

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 18
October 1, 2007 7:00 P.M.

A. The meeting was called to order by Chairman Moxley at 7:05 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 40 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 Oliver, the reading of the Journal Entries for the meeting of September 17, 2007 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

At this time there are no Bills to be enrolled.

D. INTRODUCTION OF BILLS

BILL 71-07, 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 and Prevention (GOCCP).

BILL 72-07, 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 Governor's Office for Children to the Baltimore County Local Management Board.

BILL 73-07, 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 private funds and made available to the County through Erickson.

BILL 74-07, 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 private funds and made available to the County through The Erickson Foundation.

BILL 75-07, 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 Department of Aging.

BILL 76-07, 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 Maryland Department of Aging.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 62-07, CEB - Mental Health Service Agencies, was called. Stephanie House 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 63-07, CEB - Trauma, Addictions Mental Health and Recovery (TAMAR) Program, was called. Stephanie House 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 64-07, CEB - Ryan White Part A Outreach Program, was called. Stephanie House 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 65-07, CEB - MIEMSS ALS Training FY2007, was called. Division Chief 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 66-07, CEB - Responsible Father's Program, was called. Timothy Griffith 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 67-07, Towing Licenses, was called. Councilman Oliver moved to amend this Bill with the following amendments:

1. On page 17, in line 17, strike "8" and substitute "9".
2. On page 18, after line 6, insert:

"SECTION 8. AND BE IT FURTHER ENACTED that, subject to Section 4, 5, and 6, of this Act, when the contractor adds new towers to the rotation required under Section 7 of this Act, in adding new towers, the contractor shall make every effort to comply with the requirements of the Executive Order entitled "Utilization of Minority Business Enterprise and Women's Business Enterprise in County Contracts" as placed into effect and amended on and after March 5, 2004."

Also on page 18, in line 7, strike "8." and substitute "9."

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

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

Councilman Bartenfelder then moved to amend this Bill with the following amendments:

1. On page 13, in line 19, after "(2)", insert "(I)" and after line 20, insert "(II) THE CONTRACTOR MAY NOT AUTHORIZE A LICENSEE TO DISPATCH A TOWING VEHICLE FROM, OR PARK A TOWING VEHICLE AT ANY LOCATION OTHER THAN THE PREMISES INDICATED ON THE LICENSE OR FROM FENCED-IN STORAGE FACILITIES WITHIN VIEW OF THE PREMISES SHOWN ON LICENSE.
2. On page 16, strike lines 9 and 10, and on line 8, strike "; AND" and substitute a period; on line 6, after the semicolon, insert "AND"

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

Councilman Olszewski then moved to amend this Bill with the following amendments:

1. On page 1, in the fourth line of the function paragraph, strike “(a) and”, and on page 12, strike lines 18 through 20.
2. On page 17, strike lines 2 through 14 in their entirety and substitute:

“SECTION 5. AND BE IT FURTHER ENACTED, that upon execution of the contract with the county, the contractor shall offer a standard form contract to each person who is a Baltimore County accident towing licensee or who is performing accident towing services for Baltimore County on the introduction date of this Act. The Baltimore County Police Department shall provide a list of licensees and those performing accident towing services on the introduction date of this Act to the contractor. The contractor may not cancel an executed contract with a licensee unless the licensee’s license has been revoked by the County or in the case of a licensee whose license was not revoked by the County, unless the contractor informs the licensee and offers the licensee an opportunity to resolve the dispute under the arbitration system required under §21-16-111.1(e) of the Baltimore County Code, 2003. Cancellation of a contract shall be considered an act of the contractor and not the county. The contractor may not add a new police initiated towing licensee in any geographic area designated in accordance with Section 7 of this Act until not less than 180 days has executed a contract with each licensee and with each person who is performing accident towing services within that geographic area on the introduction date of this Act.”

On page 18, in line 2, strike “shall” and substitute “may”; in line 6, after “Act”, insert “and shall take into account the dispatch distribution that was in effect before the effective date of this Act. The combined reporting areas authorized under this section may not take effect before the expiration of the 180-day period required under Section 5 of this Act.”

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

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

Councilman Moxley then moved to amend this Bill with the following amendments:

1. On page 7, in line 4, insert the following after the period: “THE FEE SCHEDULE SHALL BE CHANGED TO REFLECT CHANGES IN ADMINISTRATIVE COSTS, INCLUDING THE CONTRACTOR’S FEES AND COSTS.”
2. On page 15, strike from line 22 down through and including line 10 on page 16, and substitute:

“(E)(I) THE REQUEST FOR PROPOSAL ISSUED UNDER THIS SECTION SHALL REQUIRE EACH BIDDER TO PROPOSE A SYSTEM OF BINDING, NON-APPEALABLE ARBITRATION FOR THE FINAL RESOLUTION OF ALL DISPUTES BETWEEN THE CONTRACTOR AND THE TOWING LICENSEE.

(II) ANY CONTRACT BROUGHT BEFORE THE COUNTY COUNCIL FOR APPROVAL OF A CONTRACTOR AS AUTHORIZED BY THIS SECTION SHALL INCLUDE A PROVISION FOR A SYSTEM OF BINDING, NON-APPEALABLE ARBITRATION FOR THE FINAL RESOLUTION OF ALL DISPUTES BETWEEN THE CONTRACTOR AND THE TOWING LICENSEE.

