

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2009, LEGISLATIVE DAY NO. 14
September 8, 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. 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 August 3, 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 50-09, 51-09, 52-09, 53-09, 54-09, 55-09, 56-09, 57-09 and 58-09.

D. INTRODUCTION OF BILLS

BILL 65-09, entitled An Act for the purpose of authorizing the county to regulate scrap metal processors; requiring the licensing of scrap metal processors; providing criteria for the licensing of scrap metal processors; prohibiting the transfer of a license; providing for certain fees; providing for the expiration and renewal of licenses; providing for the approval, denial, suspension and revocation of a license; providing for the maintenance and electronic reporting of certain records to the Police Department; providing a certain holding period for certain items; providing for civil and criminal penalties; providing for hearings under certain circumstances; providing for injunctive relief; authorizing certain departments to adopt certain regulations; defining certain terms; and generally relating to the regulation of scrap metal processors.

BILL 66-09, 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 National Association of Area Agencies on Aging.

BILL 67-09, 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 Immunization Program.

BILL 68-09, entitled An Act for the purpose of requiring a person selling a tobacco product to check the age of a buyer under certain circumstances; and generally relating to Tobacco Enforcement in the county.

BILL 69-09, 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 Mediation and Conflict Resolution Office.

BILL 70-09, 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 Community Health Resources Commission.

BILL 71-09, entitled An Act for the purpose of permitting certain enterprise signs in the M.L.-I.M. zone; and generally relating to enterprise signs.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 59-09, Electronic Control Devices, was called. Chief Johnson 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

Chairman Bartenfelder stated that the Council would now consider Bill 61-09.

Bill 61-09, Speed Monitoring Systems, was called. Chief Johnson remained. Councilman Bartenfelder moved to amend this bill with the following amendment:

1. On page 1, in the third line of the title, after “systems”, insert “in school zones”
2. On page 2, insert the following between lines 14 and 15:
“IN NOT MORE THAN 15 SCHOOL ZONES,”

Councilmembers Kamenetz, Olszewski and Oliver questioned Chief Johnson on this amendment. Councilman Gardina questioned Mr. Beverungen. Thereafter, Councilman Moxley seconded the motion and this amendment passed by the following roll call vote:

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

Councilman Bartenfelder then moved to amend this bill further with the following amendment:

1. On page 1, in the third line of the title, after “systems”, insert “in school zones”
2. On page 2, insert the following between lines 14 and 15:
“IN SCHOOL ZONES, WITHIN A QUARTER-MILE RADIUS OF A SCHOOL,”

Mr. Peddicord explained the amendment. Councilmembers Gardina, Bartenfelder and Kamenetz then questioned Chief Johnson. Councilman McIntire then questioned Mr. Peddicord. Councilman Gardina moved to amend the amendment to measure the quarter-mile radius from the perimeter of the school property. Councilman Gardina then withdrew the amendment to the amendment. Councilman Bartenfelder then withdrew the original amendment.

Councilman Moxley moved to amend this bill with the following amendment:

1. On page 1, in the fifth line of the title, after “term”, insert “; requiring a certain report to be filed”
2. On page 2, after line 19, insert:
“SECTION 3. AND BE IT FURTHER ENACTED, that the Police Department shall file a report with the County Council detailing the effect of the Act, on the first anniversary after the effective date of this Act and biennially thereafter.”
3. On page 2, in line 20, strike “3” and substitute “4”

Councilman Gardina seconded the motion. Comments were then made by Councilmembers Moxley, McIntire, Bartenfelder, McIntire, Olszewski and Oliver. Thereafter, 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 61-09, as amended, passed by the following roll call vote:

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

Bill 60-09, CEB - Money Follows the Person 2009-2010 was called. Joanne Williams 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 62-09, Recycling of Home Electronic Devices, was called. Councilman Gardina moved to amend this Bill with following amendment:

On page 3, strike lines 7 and 8 and substitute the following:

“THIS SECTION IS SUBJECT TO A CIVIL PENALTY OF \$100.”

