

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2015, LEGISLATIVE DAY NO. 5
March 2, 2015 6:00 P.M.

A. The meeting was called to order by Chair Bevins at 6:05 P.M. The Chair asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag. There were approximately 30 persons in attendance and the following Councilmembers were present:

TOM QUIRK	FIRST DISTRICT
VICKI ALMOND	SECOND DISTRICT
WADE KACH	THIRD DISTRICT
JULIAN E. JONES, JR.	FOURTH DISTRICT
DAVID MARKS	FIFTH DISTRICT
CATHY BEVINS	SIXTH DISTRICT
TODD K. CRANDELL	SEVENTH DISTRICT

B. APPROVAL OF JOURNAL

Upon motion by Councilman Quirk, seconded by Councilman Crandell, the reading of the Journal Entries for the meeting of February 17, 2015 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

The Chair stated that the following Bills were passed by the County Council and signed by the County Executive. She certified and delivered to the Secretary, Bills 4-15, 5-15 and 6-15.

D. INTRODUCTION OF BILLS

BILL 17-15, entitled An Act for the purpose of repealing a provision of the A.S. (Automotive Services) Overlay District regulation that permits certain uses under certain circumstances; and generally relating to the A.S. (Automotive Services) Overlay District.

BILL 18-15, entitled An Act for the purpose of amending the 2014-2015 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 the Environment.

BILL 19-15, entitled An Act for the purpose of defining a nanobrewery; permitting a nanobrewery by right in the County's B.L. Zones, subject to certain conditions; and generally relating to the regulation of a nanobrewery.

BILL 20-15, entitled An Act for the purpose of specifying the penalties for violations of the statute prohibiting the placing of certain materials in roads; clarifying the application of the statute; and generally relating to penalties for placing materials on roads and streets of the County.

BILL 21-15, entitled An Act for the purpose of eliminating certain subareas and creating new subareas in the Honeygo Area; deleting certain terms; deleting the area threshold limits; establishing new subarea limits; prohibiting the transfer of authorizations and granting of a variance to transfer authorizations for a project that spans two subareas; providing certain exemptions; amending the Zoning Commissioner's powers pertaining to variances; and generally relating to the Honeygo Area.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 9-15, Stormwater Management Fee - Rates for Fiscal Year 2016, was called. All Councilmembers commented. Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 1, in line 4, strike "as follows:" and substitute "ONE CENT (\$0.01)"
2. On page 1, in lines 5 through 8, and on page 2, in lines 1 through 4, strike the language and the figures contained in the second column in their entirety

Councilman Crandell seconded the motion and these amendments failed by the following roll call vote:

Aye - Kach, Crandell
Nay - Quirk, Almond, Jones, Marks, Bevins

Councilman Kach then moved to amend this Bill with the following amendments:

1. On page 1, in the second line of the purpose paragraph, after "Act", insert ", and requiring a review of the County's Stormwater Management Program and Stormwater management fee under certain circumstances"
2. On page 2, after line 9, insert the following:

SECTION 2. AND BE IT FURTHER ENACTED, that, if the Maryland General Assembly repeals the Watershed Protection and Restoration Act of 2012, or otherwise alters the manner in which the County is required to comply with the Act, the County Council shall review the provisions of Council Bill 20-13 to determine if the County's Stormwater Management Program should be amended and if the Stormwater management fee should be repealed or reduced."

3. On page 2, in line 10, strike "2" and substitute "3"

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

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Quirk, seconded by Councilman Jones, Bill 9-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 10-15, The 2014-2015 Capital Budget, was called. Vince Gardina appeared. Councilman Quirk moved to amend this Bill with the following amendment:

On page 2, in line 7, strike "Harry R. Hughes Center for Agro-Ecology, Inc. (Hughes Center)" and substitute "Environmental Management".

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

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Jones, seconded by Councilman Kach, Bill 10-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 11-15, Employees Retirement System Board of Trustees, was called. Councilmembers Quirk and Marks commented. Councilman Quirk then moved to amend this Bill with the following amendments:

1. On page 1, in line 2 of the Purpose paragraph, after “qualifications”, insert “and terms”, and after “certain”, strike “members” and substitute “appointed trustees”, and in the Function paragraph, after “Section 3-3-902(a)”, insert “and (b)”.
2. On page 2, in line 11, after “WHOM”, strike “SHALL” and substitute “MUST”, and in line 15, strike “PARTICIPANT IN” and substitute “MEMBER, RETIRED MEMBER, OR BENEFICIARY OF”, and after “RETIREMENT SYSTEM”, insert “OR ANY RETIREMENT SYSTEM PROVIDED FOR UNDER ANY PROVISION OF STATE LAW OR ANY COUNTY OR MUNICIPAL RETIREMENT SYSTEM”, and after “SYSTEM;” strike “AND”, and after line 15, insert “3. IS NOT AN EMPLOYEE OR MEMBER OR RETIRED MEMBER OF A PUBLIC OR PRIVATE SECTOR EMPLOYEE UNION; AND”, and in line 16, strike “3” and substitute “4”.
3. On page 3, after line 6, insert the following:

“(b) *Tenure.*

(1) THE TERM OF AN APPOINTED TRUSTEE IS 4 YEARS AND BEGINS ON JULY 1.

(2) The term of an elected trustee is 4 years.

