

BALTIMORE COUNTY COUNCIL MINUTES
LEGISLATIVE SESSION 2016, LEGISLATIVE DAY NO. 2
January 19, 2016 6:00 P.M.

A. The meeting was called to order by Chairwoman Almond at 6:06 P.M. The Chairwoman asked the audience to rise for a moment of silent meditation and the Pledge of Allegiance to the Flag led by Boy Scout Troop #247 of the Baltimore County Fish and Game Protective Association. 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 Councilwoman Bevins, the reading of the Journal Entries for the meeting of January 4, 2016 was waived and accepted unanimously.

C. ENROLLMENT OF BILLS

There were no Bills for enrollment at this time.

D. INTRODUCTION OF BILLS

Bill 3-16, entitled An Act for the purpose of revising the front, rear, and side yard setback requirements, the floor area ratio requirements, and the building height requirements for certain buildings in the C.T. District of Towson; and generally relating to building requirements in the C.T. District of Towson.

E. CALL OF BILLS FOR FINAL READING AND VOTE

Bill 87-15, Employees Retirement System-Heroes Earnings Assistance & Tax Relief Act (HEART), was called. Keith Dorsey appeared. Councilman Jones 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 88-15, CEB - Eastside Spay and Neuter Program, was called. Dr. Gregory Branch appeared. Councilmembers Quirk and Crandell 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 89-15, Personnel Law of Baltimore County, was called. George Gay appeared. There being no discussion, this Bill passed by the following roll call vote:

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

Bill 90-15, Social Host - Unruly Social Gatherings - Pilot Program, was called. Councilmembers Quirk and Marks commented. Councilman Kach questioned Councilman Marks. Councilman Marks then moved to amend this Bill with the following amendments:

1. On page 1, strike the function paragraph in its entirety.
2. On page 2, in the second line of the function paragraph, strike “Section 13-7-113.1” and substitute “Sections 13-7-131, 13-7-132, 13-7-133, 13-7-134, and 13-7-135; and in the line before “Baltimore County Code, 2003” insert “Part IV. Unruly Social Gatherings Pilot Program”.
3. On page 4, strike lines 1 through 3, inclusive and substitute “PART IV. UNRULY SOCIAL GATHERINGS PILOT PROGRAM. § 13-7-131. DEFINITIONS. (A) IN THIS PART IV OF THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.”; in line 8, after “SUBSTANCE.”, insert “(1)” and strike “IS” and substitute “MEANS”; in line 10, strike “THE TERM” and substitute “(2) “CONTROLLED SUBSTANCE””; strike lines 14 through 17, inclusive; in lines 18 and 22, respectively, strike “(G)” and “(H)” and substitute “(E)” and “(F)”; and also in lines 18 and 22, respectively, strike “IS” and substitute “MEANS”.
4. On page 5, in lines 2, 4, 6, 10, and 21, respectively, strike “(I)”, “(J)”, “(K)”, “(L)”, and “(M)” and substitute “(G)”, “(H)”, “(I)”, “(J)”, and “(K)”; in lines 2 and 6, respectively, strike “IS” and substitute “MEANS”; in line 6, after “OWNER.” insert “(1)”; in line 9, strike “THIS TERM” and substitute “(2) “PROPERTY OWNER””; in line 10, after “PROPERTY.”, insert “(1)”; in line 14, strike “THE TERM ALSO” and substitute “(2) RESIDENCE OR OTHER PRIVATE PROPERTY””; and in line 22, after “(1)”, insert “(I)”.
5. On page 6, in line 1, strike “THE TERM” and substitute “(II) “RESPONSIBLE PERSON””; in lines 2 and 4, respectively, strike “(I)” and “(II)” and substitute “1.” and “2.”; in line 11, strike “(N)” and substitute “(L)”; in line 12, strike “TWO” and substitute “FOUR”; and in line 19, after “17-3-103”, insert “OF THE CODE”.
6. On page 7, in line 6, strike “DOMESTIC VIOLENCE”; strike lines 14 through 17, inclusive, and substitute “§ 13-7-132. GENERAL PROHIBITION.”; in line 18, strike “(B)” and substitute “(A)”; in line 21, strike “SECTION 13-7-113.1(A)” and substitute “§ 13-7-133”, and strike “(II)” and substitute “(IV)”, and at the end of line 21, strike “A”, and strike line 22, inclusive.
7. On page 8, in line 1, before “(1)”, insert “(B)”, and strike “SUBSECTION” and substitute “SECTION”; in lines 2 and 3, strike “APPLICABLE TO CONSUMPTION OF ALCOHOL BY A MINOR” and substitute “THAT OCCUR DURING AN UNRULY SOCIAL GATHERING”; after line 5, insert “(3) THIS SECTION DOES NOT APPLY TO GATHERINGS WHERE THE BEHAVIOR OR CONDUCT INVOLVED IN THE UNRULY SOCIAL GATHERING INVOLVES ALLEGATIONS OF DOMESTIC VIOLENCE OR SEXUAL ASSAULT.”; and strike lines 6 through 22 on page 8, and lines 1 through 3 on page 9, inclusive.
8. On page 9, in line 4, strike “§ 13-7-113.1.” and substitute “§ 13-7-133.”; in lines 6 and 7, strike “THIS SECTION AND FOR SECTION 13-7-112(B) OF”; in line 7, strike “(II)” and substitute “(IV)”; in line 14, strike “SECTION 13-7-112(B) OF THIS TITLE” and substitute “§ 13-7-132(A) OF THIS PART IV OF THIS SUBTITLE”; also in line 14, after “THE”, insert “POLICE”; and strike from “SHALL” in line 19 through line 22, inclusive, and substitute the following:

