

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 09
May 5, 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 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 April 21, 2008 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 20-08.

D. INTRODUCTION OF BILLS

BILL 29-08, 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 Housing and Community Development.

BILL 30-08, 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 federal funds and made available to the County through the Maryland Highway Safety Office.

BILL 31-08, 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 the Maryland Affiliate of Susan G. Komen for the Cure.

BILL 32-08, 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 the Maryland Department of Health and Mental Hygiene.

BILL 33-08, 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 federal funds and made available to the County through the Maryland Department of Labor, Licensing and Regulation.

BILL 34-08, entitled the Annual Budget and Appropriation Ordinance of Baltimore County to adopt the County Budget, consisting of the Current Expense Budget for the fiscal year ending June 30, 2009, the Capital Budget for the fiscal year ending June 30, 2009 and the Capital Improvement Program for the fiscal years ending June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013 and June 30, 2014; and to appropriate funds for all expenditures for the fiscal year beginning July 1, 2008 and ending June 30, 2009.

BILL 35-08, entitled An Act for the purpose of levying and imposing a property tax for the use Baltimore County for taxable year beginning July 1, 2008 and ending on the thirtieth day of June following: fixing the rate of county taxation for such taxable year; fixing the rate to be charged when property taxes are paid on a semi-annual basis; and generally relating to the property tax.

BILL 36-08, entitled An Act for the purpose of establishing the Other Post-Employment Benefits Fund as an irrevocable Trust Fund; clarifying the tax exempt status of the Trust Fund; clarifying standards for investment of Trust Fund assets; clarifying that Trust Fund assets are not subject to execution, attachment, prior assignment, or any other judicial relief or order for the benefit of any creditor or third person; correcting a technical error; and generally relating to the Other Post- Employment Benefits Trust Fund.

BILL 37-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; making provision for certain leave; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 38-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the Police Department to allow certain additional bereavement leave; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 39-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the Police Department to supply certain personnel with flashlights; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 40-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the County to supply certain representatives of the exclusive representatives with certain items; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 41-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the Police Department to allow an additional employee a full time leave of absence to work full-time for the benefit of members of the bargaining unit; deducting certain regular leave from certain employees; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 42-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; prohibiting furloughs of employees; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 43-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the Police Department to authorize certain holiday pay; disallowing certain holiday pay; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 44-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the County to supply an internet/intranet connection for the exclusive representative; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 45-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; authorizing certain police personnel to use a certain optional retirement allowance; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 46-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; altering provisions for reimbursement of certain costs; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 47-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the Police Department to approve and honor certain vacation leave; providing for the termination of this Act; and generally relating to the Fiscal Year 2009 Current Expense Budget.

BILL 48-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; requiring the County to distribute the MOU by certain time; providing for the termination of this Act; and generally relating to hearing boards.

BILL 49-08, entitled An Act for the purpose of implementing an award granted in binding arbitration between the County Administration and the exclusive representative of the bargaining unit for the police personnel on pay schedule IV of the County Classification and Compensation Plan; providing that the decision of a hearing board is final; eliminating the right of the Chief of Police to review a decision of a hearing board and issue a final order thereon; providing for the termination of this Act; and generally relating to hearing boards.

BILL 50-08, entitled An Act for the purpose of providing for certain changes to the Baltimore County Classification and Compensation Plans by amending a certain Pay Schedule; amending certain personnel rules and regulations; and generally relating to the governance and compensation of the personnel of Baltimore County Government.

BILL 51-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$30,136,000 for the purpose of community college projects to be undertaken in the ensuing fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 52-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$4,000,000 for the community and economic improvement and development projects to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 53-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$6,000,000 for land preservation to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 54-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$13,400,000 for public operational buildings, including, but not limited to general health, police, fire, recreation, library, senior center and jail buildings or facilities and necessary or desirable equipment to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 55-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$5,000,000 for the purpose of parks, preservation and Greenways projects to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 56-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$84,400,000 for public works purposes, for the class of projects which includes, among other things, streets and highways, bridges and storm drainage systems, to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 57-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$360,000 for refuse disposal projects, to be undertaken in the ensuring fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 58-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$105,204,000 for public school buildings, buildings for school purposes, building to support school operations and site projects to be undertaken in the ensuing fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 59-08, entitled An Ordinance for the purpose of authorizing and empowering Baltimore County, Maryland to borrow money in a principal amount not exceeding \$6,500,000 for waterway improvement projects to be undertaken in the ensuing fiscal years starting July 1, 2009, and to provide that the full amount of such borrowing shall be submitted to a referendum of the registered voters of Baltimore County for their approval or rejection, pursuant to Section 718 and Section 705(a) of the Baltimore County Charter.

