

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 14
September 8, 2015 6:00 P.M.

A. The meeting was called to order by Chair Bevins at 6:09 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 65 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 Jones, seconded by Councilman Quirk, the reading of the Journal Entries for the meeting of August 3, 2015 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 51-15, 52-15 and 53-15. Bill 54-15 was vetoed by the County Executive.

D. INTRODUCTION OF BILLS

Bill 62-15, entitled An Act for the purpose of requiring that certain recipients of arts and sciences grants submit certain types of documentation to reflect the accountability of the grant funds received; and generally relating to arts and sciences grants.

Bill 63-15, entitled An Act for the purpose of amending Section R324.7 titled "Access and pathways" of the 2015 edition of the ICC International Residential Code adopted as a part of the Building Code of Baltimore County, Maryland, by Bill No. 40-15 and amending Section 11.12.2.2.1 titled "Access and Pathways" for one- and two-family dwellings and townhouses within 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 the requirements for residential solar energy systems.

Bill 64-15, entitled An Act for the purpose of permitting a microbrewery or a farm brewery in certain R.C. Zones of the County, by special exception; permitting temporary promotional events in certain cases; and generally relating to a microbrewery or farm brewery.

Bill 65-15, entitled An Act for the purpose of the purpose of amending the number of days within which a Bill must be passed after introduction by the County Council or fail; and generally relating to the Baltimore County Charter.

Bill 66-15, entitled An Act for the purpose of authorizing the application of the N.C. District to certain property owned by Baltimore County; and generally relating to the Neighborhood Commons Overlay District.

Bill 67-15, entitled An Act for the purpose of specifying the required number of parking spaces for certain apartment buildings located in the C.T. District of Towson; and generally relating to parking requirements in the C.T. District of Towson.

Bill 68-15, entitled An Act for the purpose of amending the Zoning Regulations to permit a winery in the Manufacturing, Light (M.L.) Zone; and generally relating to the Manufacturing, Light (M.L.) Zone.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 55-15, Self Insurance Fund - Local Government Tort Claims Act Amendment, was called. Mike Field 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 56-15, 2015-2016 Capital Budget - Library Capital Maintenance & Renovation State Funds, was called. Keith Dorsey appeared. Councilman Jones 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 57-15, CEB - Ebola Supplemental Funding, was called. Della Leister appeared. Councilwoman Bevins 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 58-15, This Bill was withdrawn prior to the meeting.

Bill 59-15, County Parks - Authority of Director, was called. Councilman Crandell commented then moved to amend this Bill with the following amendments:

On page 2, in line 5, after "STATUTE", insert "OR A VIOLATION OF ANY PARK RULE"

On page 2, in line 8, strike "(I)" and strike "(30) THIRTY DAYS" and strike lines 9 through 13, inclusive, and substitute "TIME DETERMINED BY THE DIRECTOR."

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 Councilwoman Almond, seconded by Councilman Crandell, Bill 59-15, as amended, passed by the following roll call vote:

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

Bill 60-15, Energy Conservation Devices, was called. Councilmembers Almond and Crandell commented. Councilwoman Almond then moved to amend this Bill with the following amendment:

On page 2, in line 4, strike “\$1,000,000” and substitute “\$750,000”

Councilman Quirk seconded the motion and this amendment 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 60-15, as amended, passed by the following roll call vote:

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

Bill 61-15, Zoning Regulations - Medical Cannabis, was called. Councilmembers Almond, Kach and Crandell commented. Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 2, in line 8, strike “AT A STATE-LICENSED DISPENSARY” and substitute “PURSUANT TO COMAR 10.62.01 TO 10.62.35”

2. On page 2, in lines 12 and 18, insert in each instance before the period “PURSUANT TO COMAR 10.62.01 TO 10.62.35”

3. On page 3, strike lines 2 through 4; in line 5, strike “B” and substitute “A”; in line 6, strike “O.T., OR-1, OR-2, O-3, M.L., M.R., M.L.R., AND M.H.” and substitute “AND O-3”; in the same line strike “, AS A” and substitute a period; and strike lines 7 through 10.

4. On page 3, in line 11, strike “2” and substitute “B”, and strike “USE IN COMBINATION WITH”; in line 12, strike “A MEDICAL CLINIC”, and strike “WITHIN 1,000 FEET OF”; strike line 13; in line 14, strike “(B)” and substitute “(I) WITHIN 500 FEET OF”; and after “PRIVATE”, insert ELEMENTARY SCHOOL, MIDDLE SCHOOL, OR HIGH”; after the semicolon, insert “OR”; and strike lines 15 through 20; in line 21, strike “(G) WITH” and substitute “(II) WITHIN”

5. On page 3, after line 22, insert:

“C. ALL SETBACKS UNDER SUBSECTION B. SHALL BE MEASURED FROM THE NEAREST PROPERTY LINE OF THE MEDICAL CANNABIS DISPENSARY USING A DIRECT LINE TO THE NEAREST PROPERTY LINE OF THE SCHOOL OR OTHER DISPENSARY.”

