

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 10
May 15, 2006 7:00 P.M.

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 26 of St. Ursula’s Catholic Church. There were approximately 45 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 Moxley, seconded by Councilman McIntire, the reading of the Journal Entries for the meeting of May 1, 2006 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following bills was passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bills 33-06, 34-06, 35-06, 36-06, 37-06, 38-06, 39-06, 40-06 and 41-06.

D. INTRODUCTION OF BILLS

BILL 64-06, entitled An Act for the purpose of amending the 2006-2007 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 American Lung Association of Maryland/Battle of the Bands.

BILL 65-06, entitled An Act for the purpose of amending the 2005-2006 Current Expense Budget, by appropriating \$4,727,000 derived from unreserved, undesignated General Fund Surplus as of June 30, 2005, through the General Fund to the Capital Improvement Fund.

BILL 66-06, entitled An Act for the purpose of amending the 2005-2006 Current Expense Budget, by appropriating monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2005.

BILL 67-06, entitled An Act for the purpose of amending the 2006-2007 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 State Department of Human Resources, Office of Transitional Services.

BILL 68-06, entitled An Act for the purpose of amending the 2006-2007 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 United States Department of Agriculture, Food and Nutrition Services passed through the State of Maryland Department of Human Resources.

BILL 69-06, this bill was withdrawn prior to the meeting.

BILL 70-06, entitled An Act for the purpose of establishing a non-lapsing Other post-employment benefit fund; providing for the purpose, funding and management of the fund; providing for disbursements from the fund; providing for a compliance date; and generally relating to the establishment of an Other post-employment benefits fund.

BILL 71-06, entitled An Act for the purpose of requiring a special exception to locate certain types of liquefied natural gas facilities in the M.H. Zones of the County; providing that oil refineries shall be located a certain distance from any residential zone; and generally relating to uses permitted by special exception in the M.H. Zone.

BILL 72-06, entitled An Act for the purpose of imposing a development impact tax on certain new residential construction in certain areas of the County; stating the purpose of the Act; defining terms; providing exceptions; requiring that the tax be paid prior to the issuance of a building permit; providing for the calculation, appropriation and use of the tax and its proceeds; providing for refunds; providing the amount of the tax; providing for the application of the Act; and generally relating to a development impact tax on certain new residential construction.

BILL 73-06, entitled An Act for the purpose of limiting the authority to approve residential development in an overcrowded school district in certain areas of the County on the basis of sufficient school capacity in an adjacent school district; providing for the termination of the Act; and generally relating to overcrowded school districts.

BILL 74-06, entitled An Act for the purpose of adjusting the legal debt limitation on the aggregate amount of all County bonds and evidences of indebtedness and on the aggregate amount of Metropolitan District indebtedness that is outstanding at any one time; and generally relating to the County's legal debt limit.

BILL 75-06, entitled An Act for the purpose of clarifying the method and timing of certain transfers of funds to the County's Revenue Stabilization Reserve Account; and generally relating to the Revenue Stabilization Reserve Account.

E. CALL OF BILLS FOR FINAL READING AND VOTE

BILL 43-06, CEB - Emergency Housing Assistance for Persons Living with HIV/Aids, was called. Dr. Pierre Vigilance appeared. There being no discussion, this bill passed by the following roll call vote:

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

BILL 44-06, CEB - Hazardous Materials Emergency Preparedness, was called. Richard Muth 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 45-06, this bill was withdrawn prior to the meeting.

BILL 46-06, Tattoo Establishments, was called. Councilman Moxley commented. Thereafter, this bill was passed by the following roll call vote.

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

BILL 48-06, Investment Property, was called. Councilman Gardina commented, then moved to amend this bill with the following amendments:

1. On page 1, in the purpose paragraph, on the second line, strike "require" and substitute "authorize"; also in the second line after "order", insert "the correction of certain conditions in or"; in the third line, after "Districts;", insert "providing a procedure and standards for ordering the removal of investment property;".