SECTION 2. AND BE IT FURTHER ENACTED, that the initial term of one trustee of the Employees Retirement System Board of Trustees appointed by the County Council under § 3-3-902(a)(2)(I) of the Baltimore County Code, 2003, shall expire on June 30, 2017.”

4. On page 3, in line 7, after “SECTION”, strike “2” and substitute “3”.

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

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Jones, seconded by Councilman Marks, Bill 11-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 12-15, County Charter-Charter Review Commission, was called. Councilman Marks commented then moved to amend this Bill with the following amendments:

1. On page 2, in line 7, strike “SHALL” and substitute “MUST”, and in line 8, strike “THREE” and substitute “TWO”, and in line 10, strike “A MEMBER AND THE CHAIRPERSON” and substitute “AN EX OFFICIO MEMBER”, and in line 11, after “COMMISSION.”, insert “THE CHAIRPERSON OF THE COUNTY COUNCIL SHALL APPOINT AN ADDITIONAL MEMBER TO SERVE AS THE CHAIRPERSON OF THE COMMISSION.”

2. On page 2, after line 23, insert the following:

“(D) THE COUNTY ATTORNEY AND THE SECRETARY TO THE COUNTY COUNCIL, OR THEIR DESIGNEES, SHALL PROVIDE TO THE COMMISSION ADVICE AND TECHNICAL ASSISTANCE.”

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

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Marks, seconded by Councilman Crandell, Bill 12-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 13-15, Distribution of Tobacco Products to Minors, was called. Councilman Quirk commented then moved to amend this Bill with the following amendment:

1. On page 2, in line 13, after “(III)”, insert “\$1,500 OR”, and after “MONTH” insert “OR BOTH”.

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

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Thereafter, upon motion by Councilman Quirk, seconded by Councilwoman Almond, Bill 13-15, as amended, passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 14-15, Medical Clinic, was called. Councilman Marks commented. There being no further discussion, this Bill passed by the following roll call vote:

Aye - Quirk, Almond, Kach, Jones, Marks, Bevins, Crandell
Nay - None

Bill 15-15, This Bill was withdrawn prior to the meeting.

F. APPROVAL OF FISCAL MATTERS

The Chair stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council’s work session on February 24, 2015. 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. Chair Bevins then called upon the Secretary to read the cover letters for Fiscal Matters 1 and 2.

1. Contract - Browne’s Independent Trucking, LLC - Snow removal and salt application services - DPW

A contract with Browne’s Independent Trucking, LLC, to provide snow removal and salt application services.

2. Contracts - (2) - Estimating services for damaged vehicles - OBF

Two contracts with John M. Haynes, Jr. and Elizabeth Cooney Insurance Services, Inc., to provide estimating services for damaged vehicles.

There being no discussion, upon motion by Councilman Quirk, seconded by Councilman Kach, Fiscal Matters 1 and 2 were unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

At the direction of the Chair, the Secretary read the correspondence from the Office of Budget and Finance listing the non-competitive awards made during January, 2015.

2. Res. 7-15 - Towson community - Designation of Design Review Area

At the direction of the Chair, the Secretary read this Resolution of the Baltimore County Council designating the Towson community as a design review area. Councilman Marks commented. There being no further discussion, upon motion by Councilman Marks, seconded by Councilman Crandell, this Resolution was unanimously approved.

3. Res. 11-15 - Endorsement of application - 6400 Frederick Road, LLC

At the direction of the Chair, the Secretary read this Resolution to endorse the application of 6400 Frederick Road, LLC, to the Department of Housing and Community Development for a loan for a local project. Councilman Quirk commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Jones, this Resolution was unanimously approved.

4. Res. 12-15 - Property Tax Exemption - DAV - Clinton R. Purkey, Jr.

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Clinton R. Purkey, Jr., who is entitled to an 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 Crandell, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

5. Res. 13-15 - Property Tax Exemption - BLIND - Leroy E. Lingelbach, Jr.

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Leroy E. Lingelbach, Jr., 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 Councilwoman Bevins, seconded by Councilman Jones, this Resolution was unanimously approved.

6. Res. 14-15 - Property Tax Exemption - DAV - Bernard S. Watts

At the direction of the Chair, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Bernard S. Watts, who is entitled to an exemption from real property taxes by reason of the exemption afforded to disabled veterans under State law. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilwoman Almond, this Resolution was unanimously approved.

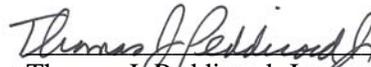
7. Appointment - Baltimore County Adult Public Guardianship Review Board - Michael R. Lachance

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Michael R. Lachance to the Baltimore County Adult Public Guardianship Review Board. There being no discussion, upon motion by Councilman Jones, seconded by Councilman Crandell, this Appointment was unanimously approved.

8. Appointment - Baltimore County Animal Hearing Board - Leslie Kaminski

At the direction of the Chairman, the Secretary read this correspondence from the County Executive requesting the appointment of Leslie Kaminiski to the Baltimore County Animal Hearing Board. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Jones, this Appointment was unanimously approved.

There being no further business to come before the Council at this time, upon motion by Councilman Jones, seconded by Councilman Crandell, the meeting adjourned at 6:30 P.M.


Thomas J. Peddicord, Jr.