(III) COUNTY EMPLOYEES MAY NOT SERVE AS AN ARBITRATOR OR A MEMBER OF AN ARBITRATION PANEL.”

There was no second to this motion.

Councilmembers Gardina, Kamenetz and McIntire questioned Mike Field on amendment number 2. Councilman Oliver commented. Thereafter, upon motion by Councilman Gardina, seconded by Councilman Olszewski, Bill 67-07 as amended, passed by the following roll call vote:

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

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 September 25, 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. Chairman Moxley then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 8.

1. BAT 08-04C - Baltimore County Public Schools

A budget appropriation transfer for Baltimore County Public Schools for renovations at Loch Raven Academy. Sufficient funds are available from five renovation projects where there are surplus funds available.

2. Contract - Legal Aid Bureau, Inc. - Legal Services to Baltimore County Seniors

A contract with Legal Aid Bureau, Inc., to provide legal services to Baltimore County residents 60 years of age and older in accordance with the Older Americans Act, as amended.

3. Amendment to Contract - Board of Education - Rosedale Center High School - Life Works Program

An amendment to the contract with the Board of Education, to provide an alternative education designated to boost the academic and work readiness skills of students at Rosedale High School through the Life Works Program.

4. Amendment to Contract - Catapult Learning, LLC - GED Instruction

An amendment to the contract with Catapult Learning, LLC, to provide GED instruction and work readiness activities for fifty county youth who have dropped out of high school.

5. Contract - Excel Tree Expert Company, Inc. - On-call Tree and Stump Removal Services

A contract with Excel Tree Expert Company, Inc., for on-call tree and stump removal services. The contractor shall perform tree trimming, tree removal and stump removal services on an as-needed, on-call basis.

6. Contract - Miller Tree Service, Inc. - On-call Tree and Stump Removal Services

A contract with Miller Tree Service, Inc., for on-call tree and stump removal services. The contractor shall perform tree trimming, tree removal and stump removal services on an as-needed, on-call basis.

7. BAT 08-03C - Department of Public Works

A budget appropriation transfer needed for the Department of Public Works for the replacement of the existing bridge located on Mt. Vista Road over Sweathouse Run, which is in poor condition. Sufficient funds are available from the minor bridge repair account.

8. Contract - DIW Group, Inc. d/b/a Specialized Engineering - Materials Testing Lab Services

A contract with DIW Group, Inc. d/b/a Specialized Engineering, to provide materials testing lab services.

There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, Fiscal Matters 1 through 8 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 August 2007.

2. Res. 84-07 -Review of Planned Unit Development - Plinlimmon Farms, LLC

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. Plinlimmon Farms, LLC has submitted an application for approval of an approximately 103.9 acre site in the 4th Councilmanic District located south of Lakeside Boulevard between Lyonswood Drive and Wynfield Drive, to be developed as a general development planned unit development. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Resolution was unanimously approved.

3. Res. 88-07 - Sanitary Sewer Extension - Philadelphia Road - White Marsh Area

At the direction of the Chairman, the Secretary read this resolution for the purpose of approving the extension of the sanitary sewer system of Baltimore County in the White Marsh Area, Eleventh Election District and Sixth Councilmanic District of Baltimore County. Bill Korpman appeared. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved.

4. Res. 89-07 - Local Endorsement - Mosaic Community Services, Inc.

At the direction of the Chairman, the Secretary read this resolution to endorse the application of Mosaic Community Services, Inc. to the State of Maryland Community Investment Tax Credit Program for certain tax credits to provide funding for Mosaic's off-site child and adolescent psychiatric rehabilitation program. Liz Glenn appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

5. Res. 90-07 - Appointment of County Auditor - Mary P. Allen

At the direction of the Chairman, the Secretary read this resolution appointing Mary P. Allen as County Auditor for an indefinite term effective August 7, 2007. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

7. Res. 91-07 - Property Tax Exemption - Cecilia Seluzicki

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Cecilia Seluzicki 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 Oliver, this Resolution was unanimously approved.

6. Reappointments (2) -Design Review Panel

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Magda C. Westerhout, AIA and Geoffrey H. Glazer, AIA be re-appointed to the Baltimore County Design Review Panel. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, this re-appointment was unanimously approved.

8. Res. 92-07 - Property Tax Exemption - Lorenzo Jerry Royster

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Lorenzo Jerry Royster 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 McIntire, this Resolution was unanimously approved.

9. Res. 93-07 - Property Tax Exemption - Evelyn Jean Weidinger

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Evelyn Jean Weidinger 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 Oliver, this Resolution was unanimously approved.

10. Res. 94-07 - Property Tax Exemption - Frank Frohn

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Frank Frohn 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 Bartenfelder, this Resolution was unanimously approved.

11. Reappointment -Adult Public Guardianship Review Board

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Betty Tucker-Sabb be re-appointed to the Baltimore County Adult Public Guardianship Review Board. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, this re-appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Olszewski, seconded by Councilman Oliver, the meeting adjourned at 7:30 P.M.



Thomas J. Peddicord, Jr.