE MARYLAND DEPARTMENT OF HUMAN RESOURCES’ DESIGNATION AS THE SINGLE STATE AGENCY WITH PRIMARY RESPONSIBILITY FOR PLANNING, COORDINATION, DEVELOPMENT AND EVALUATION OF POLICY, PROGRAMS, AND SERVICES FOR SOCIAL SERVICES AND PUBLIC ASSISTANCE IN THE STATE.

(E) THIS TITLE IS NOT INTENDED TO AUTHORIZE THE DIRECTOR OF HEATH AND HUMAN SERVICES TO TAKE ACTIONS OR RENDER DECISIONS THAT MIGHT AFFECT THE IMMUNITIES OF THE STATE, THE DEPARTMENT OF SOCIAL SERVICES OR STATE OR DEPARTMENT PERSONNEL AS PROVIDED UNDER STATE OR FEDERAL LAW.

3. On page 3, strike from “It” in line 3 through “applicable.” in line 6.

Councilman Quirk 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 Olszewski seconded by Councilwoman Almond, Bill 41-11, as amended, passed by the following roll call vote:

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

Bill 42-11, this Bill was withdrawn prior to the meeting.

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 July 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 1,2,4 through 14 and 16 through 21. Fiscal Matters 3 and 15 were discussed separately.

1. Contracts - (4) - Cancer Screening, Diagnosis and Treatment Services

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

2. Contract - One Call Concepts, Inc. - Miss Utility Modification Services for Public Works and OIT

A contract with One Call Concepts, Inc., to provide miss utility notification services for the Department of Public Works and for the Office of Information Technology.

4. Contract - Site Resources, Inc. - On-call Landscape Architectural/Civil Engineering Services

A contract with Site Resources, Inc., to provide on-call landscape architectural/civil engineering services.

5. Contract - Tesseract Sites, Inc. & Gales Associations, Inc. (Joint Venture) - On-call Landscape Architectural/Civil Engineering Services

A contract with Tesseract Sites, Inc. and Gale Associates, Inc. (a joint venture), to provide on-call landscape architectural/civil engineering services.

6. Contract - RJN Group, Inc. - Sanitary Sewer Flow Monitoring and Infiltration and Inflow Analysis

A contract with RJN Group, Inc., to provide sanitary sewer flow monitoring, infiltration and inflow analysis.

7. Contract - Alban Tractor, Inc. - Heavy Equipment Rentals for Bureau of Solid Waste Management

A contract with Alban Tractor, Inc., to provide heavy equipment rentals for the Bureau of Solid Waste Management. The rental of heavy equipment is necessary in order to perform the day-to-day functions of the Eastern Sanitary Landfill.

8. Contract - Sylvia M. Tochterman - 5721 Allender Road - New Forge Road Extension Project

A contract with Sylvia M. Tochterman, to acquire a highway widening and a revertible slope easement, located at 5721 Allender Road, White Marsh, Maryland 21162, in connection with the New Forge Road Extension Project.

9. Contract - Randy & Terri Carr - 5723 Allender Road - New Forge Road Extension Project

A contract with Randy and Terri Carr, to acquire the highway widening and a revertible slope easement, located at 5723 Allender Road, White Marsh, Maryland 21162, in connection with the New Forge Road Extension Project.

10. Contract - Hohman and Barbara Bayer - 3512 Rolling Road - Widening of Rolling Road

A contract with Hohman and Barbara Bayer, to acquire a portion of a parcel of land and necessary easements, located at 3512 Rolling Road, Windsor Mill, Maryland 21244, for the widening of Rolling Road.

11. Contract - Paul & Deliah Paige - 3411 Rolling Road - Widening of Rolling Road

A contract with Paul and Deliah Paige, to acquire a portion of a parcel of land and necessary easements, located at 3411 Rolling Road, Windsor Mill, Maryland 21244 for the widening of Rolling Road.

