

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2009, LEGISLATIVE DAY NO. 12
July 6, 2009 6:00 P.M.

A. The meeting was called to order by Chairman Bartenfelder 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. There were approximately 70 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 1, 2009 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 39-09.

D. INTRODUCTION OF BILLS

BILL 50-09, 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 Governor's Office of Crime Control and Prevention.

BILL 51-09, entitled An Act for the purpose of amending the 2009-2010 Current Expense Budget by appropriating to the General Fund monies derived from unreserved, undesignated General Fund Surplus as of June 30, 2009; providing for the effective date of this Act.

BILL 52-09, 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 Maryland Emergency Management Agency (MEMA).

BILL 53-09, 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 Maryland Department of Business and Economic Development (DBED) and the Maryland Tourism Development Board.

BILL 54-09, entitled An Act for the purpose of authorizing and empowering the County to issue, sell and deliver general obligation bonds (i) authorized by the provisions of Bill Nos. 59-02 and 46-04 enacted by the County Council of Baltimore County, Maryland (the "County Council") in an aggregate principal amount not to exceed \$78,195,000 for the purpose of providing funds for public works, including the construction, improvement and repair of public roads, streets, highways, sidewalks, bridges, viaducts, grade crossings and storm water drainage systems, in the County, (ii) authorized by the provisions of Bill Nos. 55-94, 61-02, 47-04, 60-06 and 57-08 enacted by the County Council in an aggregate principal amount not to exceed \$13,230,000 for the purpose of providing funds for the acquisition, construction and improvement of refuse disposal facilities, including the acquisition of sites therefor and the acquisition and installation of necessary equipment and facilities therefor, (iii) authorized by the provisions of Bill No. 44-04 enacted by the County Council in an aggregate principal amount not to exceed \$5,000,000 for the purpose of providing funds for operational buildings, including general, health, police, fire and jail buildings or facilities and necessary or desirable equipment, (iv) authorized by the provisions of Bill Nos. 62-02 and 43-04 enacted by the County Council in an aggregate principal amount not to exceed \$16,000,000 for the purpose of providing funds for the acquisition, construction, alteration and maintenance of capital and other improvements for community college projects in the County, (v) authorized by the provisions of Bill Nos. 57-00 and 57-02 enacted by the County Council in an aggregate principal amount not to exceed \$64,424,000 for the purpose of providing funds for the construction, acquisition and improvement of public school projects in the County, (vi) authorized by Bill No. 90-96 enacted by the County Council in an aggregate principal amount not to exceed \$1,000,000 for the purpose of providing funds for the acquisition, construction, reconstruction, extension, alteration, repair and modernization of waterway improvement projects, (vii) authorized by the provisions of Bill No. 71-94 enacted by the County Council in an aggregate principal amount not to exceed \$50,000 for the purpose of providing funds for grants or other assistance in support of affordable and elderly housing through the rehabilitation of existing units or construction of new units or in support of community sponsored initiatives to increase affordable home ownership opportunities for such persons and related public infrastructure in connection with such undertaking and (viii) authorized by Bill Nos. 61-88, 78-92, 69-94, 98-96, 79-98, 60-00 and 63-02 enacted by the County Council in an aggregate principal amount not to exceed \$10,000,000 for the purpose of providing funds for the purchase of land, development rights, conservation easements and other real property pursuant to the Maryland Agricultural Land Preservation Program and related purposes; providing that such general obligation bonds may be serial maturity or term bonds and may be consolidated into a single

