

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2017 Legislative Session

Legislative Day No. 11

July 26, 2017

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **10:01** a.m.

Chairperson Jon Weinstein, Vice Chairperson Calvin Ball, Council Member Greg Fox, Council Member Mary Kay Sigaty, and Council Member Jennifer Terrasa were present.

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, County Auditor; Jeff Meyers, Legislative Analyst; Jennifer Sager, Legislative Coordinator; and Rebecca Gold, Administrative Aide were also present.

APPROVE JOURNALS AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 10 – July 3, 2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve the journal passed.

The Chairperson moved to approve the Minutes for the Monthly Meeting – July 10, 2017, Joint Meeting with the Board of Education – July 17, 2017, and Legislative Public Hearing – July 17, 2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve the Minutes passed.

The Chairperson moved to approve the Minutes for the Legislative Work Session – July 20, 2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty, and Terrasa. Abstain: Chairperson Weinstein.

The motion to approve the Minutes passed.

FINAL CONSIDERATION

The Chairperson moved to allow the reading of short titles for bills and resolutions on third reading. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to allow the reading of short titles for bills and resolutions on third reading passed.

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution 100-2017 - A RESOLUTION confirming the appointment of Kathleen Hetherington to the Board of Directors of the Economic Development Authority.

Council Resolution 101-2017 - A RESOLUTION confirming the appointment of Kashonna Holland to the Board to Promote Self-Sufficiency.

Council Resolution 102-2017 - A RESOLUTION confirming the appointment of Tyrone P. Jones, IV to the Board of Social Services.

Council Resolution 103-2017 - A RESOLUTION confirming the appointment of Richard Lombardo to the Board of Directors of the Economic Development Authority.

Council Resolution 104-2017 - A RESOLUTION confirming the appointment of Kevin McAliley to the Planning Board.

Council Resolution 105-2017 - A RESOLUTION confirming the appointment of Grace Morris to the Housing and Community Development Board.

Council Resolution 106-2017 - A RESOLUTION confirming the appointment of Clara Scholz to the Commission for Transitioning Students with Disabilities.

Council Resolution 107-2017 - A RESOLUTION confirming the appointment of Michael Sloan to the Housing and Community Development Board.

Council Resolution 108-2017 - A RESOLUTION confirming the reappointment of Dana Shourbaji to the Commission for Transitioning Students with Disabilities

Council Resolution 110-2017 - A RESOLUTION establishing a Surplus School Use Committee to study the disposition of the former Harriet Tubman High School site; providing for a certain public meeting; providing for the Committee's membership, duties, and lifespan; setting certain deadlines; and generally relating to a Surplus School Use Committee.

Council Resolution 113-2017 - Introduced by: The Chairperson - A RESOLUTION appointing the members of the Compensation Review Commission; providing that the Commission shall set the compensation and allowances of the County Council to be elected in November 2018 by resolution adopted no later than December 16, 2017; providing that the Commission shall make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2018; and providing that the commission shall terminate on April 30, 2018.

The Chairperson moved to table Council Resolutions 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, and 113-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Resolutions 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, and 113-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolutions 100, 101, 102, 103, 104, 105, 106, 107, 108, 110, and 113-2017 passed.

General

Council Resolution 109-2017 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that the County's interest for a use-in-common gravel driveway located across property adjacent to the County's Cooksville Highway shop is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate and convey its interest to the owner of the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the interest if he finds that the property may have a further public use.

The Chairperson moved to approve Council Resolution 109-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 109-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 109-2017 passed.

Council Bill 54-2017 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Wholesale Water Agreement between Howard County, Maryland and the Mayor and City Council of Baltimore, a municipal corporation, for the purchase of potable water; authorizing the County Executive to enter into the Agreement and to make changes to the

Agreement before executing it, under certain conditions; and generally relating to a multi-year agreement for the purchase of potable water.

The Chairperson moved to approve Council Bill 54-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 54-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 54-2017 passed.

Council Bill 55-2017 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Lease Agreement between Howard County, Maryland and LSOP 3 MD 3, LLC, a Delaware limited liability company, for 8.84 acres of real property improved with two one-story office buildings known as 9820 and 9830 Patuxent Woods Drive, Columbia, to be used by several County agencies, quasi-governmental agencies, and non-profit agencies from time to time; authorizing the County Executive to enter into the Agreement and to make changes to the Agreement before executing it, under certain conditions; and generally relating to a multi-year lease of certain premises by Howard County.

The Chairperson moved to approve Council Bill 55-2017. The motion was seconded by Dr. Ball.

The Chairperson moved to approve Amendment 1 to Council Bill 55-2017. The motion was seconded by Dr. Ball.

Amendment No. 1

(This amendment corrects a reference to the term and substitutes a revised Lease Agreement. The revised lease provides greater detail into operating expenses, makes changes to the right to lease additional space and to purchase buildings, changes the timing of completion of tenant improvements, and adds general provisions.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 55-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 to Council Bill 55-2017 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 55-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 55-2017 as amended passed.

