

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2017, LEGISLATIVE DAY NO. 12
July 3, 2017 6:00 P.M.

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 125 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 Councilwoman Bevins, the reading of the Journal Entries for the meeting of June 5, 2017 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following Bill was passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bill 31-17.

D. INTRODUCTION OF BILLS

BILL 42-17, entitled An Act for the purpose of adding a new landmark to the Final Historical Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

BILL 43-17, entitled An Act for the purpose of permitting a collection bin to be placed on certain private property under certain conditions; defining terms; specifying the properties where a bin may be located; requiring a use permit; requiring the consideration of certain factors prior to the issuance of a permit; providing for conditions to be imposed upon a use permit; authorizing the removal of a bin or the revocation of a permit; and generally relating to the location of collection bins.

BILL 44-17, entitled An Act for the purpose of providing that a medical cannabis dispensary may not be located within a certain distance of property owned by the Baltimore County Board of Education; requiring certain notification; and generally relating to the location of medical cannabis facilities.

BILL 45-17, entitled An Act for the purpose of limiting the proximity of assisted-living facilities I and II to other such facilities; and generally relating to the location of assisted-living facilities.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 33-17, CEB – Circuit Court Security Grant, was called. Tim Sheridan appeared. Councilman Quirk moved to amend this Bill with the following amendments:

On page 1, in the title and in the first line of the purpose paragraph, strike “2016-2017”, and substitute “2017-2018”.

On page 2, in line 5, strike “2017”, and substitute “2018”.

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 Jones, seconded by Councilwoman Almond, Bill 33-17, as amended, passed by the following roll call vote:

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

Bill 34-17, Breweries, was called. Councilman Quirk moved to amend this Bill with the following amendments:

1. On page 2, in line 23, after “TAVERN” insert “, RESTAURANT”
2. On page 4, strike lines 14 through 18 and substitute the following:

“1. INTERIOR SPACE FOR MANUFACTURING/WAREHOUSE USES ASSOCIATED WITH BREWERY OPERATIONS, INCLUDING OFFICES AND STORAGE: 1 SPACE PER EMPLOYEE ON LARGEST SHIFT

2. INTERIOR SPACE FOR ACCESSORY OR AUXILIARY USES THAT IS ACCESSIBLE TO THE PUBLIC.

A. AREA DEVOTED TO FOOD OR BEVERAGE SERVICE: 10 SPACES PER 1,000 SQUARE FEET OF GROSS AREA.

B. AREA DEVOTED TO ACCESSORY OR AUXILIARY USES OTHER THAN FOOD OR BEVERAGE SERVICE: 5 SPACES PER 1,000 SQUARE FEET OF GROSS FLOOR AREA.

3. NOTWITHSTANDING THE ABOVE PARKING REQUIREMENTS, ON APPLICATION, THE DIRECTOR OF THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS MAY APPROVE A REDUCTION IN THE AMOUNT OF PARKING REQUIRED UPON A SHOWING THAT THE PARKING PROVIDED ONSITE IS SUFFICIENT FOR THE USES PROPOSED OR THAT SUFFICIENT OFFSITE PARKING WILL BE PROVIDED WITH TRANSPORTATION BEING PROVIDED TO AND FROM THE OFFSITE PARKING.”

3. On page 5, in the column labeled “Maximum area/Face”, strike the word “FAÇADE” in three instances.

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 Councilman Crandell, Bill 34-17, as amended, passed by the following roll call vote:

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

Bill 35-17, Public Ethics – Ethics Training, was called. Councilmembers Almond, Bevins and Jones commented. Councilmembers Marks and Kach questioned Mr. Peddicord. Mr. Field commented in response to questions from the members. Mr. Peddicord and Mr. Field commented further in response to additional questions. Councilman Crandell then motioned to table Bill 35-17. Councilman Kach seconded the motion. There being no further discussion, the motion to table Bill 35-17 failed by the following roll call vote:

Aye - Kach, Marks, Crandell
Nay - Quirk, Almond, Jones, Bevins

Councilwoman Almond then moved Bill 35-17. Councilman Jones seconded the motion and this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Jones, Bevins
Nay - Kach, Marks, Crandell

Bill 36-17, Comprehensive Zoning Map Process – Campaign Contributions, was called. Councilwoman Almond commented. Councilman Quirk moved to amend this Bill with the following amendment:

1. On page 2, in line 14, strike “SCHEDULE OR”.

Councilwoman Bevins 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 Councilwoman Almond, seconded by Councilwoman Bevins, Bill 36-17, as amended, passed by the following roll call vote:

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

Bill 37-17, Solar Facilities, was called. Councilmembers Almond, Kach and Quirk commented. Councilman Quirk moved to amend this Bill with the following amendments:

