

Introduced Sept. 6, 2011
Public Hearing Sept. 19, 2011
Council Action Oct. 3, 2011
Executive Action Oct. 12, 2011
Effective Date Oct. 12, 2011

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 10

Transfer of Appropriation Ordinance No. 1 Fiscal Year 2012

Introduced by: The Chairperson at the request of the County Executive

AN ACT transferring \$600,000 in excise tax funding to capital project T7101, State/County Shared Intersections, from capital project J4148, Dorsey Run Road Extension; making certain text changes to the detail pages for Capital Project T7101 in order to authorize certain studies to be funded by the transfer; and making this Act subject to a certain contingency.

Introduced and read first time September 6, 2011. Ordered posted and hearing scheduled.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on September 19, 2011.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

This Bill was read the third time on October 3, 2011 and Passed , Passed with amendments , Failed .

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 5th day of October, 2011 at 11:00 a.m./p.m.

By order Stephen M LeGendre
Stephen LeGendre, Administrator

Approved by the County Executive October 12, 2011

Ken Ulman
Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **WHEREAS**, Council Bill No. 26-2011 is known as the Annual Budget and
2 Appropriation Ordinance of Howard County, Fiscal Year 2012 (the “Budget Ordinance”)
3 and contains the capital budget for the fiscal year beginning July 1, 2011 and ending June
4 30, 2012; and

5
6 **WHEREAS**, along with and incorporated into the Budget Ordinance, the County
7 Executive submitted the Capital Budget Detail, Fiscal Year 2012, (the “Capital Budget
8 Detail”) that sets forth information regarding all capital projects in the capital budget; and

9
10 **WHEREAS**, the Budget Ordinance was passed with amendments on May 26,
11 2011; and

12
13 **WHEREAS**, the Planning Board initially considered a new capital project, J4243,
14 Clarksville Area Road Improvements, to study, acquire necessary rights-of-way, and
15 construct a new road to connect Auto Drive, Great Star Drive and Maryland Route 108;
16 and

17
18 **WHEREAS**, after extensive public testimony before the Planning Board, the
19 Board agreed that traffic in the Maryland Route 108 area of Clarksville is a problem and
20 that a study is needed; and

21
22 **WHEREAS**, while the Planning Board recommended approval of the new capital
23 project they also recommended broadening the study area; and

24
25 **WHEREAS**, existing capital project T7101, State/County Shared Intersections,
26 has already been used for traffic improvements in the Maryland Route 108 area of
27 Clarksville and placing funding for a study into T7101 is more consistent with the
28 recommendations of the Planning Board than placing funding into a new capital project;
29 and

1 **WHEREAS**, the County now wishes to amend capital project T7101,
2 State/County Shared Intersections, so that the County may study ways to improve access
3 and vehicular circulation around Maryland Route 108 in the Clarksville area; and
4

5 **WHEREAS**, in order to complete the study, \$600,000 in excise tax funding needs
6 to be transferred to capital project T7101, State/County Shared Intersections, from capital
7 project J4148, Dorsey Run Road Extension; and
8

9 **WHEREAS**, the County Executive has recommended approval of additional
10 funding to be transferred to capital project T7101, State/County Shared Intersections; and
11

12 **WHEREAS**, the County Council does not feel that it is sound policy to reserve
13 land under § 16.122 of the Howard County Code on any private property within a 500-
14 foot radius of Great Star Drive or Auto Drive, if certain site development plans for such
15 property already have been submitted to the County, and the Council therefore has made
16 the effectiveness of this Act contingent on such reservation not taking place; and
17

18 **WHEREAS**, Section 609(b) of the Howard County Charter authorizes and
19 empowers the Howard County Council to make such transfers; and
20

21 **WHEREAS**, the total capital appropriation in the Budget Ordinance shall not be
22 increased as a result of this transfer; and
23

24 **WHEREAS**, Section 613 of the Howard County Charter allows the County
25 Council to amend the budget after its final adoption upon the recommendation of the
26 County Executive and the Planning Board; and
27

28 **WHEREAS**, the Director of Finance has certified that the appropriation to be
29 transferred is not encumbered and is available for transfer.
30

