

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 16
October 5, 2015 6:00 P.M.

A. The meeting was called to order by Chair Bevins at 6:06 P.M. The Chair asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 80 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
WADE KACH	THIRD DISTRICT
JULIAN E. JONES, JR.	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
TODD K. CRANDELL	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilman Marks, seconded by Councilman Jones, the reading of the Journal Entries for the meeting of September 21, 2015 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

There were no Bills for enrollment.

D. INTRODUCTION OF BILLS

Bill 70-15, entitled An Act for the purpose of amending the 2015-2016 Capital Budget, by appropriating to the Capital Budget Monies derived from grant funds and made available to the County from the Southland Hills Improvement Association.

Bill 71-15, entitled An Act for the purpose of amending the 2015-2016 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 Maryland Department of Health and Mental Hygiene.

Bill 72-15, entitled An Act for the purpose of amending the 2015-2016 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 Maryland Department of Health and Mental Hygiene.

Bill 73-15, entitled An Act for the purpose of amending the 2015-2016 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, Center for Tobacco Prevention and Control.

Bill 74-15, entitled An Act for the purpose of amending the 2015-2016 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 Baltimore City Health Department.

Bill 75-15, entitled An Act for the purpose of amending the 2015-2016 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 Maryland Department of Health and Mental Hygiene.

Bill 76-15, entitled An Act for the purpose of amending the 2015-2016 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds from the U.S. Department of Agriculture and made available to the County through the Maryland Department of Health and Mental Hygiene.

Bill 77-15, entitled An Act for the purpose of revising, restating, and recodifying provisions of the Baltimore County Code; restoring a certain historic reference; correcting certain cross references; repealing certain obsolete language; clarifying certain department responsibilities; conforming county law to state law by prohibiting certain discrimination based on sexual orientation, gender identity, and genetic information; restoring a provision relating to lobbyists; making certain technical changes; making certain stylistic changes; providing for application of a part of this Act; providing for the effective date of this act; and generally relating to revision of the Baltimore County Code.

Bill 78-15, entitled An Act for the purpose of requiring the submission to the County Council of an annual report regarding the provision of local open space, including the identification of development projects, the disposition of all waivers requested, fees in lieu of providing open space that are assessed or collected, and projects funded; and generally relating to the annual reporting of local open space provided for development projects and the disposition of all fees collected.

Bill 79-15, entitled An Act for the purpose of exempting any development in a Commercial Revitalization District from the Basic Services mapping standards; and generally relating to the Basic Services Maps.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 62-15, Arts & Sciences Grants, was called. Lauren Smelkinson appeared. There being no discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 63-15, Modification of Residential Solar Energy System Requirements, was called. Bruce Schultz appeared. Councilmembers Bevins, Quirk, Marks, Crandell and Jones commented. Councilman Jones then moved to amend this Bill with the following amendments:

1. In the first line of the purpose paragraph on page 1, after “amending”, insert “certain provisions of”; and strike “Section R324.7 titled “Access and pathways of” in line 1; and strike lines 2 through 6 of the paragraph and substitute “relating to residential solar energy requirements in the International Residential Code adopted as a part of the Building Code of Baltimore County, Maryland by Bill 40-15, and in the 2012 edition of NFPA 1, Fire Code, adopted as part of the Baltimore County Fire Prevention Code by Bill No. 63-13; and generally relating to requirements for residential solar energy systems”

2. On page 2, before line 1, add the following:

“SECTION 3. AND BE IT FURTHER ENACTED that the following Section R324.7.2.7 is added to the 2015 edition of the ICC International Residential Code, adopted as part of the Building Code of Baltimore County, Council Bill 40-15: R324.7.2.7 **ALLOWANCE FOR WIRING TO CROSS PATHWAYS. ALL WIRING SHALL BE ALLOWED TO CROSS PATHWAYS AND SHALL BE DESIGNED TO TAKE THE SHORTEST PATH FROM THE ARRAY TO THE DC COMBINER BOX, BE CLEARLY IDENTIFIED, AND BE PROTECTED IN RIGID METAL CONDUITS, SCHEDULE 80 PVC, OR EMT. ALL RACEWAYS MUST BE KEPT AS CLOSE AS POSSIBLE TO THE ROOF SURFACE SO AS TO NOT PRESENT A TRIPPING HAZARD WHILE STILL PERMITTING WATER TO FLOW UNDERNEATH THE RACEWAY. VENTS AND PLUMBING VENTS WITHIN A PATHWAY WILL NOT AFFECT MEASUREMENT OF A SETBACK.**

SECTION 4. AND BE IT FURTHER ENACTED that the following exception is added to Section R324.7.1. of the 2015 edition of the ICC International Residential Code, adopted as part of the Building Code of Baltimore County, Council Bill 40-15: EXCEPTION: WHERE THERE IS MORE THAN ONE PATHWAY ON A ROOF, ONLY ONE OF THE ROOF ACCESS POINTS MUST BE IN A LOCATION WHERE FIRE DEPARTMENT LADDERS ARE NOT PLACED OVER OPENINGS (WINDOWS OR DOORS).”

