

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 05
March 3, 2008 7:00 P.M.

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 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
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 February 19, 2008 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 3-08, 4-08 and 5-08.

D. INTRODUCTION OF BILLS

BILL 10-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Health and Mental Hygiene, Alcohol and Drug Abuse Administration.

BILL 11-08, entitled An Act for the purpose of permitting a funeral home to be located in an R.C. 6 Zone under certain conditions; exempting cemeteries and funeral homes from certain provisions of the R.C. 6 Zone; providing parking requirements for a funeral home; and generally relating to the requirements for funeral homes and cemeteries in the R.C. 6 Zone.

BILL 12-08, entitled An Act for the purpose of amending the 2007-2008 Current

Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from state funds and made available to the County through the Maryland Department of Human Resources (DHR).

BILL 13-08, entitled An Act for the purpose of clarifying and reinforcing the density controls relating to amendments of subdivision plats and to disallow amendments and resubdivisions of portions of subdivisions which exceed the permitted density for the entire subdivision tract in the zone applicable to the subdivision tract when approved or in the zone presently applicable, whichever is less; and generally relating to amendments to plans and plats.

BILL 14-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. Vehicle Operations and Maintenance has experienced fuel costs in excess of the amount projected in the original 2007-2008 Current Expense Budget.

BILL 15-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. The Board of Supervisors of Elections has to pay funds for voting machines and voter registration system in excess of the amount projected in the original 2007-2008 Current Expense Budget.

BILL 16-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. The County Sheriff's has experienced lower than anticipated turnover and overtime related to prisoner transports in excess of the amount projected in the original 2007-2008 Current Expense Budget.

BILL 17-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. The Department of Environmental Protection and Resource Management has experienced salary related shortfalls and contractual expenditures in excess of the amount projected in the original 2007-2008 Current Expense Budget.

BILL 18-08, entitled An Act for the purpose of amending the 2007-2008 Current Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. The Department of Permits and Development Management has experienced salary related shortfalls and contractual expenditures in excess of the amount projected in the original 2007-2008 Current Expense Budget.

BILL 19-08, entitled An Act for the purpose of amending the 2007-2008 Current

Expense Budget, by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2007. The Police Department's Operations Program and Criminal Investigative Program have experienced personnel and equipment costs in excess of the amount projected in the original 2007-2008 Current Expense Budget.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 6-08, Zoning Regulations - Museums, was called. Councilman McIntire move to amend this Bill with the following amendments:

1. On page 3, in line 3, strike "OCCUPY" and substitute "OCCUPIES"; in line 4, strike "ALL MUSEUM" and substitute "THE EXISTING"
2. On page 3, in line 8, strike "MAY" and substitute "SHALL"; in line 11, strike the first "OR" and substitute "OF"; in line 14 strike "FREESTANDING OR".
3. On page 3, strike lines 18 and 19 and substitute the following:
"WILL NOT BE INTERNALLY ILLUMINATED."
4. On page 3 in line 20, after "25" insert "BUT NO MORE THAN 65"
5. On page 4, strike line 2 and substitute the following:
"AND NO LATER THAN 6:00 P.M. A MAXIMUM OF SIX DAYS PER WEEK. THE TOTAL NUMBER OF PATRONS PERMITTED"
6. On page 4, strike lines 4 through 7.

Councilman Bartenfelder 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 Moxley, seconded by Councilman McIntire, Bill 6-08 as amended, passed by the following roll call vote:

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

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 February 26, 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 5.

1. Contract of Sale - Rodney R. Mosley - Widening of Lyons Mills Road

A contract of sale with Rodney R. Mosley to acquire a parcel of land at 9432 Lyons Mill Road, Owings Mills, Maryland 21117 for the widening of Lyons Mills Road.

2. Contract of Sale - Joseph & Thelma Fertitta - Widening of Lyons Mills Road

A contract of sale with Joseph and Thelma Fertitta to acquire a parcel of land at 9430 Lyons Mill Road, Owings Mills, Maryland 21117 for the widening of Lyons Mills Road.

3. Contract - Pipes and Wires Services Subsurface Utility Locating Services on an on-call basis

A contract with Pipes and Wires Services, to provide subsurface utility locating services, by either excavation or electric utility designation, on an on-call or as needed basis throughout Baltimore County.

4. Contract - KCI Technologies - On-call Civil Engineering Services of Public Projects

A contract with KCI Technologies, to provide on-call civil engineering services to prepare studies, preliminary designs and contract documents for site development of public projects as needed throughout Baltimore County.

5. Contract - Occupational Medical Services, Inc. - Medical Services for Health Assessments - County employees

A contract with Occupational Medical Services, Inc., to provide medical and administrative services for treating all new and existing job related injuries and illnesses, including the initial assessment and treatment, to include physical therapy. It will also include referral to the County to approved providers, rehabilitation, specialist evaluations and/or treatment or second opinions.

There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, Fiscal Matters 1 through 5 were unanimously approved.

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 February, 2008.

2. Res. 19-08 - Public Reservation - Red Run Boulevard

At the direction of the Chairman, the Secretary read this resolution to declare a public reservation, in accordance with Article 32, Title 2, Subtitle 3 of the Baltimore County Code 2003, of certain land located in the Fourth Councilmanic District. The reports indicate that the proposed use of the site for an office building presents a Master Plan conflict due to the location of the furniture interchange for I-795 and Dolfield Boulevard at this site. Bruce Seeley appeared. Councilman Gardina questioned Mr. Seeley. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this resolution was unanimously approved.

3. Res. 25-08 - Accept donation from The Maryland Arborist Association

At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a gift of tree care services from the Maryland Arborist Association, Inc. for the trees at the Baltimore Center for Maryland Agriculture. John Markley appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this resolution was unanimously approved.

4. Res. 26-08 - Accept donation from the National Insurance Crime Bureau for Police Department

At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a gift for the use of Baltimore County, Maryland. The Police Department has received a gift of a 2004 Lincoln Navigator from National Insurance Crime Bureau. Lt. Dan Kaliszak appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this resolution was unanimously approved.

5. Condemnation Petition - Michael M. Jurkiewicz - Bucks Schoolhouse Realignment Project

At the direction of the Chairman, the Secretary read this correspondence from the Administrative Officer for a complaint for condemnation for Michael M. Jurkiewicz, to condemn his property at 4816 Bucks Schoolhouse Road in an attempt to acquire a highway right of way and revertible slope easements for the Bucks Schoolhouse Road realignment project. Shirley Murphy appeared. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, this resolution was unanimously approved.


6. Res. 27-08 - Property Tax Exemption - DAV - Maurice D. Bach

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Maurice D. Bach 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 Moxley, this resolution was unanimously approved.

7. Reappointment - Animal Hearing Board - Carolyn S. Owens

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the re-appointment of Ms. Carolyn S. Owens to the Baltimore County Animal Hearing Board for a 2 year period effective immediately. There being no discussion, upon motion by Councilman Oliver seconded by Councilman Olszewski, this resolution was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman McIntire, the meeting adjourned at 7:10 P.M.



Thomas J. Peddicord, Jr.