“SHALL:

(1) FOR THE FIRST VIOLATION OF § 13-7-132(A) OF THIS PART IV OF THIS SUBTITLE, SERVE A WARNING ON THE PROPERTY OWNER IN ACCORDANCE WITH SECTION 13-7-113© OF THIS PART II OF THIS SUBTITLE; AND

(2) FOR THE SECOND AND SUBSEQUENT VIOLATIONS OF § 13-7-132(A) OF

THIS PART IV OF THIS SUBTITLE, SERVE A CIVIL CITATION ON THE PROPERTY OWNER.”

9. On page 10, strike lines 1 through 18, inclusive, and in line 19, strike “(B)(1)” and substitute “§ 13-7-134. CIVIL PENALTY.”; and in line 20, strike “SECTION 13-7-112(B) OF THIS TITLE” and substitute “§ 13-7-132(A) OF THIS PART IV OF THIS SUBTITLE”.
10. On page 11, in lines 2, 7, and 12, respectively, strike “(I)”, “(II)”, and “(III)” and substitute “(1)”, “(2)”, and “(3)”; in lines 3, 8, and 13, respectively, strike “A.” and substitute “(I)”; in lines 5, 10, and 15, strike “B.” and substitute “(II)”; and strike lines 18 through 24 on page 11, and lines 1 through 4 on page 12, inclusive.
11. On page 12, in line 5, strike “(B)” and substitute “§ 13-7-135. ENFORCEMENT. (A)”; in lines 5 and 6, strike “SECTION 13-7-112(B) OF”; in line 6, strike “(II)” and substitute “(IV)”; and after line 7, insert the following:

“(B) IN AN ENFORCEMENT PROCEEDING FOR A CITATION ISSUED UNDER THIS PART IV OF THIS SUBTITLE, IT IS A DEFENSE TO ANY PENALTY IMPOSED ON THE PROPERTY OWNER THAT:

(1) THE PROPERTY OWNER NEITHER AUTHORIZED, KNEW IN ADVANCE OF, NOR PARTICIPATED IN THE UNRULY SOCIAL GATHERING; AND

(2) THE PROPERTY OWNER PROVIDES EVIDENCE AT A HEARING THAT IT HAS REGAINED POSSESSION OR TAKEN ACTION TO REGAIN POSSESSION OF THE LEASED PREMISES AS PROVIDED UNDER MARYLAND LAW.”

12. On page 12, in lines 8 and 9, strike “shall take effect forty-five (45) days after its enactment” and substitute “, having been passed by the affirmative vote of five members of the County Council, shall take effect on February 1, 2016,”.

Councilwoman Bevins seconded the motion and these amendments passed by the following roll call vote:

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

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

1. On page 1, in the second line of the purpose paragraph, strike “a certain area” and substitute “certain areas”.
2. On page 9, in line 7, strike “MEANS” and substitute “MEANS: (1)”; and after line 10, insert “(2) THE AREA OF ARBUTUS CONSISTING OF THE AREA NORTH OF SELFORD ROAD AND SOUTH ROLLING ROAD, EAST AND SOUTH OF WILKENS AVENUE, SOUTH OF MAIDEN CHOICE LANE, WEST OF LEEDS AVENUE, LINDEN AVENUE, AND EAST DRIVE, AND NORTH OF SULPHUR SPRING ROAD AT ITS INTERSECTION WITH SELFORD ROAD.”

Councilman Kach 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 Councilwoman Bevins, Bill 90-15, as amended, passed by the following roll call vote:

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

Bill 91-15, This Bill was withdrawn prior to the meeting.

Bill 92-15, Honeygo Area - Panhandle Lots, was called. Councilman Marks commented then moved to amend this Bill with the following amendments:

1. On page 2, in line 3, after "AREA" insert "EAST OF HONEYGO BOULEVARD, SOUTH OF JOPPA ROAD,"; and after "AVENUE", insert a comma

Councilman Kach 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 Kach, Bill 92-15, as amended, passed by the following roll call vote:

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

Bill 93-15, This Bill was withdrawn prior to the meeting.

F. APPROVAL OF FISCAL MATTERS

The Chairwoman stated that the Council would now consider Fiscal Matters. Extensive testimony on each item was taken at the Council's work session on January 12, 2016. 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. Chairwoman Almond then called upon the Secretary to read the cover letter for Fiscal Matter 1.