31 **NOW, THEREFORE,**

1
2 **Section 1. Be It Enacted** by the County Council of Howard County, Maryland, that,
3 *subject to the provisions of Maryland law, the Howard County Charter, and the Howard*
4 *County Code relating to the budgetary and fiscal procedures, the amount hereafter*
5 *specified is hereby approved, appropriated, and authorized to be disbursed for the*
6 *general County purposes specified and in sums itemized for the fiscal year beginning July*
7 *1, 2011 and ending June 30, 2012, as hereinafter indicated:*

8
9 **Recipient Project:**

10 T7101 State/County Shared Intersections

11	Appropriation Fiscal Year 2012 before transfer	\$800,000	
12	Plus amount transferred from J4148	<u>\$600,000</u>	(E)
13	Appropriation Fiscal Year 2012 after transfer	\$1,400,000	

14
15 **Donor Project:**

16 J4148 Dorsey Run Road Extension

17	Appropriation Fiscal Year 2012 before transfer	\$28,036,000	
18	Less amount transferred to T7101	<u>\$600,000</u>	(E)
19	Appropriation Fiscal Year 2012 after transfer	\$27,436,000	

20
21 **Section 2. And Be It Further Enacted** by the County Council of Howard County,
22 *Maryland that no funds appropriated by this Act may be used to fund any traffic study to*
23 *evaluate connecting Great Star Drive to Auto Drive in Clarksville unless the study*
24 *includes the Route 108 corridor between Route 32 and Linden Linthicum Lane.*

25
26 **Section 3. And Be It Further Enacted** by the County Council of Howard County,
27 *Maryland that capital project T7101, State/County Shared Intersections, is amended in*
28 *accordance with this Act, as shown in the attached detail pages, Part A and Part B, and*
29 *these detail pages should be inserted into the Capital Budget Detail, Fiscal Year 2012 as*
30 *follows:*

1 Remove the detail page, Part A and B, for capital project T7101, State/County
2 Shared Intersections, as included in the Approved Capital Budget Detail, Fiscal Year
3 2012, and substitute the detail pages, Part A and B, as attached to this Ordinance.
4

5 ***Section 34. And Be It Further Enacted*** by the County Council of Howard County,
6 Maryland that *this Transfer of Appropriation Ordinance shall be effective upon its*
7 *enactment, contingent on Howard County not exercising, under § 16.122 of the Howard*
8 *County Code, a reservation of land on private property that is located within a 500-foot*
9 *radius of Great Star Drive or Auto Drive and for which a Site Development Plan was*
10 *submitted to the County on or before July 22, 2011, and if such reservation is made on or*
11 *before June 30, 2012, this Act shall be null and void without the necessity of further*
12 *action by the County Council.*

**INTERSECTION
IMPROVEMENTS PROJECTS
Number: T7101**

**Fiscal 2012 Capital Budget
Project: FY2008 STATE/COUNTY SHARED INTERSECTIONS**

Description:

A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and County roads. Project may include flattening of curves, adjusting utilities, road reconstruction/repair, improving access management, adding auxiliary lanes and roundabouts, and making connections to improve turning movements at intersections.

Operating Budget Impact:

Annual Bond Redemption \$ 36,000

Justification:

This project may be used as applicable to share funding on the State or County improvements that will provide increased capacity and/or increased safety, or improved roadway conditions. This project may be used as a funding source for public improvements constructed by others under an agreement approved by the County Council.

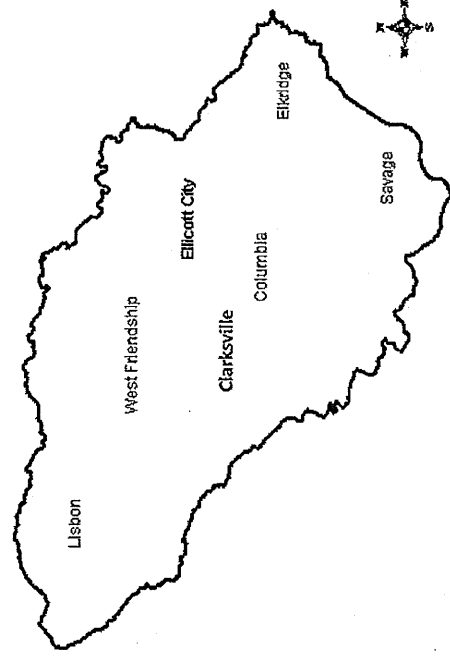
Remarks:

