

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 15
AUGUST 7, 2006 6:00 P.M.

A. The meeting was called to order by Chairman Olszewski at 6:00 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 25 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 Moxley, the reading of the Journal Entries for the meeting of July 3, 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 76-06, 77-06, 78-06, 79-06, 80-06, 81-06, 82-06, 83-06, 84-06 & 85-06.

D. INTRODUCTION OF BILLS

BILL 94-06, entitled An Act for the purpose of adding new landmarks to the Final Historical Landmarks List; and generally relating to the Baltimore County Historical Landmarks List.

BILL 95-06, 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 state funds and made available to the County through the Maryland Institute of Emergency Medical Services Systems (MIEMSS).

BILL 96-06, 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 of Maryland Department of Health and Mental Hygiene.

BILL 97-06, 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 state funds and made available to the County through the Maryland Department of Human Resources (DHR).

BILL 98-06, 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 Cromwell Valley Community Association.

BILL 99-06, 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 state funds and made available to the County through the Maryland State Arts Council (MSAC).

BILL 100-06, 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 state funds and made available to the County through the Maryland Department of Aging.

BILL 101-06, 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 Pikesville and Parkville Senior Center Councils.

BILL 102-06, entitled An Act for the purpose of amending the Zoning Regulations in order to define a Recreational Vehicle Parking Lot; specifying certain restrictions; specifying the zones in which the use is permitted; and generally relating to Recreational Vehicle Parking Lots.

BILL 103-06, entitled An Act for the purpose of adding an area of the County to the Rental Housing License Program; providing for notification to property owners; and generally relating to the Rental Housing License Program.

BILL 104-06, entitled An Act for the purpose of authorizing the suspension or revocation of certain building permits in certain cases; and generally relating to building permits.

BILL 105-06, entitled An Act for the purpose of authorizing the Zoning Commissioner to terminate a nonconforming use under certain conditions; and generally relating to the termination of a nonconforming use.

BILL 106-06, entitled An Act for the purpose of extending those temporary controls prohibiting the issuance of building permits for new residential construction on certain unimproved residentially-zoned properties in the Carney and Cub Hill areas of the 3rd and 5th Councilmanic Districts established by Bill No. 85-05.

E. CALL OF BILLS FOR FINAL READING AND VOTE

BILL 86-06, CEB - Bellona Avenue Sidewalk Project, was called. Mary Harvey appeared. Councilman Oliver moved to amend this bill with the following amendments:

1. On page 1, in the title, strike "ORDINANCE" and substitute "ACT"; strike "2006-2007 Current Expense" and substitute "FY 2007 Capital"; before "Bellona", insert "210-205-0900"; and strike "Street Improvement" and substitute "Sidewalks".
2. On page 1, in the first line of the purpose paragraph, strike "2006 - 2007 Current Expense" and substitute "FY 2007 Capital"; in the second line of the purpose paragraph, strike "Gifts and Grants Special Revenue Fund" and substitute "Capital Budget"; and at the end of the purpose paragraph, strike the second period.
3. On page 1, in the fourth line of the first "WHEREAS" clause, strike "Street Improvement" and substitute "Sidewalks".
4. On page 1, in the first line of the second "WHEREAS" clause, strike "Sections 306 and 712(a)" and substitute "Section 716"; in the second line of the second "WHEREAS" clause, strike "Charter" and substitute "Charter,"; and strike from "and Section" in the second line of the second "WHEREAS" clause through "fiscal year" at the end of the third "WHEREAS" clause on page 2 and substitute "the County Council may, upon recommendation of the County Executive, amend the Capital Budget".
5. On page 2, in line 3, "Sections 306 and 712(a)" and substitute "Section 716"; also in line 3, strike "Charter" and substitute "Charter,"; also in line 3, strike from "and Section" through "Expense" in line 4 and substitute "that the Capital"; and in line 10, strike "Street Improvement" and substitute "Sidewalks".

