

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2007, LEGISLATIVE DAY NO. 15
August 6, 2007 6:00 P.M.

A. The meeting was called to order by Chairman Moxley at 6:00 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 50 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 Kamenetz, the reading of the Journal Entries for the meetings of July 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 49-07.

D. INTRODUCTION OF BILLS

BILL 56-07, entitled An Act for the purpose of defining the identification of applicants' written scores in promotional examinations and generally relating to sworn personnel of the Baltimore County Fire and Police Departments.

BILL 57-07, entitled An Act for the purpose of amending one section of the fire Prevention Code of Baltimore County; as enacted in Bill 36-07; and generally relating to fire prevention.

BILL 58-07, this Bill was withdrawn prior to the meeting.

BILL 59-07, entitled An Act for the purpose of repealing a portion of the existing zoning map for the Sixth Councilmanic District and to adopt an official zoning map for the portion of the Sixth Councilmanic District of Baltimore County known as the Middle River Area, such map to be known as the Official Comprehensive Zoning Map for the Middle River area of Baltimore County and to supersede any previous zoning maps approved by the County Council of Baltimore County for that particular area, all pursuant to the provisions of the Middle River Community Plan.

BILL 60-07, entitled An Act for the purpose of requiring the construction of certain capital projects before building permits may be issued in the Middle River Area; specifying certain performance standards for single-family detached lots in the Middle River area of the County; prohibiting panhandle lots in the Middle River area in certain cases; requiring a residential development plan in the Middle River Area to include certain design requirements to mitigate certain adverse effects on certain subwatersheds; and generally relating to building restrictions and residential performance standards for the Middle River area of the County.

BILL 61-07, entitled An Act for the purpose of authorizing an Environmental Planned Unit Development to be located in certain D. R. Zones of the County; providing standards for an Environmental PUD; authorizing a density bonus under certain conditions; and generally relating to Environmental Planned Unit Developments.

E. CALL OF BILLS FOR FINAL READING AND VOTE

_____ **Bill 51-07**, this Bill was withdrawn prior to the meeting.

_____ **Bill 52-07**, Charter Amendment - Qualifications of Councilmembers, was called. Councilmembers Olszewski and Moxley commented. Councilman Gardina then moved to amend this Bill with the following amendments:

On page 2, insert the following after line 12:

“SECTION 3. AND BE IT FURTHER ENACTED, that upon ratification by the voters of Baltimore County, this Act shall become effective for the term of office beginning December 6, 2010.”

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

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

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

1. On page 1, in the second line of the purpose paragraph, strike “an office or”
2. On page 2, in line 2, strike “or employment for” and substitute “OF”; and strike the brackets.

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

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

Thereafter, upon motion by Councilman Gardina, seconded by Councilman Olszewski, Bill 52-07 as amended, passed by the following roll call vote:

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

Bill 53-07, Zoning Regulations - Signs, was called. There being no discussion, this bill was passed by the following roll call vote:

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

Bill 54-07, this Bill was withdrawn prior to the meeting.

Bill 55-07, Planned Unit Developments, was called. Councilmembers Gardina and Kamenetz commented. Councilman Gardina then moved to amend this Bill with the following amendments:

1. On page 2, in line 22, after “BENEFIT”, insert “, OR AN ENVIRONMENTAL BENEFIT BY PROPOSING TO ACHIEVE AT LEAST A SILVER RATING ACCORDING TO THE U.S. GREEN BUILDING COUNCIL’S LEED FOR HOMES GREEN BUILDING RATING SYSTEM”
2. On page 4, in line 9 after “COMMUNITY”, insert “OR ENVIRONMENTAL”

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 Gardina then moved to amend this Bill with the following amendments:

1. On page 1, in the fifth line of the purpose paragraph, strike “an obsolete provision” and substitute “obsolete provisions”
2. On page 1, in the second function paragraph and on page 5, in line 6, strike “Section” and substitute “Section 259.9A.3 and”; on page 5, in line 7, strike “it is” and substitute “they are”

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

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman Oliver, Bill 55-07 as amended, passed by the following roll call vote:

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

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 July 31, 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 13 and 15 through 22. Fiscal Matter 14 was discussed as a separate matter.

1. Contract - EA Engineering, Science and Technology - On-call Stream Restoration Design Engineering Services

A contract with EA Engineering, Science and Technology, to provide on-call stream restoration design engineering consultant services.

