

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2016 Legislative Session**

**Legislative Day No. 14**

September 6, 2016

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:03** p.m.

Chairperson Calvin Ball, Vice Chairperson Jon Weinstein, 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; Theo Wimberly, Legislative Analyst; Gary Kuc, County Solicitor, Jennifer Sager, Legislative Coordinator; and Patricia Hammond Administrative Support were also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journals for July 29, 2016, Emergency Legislative Session - August 3, 2016, Emergency Legislative Session - August 5, 2016, Emergency Legislative Session - August 15, 2016 and Emergency Legislative Session - August 17, 2016. The motion was seconded by Mr. Weinstein.

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 journals passed.

The Chairperson moved to approve the minutes for the Special Public Hearing on Emergency Legislation – August 5, 2016, Meeting with MACo – August 15, 2016, Special Public Hearing on Emergency Legislation – August 17, 2016, and the Flood Recovery Briefing on August 22, 2016. The motion was seconded by Mr. Weinstein.

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.

**SUSPEND RULES**

The Chairperson moved to suspend the rules to allow the introduction of two bills that were not prefiled. (Council Bill 64-2016, Ball; Council Bill 65-2016, Weinstein. The motion was seconded by Mr. Weinstein.

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

The motion to suspend the rules passed.

### **INTRODUCTION OF LEGISLATION**

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

Council Resolution 108-2016 – Introduced by: Jon Weinstein, Calvin Ball, Jennifer Terrasa, Mary Kay Sigaty, and Greg Fox at the request of the County Executive; A RESOLUTION extending the State of Emergency declared by Executive Order issued on July 30, 2016, which related to a severe flooding event, and requesting a certain report.

Council Resolution 109-2016 – Introduced by: The Chairperson; A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on September 19, 2016.

Council Resolution 110-2016 – Introduced by: Calvin Ball; A RESOLUTION requesting that the Environmental Sustainability Board expand the scope of its review of studies regarding mold in Howard County Public Schools to include review of the various reports conducted by Skelly and Loy, Inc. on behalf of the Howard County Department of Public Works; and extending the timeframe for submitting the report to the County Council and County Executive.

Council Bill 59-2016 (ZRA 164) – Introduced by: Calvin Ball; AN ACT amending the Howard County Zoning Regulations to remove certain restrictions that limit the size of Commercial Solar Facilities on County Preservation Parcels and allow Commercial Solar Facilities as a Conditional Use on RR and RC zoned properties, under certain conditions; and generally relating to Commercial Solar Facilities.

Council Bill 60-2016 (ZRA 165) – Introduced by: The Chairperson at the request of Robert Haney; AN ACT amending the Howard County Zoning Regulations Conditional Use section to create a new Athletic Facilities, Commercial Conditional Use in the RC and RR zoning districts; and generally relating to Athletic Facilities, Commercial.

Council Resolution 111-2016 – Introduced by: Mary Kay Sigaty and Jon Weinstein; A RESOLUTION amending the Howard County Council Rules of Procedure to clarify that there is no legislative session in August and to indicate that the session in December is only to take specified actions.

Council Resolution 112-2016 – Introduced by: The Chairperson; A RESOLUTION acknowledging receipt of the annual report of the Howard County Retirement Plan and the Police and Fire Employees' Retirement Plan submitted by the Pension Oversight Commission.

Council Bill 61-2016 – AN ORDINANCE authorizing the issuance, sale and delivery of up to \$100,000,000 consolidated public improvement bonds and up to \$25,000,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

Council Bill 62-2016 – AN ORDINANCE authorizing and providing for the issuance of Howard County, Maryland Consolidated Public Improvement Refunding Bonds and Howard County, Maryland Metropolitan District Refunding Bonds; providing that such bonds shall be general obligations of the County; providing for the disbursement of the proceeds of such bonds and the levying of taxes to pay debt service on such bonds; providing for the private (negotiated) sale of such bonds; providing for an escrow deposit agreement and a continuing disclosure agreement; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, the final list of refunded bonds, and certain other matters, details, forms, documents or procedures; and providing for and determining various matters in connection therewith.

SAO1-FY17 – AN ACT transferring \$69,624.00 from the Grant Fund, Contingency Reserve to the Department of Police for a grant to fund a Heroin Coordinator position.

TAO1-FY17 – AN ACT transferring \$550,000 in grant funding from Capital Project D1165, Flood Mitigation and Stormwater/Waterway Enhancement, to Capital Project D1158, Watershed Management Construction, so that the County may receive additional grant funds from the Maryland Department of Natural Resources, Chesapeake Bay Trust Fund, for stream restoration work.

Council Bill 63-2016 – AN ACT amending the Classification Plan for Howard County; amending the Fair Labor Standards Act designation for certain positions in order to comply with Federal law; and generally relating to amendments to the Howard County Classification Plan.

Council Resolution 113-2016 – A RESOLUTION endorsing the provision of financing by the State Department of Commerce for an economic development project in Howard County and certifying that the project is consistent with the County's plan for economic development.

Council Resolution 114-2016 – A RESOLUTION declaring that a total of approximately 0.215 acres of real property owned by Howard County, Maryland located off of MD Route 216 and commonly shown as Parcel 288 on Tax Map 46 is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding

requirements of Section 4.201 of the Howard County Code in order to sell the property to the owner of the adjacent property; and providing that the County Executive is not bound to sell the property if he finds that the land may have a further public use.

