

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2014, LEGISLATIVE DAY NO. 9
May 5, 2014 6:00 P.M.

A. The meeting was called to order by Chair Bevins at 6:10 P.M. The Chair asked the audience to rise for a moment of silent meditation. She then called upon Sensations Choral Group from Chapel Hill Elementary School to sing the National Anthem, followed by the Pledge of Allegiance to the Flag. There were approximately 50 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 Councilwoman Almond, seconded by Councilman Huff, the reading of the Journal Entries for the meeting of April 21, 2014 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

 The Chair stated that the following Bills were passed by the County Council and signed by the County Executive. She certified and delivered to the Secretary, Bills 12-14 and 13-14.

D. INTRODUCTION OF BILLS

BILL 35-14, entitled An Act for the purpose of amending the 2013-2014 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 estate of the late Audrey R. Dix, the Maryland Society for the Prevention of Cruelty to Animals (MD SPCA) and donations from the public.

BILL 36-14, entitled An Act for the purpose of amending the 2013-2014 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undersigned General Fund Surplus as of June 30, 2013.

BILL 37-14, entitled An Act for the purpose of establishing an historic environmental setting on property associated with the structure known as “Springfield,” on the county Final Landmarks List; providing for the retroactive effect of this Act; and generally relating to the establishment of an historic environmental setting on a certain landmark property.

BILL 38-14, entitled An Act for the purpose of amending the Zoning Regulations to permit a florist shop in the Manufacturing, Light (M.L.) Zone; and generally relating to the Manufacturing, Light (M.L.) Zone.

BILL 39-14, entitled An Act for the purpose of amending a certain definition; and generally relating to the Honeygo Area.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 14-14, Basic Services Maps, was called. Dave Thomas 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 15-14, Baltimore County Advisory Council on Physical Fitness, was called. Councilmembers Quirk and Marks commented. Councilman Quirk then moved to amend this Bill with the following amendment:

1. On page 1, in the fourth line of the purpose paragraph, after “Council:”, insert “specifying terms for the initial members of the Council;”.
2. On page 3, in line 6, after “YEARS”, insert “AND BEGINS ON JULY 1”.
3. On page 5, after line 9, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, that the terms of the initial members of the Baltimore County Advisory Council on Physical Fitness as appointed under § 3-3-2302(a)(2) of the Baltimore County Code, 2003, shall expire as follows:

(1) the initial terms of two members appointed under § 3-3-2302(a)(2)(i) of the Baltimore County Code, 2003 and one member appointed under § 3-3-2302(a)(2)(ii) of the Baltimore County Code, 2003 shall expire on June 30, 2015;

(2) the initial terms of two members appointed under § 3-3-2302(a)(2)(i) of the Baltimore County Code, 2003 and one member appointed under § 3-3-2302(a)(2)(ii) of the Baltimore County Code, 2003 shall expire on June 30, 2016; and

(3) the initial terms of three members appointed under § 3-3-2302(a)(2)(i) of the Baltimore County Code, 2003 and two members appointed under § 3-3-2302(a)(2)(ii) of the Baltimore County Code, 2003 shall expire on June 30, 2017.”;

and in line 10, strike “2.” and substitute “3.”.

4. On page 3, in line 1, after “EXECUTIVE”, insert “, ONE OF WHOM SHALL BE A REPRESENTATIVE OF A MEDICAL FITNESS CENTER AFFILIATED WITH A HEALTH CARE SYSTEM IN BALTIMORE COUNTY”.

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 Quirk, seconded by Councilwoman Almond, Bill 15-14, as amended, passed by the following roll call vote:

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

Nay - None

Bill 16-14, Zoning Regulations-Hookah Lounges, Vapor Lounges–Definitions and Limitations was called. Councilmembers Huff, Olszewski and Oliver commented. Councilman Huff then moved to amend this Bill with the following amendment:

To limit the hours of operation of hookah lounges and vapor lounges from 6 a.m. to 12 a.m. seven days per week.

