

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 12
July 7, 2008 6:00 P.M.

A. The meeting was called to order by Chairman Kamenetz at 6:05 P.M. The Chairman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag led by Boy Scout Troop # 26 of St. Ursula's Church. 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 Moxley, the reading of the Journal Entries for the meeting of June 2, 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 29-08, 30-08, 31-08, 32-08, 33-08 and 60-08.

D. INTRODUCTION OF BILLS

BILL 66-08, entitled An Act for the purpose of providing that the Basic Services Transportation Map shall be adopted and amended by the Bureau of Traffic Engineering, with annual reports sent to the County Council; and generally relating to the Basic Services Maps.

BILL 67-08, entitled An Act for the purpose of authorizing building permits on unimproved lots in the Back River Neck Area in certain cases; and generally relating to the Growth Management Plan for the Back River Neck Area.

BILL 68-08, entitled An Act for the purpose of authorizing the Director of Budget and Finance to delegate the authority to sign certain contracts to certain individuals under certain conditions; providing that the Purchasing Manual may provide that the director of a certain county agency is not required to sign a certain contract under certain conditions; providing that certain purchases shall be made in accordance with the Purchasing Manual; and generally relating to the Purchasing Act.

BILL 69-08, entitled An Act for the purpose of increasing fines imposed for violations of the county parking laws; including a contingency; and generally relating to fines for violations of county parking laws.

BILL 70-08, entitled An Act for the purpose of authorizing the county to enforce certain parking law on certain private property under certain circumstances; authorizing the director of budget and finance to waive certain fines under certain circumstances; authorizing the director of budget and finance to appoint parking enforcement officers; clarifying the authority to enforce law on fire lanes; clarifying a section on civil penalties; defining a certain term; and generally relating to parking enforcement in the county.

BILL 71-08, 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 various organizations and individual donations.

BILL 72-08, 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 Governor's Office of Crime Control & Prevention.

 BILL 73-08, 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 Associated Black Charities.

 BILL 74-08, 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 Department of Health and Mental Hygiene Aids Administration.

 BILL 75-08, entitled An Act for the purpose of authorizing the Baltimore County Revenue Authority to replace single-space parking meters with multi-space parking meters under certain circumstances; providing specific requirements for multi-space parking meters; authorizing payment for parking by credit card and bills; providing for enforcement of parking meters; authorizing the traffic engineering to make certain determinations; and generally relating to the use of multi-space parking meters.

BILL 76-08, entitled An Act for the purpose of extending the time frame for compliance with the Rental Housing License Program adopted by Bill 87-07.

BILL 77-08, entitled An Act for the purpose of authorizing the conveyance of surplus property to certain charitable entities under certain circumstances; altering the method of county council approval of certain conveyances from resolution to contract; making stylistic changes; and generally relating to the disposition of surplus property.

BILL 78-08, 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 the Harry and Jeanette Weinberg Foundation made available to the County through the Affiliated Sante' Group.

BILL 79-08, entitled An Act for the purpose of establishing a pilot program for tax credits for high performance homes located in a High Performance Neighborhood Development; defining terms; providing for termination of the credit; exempting the developer of a High Performance Neighborhood Development from certain fees; providing a density bonus; authorizing the adoption of regulations; providing for the application of the Act; and generally relating to tax credits for high performance homes in a High Performance Neighborhood Development.

BILL 80-08, entitled An Act for the purpose of repealing the County Rental Housing License Program.

BILL 81-08, entitled An Act for the purpose of making a correction to Bill 52-07 by amending the Baltimore County Charter to remove the prohibition on serving as a member of the County Council while holding employment with the State; and generally relating to the qualifications of members of the County Council.

BILL 82-08, entitled An Act for the purpose of authorizing residential uses in the MD 43 Overlay District under certain conditions; permitting a certain auxiliary commercial use by right; and generally relating to permitted uses in the MD 43 Overlay District.

BILL 83-08, 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 Corporation for National Service.

