

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2013, LEGISLATIVE DAY NO. 8**  
**April 15, 2013                      6:00 P.M.**

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**A.**        The meeting was called to order by Chairman Quirk at 6:08 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 90 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 Bevins, the reading of the Journal Entries for the meeting of April 1, 2013 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 14-13, 15-13 and 16-13.

**D.        INTRODUCTION OF BILLS**

**BILL 26-13**, entitled THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE OF BALTIMORE COUNTY, to adopt the County Budget, consisting of the Current Expense Budget for the fiscal year ending June 30, 2014, the Capital Budget for the fiscal year ending June 30, 2014 and the Capital Improvement Program for the fiscal years ending June 30, 2015, June 30, 2016, June 30, 2017, June 30, 2018 and June 30, 2019; and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2013 and ending June 30, 2014 as hereinafter indicated.

**BILL 27-13**, entitled An Act for the purpose of levying and imposing a property tax for the use of Baltimore County for taxable year beginning July 1, 2013 and ending on the thirtieth day of June following; fixing the rate of county taxation for such taxable year; fixing the rate to be charged when property taxes are paid on a semi-annual basis; and generally relating to the property tax.

**BILL 28-13**, entitled An Act for the purpose of decreasing the amount of sick leave a Pay Schedule VII employee may accrue; increasing contributions to the retirement system by Pay Schedule VII members of the retirement system; decreasing the number of unused sick leave days a Pay Schedule VII member of the retirement system may count toward one month of membership service; providing for retroactive effect for portions of this Act; providing for increased contributions over a limited period of time to account for a certain contribution deficit; and generally relating to sick leave accrued and used by, and the rate of contributions paid by, certain employees.

**BILL 29-13**, entitled An Act for the purpose of lowering the percentage of employees who must be members of the exclusive representative for the representation unit representing employees on Pay Schedules I and I-C of the Classification and Compensation Plans in order to require certain employees who are not members of the exclusive representative to pay a certain service charge to the exclusive representative; providing for retroactive application of this Act; and generally relating to the payment of a certain service charge by employees who are not members of a certain exclusive representative.

**BILL 30-13**, entitled An Act for the purpose of providing that the Board of Education and the Community College of Baltimore County may join or continue membership in the Self Insurance Fund for liability and workers' compensation purposes, or both, subject to the agreement of the county under certain circumstances; making certain technical changes; providing for the effective date of this Act; and generally relating to membership in the Self Insurance Fund.

**BILL 31-13**, entitled An Act for the purpose of requiring the periodic review of local open space waiver fees; amending the allocation to Neighborspace of Baltimore County, Inc. of such fees collected; and generally relating to the review and disbursement of local open space waiver fees.

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

**Bill 17-13**, The Plumbing and Gasfitting Code of Baltimore County, was called. Don Brand 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 18-13**, CEB - HIV Case Management, 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 19-13**, CEB - Maryland Children's Health 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 20-13**, Stormwater Remediation Fee, was called. Vince Gardina appeared. Councilmembers Olszewski and Quirk questioned Mr. Peddicord. Councilman Olszewski also questioned Mr. Gardina. Councilman Quirk then moved to amend this Bill with the following amendments:

1. On page 1, in the fourth line of the purpose paragraph, after “fee” insert “for Fiscal Year 2014; establishing a procedure for the annual review by the County Council of all rates in subsequent years”
2. On page 2, in the second line of the purpose paragraph, strike “the Director of Budget and Finance to issue a certain report” and substitute “certain reports to be submitted to the County Council”
3. On page 7, in line 5, strike “SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION,”
4. On page 8, in line 1, strike “VACANT” and substitute “UNIMPROVED”
5. On page 8, after line 16, insert:

“(C)(1) THE COUNTY EXECUTIVE SHALL ANNUALLY REVIEW THE RATE OR RATES OF ALL FEES FOR THE PROGRAM AND SHALL REPORT ANY RECOMMENDED RATE CHANGES TO THE COUNTY COUNCIL.

(2) THE REPORT SHALL BE SUBMITTED TO EACH MEMBER OF THE COUNTY COUNCIL AND TO THE COUNCIL SECRETARY AND SHALL INDICATE THE PROPOSED RATE CHANGE AND THE REASON FOR THE CHANGE. THE PROPOSED CHANGE SHALL TAKE EFFECT 45 DAYS AFTER NOTIFICATION TO THE COUNCIL UNLESS, WITHIN THE 45-DAY PERIOD, A MAJORITY OF THE COUNCIL OBJECTS TO THE PROPOSED CHANGE. IF THE COUNCIL OBJECTS TO A PROPOSED CHANGE, ANY PROPOSED CHANGE REQUIRES LEGISLATIVE APPROVAL.”