3. On page 2, in line 1, strike “3” and substitute “5”; in line 2, strike “11.121.2.2.2.1 and substitute “11.12.2.2.2.1”; in line 8, strike “4” and substitute “6”

4. On page 2, after line 11, insert the following:

“SECTION 7. AND BE IT FURTHER ENACTED that the following section is added to the 2012 edition of the NFPA 1, Fire Code, adopted as part of the Baltimore County Fire Prevention Code, Council Bill 63-13: Section 11.12.2.2.2.4 **ALLOWANCE FOR WIRING TO CROSS PATHWAYS.** ALL WIRING SHALL BE ALLOWED TO CROSS PATHWAYS AND SHALL BE DESIGNED TO TAKE THE SHORTEST PATH FROM THE ARRAY TO THE DC COMBINER BOX, BE CLEARLY IDENTIFIED, AND BE PROTECTED IN RIGID METAL CONDUITS, SCHEDULE 80 PVC, OR EMT. ALL RACEWAYS MUST BE KEPT AS CLOSE AS POSSIBLE TO THE ROOF SURFACE SO AS TO NOT PRESENT A TRIPPING HAZARD WHILE STILL PERMITTING WATER TO FLOW UNDERNEATH THE RACEWAY. VENTS AND PLUMBING VENTS WITHIN A PATHWAY WILL NOT AFFECT MEASUREMENT OF A SETBACK.

SECTION 8. AND BE IT FURTHER ENACTED that the following exception is added to Section 11.12.2.2.2.1.3 of the 2012 edition of NFPA 1, Fire Code, adopted as part of the Baltimore County Fire Prevention Code, Council Bill 63-13: EXCEPTION: WHERE THERE IS MORE THAN ONE PATHWAY ON A ROOF, ONLY ONE OF THE ROOF ACCESS POINTS MUST BE IN A LOCATION WHERE FIRE DEPARTMENT LADDERS ARE NOT PLACED OVER OPENINGS (WINDOWS OR DOORS).”

5. On page 2, in line 12, strike “5” and substitute “9”

Councilwoman Almond seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Crandell, seconded by Councilman Kach, Bill 63-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 64-15, Zoning Regulations - Microbrewery and Farm Brewery, was called. Councilman Kach commented and was questioned by Councilman Quirk. Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 1, in the function paragraph, after “1A03.3.B.23.”, insert “1A04.2.B.24.”

2. On page 3, insert the following after line 6:

“§1A04. R.C. 5 (Rural-Residential) Zone

1A04.2. Use Regulations

B. Uses permitted by special exception. The following uses, only, are permitted by special exception in R.C. 5 Zones:

24. BREWERY, CLASS 7 OR CLASS 8 INCLUDING ACCESSORY RETAIL AND WHOLESALE DISTRIBUTION OF BEER PRODUCED ON THE PREMISES. TEMPORARY PROMOTIONAL EVENTS, SUCH AS BEER TASTING OR PUBLIC GATHERINGS ASSOCIATED WITH THE BREWERY, ARE PERMITTED SUBJECT TO APPROVAL BY THE ADMINISTRATIVE LAW JUDGE OR BOARD OF APPEALS ON APPEAL.”

1. On page 1, in the Title paragraph, after “Micro-brewery” insert “(Class 7)” and after “Farm Brewery” insert “(Class 8)”.
2. On page 1, in the Purpose paragraph, in line 1, after “micro-brewery” insert “(class 7)”, and after “farm brewery” insert “(class 8)”, and in line 2, after “special exception;” insert “amending the definition of brewery and defining a farm brewery;”.
3. On page 1, at the beginning of the Function paragraph, insert “repealing and re-enacting, with amendments, Section 101.1, the Definition of ‘Brewery’”, and in the Function paragraph, below “adding”, insert “Section 101.1, the Definition of ‘Brewery, Class 8’ and”.
4. On page 2, in line 1, insert the following:

“Section 101.1. Word usage; definitions.

BREWERY – An establishment with a valid alcoholic beverage manufacturer’s license Class 5, 6, [or] 7 OR 8 issued in accordance with the Annotated Code of Maryland, Article 2B, Section 2-206, 2-207, [or] 2-208 OR 2-209.

BREWERY, CLASS 8 – A BREWERY LOCATED ON A MINIMUM OF 10 ACRES WITH A CLASS 8 (FARM BREWERY) LICENSE, WHICH SELLS AND DELIVERS MALT BEVERAGE MANUFACTURED IN A FACILITY ON THE LICENSED FARM WITH AN INGREDIENT FROM A MARYLAND AGRICULTURAL PRODUCT GROWN THEREON, AND PRODUCES NO MORE THAN 15,000 BARRELS OF MALT BEVERAGE PER YEAR.”

