

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2017 Legislative Session

Legislative Day No. 14

November 6, 2017

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **8:01** p.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; Theo Wimberly, Legislative Analyst; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Carl DeLorenzo, Director of Policy and Programs; and Kel Habicht, Administrative Support were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 13, October 2, 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 Legislative Work Session – Recess – October 2, 2017, the Legislative Work Session – Following Legislative Session – October 2, 2017, the Joint Meeting with Board of Education – October 11, 2017, the Legislative Work Session – APFO – October 11, 2017, the Legislative Work Session – CB60-2017 – October 16, 2017, the Public Hearing – October 16, 2017, and the Legislative Work Session – October 23, 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 Monthly Meeting – October 10, 2017. The motion was seconded by Dr. Ball.

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

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

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

Appointments

Council Resolution 142-2017 – A RESOLUTION confirming the appointment of Hector J. Garcia, Jr. to the Howard County Local Children’s Board.

Council Resolution 143-2017 – A RESOLUTION confirming the appointment of Melissa W. Rosenberg to the Howard County Local Children’s Board.

Council Resolution 144-2017 – A RESOLUTION confirming the appointment of Judi Olinger to the Commission for Transitioning Students with Disabilities.

Council Resolution 145-2017 – A RESOLUTION confirming the appointment of Brian Welsh to the Commission for Transitioning Students with Disabilities.

General

SAO1-FY18 - AN ACT transferring \$6,300 from the Grants Fund, Contingency Reserve to the Department of Recreation and Parks for a grant to be used for historic signs at the B&O Railroad Museum.

Council Resolution 141-2017 – Introduced by: The Chairperson at the request of Elm Street Communities, Inc. - A RESOLUTION to close a segment of road that was formerly part of U.S. Route 1 that is commonly known as "Deadman's Curve", as shown in Exhibits A and B in accordance with Section 18.204 of the Howard County Code.

Council Resolution 146-2017 – A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Shalom Heritage Limited Partnership, a limited partnership of the State of Maryland, for a rental housing development to be known as Shalom Square.

Council Bill 79-2017 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Lease Agreement between Howard County, Maryland and Merritt- HR, LLC for the lease of space located at 9515 Gerwig Lane, Columbia, Maryland to be used by the Board of Elections; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Resolution 147-2017 – AN ACT declaring that a total of approximately 3.01 acres of real property shown on Tax Map 37, Grid 2, Parcel 724 and located west of Meadowridge Road in Ellicott City 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 convey the County’s property interest to the developer of the adjacent property, Locust Thicket Investors, LLC

Council Bill 80-2017 (ZRA 178) – Introduced by: The Chairperson at the request of K2 Properties, LLC; AN ACT amending the Howard County Zoning Regulations to permit hotels, motels, country 3 inns and conference center as a matter of right in the B-1 zoning district and amend the definition of “Hotel or Motel” to allow for extended stays, up to six months, under certain circumstances; and generally relating to hotels, motels, country inns and conference centers.

Council Resolution 148-2017 – AN ACT declaring that a total of approximately 387 square feet of real property located adjacent to South Entrance Road in Columbia 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 convey the County’s property interest to Toby’s General Partnership or its successor, assignee, or designee.

Council Resolution 149-2017 – Introduced by: Jon Weinstein; A RESOLUTION amending the Howard County Council Rules of Procedure to ensure that the Council consider including in legislation authorizing the issuance of bonds in accordance with the Maryland Tax Increment Financing Act requirements that the Council be given certain notices for specified purposes.

Council Resolution 138-2017 – A RESOLUTION adopting a comprehensive revision of Volume III (Roads and Bridges) of the Design Manual to revise the criteria and standards for the design of road systems in Howard County; repealing a previously adopted version of Volume III; and generally related to Volume III of the Design Manual.

Council Resolution 139-2017 – A RESOLUTION adopting a comprehensive revision of Volume IV (Standard Specifications and Details for Construction) of the Design Manual to revise the standards and specifications relating to the construction of roads and utilities in Howard County; repealing a previously adopted version of Volume IV; and generally related to Volume IV of the Design Manual.

FINAL CONSIDERATION

The Chairperson moved to allow the reading of short titles for bills and resolutions for final approval. 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 for final approval passed.

Consent Agenda

Council Resolution 131-2017 – A RESOLUTION confirming the reappointment of Mary Bird to the Alcoholic Beverage Hearing Board.

Council Resolution 132-2017 – A RESOLUTION confirming the reappointment of Bitu Dayhoff to the Board to Promote Self-Sufficiency.

Council Resolution 133-2017 – A RESOLUTION confirming the reappointment of Jonathan Kromm to the Public Ethics Commission.

Council Resolution 134-2017 – A RESOLUTION confirming the reappointment of Megha Sharma to the Commission for Women.

Council Resolution 135-2017 – A RESOLUTION confirming the reappointment of Suellen Seigel to the Commission for Women.

Council Resolution 136-2017 – A RESOLUTION confirming the reappointment of Joyce Kim to the Commission for Women.

The Chairperson moved to approve Council Resolutions 131-, 132-, 133-, 134-, 135- and 136-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 131-, 132-, 133-, 134-, 135- and 136-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolutions 131-, 132-, 133-, 134-, 135- and 136-2017 passed.

