

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 10
May 22, 2008 10:00 A.M.

A. The meeting was called to order by Chairman Kamenetz at 10:00 A.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 May 5, 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, Bill 21-08, 22-08, 23-08, 24-08 and 25-08.

D. PRESENTATION OF BUDGET

 Chairman Kamenetz read the Baltimore County Budget Message for Fiscal Year 2008-2009.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 26-08, CEB - Hazardous Materials Emergency Preparedness, was called. Richard Muth appeared. Councilman Oliver and Olszewski commented. There being no further discussion, this bill was passed by the following roll call vote:

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

Bill 27-08, Zoning Regulations - Middle River Area, was called. Councilman Bartenfelder commented then move to amend this Bill with the following amendments:

1. On page 2, in line 4, strike “E” and substitute “F”
2. On page 2, in line 7, strike “7.5” and substitute “75”
3. On page 2, insert the following after line 10:

‘SECTION 2. AND BE IT FURTHER ENACTED, that this Act does not apply to any development project for which the initial development plan approval was obtained prior to September 19, 2007.’

4. On page 2, in line 11, strike “2” and substitute “3”

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 Bartenfelder, seconded by Councilman Olszewski, Bill 27-08 as amended, passed by the following roll call vote:

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

Bill 28-08, High Performance Homes, was called. Councilman Gardina commented then move to amend this Bill with the following amendments:

1. On page 2, in line 5, strike “CERTIFIED” and substitute “SILVER”
2. On page 2, strike lines 19 through 22 and substitute the following:
 “(I) LEED SILVER - 40%
 (II) LEED GOLD - 60%
 (III) LEED PLATINUM - 100%”
3. On page 3, in line 14, strike “\$3,000,000” and substitute \$1,000,000”

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 Gardina, seconded by Councilman Moxley, Bill 28-08 as amended, passed by the following roll call vote:

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

Bill 34-08, The Annual Budget and Appropriation Ordinance, was called. Mr. Peddicord stated that the various appropriations shown on the annual budget and appropriation ordinance are amended by deletions and substitutions as shown on said ordinance.

Therefore, Bill 34-08, as amended, passed by the following roll call vote:

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

Bill 35-08, Property Tax Rate, was called. 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 36-08, Other Post-Employment Benefits Trust Fund, was called. Mr Peddicord commented. Councilman Kamenetz then move to amend this Bill with the following amendments:

On page 4, in line 16, strike “July 1, 2008” and substitute “June 30, 2008”

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

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, Bill 36-08 as amended, passed by the following roll call vote:

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

Bill 37-08, Arbitration Award - Additional Leave Provision, was called. 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 38-08, Arbitration Award - Bereavement Leave, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 39-08, Arbitration Award - Flashlights, was called. 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 40-08, Arbitration Award - Radio, Battery and Charger, was called. 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 41-08, Arbitration Award - Exclusive Representative President and Employees, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 42-08, Arbitration Award - Furlough, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 43-08, Arbitration Award - Holiday Pay, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 44-08, Arbitration Award - Services Provided to the Exclusive Representative, was called. 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 45-08, Arbitration Award - Optional Retirement Allowance, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 46-08, Arbitration Award - Property Reimbursement, was called. There being no discussion, this bill was passed by the following roll call vote:

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

Bill 47-08, Arbitration Award - Vacation Leave, was called. 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 48-08, Arbitration Award - Distribution of the Memorandum of Understanding, was called. 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 49-08, Arbitration Award - Hearing Boards, was called. There being no discussion, this bill was failed by the following roll call vote:

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

Bill 50-08, Personal Law of Baltimore County, was called. 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 51-08, Community College Borrowing Ordinance, was called. 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 52-08, Community and Economic Improvement Project Borrowing Ordinance, was called. 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 53-08, Agricultural and Rural Land Preservation Borrowing Ordinance, was called. 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 54-08, Operational Buildings Borrowing Ordinance, was called. 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 55-08, Parks, Preservation & Greenways Borrowing Ordinance, was called. 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 56-08, Public Works Borrowing Ordinance, was called. 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 57-08, Refuse Disposal Borrowing Ordinance, was called. 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 58-08, Schools Borrowing Ordinance, was called. 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 59-08, Waterway Improvement Program Borrowing Ordinance, was called. There being no discussion, this bill was 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 May 13, 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 and 2.

1. Amendment to Contract - Express Scripts - Terms of the Contract

An amendment to the contract with Express Scripts, Inc., to amend the initial and renewal terms of the contract. The new term of the agreement would be 4/01/2003 to 3/31/2011, with three successive, one-year automatic renewals and one final renewal term beginning on 4/01/2014 and ending 8/31/2015 under the same terms and conditions, other than addressed in the amendment. This request also seeks approval to amend Exhibit A, Prescription Drug Program fees, by lower dispensing fees and greater discounts.

**2. Contract - Kingdom Worship Center, Inc. - Parking for Drumcastle Center
County Employees**

A contract with Kingdom Worship Center, Inc., for the non-exclusive use of Kingdom Worship Centers' parking lots, which contain 75 parking spaces, for the use of County employees employed at the Drumcastle Center. In consideration of the use of Kingdom's parking lot for the period of January 1, 2004 through May 31, 2008.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 and 2 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 April 2008.

**2. Res. 45-08 - Endorsement of Elderly Housing Project - The Greens at Rolling
Road**

At the direction of the Chairman, the Secretary read this resolution approving the development of housing in Catonsville, 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 appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, Resolution 45-08 passed by the following roll call vote:

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

There being no further business to come before the Council at this time, upon motion by Councilman Olszewski, seconded by Councilman McIntire, the meeting adjourned at 10:50 A.M.


Thomas J. Peddicord, Jr.