2. On page 1, in the second line of the function paragraph and on page 2, in line 2, after "(b)(3)", insert "and (4)".

3. On page 2, in line 2, strike "NOT BEEN" and substitute "BEEN ABANDONED OR NOT"; in line 9, strike "SHALL:" and substitute "MAY"; in line 10, strike "(I)"; in line 11, after "PROPERTY", insert "IN ORDER"; and after "IT", insert "FOR ANY HAZARDOUS OR UNSAFE CONDITION AND:

(I) ORDER THE CORRECTION OF THE HAZARDOUS OR UNSAFE CONDITION; OR"; on line 12, strike "DECLARE" and substitute "SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, DECLARE"; in lines 13 and 14 strike "ABANDONED; AND (III) ORDER", and substitute "ABANDONED AND ORDER"; in line 15, add

(4)(I) IN ORDER TO REQUIRE THE REMOVAL OF AN INVESTMENT PROPERTY UNDER THIS PARAGRAPH, THE BUILDING ENGINEER SHALL SERVE NOTICE OF THE ORDER ON THE OWNER IN ACCORDANCE WITH THE MARYLAND RULES.

(II) THE NOTICE SHALL ADVISE THE OWNER THAT THE OWNER MAY CONTEST THE ORDER BY FILING WITH THE BUILDING ENGINEER, WITHIN 30 DAYS AFTER RECEIPT OF THE ORDER, A WRITTEN REQUEST FOR A HEARING OF THE HEARING OFFICER TO BE CONDUCTED UNDER § 3-6-206 OF THE CODE.

(III) IF THE OWNER DOES NOT REQUEST A HEARING, THE ORDER IS DEEMED A NON-APPEALABLE FINAL ORDER OF THE BUILDING ENGINEER.

(IV) EXCEPT AS PROVIDED IN SUBPARAGRAPH (V) OF THIS PARAGRAPH, A HEARING, ANY APPEAL, AND ANY ENFORCEMENT OF A FINAL ORDER UNDER THIS PARAGRAPH SHALL BE CONDUCTED IN ACCORDANCE WITH §§ 3-6-206 AND 3-6-207 AND ARTICLE 3, TITLE 6, SUBTITLES 3 AND 4 OF THE CODE.

(V) THE HEARING OFFICER MAY NOT ORDER THE REMOVAL OF AN INVESTMENT PROPERTY UNLESS HE MAKES SPECIFIC FINDINGS OF FACT THAT THE INVESTMENT PROPERTY:

1. HAS BEEN ABANDONED FOR NOT LESS THAN 5 YEARS; AND
2. HAS A SIGNIFICANT NUMBER OR MAGNITUDE OF:
 - A. UNSAFE AND HAZARDOUS CONDITIONS INSIDE THE PROPERTY; AND
 - B. VIOLATIONS OF THE STANDARDS AND

REQUIREMENTS ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

_____ Councilman Moxley 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 Gardina, seconded by Councilman Oliver, Bill 48-06, as amended, passed by the following roll call vote:

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

_____ BILL 49-06, this bill was withdrawn prior to the meeting.

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 May 9, 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. Councilman McIntire asked to consider Fiscal Matter 6 separately. Chairman Olszewski then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 5.

1. Contract of Sale - Mary Paula Cavoures aka Mary Cavoures Jankowiak - Yorkway Apartments

A contract of sale with Mary Paula Cavoures, also known as Mary Cavoures Jankowiak, for the purchase of four apartment buildings known as the Yorkway Apartments for redevelopment and recreational purposes.

2. Contract - Tito Contractors, Inc. - Painting Services

A contract with Tito Contractors, Inc., for painting services and drywall services on an as-needed basis at various County-owned and/or operated buildings.

3. Contract - Stella Maris, Inc. - Geriatric Adult Medical Day Care Services

_____ A contract with Stella Maris, Inc., for geriatric adult medical day care services including transportation for ill, frail or disabled elderly county residents eligible for assistance.

4. Contract - Dana Insurances and Risk Mgmt. - Release Detection Services for Underground Storage Tanks

A contract with Dana Insurance and Risk Management to provide release detection services for the County's underground storage dispensing tanks.