5. On page 2, in lines 10 and 11, on page 3, in lines 1, 2, 11 and 12, and on page 4, in lines 1, 2, 11 and 12, strike “MICROBREWERY OR FARM BREWERY AS DEFINED AND LICENSED BY THE COMPTROLLER” inclusive, and substitute “BREWERY, CLASS 7 OR CLASS 8”, and on page 2, in line 14, on page 3, in lines 5 and 15, and on page 4, in lines 5 and 15, strike “MICROBREWERY OR FARM BREWERY” and substitute “BREWERY”.

Councilman Crandell seconded the motion and these amendments passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Kach, seconded by Councilwoman Almond, Bill 64-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 65-15, This Bill was withdrawn.

Bill 66-15, Neighborhood Commons Overlay District, was called. Councilmembers Kach, Quirk, Marks and Crandell commented. There being no further discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 67-15, Zoning Regulations - Parking, was called. Councilman Marks commented. There being no further discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 68-15, Zoning Regulations - Manufacturing, Light (M.L.) Zone Use Regulations, was called. Councilman Kach commented. There being no further discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
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 September 29, 2015. 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 letters for Fiscal Matters 1 through 4.

1. Contract - J. Logan Enterprises - Snow removal and salt application - PW

A contract with J. Logan Enterprise, to provide snow removal and salt application services on an as-needed basis.

2. Contract - Guardrails, Etc. - Furnishing, installation, repair and maintenance of guardrails - PW

A contract with Guardrails, Etc., Inc., to provide the furnishings and installation of guardrails- which shall include, ut not limited to; the maintenance, replacement and/or repair of existing guardrails, and furnish and install new guardrail.

3. Contracts - (2) - Assisted living care services and monetary support - AGING

Two contracts with Splendid Home Care II, LLC, and The Comforts at Catonsville, LLC to provide assisted living care services, and a measure of monetary support for expenses for individuals 62 years of age or older who meet income and eligibility requirements.

4. Joint Funding Agreement - U.S. Geological Survey - U.S. Dept. of the Interior - Maintenance/operation surface water stream gauges - DEPS

A joint funding agreement with U.S. Geological Survey, United States Department of the Interior, to provide for the continued maintenance and operation of 17 surface water stream gages-which measure the depth and flow of streams throughout Baltimore County- for the next two years.

There being no discussion, upon motion by Councilman Jones, seconded by Councilman Kach, Fiscal Matters 1 through 4 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chair, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during August, 2015.

2. Res. 81-15 - Pilot Program - Towson Circulator

At the direction of the Chair, the Secretary read this Resolution of the Baltimore County Council in support of a pilot program for the Towson Circulator, to be conducted by the Maryland Department of Transportation. Councilman Marks commented. There being no further discussion, upon motion by Councilman Jones, seconded by Councilman Kach, this Resolution was unanimously approved.

3. Res. 82-15 -Endorsement of Application - Vehicles for Change, Inc. (VFC)-MD. DHCD Comm. Investment Tax Credit Program

At the direction of the Chair, the Secretary read this Resolution to endorse the application of Vehicles for Change Inc. ("VFC") to the State of Maryland Community Investment Tax Credit Program for certain tax credits. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Quirk, seconded by Councilman Jones, this Resolution was unanimously approved.

4. Res. 83-15 - Property Tax Exemption - DAV - Eric E. Perry

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Eric E. Perry, 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 Quirk, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

5. Res. 84-15 - Property Tax Exemption - BLIND - George J. Kendrick

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from George J. Kendrick, who is entitled to a partial exemption from State and County real property taxes by reason of the exemption afforded to blind persons under State law. There being no discussion, upon motion by Councilman Quirk, seconded by Councilman Jones, this Resolution was unanimously approved.

6. Res. 85-15 - Property Tax Exemption - BLIND - Michele J. Silver

This resolution was withdrawn prior to the meeting.

7. Res. 86-15 - Property Tax Exemption - DAV - Carrel Reavis, Jr.

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Carrel Reavis, Jr., 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 Jones, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

8. Res. 87-15 - Property Tax Exemption - DAV - Richard J. Koel

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Richard J. Koel, 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 Quirk, seconded by Councilwoman Almond, this Resolution was unanimously approved.

9. Res. 88-15 - Approval of grant application - NAMI Metropolitan Baltimore, Inc.

This Resolution was for introduction only.

10. Res. 89-15 - Planning Board - Open Space Waiver Fees

This Resolution was for introduction only.

11. Res. 90-15 - Local Open Space Waiver Fees

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Jones, seconded by Councilman Quirk, the meeting adjourned at 6:30 P.M.

A handwritten signature in cursive script, reading "Thomas J. Peddicord, Jr.", written over a horizontal line.

Thomas J. Peddicord, Jr.