BILL 84-08, entitled An Act for the purpose of providing that the cost of county repairs to stormwater management devices or practices on private property shall be a lien on the property of the property owner and collectable in the same manner as real property taxes; and generally relating to the cost of stormwater management devices or practices.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 61-08, CEB - HSGP UASI - Equipment Upgrades and maintenance costs, was called. Michael Robinson 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 62-08, CEB - HSGP UASI - Hazardous Materials Training, was called. Michael Robinson remained. 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 63-08, CEB - Incident Management and Related Training, was called. Michael Robinson remained. 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 64-08, Capital Budget - Towson Commons, LLC (The ViPS, Inc. Project), was called. David Iannucci 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 65-08, Zoning Regulations - Radio Operator Antennas, was called. Councilman Gardina moved to amend this bill with the following amendment:

On page 2, in lines 3 and 4, strike from "UNLESS" in line 3 to "CODE," in line 4. In line 5, after the period, insert "AN ANTENNA MADE OF WIRE NO LARGER THAN THE SMALLEST DIAMETER SPECIFIED FOR THAT PURPOSE IN THE ELECTRICAL CODE MAY NOT EXTEND FARTHER THAN THE PROPERTY LINE OF THE LOT."

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

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

Nay - None

There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this bill 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 1, 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. Councilman Moxley requested that Fiscal Matter #7 be considered separately. Chairman Kamenetz then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 6, 8 through 20 and 22 through 25. Fiscal Matter 21 was withdrawn prior to the meeting.

1. Contract - Ferrell Madden Lewis - Charrette Facilitation Services - Back River Neck & Turner Station Areas

A contract with Ferrell Madden Lewis, for charrette facilitation services. The contractor will lead the Office of Planning's community design team in holding two charrettes in lower Back River Neck and Turner Station to create guidelines for future development.

2. Contract - Rcc Consultants, Inc. - Consulting Services - Public safety Digital Communications System

A contract with RCC Consulting, Inc., to provide consulting services, in support of implementing the new public safety digital communication system.

3. Contract - The Electric Motor Repair Co. - Department of Corrections - Kitchen Equipment

A contract with The Electric Motor Repair Company, to provide all labor, materials, tools, equipment and supervision for the repairs to the Department of Corrections kitchen equipment. The contractor will also provide quarterly preventive maintenance.

4. Contracts - (2) - On-call Lead Abatement Services

Two contracts with MARCOR Remediation, Inc. and Colt Insulation, Inc., to provide on-call lead abatement services.

5. Contract - LMC Landscaping, Inc. - Streetscapes 1 - Various Locations

A contracts with LMC Landscaping, Inc., for the streetscape # 1 project, which provides grounds maintenance for various locations, including Dulaney Valley Road (median strip only); Pioneer Par; York Road from Towsontowne Boulevard to Burke Avenue; 400 block of Washington Avenue; and Allegheny, Pennsylvania, and Chesapeake Avenue from Washington Avenue to York Road.

6. Contract - LMC Landscaping, Inc. - Streetscapes 2 - Various Locations

A contracts with LMC Landscaping, Inc., for the streetscape # 1 project, which provides grounds maintenance for various locations, including Sulphur Spring Road and East Drive (Arbutus), Frederick Road from Bloomsbury Avenue to Sanford Avenue (Catonsville), Loch Raven Boulevard

at Taylor Avenue, Liberty Road from Resource Drive to Courtleigh Drive, Reisterstown Road from McHenry Avenue to Old Court Road (Pikesville), 400 block of Eastern Avenue between mace and Taylor Avenues (Essex), corners of Belair Road and Maple Avenue and corner of W. Chesley Avenue, southeast corner of Harford Road and lavender Avenue, and the southeast corner of Harford Road and Taylor Avenue.

7. This item was considered later in the meeting.

8. Contract - Thomas, Richard & Ronald Schott - Stormwater Management Pond Right of Way

A contract with Thomas, Richard & Ronald Schott, to acquire in fee simple highway right of way areas and a stormwater management reservation area, together with drainage and utility easements, an access easement for stormwater management reservation area. A temporary slope easement and a temporary construction easement, in exchange for providing the property owners and Perry Hall Family Worship Center, the contract purchaser, access to the County's storm water management pond for the benefit and the future devolvement of the Schott property.

