

BALTIMORE COUNTY COUNCIL MINUTES  
LEGISLATIVE SESSION 2006, LEGISLATIVE DAY NO. 16  
September 5, 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. There were approximately 30 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 August 7, 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 86-06, 87-06, 88-06, 89-06, 90-06, 91-06, 92-06 & 93-06.

**D. INTRODUCTION OF BILLS**

BILL 107-06, entitled An Act for the purpose of providing for certain changes to the Baltimore County Classification and Compensation Plans by amending certain personnel rules and regulations; providing for the application of this Act; and generally relating to the governance and compensation of the personnel of Baltimore County Government.

BILL 108-06, entitled An Act for the purpose of amending the definition of an “animal at large” to make it permissible for dogs to be off a leash while in a designated Baltimore County dog park.

BILL 109-06, 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 Circuit Court through the State Drug Treatment Court Commission of Maryland.

BILL 110-06, entitled An Act for the purpose of amending the 2006-2007 Current Expense Budget, by appropriating \$1,115,000 derived from unreserved, undesignated General Fund Surplus as of June 30, 2006, through the General Fund to the Capital Improvement Fund and \$762,000 of grants to become available from the Maryland Public School Construction Program to the Capital Improvement Fund.

BILL 111-06, 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 Governor's Office of Crime Control and Prevention.

BILL 112-06, 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 Maryland Department of Health and Mental Hygiene.

BILL 113-06, 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 State of Maryland Department of Health and Mental Hygiene.

BILL 114-06, 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 State of Maryland Department of Health and Mental Hygiene.

BILL 115-06, entitled An Act for the purpose of prohibiting the waiver or variance of certain residential performance standards relating to panhandle lots in the South Perry Hall-White Marsh area of the County; stating the purpose of the Act; and generally relating to the use of panhandle lots in the South Perry Hall-White Marsh area.

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

BILL 94-06, Final Historical Landmarks List, was called. Caren Hoffberger 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 95-06, CEB - MIEMSS ALS Training FY2006, was called. Michael Robinson 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 96-06, CEB - Abstinence Education, was called. Dr. 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 97-06, CEB - Emergency and Transitional Housing Services, was called. Mary Harvey 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 98-06, CEB - Community Conservation Road Improvements, was called. Mary Harvey 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 99-06, CEB - Summer Arts Program and Community Arts Development, was called. Keith Williams 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 100-06, CEB - Medicare Part D, was called. Arnold Eppel 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 101-06, CEB - Fitness Center Program, was called. Arnold Eppel 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 102-06, Zoning Regulations - Recreational Vehicle Parking Lot, was called. Councilman Oliver moved to amend this bill with following amendments:

1. On page 1, in the second function paragraph, and on page 2, in line 12, strike “230.13” and substitute “230.9”

2. On page 1, insert the following before line 1:

“BY adding  
Section 230.12G.  
Baltimore County Zoning Regulations, as amended”

3. On page 2, strike lines 18 through 23, and strike page 3, and strike lines 1 through 16 on page 4, and substitute the following:

“The following uses only are permitted (see Section 230.12):

- 230.9 Alcoholic beverage package store
- Amusement devices, subject to the provisions of Section 422
- Animal Grooming Facility
- Antique shop
- Arcade, subject to the provisions of Section 423.A
- Automobile parking lot
- Automobile accessory shop
- Bakery, but goods baked on the premises must be sold only at retail on the premises
- Barbershops and beauty shops
- Billiard and pool rooms
- Bowling alley
- Camera, photo-supply or film processing shops or pickup stations (including "drive-by" facilities)
- Candy store but goods made on premises must be sold only at retail on premises
- Clothing and accessories stores
- Commercial film production, subject to Section 435
- Dairy products store
- Department store
- Dressmaking and millinery establishments
- Drugstore
- Dry cleaning establishment, coin operated or retail store plant, etc. (as regulated by the Baltimore County Building Code, Baltimore County Fire, Health and Police Regulations)
- Dry cleaning pickup station
- Duplicating service business
- Electrical contractors and appliance repair shop

