

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 23
December 17, 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. He then called upon Councilman McIntire to introduce Boy Scout Troop 818 to lead 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. PRESENTATION TO COUNCIL

Baltimore County Volunteer Fire Association.

C. APPROVAL OF JOURNAL

Upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, the reading of the Journal Entries for the meeting of December 3, 2007 was waived and accepted unanimously.

D. 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 81-07 and 82-07.

E. INTRODUCTION OF BILLS

BILL 95-07, 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 grants from National Fish and Wildlife Foundation.

BILL 96-07, 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 grants from the Chesapeake Bay Trust.

BILL 97-07, 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 United States Department of Agriculture, Food and Nutrition Services passed through the State of Maryland Department of Human Resources.

BILL 98-07, 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.

BILL 99-07, 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 Emergency Management Agency (MEMA).

BILL 100-07, 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 Department of Homeland Security.

BILL 101-07, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to \$437,395 derived from unreserved, undesignated General Fund Surplus as of June 30, 2007, to the General Fund Budget.

BILL 102-07, entitled An Act for the purpose of establishing requirements regarding the display of address numbers on improved property; requiring address numbers to be displayed if there is a street providing public vehicular access to the rear of an improved property; establishing certain size requirements for address numerals or letters; and generally relating to the regulation of the display of address numbers on improved property.

BILL 103-07, entitled An Act for the purpose of authorizing the Department of Environmental Protection and Resource Management to modify certain requirements relating to the growth of grass, vegetation and noxious weeds on land in the county; and generally relating to weed control.

BILL 104-07, this Bill was withdrawn prior to the meeting.

F. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 83-07, CEB - Citizen's Corps Mini Grant, was called. Lt. Mark Demskie 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 84-07, CEB - MIEMSS 50-50 Matching Grant, LP 1000 & AED's, was called. Lt. Mark Demskie 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 85-07, Plumbing and Gasfitting Regulation, was called. Tim Kotroco 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 86-07, Rodent Control, was called. Tim Kotroco 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 91-07, Final Historical Landmarks List, was called. Terri Rising appeared. Councilman McIntire moved to amend this Bill with the following amendment:

On page 2, in line 2, strike "353" and substitute "351", and strike lines 6 and 11.

Councilman Bartenfelder seconded the motion and this amendment passed by the following roll call vote:

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

Councilman McIntire moved to amend this Bill with the following amendment:

On page 2, strike lines 15 and 16 and substitute the following:

“Section 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by the affirmative vote of five members of the County Council, shall take effect on December 30, 2007.”

Councilman Olszewski 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 McIntire, seconded by Councilman Bartenfelder, Bill 91-07 as amended, passed by the following roll call vote:

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

Bill 87-07, Rental housing License Program, was called. Councilmembers Olszewski, Moxley, Gardina and McIntire commented. Councilman Olszewski moved to amend this Bill with the following amendments:

1. On page 1, in the third line of the purpose paragraph, after “paint;”, insert “requiring renewal of a license after three years;” in the sixth line of the purpose paragraph, after “terms;”, insert “providing for the application of this Act;”; and in the function paragraph, after “35-6-107,”, insert “35-6-108(a) and (b).”.
2. On page 2, in line 3, after “35-6-107,”, insert “35-6-108(a) and (b).”.
3. On page 3, in line 21, strike “(1)”; and strike from “HAS” in line 21 through “INCLUDES” on page 4, line 2 and substitute “MEANS”.
4. On page 4, in line 2, after “OF”, insert “THE COMPLIANCE OF”; and in line 4, strike “INCLUDING A CODE AS DEFINED IN § 3-6-101(B) OF THE CODE” and substitute “WITH THE HEALTH AND SAFETY REQUIREMENTS ESTABLISHED BY THE DIRECTOR IN ACCORDANCE WITH § 35-6-107 OF THIS TITLE”.
5. On page 7, in line 10, strike the bracket; in line 11, insert brackets around “in the pilot program area”; in line 12, strike the first bracket and strike “TO DWELLINGS”; and in line 15, insert brackets around “including individuals” and substitute:
“INCLUDING:
(I) ONE ADDITIONAL INDIVIDUAL WHO IS NOT A MINOR
WITHOUT REGARD TO THE RELATIONSHIP OF THE
INDIVIDUAL AND WITHOUT REGARD TO THE NUMBER OF