12. Contract - Star Community Hall of Hebbville, MD , Inc. - 7405 Windsor Mill Road - Widening of Rolling Road

A contract with Star Community Hall of Hebbville, Maryland, Inc., to acquire a portion of a parcel of land and necessary easements, located at 7405 Windsor Mill Road, Windsor Mill, Maryland 21244, for the widening of Rolling Road.

13. Contract - Theresa P. Dow - 9139 Cowenton Avenue - Improvement of Cowenton Avenue

A contract with Theresa P. Dow, to acquire a parcel of land and necessary easements, located at 9139 Cowenton Avenue, Perry Hall, Maryland 21128, for the improvement of Cowenton Avenue.

14. Contracts - (2) - Pre-purchase and Direct Homeownership Counseling Services for 1st time Homebuyers

Two contracts with Diversified Housing Development and Harbel Community Organization, Inc., to provide pre-purchase and direct homeownership counseling services for first time Baltimore County homeowners.

16. Contract - R. L. Johnson Asphalt Paving, Inc. - Snow Removal and De-icing Services

A contract with R. L. Asphalt Paving, Inc., to provide snow removal and de-icing services.

17. Contract Amendment - Community Assistance Network, Inc. - Eastside, Westside & Hannah More Shelters

An amendment to the contract with Community Assistance Network, Inc. (CAN), to extend the current contract, for the operation of the Eastside Family Homeless Shelter, the Hannah More Emergency Shelter, and the Westside Homeless Shelter. The term of this contract is from July 1, 2011 through June 30, 2012.

18. Contracts - (6) - Title Abstracting Services

Six contracts to provide tile abstracting services.

19. Contracts - (4) - Land Acquisition - On-call Appraisal Services

Four contracts to provide on-call appraisal services.

20. Contract - Development Facilitators, Inc. - On-call Construction Inspection Services

A contract with Development Facilities, Inc., to provide on-call construction inspection services.

21. Pole License Agreement - BG&E - Fiber Runs on BGE Poles throughout County

A pole license agreement with Baltimore Gas and Electric Company (BGE), to allow Baltimore County to occupy space for fiber runs on BGE poles throughout the County.

There being no discussion, upon motion by Councilman Huff, seconded by Councilman Quirk, Fiscal Matters 1,2,4 through 14 and 16 through 21 were unanimously approved.

The Chairman stated they would now consider Fiscal Matters 3 and 15.

3. Contracts - (2) - Term Contract for Demolition Services

Two contracts with Mark J. Slowinski d/b/a Griz and Benjer, Inc., to provide term contracts for demolition services. Keith Dorsey appeared. There being no discussion, this Fiscal Matter was passed by the following roll call vote:

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

15. Contracts - (2) - Foreclosure Prevention and Mitigation Counseling Services for at-risk Homeowners

Two contracts with Eastside Community Development Corporation and We Are Family Community Development Corporation, to provide foreclosure prevention and mitigation counseling services for Baltimore County homeowners at risk of foreclosure as well as pre-purchase counseling and direct homeownership counseling activities. Andrea Van Arsdale appeared. There being no discussion, this Fiscal Matter was passed by the following roll call vote:

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

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, 2011.

2. Res. 72-11 - Accept donation from Marshy Point Nature Center Council for Rec. & Parks

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of a 16-foot Jon Boat, outboard motor and trailer from the Marshy Point Nature Center Council for use by the Department of Recreation and Parks. Barry Williams appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, this Resolution was unanimously approved.

3. Res. 73-11 - Accept donation from MD Vehicle Theft Prevention Council Grant for Police. Dept.

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a donation of a 2008 Toyota Highlander from the National Insurance Crime Bureau through the Maryland Vehicle Theft Prevention Grant for use by the Baltimore County Police Department. Chief Johnson appeared. There being no discussion, upon motion by Councilman Huff, seconded by Councilwoman Almond, this Resolution was unanimously approved.