1. On page 4, in line 13, after “TO”, insert “THE FOLLOWING SOLAR FACILITY INSTALLATIONS”; in line 14, after “A”, insert “GROUND-MOUNTED”; in lines 14, 15, and 16, strike “LOCATED IN A YARD AREA, BUILDING, OR STRUCTURE THAT IS ACCESSORY TO A PRINCIPAL RESIDENTIAL, AGRICULTURAL, COMMERCIAL, OR INDUSTRIAL USE” and substitute “THAT IS ACCESSORY TO A PRINCIPAL RESIDENTIAL OR AGRICULTURAL USE (SUBJECT TO SECTIONS 400.1 AND 400.2 OF THESE REGULATIONS APPLICABLE TO ACCESSORY BUILDINGS), OR ACCESSORY TO A PRINCIPAL COMMERCIAL, INDUSTRIAL, OR INSTITUTIONAL USE”; after line 16, insert “2. A ROOFTOP SOLAR FACILITY;”; in line 17, strike “2” and substitute “3”; in line 19, strike “3” and substitute “4”; in line 19, after “FACILITY”, insert “LOCATED ON THE SAME PROPERTY OR TRACT AS A FARM”; in line 20, after “USES”, insert “ON THE FARM”.

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

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

1. On page 1, in the fifth line of the purpose paragraph, after the semicolon, insert “requiring a certain notification;”
2. On page 4, in line 13, prior to “THIS”, insert “A.”; after line 20, insert “B. PRIOR TO EXECUTION OF A PROPOSED LEASE OF COUNTY OWNED LAND OPERATED BY THE DEPARTMENT OF RECREATION AND PARKS FOR A SOLAR FACILITY UNDER PARAGRAPH A.2 OF THIS SECTION, THE ADMINISTRATIVE OFFICER SHALL SEND WRITTEN NOTIFICATION TO THE COUNCIL MEMBER IN WHOSE DISTRICT THE FACILITY IS PROPOSED. THE COUNCIL MEMBER SHALL HAVE 14 DAYS FROM RECEIPT OF THE NOTICE TO REQUEST THAT THE LEASE BE PRESENTED TO THE COUNTY COUNCIL AT ITS NEXT LEGISLATIVE SESSION.”

Councilman Kach seconded the motion and these amendments failed by the following roll call vote:

Aye - Kach, Marks, Crandell

Nay - Quirk, Almond, Jones, Bevins

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

1. On page 1, in line 23, after “DISTRICT.”, insert “A COUNCILMANIC DISTRICT SHALL BE DEFINED AS THE COUNCILMANIC DISTRICT IN FORCE AS OF THE 2014 ELECTION. OF THE TEN (10) SOLAR FACILITIES SHALL BE LOCATED ON R.C. ZONED LAND IN EACH DISTRICT.

2. On page 4, after line 10, insert “C. BEFORE A PROPOSED SOLAR FACILITY CAN BE APPROVED, EACH RESIDENTIALLY USED PROPERTY WITHIN 500 FEET AND WITH A VIEW OF THE PROPOSED SOLAR FACILITY SHALL GIVE WRITTEN APPROVAL. WRITTEN APPROVAL SHALL NOT BE UNREASONABLY WITHHELD AND ANY DISPUTE FROM THIS PARAGRAPH SHALL BE ADJUCIATED BY THE ADMINISTRATIVE LAW JUDGE DURING THE SPECIAL EXCEPTION HEARING.”.
3. On page 6, in line 7, after “CODE”, insert “, AND SHALL INCLUDE ADEQUATE BUFFERS TO PROJECT NATURAL STREAMS AND WATERWAYS FROM DEGRADATION OF AQUATIC WILDLIFE AS A RESULT OF STORMWATER RUNOFF”.
4. On page 9, after “October 18, 2016”, insert “except that the limits on the number of solar facilities in each Councilmanic District in Section 4E-102.B shall apply to any zoning petition filed on or before that date”.

Councilman Marks seconded the motion, Councilman Kach then moved to separate his proposed amendments.