MINORS IN THE DWELLING UNIT RELATED BY BLOOD,
MARRIAGE OR ADOPTION TO THE ADDITIONAL INDIVIDUAL
OR UNDER THE LEGAL CUSTODY OF THE INDIVIDUAL; AND
(II) INDIVIDUALS”.

6. On page 8, in line 7, insert brackets around “unit” and substitute “UNIT, WHICH MAY INCLUDE ONE ADDITIONAL INDIVIDUAL WHO IS NOT A MINOR WITHOUT REGARD TO THE RELATIONSHIP OF THE INDIVIDUAL AND WITHOUT REGARD TO THE NUMBER OF MINORS IN THE DWELLING UNIT RELATED BY BLOOD, MARRIAGE OR ADOPTION TO THE ADDITIONAL INDIVIDUAL OR UNDER THE LEGAL CUSTODY OF THE INDIVIDUAL”; in line 9, after “unit”, insert “OR A PORTION OF A DWELLING UNIT”; and in line 20, strike “OR, IN THE CASE OF A TENANT,” and substitute “OR”.
7. On page 10, in lines 16 and 17, insert brackets around “the requirements of the code as defined in § 3-6-101(b) of the code” and substitute “HEALTH AND SAFETY REQUIREMENTS ESTABLISHED BY THE DIRECTOR BY REGULATION”.
8. On page 11, in line 6, after “MEET THE”, insert “HEALTH AND SAFETY”; and strike “OF THE CODE AS DEFINED IN § 3-6-101(B) OF THE CODE” and substitute “ESTABLISHED BY THE DIRECTOR”; and after line 19, insert:

§ 35-6-108.

 - (a) Unless a license is renewed for a [2-year] 3-YEAR term as provided for in this section, the license expires on the second anniversary of its effective date.
 - (b) Before a license expires, the licensee may periodically renew it for an additional [2-year] 3-YEAR term, if:
 - (1) The licensee otherwise is entitled to be licensed;
 - (2) The licensee pays to the Director the renewal fee for the dwelling unit established as provided for in § 3-1-202 of the code; and
 - (3) The licensee submits to the Director a renewal application on the form that the Director provides.
9. On page 13, in line 19, strike “UNIT, IF APPLICABLE,” and substitute “UNIT”.
10. On page 14, in line 6, insert brackets around “April” and substitute “July”; also in line 6, after “2008.”, insert “This Section does not apply to a person who received a license under Article 35, Title 6 of the Baltimore County Code, 2003 before the effective date of this Act.”; in line 9, insert brackets around “in each of the communities affected by this act” and substitute “county”; in line 10, insert brackets around “week for three weeks” and substitute “month each month”; also in line 10, insert brackets around “April” and

substitute “July”; after line 10, insert “SECTION 4. AND BE IT FURTHER ENACTED, that the provisions of § 35-6-108(a) and (b) of the Baltimore County Code, 2003, as amended in this Act, shall apply retroactively to a license issued under Article 35, Title 6 of the Baltimore County Code, 2003 before the effective date of this Act.”; and in line 11, insert brackets around “4.” and substitute “5.”.

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

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

Delete all of its provisions that extend the program beyond the existing pilot program areas, thereby retaining the program only for those existing pilot program areas.

Councilman Bartenfelder seconded the motion and this amendment failed by the following roll call vote:

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

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, Bill 87-07 as amended, passed by the following roll call vote:

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

Bill 87-07 will take effect 45 days after the date of its enactment.