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

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

Nay - Quirk

Thereafter, upon motion by Councilman Huff, seconded by Councilman Oliver, Bill 16-14, as amended, passed by the following roll call vote:

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

Nay - None

Bill 17-14, CEB - Weatherization - SEIF, was called. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Bill was passed by the following roll call vote:

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

Nay - None

Bill 18-14, CEB - Weatherization - EmPOWER was called. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Almond, this Bill was passed by the following roll call vote:

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

Nay - None

Bill 19-14, Zoning Regulations - Community Care Center, was called. Councilman Huff commented. There being no further discussion, upon motion by Councilman Huff, seconded by Councilman Oliver, this Bill was passed by the following roll call vote:

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

Nay - None

Bill 20-14, Recreation and Parks - Background Checks was called. Council Chair Bevins commented, and then moved to amend this Bill with the following amendment:

1. On page 1, in the title, strike “and Parks” and substitute “Councils”; in the first line of the purpose paragraph, strike “that certain individuals or volunteers at” and substitute “the Director of”; strike from “programs” in the second line of the purpose paragraph through “criminal” in the third line of the purpose paragraph and substitute “to establish a policy regarding background records checks for certain volunteers at sanctioned Recreation Council programs and events; authorizing the policy to identify the specific”; strike from “activity” through “regulations” in the fourth line of the purpose paragraph and substitute “event”; in the fifth line of the purpose paragraph, strike “the Department of Recreation and Parks” and substitute “background checks for certain volunteers at sanctioned programs and events of the Recreation Councils”; and in the first line of the function paragraph, strike “through 30-3-103” and substitute “and 30-3-102”.

2. On page 2, in the second line of the enacted clause, after “County”, insert “shall”; in line 4, after “OF”, insert “MINOR”; in the same line, after “IN”, insert “SANCTIONED”; in line 4, strike “AND PARKS” and substitute “COUNCIL”; in line 5, strike “ACTIVITIES” and substitute “EVENTS”; in line 6, after “IN”, insert “SANCTIONED”; in line 7, strike “AND PARKS” and substitute “COUNCIL”; in the same line, strike “ACTIVITIES” and substitute “EVENTS”; in line 8, strike “INDIVIDUALS AND”; in line 9, strike “CRIMINAL HISTORY” and substitute “BACKGROUND”; in line 11, strike “(a) ON OR BEFORE JULY 1, 2015, THE DIRECTOR SHALL, IN” and substitute “(A)(1) IN”; in line 12, after “WITH”, insert “THE OFFICE OF LAW,”; in lines 12 and 13, strike “IMPLEMENT AND ADOPT A BACKGROUND CHECK” and substitute “AND REPRESENTATIVES OF THE CERTIFIED RECREATION COUNCILS, THE DIRECTOR SHALL ESTABLISH A”; in line 13, strike “PROVIDES OR”; strike from “CRIMINAL” in line 14 through “BACKGROUND,” in line 15 and substitute “BACKGROUND RECORDS CHECK”; in line 15, strike “INDIVIDUAL OR” and substitute “REGISTERED”; and strike from “WITH” in line 15 through the second “OR” on page 3, line 1, and substitute “WHO INTERACTS WITH CHILDREN IN ANY PROGRAM OR EVENT SANCTIONED BY”.

3. On page 3, after line 2, insert:

“(2) THE BACKGROUND CHECK SHALL BE REQUIRED AS A CONDITION OF PARTICIPATION IN THE PROGRAM OR EVENT.

(3) THE POLICY ESTABLISHED BY THE DIRECTOR SHALL COMMENCE NO LATER THAN JULY 1, 2015.”;

In line 3, strike “(b) THIS POLICY SHALL” and substitute “(B) AT A MINIMUM, THE POLICY REQUIRED UNDER THIS TITLE MAY”; in lines 3 and 4, strike “CRIMINAL OFFENSES (MISDEMEANOR AND FELONY) AND ANY OTHER”; in line 5, strike “AND/OR” and substitute “OR”; in the same line, strike “AN INDIVIDUAL OR” and substitute “A”; in line 6, strike “YOUTH”; in the same line, strike “ACTIVITES” and substitute “EVENTS SANCTIONED BY THE RECREATION COUNCILS”; and strike lines 9 through 11 in their entirety.