2. Contract - Good Shepherd Services, Inc. - Septic Tank Pumping and clean-out services on an as-needed basis

A contract with Good Shepherd Services, Inc., to provide septic tank pumping and clean-out services on an on-call, as needed basis.

3. Contract - Lion Totalcare, Inc. - Repair and Cleaning of Firefighter Turnout

A contract with Lion Totalcare, Inc., for the repair and cleaning of firefighter turnout gear.

4. Addendum Contract - Hayes Construction Company - Carpentry Services - Insurance Claims Division

Addendum #1 to the contract with Hayes Construction Company, to enable the Baltimore County Insurance Claims Division to utilize this contract for carpentry services.

5. Contract -Ellen Schwartz Patterson, L.C.S.W.-C.C.A. - Bereavement Counseling Services - Victim Assistance Program

A contract with Ellen Schwartz Patterson. L.C.S.W.-C.C.A., for bereavement counseling services on an individual, family or group basis and a support group for families of homicide and drunk driving auto fatality victims through the Victim Assistance Program, run by the Office of the State's Attorney.

6. Amendment Contract - Systems Alliance, Inc. -OIT

Amendment #3 to the contract with Systems Alliance, Inc., which will increase the total compensation cap, thus allowing the payment for all the related goods and services under one comprehensive contract; and specify that the contract will expire on September 8, 2017.

7. Contract - DAVID-JAMES, LLC - Accounting Services for annual Medicare Cost Report

A contract with DAVID-JAMES, LLC, to provide accounting services for the completion an of annual medicare cost report and related accounting/regulatory issues.

8. Contract - Alliance, Inc. - Mental Health Targeted Case Management

A contract with Alliance, Inc., to provide mental health targeted case management for adults and children.

9. Contract of Sale - Robert L. & Susan W. Rye - Belair Road Improvements - Honeygo Boulevard

A contract of sale with Robert L. and Susan W. Rye, to acquire land and easements for the improvement of Belair Road in conjunction with the Honeygo Boulevard, Phase III-B project.

10. Contract of Sale - Michael & Charlene Knoerlein - Relocation of Buck Schoolhouse Road

A contract of sale with Michael & Charlene Knoerlein, to acquire a parcel of land needed for the realignment of Buck Schoolhouse Road.

11. Agreement of Sale - Motiva Enterprises, LLC - Park Development

An agreement of sale with Motiva Enterprise, LLC, to acquire 0.379 acre of land, more or less, for the development of a park.

12. Contract - Rummel, Klepper & Kahl, LLP - Professional Fees - Stemmers Run Wastewater Pumping Station

Addendum #1 to the contract with Rummel, Klepper and kahl, LLP, to provide additional engineering services during the construction phase of the Stemmers Run wastewater pumping station.

13. BAT #08-01C - Public Works - Herbert Run Interceptor

A budget appropriation transfer needed to fund unanticipated costs associated with the a construction of the Herbert Run Interceptor.

15. Addendum Contract - Eba Engineering, Inc. Geotechnical Engineering On-call Services

Addendum #2 to the contract with EBA Engineering, Inc., to increase the total funding, primarily due to the unexpected high use of the Eastern Landfill.

16. Agreement - CSX Transportation, Inc. - Rights of Way - Herbert Run Interceptor

A pipeline longitudinal occupancy agreement with CSX Transportation, Inc., to acquire rights of way needed to construct, use and maintain a pipeline, solely in connection with the Herbert Run Interceptor, along the CSX rail lines in the vicinity of Herbert Run.

17. Contract of Sale - Elizabeth Ann Gillespie/Estate of Daniel W. Haase - Parkland for Double Rock Park

A contract of sale with Elizabeth Ann Gillespie, Personal Representative of the Estate of Daniel W. Haase, to purchase additional parkland for the Double Rock Park.

18. Contract of Sale - The Enterprise/Mark Building Joint Venture, LLC - Redevelopment - Kingsley Park

An agreement of sale with The Enterprise/Mark Building Joint Venture, LLC , for the conveyance and redevelopment of the site known as Kingsley Park, for housing for the elderly, low -to-middle income, and market price buyers.

19. Contracts - (4) - Independent medical Evaluations

A contract with Greater Chesapeake Hand Specialties, P.A., Oroszlan, LLC, Orthopaedic Specialty Center for Baltimore, P.A. and Stephen R. Matz; to provide independent medical evaluations by experts.

