

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 14**  
**July 2, 2007                      6:00 P.M.**

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A.     The meeting was called to order by Chairman Moxley at 6:05 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 200 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  |
| JOSEPH BARTENFELDER | SIXTH DISTRICT   |
| JOHN OLSZEWSKI, SR. | SEVENTH DISTRICT |

Councilman Gardina was absent the entire meeting.

**B.     APPROVAL OF JOURNAL**

Upon motion by Councilman Olszewski, seconded by Councilman McIntire, the reading of the Journal Entries for the meeting of June 18, 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 44-07, 45-07, 46-07, 47-07 and 48-07.

**D.     INTRODUCTION OF BILLS**

**BILL 50-07**, this bill was withdrawn prior to the meeting.

**BILL 51-07**, entitled An Act for the purpose of amending the definition of commercially zoned properties to include properties located in certain approved planned unit developments; and generally relating to the Revitalization Property Tax Credit qualifications.

\_\_\_\_\_ **BILL 52-07**, entitled An Act for the purpose of amending the Baltimore County Charter to remove the prohibition on serving as a member of the County Council while holding an office or employment with the State; and generally relating to the qualifications of members of the County Council.

\_\_\_\_\_ **BILL 53-07**, entitled An Act for the purpose of permitting a freestanding enterprise sign in the ROA zones under certain conditions; and generally relating to enterprise signs.

\_\_\_\_\_ **BILL 54-07**, entitled An Act for the purpose of establishing a procedure for the conveyance of certain surplus property located in Commercial Revitalization Districts.

\_\_\_\_\_ **BILL 55-07**, entitled An Act for the purpose of requiring an application for a Planned Unit Development to state the community benefit to be provided by the proposal; authorizing the Council to amend or modify certain elements of a proposed Planned Unit Development upon certain conditions; requiring a statement of community benefit in the concept plan; specifying the the Planning Board's standards for review; repealing an obsolete provision in the Zoning Regulations; and generally relating to Planned Unit Developments.

**E. CALL OF BILLS FOR FINAL READING AND VOTE**

\_\_\_\_\_ **Bill 49-07**, Building Code, was called. Councilman Olszewski moved to amend this Bill with the following amendment:

On page 3, in lines 8 and 14, insert "49 " after "NO." in each instance.

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

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

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman McIntire, Bill 49-07 as amended, passed by the following roll call vote:

\_\_\_\_\_ Aye - Moxley, Kamenetz, McIntire, Oliver, Bartenfelder, Olszewski  
Nay - None  
Absent - Gardina  
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**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 June 26, 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 5.

**1. Contracts (4) - Court Reporting Services on an as-needed basis**

Four contracts with: Capital Reporting Company, Hunt Reporting Company, Court Reporting Concepts, Inc. and Irwin Reporting & Video, LLC, to provide court reporting services on an as-needed basis for several departments within the County.

**2. Contract - Tyler Technologies, Inc. - OIT - Consulting Services - Application Programming Interface**

A contract with Tyler Technologies, Inc, to provide consulting services to create the Application Programming Interface (API) between OASIS Software and the new Tele-Works IRV/IWR system.

**3. Contracts (4) - Taxi Voucher Service for eligible elderly and disabled County citizens**

Four contacts with: Frederick Ellis, Inc. T/A Atwater Cab, Jimmy’s II, LLC, New Eastern Cab, Inc., and Valley Cab Association, Inc, for the Taxi 2 Program. This program is a taxi voucher service for eligible elderly and disabled 21-years of age and over who are residents of Baltimore County.

**4. Addendum to Contract - Gannett Fleming, Inc. - Final Design Phase Engineering Services - Fullerton Reservoir**

Addendum # 2 to the contracts with Gannett Fleming, Inc., to provide additional funds that are required to complete the final design phase engineering services.

**5. Contract - County Council - Towson University (RESI) - Spending Affordability Study**

A contract with Towson University (RESI), to prepare reports on the County's Personal income estimates and forecasts; forecasts of the County's employment and population; residential real estate market and the County's local economy. These services are to be provided on behalf of the County Council's Spending Affordability Committee.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, Fiscal Matters 1 through 5 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 May and June 2007.

**2. Res. 63-07 - Accept gift from Dundalk-Eastfield Rec. Council for Chesterwood Park**

\_\_\_\_\_ At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a gift from the Dundalk-Eastfield Recreation and Parks Council of a scoreboard for Chesterwood Park. Bob Barrett appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved by the six Councilmembers present.

**3. Res. 64-07 - Sanitary Sewer Ext. - East Joppa Rd - White Marsh Area - 5<sup>th</sup> Council District**

\_\_\_\_\_ At the direction of the Chairman, the Secretary read this resolution approving the extension of the sanitary sewer system of Baltimore County in the White Marsh Area, Fifth Councilmanic District of Baltimore County. The Director of the Department of Environmental Protection and Resource Management and the Director of Public Works has found it necessary, for the protection of the public health, that the sanitary sewer system of Baltimore County be extended in the White Marsh Area, to serve twelve existing housing units in the area and all property owners affected have been given a hearing by the Department of Public Works and made aware of all costs that will be their responsibility. Ed Adams appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, this Resolution was unanimously approved by the six Councilmembers present.

