

**BALTIMORE COUNTY COUNCIL MINUTES**  
**LEGISLATIVE SESSION 2013, LEGISLATIVE DAY NO. 21**  
**December 16, 2013            6:00 P.M.**

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A. The meeting was called to order by Chairman Quirk 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 20 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
TODD HUFF	THIRD DISTRICT
KENNETH N. OLIVER	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
JOHN OLSZEWSKI, SR.	SEVENTH DISTRICT

**B. APPROVAL OF JOURNAL**

Upon motion by Councilman Huff, seconded by Councilwoman Bevins, the reading of the Journal Entries for the meeting of December 2, 2013 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 57-13, 58-13 and 59-13.

**D. INTRODUCTION OF BILLS**

**BILL 71-13**, entitled An Act for the purpose of reorganizing county government by renaming the Department of Economic Development to be the Department of Economic and Workforce Development; providing for the construction and application of this Act; providing for the continuity of terms of certain officials, the status of certain transactions and employees, rights, titles, and interests, licenses, registrations, certifications, and permits; correcting technical errors; making certain stylistic changes; and generally relating to the reorganization of county government.

**BILL 72-13**, entitled An Act for the purpose of amending the 2013-2014 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 73-13**, entitled An Act for the purpose of amending the 2013-2014 Current Expense Budget, by appropriating to the Gifts and Grants Special Revenue Fund monies derived from federal and state funds and made available to the County through the Maryland Department of Transportation.

**BILL 74-13**, entitled An Act for the purpose of increasing the compensation of the County Executive for the term of office to begin in December 2014; and generally relating to the compensation of the County Executive.

**BILL 75-13**, entitled An Act for the purpose of increasing the compensation of the members of the County Council for the term of office to begin in December 2014; and generally relating to the compensation of the County Council.

**BILL 76-13**, entitled An Act for the purpose of regulating food trucks; defining terms; specifying the requirements for a license and application, and the contents of an application for a license; providing license fees; requiring the display of a license tag on a food truck; providing for the renewal and for the suspension, denial, revocation, or non-renewal of a license; specifying certain requirements and prohibitions applicable to the operation of a food truck; providing penalties; and generally relating to the regulation of food trucks in Baltimore County.

**BILL 77-13**, entitled An Act for the purpose of requiring certain preliminary agency evaluations to be posted on the county's internet website in a certain manner; and generally relating to Planned Unit Developments.

**BILL 78-13**, entitled An Act for the purpose of specifying the term synthetic cannabinoid in the prohibition on the distribution, use, purchase, or possession of certain synthetic products or compounds heretofore indicated as Spice or K-2; defining the terms synthetic cannabinoid and synthetic marijuana; providing for forfeiture of property; and generally relating to certain synthetic products or compounds.

**E. CALL OF BILLS FOR FINAL READING AND VOTE**

**Bill 60-13**, CEB - Port Security Grant, was called. Chief Johnson appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 61-13**, Employees' Retirement System - Requirement to Join, was called. Keith Dorsey appeared. Councilman Quirk and Olszewski questioned Mr. Dorsey. Councilman Quirk then moved to amend this Bill with the following amendment:

On page 3, after line 18, insert "(2) IN THIS SECTION, THE BOARD OF TRUSTEES SHALL ACCEPT, FOR ENTRY INTO THE RETIREMENT SYSTEM, THE RESULTS OF THE POST-OFFER/PRE EMPLOYMENT PHYSICAL EXAMINATION CONDUCTED BY BALTIMORE COUNTY'S CURRENTLY CONTRACTED MEDICAL PROVIDER FOR APPLICANT PHYSICAL EXAMINATIONS."

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, Bill 61-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 62-13**, Ordinance - Expansion of the Owings Mills Town Center Development District, was called. Keith Dorsey remained. Councilman Quirk and Olszewski questioned Mr. Dorsey. Councilman Quirk then moved to amend this Bill with the following amendment:

On page 1, in the second line of the first paragraph, strike "October 18," and substitute "November 15,"; on page 2, in the second line of the purpose paragraph, strike "October18," and substitute "November 15,"; and on page 3, in the third line of paragraph (a), strike "October," and substitute "November 15,".

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Oliver, Bill 62-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 63-13**, The Fire Prevention Code of Baltimore County, was called. Chief Hohman appeared. Councilman Quirk then moved to amend this Bill with the following amendment:

On page 4, in the first line of the first full function paragraph and on page 6, in line 20, strike "8.6.2." and substitute "8.3.2."; and on page 4, in the second line of the first full function paragraph and on page 6, in line 20, strike "2010" and substitute "2013".

