

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 08
April 16, 2007 12:00 P.M.

A. The meeting was called to order by Chairman Moxley at 12:10 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 100 persons in attendance and the following Councilmembers were present:

S.G. SAMUEL MOXLEY	FIRST DISTRICT
KEVIN KAMENETZ	SECOND DISTRICT
T. BRYAN MCINTIRE	THIRD DISTRICT
JOSEPH BARTENFELDER	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

Councilmembers Oliver and Gardina were absent the entire meeting.

B. APPROVAL OF JOURNAL

Upon motion by Councilman McIntire, seconded by Councilman Kamenetz, the reading of the Journal Entries for the meeting of April 2, 2007 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following bill was passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bill 22-07.

D. INTRODUCTION OF BILLS

BILL 33-07, 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 Labor, Licensing and Regulation.

BILL 34-07, 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 Emergency Management Agency (MEMA).

BILL 35-07, 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 Institute for Emergency Medical Services Systems (MIEMSS), and the Maryland Highway Safety Office.

 BILL 36-07, entitled An Act for the purpose of adopting the Fire Prevention Code of Baltimore County; repealing the 2005 Fire Prevention Code; adopting certain amendments to the Fire Prevention Code; making the provisions of this act severable; and generally relating to fire prevention.

 BILL 37-07, entitled An Act for the purpose of amending the 2006-2007 Current Expense Budget and Capital Budget, by appropriating \$8,736,922 derived from unreserved, undesignated General Fun Surplus as of June 30, 2006, through the General Fund to the Capital Improvement Fund.

 BILL 38-07, entitled An Act for the purpose of providing criminal penalties for violations of the law regarding the soliciting of donations on certain roadways without a permit; and generally relating to penalties for soliciting donations without a permit.

E. CALL OF BILLS FOR FINAL READING AND VOTE

 Bill 23-07, CEB - Infant and Toddlers Professional Services Program, was called. Dr. Pierre Vigilance appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

 Absent - Oliver, Gardina

 Bill 24-07, Revitalization Tax Credit, was called. Fred Homan appeared. There being no discussion, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

 Absent - Oliver, Gardina

 Bill 25-07, Basic Services Maps, was called. Dave Thomas appeared. Councilman Moxley briefly questioned Mr. Peddicord. Thereafter, this bill was passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

_____ Absent - Oliver, Gardina

_____ **Bill 26-07**, Landmarks Preservation, was called. Pat Keller and Mike Field appeared.
Councilman Kamenetz moved to amend this bill with the following amendments:

On page 2, in the last line of the purpose paragraph, after “Act,” insert “providing for the termination of the county inventory;”.

On page 3, in line 15, strike the brackets and after “Properties”, insert “OR THE”; and in line 20, strike “IDENTIFICATION of any” and substitute “ANY”.

On page 7, in line 7, strike “WILLFUL”

On page 28, after line 7, insert:

“SECTION 6. AND BE IT FURTHER ENACTED, That it is the intent of this Act that the Special Administrative Hearing for structures on the Maryland Inventory of Historic Properties formerly established by administrative order is hereby repealed.

SECTION 7. AND BE IT FURTHER ENACTED, That §32-7-301 of the Baltimore County Code, 2003 does not apply to any structure that has received a notice to proceed with demolition or certificate of appropriateness from the Landmarks Preservation Commission before the effective date of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That the county inventory, as established in §32-7-301 of the Baltimore County Code, 2003 shall cease to exist after April 29, 2010 without the necessity of further action by the County Council. After that date, structures formerly considered to be subject to any regulation under Article 32, Title 7 of the Baltimore County Code, 2003 unless the structure has been nominated for placement on the preliminary county landmarks list, is on the preliminary or final county landmarks list or is in a proposed or designated county historic district”; and in line 8, strike “6” and substitute “9”.