series of bonds pursuant to Section 2C of Article 31 of the Annotated Code of Maryland (2003 Replacement Volume and 2008 Supplement); authorizing and empowering the County to enter into agreements to purchase development rights pursuant to Section 20-102 of Article 24 of the Annotated Code of Maryland (2005 Replacement Volume and 2008 Supplement) for up to \$10,000,000 which shall constitute general obligations of the County; providing that the aggregate principal amount of general obligation bonds authorized to be issued pursuant to this Ordinance under Maryland Agricultural Preservation Program shall be commensurately reduced by an amount equal to the aggregate principal amount payable under such purchase agreements; authorizing and empowering the County to sell Bonds and Notes to the Maryland Water Quality Financing Administration pursuant to Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (2007 Replacement Volume and 2008 Supplement) which shall constitute general obligations of the County; authorizing and empowering the County to issue, sell and deliver an aggregate principal amount not to exceed \$231,600,000 of serial maturity or term bonds under the provisions of Chapter 539 of the Acts of the General Assembly of Maryland of 1924, as amended, Article 25A of the Annotated Code of Maryland (2005 Replacement Volume and 2008 Cumulative Supplement) and the Baltimore County Charter (the "County Charter") for the purpose of providing funds for meeting the expenses of the County and for design and construction, purchase or acquisition of the water supply, sewerage and drainage systems provided for by Article 20 of the Baltimore County Code (2003 edition, as amended); providing that the County Executive of the County (the "County Executive") shall determine all matters relating to the sale, issuance, delivery and payment of all bonds and notes issued pursuant to this Ordinance, subject to and in accordance with the provisions of this Ordinance; prescribing certain of the terms, conditions, form and tenor of bonds; prescribing certain of the terms and conditions for the sale of bonds (other than refunding bonds) at public sale at such price as shall be determined by the County Executive, which may be at, above or below par; authorizing the preparation, printing, execution and delivery by the County of a Preliminary Official Statement and an Official Statement or other offering document with respect to bonds and notes issued pursuant to this Ordinance; providing for the levy and collection of all taxes, charges and assessments necessary for the payment of the principal of and interest on all bonds and notes issued pursuant to this Ordinance and any installment purchase agreements when due; authorizing and empowering the County, upon its full faith and credit, to issue, sell and deliver its bond anticipation notes in anticipation of the issuance and sale of such bonds in an aggregate principal amount not to exceed the aggregate principal amount of bonds authorized to be issued under this Ordinance; providing that the aggregate principal amount of the bond anticipation notes issued and outstanding at any one time pursuant to the authority hereof, together with any bond anticipation notes issued and outstanding pursuant to the authority of any other ordinance of the County heretofore enacted, shall not exceed \$300,000,000; providing that such bond anticipation notes shall be sold at private (negotiated) or at public sale for a price at, above or below, the par value thereof, as may be determined by the County Executive; providing that such bond anticipation notes may be issued as variable rate demand obligations, notes in the nature of commercial paper or other similar obligations and, in such event, authorizing the County Executive to determine various matters and to take various other actions in connection therewith; covenanting to issue the bonds in anticipation of which any such bond anticipation notes are issued as soon as the reason for deferring the issuance thereof no longer exists; covenanting to pay the principal of and