Councilman Quirk 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 Councilwoman Almond, seconded by Councilman Oliver, Bill 20-14, as amended, passed by the following roll call vote:

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

Nay - None

Bill 21-14, Zoning Regulations - Signs was called. Councilman Marks commented. There being no further discussion, upon motion by Councilman Marks, seconded by Councilman Oliver, 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 Chair stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council’s work session on April 29, 2014. 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. Chair Bevins then called upon the Secretary to read the cover letter for Fiscal Matter 1.

1. Agreement - Back River Restoration Committee, Inc.-Operation and maintenance of trash boom - Back River-DEPS

At the direction of the Chair, the Secretary read the cover letter pertaining to a grant agreement with Back River restoration Committee, Inc. Baltimore county will provide a grant to continue the operation and maintenance of the trash boom installed across Back River, under the US Route 695 bridge. Vince Gardina appeared. Councilman Olszewski commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Oliver, this matter was approved 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 March, 2014.

2. Res. 25-14 - Review of PUD - Joppa Mylander Properties, LLC - Loch Raven Commons

At the direction of the Chair, the Secretary read this Resolution of the Baltimore County Council to approve the review of a proposed planned unit development in accordance with County law. Councilman Marks commented. Councilman Quirk then moved to amend this Resolution with the following amendment:

1. On page 4, in paragraph 1, strike “and, where possible, along Maylander Lane” and substitute “WITH PARTICULAR EMPHASIS ON ADDITIONAL LANDSCAPING AND A WIDER SETBACK AT THE INTERSECTION OF EAST JOPPA ROAD AND MYLANDER LANE CLOSEST TO THE LOCH RAVEN VILLAGE COMMUNITY IN ORDER TO PROTECT THE VIEW OF LOCH RAVEN COMMONS FROM LOCH RAVEN VILLAGE RESIDENTS”.
2. On page 4, in paragraph 2, after “materials”, insert “, INCLUDING THAT OF THE FUEL SERVICE STATION,”; after “material”, insert “AND SHALL BE DESIGNED WITH A CONSISTENT ARCHITECTURAL THEME”.
3. On page 4, in paragraph 4, strike “Joppa Road” and substitute “A PUBLIC ROAD”; and after “screened” insert “IN ACCORDANCE WITH THE BALTIMORE COUNTY LANDSCAPE MANUAL”

4. On page 4, in paragraph 6, in the first line, after “canopy” insert, “, OF WHICH THERE MAY BE ONLY ONE,”; and insert the following after the second sentence: “TEMPORARY SIGNAGE OR ADVERTISEMENTS ARE NOT PERMITTED ON THE FUEL SERVICE STATION BUILDING FACADE, WINDOWS, OR DOORS.”

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

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

Nay - Quirk

Thereafter, upon motion by Councilman Marks, seconded by Councilman Quirk, Resolution 25-14, as amended, passed by the following roll call vote:

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

Nay - None

3. Res. 41-14 - Property Tax Exemption - DAV - George P. Korb

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from George P. Korb 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 Oliver, this Resolution was unanimously approved.

4. Res. 42-14 - Property Tax Exemption - DAV - Daniel Nedeloff

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Daniel Nedeloff 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 Olszewski, seconded by Councilman Quirk, this Resolution was unanimously approved.

5. Res. 43-14 - Accept a gift - MD Dept. Of Public Safety & Correctional Services - 911 Center - Training Software Upgrade

This Resolution was for introduction only.


6. Appointment - Baltimore County Board of Appeals - Benfred B. Alston

At the direction of the Chair, the Secretary read this correspondence from Councilman Oliver requesting the appointment of Mr. Benfred B. Alston to the Baltimore county Board of Appeals for a three year term to expire on April 30, 2017. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Huff, this Appointment was unanimously approved.

7. Res. 44-14 - Amendment to the Honeygo Plan

This Resolution was for introduction only.

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 6:35 P.M.


Thomas J. Peddicord, Jr.