BILL 60-08, entitled An Act for the purpose of permitting certain enterprise signs in business zones; and generally relating to enterprise signs.

E. CALL OF BILLS FOR FINAL READING AND VOTE

_____ **Bill 21-08**, Capital Budget - PAL Centers Capital Renovation, was called. Keith Williams 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 22-08**, CEB - Homeland Security Grant Program-Urban Area Security Initiative, was called. Lt. Mark Demski 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 23-08**, Zoning Regulations - Maritime Zones, was called. Councilman Bartenfelder commented. 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 24-08**, Amendments to Development Plans, was called. Councilman McIntire commented. 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 25-08, Zoning Regulations - Honeygo District Threshold Limitations, was called. Councilman Gardina commented. 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 April 29, 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. Amendment to Contract - Watt, Tieder, Hoffar and Fitzgerald - Detention Center Expansion Project

An amendment to the contract with Watt, Tieder, Hoffar and Fitzgerald, to increase the compensation, during the final term of the agreement, through full and final resolution of all litigation and claims associated with the Baltimore County Detention Center.

2. Contract - Siemens Building Technologies - HVAC System Maintenance - Department of Corrections

A contract with Siemens Building Technologies, to provide preventive maintenance and furnish the necessary labor, equipment, materials, and tools required to maintain and repair the fire, pneumatic and HVAC systems necessary for the successful operations of the Department of Corrections.

3. Contract - (2) - On-call Fencing Services

Two contracts with Hercules Fence of Maryland, LLC and CMF, Inc. d/b/a Best Fence, to provide on-call fencing services.

4. Contract - (2) - Testing and Analysis of asbestos and lead contaminated samplings and water samplings

Two contracts with Chambers Environmental, Inc. and Tidewater, Inc., to provide air monitoring sampling, testing, analysis of asbestos and lead contaminated materials and samplings, testing and analysis of drinking water at various County owned and/or operated buildings.

5. Contract - Simplex Grinnell, LP - Maintenance and Repair of Sprinkler System

A contract with Simplex Grinnell, LP, to provide the maintenance and repair of the sprinkler systems currently installed in County owned buildings.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, 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 March 2008.

2. Res. 39-08 - Accept a gift through Urban Area Security Initiative for Homeland Security

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. Baltimore City through the Urban Area Security Initiative is donating one Pierce Enforcer Decontamination Vehicle and associated equipment through the Baltimore Urban Area Security Initiative, to Baltimore County. Lt. Mark Demski appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

3. Res. 40-08 - Approve Development - Harry and Jeanette Weinberg Village V

At the direction of the Chairman, the Secretary read this resolution to approve the development of housing in Owings Mills, 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 Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

4. Res. 41-08 - PILOT - Elderly Housing - Harry Jeanette Weinberg - 3430 Associated Way

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 The Harry and Jeannette Weinberg Village Limited Partnership 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 elderly persons in Baltimore County. Mary Harvey remained. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

5. Res. 42-08 - PILOT - Elderly Housing - Randallstown II Non-Profit Housing Corp. - 5109 Old Court Road

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 Randallstown II Non-Profit Housing Corporation 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 elderly persons, 62 years of age or older in Baltimore County. Mary Harvey remained. Councilman Oliver commented. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

9. Res. 44-08 - Approve Development - The Greens at Rolling Road

At the direction of the Chairman, the Secretary read this resolution to approve the development of housing in Catonsville, Baltimore County, Maryland, a deferred loan to Rolling Road Senior Apartments Limited Partnership to assist in the financing of the construction of The Greens at Rolling Road in Catonsville, Maryland. Mary Harvey remained. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved.

6. Appointment - Adult Public Guardianship Review Board - Judy R. Volkman

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Judy R. Volkman to be appointed to the Baltimore County Adult Public Guardianship Review Board. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman McIntire, this appointment was unanimously approved.

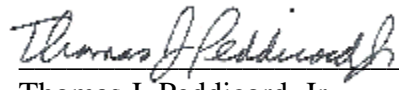
7. Res. 43-08 - Property Tax Exemption - DAV - Jerry E. Bullock

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Jerry E. Bullock 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 Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

8. Appointment - Director, Department of DEPRM - Jonas A. Jacobson

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Jonas A. Jacobson to serve as Director of the Baltimore County Department of Environmental Protection and Resource Management. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Olszewski, this appointment 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 7:20 P.M.

A handwritten signature in cursive script, reading "Thomas J. Peddicord, Jr.", written in black ink.

Thomas J. Peddicord, Jr.