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

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

On page 3, in line 5, after “B.”, insert “1.”; after line 7, insert “2. A MEDICAL CANNABIS DISPENSARY IS PERMITTED ONLY BY SPECIAL EXCEPTION IN A B.R., B.M., B.L., B.L.R., OR O-3 ZONE THAT IS LOCATED IN A COMMERCIAL REVITALIZATION DISTRICT.”

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

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

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

1. On page 4, in line 3, before the sentence beginning with “A MEDICAL CANNABIS”, insert “(A)”, and in line 4, after “LOCATED IN A”, insert “R.C.2.”, and after line 4, insert the following”

“(B) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY MAY BE LOCATED IN A R.C.7 OR R.C.8 ZONE, BY SPECIAL EXCEPTION ONLY.”

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

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

On page 4, in line 3, before the sentence beginning with “A MEDICAL CANNABIS”, insert “(A)”, and in line 4, after “LOCATED IN A”, insert “R.C.2.”, and after line 4, insert the following:

“(B) A MEDICAL CANNABIS GROWER FACILITY OR A MEDICAL CANNABIS PROCESSOR FACILITY IS PERMITTED ONLY BY SPECIAL EXCEPTION IN A M.L.-I.M. ZONE LOCATED WITHIN THE CHESAPEAKE ENTERPRISE ZONE.”

Councilwoman Bevins 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 Quirk, seconded by Councilwoman Almond, Bill 61-15, as amended, 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 1, 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 2 through 7. Fiscal Matter 1 was discussed separately.

2. Contract - SAMCO Outdoors, LLC - Snow Removal and Salt Application services - PW

A contract with SAMCO Outdoors, LL., to provide snow removal and salt application services on an as-needed basis.

3. Contract of Sale - William and Constance Rafferty - 9418 Cross Road - Cross Road widening - RE

A contract of sale with William and Constance Rafferty, to purchase a parcel of land, located at 9418 Cross Road, Baltimore, Maryland 21128, for the widening of Cross Road.

4. Contract of Sale - Norman and Anna Marie Metzger - 9414 Cross Road - Cross Road widening - RE

A contract of sale with Norma and Anna Marie Metzger, to acquire a parcel of land, located at 9414 Cross Road, Baltimore, Maryland 21128, for the widening of Cross Road.

5. Contract of Sale - William and Constance Rafferty - 16,200 sq. ft. parcel-Cross Road - Cross Road widening - RE

A contract of sale with William and Constance Rafferty, to purchase 16,200 square feet of land, located at NWS of Cross Road, Baltimore, Maryland 21128, for the widening of Cross Road.

6. Contracts - (2) - HVAC Services - County-owned and operated buildings - OBF

Two contracts with Denver Elek, Inc. And BMC Services, LLC, to provide window HVAC services at various County-owned and operated buildings to include all labor, equipment, tools, supervisor incidentals and related items necessary to provide HVAC services.

7. Contracts - (2) - Traffic Engineering Services - PW

Two contracts with A, Morton Thomas and Associates, Inc. and Wallace, Montgomery and Associates, to provide on-call traffic engineering services which will include traffic signal design, minor geometric design, roundabout design, traffic impact studies, data collection, MOT plans and various other traffic related studies.

There being no discussion, upon motion by Councilman Quirk, seconded by Councilman Kach, Fiscal Matters 2 through 7 were unanimously approved.

The Chair then called upon the Secretary to read the cover letter for Fiscal Matter 1.

1. Addendum to Contract - Rubeling and Associates, Inc. - On-call architectural services. - OBF

Addendum # 3 to the contract with Rubeling and Associates, Inc., to provide on-call architectural services for consultant reports, feasibility studies, sketches, renderings, schematic design, design development, construction documents, cost estimates, construction administration, and other assistance on various projects in County buildings on an as-required basis. Keith Dorsey appeared. Councilwoman Almond questioned Mr. Dorsey. There being no further discussion, upon motion by Councilwoman Almond, seconded by Councilman Kach, Fiscal Matter 1 was 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 July, 2015.

2. Res. 61-15 - Endorsement of application - MD Community Investment Tax Credit - Diversified Housing Development, Inc.

At the direction of the Chair, the Secretary read this Resolution to endorse the application of Diversified Housing Development, Inc. (“Diversified”) to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for the administration and facilitation of a housing counseling program, homebuyers education workshops, and a post-purchase counseling program for new homeowners to mitigate default and foreclosure. Andrea Van Arsdale appeared. There being no discussion, upon motion by Councilman Jones, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

3. Res. 62-15 - Endorsement of application - MD Community Investment Tax Credit - Towson University

At the direction of the Chair, the Secretary read this Resolution to endorse the application of Towson University (“University”) 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 Jones, seconded by Councilman Kach, this Resolution was unanimously approved.