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

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

_____ Absent - Oliver, Gardina

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

On page 8, in line 17, after “bridges”, insert “, FENCES”

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

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

_____Absent - Oliver, Gardina

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

1. On page 17, in line 6, strike “or an object of singular natural beauty”
2. On page 17, in line 8, strike “or” and substitute “and”

Mr. Peddicord was then questioned by Councilmembers Moxley and Kamenetz on this amendment. Councilman Kamenetz also questioned Mr. Field. Councilman Kamenetz then seconded the motion and these amendments passed by the following roll call vote:

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

_____Absent - Oliver, Gardina

Councilman McIntire then moved to amend this bill with the following amendment:

On page 7, in line 3, strike “EXCEPTIONAL”

Councilman Kamenetz questioned Mr. Field on this amendment. Councilman Olszewski then questioned Mr. Keller on this same amendment. Councilman Kamenetz then seconded the motion and this amendment failed by the following roll call vote:

Aye - Moxley, McIntire, Bartenfelder

Nay - Kamenetz, Olszewski

_____Absent - Oliver, Gardina

Councilman Kamenetz then moved to amend this bill with the following amendment:

On page 7, in line 22, strike “THAT HAS”, and strike line 23, and strike line 1 on page 8.

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

Aye - Moxley, Kamenetz, McIntire, Bartenfelder, Olszewski

Nay - None

_____Absent - Oliver, Gardina

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman Olszewski, Bill 26-07 as amended, passed by the following roll call vote:

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

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 April 10, 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 and 10 through 12. Fiscal Matter 9 was withdrawn prior to the meeting.

1. Contract - Accurate Infrastructure Data, Inc. - Consultant Services - Law Office

A contract with Accurate Infrastructure Data, Inc., to provide consulting and expert witness services in connection with all disputes and litigation related to or in connection with Baltimore County, Maryland v. AT&T.

2. Contract - Horizon Staffing Services - Personnel Services

A contract with The Leaders a/k/a Horizon Staffing Services, Kelly Services, Inc., and Gladenia, Inc. d/b/a Swift Staffing, to provide temporary personnel services on an as needed basis, extended to all County agencies requiring these services.

3. Contract - Bay Town Painting and Marine Repair, Inc. - Repaint Radio Towers for Electronic Services

A contract with Bay Town Painting and Marine Repair, Inc., to repaint existing radio towers for Electronic Services and Telecommunication (EST), a division of the Office of Information Technology, used in conjunction with its 800 MHz Radio System.

4. Contract - Second Genesis, Inc. - Long-term Residential Treatment Services for the Criminal Justice Population

A contract with Second Genesis, Inc., to provide long-term residential treatment services for the criminal justice population who are mandated to treatment by the courts through a Health

General §8-507 process.

5. Contract - Villa Maria of Catholic Charities - Voluntary Placement Agreement Division Project

A contract with Villa Maria of Catholic Charities, for a voluntary placement agreement diversion project, which is designated to meet the needs of families who request voluntary placement by providing access to services which promote family stability such as in-home and community-based services to keep the child in the home.

6. Contract - Tuerk House, Inc. - Inpatient Treatment Services for Methadone Maintenance

A contract of sale with Tuerk Houses, Inc., to provide intensive inpatient treatment services for patients requiring methadone maintenance.

7. Contract of Sale - Edgar F. Lassahn, Jr. - Seneca/Nollmeyer Project

A contract of sale with Edgar F. Lassahn, Jr., to acquire land for the Seneca/Nollmeyer project, for the construction of a sewer to serve the property in the area.

8. Contract of Sale - Edgar F. Lassahn, Jr. - Luthardt Road Water Line Project

A contract of sale with Edgar F. Lassahn, Jr., to acquire land on Luthardt Road for the construction of a water line to serve the property in the area.

9. This matter was withdrawn prior to the meeting.

10. Contract of Sale - Millard R. Schroeder, Jr. - Honeygo Boulevard Phase III-B Project

A contract of sale with Millard R. Schroeder, Jr., to acquire land for a highway widening area for improvements on Belair Road in conjunction with the Honeygo Boulevard, Phase III-B project.

11. Contract - Whitman, Requardt & Associates, LLP - New White Marsh Pumping Station

A contract with Whitman, Requardt & Associates, LLP, to provide the construction phase services during the construction of the new White Marsh pumping station.

12. Contract - D&B Construction, Inc. - Snow Removal Services

A contract with D&B Construction, Inc., to provide snow removal services.