20. Grant Agreement - Construction of an Addition - Dolfield Boulevard

A capital improvement grant agreement to design and construct an addition to Dolfield Boulevard in Owings Mills.

21. Deed - Baltimore Gas and Electric Co./Deutsche Bank Trust and Co. - Dolfield Boulevard

A County highway deed by Baltimore Gas and Electric Company and Deutsche Bank Trust Company Americas (formerly known as Bankers Trust Company) to acquire a highway right-of-way to be used for highway improvements to Dolfield Boulevard south of Easter Court.

22. Amendment to Memorandum of Understanding - Pedstrian Bridge at Jersalem Mill Road

An amendment to memorandum of understanding by and among Harford County, Maryland; Baltimore County, Maryland; the Maryland Department of Natural Resources; and The Friends of Jerusalem Mill, regarding the construction of a pedestrian bridge at Jerusalem Mill Road. The purpose of the amendment is to define the responsibilities of sharing the additional costs with Harford County and the Department of Natural Resources.

There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, Fiscal Matters 1 through 13 and 15 through 22 were unanimously approved.

Chairman Moxley then called upon the Secretary to read the cover letters for Fiscal Matter 14. Ed Adams appeared. Chairman Moxley then moved to amend this Matter with the following amendments:

Change figure to \$35,342.50 in section 2 on lines 5 and 6.

14. Addendum Contract - American Automatic Sprinkler - Maintenance and repair of sprinkler systems

Addendum #1 to the contract with American Automatic Sprinkler, to provide additional compensation for the final renewal period due to higher than anticipated maintenance and repair costs of currently installed sprinkler systems in County buildings. Ed Adams appeared. Councilman Moxley then moved to amend to change the figure to \$35,342.50 in section 2, lines 5 and 6. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, 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 Oliver, Fiscal Matter 14 as amended, passed by the following roll call vote:

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

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 June and July 2007.

2. Reappointment -Animal Hearing Board - Ms. Leslie Kaminski

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Leslie Kaminski be re-appointed to the Baltimore County Animal Hearing Board. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this re-appointment was unanimously approved.

3. Grant Recommendations - Commission on Arts & Sciences

_____ At the direction of the Chairman, the Secretary read the grant recommendations for the Commission on Arts and Sciences for fiscal year 2008 operating grant that will be used to support the arts and sciences that are available to all county residents. Bob Barrett appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, these grant recommendations were unanimously approved.

4. Res. 72-07 - PILOT Agreement - Portside Apartments LLC

At the direction of the Chairman, the Secretary read this resolution to authorize the County Executive or other authorized administrative official to enter into a written agreement on behalf of the County with Portside Apartments Limited Liability Corporation (LLC) for the payment of stipulated amounts in lieu of regular real property taxes in order to facilitate the development of an affordable rental housing project to benefit low income persons and families in Baltimore County. Mary Harvey appeared. Councilman Olszewski commented. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

5. Res. 73-07 - PILOT Agreement - 303 Maiden Choice Lane - Parkview at Catonsville

_____ At the direction of the Chairman, the Secretary read this resolution to authorize the County Executive or other authorized administrative official to enter into a written agreement on behalf of the County with Catonsville Limited Liability Limited partnership (LLLP) for the payment of stipulated amounts in lieu of regular real property taxes in order to facilitate the development of an elderly housing project to benefit low income persons in Baltimore County. Mary Harvey remained. Councilman Moxley commented. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved.

6. Res. 74-07 - Local Endorsement - Elderly Housing Project - Timothy House

_____ At the direction of the Chairman, the Secretary read this resolution to approve the development of housing in Towson, Baltimore County, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration. Mary Harvey remained. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Oliver, this Resolution was unanimously approved.

7. Res. 75-07 - Property Tax Exemption - Lois R. Taylor

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Lois R. Taylor, 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 Gardina, this Resolution was unanimously approved.

8. Res. 76-07 - Property Tax Exemption - Robert A. Glasner

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Robert A. Glasner, 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 McInitre, this Resolution was unanimously approved.


**9. Reappointment -Baltimore County Public Guardianship Review Board -
Anne Z. Perry**

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

_____ **10.** This Resolution was for introduction only.

_____ **11.** This Resolution was for introduction only.

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 6:25 P.M.


Thomas J. Peddicord, Jr.