Councilman Kamenetz 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 Oliver, Bill 86-06, as amended, passed by the following roll call vote:

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

BILL 92-06, CEB - Baltimore County Criminal Gang Reduction Grant, was called. Mary Harvey remained. 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 87-06, CEB - Immigrant Health Initiative Program, 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 88-06, CEB - Ryan White Title I Case Management, was called. Dr. Pierre Vigilance remained. There being no discussion, this bill passed by the following roll call vote:

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

BILL 89-06, CEB - Fitness Centers Program, was called. Norma Nash 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 90-06, CEB - Volunteer Coordination Center, was called. Lt. Richard Muth 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 91-06, Zoning Regulations - Residential Performance Standards, was called. Councilman Kamenetz commented then moved to amend this bill with the following amendments:

1. On page 1, in the purpose paragraph, strike “the County’s” and substitute “certain County”

2. On page 2, in line 5, after “SECTION” insert “AND SECTION 1A04.4”

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 McIntire, Bill 91-06, as amended, passed by the following roll call vote:

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

BILL 93-06, Zoning Regulations - Animal Grooming Facility, was called. Councilman Gardina questioned Councilman Moxley. Councilman Moxley, then moved to amend this bill with following amendments:

1. On page 2, before line 1 insert:

“BY repealing and re-enacting, with amendments

Section 12-6-103 (c)
Article 12 - Animals
Title 6 - Holding Facilities
Baltimore County Code 2003”

2. On page 6, after line 16, insert:

“SECTION 5. AND BE IT FURTHER ENACTED, that Section 12-6-103(c) of Article 12 - Animals, Title 6 - Holding Facilities, of the Baltimore County Code 2003, be and it is hereby repealed and reacted, with amendments to read as follows:

12-6-103. Minimum Standards.

(c) Quarters.

(1) All animals and animal quarters shall be kept in clean and sanitary condition.

(2) Floors of buildings, runs and walls shall be of a material that will permit proper cleaning and disinfecting.

(3) Adequate ventilation and temperatures shall be maintained.

(4) WATER USED FOR WASHING AND DISINFECTING CRATES, RUNS, WALLS AND OTHER AREAS SHALL BE AT A MINIMUM TEMPERATURE OF 180 DEGREES FAHRENHEIT.”

3. On page 6, in line 17, strike “5” and substitute “6”

Councilman Olszewski 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 Moxley, seconded by Councilman Olszewski, Bill 93-06, as amended, passed by the following roll call vote:

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

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 August 1, 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 letter for Fiscal Matters 1- 5, 7- 9 and 11- 20.

1. Contract - Supreme Computer Recycling, Inc. - Electronics Recycling Collection and Processing Services

_____ A contract with Supreme Computer Recycling, Inc. to provide electronic recycling collection and processing services.

2. Contract- Gannett Fleming, Inc. - Engineering Services for construction of 2MG Elevated Water Tank in Glyndon

A contract with Gannett Fleming, Inc. to provide engineering services for the purpose of developing all study, design and construction phase services for the construction of a 2MG elevated water tank in the Glyndon area.

3. Contract - Brudis & Associates, Inc. - On-call Traffic Engineering Services

A contract with Brudis & Associates, Inc. to provide on-call traffic engineering services which will include traffic signal design, minor geometric design, roundabout design, traffic studies and various other traffic related studies.

4. Contract - Gradeline Construction Company - Snow Removal Services

A contract with Gradeline Construction Company to provide snow removal services.

5. Contract - RJN Group, Inc. - Construction and monitoring of rain gauge program

A contract with Supreme RJN Group, Inc. to provide construction and monitoring of a rain gauge program as stipulated in paragraph 9 of the Consent Decree.

7. Addendum #4 to Contract - Earth Tech, Inc. - On-call solid waste engineering services at the Eastern Sanitary Landfill

Addendum #4 to contract # 40461 with Earth Tech, Inc. to provide on-call, as needed solid waste engineering services at the Eastern Sanitary Landfill Solid Waste Management Facility.

8. Contract - Sterling Reference Laboratories - Urinalysis/Drug Testing for Work Release and Home Detention Inmates

A contract with Sterling Reference Laboratories to provide urinalysis and drug testing for work release and home detention inmates, and TASC clientele.

9. Contract - John R. Umbeck, Ph.D. - Consulting and witness services - Law Office

_____A contract with John R. Umbeck, Ph.D. to provide consulting and expert witness services in connection with all disputes and litigation related to or in connection with Baltimore County, MD v. AT&T.