interest on any such bond anticipation notes with the proceeds of the bonds in anticipation of the sale of which such bond anticipation notes are issued; providing that the principal of and interest on any such bond anticipation notes may also be paid from the tax revenue or other source of revenue pledged for the repayment of the bonds in anticipation of the sale of which such bond anticipation notes are issued or from the proceeds of other bond anticipation notes issued pursuant to this Ordinance; providing a procedure for the defeasance of bond anticipation notes authorized hereby; providing that the proceeds from the sale of bond anticipation notes issued pursuant to this Ordinance may be used to pay the principal or redemption price of and interest on bond anticipation notes previously issued pursuant to this Ordinance; providing that any bond anticipation notes issued to refund bond anticipation notes shall constitute a reissuance of the indebtedness evidenced by the refunded bond anticipation notes; authorizing and empowering the County to issue, sell and deliver, pursuant to Section 24 of Article 31 of the Annotated Code of Maryland (2005 Replacement Volume and 2008 Supplement), Article 25A of the Annotated Code of Maryland (2005 Replacement Volume and 2008 Supplement), the County Charter, Chapter 539 of the Acts of the General Assembly of Maryland of 1924, as amended, and certain other authority, general obligation refunding bonds for the purpose of refunding certain outstanding general obligation bonds of the County as set forth on Chart II and Chart III attached to this Ordinance or otherwise; providing that such refunding bonds may be issued in an aggregate principal amount not to exceed 130% of the aggregate principal amount of the outstanding bonds to be refunded; providing that such refunding bonds shall be sold at private (negotiated) or at public sale for a price at, above or below, the par value thereof, as may be determined by the County Executive; providing that any refunding bonds issued to refund bonds authorized by this Ordinance shall constitute a reissuance of the indebtedness evidenced by the refunded bonds; authorizing the County to enter into one or more agreements as the County Executive shall deem necessary or appropriate for the issuance, sale, delivery or security of bonds or notes issued pursuant to this Ordinance; providing that to the extent authorized by the County Executive, the County Administrative Officer of the County may make any determination and take any other act authorized to be taken by the County Executive under this Ordinance; and generally determining and providing for various matters relating to the authorization, issuance, sale and delivery of such bonds, bond anticipation notes and refunding bonds.

BILL 55-09, 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 Maryland Institute for Emergency Medical Services Systems (MIEMSS).

BILL 56-09, 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 Maryland Energy Administration (MEA).

BILL 57-09, entitled An Act for the purpose of amending the Zoning Regulations in order to provide requirements for parking for warehouses located in shopping centers; and generally relating to warehouses.

BILL 58-09, entitled An Act for the purpose of requiring adherence to all current laws and zoning classifications for certain residential development plans; providing for the expiration of development plan approval; providing for the manner and time of the vesting of development plans; defining terms; providing limits on the vesting of certain development plans; providing for the application of the Act; and generally relating to the development process and the expiration and vesting of development plans.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 42-09, CEB - Money Follows the Person (MFP), was called. Joanne Williams appeared. Councilman Moxley moved to amend this bill with the following amendment:

1. On page 1, in the first line of the title, strike “2008-2009” and substitute “2009-2010”; also on page 1, in the first line of the purpose paragraph, strike “2008-2009” and substitute “2009-2010”; and on page 2, in line 4, strike “2009” and substitute “2010”.
2. On page 2, in line 7, strike “\$60,000” and substitute “\$70,000”.

Councilman McIntire seconded the motion and the 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 42-09, as amended, passed by the following roll call vote:

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

Bill 43-09, CEB - Stimulus Allocation for Congregate Nutrition and Home Delivered Nutrition, was called. Joanne Williams 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 44-09, CEB - 2009 License Plate Recognition Grant, was called. Captain Lisa Hannon appeared. Councilman Moxley moved to amend this bill with the following amendment:

On page 1, in the first line of the title, after “2009” insert “-2010” also on page 1, in the first line of the purpose paragraph, after “2009” insert “-2010”; and on page 2, in line 4, strike “2009” and substitute “2010”.

Councilman Oliver seconded the motion and the 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 Oliver, Bill 44-09, as amended, passed by the following roll call vote:

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

BILL 45-09, CEB - Neighborhood Stabilization Program (NSP), was called. Mary Harvey appeared. There being no discussion, this bill passed by the following roll call vote:

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

_____ **Bill 46-09**, CEB - Homeless Prevention and Rapid Rehousing Program (HPRP), was called. Mary Harvey remained. There being no discussion, this bill passed by the following roll call vote:

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

BILL 47-09, CEB - FFY 2009 - HMEP, was called. Joseph Brown, Fire Director, appeared. There being no discussion, this bill passed by the following roll call vote:

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

BILL 48-09, CEB - Therapeutic Treatment Services Program, was called. Jim O'Neill appeared. Councilman Moxley moved to amend this bill with the following amendment:

On page 1, in the first line of the title, strike "2008-2009" and substitute "2009-2010"; also on page 1, in the first line of the purpose paragraph, strike "2008-2009" and substitute "2009-2010"; and on page 2, in line 4, strike "2009" and substitute "2010".