One page 5, strike from "publication" in line 5 through "Association" in line 6 and substitute "ADOPTION OF THE LATEST STATE OF MARYLAND FIRE PREVENTION CODE".

On page 8, after line 16, insert:

**“1:1.6.1. PROSECUTION OF VIOLATION:** The “Authority Having Jurisdiction” as defined in Chapter 3 “Definitions” of this Fire Prevention Code shall have the authority to institute or cause to be instituted an appropriate action for any violation of the Baltimore County Fire Prevention Code in accordance with Article 3, Title 6 of the Baltimore County Code, 2003, or a proceeding at law or in equity, which may be necessary and proper, to restrain, correct or abate such violation or to require the removal or termination of the unlawful use of the building or structure, or condition in violation of the provisions of this Code or the order or direction made pursuant thereto.”

Councilwoman Bevins seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Thereafter, upon motion by Councilman Huff, seconded by Councilwoman Bevins, Bill 63-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

**Bill 64-13**, CEB - Mental Health – Service Agencies, was called. Stephanie House appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

**Bill 65-13**, CEB - Rental Allowance Program (RAP), was called. Andrea Van Arsdale appeared. Councilman Olszewski moved to amend this Bill with the following amendment:

On page 1, in the second line of the purpose paragraph, strike “federal” and insert “state”.

On page 1, in the second line of the WHEREAS clause, strike “federal” and insert “state”.

On page 2, in line 5, strike “federal” and insert “state”.

On page 2, in line 7, strike “1433” and insert “1333”.

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilwoman Almond, Bill 65-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 66-13**, CEB - Public Service Commission - Customer Investment Fund, was called. Andrea Van Arsdale remained. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 67-13**, Boards and Commissions - Uniform Dates for Terms, was called. Mike Field appeared. There being no discussion, this Bill was passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 68-13**, Animal Control Law Revisions, was called. Mike Field remained. Councilmembers Almond, Quirk, Huff, Olszewski, Bevins and Marks commented. Councilman Quirk questioned Mr. Fields. Councilman Olszewski then moved to amend this Bill with the following amendment:

On page 1, in the 11<sup>th</sup> and 12<sup>th</sup> lines of the purpose paragraph, strike “requiring payment of the costs as a condition of appealing a citation to the Animal Hearing Board or the Board of Appeals” and substitute “providing for the collection of unpaid impoundment costs”; and strike from “authorizing” in line 13 of the purpose paragraph through “decision” in line 15 of the purpose paragraph and substitute “providing for the return of certain impoundment costs to the owner under certain circumstances”.

On page 2, in the second full function paragraph, strike “12-1-206” and substitute “12-1-205”.

On page 7, in line 8, strike “FIRST-CLASS MAIL” and substitute “CERTIFIED MAIL, RETURN RECEIPT REQUESTED”.

On page 11, strike from “BY” in line 11 through “SITE” in line 14 in their entirety and substitute “OF THE REQUIREMENTS OF THIS SUBTITLE IN THE SAME MANNER AS THE HEALTH OFFICER MAY SERVE A VIOLATION NOTICE UNDER § 12-1-110(C)(1) OF THIS TITLE.”; and in line 18, strike “THIS ARTICLE” and substitute “LAW”.

On page 13, in line 11, after “(G)”, insert “(1)”; in lines 12 and 13, strike “AFTER: (1) THE” and substitute “AFTER THE”; strike from “ANIMAL; OR” in line 15 through “OWNER.” in line 18 in its entirety and substitute “ANIMAL. (2) UPON APPLICATION OF THE OWNER AT A PROCEEDNG ON THE UNDERLYING VIOLATION, THE FINAL JUDGMENT OF THE ANIMAL HEARING BOARD, THE BOARD OF APPEALS, OR A COURT OF COMPETENT JURISDICTION MAY INCLUDE AN ORDER TO THE COUNTY TO RETURN ALL OR A PORTION OF THE BOARDING COSTS IF THE BOARD OR COURT HAS ALSO DISMISSED OR NOT UPHELD THE VIOLATION THAT GAVE RISE TO THE IMPOUNDMENT.”; strike from “IF” on page 13, line 22 through “(J)” on page 14, line 6 in their entirety; and on page 14, line 13, strike “(K)” and substitute “(J)”.