Councilman Gardina 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 Gardina, seconded by Councilman Olszewski, Bill 62-09, as amended, passed by the following roll call vote:

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

Nay - None

Bill 63-09, Zoning Regulations, was called. Councilman Bartenfelder questioned Mr. Peddicord. Thereafter, this bill passed by the following roll call vote:

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

Nay - None

BILL 64-09, Unsolicited Advertising Circulars, was called. Councilman Olszewski moved to amend this bill with the following amendment:

1. On page 1, in the title, strike “; prohibiting the placement of such circulars on motor vehicles”
2. On page 3, strike lines 17 through 19, inclusive.

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

Councilman Olszewski and Bartenfelder then moved to amend this bill further with the following amendment:

1. On page 3, in line 8, strike “TOLL-FREE”; in line 9, before “TELEPHONE”, insert “OR LOCAL”

2. On page 4, insert the following after line 5:
“SECTION 2. AND BE IT FURTHER ENACTED, that a person subject to the requirements of Article 21, Title 19 of the Baltimore County Code, 2003 shall comply with the requirements of Article 21, Title 19 by no later than January 1, 2010.”
3. On page 4, in line 6, strike “2” and substitute “3”

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

Councilman McIntire moved to amend this bill with the following amendment:

On page 2, in line 21, after “SERVICE” INSERT “, OR DELIVERY BY OR ON BEHALF OF A PUBLISHER OF NEWSPAPERS OR SIMILAR COMMUNITY INTEREST PUBLICATIONS”

The motion was seconded by Councilman Moxley. Councilmembers Bartenfelder and Olszewski then questioned Mr. Peddicord on the amendment which failed by the following roll call vote:

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

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Gardina, Bill 64-09, as amended, passed by the following roll call vote:

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

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 1, 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 8, and 10 through 12. Fiscal Matter #9 was withdrawn prior to the meeting.

1. Contract - Dynastics, Inc. - Maintenance for Chillers at Detention Center

A contract with Dynastics, Inc., to provide maintenance for chillers at the Baltimore County Detention Center.

2. Contract - Cross Match Technologies, Inc. - Live Scan Management System

A contract with Cross Match Technologies, Inc., to provide the design, planning, development and implementation of services required to interface between the Live Scan Management System, which electronically transmits demographic data, fingerprint images and mugshots to the State of Maryland and the FBI, and which is currently installed in the County and the County's new Enterprise Booking System known as 'Digital Photo Works.'

3. Contract - GTSI Corporation - IT Products and Services

A contract with GTSI Corporation, to provide various information technology products and related services.

4. Contract of Sale - Eleanor R. DiPeppe, Trustee of Eleanor R. DiPeppe Revocable Trust

A contract of sale with Eleanor R. DiPeppe, Trustee of the Eleanor R. DiPeppe Revocable Trust to acquire drainage and utility easements and temporary construction areas, located at 2140 Willow Green Lane, Baltimore, Maryland, for the installation of water and sewer lines to serve properties on Willow Green Lane, in accordance with a health project.

5. Contract of Sale - Jeremy J. Smith - Widening of Putty Hill Avenue

A contract of sale with Jeremy J. Smith to purchase a parcel of land located at 3007 Putty Hill Avenue, Parkville, Maryland 21234, for the widening of Putty Hill Avenue.

6. Contract of Sale - Rosanna, LLC - Extension of Cherry Hill Road

A contract of sale with Rosanna, LLC, to purchase a parcel of land located at 12112 Timber Grove Road, Owings Mills Maryland 21117, for the extension of Cherry Hill Road.

7. Contract of Sale - William and Martha Elliott - Sewer Extension - E. Joppa Road

A contract of sale with William and Martha Elliott, to obtain an easement, located at 5501 E. Joppa Road, Perry Hall, Maryland 21128, necessary to construct an 8" gravity sewer line, to provide sewer extension to twelve homes with failing septic systems.

8. Contract of Sale - Girl's Life Plantation - Recreation and Park Purposes

A contract of sale with Girl's Life Plantation, to purchase a parcel of land located on Dulaney

Valley Road, for recreation and parks purposes.