Councilman Gardina seconded the motion and the 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 48-09, as amended, passed by the following roll call vote:

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

BILL 49-09, Unsolicited Advertising Circulars, was called. Councilman Olszewski commented and then moved to amend this bill with the following amendment:

1. On page 2, insert the following after line 18:

“(C) THE TERM “UNSOLICITED ADVERTISING CIRCULAR” DOES NOT INCLUDE:
(1) A NEWSPAPER, AS DEFINED IN ARTICLE 1 OF THE ANNOTATED CODE OF MARYLAND; OR
(2) CAMPAIGN MATERIAL, AS DEFINED IN THE ELECTION LAW ARTICLE OF THE ANNOTATED CODE OF MARYLAND.”

2. On page 2, in line 19, strike “(C)” and substitute “(D)”; and on page 3, in lines 1 and 3, strike “(D)” and “(E)”, respectively, and substitute “(E)” and “(F)”

3. On page 2, in line 20, strike “UNTIED” and substitute “UNITED”

4. On page 3, in lines 6, 16 and 20, after “DELIVER” insert “, OR CAUSE TO BE DELIVERED,”

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

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

Councilman Moxley then questioned Mr. Beverungen on this bill. Thereafter, upon motion by Councilman Oliver, seconded by Councilman Moxley, Bill 49-09 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 June 30, 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 4, 8, and 10 through 15. Fiscal Matters 5, 6, 7 and 9 were withdrawn prior to the meeting.

1. Contract of Sale - Stanley C. & Carol L. Dillon - Widening of Lyons Mill Road

A contract of sale to acquire property for the widening of Lyons Mill Road.

2. Contract - Pension Benefit Information - Audit Services - Retirement Division

A contract to provide death match services to identify deceased members of the Employees' Retirement System and thus prevent or detect improper benefit payments.

3. Contracts - (2) - Abandoned Boat Removal

Two contracts to remove and dispose of derelict boats and marine debris as needed and maintenance of navigation buoys, which mark dredged channels. The two contractors are Marine Technologies, Inc. and T. Allen Marin, LLC.

4. Contracts - (3) - Environmental Consultant Services

Three contracts to provide on-call environmental consultant services throughout the County. The three contractors are Biohabitats, Inc., KCI Technologies, Inc., and AKRF, Inc. The contractors will coordinate environmental management policies especially as related to the Baltimore Watershed Agreement, develop policies related to a County Sustainability Program, coordinate with local watershed organizations, facilitate meetings, conduct public outreach, communicate environmental management issues for public distribution, assist with grant proposals, and plan conferences, public meetings, tours, etc.

5. This item was withdrawn prior to the meeting.

6. This item was withdrawn prior to the meeting.

7. This item was withdrawn prior to the meeting.

8. Amendment #1 to Contract - Community Assistance Network, Inc.

An amendment to a Contract to increase the maximum compensation for operating the County's Eastside overnight homeless shelter located on Franklin Square Drive. This shelter serves

homeless families and single women providing overnight shelter and coordinates day programming.

9. This item was withdrawn prior to the meeting.

10. Contract - Mullin and Lonergan - Fair Hosing Analysis of Impediments

A contract to complete an analysis of impediments to fair housing within the Baltimore Metropolitan Area to meet Deferral funding requirements pursuant to the Community Development Block Grant Program.

11. Contract of Sale - William L. Paternotte & Stanard T. Klinefelter, Trusttes of Children's Trusts U/W W. Fenwick Keyser, Gaylord Brooks Realty - Reisterstown Regional Park

A contract of sale to provide an addition to Reisterstown Regional Park for recreation and parks purposes.

