

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2011, LEGISLATIVE DAY NO. 14**  
**September 6, 2011                      7:00 P.M.**

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**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 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 Huff, seconded by Councilman Quirk, the reading of the Journal Entries for the meeting of August 1, 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 39-11, 40-11, 41-11, and 43-11.

**D.        INTRODUCTION OF BILLS**

**BILL 50-11**, entitled An Act for the purpose of adding new landmarks to the Final Historical Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

**BILL 51-11**, 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 private funds and made available to the County through the Fund for Social Welfare.

**BILL 52-11**, 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 state funds and made available to the County through the Department of Health and Mental Hygiene (“DHMH”).

**BILL 53-11**, 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 and state funds and made available to the County through the Department of Health and Mental Hygiene (“DHMH”).

**BILL 54-11**, 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 state funds and made available to the County through the Governor's Office of Crime Control and Prevention.

**BILL 55-11**, entitled An Act for the purpose of reorganizing county government by changing the name of the Office of Planning to be the Department of Planning; instructing the Office of Law to instruct the publisher of the Baltimore County Code, 2003 to change the County Code in accordance with this Act; instructing the Department of Permits, Approvals and Inspections to instruct the publisher of the Baltimore County Zoning Regulations, 2008 to change the Zoning Regulations in accordance with this Act; 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 56-11**, entitled An Act for the purpose of permitting certain tattoo or body piercing establishments to relocate in certain zones under certain circumstances, and generally relating to tattoo or body piercing establishments.

**BILL 57-11**, entitled An Act for the purpose of amending the 2011 – 2012 Capital Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from grant funds and made available to the County through the State of Maryland.

**BILL 58-11**, 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 state funds and made available to the County through the Governor's Office of Crime Control and Prevention.

**BILL 59-11**, entitled An Act for the purpose of revising and reconstituting the councilmanic districts of Baltimore County in accordance with the latest census figures published as a result of the U.S. Census of 2010, as required by Section 207 of the Baltimore County Charter.

**BILL 60-11**, entitled An Act for the purpose of permitting certain outdoor dining and accessory activities under certain conditions in association with certain restaurants or taverns in B.L.R. Zones; and generally relating to permitted outdoor dining and accessory activities in B.L.R. Zones.

**E. CALL OF BILLS FOR FINAL READING AND VOTE**

**Bill 44-11**, CEB - MD State Highway Administration Highway Safety Office/MD Institute of Emergency Medical Services System - Operational Supplies, was called. Chief Hohman appeared. Councilman Oliver moved to amend this Bill with the following amendments:

1. On page 1, in the second line of the purpose paragraph and in the second line of the first WHEREAS clause, strike "state" and substitute "federal".
2. On page 2, in line 5, strike "state" and substitute "federal"; in line 7, strike "\$20,309" and substitute "\$6,960".

Councilwoman Bevins 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 44-11, as amended, passed by the following roll call vote:

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

**Bill 45-11**, Zoning Regulations. - Parking Requirements, was called. Councilmembers Quirk and Olszewski commented. Councilman Oliver then moved to amend this Bill with the following amendments:

1. On page 1, in line 2 of the Purpose Paragraph, after “districts”, insert “, and for certain transit oriented developments,”
2. On page 2, strike lines 2 through 10 inclusive, and substitute the following:

“1. Transit Adjustment.

(A) The required number of off-street parking spaces for any office or industrial use may be reduced by 5% if a pedestrian entrance of the building is located within 1,000 feet walking distance of a transit stop on a mass transit administration route with scheduled peak-period headway of 20 minutes or better.

(B) THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR ANY PLAN OF DEVELOPMENT WITH A MINIMUM OF 750,000 SQUARE FEET OF GROSS LEASABLE AREA IN A C.T. DISTRICT MAY BE REDUCED BY 25% IF SERVED BY A TRANSIT STOP ON A MASS TRANSIT ADMINISTRATION ROUTE WITH SCHEDULED PEAK-PERIOD HEADWAY OF 20 MINUTES OR BETTER.