1. The program of improvements may be developed jointly by State and County personnel.
2. Funding represents County share of improvement costs.
3. This project may be used as a funding source for public improvements constructed by others under an agreement approved by the County Council.
4. This project will be used to evaluate connecting Great Star Drive to Auto Drive to improve turning movements on Maryland 108 and traffic operations in the Clarksville area. Any evaluation undertaken for purposes of this

Project Schedule: paragraph shall include the Route 108 corridor between Route 32 and Linden Linthicum Lane.

Program
FY12 - Clarksville Study

MAP



Fiscal 2012 Capital Budget
ROAD CONSTRUCTION PROJECTS
Project: FY2008 STATE/COUNTY SHARED INTERSECTIONS
NUMBER T7101

Appropriation Object Class	Prior Appr.	FY2012 Budget	Appr. Total	Five Year Capital Program							Master Plan					Total Project
				Fiscal 2013	Fiscal 2014	Fiscal 2015	Fiscal 2016	Fiscal 2017	Sub- Total	Fiscal 2018	Fiscal 2019	Fiscal 2020	Fiscal 2021			
PLANS & ENGINEERING	0	600	600	0	0	0	0	0	0	600	0	0	0	0	0	600
LAND ACQUISITION	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
CONSTRUCTION	800	0	800	0	0	0	0	0	0	800	0	0	0	0	0	800
Total Expenditures	800	600	1,400	0	0	0	0	0	0	1,400	0	0	0	0	0	1,400
DEVELOPER CONTRIBUTIONS	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
EXCISE TAX	0	600	0	0	0	0	0	0	0	600	0	0	0	0	0	600
EXCISE TAX BACKED BONDS	800	0	0	0	0	0	0	0	0	800	0	0	0	0	0	800
Total Funding	800	600	1,400	0	0	0	0	0	0	1,400	0	0	0	0	0	1,400

Amendment to TAO No. 1 Fiscal Year 2012

BY: Greg Fox

Legislative Day No: 11

Date: October 3, 2011

Amendment No. 1

(This amendment would make the TAO subject to a certain contingency.)

1 On the title page, in the fourth line of the title paragraph, after “transfer”, insert “; and
2 making this Act subject to a certain contingency”.

3
4 On page 2, after line 10, insert:

5 “WHEREAS, the County Council does not feel that it is sound policy to reserve land
6 under § 16.122 of the Howard County Code on any private property within a 500-foot radius of
7 Great Star Drive or Auto Drive, if certain site development plans for such property already have
8 been submitted to the County, and the Council therefore has made the effectiveness of this Act
9 contingent on such reservation not taking place; and”.

10
11 On page 3, in line 28, after “enactment”, insert “; contingent on Howard County not
12 exercising, under § 16.122 of the Howard County Code, a reservation of land on private
13 property that is located within a 500-foot radius of Great Star Drive or Auto Drive and for which
14 a Site Development Plan was submitted to the County on or before July 22, 2011, and if such
15 reservation is made on or before June 30, 2012, this Act shall be null and void without the
16 necessity of further action by the County Council”.

ADOPTED

October 3, 2011

FAILED

SIGNATURE

Stephen W. Bendure

Amendment to Transfer of Appropriation Ordinance No. 1 Fiscal Year 2012

BY: Courtney Watson

Legislative Day No. 11

Date: October 3, 2011

Amendment No. 2

(This amendment specifies the area that must be included in any evaluation.)

1 On page 3, in line 17 after “Maryland that” insert “no funds appropriated by this Act
2 may be used to fund any traffic study to evaluate connecting Great Star Drive to Auto
3 Drive in Clarksville unless the study includes the Route 108 corridor between Route 32
4 and Linden Linthicum Lane.