Council Bill 64-2016 – Introduced by: Calvin Ball; AN ACT authorizing the Howard County Office of Law to institute any civil action or other proceedings to enforce the financial audit of the Howard County Public School System mandated by Council Resolution No. 88-2016; and generally relating to enforcement of Resolution No. 88-2016.

Council Bill 65-2016 – Introduced by: Jon Weinstein; AN ACT temporarily prohibiting issuance of certain permits for certain development within a specified area of Howard County; finding that development in the Tiber-Hudson Watershed may be a contributing factor to flooding in Historic Ellicott City and thus may be a threat to the public health, safety and welfare; requiring the Department of Planning Zoning and other County agencies to study and report certain matters and make recommendations regarding such matters; providing that the purposes of this Act are to provide the Department of Planning and Zoning and other County agencies with time to study whether development in the specified area needs to be further restricted or modified and to make recommendations for improvement, and to give the County Council time to act on the recommendations; defining certain terms; providing certain exemptions from the Act; establishing certain processes on the development review and permitting processes; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to land use, permitting activities, storm water management, drainage and flood mitigation.

The Chairperson moved to allow the reading of short titles for bills and resolutions. The motion was seconded by Mr. Weinstein.

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 passed.

### **PUBLIC HEARING**

Council Resolution 108-2016 – Introduced by: Jon Weinstein, Calvin Ball, Jennifer Terrasa, Mary Kay Sigaty, and Greg Fox at the request of the County Executive; A RESOLUTION extending the State of Emergency declared by Executive Order issued on July 30, 2016, which related to a severe flooding event, and requesting a certain report.

- a. Tom McNeal, Office of Emergency Management testified on behalf of the County Administration

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### **FINAL CONSIDERATION**

Council Resolution 108-2016 – Introduced by: Jon Weinstein, Calvin Ball, Jennifer Terrasa, Mary Kay Sigaty, and Greg Fox at the request of the County Executive; A RESOLUTION extending the State of Emergency declared by Executive Order issued on July 30, 2016, which related to a severe flooding event, and requesting a certain report.

The Chairperson moved to approve Council Resolution 108-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 108-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 108-2016 passed.

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Council Resolution 109-2016 – Introduced by: The Chairperson; A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on September 19, 2016.

The Chairperson moved to approve Council Resolution 109-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 109-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 109-2016 passed.

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Council Resolution 94-2016 - A RESOLUTION confirming the appointment of Charmayne Anderson to the Howard County Local Children's Board.

Council Resolution 95-2016 -A RESOLUTION confirming the appointment of Misbah Farooqi to the Human Rights Commission.

Council Resolution 96-2016 - A RESOLUTION confirming the appointment of Cynthia Gula to the Board of Directors of the Economic Development Authority.

Council Resolution 97-2016 - A RESOLUTION confirming the appointment of Matthew K. Lee to the Equal Business Opportunity Commission.

Council Resolution 99-2016 - A RESOLUTION confirming the appointment of Megha Sharman to the Commission of Women.

Council Resolution 100-2016 - A RESOLUTION confirming the appointment of Young Ran Smith to the Advisory Board on Consumer Protection.

The Chairperson moved to remove Council Resolutions 94-, 95-, 96-, 97-, 99- and 100-2016 from table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to remove Council Resolutions 94-, 95-, 96-, 97-, 99- and 100-2016 from table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Resolutions 94-, 95-, 96-, 97-, 99- and 100-2016 from table passed.

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Council Resolution 94-2016 - A RESOLUTION confirming the appointment of Charmayne Anderson to the Howard County Local Children's Board.

The Chairperson moved to approve Council Resolution 94-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 94-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 94-2016 passed.

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Council Resolution 95-2016 -A RESOLUTION confirming the appointment of Misbah Farooqi to the Human Rights Commission.

The Chairperson moved to approve Council Resolution 95-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 95-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 95-2016 passed.

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Council Resolution 96-2016 - A RESOLUTION confirming the appointment of Cynthia Gula to the Board of Directors of the Economic Development Authority.

The Chairperson moved to approve Council Resolution 96-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 96-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 96-2016 passed.

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Council Resolution 97-2016 - A RESOLUTION confirming the appointment of Matthew K. Lee to the Equal Business Opportunity Commission.

The Chairperson moved to approve Council Resolution 97-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 97-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 97-2016 passed.

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Council Resolution 99-2016 - A RESOLUTION confirming the appointment of Megha Sharman to the Commission of Women.

The Chairperson moved to approve Council Resolution 99-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 99-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 99-2016 passed.

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Council Resolution 100-2016 - A RESOLUTION confirming the appointment of Young Ran Smith to the Advisory Board on Consumer Protection.

The Chairperson moved to approve Council Resolution 100-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Resolution 100-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 100-2016 passed.

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The Chairperson moved to remove Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 from the table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to remove Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 from table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 from the table passed.

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The Chairperson moved to extend the life of Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to extend the life of Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to extend the life of Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 passed.

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The Chairperson moved to table Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bills 43-, 44-, 45-, 52-, 53-, 54-, 55-, and 56-2016 passed.

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Adjourned **7:33** p.m.