

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 19**  
**November 3, 2008                      7:00 P.M.**

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A.     The meeting was called to order by Chairman Kamenetz at 7:00 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 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.     APPROVAL OF JOURNAL**

Upon motion by Councilman McIntire, seconded by Councilman Moxley, the reading of the Journal Entries for the meeting of October 20, 2008 was waived and accepted unanimously.

**C.     ENROLLMENT OF BILLS**

At this time there were no Bills for enrollment.

**D.     INTRODUCTION OF BILLS**

**BILL 118-08**, entitled An Act for the purpose of amending the 2008-2009 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 Novo Nordisk, Inc.

**BILL 119-08**, entitled An Act for the purpose of amending the 2008-2009 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 120-08**, entitled An Act for the purpose of clarifying the fine for parking in a space designated for the use of individuals with disabilities.

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

Bill 103-08, CEB - Waterway Improvement Fund Grant, was called. Division Chief William Spencer-Strong 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 104-08, CEB - Baltimore County Growing Home Campaign, was called. John Markley 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 105-08, this Bill was withdrawn prior to the meeting.

Bill 106-08, Zoning Regulations - Changeable Copy Signs, was called. Pat Kellar appeared. Councilman Kamenetz moved to amend this Bill with the following amendments:

1. On page 1, in the second function paragraph and on page 6, in line 20, strike "450.8D.4.d. and e." and substitute "450.8.D.6."
2. On page 3, insert the following after line 12: "450.4"
3. On page 5, in line 13, strike "SIGHT" and substitute "SITE"
4. On page 7, in line 16, strike "SIGNATURE" and substitute "SIGNALING"; in line 19, strike "an" and substitute "any"
5. On page 9, in line 8, after "DISTRICT" insert "OR"
6. On page 9, in line 12, strike "NO" and substitute "AN"
7. On page 9, strike lines 16 through 18 and substitute the following:

"6. NOTWITHSTANDING THE PROVISIONS OF SECTION 104.1 CONCERNING NONCONFORMING USES, A SIGN MUST BE REMOVED OR BROUGHT INTO COMPLIANCE WITH SECTION 450 BY THE 180<sup>TH</sup> DAY AFTER THE EFFECTIVE DATE OF BILL NO. 106-08 IF THE SIGN:"

Councilman Moxley 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 amendments:

1. On page 4, in line 59, strike “HALF HOUR” and substitute “15 SECOND”

Councilman Gardina seconded the motion and these amendments passed by the following roll call vote:

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

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

1. On page 5, in line 9, strike the period and substitute “, AND MAY NOT DISPLAY VIDEO, FLASHING, BLINKING, ANIMATION, STROBING OR SCROLLING”.
2. On page 6, in line 6, strike “, AND” and substitute “. A CHANGEABLE COPY SIGN” and after “DISPLAY”, insert “VIDEO,”.

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

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

On page 9, in line 8, after “LINE” insert “OR IN HISTORIC DISTRICTS”

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

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

Councilman Gardina questioned Mr. Peddicord. Councilmembers Kamenetz and Olszewski commented. There being no further discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, Bill 106-08, as amended, passed by the following roll call vote:

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

Nay - None

**Bill 107-08**, Exchange of Easements was called. Councilman Kamenetz moved to amend this Bill with the following amendments:

On page 2, strike from “INTEREST” in line 3 through “PROPERTY.” in line 6 and substitute “PROVIDED A SUBSTITUTE EASEMENT IS CONVEYED TO, AND ACCEPTED BY, THE COUNTY.

(2) THE COUNTY MAY RELEASE AN EASEMENT UNDER THIS SUBSECTION WHETHER THE EXISTING COUNTY EASEMENT WAS ACQUIRED BY DEDICATION, PURCHASE, GIFT, DEVISE, OR CONDEMNATION.”; in line 7, strike “(2) AN EXCHANGE MADE” and substitute “(3) A RELEASE OF EASEMENT”; strike lines 10 through 15 in their entirety and substitute:

“(4)(I) A PROPOSED RELEASE OF EASEMENT UNDER THIS SUBSECTION SHALL BE SUBMITTED TO:

1. THE COUNTY COUNCIL FOR ITS REVIEW; AND
2. THE SECRETARY OF THE COUNTY COUNCIL FOR RECORD-KEEPING AND ACCOUNTING PURPOSES.

(II) 1. NOT MORE THAN 14 DAYS AFTER THE DAY THE PROPOSED RELEASE OF EASEMENT IS SUBMITTED TO THE COUNCIL, A MEMBER OF THE COUNCIL MAY CALL FOR A VOTE OF THE COUNCIL ON THE PROPOSED RELEASE OF EASEMENT.