9. Contract of Sale - Rodney Webster Burns, Jr. & Ohma Lee Burns - Agricultural Land Preservation

A contract of sale with Rodney Webster Burns, Jr. & Ohma Lee Burns, to acquire an agricultural easement located at 21501 West Liberty Road, for the protection of farmland through the County agricultural land preservation program.

10. Contract of Sale - Edward N. & Sharon Lee Michel - Widening of Lyons Mill Road

A contract of sale with Edward N. & Sharon Lee Michel, for the acquisition of a parcel of land at 9816 Lyons Mill Road, for the widening of Lyons Mill Road.

11. Contract - Kennedy Porter Associates, Inc. - Wetland Mitigation

Addendum #5 to the contract with Kennedy Porter Associates, Inc., to amend the agreement by providing additional funds,

12. Contract - Schwatka's Farm Service - Grass Mowing - Landfills

A contract with Schwatka's Farm Service, for grass mowing services at the Baltimore County owned/and or operated landfills.

13. Contracts - (3) - Temporary Inspectors for Public Works Construction Projects

Three contracts to provide inspectors on a temporary basis to perform inspections on Public

Works construction projects throughout the County, on an as needed basis.

14. Contract - Titan Construction, LLC - Cleaning and repair of large boilers

A contract with Titan Construction, LLC, to clean and repair large boilers, as per specifications.

15. Contract - Petroleum Services, Inc. - Fuel tank services for county owned/operated buildings

A contract with Petroleum Services, Inc., to provide all labor, materials, tools, equipment and supervision for fuel tank services for tanks storing heating oil, diesel fuel, or gasoline in all Baltimore County owned and/ operated builings.

16. Addendum to Contract - Whitman, Requardt & Associates - Chapel Hill Elementary Water Tank

An addendum to the contract with Whitman, Requardt & Associates, to amend the duration of the agreement to extend the expiration date until such time that the contractor fully completes the projects.

17. Contract - Rubeling & Associates, Inc. - Renovations of Courts Building Elevators

A contract with Rubeling & Associates, Inc., to provide on-call space planning and design services.

18. Addendum # 2 to Contract - Environmental Quality Resources, Inc. - 2nd term of _____ five-year contract

Addendum # 2 to the contract with Environmental Quality Resources, Inc., to increase the upset limits, as the County and the contractor are in the 2nd term of a five-year contract and have expended more than half of the contract upset limit to date.

19. Addendum to Contract - Sanders Designs, P.A. - Lengthen Renewal Term

Aa addendum to the contract with Sanders Designs, P.A., to lengthen the renewal term from two (2) one (1) year periods, to four (4) one (1) year periods.

20. Addendum to Contract - Johnson, Mirmiran & Thompson, Inc. - Dogwood Road & Bridge Inspection Program

An addendum to the contract with Johnson, Mirmiran & Thompson, Inc., to amend the duration of the agreement to complete two individual projects. One is to replace the Dogwood Road Bridge, the second is to provide a supplemental engineering staff to manage a bridge inspection program and federal aid replacement projects, and assist in rehabilitating and maintenance County structures.

21. BAT 09-02C - Department of Public Works - Herbert Run Interceptor Sewer Phase II Project

This matter was withdrawn prior to the meeting.

22. BAT 09-01C - Department of Public Works - Rehabilitation of Patterson Avenue

A budget appropriation transfer is being requested for the rehabilitation of Patterson Avenue between Parsons Avenue and Liberty Road. The road is in a deteriorated condition, and the repairs will include new curbs, gutters, sidewalks, a drainage system and the installation of asphalt overlay. The funds are available from the Greenspring Avenue at Woodvalley Drive project, due to community opposition to the road's reconstruction.

23. Contract - Caplan Brothers, Inc. - Glass and Glazing Services

A contract with Caplan Brothers, Inc., to provide labor and materials to perform glass and glazing services at various County owned and/or operated facilities within the boundaries of Baltimore County,

24. Contract - Rubeling & Associates, Inc. - On-call Space Planning and Design Services

A contract with Rubeling & Associates, Inc., to provide on-call space planning and design services.

25. BAT 09-03C - Baltimore County Public Schools

A budget appropriation transfer is being requested for various site improvement projects identified in the Board of Education's FY09 capital budget request. The funds are available due to the cancellation of the Loch Raven High School addition project.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 6, 8 through 20 and 22-25 were unanimously approved.