10. This contract was withdrawn prior to the meeting.

11. Addendum to Contract - Adler Display Studio, Inc. - Benjamin Banneker Museum

An addendum to the contract with Adler Display Studio, Inc. to fabricate and install permanent exhibits within the central gallery of the Benjamin Banneker Museum.

12. BAT 07-03C - Department of Education - systemic renovations for Southwest Academy and Woodlawn Middle

A budget appropriation transfer for the Baltimore County Public Schools for the systemic renovations for Southwest Academy and Woodlawn Middle School.

13. Contract - Computer Donation Management, Inc. - electronics recycling collection and processing services

A contract with Computer Donation Management, Inc. to provide electronic recycling collection and processing services.

14. Contract of Sale - David & Chloe Kalb - Imminently Threatened Farmland/ Critical Farm Program

A contract with David & Chloe Kalb to acquire 19937 Old York Road, White Hall, Maryland 21161 as part of the imminently threatened farmland/critical farm program that protects high quality, vital, and economically important farmland from imminent conservation to non-agricultural use.

15. Contract of Sale - Frank R. Koporec & Thomas A. Pattison - Lynch & River Drive Road

A contract of sale with Frank R. Koporec and Thomas A. Pattison to acquire property located at 6914 River Drive Road, Baltimore , Maryland 21219, to be used for the improvements of Lynch Road and River Drive Road.

16. Contract of Sale - Bernard C. Dushel, Jr. - Purchase of 1 apartment building located at 2623 Yorkway

A contract of sale with Bernard C. Dushel, Jr. to acquire 2623 Yorkway, Baltimore, Maryland 21222, to purchase one apartment building known as Yorkway Apartments for redevelopment and recreational purposes.

17. Contract of Sale - Rommel Family, LLC, f/k/a Rommel Family Partnership - Recreational Facility for indoor sports

A contract of sale with Rommel Family, LLC, f/k/a Rommel Family Partnership to acquire the land that Skateland sits on, at 8019-8025 Belair Road, Baltimore, Maryland 21236, to be renovated into a recreational facility for indoor sports.

18. Contract - Baran Brothers - On-Call Stormwater Management Services

A contract with Baran Brothers to provide on-call stormwater management services.

19. Contract - Environmental Quality Resources, LLC - On-Call Stormwater Management Services

A contract with Environmental Quality Resources, LLC to provide on-call stormwater management services.

20. Addendum to Contract - Central Parking Systems - Parking and Collection Services

_____An addendum to the contract with Central Parking Systems of Maryland to provide parking and collection services.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Kamenetz Fiscal Matters 1-5, 7- 9 and 11- 20 were unanimously approved.

6. BAT 07-02C - Department of Public Works - Mt. Zion Road and Trenton Road Bridge

A budget appropriation transfer for the Department of Public Works for the replacement of Mt. Zion Road Bridge # 391, as well as the Trenton Road Bridge # 68. Ed Adams appeared. Councilman McIntire questioned Mr. Adams. Thereafter, upon motion by Councilman Moxley, seconded by councilman Kamenetz this BAT passed by the following roll call vote:

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

G. MISCELLANEOUS BUSINESS

1. Res. 54-06 - Revenue Bonds - Montessori Society of Central MD, Inc.

At the direction of the Chairman, the Secretary read this Resolution providing for the issuance and sale by Baltimore County, Maryland, as its limited obligations and not upon its faith and credit or pledge of its taxing powers, at any time or from time to time, as taxable or tax-exempt and in one or more issues or series, of its revenue bonds in an aggregate principal amount not to exceed \$2,500,000; for the purpose of financing the costs of certain capital improvements which consist of an approximately 10,400 square foot building to be used as a gymnasium and multi-purpose facility, one or more classrooms and administrative offices and related uses, located or to be located at 10807 Tony Drive, Lutherville, Maryland; providing for the issuance of an official statement or offering document related to the placement or sale of such bonds, if deemed necessary; authorizing the County Executive, by executive order or otherwise, to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents or procedures appropriate to the authorization, sale, security, issuance and delivery of such bonds; specifying and describing various matters in connection therewith, as required or permitted by such Act; and generally relating to the issuance of bonds. Stan Jacobs appeared. Councilman Kamenetz commented. Thereafter, upon motion by Councilman Oliver, seconded by Councilman Moxley this Resolution was unanimously approved.

