

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 16
September 4, 2007 7:00 P.M.

A. The meeting was called to order by Councilman Kamentz serving as Chairman Pro Tem at 7:00 P.M. He then asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 50 persons in attendance and the following Councilmembers were present:

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

Chairman Moxley was absent the entire meeting.

B. APPROVAL OF JOURNAL

Upon motion by Councilman McIntire, seconded by Councilman Oliver, the reading of the Journal Entries for the meeting of August 6, 2007 was waived and accepted unanimously by the six Councilmembers present.

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 52-07, 53-07 and 55-07.

D. INTRODUCTION OF BILLS

BILL 62-07, entitled An Act for the purpose of amending the 2007-2008 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 Department of Health and Mental Hygiene (DHMH), Mental Hygiene Administration.

BILL 63-07, entitled An Act for the purpose of amending the 2007-2008 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 Governor's Office of Crime Control Prevention (GOCCP).

BILL 64-07, entitled An Act for the purpose of amending the 2007-2008 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 Associated Black Charities.

BILL 65-07, entitled An Act for the purpose of amending the 2007-2008 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 System (MIEMSS).

BILL 66-07, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal funds and made available to the County from the Department of Health and Human Services through the Maryland Department of Human Resources.

BILL 67-07, entitled An Act for the purpose of authorizing the County to provide for police-initiated towing by contracting with a single contractor to supply the service; providing certain requirements for the contractor; requiring the county to issue a police-initiated towing license under certain circumstances; defining and limiting a "person who is aggrieved"; authorizing the county to establish certain standards for police-initiated towing licensee; clarifying the roles and responsibilities of the Police Department, the vehicle owner, and the towing licensee at the scene of a police-initiated tow; providing for the recovery of vehicles on weekends and holidays; requiring police-initiated towing licenses to accept payment by credit card; authorizing the Department of Permits and Development Management to enforce the police-initiated towing provisions under code enforcement, defining certain terms; grandfathering certain licensees; altering a certain penalty; providing for the application of this Act; and generally relating to towing licenses.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 56-07, Human Resources - Promotions, was called. Theresa Hill appeared. There being no discussion, this bill was passed by the following roll call vote:

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

Bill 57-07, The Fire Prevention Code of Baltimore County - Amendment, was called. Fire Director Zachary Stith appeared. There being no discussion, this bill was passed by the following roll call vote:

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

Councilman Kamenetz then called Miscellaneous Business Item #3.

Misc. 3. Res. 77-07 - To Adopt the Middle River Community Plan as part of the Master Plan 2010

At the direction of Councilman Kamenetz, the Secretary read this resolution to adopt the Middle River Community Plan as part of the Baltimore County Master Plan 2010. The Middle River Community Plan was prepared in close cooperation with an advisory committee representing various components of the community in the plan area. Councilman Bartenfelder commented, then moved to amend this resolution with the following amendments:

1. On page 52, strike the paragraph under the heading “Sewer Infrastructure Recommended Actions” that begins on page 52 and ends on page 56, and substitute the following paragraph:

“THE FOLLOWING IMPROVEMENTS SHALL BE COMPLETED BEFORE BUILDING PERMITS ARE ISSUED TO DEVELOPMENT PROJECTS THAT ARE REQUIRED TO TIE INTO THEM:

- THE WHITE MARSH PUMPING STATION
- THE SECOND STEMMERS RUN PUMPING STATION
- THE FORCE MAINS BETWEEN THESE STATIONS AND THE BACK RIVER TREATMENT FACILITY
- THE WINDLASS RUN INTERCEPTOR (THESE PROJECTS ARE DETAILED IN TABLE 17)
- THE STORM DRAIN SYSTEM IN THE WAMPLER ROAD CATCHMENT AREA”

2. On page 57, amend the first full paragraph in the left column as follows:

“The Ebenezer Road bridge over Windlass Run (Bridge No. 294) has construction funding to address traffic accidents as well as flooding at this stream crossing. Traffic will be maintained during the construction period. Right-of-way acquisition and utility relocation is necessary before the bridge reconstruction can take place. Utility relocation work is expected to begin in the Spring of 2007. The construction contract for the project has been awarded, with construction to begin in the Fall of 2007. THE PROJECT SHALL BE COMPLETED BEFORE BUILDING PERMITS ARE ISSUED TO DEVELOPMENT PROJECTS ON THE EAST SIDE OF NEW ROUTE 43.”

3. On page 59, strike the last paragraph in the left column, and substitute the following:

- “• PLANNED IMPROVEMENTS TO BENGIES ROAD SHALL BE COMPLETED PRIOR TO THE ISSUANCE OF BUILDING PERMITS.
- ANY NEW RESIDENTIAL DEVELOPMENT SHALL BE REQUIRED TO ACCESS THE NEW ROUTE 43 OR CAMPBELL BOULEVARD. ACCESS TO BIRD RIVER ROAD FROM SUCH DEVELOPMENTS SHOULD NOT BE PERMITTED.”

