

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 05**  
**March 6, 2006            7:00 P.M.**

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**A.**     The meeting was called to order by Chairman Olszewski at 7:00 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag led by Boy Scout Troop #306 of Catonsville Presbyterian Church and Boy Scout Troop #302 of Mt. Zion Lutheran Church. There were approximately 50 persons in attendance and the following Councilmembers were present:

S.G. SAMUEL MOXLEY	FIRST DISTRICT
KEVIN KAMENETZ	SECOND DISTRICT
T. BRYAN MCINTIRE	THIRD DISTRICT
KENNETH N. OLIVER	FOURTH DISTRICT
VINCENT J. GARDINA	FIFTH DISTRICT
JOSEPH BARTENFELDER	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

**B.     APPROVAL OF JOURNAL**

Upon motion by Councilman McIntire, seconded by Councilman Kamenetz, the reading of the Journal Entries for the meeting of February 21, 2006 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 11-06, 12-06, 13-06, 14-06, 15-06, 16-06, 17-06, 18-06, 19-06 and 20-06.

**D.     INTRODUCTION OF BILLS**

BILL 26-06, entitled An Act for the purpose of amending the 2005-2006 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 U.S. Department of Labor through the Maryland Department of Labor, Licensing and Regulation.

BILL 27-06, entitled An Act for the purpose of amending the 2005-2006 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 Department of Health and Human Services, University of Maryland National Center on Minority Health and Health Disparities.

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

       Bill 21-06, CEB - Board of Education Administration and Health Services, was called. Stephanie Ennels appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

       Bill 22-06, Bird Sanctuaries, was called. Councilman McIntire commented. Councilman Kamenetz then moved to amend this bill with the following amendments:

1. On page 1, in the first line of the purpose paragraph, strike "two bird sanctuaries" and substitute "a bird sanctuary"; in the second line, strike "areas" and substitute "area"
2. On page 2, in line 2, strike "EACH OF" and strike "AREAS" and substitute "AREA"; strike lines 4 through 19, inclusive, in their entirety; in line 20, strike "(2)" and strike "FOR THE SECOND"
3. On page 3, in line 20, strike "AREAS" and substitute "AREA"; on page 4, in line 4, strike "EITHER OF THE AREAS" and substitute "THE AREA"

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

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

       Councilman Gardina then moved to amend this bill with the following amendments:

1. On page 1, in the second line of the purpose paragraph, insert "and exceptions" after "penalties".
2. On page 3, in line 19, after "PENALTY" insert "; EXCEPTIONS"
3. On page 3, in line 20, insert "1." before "IT"; on page 4, insert the following after line 2:

"2. THIS SUBSECTION DOES NOT APPLY TO ACTIVITIES IN CONNECTION WITH A PUBLIC WORKS, ENVIRONMENTAL RESTORATION, OR FOREST MANAGEMENT PROJECT IN THE AREA DESCRIBED IN (A)."

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

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

\_\_\_\_\_ Thereafter, upon motion by Councilman McIntire, seconded by Councilman Moxley, Bill 22-06, as amended, passed by the following roll call vote:

Aye - Moxley, McIntire, Oliver, Gardina, Bartenfelder  
Nay - Kamenetz, Olszewski

\_\_\_\_\_ Bill 23-06, Surveillance Devices, was called. Councilman Kamenetz commented then moved to amend this bill with the following amendment:

On page 2, in line 17, insert "SEPARATE," before the word "SINGLE"

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

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, Bill 23-06, as amended, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Bill 24-06, Development, was called. Councilman Kamenetz commented then moved to amend this bill with the following amendment:

1. On page 5, in line 13, strike "BUILDING PERMITS HAVE" and substitute "A BUILDING PERMIT HAS"; in the same line, after "ISSUED" insert "FOR ANY LOT"; in line 15, strike "ON" and substitute "WITHIN"; in line 15, after "SUBDIVISION" insert ", INCLUDING ANY LOT, TRACT"; in line 16, after "PARCEL" insert "THEREOF,"
2. On page 7, in line 1, strike "PERMIT IS SOUGHT" and substitute "DEVELOPMENT PLAN OR PLAT HAS BEEN APPROVED"; in lines 1 and 2, strike "FACILITY OR STRUCTURE FOR WHICH THE PERMIT IS SOUGHT" and substitute "APPROVED PLAN OR PLAT"; in line 3, strike the comma and substitute "AND"

3. On page 7, strike lines 9 and 10, and substitute the following:

"Baltimore County prior to the effective date of this Act as follows:

"(A) A development plan or plat that vested in accordance with the law in effect prior to the effective date of this Act is subject to the zoning regulations and development regulations in effect at the time the plan or plat was approved, if those regulations were not otherwise subsequently abrogated or superseded by other law; however, with respect to a material amendment to the plan or plat, the provisions of Section 32-4-262 shall apply.

