

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 09
May 7, 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 75 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 April 16, 2007 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 23-07, 24-07, 25-07 and 26-07.

D. INTRODUCTION OF BILLS

BILL 39-07, entitled the Annual Budget and Appropriation Ordinance of Baltimore County to adopt the County Budget, consisting of the Current Expense Budget for the fiscal year ending June 30, 2008, the Capital Budget for the fiscal year ending June 30, 2008 and the Capital Program for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013; and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2007 and ending June 30, 2008, as hereinafter indicated.

BILL 40-07, entitled An Act for the purpose of levying and imposing a property tax for the use of Baltimore County for taxable year beginning July 1, 2007 and ending on the thirtieth day of June following; fixing the rate of county taxation for such taxable year; fixing the rate to be charged when property taxes are paid on a semi-annual basis; and generally relating to the property tax.

BILL 41-07, entitled An Act for the purpose of providing for certain changes to the Baltimore County Code and Baltimore County Classification and Compensation Plans by amending certain Pay Schedules; adding certain new class titles, codes and grades; changing certain job classifications, class titles, codes and grades; abolishing certain job classifications, codes and grades; 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 42-07, entitled An Act for the purpose of altering the rate of regular contributions for certain members of the Employees Retirement System (hereinafter “members”); altering vesting requirements for certain members with conforming alterations regarding military service credit, allowance for ordinary disability, and return of accumulated contributions; requiring certain new employees to meet certain requirements before joining the Employees Retirement System; requiring certain employees to submit information to the Medical Board and the Board of Trustees; establishing deferred retirement option programs for certain members; authorizing the Board of Trustees to deny disability benefits under certain circumstances; altering the normal service retirement age for certain members; altering the allowance for service retirement for certain members; altering the calculation of certain members’ average final compensation; increasing the benefit accrual rate for certain members; altering the minimum years of service required of certain members for ordinary disability retirement; establishing certain authority and requirements for providing alternative employment for a member who has filed for ordinary disability benefits; requiring an employee to be in service a minimum number of days over a minimum period of time in order to qualify for ordinary disability retirement; excluding the use of “sick leave bank” time, its equivalent or other extraordinary leave time from a certain calculation; requiring the Board of Trustees to make certain determinations; altering the allowance on ordinary disability for certain members; authorizing the County Executive to appoint a designee to the Board of Trustees; defining a certain term; providing for the application of this Act; and generally relating to the Employees Retirement System

BILL 43-07, 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 licensee 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 27-07, CEB - Substance Abuse Treatment - Gambaru Program, was called. Dr. Gregory Branch 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 29-07, CEB - Animal Control Grant, was called. Dr. Gregory Branch 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 28-07, CEB - Back-Up Communication Center, was called. Richard Muth 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 30-07, 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 31-07, CEB - Zoning Regulations - M.L. Zones, was called. Councilman Gardina commented. There being no discussion, this bill failed by the following roll call vote:

Aye - Gardina

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

Bill 32-07, This Bill was withdrawn prior to the meeting.

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 May 1, 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, 3, 4,7 and 8. Fiscal Matters 2 and 5 were withdrawn prior to the meeting and Fiscal Matter 6 was discussed as a separate matter.

1. Amendment to Contract - First Step, Inc. - Outpatient Substance Abuse Treatment Services

An amendment to the contract with First Step, Inc., to provide outpatient substance abuse treatment services for opiod addicted clients using the medication buprenorphine.

2. This matter was withdrawn prior to the meeting.

3. Amendment to Contract - Glass Mental Health Foundation, Inc./Awakening Program - Outpatient Substance Abuse Services

An amendment to the contract with Glass Mental Health Foundation, Inc. Awakening Program, to provide outpatient substance abuse treatment services for opiod addicted clients using the medication buprenorphine.

4. Contract - Baltimore City and Carroll, USGS - Comprehensive Water Quality Monitoring Evaluation and Design Program

A contract with Baltimore City and Carroll County, USGS, for the development of an integrated, comprehensive water quality monitoring program, so the department may properly conduct water quality monitoring and improve water quality for the drinking water reservoirs.