2. AFTER THE 14-DAY PERIOD HAS ELAPSED, A PROPOSED RELEASE OF EASEMENT NOT SELECTED BY THE COUNCIL FOR A VOTE SHALL BE PUBLICIZED IN ACCORDANCE WITH § 3-9-109 OF THIS SUBTITLE AND IS DEEMED APPROVED.”; and strike from “a” on line 16 through “bill” on line 20 and substitute “an easement has already been conveyed to the County in accordance with Article 32, Title 4 of the Baltimore County Code, 2003 within the two (2) years before the effective date of this Act, that easement may be deemed a substitute easement and the County may release existing County easements lying within the property depicted on the development plan, minor subdivision plan, or record plat in accordance with the provisions of Section 1 of this Act.”

Councilman Moxley seconded the motion and these amendments passed by the following roll call vote:

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

Nay - None

Mr. Peddicord commented. There being no further discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, Bill 107-08, as amended, passed by the following roll call vote:

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

Bill 108-08, this Bill was withdrawn prior to the meeting.

Bill 109-08, Property Tax Credit-Disabled Law Enforcement Officers or Correctional Officers or Rescue Workers, was called. Councilman Moxley commented then moved to amend this Bill with the following amendments:

1. On page 1, in the short title, strike “or Correctional Officers”; in the 1<sup>st</sup> and 2<sup>nd</sup> lines and last two lines of the purpose paragraph, strike “or correctional officers”; on the 5<sup>th</sup> and 6<sup>th</sup> lines of the purpose paragraph, strike “expanding the tax credit program for fallen law enforcement officers or rescue workers to include correctional officers;”
2. On page 2, strike the first function paragraph and strike lines 1 through 13; strike page 3, and on page 4, strike lines 1 through 6.
3. On page 4, in line 7, strike “2” and substitute “1”; in line 11, strike “OR CORRECTIONAL OFFICERS”
4. On page 5, in lines 1 and 2, 8, and 12, strike in each instance “OR CORRECTIONAL OFFICER”
5. On page 7, in line 14, strike “3” and substitute “2”
6. On page 7, in line 16, strike “2008” and substitute “2009”
7. On page 5, in lines 1 and 8, before “LAW” and in line 9, before “FIRE”, insert, in each instance “BALTIMORE COUNTY”; in line 8, strike “A”

Councilman McIntire seconded the motion and these amendments passed by the following roll call vote:

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

Mr. Peddicord commented. There being no further discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, Bill 109-08, as amended, passed by the following roll call vote:

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

**Bill 110-08**, 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 October 28, 2008. 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 Kamenetz then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 3.

**1. Lease - St. John Properties, Inc. - Health Department - Adolescent Substance Abuse Treatment Program**

A lease agreement with St. John Properties, Inc., for the Health Department's rental property located at 8600 LaSalle Road, The York Building, Suite 504, Towson, Maryland 21286. The department intends to operate the Adolescent Substance Abuse Treatment Program from this location.

**2. Contract of Sale - Robert, Virginia & Douglas Dunkes - Conservation Easement - Long Green Valley**

A contract of sale with Robert, Virginia and Douglas Dunkes, for the acquisition of a conservation easement, located at 4709 Breidenbaugh Lane, Glen Arm, Maryland 21057, containing 54.48 acres, more or less for the protection of agricultural natural resources in the Long Green Valley area.

**3. Contract of Sale - Wayne & Sharon Lauterbach - Widening of Lyons Mill Road**

A contract of sale with Wayne and Sharon Lauterbach, to acquire a parcel of land located at 9532 Lyons Mill Road, Owings Mills, Maryland 21117, for the widening of Lyons Mill Road.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, Fiscal Matters 1 through 3 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 October 2008.

**2. Res. 88-08 - Endorsement of Sweet Potato Kids Tree House Charities, Inc. - Neighborhood Business Works**

\_\_\_\_\_ At the direction of the Chairman, the Secretary read this resolution to endorse the application of Sweet Potato Kids Tree House Charities, Inc., to the Department of Housing and Community Development for a grant for a local project. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, this Resolution was unanimously approved.

**3. Res. 89-08 - Property Tax Exemption - Blind - Claire L. Harkins**

\_\_\_\_\_ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Claire L. Harkins 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 McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

**4. Reappointments - (2) - Adult Public Guardianship Review Board**

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting Howard (Jerry) G. Bullinger and Valorie Leeb for reappointment to the Baltimore County Adult Public Guardianship Review Board. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, these reappointments were unanimously approved

**5. Reappointments -(2) - Agricultural Preservation Advisory Board**

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting David Sparks and Harriett McGinnis for reappointment to the Baltimore County Agricultural Preservation Advisory Board. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, these reappointments were unanimously approved

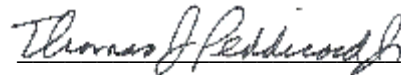
**6. Res. 90-08 - Endorsement of application by the Dundalk Renaissance Corporation**

\_\_\_\_\_ At the direction of the Chairman, the Secretary read this resolution to endorse the filing of an application by the Dundalk Renaissance Corporation. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this Resolution was unanimously approved.

**7. Res. 91-08 - Approve Review of PUD - The Woda Group - Restoration Village Senior Community**

\_\_\_\_\_ This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman Oliver, the meeting adjourned at 7:26 P.M.

  
Thomas J. Peddicord, Jr.