There being no discussion, upon motion by Councilman Olszewski , seconded by Councilman Kamenetz, Fiscal Matters 1 through 8 and 10 through 12 were unanimously approved by the five 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 March 2007.

3. Res. 35-07 - Revenue Bond - Oak Crest Village, Inc.

At the direction of the Chairman, the Secretary read this resolution to authorizing the issuance and sale by Baltimore County, Maryland, pursuant to and in accordance with the Maryland Economic Development Revenue Bond Act, of its economic development revenue bonds, at one time or from time to time and in one or more issues or series, taxable or tax-exempt, as limited obligations and not upon its faith and credit, or pledge of its taxing power, in an aggregate principal amount not to exceed \$91,500,000, and to loan the proceeds from the sale of such bonds to Oak Crest Village, Inc., a not-for-profit corporation organized under the laws of the State of Maryland (the "Facility Applicant"), for the purpose of (1) refunding all or a portion of the Baltimore County, Maryland Revenue Bonds (Oak Crest Village, Inc., Project) Series 1999A (Tax-Exempt) and Series 1999B (Taxable) which were issued on March 17, 1999; (2) financing and refinancing the costs of the acquisition by the Facility Applicant of certain facilities, including renovations and improvements to existing facilities and the construction of new facilities, within the meaning of such Act, located on the existing campus of Oak Crest Village in Parkville, Baltimore County, Maryland, (3) funding a debt service reserve fund for the bonds and (4) paying the costs of issuance, capitalized interest and other costs related to the transaction described herein; authorizing the County Executive to specify, prescribe, determine, provide for, approve, execute and deliver any and all matters, details, forms, documents or procedures necessary or appropriate to effectuate the authorization, sale, security, issuance, delivery and payment of and for such bonds and the lending of the proceeds thereof; reserving certain rights in the County; and generally providing for and determining various matters in connection with such bonds and the lending of the proceeds thereof. Stan Jacobs appeared. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved by the Councilmembers present.

4. Reappointment - Board of Appeals - Lawrence M. Stahl

At the direction of the Chairman, the Secretary read the correspondence from Councilman Kamenetz requesting the reappointment of Mr. Lawrence M. Stahl to the Baltimore County Board of Appeals for an additional three year term. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman McIntire this Resolution was unanimously approved by the five Councilmembers present.

5. Reappointment - Board of Appeals - Lawrence Westcott

At the direction of the Chairman, the Secretary read the correspondence from Councilman McIntire, requesting the reappointment of Mr. Lawrence Westcott to the Baltimore County Board of Appeals for an additional three year term. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Bartenfelder this Resolution was unanimously approved by the five Councilmembers present.

7. Res. 37-07 - Property Tax Exemption - Dean H. James

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Dean H. James 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 McIntire, this Resolution was unanimously approved by the five Councilmembers present.

8. Res. 38-07 - Public Disclosure - Theresa McQuaid


_____ At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of Theresa McQuaid, an employee of the Baltimore County Police Department. Ms. McQuaid has applied for a zoning variance to construct an addition at her residence at 2222 Bauernschmidt Drive, Baltimore, Maryland 21221. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved by the five Councilmembers present.

2. Res. 34-07 - Accept donation from MD-Delaware-District of Columbia Soft Drink Association

_____ At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept gifts for the use of Baltimore County, Maryland. The Department of Public Works, Bureau of Solid Waste Management has received a gift of 150 reusable recycling containers and bases and 6,500 custom imprinted plastic bags to be used at various Baltimore County public events to collect bottles and cans for recycling and to promote recycling awareness in general beginning in 2007. Bill Korpman appeared. Councilman McIntire questioned Mr. Korpman. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Bartenfelder, this Resolution was unanimously approved by the five Councilmembers present.

6. This resolution was withdrawn prior to the meeting.
9. This resolution was withdrawn prior to the meeting.

There being no further business to come before the Council at this time, upon motion by Councilman McIntire, seconded by Councilman Bartenfelder, the meeting adjourned at 12:40 P.M.


Thomas J. Peddicord, Jr.