_____ 5. Contracts - (4) - On-call civil engineering services

_____ Contracts with Whitney, Bailey, Cox & Magnani, LLC, Brudis & Associates, Inc., Dewberry & Davis LLC and Century Engineering, for on-call civil engineering services, which will include survey, traffic, geotechnical, environmental and landscape engineering services on an on-call basis.

_____ There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 5 were unanimously approved.

_____ Chairman Olszewski then called upon the Secretary to read the cover letter for Fiscal Matter 6.

6. Master Agreement - Verizon Maryland Inc. - Fiber to the Premises Infrastructure on public rights -of-way

_____A master agreement for (“FTTP”) infrastructure in the public rights-of-way of Baltimore County. Councilman Moxley moved approval of this item, seconded by Councilman Kamenetz. County Attorney John Beverungen commented. Mr. Beverungen advised the Council that Verizon had agreed to a change in the addendum to the contract, referred to as the “FIOS Addendum”, so that the following language would be inserted: “This agreement is not a cable television franchise and does not confer any authority on Verizon to provide any cable television service in the County”. Mr. Beverungen had received written information from Verizon that this change was agreeable, and he indicated that the change would be made to the agreement. Councilman Kamenetz, McIntire and Moxley questioned Mr. Beverungen. Councilman Kamenetz also question Mr. Korpman. Mr. Peddicord also commented. Councilman Kamenetz questioned Mr. Korpman about the ability of the County to enforce compliance by Verizon, specifically with regard to the issue of possible damage done to the property of other utility companies or cable providers located in County rights-of-ways. Mr. Korpman advised that the company that will be hired to oversee the contact will be instructed to advise Verizon of its duties with respect to such events.

Councilman Bartenfelder moved to amend this contract with the following amendment:

On page 5, under paragraph #11 Security, in line 2, strike “\$50,000” and insert “\$250,000”

Councilman Oliver seconded the motion.

Councilman McIntire moved to table the contract. The Chairman ruled the motion out of order because Councilman Bartenfelder’s motion to amend was still on the table. At this time the vote was taken on the amendment:

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

Thereafter, the amendment having failed, and no further discussion offered, this contract was approved by the following roll call vote:

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

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 April, 2006.

Councilman Bartenfelder was absent the remainder of the meeting.

2. Res. 34-06 - Accept donation from Nationwide Insurance Co. for Police Department

At the direction of the Chairman, the Secretary read this Resolution to authorize the County to accept a gift for the use of Baltimore County, Maryland. Captain Kaliszak appeared. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this Resolution was unanimously approved by the six Councilmembers present.

3. Res. 35-06 - Application to Amend the North Point Enterprise Zone

At the direction of the Chairman, the Secretary read this resolution for application to the State of Maryland for expansion of the North Point Enterprise Zone, to include 238 acres in Baltimore Crossroads@95 business area. Sara Trenery appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Kamenetz, this Resolution was unanimously approved by the six Councilmembers present.

4. Res. 36-06 - PILOT Agreement for Cove Point II Apartments

This resolution was withdrawn prior to meeting.

5. Res. 37-06 - Endorsement of Housing Project - Portside Apartments LLC- Dundalk

At the direction of the Chairman, the Secretary read this resolution to endorse the development of a low income housing project located at 6601 Woods Parkway, in the Dundalk community in Baltimore County, to be partially financed either directly by the Department of Housing and Community Development (the "Department) of the State of Maryland or through the Department's Community Development Administration (the "Administration). Liz Glenn appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved by the six Councilmembers present.

6. Appointment - Animal Hearing Board - Weldon W. Christopher, Jr.

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, appointing, upon confirmation from the County Council, Mr. Weldon W. Christopher, Jr. to the Baltimore County Animal Hearing Board, for a period of 2 years, effective July 16, 2006. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this appointment was unanimously approved by the six Councilmembers present.

7. Res. 38-06 - Expanding the Boundaries of the Loch Raven Commercial Revitalization District

At the direction of the Chairman, the Secretary read this resolution of expanding the existing boundaries of the Loch Raven Commercial Revitalization District. Ms. VanArsdale appeared. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this Resolution was unanimously approved by the six Councilmembers present.

There being no further business to come before the Council at this time, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, the meeting adjourned at 7:35 P.M.


Thomas J. Peddicord, Jr.