4. On page 60, insert the following in the left column as the concluding item under the heading “Public School Recommended Actions”:

- “• BALTIMORE COUNTY AND BCPS SHOULD INVESTIGATE THE POSSIBILITY OF PURCHASING CURRENTLY AVAILABLE ACREAGE (210 ACRES) ON THE EAST SIDE OF EBENEZER ROAD, ADJACENT TO THE PLAN BOUNDARY, FOR FUTURE SCHOOL FACILITIES.”

5. On page 66, insert the following after “requirements.” in the second paragraph in the left column under Impervious Surface Impact:

“CURRENT REQUIREMENTS INCLUDE A RIGOROUS REVIEW OF THE ENVIRONMENTAL IMPACT OF A PROPOSED DEVELOPMENT, INCLUDING A REVIEW OF STEEP SLOPES, ERODIBLE SOILS, NON-TIDAL WETLANDS, STREAMS, FLOODPLAINS, FOREST BUFFERS (FOREST BUFFER EASEMENTS, BOTH EXISTING AND PROPOSED), FORESTS (FOREST CONSERVATION EASEMENTS, BOTH EXISTING AND PROPOSED), WATER QUALITY AND SUITABLE OUTFALLS, AS WELL AS A REVIEW OF THE LOCATION OF PROPOSED DEVELOPMENT IN RELATION TO EXISTING AGRICULTURAL OPERATIONS, AGRICULTURAL EASEMENTS, PRIME AND PRODUCTIVE SOILS. THE FOLLOWING ADDITIONAL CRITERIA SHOULD SUPPLEMENT THESE STANDARD REQUIREMENTS.”

6. On page 66, insert the following as the second sentence in the second paragraph under “Water Quality Recommended Actions”: “DEVELOPMENT PLANS SHOULD BE REQUIRED TO INCLUDE SPECIFIC SITE DESIGN REQUIREMENTS TO PREVENT FURTHER DETERIORATION.”
7. Delete Map 22 on page 49, Map 24 on page 53 and Map 25 on page 54, and substitute, respectively, Map 22, 24 and 25 attached hereto.

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

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

Thereafter, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, Resolution 77-07 as amended, passed by the following roll call vote:

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

Bill 59-07, The Comprehensive Zoning Map- Middle River Area, was called. Councilman Bartenfelder commented then moved to change the Planning Board recommendation on Issue #1 from DR 2 (306.57 acres) to RC 2 (28.18 acres), RC 3 (194 acres), RC 5 (42.96 acres) and DR 3.5 (41.43 acres), as shown on the map. Councilman Olszewski seconded the motion and this Issue passed by the following roll call vote:

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

Councilman Bartenfelder then moved to change the Planning Board recommendation on Issue #2 from DR 3.5 (276.74 acres) to Dr 3.5 (259.57 acres) and BL (17.17 acres) as shown on the Map. Councilman Olszewski seconded the motion and this issue passed by the following roll call vote:

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

Councilman Bartenfelder then moved to accept the Planning Board recommendation on Issue #3. Councilman Olszewski seconded the motion and this issue passed by the following roll call vote:

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

Thereafter, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, Bill 59-07 as amended, passed by the following roll call vote:

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

Bill 60-07, Zoning Regulations - Middle River Area, was called. Mr. Peddicord commented on the amendments and was questioned by Councilman Kamenetz. Councilman Bartenfelder commented then moved to amend this bill with the following amendments:

1. On page 1, in the second line of the purpose paragraph, after “standards” insert “to be considered by the Design Review Panel”; in the fifth and sixth line, strike “design requirements to mitigate certain adverse effects on” and substitute “practices to prevent deterioration of”
2. On page 1, in the second function paragraph and on page 3, in line 1, strike “and 260.2F.”, and immediately following the paragraph, insert the following:

“BY adding
 Section 260.2F
 Baltimore County Zoning Regulations, as amended”
3. On page 2, in line 7, strike “ALL CONTRACTS NECESSARY TO CONSTRUCT” and substitute “CONSTRUCTION ON”

4. On page 3, strike lines 12 through 23 and strike line 1 on page 4, and substitute the following:

“SECTION 3. AND BE IT FURTHER ENACTED, that Section 260.2F be and it is hereby added to the Baltimore County Zoning Regulations, as amended, to read as follows:

F. SINGLE-FAMILY DETACHED LOTS IN MIDDLE RIVER AREA.

THE MIDDLE RIVER AREA, DESCRIBED IN THE MIDDLE RIVER COMMUNITY PLAN ADOPTED BY COUNCIL RESOLUTION 77-07, IS DESIGNATED AS A DESIGN REVIEW AREA. FOR ANY SINGLE-FAMILY DETACHED LOT IN THE AREA THAT IS PART OF A DEVELOPMENT PLAN AND IS ZONED D.R. 3.5, THE DESIGN REVIEW PANEL SHALL CONSIDER THE DESIGN STANDARDS OF THIS SECTION WHEN MAKING A RECOMMENDATION TO THE HEARING OFFICER.”