Florist  
 Food store  
 Fortune-telling establishments  
 Fuel service stations in a planned shopping center or a drive-in cluster only, subject to Section 405  
 Furniture and upholstery stores  
 Garden center  
 Gift shop  
 Hand laundry employing not more than five persons  
 Hardware store  
 Helistop  
 Hobby shop  
 Household appliance store  
 Jewelry store  
 Laundromat or self serve laundry  
 Laundry-pickup station  
 Medical clinic  
 Neighborhood car rental agency, subject to Section 408A  
 Parking lot  
 Pet shop  
 Photographic studio  
 Picnic grove  
 Public utility service center  
 Radio shop  
 Radio studio  
 Rail Passenger stations, Subject to Section 434  
 RECREATIONAL VEHICLE PARKING LOT  
 Residential art salon  
 Shoe repair shop  
 Social clubs and fraternal organizations  
 Sporting goods store  
 Stationary store  
 Swimming pool  
 Tailor shop  
 Tavern  
 Television shop  
 Television studio  
 Temporary or occasional outdoor sales of cut flowers or live plants (not in connection with florists' establishments), provided that the sales area does not exceed 200 square feet and that the sales carried on for no more than 120 days per year. Before approving an application for any license required, the Zoning Commissioner must approve a site plan for the premises, showing the sales area and the dates on which the flowers or plants are to be sold. Any provision of these regulations to the contrary notwithstanding, the Zoning commissioner's approval of such a license shall expire one year after its issuance; however, such a license may be reappraised annually upon request of the licensee.  
 Transit facility  
 Variety and dry goods store

Veterinarian's store

Veterinarianium

Wireless telecommunications antennas or wireless telecommunications towers, subject to Section 436.

SECTION 3. AND BE IT FURTHER ENACTED, that Section 230.12G. be and it is hereby added to the Baltimore County Zoning regulations, to read as follows:

230.12 All the above uses in Section 230 are subject to the following conditions:

G. A RECREATIONAL VEHICLE PARKING LOT IS PERMITTED WITH A USE PERMIT, SUBJECT TO THE FOLLOWING:

1. THE RECREATIONAL VEHICLE PARKING LOT SHALL BE AFFILIATED WITH AND LOCATED WITHIN 1,000 FEET OF A RECREATIONAL VEHICLE SALES FACILITY.

2. A SITE PLAN SHALL BE SUBMITTED INDICATING LOCATION AND TYPE OF STRUCTURE ON THE LOT IN QUESTION, INGRESS AND EGRESS, PARKING ARRANGEMENT AND PROXIMITY OF BUILDINGS ON ADJACENT LOTS.

3. ON THE PROPERTY IN QUESTION, NOTICE OF THE APPLICATION FOR THE USE PERMIT SHALL BE CONSPICUOUSLY POSTED BY THE ZONING COMMISSIONER FOR A PERIOD OF 30 DAYS FOLLOWING THE FILING OF THE APPLICATION.

4. WITHIN THE THIRTY-DAY POSTING PERIOD, ANY OCCUPANT OR OWNER OF REAL PROPERTY WITHIN 1,000 FEET OF THE LOT IN QUESTION MAY FILE A FORMAL REQUEST FOR A PUBLIC HEARING WITH THE ZONING COMMISSIONER IN ACCORDANCE WITH SECTION 500.7.

5. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS NOT FILED, THE ZONING COMMISSIONER, WITHOUT A PUBLIC HEARING, MAY GRANT A USE PERMIT FOR A RECREATIONAL VEHICLE PARKING LOT IF THE PROPOSED USE MEETS ALL THE REQUIREMENTS OF THIS SUBSECTION AND ANY OTHER APPLICABLE REQUIREMENTS. THE USE PERMIT MAY BE ISSUED WITH SUCH CONDITIONS OR RESTRICTIONS AS DETERMINED APPROPRIATE BY THE ZONING COMMISSIONER TO SATISFY THE PROVISIONS OF THIS SECTION AND TO ENSURE THAT THE RECREATIONAL VEHICLE PARKING LOT IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY.

6. IF A FORMAL REQUEST FOR A PUBLIC HEARING IS FILED, THE ZONING COMMISSIONER SHALL SCHEDULE A DATE FOR THE PUBLIC HEARING TO BE HELD NOT LESS THAN 15 DAYS FOLLOWING PUBLIC NOTICE OF SUCH HEARING IN TWO NEWSPAPERS OF GENERAL CIRCULATION AND NOT MORE THAN 60 DAYS FROM THE DATE OF FILING OF THE REQUESTS FOR PUBLIC HEARING.

FOLLOWING THE PUBLIC HEARING, THE ZONING COMMISSIONER MAY EITHER DENY OR GRANT A USE PERMIT CONDITIONED UPON:

A. HIS FINDINGS FOLLOWING THE PUBLIC HEARING; AND

B. THE MANNER IN WHICH THE REQUIREMENTS OF THIS SECTION AND OTHER APPLICABLE REQUIREMENTS ARE MET AND ANY ADDITIONAL REQUIREMENTS AS DEEMED NECESSARY BY THE ZONING COMMISSIONER IN ORDER TO ENSURE THAT THE RECREATIONAL VEHICLE PARKING LOT IS NOT DETRIMENTAL TO THE HEALTH, SAFETY OR GENERAL WELFARE OF THE SURROUNDING COMMUNITY.