6. On page 8, in lines 17 and 19 and on page 9 in line 3, strike “(C)”, “(D)”, and “(E)”, respectively, and substitute “(D)”, “(E)”, and “(F)”
7. On page 11, in line 2, insert “(A)” before “BEGINNING”; after line 11, insert the following:

“(B) BEGINNING ON JULY 1, 2014 AND EVERY YEAR THEREAFTER, THE COUNTY ADMINISTRATIVE OFFICER SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL THAT INCLUDES:

(1) THE MOST RECENT INFORMATION REPORTED TO THE STATE REGARDING THE EFFECTS OF THE PROGRAM’S ACTIVITIES ON REDUCING WATER POLLUTION;

(2) THE NUMBER OF ALL CREDITS AWARDED DURING THE FISCAL YEAR, AND THEIR ASSOCIATED DOLLAR VALUE;

(3) THE NUMBER OF APPEALS FILED DURING THE FISCAL YEAR, THE NATURE OF EACH APPEAL, AND THE DISPOSITION OF EACH APPEAL;

(4) THE NUMBER OF PROPERTIES, BY PROPERTY CLASSIFICATION, SUBJECT TO THE STORMWATER REMEDIATION FEE;

(5) THE NUMBER OF HARDSHIP APPLICATIONS FILED, BY PROPERTY CLASSIFICATION, AND THE DISPOSITION OF EACH;

(6) THE NUMBER OF APPLICATIONS FILED TO REDUCE ANY PORTION OF A FEE, BY PROPERTY CLASSIFICATION, AND THE DISPOSITION OF EACH;

(7) THE AMOUNT OF FUNDS SPENT ON EACH OF THE PURPOSES PROVIDED IN §10-13-102(A)(4) THROUGH (8), BY COUNCILMANIC DISTRICT AND TYPE OF PROJECT;

(8) PROGRAM COSTS AND REVENUES, BY SOURCE;

(9) THE RESULTS OF THE COUNTY'S MONITORING AND VERIFICATION UNDER SECTION 4-202.1(F)(3) OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND; AND

(10) PLANS FOR ENCOURAGING HOMEOWNERS AND OTHER PROPERTY OWNERS TO ADOPT BEST PRACTICES FOR STORMWATER MANAGEMENT, INCLUDING ANY PLANS TO IMPLEMENT GRANT OR LOAN PROGRAMS FOR PROPERTY OWNERS TO UNDERTAKE PRIVATE STORMWATER MANAGEMENT PROJECTS.”

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

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

On page 9, in line 16, strike “AND”, and after line 16, insert “3. THAT PROVIDE A CREDIT TO MARINAS IN GOOD STANDING WITH THE MARYLAND DEPARTMENT OF NATURAL RESOURCES CLEAN MARINA INITIATIVE; AND”, and in line 17, strike “3” and substitute “4”

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

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

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

1. On page 1, in the second line of the purpose paragraph, after “2012” insert “; establishing certain rates for Fiscal Year 2014”; in the fourth line, after “fee” insert “for subsequent years”; in the sixth line, after “circumstances”, insert “; specifying a certain credit”
2. On page 11, after line 15, insert the following:

“SECTION 3. AND BE IT FURTHER ENACTED, that notwithstanding the authorization contained in Section 34-4-103(B)(1), the rates for Fiscal Year 2014 for each classification of real property shall be as follows:

Single-family detached	-	\$39
Single-family attached	-	\$21 per dwelling unit
Residential, condominium or cooperative ownership	-	\$32 per dwelling unit
Residential, unimproved	-	\$0
Agricultural, non-residential	-	\$0
Agricultural, single-family	-	\$39
Non-residential, non-institutional	-	\$69 per ERU
Non-residential, institutional	-	\$20 per ERU

“ERU” OR “EQUIVALENT RESIDENTIAL UNIT” MEANS THE STATISTICAL MEAN OF THE TOTAL PLANIMETRIC IMPERVIOUS SURFACE OF DEVELOPED SINGLE-FAMILY DETACHED RESIDENCES INSIDE THE URDL THAT SERVES AS THE BASE UNIT OF ASSESSMENT FOR THE STORMWATER REMEDIATION FEE.”

3. On page 11, in line 16, strike “3” and substitute “4.”

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

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

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

1. On page 1, in the seventh line of the purpose paragraph, after “the same manner as real property taxes;”, insert “providing certain notices;”.

2. On page 10, in line 7, after “(A)”, insert “(1)”, and in line 9 after “COLLECTION OF REAL PROPERTY TAXES”, insert “, AND SHALL BE LISTED AS A SEPARATE ITEM ON THE REAL PROPERTY TAX BILL.”