5 Section 3. And Be It Further Enacted by the County Council of Howard County,
6 Maryland that”.

7

8 Also on page 3, in line 26 strike “3” and substitute “4”.

9

10 On Part A of the detail page for capital project T7101, State/County Shared
11 Intersections, as attached to this Ordinance, append to paragraph 4, “Any evaluation
12 undertaken for purposes of this paragraph shall include the Route 108 corridor between
13 Route 32 and Linden Linthicum Lane.”.

14

ADOPTED October 3, 2011

FAILED _____

SIGNATURE Stephen W. Gendron

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on October 12, 2011.

Stephen M. LeGendre
Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2011.

Stephen M. LeGendre, Administrator to the County Council

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

County Council Of Howard County, Maryland

2011 Legislative Session

Legislative Day No. 10

Transfer of Appropriation Ordinance No. 1 Fiscal Year 2012

Introduced by: The Chairperson at the request of the County Executive

AN ACT transferring \$600,000 in excise tax funding to capital project T7101, State/County Shared Intersections, from capital project J4148, Dorsey Run Road Extension; making certain text changes to the detail pages for Capital Project T7101 in order to authorize certain studies to be funded by the transfer.

Introduced and read first time _____, 2011. Ordered posted and hearing scheduled.

By order _____
Stephen LeGendre, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2011.

By order _____
Stephen LeGendre, Administrator

This Bill was read the third time on _____, 2011 and Passed ____, Passed with amendments ____, Failed ____.

By order _____
Stephen LeGendre, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2011 at ___ a.m./p.m.

By order _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2011

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

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2 Appropriation Ordinance of Howard County, Fiscal Year 2012 (the “Budget Ordinance”)
3 and contains the capital budget for the fiscal year beginning July 1, 2011 and ending June
4 30, 2012; and

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6 **WHEREAS**, along with and incorporated into the Budget Ordinance, the County
7 Executive submitted the Capital Budget Detail, Fiscal Year 2012, (the “Capital Budget
8 Detail”) that sets forth information regarding all capital projects in the capital budget; and

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10 **WHEREAS**, the Budget Ordinance was passed with amendments on May 26,
11 2011; and

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13 **WHEREAS**, the Planning Board initially considered a new capital project, J4243,
14 Clarksville Area Road Improvements, to study, acquire necessary rights-of-way, and
15 construct a new road to connect Auto Drive, Great Star Drive and Maryland Route 108;
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19 Board agreed that traffic in the Maryland Route 108 area of Clarksville is a problem and
20 that a study is needed; and

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22 **WHEREAS**, while the Planning Board recommended approval of the new capital
23 project they also recommended broadening the study area; and

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3 and vehicular circulation around Maryland Route 108 in the Clarksville area; and
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5 **WHEREAS**, in order to complete the study, \$600,000 in excise tax funding needs
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9 **WHEREAS**, the County Executive has recommended approval of additional
10 funding to be transferred to capital project T7101, State/County Shared Intersections; and
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12 **WHEREAS**, Section 609(b) of the Howard County Charter authorizes and
13 empowers the Howard County Council to make such transfers; and
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15 **WHEREAS**, the total capital appropriation in the Budget Ordinance shall not be
16 increased as a result of this transfer; and
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18 **WHEREAS**, Section 613 of the Howard County Charter allows the County
19 Council to amend the budget after its final adoption upon the recommendation of the
20 County Executive and the Planning Board; and
21

22 **WHEREAS**, the Director of Finance has certified that the appropriation to be
23 transferred is not encumbered and is available for transfer.
24

25 **NOW, THEREFORE,**
26

27 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that,*
28 *subject to the provisions of Maryland law, the Howard County Charter, and the Howard*
29 *County Code relating to the budgetary and fiscal procedures, the amount hereafter*
30 *specified is hereby approved, appropriated, and authorized to be disbursed for the*

1 general County purposes specified and in sums itemized for the fiscal year beginning July
2 1, 2010 and ending June 30, 2012, as hereinafter indicated:

3
4 **Recipient Project:**

5 T7101 State/County Shared Intersections

6	Appropriation Fiscal Year 2012 before transfer	\$800,000	
7	Plus amount transferred from J4148	<u>\$600,000</u>	(E)
8	Appropriation Fiscal Year 2012 after transfer	\$1,400,000	

