

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2009, LEGISLATIVE DAY NO. 21
December 21, 2009 7:00 P.M.

A. The meeting was called to order by Chairman Bartenfelder 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 Moxley, seconded by Councilman Oliver, the reading of the Journal Entries for the meeting of December 7, 2009 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 83-09, 84-09, 85-09 and 86-09.

D. INTRODUCTION OF BILLS

BILL 94-09, entitled An Act for the purpose of amending the service retirement allowance for County Councilmembers, and providing for the application of the Act.

BILL 95-09, entitled An Act for the purpose of amending the 2009-2010 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 State of Maryland Department of Health and Mental Hygiene.

BILL 96-09, entitled An Act for the purpose of amending the 2009-2010 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 U.S. Department of Homeland Security - FEMA.

BILL 97-09, entitled An Act for the purpose of amending the 2009-2010 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from the Chesapeake Bay Trust, Baltimore City and Harford County and made available to the County.

BILL 98-09, entitled An Act for the purpose of amending the 2009-2010 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 State of Maryland Department of Health and Mental Hygiene.

BILL 99-09, entitled An Act for the purpose of repealing the sunset provision of the Renaissance Redevelopment Pilot Program; and generally relating to the extension of the Renaissance Redevelopment Program.

BILL 100-09, entitled An Act for the purpose of permitting certain restaurant and other uses in certain office buildings located in an R-O Zone; and generally relating to uses allowed by special exception in an R-O Zone.

BILL 101-09, entitled An Act for the purpose of amending the service retirement allowance for members of the County Council and County Executive; providing for a reduced service retirement allowance in certain cases; providing for the application of the Act; and generally relating to the service retirement allowance for members of the County Council and County Executive.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 87-09, CEB - Tuberculosis Control Program, was called. Stephanie House 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 88-09, CEB - Housing Opportunities for Persons with AIDS (HOPWA), was called. Stephanie House 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 92-09, Tobacco Enforcement - Examination of Identification and Enforcement, was called. Stephanie House 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 93-09, CEB - Public Health Emergency Response Phase III - Vaccination Campaign, was called. Stephanie House 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 89-09, Plumbing and Gasfitting Code, was called. Tim Kotroco 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 91-09, Livability Code - Carbon Monoxide Alarms, was called. Tim Kotroco remained. Councilman Bartenfelder commented and questioned Mr. Beverungen. Councilman Kamenetz questioned Councilman. Bartenfelder who then moved to amend this Bill with the following amendment:

On page 6, in line 10, strike "12" and substitute "8"; and after "Act" insert ", unless otherwise extended by the Director of Permits and Development Management for a period not exceeding 60 days upon a finding of good cause"

Councilman Olszewski 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 Moxley, seconded by Councilman Olszewski, Bill 91-09, as amended, passed by the following roll call vote:

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

_____ **BILL 90-09**, CEB - Energy Assistance Program, was called. Timothy Griffith 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____

_____ **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 December 15, 2009. 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 Bartenfelder then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 5.

_____ **1. Contract of Sale - Cynthia W. Murray, Anthony C. Hall & James C. Murray - Protection of Farmland**

A contract of sale with Cynthia W. Murray, Anthony C. Hall and James C. Murray, to acquire an agricultural easement, located at 2434 Geist Road, Glyndon, Maryland 21136, for the protection of farmland through the County Agricultural Land Preservation Program.

2. Fourth Amendment to Contract - Towson University - Senior Fitness Project

Fourth amendment to the contract with Towson University to extend the Senior Fitness Project by six months, from January 1, 2010 to June 30, 2010 for fiscal year 2010. This contract amendment and extension provides health education and fitness programs to Baltimore County senior centers for senior adults.

3. Contract - Lighting Maintenance Inc. - Maintenance and repair of athletic field and court lights (as needed)

A contract with Lighting Maintenance Incorporated, to provide the maintenance and repair of athletic field and court lights on an on-call as needed basis.

_____ **4. Lease - St. John Properties - Health Dept. - Emergency Preparedness and Response Equipment and Supplies**

A lease with St. John Properties to lease 3,000 square feet of warehouse space, located at 2187 Greenspring Drive, Timonium, Maryland 21093, for the Department of Health emergency preparedness and response equipment and supplies, for the term of five years, beginning on January 1, 2010.

5. Contract - Lamar, Archer & Cofrin, LLP & Kevin Ross, LLC & Crongeyer Law Firm, P.C. - Legal Services - Hotel Tax Litigation

A contract with Lamar, Archer & Cofrin, LLP, and the Law Practice of Kevin Ross, LLC, and Crongeyer Law Firm, P.C., to provide legal services related to hotel taxes and any and all other damages, interest, taxes and/or penalties from web-bases internet travel companies and/or clearing houses on behalf of the County.

There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, Fiscal Matters 1 through 5 were unanimously approved by the following roll call vote:

_____ Aye - McIntire, Oliver, Gardina, Bartenfelder, Olszewski

Nay - None__

_____ Abstain - Moxley, Kamenetz

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 November, 2009.

2. Reappointment - Planning Board - Chairman - Ed Gilliss

At the direction of the Chairman, the Secretary read the correspondence from the County Executive requesting the reappointment of Edward J. Gilliss as Chairman to the Baltimore County Planning Board. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this reappointment was unanimously approved.

3. Res. 88-09 - Accept gift of land from Sandra Graves Pletka - Open Space/Green Space

At the direction of the Chairman, the Secretary read this resolution to authorize the County to accept a gift from Sandra Graves Pletka in the form of a parcel of land containing 3.79 acres, more or less, as described on Exhibit A. Dennis Maloney appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

4. Res. 89-09 - Amendment to Water Supply and Sewerage Plan

At the direction of the Chairman, the Secretary read this resolution of the Baltimore County Council to amend the Baltimore County Water Supply and Sewerage Plan. Dave Thomas appeared. There being no discussion, upon motion by Councilman Olszewski seconded by Councilman Oliver, this Resolution was unanimously approved.

5. Res. 90-09 - Ranking of 14 Applications for Development Rights Easements

At the direction of the Chairman, the Secretary read this resolution to approve certain applications for the sale of development rights easements on agricultural properties located within Agricultural Land Preservation Areas. Wally Lippincott appeared. There being no discussion, upon motion by Councilman Gardina, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Reappointment - Animal Hearing Board - Barbara Leight

At the direction of the Chairman, the Secretary read the correspondence from the County Executive requesting the reappointment of Barbara Leight to the Baltimore County Animal Hearing Board. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this reappointment was unanimously approved.

**7. Petition for Condemnation - Ballard Family, LLC - Extension of Owings Mills
_____ Boulevard**

At the direction of the Chairman, the Secretary read the correspondence from the Administrative Officer petitioning to the petition for condemnation with Ballard Family, LLC, to acquire a parcel of land, located on Lyons Mill Road, Owings Mills, Maryland 21117, for the highway project that will extend Owings Mills Boulevard from it's current terminus. Dennis Maloney appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, 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 7:30 p.m.


Thomas J. Peddicord, Jr.