9. This item was withdrawn prior to the meeting.

10. Contract - EESCO Pump and Valve, Inc. - Parts/repair - Sewage Pumping Stations

A contract with EESCO Pump and Valve, Inc., to provide machined parts and on-call repair services for sewage pumping station and equipment.

11. Contracts - (2) - On-call Engineering Services for Pumping Stations

Two contracts to provide on-call engineering services for pumping stations. The services will be on a task order basis, as requested by the County.

12. Contract - Century Engineering, Inc. - On-call structural engineering services

A contract with Century Engineering, Inc., to provide on-call structural engineering services needed for marinating the County bridge replacement and rehabilitation program.

There being no discussion, upon motion by Councilman Moxley, seconded by Councilman Olszewski, Fiscal Matters 1 through 8, and 10 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 and August, 2009.

Miscellaneous Business Items 2, 3 and 4 were withdrawn.

5. Res. 56-09 - Property Tax Exemption - DAV - Charles O. LaHatte, Sr.

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Charles O. LaHatte, 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 Bartenfelder, seconded by Councilman Olszewski, this Resolution was unanimously approved.

6. Res. 57-09 - Property Tax Exemption - DAV - Andra C. Brown

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Andra C. Brown 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.

7. Res. 58-09 - Endorsement of Community Legacy Application by Dundalk Renaissance Corp.

At the direction of the Chairman, the Secretary read this resolution to endorse the filing of an application by the Dundalk Renaissance Corporation. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Moxley, this resolution was unanimously approved.

8. Res. 59-09 - Amendment to PUD - Corporate Office Properties Trust - Nottingham Ridge

This Resolution was for introduction only.

9. Res. 60-09 - Property Tax Exemption - Blind - Konstanty Horodowicz

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

10. Res. 61-09 - Property Tax Exemption - Blind - Larry E. Bates

At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Larry E. Bates 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 Bartenfelder, seconded by Councilman Olszewski, this resolution was unanimously approved.

11. Res. 62-09 - Property Tax Exemption - DAV - Lloyd T. Brown

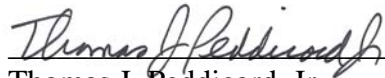
At the direction of the Chairman, the Secretary read this resolution to approve the refund of certain real property taxes collected from Lloyd T. Brown who is entitled to an exemption from State and County real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Oliver, seconded by Councilman Moxley, this resolution was unanimously approved.

12. Res. 63-09 - Revenue Bond - Calvert Hall College

At the direction of the Chairman, the Secretary read this resolution authorizing Baltimore County, Maryland, to issue and sell its bonds as its limited obligations and not upon its faith and credit or pledge of its taxing power, in one or more series, not to exceed the aggregate amount of \$26,000,000, at the request of Calvert Hall College for the purpose of (a) financing the costs of the

improvement by Calvert Hall College of Baltimore City of certain facilities consisting of Keely Hall, an existing one level building containing approximately 126,500 square feet, and Crispino Center, an existing athletic center containing approximately 40,600 square feet, for use by Calvert Hall College of Baltimore City, together with certain fixtures, equipment and other facilities functionally related and subordinate thereto, located on the existing educational facilities campus of Calvert Hall College of Baltimore City, located at 8102 LaSalle Road, in Baltimore County, Maryland 21286, and such other interests in land, improvements, furnishings and equipment as may be necessary or suitable for the foregoing, and (b) refinancing certain existing indebtedness of Calvert Hall College of Baltimore City incurred for the purpose of financing capital improvements to its campus; specifying and describing the facilities to be financed and the existing indebtedness to be refinanced; describing generally the public purposes to be served and the financing and refinancing transaction to be accomplished; specifying the maximum aggregate principal amount of bonds that may be issued; authorizing the County Executive or the County Administrative Officer, by executive order or otherwise, to specify, prescribe, determine, provide for or approve certain matters, details, forms, documents, or procedures appropriate to the authorization, sale, security, issuance, delivery or payment of or for such bonds; and specifying and describing various matters in connection therewith, as required or permitted by such Act. Stan Jacobs appeared. There being no discussion, upon motion by Councilman Moxley, 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 Olszewski, the meeting adjourned at 7:55 p.m.


Thomas J. Peddicord, Jr.