

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2009, LEGISLATIVE DAY NO. 13
August 3, 2009 6:00 P.M.

A. The meeting was called to order by Chairman Bartenfelder at 6:00 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 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 Oliver, seconded by Councilman Moxley, the reading of the Journal Entries for the meeting of July 6, 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 42-09, 43-09, 44-09, 45-09, 46-09, 47-09 and 48-09. The Chairman then asked the Secretary to read the letter from the County Executive, wherein he vetoed Bill 49-09, at the request of Councilman Olszewski because an amendment to the bill inadvertently included free newspapers within its scope despite the express desires of the Councilman.

D. INTRODUCTION OF BILLS

BILL 59-09, entitled An Act for the purpose of clarifying that county law applies to electronic control devices; amending a the definition of a certain term; clarifying the scope of county law; and generally relating to the use and transfer of electronic control devices in the county.

BILL 60-09, 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 Department of Aging.

BILL 61-09, entitled An Act for the purpose of authorizing the county to use and enforce citations issued by a certain speed monitoring system; authorizing the Police Department, in consultation with other agencies, to develop and implement a program for the use of speed monitoring systems; mandating a certain period of time during which violations may be enforced only by the issuance of warnings; requiring the county to comply with certain state law; defining a certain term; and generally relating to the use of speed monitoring systems in the county.

BILL 62-09, entitled An Act for the purpose of requiring that home electronic devices be recycled; defining terms; providing the methods of recycling; providing penalties; and generally relating to the recycling of home electronic devices.

BILL 63-09, entitled An Act for the purpose of adding pigeons to the list of animals for which the Zoning Regulations require a minimum amount of acreage and impose certain other limitations; and generally relating to land used for stabling and pasturing of animals.

BILL 64-09, entitled An Act for the purpose of prohibiting the delivery of certain unsolicited advertising circulars to any residential address in the County unless the circular contains a certain notice; prohibiting the placement of such circulars on motor vehicles; defining terms; providing penalties for violations; providing for enforcement of the law; and generally relating to the delivery of unsolicited advertising circulars.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 50-09, CEB - Special Needs Investigator, was called. Scott Roscher 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 51-09, CEB - General Fund - Community College of Baltimore County, was called. Fred Homan appeared. Councilman Gardina questioned Mr. Homan. There being no further discussion, this bill was passed by the following roll call vote:

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

Bill 52-09, CEB - FFY08 HSGP UASI, was called. James Korn 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 53-09, CEB - Dept. of Economic Development - Tourism Program, was called. David Iannucci appeared. Councilman Olszewski moved to amend this bill with the following amendment:

On page 2, in line 7, strike “Grant Account” and substitute “Tourism Program”.

Councilman Moxley 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 Kamenetz, Bill 53-09, as amended, passed by the following roll call vote:

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

Bill 54-09, Consolidated Public Improvement Bonds, was called. Councilman Moxley moved to amend this bill with the following amendments:

1. On page 14, in the last two lines of the page, strike from “annual” through “issue” and substitute “Principal payments on Installment Purchase Agreements shall be made on one or more dates as determined by order of the County Executive”.
2. On page 42, in the first line, strike “30” and substitute “20”.
3. On page 55, at the end of the first line, insert “It is confirmed that the County Executive is authorized to declare official intent to reimburse expenditures from proceeds of Tax Advantaged Obligations.”; also on page 55, about half-way down the page, immediately after the last sentence in Section 40, insert the following new paragraph:

It is recognized that the market for Tax Advantaged Obligations is evolving and that the issuance and sale from time to time of Tax Advantaged Obligations with one stated maturity may be the most practicable method for successfully accomplishing the sale of Tax Advantaged Obligations by the County. Accordingly, the County is hereby authorized to issue Tax Advantaged Obligations with a single stated maturity and to provide for an annual installment plan (the “Installment Plan”) with respect to the payment of Tax Advantaged Obligations, such Installment Plan to be approved by an order of the County Executive. The Installment Plan shall provide for annual payments to a sinking fund account (the “Escrow Account”) to be pledged to the payment of the Tax Advantaged Obligations and to be held by a trust company or other banking institution, as trustee or escrow agent, such annual payments to commence not later than two years from the date of issuance of the Tax Advantaged Obligations. Amounts so deposited to the Escrow Account shall

be invested and reinvested in direct obligations of, or obligations the principal of, and the interest on which, are guaranteed by, the United States of America, or in certificates of deposit or time deposits secured by direct obligations or obligations the principal of, and the interest on which, are guaranteed by, the United States of America. Each annual payment deposited to the Escrow Account under the Installment Plan shall be invested and reinvested in a manner determined by the County so as to provide for the payment of a portion of the stated principal amount of such Tax Advantaged Obligations and related interest, if any. The issuance and sale of Tax Advantaged Obligations as a single bond with one stated maturity and the establishment of an Installment Plan as herein described are hereby authorized notwithstanding the requirement in Section 13 of this Ordinance that Bonds be issued as serial maturity Bonds or term Bonds having mandatory sinking fund requirements, with principal installments commencing not more than two years from the date of issuance of the Bonds.