4. Res. 63-15 - Endorsement of application - MD Community Investment Tax Credit - Abilities Network, Inc.

At the direction of the Chair, the Secretary read this Resolution to endorse the application of Abilities Network, Inc. (“Abilities Network”) to the State of Maryland Community Investment Tax Credit Program for certain tax credit. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilman Quirk, seconded by Councilwoman Almond, this Resolution was unanimously approved.

5. Res. 64-15 - Endorsement of application - MD Community Investment Tax Credit - CASA of Baltimore County, Inc.

At the direction of the Chair, the Secretary read this Resolution to endorse the application of CASA of Baltimore County, Inc. (“CASA”) 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 Marks, seconded by Councilwoman Almond, this Resolution was unanimously approved.

6. Res. 65-15 - Endorsement of application - MD Community Investment Tax Credit - Linwood Center, Inc.

At the direction of the Chair, the Secretary read this Resolution to endorse the application of Linwood Center, Inc. (“Linwood”) to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for capital improvements of homes used for its residential programs. Andrea Van Arsdale remained. There being no discussion, upon motion by Councilman Kach, seconded by Councilman Jones, this Resolution was unanimously approved.

7. Res. 66-15 - Designation of Design Review Area - Towson Estates

At the direction of the Chair, the Secretary read this Resolution of the Baltimore County Council designating the Towson Estates community as a design review area. Councilman Marks commented then moved to amend this Resolution with the following amendments:

On page 2, at the top of the page in the first “RESOLVED” paragraph, in lines 1, 2, and 3, strike “ensure that new construction reflects the stone and masonry construction of existing homes, and that the existing tree cover is preserved”, and substitute “occur only upon adoption of design guidelines by a majority vote of members of the Towson Estates Community Association at a community meeting called expressly for that purpose, and approval of the design guidelines by the Department of Planning and the Chairperson of the Baltimore County Design Review Panel”.

Councilman Quirk 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 Marks, seconded by Councilman Quirk, Resolution 66-15, as amended, passed by the following roll call vote:

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

8. Res. 67-15 - Amendments to the Perry Hall Community Plan

At the direction of the Chair, the Secretary read this Resolution of the Baltimore County Council to amend the Perry Hall Community Plan. Councilman Marks commented then moved to amend this Resolution with the following amendments:

On page 3, in the second and third lines of SECTION 2, strike “development plan reviewed by the Design Review Panel” and substitute “project originally reviewed at a Design Review Panel meeting”

Councilman Kach seconded the motion and this amendment 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 Councilman Marks, Resolution 67-15, as amended, passed by the following roll call vote:

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

9. Res. 68-15 - Baltimore County Advisory Commission on Environmental Quality - Green Stormwater Infrastructure Plan

This Resolution was withdrawn prior to the meeting.

10. Appointment - Baltimore County Board of Appeals - Jason S. Garber

At the direction of the Chair, the Secretary read this correspondence from the Chair requesting the appointment of Mr. Jason S, Garber to the Baltimore County Board of Appeals for the balance of a three year term that expires on April 30, 2017. Councilmembers Bevins and Marks commented. There being no further discussion, upon motion by Councilwoman Bevins, seconded by Councilman Jones, this Appointment was unanimously approved.

11. Res. 69-15 - Property Tax Exemption - DAV - Romaine K. Nixon

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Romaine K. Nixon, 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 Councilman Kach, this Resolution was unanimously approved.

12. Res. 70-15 - Property Tax Exemption - DAV - David Kaplan

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from David Kaplan, 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 Kach, this Resolution was unanimously approved.

13. Res. 71-15 - Property Tax Exemption - BLIND - Clarence J. Rappold, Jr.

This Resolution was withdrawn prior to the meeting.

14. Res. 72-14 - Property Tax Exemption - BLIND - Luther Guin

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Luther Guin, 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 Jones, seconded by Councilman Kach, this Resolution was unanimously approved.

15. Res. 73-15 - Expanding the Towson Revitalization District

This Resolution was for introduction only.

16. Res. 74-15 - Endorsement of Application - Dundalk Renaissance Corp. - MD. HCDC Investment Tax Credit Program

This Resolution was for introduction only.


17. Res. 75-15 - Approval of Application - Dundalk Renaissance Corp. - Baltimore Regional Neighborhood Initiative

This Resolution was for introduction only.

18. Res. 76-15 - Local Open Space Waiver Fees

This Resolution was for introduction only.

Councilmembers Almond, Marks and Jones commented. There being no further discussion or business to come before the Council at this time, upon motion by Councilman Crandell, seconded by Councilman Jones, the meeting adjourned at 6:55 P.M.


Thomas J. Peddicord, Jr.