

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2009, LEGISLATIVE DAY NO. 04
February 17, 2009 7:00 P.M.

A. The meeting was called to order by Chairman Bartenfelder at 7:05 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 779 of Fork United Methodist Church. There were approximately 20 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 February 2, 2009 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chairman stated that the following bills was passed by the County Council and signed by the County Executive. He certified and delivered to the Secretary, Bills 1-09, 2-09, 3-09, 4-09 and 5-09.

D. INTRODUCTION OF BILLS

BILL 11-09, 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 state funds and made available to the County through the State of Maryland Department of Human Resources (DHR).

BILL 12-09, 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 United States Department of Housing and Urban Development (HUD).

BILL 13-09, entitled An Act for the purpose of regulating the placement and location of newspaper vending boxes; defining terms; requiring a permit for each box; providing for permit fees and the term of a permit; providing standards for the size, condition and maintenance of boxes; providing for the permitted location of boxes and the grouping of boxes; providing for enforcement of the title and the adoption of regulations to carry out the provisions of the title; providing for the application of the Act; and generally relating to newspaper vending boxes.

BILL 14-09, entitled An Act for the purpose of defining a fairgrounds area; permitting a fairgrounds in the M.L. or B.R. Zone as a matter of right; and generally relating to a fairgrounds use in the Zoning Regulations

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 6-09, Zoning Regulations - Warehouses, was called. Councilman Moxley moved to amend this Bill with the following amendments:

1. On page 3, strike lines 52 through 55 and substitute the following:

“WAREHOUSE, IF PART OF A PLANNED SHOPPING CENTER WITH A MINIMUM OF 30 ACRES, AND IF THE BUILDING FOR WAREHOUSE USE DOES NOT OCCUPY MORE THAN 15% OF THE PLANNED SHOPPING CENTER ACREAGE”

2. On page 3, in line 58, insert the following before the period: “, and shall apply retroactively to any building for which a certificate of use and occupancy was issued on or after December 15, 2008”

Councilman Kamenetz seconded the motion and these amendments passed by the following roll call vote:

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

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Bartenfelder, Bill 6-09, as amended, 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 February 10, 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. Addendum Contract - Rummel, Klepper & Kahl, LLP - On-call Sanitary Engineering Services

An addendum to the contract with Rummel, Klepper & Kahl, LLP, to increase the professional fee.

2. Contract - Municipal Sales, Inc. - Chemical Treatment of Sanitary Sewer Pipelines

A contract with Municipal Sales, Inc., to provide the chemical treatment of sanitary sewer pipelines to reduce root penetration.

3. Contract - A. Morton Thomas and Associates, Inc. - On-call Environmental Permitting and Design Services

A contract with A. Morton Thomas and Associates, Inc., to provide on-call environmental permitting and design services.

4. Contract Amendment - RJN Group, Inc. - Utilities Infrastructure Management Application

An addendum to the contract with RJN Group, Inc., to add 15 renewal options and increase the total fixed fee compensation.

5. Contracts of Sale - (7) - Widening of Oakdale Avenue - Catonsville

Seven contracts of sale for the roadway widening on Oakdale Avenue, in the Catonsville area of Baltimore County. The following is a list of the seven property owners:

1. Daniel Q. Naiman & Judy Sue Lakind - 106 Oakdale Avenue
2. Richard & Sally Foks - 104 Oakdale Avenue
3. Jacqueline Hopkins - 126 Oakdale Avenue
4. William Byerly Garman & Denise Miller Garman - 110 Oakdale Avenue
5. Paul B. & N. Lynn Murphy - 114 Oakdale Avenue
6. Charles Stoddard Conner, III & Mary Patricia Connor - 102 Oakdale Avenue
7. James C. Lynch & Jamie M. Lynch - 101 Oakdale Avenue

There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, Fiscal Matters 1 through 5 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Res. 9-09 - Approve Review of PUD - Yorkway, LLC

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. Yorkway, LLC has submitted an application for review and approval of a general development planned unit development, consisting of four strips of land, containing collectively 12.15 acres, located along Yorkway and Fairway Roads in the Seventh Councilmanic District and known as “Yorkway”. Councilmembers Olszewski, Kamenetz and McIntire questioned Mr. Homan. Councilman Olszewski then moved to amend this Resolution with the following amendment:

On page 1, strike the sixth WHEREAS clause and substitute the following:

“WHEREAS, the County Council approves the community benefit proposed for the PUD as providing improvements to Heritage Park, which serves the greater Dundalk community; and”

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 Olszewski, seconded by Councilman Gardina, Resolution 9-09, as amended, passed by the following roll call vote:

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

2. Res. 10-09 - Planning Board - Middle River Development Coordination Plan

At the direction of the Chairman, the Secretary read this resolution requesting the Baltimore County Planning Board to prepare a Middle River Development Coordination Plan. Councilman Bartenfelder commented. There being no further discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Moxley, this resolution was unanimously approved.

3. Res. 11-09 - Sewer Extension - Boyce Avenue - Ruxton - 2nd Councilmanic District

At the direction of the Chairman, the Secretary read this resolution approving the extension of the sanitary sewer system of Baltimore County in the Ruxton Area, Ninth Election District and Second Councilmanic District of Baltimore County. Bill Korpman appeared. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this resolution was unanimously approved.

4. Res. 12-09 - Development Rights Easements - 14 applications

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 Preservation Areas. Wally Lippincott appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman McIntire, this resolution was unanimously approved.

5. Res. 13-09 - Approve Review of PUD - Center at Owings Mills - 4th Councilmanic District

This Resolution was for introduction only.

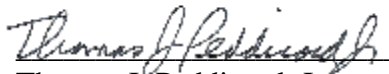
6. Res. 14-09 - Planning Board - Rosewood/Owings Mills Community Plan

At the direction of the Chairman, the Secretary read this resolution requesting the Baltimore County Planning Board to prepare a community plan for the Rosewood/Owings Mills area of the County, including the Rosewood Center property. Councilman Kamenetz commented. There being no further discussion, upon motion by Councilman Kamenetz, seconded by Councilman McIntire, this resolution was unanimously approved.

7. Res. 15-09 - Economic Recovery Plan Funds

_____ At the direction of the Chairman, the Secretary read this resolution urging that any economic recovery plan funds provided to the County by the federal government be spent by the County on goods and services made or performed in the United States. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Bartenfelder, 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 7:20 P.M.


Thomas J. Peddicord, Jr.