(C) THE REQUIRED NUMBER OF OFF-STREET PARKING SPACES FOR ANY TRANSIT ORIENTED PLAN OF DEVELOPMENT MAY BE REDUCED UP TO 40% IF SERVED BY A MASS TRANSIT ADMINISTRATION METRO RAIL STATION.

(D) The transit adjustment shall not apply to general offices in the C.T. District of Towson.”

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 45-11, as amended, passed by the following roll call vote:

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

**Bill 46-11**, Code of County Regulations, 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 48-11**, Zoning Regulations - Farmer's Roadside Stand, was called. Councilman Huff moved to amend this Bill with the following amendments:

1. On page 1, in the Function Paragraph, strike "BY adding", and substitute "By repealing and re-enacting, with amendments"
2. On page 2, in line 2, strike "added", and substitute "repealed and re-enacted, with amendments,"

Councilwoman Bevins 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 Marks, Bill 48-11, as amended, passed by the following roll call vote:

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

**Bill 49-11**, Zoning Regulations. - Accessory Apartments, was called. Councilman Marks commented. Councilman Oliver then moved to amend this Bill with the following amendments:

1. On page 1, at the end of line 2 of the Purpose Paragraph, after "thereof;" insert "providing for the application of the Act;"
2. On page 4, in line 22, strike ".A,"
3. On page 5, at the beginning of line 1, strike "B, C, D, E, AND F", and in line 7, strike "ONLY" and substitute "NOT", and in line 8, strike "IF" and substitute "UNLESS", and in line 9, after "HEARINGS", insert "BASED ON SPECIFIC FINDINGS OF NECESSITY FOR THE ACCESSORY BUILDING"

4. On page 5, after line 22, insert the following:

“C. IF THE ACCESSORY APARTMENT IS NO LONGER OCCUPIED BY ANY PERSON NAMED IN THE USE PERMIT OR IF THE PROPERTY IS SOLD, THE USE PERMIT SHALL TERMINATE, AND ANY PROPOSED CHANGES IN OCCUPANCY TO THE ACCESSORY APARTMENT BY THE PROPERTY OWNER OR SUBSEQUENT PURCHASER SHALL REQUIRE A NEW REQUEST FOR USE PERMIT AS APPLICABLE UNDER SUBSECTIONS A OR B.”

5. On page 6, in line 4, strike “NOTE ANY PROPOSED CHANGES IN OCCUPANCY TO” and substitute “LIST THE NAME OF ANY PERSON OCCUPYING”

6. On page 6, after line 5, insert the following:

“SECTION 2. AND BE IT FURTHER ENACTED, that a property owner with an in-law apartment lawfully approved prior to the effective date of this Act shall obtain a use permit required by this Act on or before October 1, 2012.

SECTION 3. AND BE IT FURTHER ENACTED, that the Department of Permits, Approvals and Inspections shall publish notice of the requirement of Section 2 of this Act in one newspaper of general circulation in the County one time per month each month prior to October 1, 2012.”

7. On page 6, in line 7, strike “SECTION 2” and substitute “SECTION 4”

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 2, insert the following after the second WHEREAS clause:

“WHEREAS, the purpose of this Act is not to expand the potential for student housing in areas near County colleges and universities nor to worsen the saturation of student housing in such areas; and”

2. On page 3, in line 4, strike “AND (C)” and substitute “(C) THE ACCESSORY APARTMENT IS PROVIDED WITHOUT COMPENSATION; AND (D)”: on page 5, in line 21, strike “LEASED OR RENTED OR”

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 Oliver seconded by Councilman Quirk, Bill 49-11, 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 August 30, 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 and 5. Fiscal Matter 4 was withdrawn prior to the meeting.

**1. Contract - U.S. Geological Survey - Operation of Continuous Recording Stream Gages & Collection of Hydrologic Data**

A contract with United States Geological Survey, to provide for the operation of 16 continuous recording stream gages and the collection of hydrological data.