9
10 **Donor Project:**

11 J4148 Dorsey Run Road Extension

12	Appropriation Fiscal Year 2012 before transfer	\$28,036,000	
13	Less amount transferred to T7101	<u>\$600,000</u>	(E)
14	Appropriation Fiscal Year 2012 after transfer	\$27,436,000	

15
16 **Section 2. And Be It Further Enacted** by the County Council of Howard County,
17 Maryland that capital project T7101, State/County Shared Intersections, is amended in
18 accordance with this Act, as shown in the attached detail pages, Part A and Part B, and
19 these detail pages should be inserted into the Capital Budget Detail, Fiscal Year 2012 as
20 follows:

21
22 Remove the detail page, Part A and B, for capital project T7101, State/County
23 Shared Intersections, as included in the Approved Capital Budget Detail, Fiscal Year
24 2012, and substitute the detail pages, Part A and B, as attached to this Ordinance.

25
26 **Section 3. And Be It Further Enacted** by the County Council of Howard County,
27 Maryland that this Transfer of Appropriation Ordinance shall be effective upon its
28 enactment.

Fiscal 2012 Capital Budget
Project: FY2008 STATE/COUNTY SHARED INTERSECTIONS

INTERSECTION
IMPROVEMENTS PROJECTS
Number: 17101

Description:

A project for the design, review and construction funding of geometric and traffic control modifications at various intersections of State and County roads. Project may include flattening of curves, adjusting utilities, road reconstruction/repair, improving access management, adding auxiliary lanes and roundabouts, and making connections to improve turning movements at intersections.

Operating Budget Impact:
Annual Bond Redemption \$ 36,000

Justification:

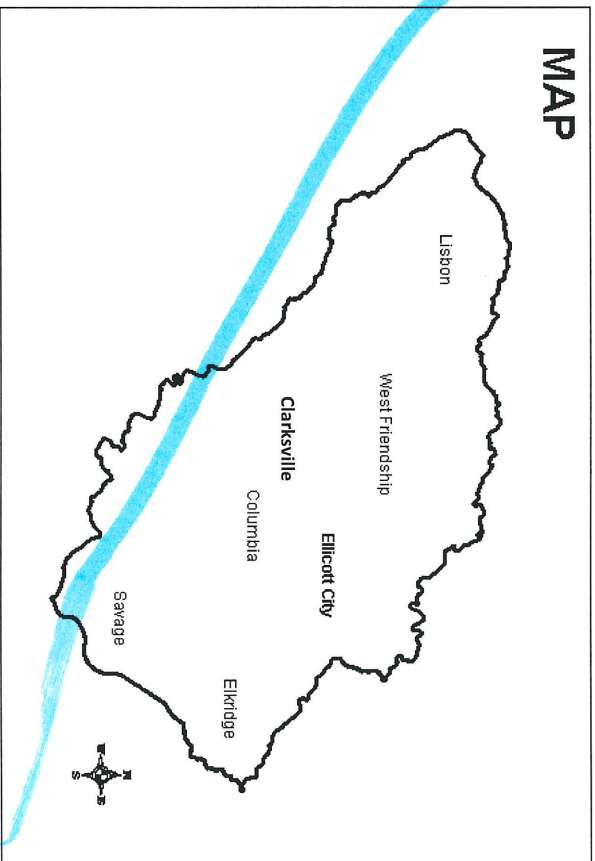
This project may be used as applicable to share funding on the State or County improvements that will provide increased capacity and/or increased safety, or improved roadway conditions. This project may be used as a funding source for public improvements constructed by others under an agreement approved by the County Council.

Remarks:

1. The program of improvements may be developed jointly by State and County personnel.
2. Funding represents County share of improvement costs.
3. This project may be used as a funding source for public improvements constructed by others under an agreement approved by the County Council.
4. This project will be used to evaluate connecting Great Star Drive to Auto Drive to improve turning movements on Maryland 108 and traffic operations in the Clarksville area.

Project Schedule:

Program
FY12 - Clarksville Study



Date: May 24, 2011

Howard County, Maryland
Capital Budget Detail
Fiscal Form (\$000)

Part A