Chairman Kamenetz stated that the Council would now consider Fiscal Matter #7.

7. Contract - Jacob Miller - Highway Streetscape Purposes

A contract with Jacob Miller, to acquire a parcel of land located at the west side of Hammonds Ferry Road near Second Avenue in the Lansdowne section of Baltimore County to be used for highway and streetscape purposes. Shirley Murphy appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this contract was approved by the following roll call vote:

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

Abstain - Moxley

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 May and June 2008.

2. Res. 47-08 - Approval of PUD - J. Kirby Development, LLC - Patapsco Ridge

At the direction of the Chairman, the Secretary read this resolution to approve the review of a proposed planned unit development in accordance with County law. J. Kirby Development, LLC, has submitted an application for approval of an 8+ acre site in the First Councilmanic District, located at 1 Thistle Road, to be developed as a general development planned unit development to be known as Patapsco Ridge. Councilmembers Moxley and Kamenetz commented. Thereafter, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved.

3. Nominations - (6) - Baltimore County Property Tax Assessment Appeal Board

At the direction of the Chairman, the Secretary read the correspondence from the County Executive, submitting a list of six names so that one full-time member and one alternate member may be chosen for the Baltimore County Property Tax Assessment Appeal Board. Beverly Crosier Ruppensberger, Robert M. Manankil, Kenneth P. Burch, Isaac S. Manjoe, Qutub U.K. Syed, Debra L. Douglas-Hayward to be appointed to the Baltimore County Adult Public Guardianship Review Board. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this appointment was unanimously approved.

4. Appointment - Acting Health Officer - Dr. Gregory W. Branch

_____ At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting the Council's approval of the appointment of Gregory W. Branch, M.D. as the Acting Health Officer. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, this appointment was unanimously approved.

5. Res. 50-08 - Property Tax Exemption - DAV - Nathaniel Lee

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

6. Reappointment - Board of Appeals - Robert Witt

_____At the direction of the Chairman, the Secretary read this correspondence requesting Mr. Robert Witt for reappointment to the Baltimore County Board of Appeals. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this reappointment was unanimously approved.

7. Reappointment - Board of Appeals - Wendell Grier

_____At the direction of the Chairman, the Secretary read this correspondence requesting Mr. Wendell H. Grier for reappointment to the Baltimore County Board of Appeals. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, this reappointment was unanimously approved.

8. Appointment - Animal Hearing Board - Katherine R. Jeschke

_____At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Katherine R. Jeschke for appointment to the Baltimore County Animal Hearing Board. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this appointment was unanimously approved.

9. Res. 51-08 - Support of grant provided by State for ViPS, Inc. - Towson Commons

At the direction of the Chairman, the Secretary read this resolution in support of a grant in an amount up to \$450,000 from the State of Maryland pursuant to the authority of the Maryland Economic Development Assistance Fund, Article 83A, Section 5-1405 of the Annotated Code of Maryland as amended. Donna Morrison appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

10. Res. 52-08 - Planning Board - Windmills

At the direction of the Chairman, the Secretary read this resolution requesting the Planning Board to propose amendments to the Zoning Regulations in order to regulate the location and use of windmills for residential energy use. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Olszewski, this Resolution was unanimously approved.

11. Appointments - Design Review Panel

_____At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting William P. Monk, AIA and John J. Dimenna, AIA for appointment to the Baltimore County Design Review Panel. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, these appointments was unanimously approved.

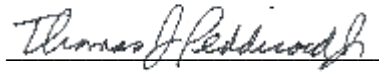
12. Reappointment & Appointments - Baltimore County Ethics Commission

_____ At the direction of the Chairman, the Secretary read the correspondence from the County Executive, requesting Melissa D. Gray for reappointment and Michael T. Pate and Emerson L. Dorsey, Jr. for appointment to the Baltimore County Ethics Commission. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, these appointments and reappointment was unanimously approved.

13. Res. 52-08-Review of PUD-Chesapeake Commercial Properties, Inc., Red Run Mills

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 McIntire, the meeting adjourned at 6:30P.M.



Thomas J. Peddicord, Jr.