3. On page 10, after line 9, insert the following:

“(2) THE REAL PROPERTY TAX BILL SHALL INCLUDE A FOOTNOTE ON EACH BILL THAT INDICATES THAT THE IMPOSITION OF A STORMWATER REMEDIATION FEE IS MANDATED BY STATE LAW.”

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

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

Nay - None

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

1. On page 2, in the second line of the purpose paragraph, after “designee”, insert “and to the Board of Appeals”.

2. On page 6, in line 15, after “(C)”, insert “(1)”.

3. On page 6, in line 17, after “DESIGNEE”, insert “WITHIN 30 DAYS AFTER THE PROPERTY OWNER RECEIVES A BILL FOR THE STORMWATER REMEDIATION FEE.”

4. On page 6, after line 17, insert “(2) THE DECISION OF THE COUNTY ADMINISTRATIVE OFFICER OR THE COUNTY ADMINISTRATIVE OFFICER’S DESIGNEE MAY BE APPEALED DE NOVO TO THE BOARD OF APPEALS WITHIN 30 DAYS AFTER THE FINAL DECISION.”

Councilman Marks 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 Councilman Oliver, Bill 20-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Oliver, Bevins, Olszewski

Nay - Huff, Marks

**Bill 21-13**, B.L. Zone - Theaters, was called. Councilwoman Almond commented. There being no further discussion, this Bill was 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 April 9, 2013. 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 Quirk then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 4.

**1. BAT# 13-06 - Department of Health & Human Services - Emergency Fund costs - DSS - Health & Human Services**

A budget appropriation transfer for Department of Health and Human Services. Funds will be used to cover higher than anticipated emergency fund costs in the Department of Social Services that are projected to exceed the limit in that program.

**2. Contract - Legal Aid Bureau, Inc. - Legal Services for residents over 60 years of age - Aging**

A contract with Legal Aid Bureau, Inc., to provide legal services to Baltimore County residents 60 years of age or older, in accordance with the Older American Act, as amended.

**3. Contract - McKennon, Shelton and Henn, LLP - Legal services - Budget**

A contract with McKennon, Shelton and Henn, LLP, to provide legal services, including bond, disclosure and tax counsel to the County, at the request of the Director of Budget and Finance, the County Attorney or their respective designees.

**4. Contract - S&S Planning and Design, LLC - professional services in completing Baltimore County Hazard Mitigation Plan**

A contract with S&S Planning and Design, LLC, to provide professional expertise in completing a federally mandate update to the Baltimore County hazard mitigation plan.

There being no discussion, upon motion by Councilman Huff, seconded by Councilman Oliver, Fiscal Matters 1 through 4 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, 2013.

**2. Res. 28-13 - Application - designation of State Enterprise Zone - Southwest Area**

At the direction of the Chairman, the Secretary read this Resolution concerning Baltimore County's application to the State of Maryland for designation of a State Enterprise Zone to be called the Southwest Enterprise Zone. Sara Trener appeared. Councilman Quirk commented. There being no further discussion, upon motion by Councilwoman Almond, seconded by Councilman Olszewski, this Resolution was unanimously approved.

**3. Res. 29-13 - Sanitary Sewer Ext. - Bellona Avenue and Old Orchard Lane - 2<sup>nd</sup> District**

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 Ruxton Area, Ninth Election District and Second Council District of Baltimore County. Dave Thomas appeared. There being no discussion, upon motion by Councilwoman Almond, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

**4. Res. 30-13 - Review of PUD - Enterprise Housing Corporation/Pax-Edwards, LLC - Hollins Place**

This Resolution was for introduction only.

**5. Res. 31-13 - Property Tax Credit - Bowerman-Loreley Beach Community Association, Inc.**

This Resolution was for introduction only.



**6. Reappointment - Baltimore County Board of Appeals - Wendy A. Zerwitz**

At the direction of the Chairman, the Secretary read this correspondence from Councilwoman Vicki Almond requesting the re-appointment of Wendy A. Zerwitz to the Baltimore County Board of Appeals for an additional three-year term that expires on April 30, 2016. There being no discussion, upon motion by Councilwoman Almond, seconded by Councilman Huff, this re-appointment was unanimously approved.

**7. Reappointment - Baltimore County Board of Appeals - Andrew M. Belt**

At the direction of the Chairman, the Secretary read this correspondence from Councilman David Marks requesting the re-appointment of Andrew M. Belt to the Baltimore County Board of Appeals for an additional three-year term that expires on April 30, 2016. There being no discussion, upon motion by Councilman Marks, seconded by Councilwoman Almond, this re-appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Olszewski, seconded by Councilman Oliver, the meeting adjourned at 6:29 P.M.



Thomas J. Peddicord, Jr.