7. SIGNS ARE PERMITTED, SUBJECT TO SECTION 450.”

4. On page 4, in line 17, strike “3” and substitute “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 Oliver, seconded by Councilman Bartenfelder, Bill 102-06, as amended, passed by the following roll call vote:

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

Nay - None

BILL 103-06, Housing, was called. Councilman Olszewski and Councilman Gardina commented. Councilman Olszewski then moved to amend this bill with following amendments:

1. On page 1, in the first line of the purpose paragraph, strike “an area” and substitute “areas”
2. On page 3, in line 15, strike “, AND” and substitute a semicolon; in line 17, strike the period after “AVENUE” and substitute “, AND”; after line 17, insert the following:

“(14) THE AREA KNOWN AS BERKSHIRE, BOUNDED BY THE FOLLOWING STREETS AND ROADS: OLD NORTH POINT ROAD, MERRITT BOULEVARD, GERMAN HILL ROAD, BEVERLY ROAD, THE EASTERN BOUNDARY OF THE OAK LAWN CEMETERY, AND POPLAR AVENUE.”

3. On page 4, in line 3, strike “community” and substitute “and Berkshire communities”.

Councilman Gardina 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 Gardina, seconded by Councilman Oliver, Bill 103-06, as amended, passed by the following roll call vote:

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

Nay - None

BILL 104-06, Building Permits, was called. Councilman Kamenetz commented. Councilman McIntire and Councilman Olszewski questioned Councilman Kamenetz. Thereafter, this bill passed by the following roll call vote:

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

BILL 105-06, Nonconforming Uses, was called. Councilman Kamenetz commented. Thereafter, this bill passed by the following roll call vote:

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

BILL 106-06, Extension of Temporary Controls on the Issuance of Building Permits, was called. There being no discussion, this bill passed by the following roll call vote:

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

**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 29, 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. Fiscal matter number 4 was withdrawn prior to the meeting. Chairman Olszewski then called upon the Secretary to read the cover letter for Fiscal Matters 1- 3 and 5- 7.

1. Contract - Friends Medical Laboratory - Screening and Drug Testing - Juvenile Drug Court Participants

\_\_\_\_\_ A contract with Friends Medical Laboratory to implement a screening and drug-testing program for participants in the Juvenile Drug Court.

2. Memorandum of Understanding - Associated Catholic Charities - Congregate Meals Program

A memorandum of understanding with Associated Catholic Charities to maintain meal programs at residential outreach sites in conjunction with the Congregate Meals Program and in compliance with the Older Americans Act regulations.



3. Contract of Sale - Albert & Barbara Willick - Improvements of Joppa Road at Cowenton

A contract of sale with Albert and Barbara Willick to purchase their property at 5108 East Joppa Road, Perry Hall, Maryland 21228 for improvements of Joppa Road at Cowenton Avenue.

4. This matter was withdrawn prior to the meeting.

5. Contract - Johns Hopkins University Bloomberg School of Public Health - Injury Prevention Program - Part-time Director

A contract with Johns Hopkins University Bloomberg School of Public Health to provide the Baltimore County Injury Prevention Program with a part-time Director.

6. Contract - P&H Fencing - Fences services for litter control at County landfills

A contract P&H Fencing, Inc. to provide fencing services for litter control at various County landfills on an as needed basis.

7. Contract - Wallace Montgomery & Associates - On-call traffic engineering services

A contract with Wallace Montgomery & Associates 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.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, Fiscal Matters 1 through 3 and 5 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 July, 2006.

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

At the direction of the Chairman, the Secretary read this Resolution to award a competitive franchise to Verizon Maryland, Inc. ("Verizon") to construct, operate, and maintain a cable system in Baltimore County. Mr. Peddicord commented along with Councilmembers Kamenetz and Gardina. Thereafter, upon motion by Councilman Moxley, seconded by Councilman Gardina, this Resolution was unanimously approved.

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

At the direction of the Chairman, the Secretary read this Resolution to approve the review of a proposed planned unit development in the 3<sup>rd</sup> Councilmanic District. An application was filed by the Anderson Automotive Group for approval of a 6.47 acre site at York Road and Halesworth Road for a new Honda dealership. Councilman McIntire commented. Upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

4. Res. 65-06 - Property Tax Exemption - Clinton R. Purkey

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Clinton R. Purkey 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 Oliver, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

5. Res. 66-06 - Property Tax Exemption - John V. Howell

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At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from John V. Howell 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 Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Res. 67-06 - Property Tax Exemption - John G. Dickerson

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from John G. Dickerson 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 Bartenfelder, seconded by Councilman Moxley, this Resolution was unanimously approved.

7. Res. 68-06 - Property Tax Exemption - Melvin K. Rosier

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At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Melvin K. Rosier 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 McIntire, seconded by Councilman Moxley, this Resolution 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.