5. This matter was withdrawn prior to the meeting.

7. Amendment to Contract - Friends Research Institute, Inc. d/b/a Epoch Counseling Services - Outpatient Substance Abuse Treatment

An amendment to the contract with Friends Research Institute, Inc. d/b/a Epoch Counseling Center, to provide outpatient substance abuse treatment services for opioid addicted clients using the medication buprenorphine. The additional funds will reimburse the provider for physicians and medication costs.

8. BAT 07-02 - BCPS - Capital Outlay

A budget appropriation transfer is requested from the general government insurance contributions program to the Baltimore County Public Schools capital outlay program for the purchase and installation of six relocatable classroom units.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman McIntire, Fiscal Matters 1, 3, 4,7 and 8, were unanimously approved.

6. Contract of Sale - Carolyn W. Heggie - Apartment Building known as Yorkway Apartments

A contract of sale with Carolyn W. Heggie, to purchase 1 apartment building known as the Yorkway Apartments for redevelopment and recreational purposes. Shirley Murphy appeared. Councilmembers McIntire and Olszewski questioned Ms. Murphy. Councilman McIntire also questioned Mr. Mohler. Councilmembers Kamenetz and Gardina questioned Mr. Beverungen. There being no further discussion, upon motion by Councilman Kamenetz seconded by Councilman Olszewski, this matter was passed by the following roll call vote:

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

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 April 2007.

2. Res. 40-07 - Authorization for Expenditure of Non-Local Other Funds

At the direction of the Chairman, the Secretary read this resolution concerning Baltimore County Board of Education Authorization for Expenditure of Non-Local Other Funds. The Baltimore County Board of Education has notified the County Council of its expected receipt of non-local funds for Fiscal Year 2007 through the award of additional state monies for non-public placement tuition and from an insurance reimbursement, and has requested the County Council's authorization to spend such funds in a specific manner. George Sarris appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman McIntire, this Resolution was unanimously approved.

3. Res. 41-07 - Pedestrian/Bicycle Project - Cromwell Bridge Road/Minebank Run Stream Valley Corridor

At the direction of the Chairman, the Secretary read this resolution requesting the Office of Planning and Department of Recreation and Parks to establish a certain pedestrian/bicycle project pursuant to the Eastern Baltimore County Pedestrian and Bicycle Access Plan. Councilmembers McIntire and Gardina commented. There being no further discussion, upon motion by Councilman Gardina, seconded by Councilman McIntire, this Resolution was unanimously approved.

4. This resolution was withdrawn prior to the meeting.

5. Reappointment - Board of Appeals - Margaret M. Brassil

At the direction of the Chairman, the Secretary read the correspondence from Councilman Gardina, requesting Ms. Margaret M. Brassil to be reappointed to the Baltimore County Board of Appeals for an additional 3 year term. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Olszewski, this reappointment was unanimously approved.

6. Res. 43-07 - Property Tax Exemption - Donald Regier

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Donald Reigier 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 McIntire, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

7. Res. 44-07 - Out of Cycle Zoning Reclassification Petition - 1924 & 1928 Powers Lane - 1st District

At the direction of the Chairman, the Secretary read this resolution to approve the Planning Board's certification that the zoning reclassification petition filed for the property located at 1924 and 1928 Powers Lane and situated in the First Councilmanic District, should be exempted from the regular cynical procedure of Article 32, Title 3, Subtitle 5 of the Baltimore County Code, 2003, as amended. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

8. Res. 45-07 - Property Tax Exemption - Helen E. Piccione

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Helen E. Piccione 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 Moxley, seconded by Councilman McIntire, this Resolution was unanimously approved.

9. Res. 46-07 - Review of Planned Unit Development - 5th District - Bozzuto Homes, Inc.

_____ 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 7:35 P.M.


Thomas J. Peddicord, Jr.