Councilman McIntire seconded the motion and these amendments 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 54-09, as amended, passed by the following roll call vote:

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

BILL 55-09, CEB - FFY07 MIEMSS Bioterror Grant, was called. James Korn 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 56-09, CEB - Maryland Energy Administration - Retrofits, was called. Colleen Mahoney appeared. Councilman Gardina commented. There being no further discussion, this bill passed by the following roll call vote:

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

BILL 57-09, Zoning Regulations - Warehouses, was called. Councilman Moxley commented. There being no further discussion, this bill passed by the following roll call vote:

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

BILL 58-09, Development, was called. Councilman Kamenetz commented and was

questioned by Councilman McIntire. Councilman Kamenetz then moved to amend this bill with the following amendments:

1. On page 1, in the function paragraph, and on page 2, in line 2, after “32-4-101(ccc), add in each instance “and (ddd)””; in line 2, strike “it is” and substitute “they are”
2. On page 2, in the third function paragraph and on page 6, in line 13, after “32-4-273”, insert in each instance “and Subsections 32-4-106(a)(1)(i)(2) and 32-4-271(f)(2)””; in line 15 on page 6, strike “it is” and substitute “they are”
3. On page 3, insert the following after line 7:

“(DDD) “NON-RESIDENTIAL PLAN” MEANS A PLAN OF DEVELOPMENT IN WHICH THE DOMINANT ELEMENT OF THE PLAN IS (1) A COMMERCIAL DEVELOPMENT, (2) AN INDUSTRIAL DEVELOPMENT, OR (3) A SENIOR HOUSING, ASSISTED LIVING, LIFE CARE, CONTINUING CARE OR ELDERLY HOUSING FACILITY, CHURCH, SCHOOL, OR OTHER INSTITUTIONAL USE.”

4. On page 4, in lines 17 and 18, and on page 5, in lines 14 and 15 and in lines 17 and 18, strike “, INCLUDING A LIFE CARE OR CONTINUING CARE FACILITY PLAN,”
5. On page 8, in line 13, strike “a plat was recorded and” and substitute “an unexpired plat was recorded or”; in line 14, strike “, but not yet expired,”; in line 19, strike “Subtitle 2” and before “development” insert “residential”. On page 9, in line 2, insert after the period “This subsection does not apply to an amendment accepted for filing prior to July 6, 2009 or to an amendment to a planned unit development if the development was approved prior to 1990.”

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

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

Thereafter, upon motion by Councilman Kamenetz, seconded by Councilman McIntire, Bill 58-09, 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 July 28, 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 12.

1. Contracts - (3) - On-call DNA Analysis Testing - Forensic Services Section - Police Department

Three contracts to provide DNA analysis testing services on an on-call basis for the Forensic Services Biology Unit. The contractors are Bode Technology Group, Inc., National Medical Services, Inc. d/b/a NMS Labs, and Orchid Cellmark, Inc. These contracts are necessary due to the inability and, in some cases, lack of appropriate physical facilities to perform certain specialized tests in-house.

2. Contract - Xerox Corporation - Lease of Mainframe Printer & High-speed Photocopier

A contract amendment with Xerox Corporation to add the lease of a mainframe printer to the existing lease of a high-speed photocopier. This printer will replace the existing printer which needs to be replaced due to increasingly frequent breakdowns.

3. Contract - TAC Transport, LLC - Transportation Services - Hauling of municipal solid waste

A contract with TAC Transport, LLC, to provide transportation services for the hauling of municipal solid waste from various County transfer facilities to the final disposal sites. The estimated municipal solid waste to be transferred in FY 2010 under the contract is 138,500 tons.

4. Contract - The Wilson T. Ballard Company - On-call structural engineering services- Bridge replacement/rehabilitation

A contract with The Wilson T. Ballard Company, to provide on-call structural engineering services needed for maintaining the County bridge replacement and rehabilitation program for various projects in Baltimore County. The services to be provided range from the design of emergency repairs to the complete structural design and preparation of contract bid documents for various structures. In addition, bridge condition inspection/evaluation and rating analysis; building design; erosion and sediment control design and other related services are included.

5. Contract - Kibart, Inc. - On-call mechanical and electrical services - County Building projects

A contract with Kibart, Inc., to provide on-call mechanical and electrical engineering

services, including consultation reports, feasibility studies, sketches, preliminary and schematic design, design development, construction documents, cost estimates, construction administration, and other assistance on various projects in County Buildings.

6. Contract of Sale - Michael & Tina Riesett - Widening of Putty Hill Avenue

A contract of sale with Michael and Tina Riesett, to purchase a parcel of land located at 3022 Putty Hill Avenue, Parkville, Maryland 21234, for the widening of Putty Hill Avenue. The property will be used for highway widening, temporary construction and adjustment, and temporary slope easement areas.