Council Bill 56-2017 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan, to provide that line-of-duty death benefits to a surviving spouse do not terminate on the remarriage of the surviving spouse; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

The Chairperson moved to approve Council Bill 56-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 56-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 56-2017 passed.

Council Bill 57-2017 - AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 50.09 acres of agricultural land located on the east side of Manor Lane, Ellicott City, Howard County, Maryland, from the Ziegler Family Irrevocable Trust FBO Alexandra Nina Zirschky and John Christian Zirschky, the Jessica Ziegler Trust- 2000, the Simon Ray Ziegler Schwartz Trust- 2008, and the Reed E. Ziegler Schwartz Trust- 2008 or any other owner thereof for a maximum purchase price of \$1,303,400.00 or, if less, not more than \$26,020.00 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill 57-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 57-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 57-2017 passed.

Council Bill 58-2017 - AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 61.52 acres of agricultural land located on Manor Lane, Ellicott City, Howard County, Maryland, from The Trust FBO Thomas Lee Carroll, et al, or any other owner thereof for a maximum purchase price of \$1,955,200.00 or, if less, not more than \$31,780.80 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such

purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill 58-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 58-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 58-2017 passed.

Council Bill 59-2017 (ZRA 181) - Introduced by: Jon Weinstein; AN ACT amending the Howard County Zoning Regulations Conditional Use section to allow Country Inns in the Residential Village Housing (R-VH) Zoning District, under certain conditions; and generally relating to Country Inns.

The Chairperson moved to approve Council Bill 59-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 59-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 59-2017 passed.

Council Resolution 111-2017 - A RESOLUTION adopted pursuant to Sections 21-501 et seq. of the Local Government Article of the Annotated Code of Maryland (the "Special Taxing District Act") providing for the designation of certain property in Howard County, Maryland located adjacent to U.S. Route 1 and immediately north of the City of Laurel, Maryland as a special taxing district for the purposes of the Special Taxing District Act; creating a special fund pursuant to the Special Taxing District Act; providing for the levy, imposition and collection of special taxes to be deposited to such special fund in the circumstances described herein; providing for the deposit and use of moneys in such special fund; and providing for, finding, and determining matters in connection therewith.

The Chairperson moved to approve Council Resolution 111-2017. The motion was seconded by Mr. Fox.

Council Member Terrasa moved to table Council Resolution 111-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Resolution 111-2017 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty, and Weinstein.

The motion to table Council Resolution 111-2017 failed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 111-2017 was: Yea: Council Members Fox, Sigaty, and Weinstein. Nay: Council Members Ball and Terrasa.

The motion to approve Council Resolution 111-2017 passed.

Council Resolution 112-2017 - A RESOLUTION amending the green neighborhood standards that are used to qualify for Green Neighborhood Allocations and amending a total number of possible points on the Green Neighborhood Site portion of the Green Neighborhood Checklist.

The Vice Chairperson moved to table Council Resolution 112-2017. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Resolution 112-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Weinstein.

The motion to table Council Resolution 112-2017 passed.

Council Bill 60-2017 (ZRA 180) - Introduced by: Chairperson at the request of the County Executive and cosponsored by Greg Fox and Mary Kay Sigaty; AN ACT allowing certain composting facilities and emergency natural wood waste recycling facilities as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities and emergency natural wood waste recycling facilities; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations.

Council Bill 61-2017 - AN ACT amending the Adequate Public Facilities Act requiring certain periodic review; specifying completion timelines for certain types of road remediation projects; requiring that certain agreements contain certain provisions with regard to the timing of road

mitigation projects; amend the title of certain charts and other terminology; requiring certain waiting periods; clarifying certain exemptions; defining certain terms; amending certain definitions; making certain technical corrections; and generally relating to the Adequate Public Facilities Act of Howard County.

Council Bill 62-2017 - AN ACT amending PlanHoward 2030, the general plan for Howard County, to reduce the number of allocations in the Growth and Revitalization category and to increase the number of allocations in the Established Communities category, beginning in 2020; and generally relating to planning, zoning and land use in Howard County.

The Chairperson moved to table Council Bills 60-, 61-, and 62-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Bills 60-, 61-, and 62-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bills 60-, 61-, and 62-2017 passed.

Council Resolution 81-2017 - A RESOLUTION confirming the appointment of Deborah A. Meyers to the Public Transportation Board. (tabled 7/3/17)

The Chairperson moved to remove Council Resolution 81-2017 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Resolution 81-2017 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Resolution 81-2017 from the table passed.

The Chairperson moved to approve Council Resolution 81-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 81-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 81-2017 passed.

Council Bill 53-2017 (ZRA169) - Introduced by: The Chairperson at the request of Warren H. Boyer; AN ACT amending the Howard County Zoning Regulations to establish a new use category of Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse

Containers; and generally relating to Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers. (tabled 7/3/17)

The Chairperson moved to remove Council Bill 53-2017 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Bill 53-2017 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Bill 53-2017 from the table passed.