**4. Res. 65-07 - Accept Gift from Barbara Bush Foundation for Family Literacy/Young Parent Support**

At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a gift of consultant services from the Barbara Bush Foundation for Family Literacy - The Maryland Family Literacy Initiative passed through to the Friends of the Family, a non-profit sponsor of Family Support Centers in Maryland. Timothy Griffith 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. 66-07 - Priority List of FY08 Rural Legacy Applications to the MD Rural Legacy Board**

At the direction of the Chairman, the Secretary read this resolution to rank five Rural Legacy Area Plan applications submitted to the Maryland Department of Natural Resources for consideration and approval by the Maryland Rural Legacy Board for funding in fiscal year 2008. These plans include the Baltimore County Coastal Rural Legacy Area, Gunpowder River Rural Legacy Area, Long Green Valley Rural Legacy Area, Manor Rural Legacy Area, and Piney Run Watershed Rural Legacy Area. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

**6. Res. 67-07 - Expanding the Baltimore National Pike Commercial Revitalization District**

At the direction of the Chairman, the Secretary read this resolution for the purpose of expanding the Baltimore National Pike Commercial Revitalization District. The Commercial Revitalization Districts provide incentives to property owners and businesses in the Districts to improve the exterior of existing buildings and to develop and redevelop underused properties. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

**7. Appointment - Deputy Zoning Commissioner - Thomas H. Bostwick**

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Thomas H. Bostwick to serve as Deputy Zoning Commissioner effective July 9, 2007. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Oliver, this appointment was unanimously approved by the six Councilmembers present.

**8. Res. 68-07 - Board of Education - Expenditure of Non-Local Funds**

At the direction of the Chairman, the Secretary read this resolution concerning the Baltimore County Board of Educations 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. Barbara Burnopp appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

**9. Res. 69-07 - Property Tax Exemption - Gary V. Morden**

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Gary V. Morden, 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 by the six Councilmembers present.

**10.** This Resolution was withdrawn prior to the meeting.

**11. Petition for Condemnation - James A. & Dreama L. Cavoures - 76 Yorkway**

At the direction of the Chairman, the Secretary read this Petition for Condemnation for James A. and Dreama L. Covoures, 76 Yorkway, Dundalk, Maryland 21222. Shirley Murphy appeared. Councilman Moxley questioned Ms. Murphy. Thereafter, upon motion by Councilman Olszewski, seconded by Councilman McIntire, this matter passed by the following roll call vote:

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

**12. Petition for Condemnation - Robert A. Knoll - 2501, 2503, 2507, 2512, 2520, 2522 & 2621 Yorkway**

At the direction of the Chairman, the Secretary read this Petition for Condemnation for Robert A. Knoll, 2501, 2503, 2507, 2512, 2520, 2522, and 2621 Yorkway, Dundalk, Maryland 21222. Shirley Murphy remained. Councilman Moxley questioned Ms. Murphy. Thereafter, upon motion by Councilman Bartenfelder, seconded by Councilman McIntire, this matter passed by the following roll call vote:

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

13. **Petition for Condemnation - Fuller & Sons, LLC - 2505 Yorkway**

At the direction of the Chairman, the Secretary read this Petition for Condemnation for Fuller & Sons, LLC, 2505 Yorkway, Dundalk, Maryland 21222. Shirley Murphy remained. Councilman Olszewski questioned Ms. Murphy. Thereafter, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this matter passed by the following roll call vote:

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

14. **Appointment - Administrative Officer - Fred Homan**

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Fred Homan to serve as County Administrative Office for the term beginning June 1, 2007, at an annual salary of \$190,000. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this appointment passed by the following roll call vote:

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

15. **Appointment - Director of Budget and Finance - Keith Dorsey**

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Keith Dorsey to serve as Director of the Baltimore County Office of Budget Finance. The Director of the Office of Budget and Finance is responsible for the formulation of the County's budget under the supervision of the County Administrative Officer and is responsible for the administration of the financial affairs of the County. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Oliver, this appointment was unanimously approved by the six Councilmembers present.

16. **Reappointment - Zoning Commissioner - William J. Wiseman, III**

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting William J. Wiseman, III for reappointment as the Zoning Commissioner. Mr. Wiseman has served as Baltimore County's Zoning Commissioner since September, 2004 and is responsible for conducting quasi-judicial administrative hearings on land development and zoning issues pursuant to the Baltimore County Code and Baltimore County Zoning Regulations. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Oliver, this reappointment was unanimously approved by the six Councilmembers present.

**17. Appointment - Vice Chairman, Planning Board - Edward J. Gilliss**

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Edward J. Gilliss, Esq., as the Vice Chairman of the Planning Board to be effective on July 1, 2007 and run concurrently with his term of membership, which would expire on December 31, 2009. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this appointment was unanimously approved by the six Councilmembers present.


**18. Res. 70-07 - Public Disclosure - Brian Persinger**

At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of Brian Persinger, an employee of the Baltimore County Police Department, who has applied for a zoning variance to construct a detached garage at his residence located at 1511 Shore Road, Baltimore, Maryland 21220. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

**19. Res. 71-07 - Planning Board - Fireworks**

At the direction of the Chairman, the Secretary read this resolution requesting the Planning Board to consider amendments to the law that permits the sale of fireworks from temporary structures on shopping center parking lots. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved by the six Councilmembers present.

There being no further business to come before the Council at this time, upon motion by Councilman Oliver, seconded by Councilman Olszewski, the meeting adjourned at 6:25 P.M.

  
Thomas J. Peddicord, Jr.