7. Contract of Sale - Most Reverend Edwin F. O'Brien, Roman Catholic Archbishop of Baltimore - Widening of Putty Hill Avenue

A contract of sale with the Most Reverend Edwin F. O'Brien, Roman Catholic Archbishop of Baltimore, to purchase a parcel of land located 8801 Harford Road, Parkville, Maryland 21234, for the widening of Putty Hill Avenue. The property will be used for highway widening, temporary construction and adjustment, and temporary slope easement areas.

8. Contract of Sale - Franklin & Anna Mae Sheppard - Sanitary Sewer Construction

A contract of sale with Franklin & Anna Mae Sheppard, to purchase an easement located at 11444 Philadelphia Road, White Marsh, Maryland 21162. The acquisition will provide drainage and utility easements in which to construct sanitary sewer.

9. Amendment to Contract - Reliastar Life Insurance Company - Life Insurance Coverage - County employees

An amendment to a contract with Reliastar Life Insurance Company, to continue to provide life insurance coverage for eligible employees and retirees of County General Government, the Library and the Revenue Authority. extend the term of the contract an additional 12 months, to August 31, 2010, to allow time to develop a competitive bid.

10. Contract - Bolton Partners, Inc. - Consulting Services - Employee Retirement Plans

A contract with Bolton Partners, Inc., to provide financial and actuarial consulting services for employee health insurance coverage and other post-employment benefits for Baltimore County employee and retiree benefits plans.

11. Contract of Sale - Ramon & Gloria Orozco - Sewer Extension - Dunrovin Lane

A contract of sale with Ramon & Gloria Orozco, to purchase an easement located at 5509 Dunrovin Lane, Perry Hall, Maryland 21128. The acquired property will be used for drainage and

utility easement and temporary construction areas in order to construct a sewer extension.

12. Contract of Sale - William & Nancy Borgerding - Sewer Extension - Dunrovin Lane

A contract of sale with William & Nancy Borgerding, to purchase an easement located at 5505 Dunrovin Lane, Perry Hall, Maryland 21128. The acquired property will be used for drainage and utility easement and temporary construction areas in order to construct a sewer extension.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, Fiscal Matters 1 through 12 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 July, 2009.

2. Res. 48-09 - Sanitary Sewer Extension - Pikesville Area - 2nd Council 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 Pikesville area, on Timberfield Lane, Third Election District and Second Councilmanic District of Baltimore County. Ed Adams appeared. There being no discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this Resolution was unanimously approved.

3. Res. 49-09 - Priority Funding Areas - "Recovery Zone" Bonds

At the direction of the Chairman, the Secretary read this Resolution designating the County's Priority Funding Areas as a County "Recovery Zone" for purposes of the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds. Recovery Zone Bonds can be used by an commercial business except for golf clubs, country clubs, massage parlors, hot tub facilities, suntan facilities, racetracks, gambling establishments and liquor stores. The proceeds of the bonds can be used for the purchase and renovation of real estate and the purchase of new equipment, In an existing building is purchased, the cost of renovations must equal or exceed the acquisition cost of the building. David Iannucci appeared. There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Oliver, this Resolution was unanimously approved.

4. Res. 50-09 - Property Tax Credit - Civic League of Inverness, Inc.

At the direction of the Chairman, the Secretary read this Resolution to grant a property tax credit against the County property tax imposed on real property owned by the Civic League of Inverness, Inc. The Civic League of Inverness, Inc. owns three properties on Bayside Drive in Baltimore County which are waterfront lots used by the community as a park and boat launch area. Councilman

Olszewski commented. There being no further discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

5. Res. 51-09 - Planning Board - Ruxton-Riderwood-Lake Roland Area Plan

At the direction of the Chairman, the Secretary read this resolution requesting the Office of Planning to review and update the Ruxton-Riderwood-Lake Roland Area Plan. Councilman Kamenetz commented. There being no further discussion, upon motion by Councilman Kamenetz, seconded by Councilman Moxley, this Resolution was unanimously approved.

6. Res. 52-09 - Property Tax Exemption - DAV - Dwayne L. Boyd

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Dwayne L. Boyd 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 Olszewski, seconded by Councilman Oliver, this resolution was unanimously approved.

7. Res. 53-09 - Property Tax Exemption - DAV - Irvin A. Hawkins

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Irvin A. Hawkins 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 Oliver seconded by Councilman Moxley, this resolution was unanimously approved.

8. Res. 54-09 - Amendment to Towson Manor Village Enhancement Study

This Resolution was for introduction only.

9. Res. 55-09 - Review of PUD - Bozzuto Homes, Inc. - Towson Manor Village - 5th Councilmanic Dist.

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 Oliver, the meeting adjourned at 6:35 p.m.


Thomas J. Peddicord, Jr.