On page 14, after line 12, insert “(3) THE OWNERMAY ASK THE ANIMAL HEARING BOARD, BOARD OF APPEALS OR A COURT OF COMPETENT JURISIDICITION TO REVIEW THE HEALTH OFFICER’S DECISION UNDER THIS SUBSECTION AS PART OF ITS REVIEW OF THE UNDERLYING VIOLATION.”

Starting on page 15, strike from line 3 through “(B)” on page 16 in their entirety and substitute “(A)”; on page 16, after line 17, insert “(B) ANY BOARDING COSTS IMPOSED UNDER THIS SUBTITLE THAT ARE NOT PAID AND NOT REDUCED AS PROVIDED IN THIS SUBTITLE MAY BE COLLECTED IN THE SAME MANNER AS ANY JUDGMENT OR DEBT MAY BE COLLECTED.”; and on line 18, strike “§12-1-206” and substitute “§12-1-205”.

Councilwoman Bevins seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Councilman Marks then moved to amend this Bill with the following amendment:

On page 8, in line 8, strike “\$145” and substitute “\$250”, and in line 9, strike “\$145” and substitute “\$250”.

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Councilman Quirk then moved to amend this Bill with the following amendment:

1. On page 1, in line 2 of the purpose paragraph, after “Division;”, insert “providing for a volunteer program;”.
2. On page 2, in line 1 of the fourth function paragraph, after “Sections 12-1-101(c)(2), (e) and (f),” insert “12-1-103,”.
3. On page 5, in line 9, strike “and”, and in line 13, after “control”, insert “; AND

(3) MAINTAIN A PROGRAM FOR VOLUNTEERS TO ASSIST THE ANIMAL SERVICES DIVISION IN CARRYING OUT THE PROVISIONS OF THIS TITLE; AND

(4) REQUIRE AN ANIMAL SHELTER TO PROVIDE FRESH FOOD AND WATER, CLEAN AND SANITARY FACILITIES, ENVIRONMENTAL ENRICHMENT, AND APPROPRIATE VETERINARY CARE AT THE SHELTER.”

Councilwoman Almond seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski

Nay - None

Councilwoman Almond then moved to amend this Bill with the following amendment:

1. On page 1, in line 2 of the purpose paragraph, after “Division;”, insert “providing for the maintenance and publishing of certain records;”.
2. On page 18, in line 18, after “subparagraph”, strike “(ii)” and substitute “(iii)”, and after line 20, insert the following:

“(II) THE HEALTH OFFICER SHALL MAINTAIN AND KEEP ACCURATE RECORDS OF THE NUMBER OF ANIMALS THAT ARE DISPOSED OF BY EUTHANASIA AND ADOPTION EACH YEAR.”

3. On page 19, in line 1, strike “(i)” and substitute “(iii)”.

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

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

Thereafter, upon motion by Councilman Olszewski, seconded by Councilman Oliver, Bill 68-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins, Olszewski  
Nay - None

**Bill 69-13**, This Bill was withdrawn prior to the meeting.

**Bill 70-13**, Human Relations Commission, was called. Councilman Quirk moved to amend this Bill with the following amendment:

On page 2, in the line 6, strike "PERSON" and substitute "COUNTY RESIDENT"

Councilwoman Almond seconded the motion and this amendment passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Marks, Bevins, Olszewski  
Nay - None  
Abstain - Oliver

Thereafter, upon motion by Councilman Quirk, seconded by Councilwoman Almond, Bill 70-13, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Huff, Marks, Bevins, Olszewski  
Nay - None  
Abstain - Oliver

**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 10, 2013. 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 Quirk then called upon the Secretary to read the cover letters for Fiscal Matters 1 through 6. Fiscal Matter 7 was discussed separately.

**1. Contract - Pure Engineering Services, Inc. - Inspection and evaluation services - Metropolitan**

A contract with Pure Engineering Services, Inc., to provide inspection and evaluation services for prestressed concrete cylinders pipe in the County's Metropolitan Water System, on an on-call, as-needed basis.

**2. Agreement - MD Department of Labor, Licensing and Regulation - Unemployment Insurance - Police**

A memorandum of agreement with the State of Maryland Department of Labor, Licensing and Regulation, Division of Unemployment Insurance, to provide the Police Department access to its wage record system.

**3. Contract - Allen & Son Moving/Storage, Inc. - Moving Services - School-Based Dental Sealant Program - Health & Human Services**

A contract with Allen & Son Moving/Storage, Inc., to provide moving services for the school-based dental sealant program. The services are needed to move portable dental equipment and supplies to each school that participates in the program.