Councilman Marks seconded the motion but it failed by the following roll call vote:

Aye - Kach, Marks, Crandell
 Nay - Quirk, Almond, Jones, Bevins

Councilman Kach’s amendments were then called for vote and these amendments failed by the following roll call vote:

Aye - Kach, Marks, Crandell
 Nay - Quirk, Almond, Jones, Bevins

Thereafter, upon motion by Councilwoman Almond, seconded by Councilman Jones, Bill 37-17, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Jones, Marks, Bevins, Crandell
 Nay - Kach

Bill 38-17, Solar Facilities, was called. Councilwoman Bevins motioned to table Bill 38-17. Councilman Jones seconded the motion. There being no further discussion, Bill 38-17 was tabled by the following roll call vote:

Aye - Quirk, Almond, Jones, Marks, Bevins
 Nay - Kach, Crandell

Bill 39-17, County Council, was called. Councilmembers Bevins, Kach, Quirk and Jones commented. Councilman Kach moved to amend this Bill with the following amendment:

1. On page 2, in line 12, after “COUNCIL”, insert “DURING THE MONTHS OF JUNE, JULY, AND AUGUST”, and strike “6” and substitute “5”.

Councilman Crandell seconded the motion and this amendment failed by the following roll call vote:

Aye - Kach, Marks, Crandell
 Nay - Quirk, Almond, Jones, Bevins,

Councilman Marks then moved to amend this Bill with the following amendment:

1. On page 2, in line 12, strike “6” and substitute “5”

Councilman Kach seconded the motion and this amendment failed by the following roll call vote:

Aye - Kach, Marks
Nay - Quirk, Almond, Jones, Bevins, Crandell

Thereafter, upon motion by Councilman Kach, seconded by Councilman Marks, Bill 39-17 failed by the following roll call vote:

Aye - Kach, Marks, Crandell
Nay - Quirk, Almond, Jones, Bevins

Bill 40-17, County Budget, was called. Councilmembers Kach, Quirk, Jones and Crandell commented. There being no further discussion, this Bill failed by the following roll call vote:

Aye - Kach, Marks, Crandell
Nay - Quirk, Almond, Jones, Bevins

Bill 41-17, Speed Warning Displays, was called. Councilman Marks commented. Councilwoman Bevins questioned Mr. Marks. There being no further discussion, this Bill failed by the following roll call vote:

Aye - Kach, Marks, Crandell
Nay - Quirk, Almond, Jones, Bevins

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 June 27, 2017. 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 10.

1. Contracts – (2) – On-call landscape architectural/civil engineering services – OBF

Two contracts with Site Resources, Incorporated and Whitney Bailey Cox & Magnani, to provide on-call landscape architectural/civil engineering services.

2. Contract – Bel Air Auto Auction, Inc. – Sale of county-owned vehicles, trucks & equipment – DPW

A contract with Bel Air Auto Auction, Inc., to provide for the sale of retired County-owned vehicles, trucks and equipment. The contractor shall be responsible for the auctioneering and simulcasting services of vehicles, trucks and equipment.

3. Contract – Energ Wellness Solutions, LLC – Maintenance and repair of exercise equipment – AGING

A contract with Energ Wellness Solutions, LLC, to provide maintenance and repair of exercise equipment at various sites of the Department of Aging, Police Department and Fire Department.

4. Amendment #3 to Contract – Community Assistance Network, Inc. – Operation of homeless shelter facilities-DP

Amendment #3 to the contract with Community Assistance Network, Inc., to extend the current term by one year; and to increase the total compensation amount. The Contractor will continue to operate shelter facilities for the homeless in Baltimore County.

5. Amendment #2 to Contract – St. Vincent de Paul of Baltimore, Inc. – Operation of Hannah More shelter-DP

Amendment #2 to the contract with Vincent de Paul of Baltimore, Inc., to extend for one year its current term; and to increase the total compensation amount. The contractor will continue to operate the Hannah Moore shelter, located in Owings Mills, Maryland, for the homeless in Baltimore County.

6. Contracts – (2) – Pest control services – Rat eradication services – PAI

Two contracts with Daniel Purdie d/b/a Big Dan the Pest Man Pest Control and Solomon's Exterminating, Inc., d/b/a Solomon's Termite & Pest Control, to provide pest control services, to control, reduce and/or eradicate rat populations in County communities on an on-call, as-needed basis.

7. Contracts – (4) – On-call professional services – Various title searches for County projects – PAI

Four contracts to provide on-call professional services for performing various types of title searches for various Baltimore County projects.

8. Contract of Sale – Linda Lee & Robert Lee Johnson – Lots 113 & 114, Block K, Delaware Ave., 21227 – REC

A contract of sale with Linda Lee and Robert Lee Johnson, to purchase a parcel of land, located on Lots 113 & 114, Block K, Delaware Avenue, Baltimore, Maryland 21227; to replace the force main with new 60" force main.

9. Contract of Sale – Tito Realty, c/o Home Sales Co. – Stormwater Mgt. easement rights-Campbell Blvd./Bird River Rd.-REC

A contract of sale with Tito Realty, c/o Homes Sales Co., to purchase stormwater management easement rights across Campbell Boulevard and Bird River Road, so that the County can have access whenever needed.

