

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2008, LEGISLATIVE DAY NO. 16
September 15, 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:

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| 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 meetings of August 26, 2008 and September 2, 2008 were 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 85-08, 86-08, 87-08, 88-08, 89-08, 90-08, 91-08, 92-08, 93-08, 94-08, 95-08 and 96-08.

D. INTRODUCTION OF BILLS

BILL 102-08, 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 for certain fees; providing a density bonus; authorizing the adoption of regulations; providing for the application of this Act; and generally relating to a tax credit for high performance homes in a High Performance Neighborhood Development.

E. CALL OF BILLS FOR FINAL READING AND VOTE

_____ There are no Bills up for final reading and vote at this time.

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 September 9, 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, 2, 4 and 6 through 11. Fiscal Matter 5 was withdrawn prior to the meeting. Councilman Moxley asked that Fiscal Matter 3 be discussed as a separate matter.

1. Addendum to Contract - Ward Boland Associates, Inc. - Uninterruptible Power Supply Maintenance

An addendum to the contract with Ward Boland Associates, Inc., to provide additional funds for the County's purchases of services that may be required in accordance with the contract.

2. Contract - Pamela Jean Hewitt - Rosewick Avenue Improvements

A contract with Pamela Jean Hewitt, to acquire a drainage and utility easement located at 7933 34th Street; Baltimore, Maryland 21237, to improve the existing draining and stream improvements for Rosewick Avenue.

4. Contract - Christopher R. Carski & Shirley Villagaray - Agricultural Easement - Ag. Preservation Program

A contract with Christopher R. Carski and Shirley Villagaray, husband and wife, to acquire an agricultural easement for the protection of farmland through the County Agricultural Land Preservation Program.

_____ **5.** This matter was withdrawn prior to the meeting.

6. Contract - Valentine J. Fretitta, IV - Widening of Lyons Mill Road

A contract with Valentine J. Feritta, IV, to acquire a parcel of land at 9806 Lyons Mill Road, Owings Mills, Maryland 21117, for the widening of Lyons Mill Road.

7. Contract - Francis Spencer & Robin Marie Barbagallo - Lower Back River Peninsula

A contract with Francis Spencer and Robin Marie Barbagallo, to acquire a drainage and utility easement for the construction of a water main in Lower Back River Peninsula.

8. Contract - Bozzuto Homes, Inc./ Bargar Realty, LLC - 14-16 E. Susquehanna - Access to Towsontowne Blvd.

A contract with Bozzuto Homes, Inc./Bargar Realty, LLC, to acquire property located at 14-16 East Susquehanna Avenue, Towson, Maryland 21286, to provide additional access to Towsontowne Boulevard.

9. Contract - Friends Medical Laboratory, Inc. - Drug test services for clients

A contract with Friends Medical Laboratory, Inc., to provide drug test services for clients of the Department of Health - Bureau of Substance Abuse.

10. Contract - Associated Catholic Charities d/b/a Villa Maria Continuum - Therapeutic After School Services

A contract with Associated Catholic Charities d/b/a/ Villa Maria Continuum, to provide therapeutic after-school services for children ages 5-12 with serious emotional illnesses.

11. Contract - Community Support Services for the Deaf, Inc. - Services for disabled, elderly deaf citizens

A contract with Community Support Services for the Deaf, Inc., to provide services for three elderly, mentally ill, developmentally disabled and deaf Baltimore County citizens to reside in the community.

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Bartenfelder, Fiscal Matters 1, 2, 4 and 6 through 11 passed by the following roll call vote:

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

Chairman Kamenetz the called upon the Secretary to read Fiscal Matter 3.

3. Contract - Yorkway, LLC - Sale of County owned property Yorkway - Dundalk

A contract with Yorkway, LLC, to sell County-owned property located on Yorkway, in the Dundalk area of Baltimore County, Maryland 21222, was called. Dennis Maloney appeared. Councilman Moxley questioned Councilman Olszewski, Councilmembers Kamenetz and Bartenfelder questioned Mr. Homan. Councilmembers McIntire and Gardina questioned Mr. Beverungen. There being no further discussion, this Matter was passed by the following roll call vote:

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

G. MISCELLANEOUS BUSINESS

1. Res. 64-08 - Approve Review of PUD - Fort Howard Group LLC - 9230 North Point Road

_____ 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. Fort Howard Group LLC has submitted an application for approval of an 41,294 s.f. (.948 Ac) +/- site located at 9230 North Point Road, north of Bayside Ave., on North Point Road, and south of the Fort Howard Community Center, and adjacent to Shallow Creek, in the 7th Councilmanic District to be developed as a planned unit development (PUD) known as 9230 North Point Road. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this Resolution was unanimously approved.

2. Res. 65-08 - Approve Review of PUD - Iron Horse Properties - Kenwood Avenue & Delege Road

_____ 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. Iron Horse Properties LLC has submitted an application for approval of a 7.44 acre site located at Kenwood Avenue and Delege Road, in the 6th Councilmanic District to be developed as a planned unit development (PUD) known as Brandywine. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this Resolution was unanimously approved.

3. Res. 66-08 - County Auditor - Plastic Shopping Bags

_____ At the direction of the Chairman, the Secretary read this resolution asking the Office of the County Auditor to investigate the feasibility of establishing a policy to encourage the discontinuance of the use of plastic shopping bags in retail stores in Baltimore County. Councilman Moxley questioned Councilman Gardina. Councilmembers Olszewski and McIntire commented. There being no further discussion, upon motion by Councilman Moxley, seconded by Councilman Kamenetz, this Resolution failed by the following roll call vote:

Aye - Gardina, Olszewski

Nay - Moxley, Kamenetz, McIntire, Oliver, Bartenfelder

4. Res. 67-08 - MTA - (RPTP), (SSTAP) - County Ride Transportation Program

This Resolution was withdrawn prior to the meeting.

5. Res. 68-08 - Property Tax Exemption -Blind - Herbert Scherr

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

6. Res. 69-08 - Property Tax Exemption - Blind - Goldie N. Counts

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Goldie N. Counts 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 Gardina, seconded by Councilman Olszewski, this Resolution was unanimously approved.

7. Res. 70-08 - Public Disclosure - George W. Aberts, Jr.

_____ At the direction of the Chairman, the Secretary read this resolution concerning the public disclosure of George W. Aberts, Jr., an employee of the Baltimore County Police Department. George W. Aberts, Jr., has applied for a zoning variance to construct a garage at his residence at 18503 Upper Beckleysville Road, Hampstead, Maryland 21074. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this Resolution was unanimously approved.

8. Res. 71-08 - Property Tax Exemption - DAV - Saul Sitzer

_____ At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Saul Sitzer 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 Gardina seconded by Councilman Moxley, this Resolution was unanimously approved.

9. Res. 72-08 - Alternate Review of PUD - Bristol Green on Old Frederick Road

This Resolution was for introduction only.

10. Res. 73-08 - Approval Review of PUD - MacKenzie Investment Group - The Preserve at Windlass Run

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 Gardina, the meeting adjourned at 7:30 P.M.


Thomas J. Peddicord, Jr.