**4. Contracts - (2) - Space planning and design services - newly constructed and reconfigured office space - OBF**

Two contracts with Murphy & Dittenhafer, Inc., and Rubeling & Associates, Inc., to provide space planning and design services in newly constructed buildings and reconfiguration of office space in renovates office buildings.

**5. Contracts - (2) - Lead Abatement Services - Various county-owned buildings - OBF**

Two contracts with BMW Construction Specialists, Inc., and Colossal Constructions, Inc., to provide lead abatement services for various Baltimore county-owned and/or operated buildings within the boundaries of Baltimore County, Maryland.

**6. Ground Lease - Dellcrest Properties 4, LLC - 502 Pleasant Hill Road - Real Estate Compliance**

A ground lease with an option to purchase, with Dellcrest Properties 4, LLC, to lease 31,813 square feet of Baltimore County owned property, located at 502 Pleasant hill Road, In Owings Mills, Maryland 21117; an unimproved property originally acquired for the construction of Dolfield Boulevard. The tenant, Dellcrest Properties 4, LLC, shall pay an annual rent.

There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Quirk, Fiscal Matters 1 through 6 were unanimously approved.

The Chairman then called upon the Secretary to read the cover letter for fiscal matter 7.

**7. Ground Lease - Towson Row RP, LLC - 301 Washington Avenue - Real Estate Compliance**

A ground lease with an option to purchase, with Towson Row RP, LLC, to lease 17,206 square feet of Baltimore County owned property, located at 301 Washington Avenue, in Towson, Maryland 21204; formerly used by the department of Recreation and Parks. The tenants, Towson Row RP, LLC, shall pay an annual rent. Amy Grossi appeared. Councilmembers Marks, Olszewski, Almond and Quirk questioned Mrs. Grossi. There being no further discussion, upon motion by Councilman Oliver, seconded by Councilman Olszewski, this Ground Lease passed by the following roll call vote:

Aye - Quirk, Huff, Oliver, Marks, Bevins, Olszewski

Nay - Almond

**G. MISCELLANEOUS BUSINESS**

**1. Correspondence - Non-Competitive Awards**

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, 2013.

## **2. Grant Agreement - Back River Restoration Committee - repair of back river trash boom**

At the direction of the Chairman, the Secretary read this correspondence from the County Administrative Officer for a Grant Agreement with Back River Restoration Committee, to cover part of the addition costs for repair of the Back River trash boom and clean up of the river associated with a severe storm event in June 2013. Vince Gardina appeared. Councilman Olszewski commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Huff, this Grant Agreement was approved by the following roll call vote:

Aye - Quirk, Almond, Huff, Oliver, Marks, Bevins

Nay - None

Abstain - Olszewski

## **3. Res. 125-13 - Authorization of application and acceptance of a Local Economic Development Fund Grant - MEDAAF**

At the direction of the Chairman, the Secretary read this Resolution to authorize the filing of an application and acceptance of a \$250,000 Local Economic Development Fund Grant to a Local Economic Development Fund through the Maryland Economic Development Assistance Authority and Fund, as set forth in Sections 5-301 through 5-349 of the Economic Development Article of the Annotated Code of Maryland. Donna Morrison appeared. There being no discussion, upon motion by Councilman Olszewski, seconded by Councilman Oliver, this Resolution was unanimously approved.

## **4. Res. 126-13 - Baltimore County Complete Street Policy**

At the direction of the Chairman, the Secretary read this Resolution of the Baltimore County Council adopting the Baltimore County Complete Street Policy. Councilman Quirk commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Marks, this Resolution was unanimously approved.

## **5. Res. 127-13 - Department of Planning - Patapsco Heritage Greenway - Patapsco Heritage Area**

At the direction of the Chairman, the Secretary read this Resolution of the County Council requesting the Department of Planning to work cooperatively with and assist the Patapsco Heritage Greenway in the preparation of a management plan as the first step in the designation of a Certified Heritage Area. Councilman Quirk commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilwoman Almond, this Resolution was unanimously approved.

**6. Res. 128-13 - Property Tax Exemption - DAV - Robert D. Sauer**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Robert D. Sauer who is entitled to a partial exemption from 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. 129-13 - Property Tax Exemption - DAV - Julius Tolentino**

At the direction of the Chairman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Julius Tolentino who is entitled to a partial exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilman Marks, seconded by Councilwoman Almond, this Resolution was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Olszewski seconded by Councilwoman Bevins, the meeting adjourned at 7:05 P.M.



Thomas J. Peddicord, Jr.