(B) An unexpired development plan or plat that was approved prior to the effective date of this Act, but not yet vested, shall have four years from the effective date of this Act to achieve substantial construction, as defined in this Act. The plan or plat shall be in compliance with the zoning regulations and development regulations in effect at the time of the original approval, or any extension properly granted under Section 32-4-261(b), if those regulations were not otherwise subsequently abrogated or superseded by other law. Upon the failure to achieve substantial construction or to obtain an extension within the four-year period, the plan or plat shall be deemed to be expired."

4. On page 7, strike lines 15 through 21, inclusive, in their entirety, and substitute the following:

"SECTION 5. AND BE IT FURTHER ENACTED, that this Act does not apply to any development plan for which a Hearing Officer's hearing was commenced prior to March 17, 2006 or to any request accepted for filing prior to March 17, 2006 for a material amendment to a previously approved plan."

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

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, Bill 24-06, as amended, passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Oliver, Gardina, Bartenfelder, Olszewski  
Nay - None

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**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 February 28, 2006. 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 Olszewski then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 7.

1. Lease Agreement - St. John Properties, Inc. - Bureau of Substance Abuse - 10151 York Road

A lease agreement with St. John Properties, Inc., for rental property for Baltimore County Department of Health, Bureau of Substance Abuse at 10151 York Road, Suite 101-104, Cockeysville, Maryland, 21030, the current location of the Northern Area Treatment Program.

2. Contract - Century Disposal, Inc - Roll-off container rentals for community clean-ups

A contract with Century Disposal, Inc., for roll-off container rentals for community clean-ups.

3. Contract - M.A.S. Company, Inc. - Roll-off container rentals for community clean ups

\_\_\_\_\_A contract with M.A.S. Company, Inc., for roll-off container rentals for community clean-ups.

4. Contract - Columbia Telecommunications Corp. - Tower Engineering Support for communication system/networks

\_\_\_\_\_A contract with Columbia Telecommunications Corporation, for tower engineering support for communications systems and networks throughout Baltimore County.

5. Amendment # 2 Agreement - Decade Software Company, LLC - Support Services to upgrade software license - Envision

\_\_\_\_\_Amendment Number Two to a License and Support Agreement with Decade Software Company, LLC, to provide additional funds for County's purchase of support services to upgrade the software license of Envision, to clarify the agreement, and to provide additional funds for additional purchases from Decade.

6. Contract - First Student, Inc. - Transportation Services - After School Program - Maiden Choice School

\_\_\_\_\_A contract with First Student, Inc., to provide transportation services for the after school program at Maiden Choice School.

7. Contract - Language Line Services, Inc. - Telephone Foreign Language Interpreter Services

\_\_\_\_\_A contract with Language Line Services, Inc., for telephone foreign language interpreter services.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, Fiscal Matters 1 through 7 were unanimously approved.

**G. MISCELLANEOUS BUSINESS**

1. Correspondence

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 January, 2006 and February, 2006.

2. Reappointment - Animal Hearing Board - Carolyn S. Owens

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At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Ms. Carolyn S. Owens, for re-appointment to the Baltimore County Animal Hearing Board for a period of 2 years, effective immediately. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this re-appointment was unanimously approved

3. Res. 12-06 - Board of Education - Audit of non resident students

At the direction of the Chairman, the Secretary read this resolution to authorize the County Auditor to conduct an audit, pursuant to Section 5-109 of the Education Article of the Annotated Code of Maryland, and Section 311 of the Baltimore County Charter, of certain accounts and records of the Board of Education of Baltimore County and Baltimore County Public Schools. Councilman Gardina, Moxley and McIntire questioned the Secretary. Thereafter, upon motion by Councilman Gardina, seconded by Councilman Moxley, this resolution was unanimously approved.

4. Appointment - Appointment of John Beverungen, County Attorney

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Mr. John Beverungen, for appointment as County Attorney. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this appointment was unanimously approved.

5. Appointment - Board of Appeals - Robert Witt

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Mr. Robert Witt, for appointment to the Baltimore County Board of Appeals for the remainder of a 3 year term, which expires April 30, 2008. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman Kamenetz, the meeting adjourned at 7:25 P.M.

  
Thomas J. Peddicord, Jr.