Bill 88-07, Renaissance Opportunity Area, was called. Councilman Olszewski commented. 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 89-07, this Bill was withdrawn prior to the meeting.

Bill 90-07, Revitalization Tax Credit, was called. Councilman Moxley moved to amend this Bill with the following amendments:

1. On page 1, in the first line of the purpose paragraph, strike “to include” and strike the second and third lines and substitute “; providing that the tax credit runs with the property; and generally relating to the Revitalization Property Tax Credit.”
2. On page 1, insert the following after the first function paragraph:

“BY adding
 Section 11-2-202(m)
 Article 11 - Taxation
 Title 2 - Ad Valorem Taxes
 Baltimore County Code 2003”

3. On page 2, in line 5, strike “and zoned as” and strike lines 6 through 12 and substitute a semicolon.

4. On page 2, insert the following after line 14:

“SECTION 2. AND BE IT FURTHER ENACTED, that Section 11-2-202(m) be and it is hereby added to Article 11 - Taxation, Title 2 - Ad Valorem Taxes, of the Baltimore County Code 2003 to read as follows:

“(M) A TAX CREDIT GRANTED UNDER THIS SECTION RUNS WITH THE PROPERTY AND A CHANGE IN OWNERSHIP DOES NOT RESULT IN A LAPSE OF THE TAX CREDIT.”

5. On page 2, in line 15, strike “2” and substitute “3”

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

Councilman Oliver 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 Moxley, seconded by Councilman Bartenfelder, Bill 90-07 as amended, passed by the following roll call vote:

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

G. 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 December 11, 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 1,2 and 4 through 12. Fiscal Matter 3 was withdrawn prior to the meeting.

1. Contract - Kenexa Technology, Inc. - ASP Software Solution

A contract with Kenexa Technology, Inc., to provide web-based, ASP software solution for skills assessments/tests to assist various agencies in the County to measure workplace competencies.

2. Contract - Generic Auto, Inc. - Regional Auto Theft Task Force

A contract with Generic Auto, Inc., to provide the rental and repair of various types of vehicles utilized by regional auto theft task force.

3. This matter was withdrawn prior to the meeting.

4. Addendum Contract - On Our Own, Inc. - Consumer Run Drop-In Center

Addendum to the contract with On Our Own, Inc., to increase the annual compensation to the provider and add additional conditions to the current contract for the provision of a consumer run drop-in center.

5. Addendum - Prologue, Inc. - Consumer Run Drop-In Center

Addendum to the contract with Prologue, Inc., to increase the annual compensation to the provider and add additional conditions to the current contract for the provision of a consumer run drop-in center.

6. Contract of Sale - Carl Yarema and Grace Lambert - Imminently Threatened Farmland/Critical Farmland Program

A contract of sale with Carl Yarema and Grace Lambert, to purchase 69.97 acres on Turner Crossing Road for the imminently threatened farmland/critical farm program, which protects high quality, vital and economically important farmland from imminent conversion to non-agricultural use.

7. Contract of Sale - Arianne S. Regester - Piney Run Rural Legacy Program

A contract of sale with Arianne S. Regester, to purchase property at 17826 Falls Road, Upperco, Maryland between Mount Carmel Road and Falls Road consisting of 69.575 acres, more or less, in order to preserve agricultural land, watersheds and wetlands, for the Piney Run Rural Legacy Program.

8. Contract of Sale - Valli B. Reid and Thomas W. Reid, Sr. - Widening of Stemmers Run Road

a contract of sale between Valli B. Reid and Thomas W. Reid, Sr., to acquire a parcel of land at 17 Stemmers Run Road, to be used for the widening of Stemmers Run Road in order to effectuate its rehabilitation.