1. Contract - Colossal Contractors, Inc. - On-call painting services - OBF

A contract with Colossal Contractors, Inc., to provide on-call painting services at various County-owned and/or operated buildings; to include all labor, materials, tools, equipment and supervision.

There being no discussion, upon motion by Councilman Jones, seconded by Councilman Quirk, Fiscal Matter 1 was unanimously approved.

G. MISCELLANEOUS BUSINESS

1. Correspondence - Non-Competitive Awards

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

2. Res. 3-16 - Accept Monetary Donation - Picnic Pavilion - Oregon Ridge Nature Center

At the direction of the Chairwoman, the Secretary read this Resolution to authorize the County to accept a donation of Fifty Thousand dollars (\$50,000) from the Oregon Ridge Nature Center Council. Barry Williams appeared. There being no discussion, upon motion by Councilman Kach, seconded by Councilman Quirk, was unanimously approved.

3. Res. 4-16 - Accept Monetary Donation- Gymnasium Divider - Soukup Arena

At the direction of the Chairwoman, the Secretary read this Resolution to authorize the County to accept a donation of Nine-Thousand, Four-Hundred dollars (\$9,400) from the Perry Hall Recreation Council. Barry Williams remained. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Jones, was unanimously approved.

4. Res. 5-16 - Accept Gift - Scoreboard - Seminary Park

At the direction of the Chairwoman, the Secretary read this Resolution to accept the donation of a scoreboard valued at Sixteen-Thousand Three-Hundred and Twenty-Three dollars (\$16,323), and a cash donation of Fifteen-Thousand Three-Hundred and Fifty-Six dollars (\$15,356) for installation of the scoreboard by a County contractor, from the Lutherville-Timonium Recreation Council. Barry Williams remained. There being no discussion, upon motion by Councilwoman Bevins, seconded by Councilman Quirk, was unanimously approved.

5. Res. 6-16 - Baltimore County Water Supply & Sewerage Plan

At the direction of the Chairwoman, the Secretary read this Resolution to amend the Baltimore County Water Supply and Sewerage Plan. Ed Adams appeared. Councilman Quirk commented. There being no further discussion, upon motion by Councilman Quirk, seconded by Councilman Kach, was unanimously approved.

6. Res. 7-16 - Accept Gift - K-9 Ballistic Vests - Police Department

At the direction of the Chairwoman, the Secretary read this Resolution to authorize the County to accept a gift of eight (8) K-9 ballistic vests valued at six thousand dollars (\$6,000) from Mr. Sean Christopher Gahagan. Chief Johnson appeared. Councilman Jones questioned Chief Johnson. There being no further discussion, upon motion by Councilman Kach, seconded by Councilman Jones, was unanimously approved.

7. Res. 8-16 - Community Eligibility Pilot Program - Baltimore County Public School System

At the direction of the Chairwoman, the Secretary read this Resolution of the Baltimore County Council providing for a study and evaluation of the feasibility of a Community Eligibility Pilot Program to be implemented by the Baltimore County Public School System for the 2016 - 2017 school year. Councilwoman Almond commented. There being no further discussion, upon motion by Councilman Jones, seconded by Councilwoman Almond, was unanimously approved.

8. Res. 9-16 - Baltimore County Food Policy Task Force

At the direction of the Chairwoman, the Secretary read this Resolution of the Baltimore County Council establishing the Baltimore County Food Policy Task Force. There being no discussion, upon motion by Councilman Jones, seconded by Councilwoman Almond, was unanimously approved.

9. Res. 10-16 - Amending the Perry Hall Community Plan

This Resolution was withdrawn prior to the meeting.

10. Res. 11-16 - Property Tax Exemption - DAV - Cheryl E. Mihalic

At the direction of the Chairwoman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Cheryl E. Mihalic, 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 Jones, seconded by Councilwoman Bevins, this Resolution was unanimously approved.

11. Res. 12-16 - Property Tax Exemption - DAV - Joel Edwards

At the direction of the Chairwoman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Joel Edwards, 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 Jones, seconded by Councilman Quirk, this Resolution was unanimously approved

12. Res. 13-16 - Property Tax Exemption - DAV - Rudolph Dillard

At the direction of the Chairwoman, the Secretary read this Resolution to approve the refund of certain real property taxes collected from Rudolph Dillard, 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 Jones, seconded by Councilman Quirk, this Resolution was unanimously approved.

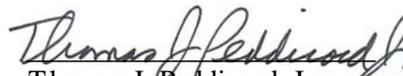
13. Res. 14-16 - Accept monetary gift - MD Dept. of Public Safety and Correctional Services

This Resolution was for introduction only.

14. Res. 15-16 - Adoption of Special Events Recycling Amendment - Baltimore County Solid Waste Management Plan

This Resolution was for introduction only.

There being no further business to come before the Council at this time, upon motion by Councilman Quirk, seconded by Councilman Jones, the meeting adjourned at 6:35 P.M.


Thomas J. Peddicord, Jr.