12. Addendum #3 to Contract - Levi, Ray & Shoup, Inc. - Maintenance and Support Agreement - PensionGold Software

An addendum to an agreement to continue providing maintenance and support for the County's PensionGold software, which is a recordkeeping system for the Employees' Retirement System.

13. Contracts- (3) - Youth Employment and Training Programs - Office of Workforce Development

Three contracts to provide employment, training and General Education Development (GED) services for County youth. The three contractors are Catapult Learning, LLC; First Step, Inc.; and the Baltimore County Board of Education.

14. Contract - Concentra Health Services, Inc. - Pre-employment and other physical exam services

A contract to provide pre-employment health assessments (e.g., pre-employment physicals and related testing) for certain employees of Baltimore County government and provide other physical examinations and conduct random drug and alcohol screenings.

15. Contracts - Mowing and Grounds Maintenance

Seven contracts to provide grounds maintenance and mowing services for various streetscapes, parkland, local open space, and County-owned facilities throughout the County.

_____ There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, Fiscal Matters 1 through 4, 8, and 10 through 15 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 May and June, 2009.

2. Res. 43-09 - Review of PUD - Randallstown Cooperative Housing III - 4th District

At the direction of the Chairman, the Secretary read this Resolution to approve the review of a proposed planned unit development for Randallstown III Non-Profit Housing Corporation, a subsidiary of CSI Support and Development Services, a national, not for profit, affordable elderly housing developer, who has submitted an application for approval of a site off Old Court Road, east of Liberty Road in the Fourth Councilmanic District (the "Property") to be developed as a senior housing planned unit development. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

3. Appointment - Director, Department of Aging - Joanne Williams

At the direction of the Chairman, the Secretary read the correspondence from the County Executive requesting the appointment of Joanne Williams as Director of the Department of Aging. There being no discussion, upon motion by Councilman Bartenfelder, seconded by Councilman Oliver, this appointment was unanimously approved.

4. Reappointment - Revenue Authority- Merreen Kelly

At the direction of the Chairman, the Secretary read the correspondence from the County Executive requesting the reappointment of Merreen Kelly to the Baltimore County Revenue Authority. There being no discussion, upon motion by Councilman McIntire, seconded by Councilman Moxley, this reappointment was unanimously approved.

5. Res. 44-09 - Redesignation of Peninsula Highway and Haul Road - Industrial Crossing

At the direction of the Chairman, the Secretary read this resolution to designate an industrial crossing of Peninsula Expressway (Maryland Route 157) where it is intersected by Severstal Sparrows Point, LLC's private roads, known as "Haul Road" and "Reservoir Road" in accordance with Section 8-626 of the Transportation Article of the Annotated Code of Maryland. Mr. Iannucci appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, this Resolution was unanimously approved.

6. Res. 45-09 - Exchange of Property - Overlea High School

At the direction of the Chairman, the Secretary read this resolution to authorize the County to acquire and dispose of a parcel of ground which is a portion of the Board of Education property known as Overlea High School located adjacent to I-95 in the Overlea area of the Sixth Councilmanic District. Ms. Murphy appeared and was questioned by Councilman McIntire. Thereafter, upon motion by Councilman Bartenfelder, seconded by Councilman Olszewski, this Resolution was approved by the following roll call vote:

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

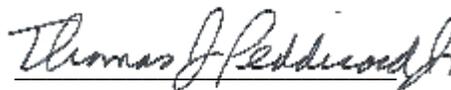
7. Res. 46-09 - Property Tax Exemption - Blind - Lamont Thompson

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Lamont Thompson 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 Olszewski, seconded by Councilman Moxley, this resolution was unanimously approved.

8. Res. 47-09 - Property Tax Exemption - DAV - Donny E. Tew, Sr.

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Donny E. Tew, Sr., 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.

There being no further business to come before the Council at this time, upon motion by Councilman Moxley, seconded by Councilman Olszewski, the meeting adjourned at 6:25 p.m.



Thomas J. Peddicord, Jr.