9. Addendum #3 to Contract - Decade Software Company LLC - Application Service Provider

Addendum # 3 to the contract with Decade Software Company, LLC, to provide the option to use Decade as an application service provider, to install the software on any County server(s), to purchase additional software that may be or become available from Decade, to provide additional funds for the purchase of additional software and services, to add additional renewal options to the agreement, and to further clarify the agreement.

10. Contract of Sale - Jerome W. Geckle - Agricultural Easement

A contract of sale with Jerome W. Geckle, to acquire an agricultural easement at 1007 Harris Mill Road, for the protection of farmland through the County agricultural land preservation program.

11. Contract - The Shops at Perry Hall, LLC - right of way and drainage and utility easement areas

A contract with The Shops at Perry Hall, LLC, to acquire in fee a highway right of way area containing 133,364 sq. ft., more or less, revertible slope easement containing 47,559 sq. ft., more or less, in exchange for providing the property owner access to the County's storm water management pond for the benefit and the future development of the Shops property.

12. Contract - Safely Home, LLC - Piney Run Rural Legacy Program

A contract of sale with Safely Home, LLC, to purchase 70.978 acres on the north side of Hereford Road, for the Piney Run Rural Legacy Program, which preserves agricultural land, watersheds and wetlands.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, Fiscal Matters 1, 2 and 4 through 12 were unanimously approved.

H. 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 November 2007.

2. Res. 113-07 -Accept Gift of a Historic Barn from T. Rowe Price

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. T. Rowe Price is donating half the cost of dismantling and transporting the barn. David Carroll appeared. Councilman McIntire commented. Upon motion by Councilman Bartenfelder, seconded by Councilman McIntire this Resolution was tabled with the following roll call vote:

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

3. Res. 114-07 - Property Tax Exemption - Carol Johnson

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Carol Johnson who is entitled to an exemption from State and County real property taxes by reason of the exemption afforded to surviving spouses of disabled veterans under state law. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved.

4. Res. 115-07 - Property Tax Exemption - Manuel A. Cabral

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Manuel A. Cabral 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 Moxley, this Resolution was unanimously approved.

5. Res. 116-07 - Property Tax Exemption - Joe C. Staley

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Joe C. Staley 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 Moxley, this Resolution was unanimously approved.

6. Res. 117-07 - Property Tax Exemption - Gloria W. Davis

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Gloria W. Davis 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 Moxley, this Resolution was unanimously approved.

7. Appointment - Baltimore County Board of Appeals - Maureen E. Murphy

At the direction of the Chairman, the Secretary read this correspondence to appoint Ms. Maureen E. Murphy to the Baltimore County Board of Appeals for a three year term beginning May 1, 2007 . There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

8. Res. 118-07 - Property Tax Exemption - Willie A. Wooten

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Willie A. Wooten 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 Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved.

9. Res. 119-07 - Maryland General Assembly - Back River - State Scenic and Wild Rivers Program

This Resolution was for introduction only.

10. Appointment - Baltimore County Planning Board - Chairman - Edward J. Gilliss, Esq.

At the direction of the Chairman, the Secretary read this correspondence from the County Executive to appoint Edward J. Gilliss, Esq., as Chairman of the Baltimore County Planning Board subject to Council confirmation. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this appointment was unanimously approved.

11. Appointment - Baltimore County Planning Board - Vice-Chairman - Dr. Robert Gregory

At the direction of the Chairman, the Secretary read this correspondence from the County Executive to appoint Dr. Robert Gregory as Vice-Chairman of the Baltimore County Planning Board subject to Council confirmation. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this appointment was unanimously approved

12. Nominations - (5) - Supervisor of Assessments for Baltimore County

At the direction of the Chairman, the Secretary read this correspondence from the County Executive to approve a list of five applicants for the position of Supervisor of Assessments for Baltimore County. The applicants are; James W. Roesner, Charlotte F. Rodgers, Jason T. Vettori, J. Rodger Lee and Jeffrey Grant Cook. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this list was unanimously approved

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 7:15 P.M.

Thomas J. Peddicord, Jr.