**2. Contracts - (3) - Temporary Social Worker Services - Dept. of Health & Human Services**

Three contracts with All Pro Placement Services, Inc., Athena Consulting, LLC and Beacon Staffing Alternatives, Inc., to provide temporary social worker services during position vacancies, etc.

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

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

4. This matter was withdrawn prior to the meeting.

**5. Contract - Washington Gas Energy Services, Inc. - Electric Supply Services for Baltimore County**

A contract with Washington Gas Energy Services, Inc., to provide electric supply services for Baltimore County.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, Fiscal Matters 1 through 3 and 5 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 June and July, 2011.

**2. Res. 82-11 - To Adopt a Public School Recycling Amendment to the Baltimore County Solid Waste Management Plan**

At the direction of the Chairman, the Secretary read this Resolution to adopt a Public School Recycling Amendment to the Baltimore County Solid Waste Management Plan. Bill Korpman appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Quirk, this Resolution was unanimously approved.

**3. Res. 83-11 - To Adopt a Fluorescent Bulb Recycling Amendment to the Baltimore County Solid Waste Management Plan**

At the direction of the Chairman, the Secretary read this Resolution to adopt a Fluorescent Bulb Recycling Amendment to the Baltimore County Solid Waste Management Plan. Bill Korpman remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Almond, this Resolution was unanimously approved.

**4. Res. 84-11 - Assignment & Assumption - Fullerton LLLP - Parkview at Fullerton**

This Resolution was withdrawn prior to the meeting.

**5. Res. 85-11 - Endorsement of State Financial Assistant - Fullerton LLLP - Parkview at Fullerton**

This Resolution was withdrawn prior to the meeting.

**6. Res. 86-11 - Property Tax Exemption - DAV - Thomas F. Filling**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Thomas F. Filling who is entitled to an exemption from 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 Oliver, this Resolution was unanimously approved.

**7. Res. 87-11 - Property Tax Exemption - DAV - Edward J. Lijewski**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Edward J. Lijewski who is entitled to an exemption from 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 Quirk, this Resolution was unanimously approved.

**8. Res. 88-11 - Property Tax Exemption - DAV - Henry Schneider**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Paul Henry Schneider who is entitled to an exemption from 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 Councilman Quirk, this Resolution was unanimously approved.

**9. Res. 89-11 - Property Tax Exemption - DAV - Christopher Millard**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Christopher Millard who is entitled to an exemption from 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.

**11. Res. 91-11 - Public Disclosure - Patricia Sauerwald**

At the direction of the Chairman, the Secretary read this Resolution concerning the public disclosure of Patricia Sauerwald, an employee of the Baltimore County Board of Education. Patricia Sauerwald, has applied for a zoning variance to replace the roof of the garage at her residence at 3316 Grace Road, Sparrows Point, Maryland 21219. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

**10. Res. 90-11 - Development Rights Easement - Marion V. Runkles, III property**

At the direction of the Chairman, the Secretary read this Resolution concerning the designation of property for the purchase of a development rights easement by Baltimore County, Maryland. Wally Lippincott appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

**12. Res. 92-11 - To Accept Additional State Grant Funding for Dept. of Aging - FY2011 Senior Care Grant**

This resolution was withdrawn prior to the meeting.

**13. Res. 93-11 -Endorsement of Creation of Baltimore County Memorial for those who served in Middle East Conflicts**

At the direction of the Chairman, the Secretary read this Resolution of the Baltimore County Council for the purpose of endorsing the creation of a Baltimore County Memorial commemorating the service of those who participated in the Middle East Conflicts, including the Persian Gulf War, the War in Afghanistan and the War in Iraq. Councilmembers Marks and Huff commented. There being no further discussion, upon motion by Councilman Marks, 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 Huff, seconded by Councilman Quirk, the meeting adjourned at 7:25 P.M.

  
Thomas J. Peddicord, Jr.