2. Res. 55-06 - Accept Donation from Police Foundation 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. Irvin Lotifsky appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

3. Grant Recommendation - Commission on Arts and Sciences

At the direction of the Chairman, the Secretary read the Grant Recommendations from the Commission on Arts & Science for funds to be used to support the arts and sciences available to all county residents. Bob Barrett appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire this Grant Recommendation was unanimously approved.

4. Res. 56-06 - Property Tax Exemption - Paul J. Weiner

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Paul J. Weiner who is entitled to an exemption from State and County real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this Resolution was unanimously approved.

5. Res. 57-06 - Property Tax Exemption - Eleanor F. Pilar

_____At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Eleanor F. Pilar 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 Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Appointment - Agricultural Preservation Advisory Board - David Sparks

_____ At the direction of the Chairman, the Secretary read the correspondence from the County Executive appointing David Sparks to the Baltimore County Agricultural Preservation Advisory Board, upon confirmation by the County Council. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Bartenfelder, this appointment was unanimously approved.

7. Nominations (9) - For submission to Governor for 3 appointments to Property Tax Assessment Appeal Board

_____ At the direction of the Chairman, the Secretary read the correspondence from the County Executive of nine nominations so that two full time members and one alternate member maybe chosen for the Baltimore County Property Tax Assessment Appeal Board. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, these nominations was unanimously approved.

8. Res. 58-06 - Local Open Space Waiver Fees

At the direction of the Chairman, the Secretary read this Resolution to increase Local Open Space Waiver fees. Shirley Murphy appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

The Chairman stated that the Council would now consider item No. 10.

10. Petition for Condemnation - Shell Oil Company/Motiva Enterprises, LLC - 601 York Road and 10 Joppa Road

At the direction of the Chairman, the Secretary read the correspondence from the County Executive for condemnation against Shell Oil Company/Motiva Enterprise, LLC to acquire the land that the Towson Shell Station sits on, at 601 York Road, Towson, MD 21204, for redevelopment of a park. Shirley Murphy remained. Councilman Moxley questioned Ms. Murphy. Councilman McIntire then questioned Mr. Peddicord and Mr. Beverungen. Councilman Gardina commented, then Councilman Kamenetz questioned Mr. Beverungen, Ms. Murphy and also Mr. Peddicord. Comments were also made by Councilman Olszewski, McIntire and Moxley. Thereafter, upon motion by Councilman Gardina, seconded by Councilman Olszewski, this condemnation was unanimously approved.

9. Res. 59-06 - Accept gift from Revenue Authority for Golf Course Properties

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. Fred Homan appeared. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

11. This matter was withdrawn prior to the meeting.

12. 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 June and July, 2006.

13. Reappointment - Animal Hearing Board - Ms. Dolores E. Gichnauer

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, reappointing Dolores E. Gochnauer to the Baltimore County Animal Hearing Board, upon confirmation by the County Council. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley this reappointment was unanimously approved.

14. Res. 60-06 - Award of Cable Franchise - Verizon Maryland, Inc.

This Resolution was for introduction only.

15. Res. 61-06 - Accept donation from MDE - Fleming Park

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. Bob Schleigh appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

16. Res. 62-06 - Property Tax Credit - Leadership Through Athletics, Inc.

At the direction of the Chairman, the Secretary read this Resolution to grant a property tax credit against the County property tax imposed on real property owned by Leadership Through Athletics, Inc. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

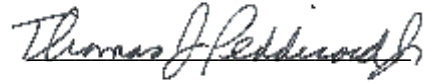
17. Res. 63-06 - Out-of-cycle Zoning Reclassification - 4381 Hollins Ferry Road - 1st Councilmanic District

At the direction of the Chairman, the Secretary read this Resolution to approve the Planning Board's certification that the zoning reclassification petition field for the property located at 4381 Hollins Ferry Road and situated in the First Councilmanic District, should be exempted from regular cyclical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

18. Res. 64-06 - Review of Planned Unit Development - Anderson Automotive Group

This Resolution is was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman McIntire, the meeting adjourned at 7:00 P.M.

A handwritten signature in cursive script, reading "Thomas J. Peddicord, Jr.", written in black ink.

Thomas J. Peddicord, Jr.