5. On page 4, strike lines 8 through 11 and substitute: “DEFINED IN COUNTY COUNCIL BILL 59-07, SPECIFIC PRACTICES THAT WILL BE EMPLOYED TO PREVENT DETERIORATION OF ANY SUBWATERSHED, AS DESCRIBED IN THE MIDDLE RIVER COMMUNITY PLAN ADOPTED BY RESOLUTION 77-07, THAT IS POTENTIALLY AFFECTED BY THE DEVELOPMENT.”
6. On page 4, in lines 2 and 12, strike “3” and “4”, respectively, and substitute “4” and “5”, respectively.

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

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

Thereafter, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, Bill 60-07 as amended, passed by the following roll call vote:

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

Bill 61-07, this Bill was withdrawn prior to the meeting.

F. APPROVAL OF FISCAL MATTERS

Councilman Kamenetz stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council's work session on August 28, 2007. 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 Kamenetz then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 9.

1. Contract - Charm City Run Event, Inc. - Race management and timing services - 5k/1 Mile Run/Walk

A contract with Charm City Run Events, Inc. to provide race, management and timing services for the annual 5k / 1 Mile Run/Walk on September 16, 2007.

2. Contract - U.S. Geological Survey, U.S. Dept. of the Interior - Recording stream gages and hydrologic data

A contract with U.S. Geological Survey, United States Department of the Interior, to provide for the operation of 17 continuous recording stream gages and the collection of hydrologic data.

3. Contract of Sale - Paul A. and Linda D. Bonolis - Recreation and Parks

A contract of sale with Paul A. and Linda D. Bonolis, husband and wife, to acquire a parcel of land for recreation and parks purposes.

4. Contract of Sale - Michael and J. Kristine England - Replacement and widening of Gunpowder Road Bridge #48

A contract of sale with Michael and J. Kristine England, husband and wife, to acquire a parcel of land for the replacement and widening of the Gunpowder Road Bridge # 48.

5. Contracts (2) - Process Servers Serices

Two contracts with Process Servers, as the primary contractor, and Legal Papers, Inc., as the secondary contractor, to provide process servers services.

6. Amendment to Contract - Language Line Services, Inc. - Telephone foreign language interpreter services

Amendment to the contract with Language Line Services, Inc., to increase the not to exceed amount during the first one-year renewal period.

7. Contract - Earth Tech Infrastructure, Inc. - On-call environmental and engineering services for landfills/solid waste facilities

A contract with Earth Tech Infrastructure, Inc. for on-call environmental and engineering services for landfills and any solid waste facilities owned and/or operated by Baltimore County.

8. BAT #08-02C - Public Works - Replacement of existing bridge on Marlyn Avenue over Deep Creek

A budget appropriation transfer needed to fund the replacement of the existing bridge located on Marlyn Avenue over Deep Creek in order to maintain the high traffic volume.

9. Contract - EA Engineering, Science and Technology - On-call environmental and engineering services for landfills/solid waste facilities.

A contract with EA Engineering, Science and Technology, to provide on-call environmental and engineering consultant services for landfills and any solid waste facilities owned and/or operated by Baltimore County.

Councilman Gardina questioned Fred Homan on Matters 7 and 9. There being no further discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, Fiscal Matters 1 through 9 were unanimously approved by the six Councilmembers present.

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 and August 2007.

3. Res. 78-07 - Review of Planned Unit Development - 3rd District - St. John Properties

At the direction of the Chairman, the Secretary read this resolution to approve the review of a proposed planned unit development in accordance with County law. St. John Properties has submitted an application for approval of an approximately 8.66 acre site, known as 114 Westminister Pike, located on the north side of Westminister Pike, in the 3rd Councilmanic District to be developed as a general development planned unit development known as Reisterstown Office Park. Councilman McIntire commented. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Oliver, this Resolution was unanimously approved by the six Councilmembers present.

4. Res. 79-07 - Approval of Grants to Prologue, Inc. - Supportive Housing Program

At the direction of the Chairman, the Secretary read this resolution to approve two (2) grants to Prologue, Inc. as part of Baltimore County's Supportive Housing Program. Mary Harvey appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

5. Res. 80-07 - Property Tax Exemption - Harold F. Comes, Jr.

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Harold F. Comes, Jr., 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 Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

6. Reappointment - Agricultural Preservation Advisory Board - David Hayden

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting David Hayden to be re-appointed to the Baltimore County Agricultural Preservation Advisory Board. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Oliver, this re-appointment was unanimously approved by the six Councilmembers present.

7. Res. 81-07 - Property Tax Exemption - Freddie Crosby, Sr.

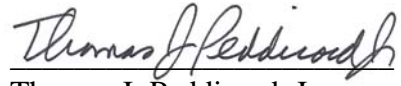
At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Freddie Crosby, Sr., who is entitled to a partial exemption from State and County real property taxes by reason of the exemption afforded to blind persons under State law. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, this Resolution was unanimously approved by the six Councilmembers present.

8. Appointment - Revenue Authority - Donald P. Hutchinson

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Donald P. Hutchinson for appointment to the Baltimore County Revenue Authority. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Olszewski, this re-appointment was unanimously approved by the six Councilmembers present.

9. This Resolution was for introduction only.

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

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

Thomas J. Peddicord, Jr.