4. Res. 74-11 - Sanitary Sewer Extension - Lilac Lane - Perry Hall

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 Perry Hall Area, Eleventh Election District and Fifth Councilmanic District of Baltimore County. Bill Korpman appeared. Councilman Marks commented. There being no further discussion, upon motion by Councilman Marks, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

5. Complaint for Condemnation - Fairbrook Park Apt. Co. - Section 1 - Security Blvd. Construction

At the direction of the Chairman, the Secretary read this correspondence from the County Administrative Officer for a Complaint for Commendation with Fairbrook Park Apartment Company, to acquire in fee simple the bed of Security Boulevard known as “Section One Fairbrook Park Apartments”. Arnold Jablon appeared. Councilman Olszewski commented and questioned Mr. Jablon. Councilmembers Bevins and Quirk also questioned Mr. Jablon. Councilmembers Marks and Almond commented. Councilman Quirk then motioned to table this Condemnation. Councilman Huff seconded the motion and the table failed by the following roll call vote:

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

There being no further discussion, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, this Complaint for Commendation passed by the following roll call vote:

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

6. Complaint for Condemnation - Fairbrook Park Apt. Co. - Section 2 - Security Blvd. Construction

At the direction of the Chairman, the Secretary read this correspondence from the County Administrative Officer for a Complaint for Commendation with Security Park Apartment Company, to acquire in fee simple the bed of Security Boulevard known as “Section Two Fairbrook Park Apartments”. Arnold Jablon remained. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, this Complaint for Commendation passed by the following roll call vote:

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

7. Res. 75-11 - Property Tax Exemption - DAV - Richard E. Burger

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

8. Res. 76-11 - Approval of Grant for Alliance, Inc. - Homeless Services Grant Program

At the direction of the Chairman, the Secretary read this Resolution to approve a grant to Alliance, Inc. as part of the Baltimore County Office of Planning Homeless Services Grant Program. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, this Resolution passed by the following roll call vote:

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

10. Res. 78-11 - Endorsement of an Application - Maryland Food Bank, Inc.

At the direction of the Chairman, the Secretary read this Resolution to endorse the application of Maryland Food Bank, Inc. to the State of Maryland Community Investment Tax Credit Program for certain tax credits. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

11. Res. 79-11 - Endorsement of Application - We Are Family Community Development Corp.

At the direction of the Chairman, the Secretary read this Resolution to endorse the application of We Are Family Community Development Corporation, to the State of Maryland Community Investment Tax Credit Program for certain tax credits. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilwoman Almond, seconded by Councilman Quirk, this Resolution passed by the following roll call vote:

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

9. Res. 77-11 - Public Disclosure - Mary Anne Pearson

At the direction of the Chairman, the Secretary read this Resolution concerning the public disclosure of Mary Anne Pearson, an employee of the Baltimore County Public Schools. Mary Anne Pearson has applied for an administrative variance for a garage at her residence at 104 E. Chestnut Hill Lane, Reisterstown, Maryland 21136. There being no discussion, upon motion by Councilwoman Almond, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

12. Res. 80-11 - Public Disclosure - Nancy L. Bagley

At the direction of the Chairman, the Secretary read this Resolution concerning the public disclosure of Nancy L. Bagley, an employee of the Baltimore County Police Department. Nancy L. Bagley has applied for a variance to enclose the front porch of her residence at 7602 Old Harford Road, Parkville, Maryland 21234. There being no discussion, upon motion by Councilman Marks, seconded by Councilman Olszewski, this Resolution was unanimously approved.

13. Appointment - Dr. Gregory W. Branch, Director, Dept. of Health and Human Services

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Dr. Gregory W. Branch, MD, as Director of the Department of Health and Human Services beginning August 14, 2011. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Quirk, this appointment was unanimously approved.

14. Res. 81-11 - Public Disclosure - Edward W. Crizer, Jr.

At the direction of the Chairman, the Secretary read this Resolution concerning the public disclosure of Edward W. Crizer, Jr., an employee of the Baltimore County Board of Appeals. Edward W. Crizer, Jr. has applied for a variance to construct a garage at his residence at 2627 Brannan Avenue, Baltimore, Maryland 21219. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Quirk, this Resolution was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Olszewski, seconded by Councilman Huff, the meeting adjourned at 6:50 P.M.


Thomas J. Peddicord, Jr.