The Chairperson moved to extend the life of Council Bill 53-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 53-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to extend the life of Council Bill 53-2017 passed.

The Chairperson moved to table Council Bill 53-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Bill 53-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill 53-2017 passed.

Adjourned **10:22** a.m.

Tabled

Council Resolution 1-2017 – Introduced by the Chairperson at the request of Windsor Forest Fox Chasing HOA, Inc. and Gaither Hunt Homeowners Association, Inc.; A RESOLUTION to close all of Winter Thicket Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code. (tabled 2/6/2017)

Council Resolution 179-2016 – Introduced by Calvin Ball and Jennifer Terrasa; A RESOLUTION calling on the Maryland State Department of Education to contract for a performance audit of the Howard County Public School System and specifying the issues requested to be studied. (tabled 12/05/2016)

Council Resolution 104-2016 – A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive’s sale of certain real property known as the “Flier Building” owned by Howard County, Maryland, containing approximately 2.159 acres, and located at 10750 Little Patuxent Parkway, Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use. (tabled 7/29/2016)

Council Bill 53-2017 (ZRA169) - Introduced by: The Chairperson at the request of Warren H. Boyer; AN ACT amending the Howard County Zoning Regulations to establish a new use category of Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers; and generally relating to Storage or Use of Trailers, Modular Offices, Shipping Containers, or Refuse Containers. (tabled 7/3/17)

Council Resolution 100-2017 - A RESOLUTION confirming the appointment of Kathleen Hetherington to the Board of Directors of the Economic Development Authority. (tabled 7/26/2017)

Council Resolution 101-2017 - A RESOLUTION confirming the appointment of Kashonna Holland to the Board to Promote Self-Sufficiency. (tabled 7/26/2017)

Council Resolution 102-2017 - A RESOLUTION confirming the appointment of Tyrone P. Jones, IV to the Board of Social Services. (tabled 7/26/2017)

Council Resolution 103-2017 - A RESOLUTION confirming the appointment of Richard Lombardo to the Board of Directors of the Economic Development Authority. (tabled 7/26/2017)

Council Resolution 104-2017 - A RESOLUTION confirming the appointment of Kevin McAliley to the Planning Board. (tabled 7/26/2017)

Council Resolution 105-2017 - A RESOLUTION confirming the appointment of Grace Morris to the Housing and Community Development Board. (tabled 7/26/2017)

Council Resolution 106-2017 - A RESOLUTION confirming the appointment of Clara Scholz to the Commission for Transitioning Students with Disabilities. (tabled 7/26/2017)

Council Resolution 107-2017 - A RESOLUTION confirming the appointment of Michael Sloan to the Housing and Community Development Board. (tabled 7/26/2017)

Council Resolution 108-2017 - A RESOLUTION confirming the reappointment of Dana Shourbaji to the Commission for Transitioning Students with Disabilities. (tabled 7/26/2017)

Council Resolution 110-2017 - A RESOLUTION establishing a Surplus School Use Committee to study the disposition of the former Harriet Tubman High School site; providing for a certain public meeting; providing for the Committee’s membership, duties, and lifespan; setting certain deadlines; and generally relating to a Surplus School Use Committee. (tabled 7/26/2017)

Council Resolution 113-2017 – Introduced by: The Chairperson; A RESOLUTION appointing the members of the Compensation Review Commission; providing that the Commission shall set the compensation and allowances of the County Council to be elected in November 2018 by resolution adopted no later than December 18, 2017; providing that the Commission shall make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2018; and providing that the commission shall terminate on April 30, 2018. (tabled 7/26/2017)

Council Resolution 112-2017 - A RESOLUTION amending the green neighborhood standards that are used to qualify for Green Neighborhood Allocations and amending a total number of possible points on the Green Neighborhood Site portion of the Green Neighborhood Checklist. (tabled 7/26/2017)

Council Bill 61-2017 - AN ACT amending the Adequate Public Facilities Act requiring certain periodic review; specifying completion timelines for certain types of road remediation projects; requiring that certain agreements contain certain provisions with regard to the timing of road mitigation projects; amend the title of certain charts and other terminology; requiring certain waiting periods; clarifying certain exemptions; defining certain terms; amending certain definitions; making certain technical corrections; and generally relating to the Adequate Public Facilities Act of Howard County. (table 7/26/2017)

Council Bill 62-2017 - AN ACT amending PlanHoward 2030, the general plan for Howard County, to reduce the number of allocations in the Growth and Revitalization category and to increase the number of allocations in the Established Communities category, beginning in 2020; and generally relating to planning, zoning and land use in Howard County. (table 7/26/2017)

Council Bill 60-2017 (ZRA 180) - Introduced by: Chairperson at the request of the County Executive and cosponsored by Greg Fox and Mary Kay Sigaty; AN ACT allowing certain composting facilities and emergency natural wood waste recycling facilities as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities and emergency natural wood waste recycling facilities; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations. (table 7/26/2017)