10. Amendment #2 to Contract –WB Services, LLC – Hauling of waste to various transfer facilities - DPW

Addendum #2 to the contract with WB Services, LLC, to extend the scope of work to add the hauling of MSW from the Western Acceptance Facility (WAF) to BRESKO and hauling of yard material from WAF to the Eastern Sanitary Landfill, due to the termination of the Maryland Environmental Services contract.

There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Jones, Fiscal Matters 1 through 10 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chairman, the Deputy Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during May, 2016.

2. Memorandum of Understanding – Maryland Judiciary, Administrative Office of the Courts & Circuit Court-Duress Alarm Upgrade

At the direction of the Chairman, the Secretary read this Memorandum of Understanding between the Maryland Judiciary, Administrative Office of the Courts and Circuit Court for Baltimore County, Maryland to provide a duress alarm upgrade. Tim Sheridan appeared. There being no discussion, upon motion by Councilman Jones, seconded by Councilwoman Almond, this Memorandum of Understanding was unanimously approved.

3. Res. 60-17 – Property Tax Exemption – BLIND – William S. Barnes

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from William S. Barnes, 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 Quirk, this Resolution was unanimously approved.

4. Appointment - Chief – Fire Department – Kyrle W. Preis, III

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Kyrle W. Preis III as the Fire Chief of the Baltimore County Fire Department for the remainder of his term. Councilmembers Marks, Bevins and Jones commented. There being no further discussion, upon motion by Councilwoman Bevins, seconded by Councilwoman Almond, this appointment was unanimously approved.

5. Appointment – Baltimore County Ethics Commission – Lee Jacobson, Esq.

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Lee Jacobson, Esq. to the Baltimore County Ethics Commission for a three year term effective July 1, 2017. There being no discussion, upon motion by Councilman Jones, seconded by Councilwoman Almond, this appointment was unanimously approved.

6. Reappointments – (2)– Baltimore County Ethics Commission – Susan R. Green/Jeffery L. Forman

At the direction of the Chairman, the Secretary read this correspondences from the County Executive requesting the re-appointments of Susan R. Green and Jeffrey L. Forman to the Baltimore County Ethics Commission for a three year term effective July 1, 2017. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilwoman Almond, these re-appointments were unanimously approved.

7. Appointment – Baltimore County Ethics Commission – Chairman – Jeffery L. Forman

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Jeffrey L. Forman as Chairman of the Baltimore County Ethics Commission. Upon confirmation Mr. Forman's term as Chairperson of the Ethics Commission would run concurrently with his present term of membership, expiring on June 30, 2020. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilwoman Almond, this appointment was unanimously approved.

8. Res. 61-17 – Property Tax Exemption – BLIND – Charles Geyer

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Charles Geyer, 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 Councilwoman Bevins, seconded by Councilman Quirk, this Resolution was unanimously approved.

9. Res. 62-17 – Property Tax Exemption – DAV – Herbert L. Fulcher

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Herbert L. Fulcher, 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 Councilman Quirk, this Resolution was unanimously approved.

10. Res. 63-17 – Property Tax Exemption – DAV – Bryan S. Van Hecke

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Bryan S. Van Hecke, 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 Quirk, this Resolution was unanimously approved.

11. Reappointments – (2)– Baltimore County Agricultural Preservation Advisory Board

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the re-appointments of Russell M. Berk and John Merryman to the Baltimore County Agricultural Preservation Advisory Board for a five year term. Councilman Marks commented. There being no further discussion, upon motion by Councilman Marks, seconded by Councilwoman Almond, these appointments were unanimously approved.

12. Res. 64-17 – Accept gift – State of Maryland Department of Public Safety and Correctional Services – Protocol Cardsets

This Resolution was for introduction only.

13. Res. 65-17 – Accept gift – State of Maryland Department of Public Safety and Correctional Services – Emerg. Tele. Staff

This Resolution was for introduction only.

14. Res. 66-17 – Support of conditional grant – Under Armour, Inc. – MD Dept. of Commerce

This Resolution was for introduction only.

15. Res. 67-17 – MD Economic Development Revenue Bond – Maryland Rewind and Converting, LLC

This Resolution was for introduction only.

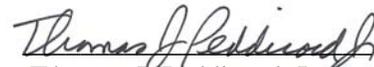
16. Res. 68-17 – Planned Unit Development – Towson Station

This Resolution was for introduction only.

17. Res. 69-17 – Amending the Pikesville Commercial Revitalization District

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 Councilwoman Bevins, the meeting adjourned at 7:47 P.M.


Thomas J. Peddicord, Jr.