Appointments

Council Resolution 125-2017 – A RESOLUTION confirming the appointment of Juan Rodriguez to the Howard County Design Advisory Panel.

The Chairperson moved to approve Council Resolution 125-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 125-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 125-2017 passed.

Council Resolution 126-2017 – A RESOLUTION confirming the appointment of Jacqueline Alexander to the Housing Commission.

The Chairperson moved to approve Council Resolution 126-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 126-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 126-2017 passed.

Council Resolution 127-2017 – A RESOLUTION confirming the appointment of Scott B. Markow to the Human Rights Commission.

The Chairperson moved to approve Council Resolution 127-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 127-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 127-2017 passed.

Council Resolution 128-2017 – A RESOLUTION confirming the appointment of Sharon Jeon to the Human Rights Commission.

The Chairperson moved to approve Council Resolution 128-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 128-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 128-2017 passed.

Council Resolution 129-2017 – A RESOLUTION confirming the appointment of Richard A. Wilson, Jr. to the Multimodal Transportation Board.

The Chairperson moved to approve Council Resolution 129-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 129-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 129-2017 passed.

Council Resolution 130-2017 – A RESOLUTION confirming the appointment of David Zinner to the Multimodal Transportation Board.

The Chairperson moved to table Council Resolution 130-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Resolution 130-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolution 130-2017 passed.

General

Council Resolution 121-2017 – A RESOLUTION pursuant to Section 4.122 of the Howard County Code, approving a revised Equal Business Opportunity Program Manual that governs the internal operating procedures of the County’s Equal Business Opportunity Program; providing that Veterans are a group that may be counted towards Equal Business Opportunity goals; amending certain goal percentages; and generally relating to the Equal Business Opportunity Program.

The Chairperson moved to table Council Resolution 121-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Resolution 121-2017 was: Yea: Council Members Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The motion to table Council Resolution 121-2017 passed.

Council Bill 75-2017 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Multi-Year Tax-Exempt Lease/Purchase Agreement for financing the acquisition of six new buses to be used as part of the Regional Transportation Agency’s fixed-route fleet; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement.

The Chairperson moved to approve Council Bill 75-2017. The motion was seconded by Dr. Ball.

The Chairperson moved to approve Amendment 2. The motion was seconded by Dr. Ball.

Amendment No. 2

(This amendment inserts total costs and the financing company, clarifies language and substitutes a revised Exhibit B that incorporates the agreed-upon rate quote and amortization schedule.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 75-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 75-2017 as amended passed.

Council Bill 76-2017 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Multi-Year Lease Agreement between the County and KSM Timbers, LLC for the operation and maintenance of the Timbers at Troy Golf Course; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement.

The Chairperson moved to approve Council Bill 76-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 76-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 76-2017 passed.

Council Resolution 137-2017 – A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education’s Capital Budget Request for Fiscal Year 2019 and Capital Improvement Program Request for Fiscal Years 2020-2024 for the purpose of submission to the Interagency Committee on School Construction.

The Chairperson moved to approve Council Resolution 137-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 137-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 137-2017 passed.

Council Bill 77-2017 – AN ACT removing certain authority of the County Executive during a local state of emergency; providing for certain penalties for failure to comply with orders implemented during a local state of emergency; and generally relating to a local state of emergency.

The Chairperson moved to approve Council Bill 77-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 77-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 77-2017 passed.

Council Resolution 140-2017 – AN ACT declaring that a total of approximately 0.17 acres of real property identified as a portion of Deerpath Road 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 convey the County’s property interest to the developer of the adjacent property, Binder Rock, LLC.

The Chairperson moved to approve Council Resolution 140-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 140-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 140-2017 passed.

Council Bill 78-2017 – Introduced by: Greg Fox, Mary Kay Sigaty, and the Chairperson at the request of the County Executive - AN ACT amending the Howard County Fire Prevention Code in order to require that piles of certain material regulated by the Fire Prevention Code be turned or reclaimed in accordance with State law; specifying the height requirement for certain materials; adding 5 that certain materials may constitute a public nuisance; clarifying that the right to farm does not apply when an agricultural operation does not comply with the Fire Prevention Code; and generally relating to fire safety requirements and fire prevention in Howard County.

The Chairperson moved to approve Council Bill 78-2017. The motion was seconded by Dr. Ball.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Ball.

Amendment No. 1

(This amendment clarifies when certain materials are public nuisances.)

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 78-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 78-2017 as amended passed.

Council Member Sigaty moved to remove Council Bill 60-2017 from the table. The motion was seconded by Mr. Fox.

The roll call vote called by the Chairperson on the motion to remove Council Bill 60-2017 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein. Nay: Council Member Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

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. (tabled 7/26/17)

Council Member Sigaty moved to approve Council Bill 60-2017. The motion was seconded by Mr. Fox.

Council Member Sigaty moved to approve Amendment 1. The motion was seconded by Mr. Fox.

Amendment No. 1

(This amendment removes the emergency natural wood waste recycling facilities.)

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

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Sigaty moved to approve Amendment 2. The motion was seconded by Mr. Fox.

Amendment No. 2

(Related to accessory uses, this amendment makes the following changes:

- 1. Deletes the definition for the term "composting";*
- 2. Amends the definition of "composting facility";*
- 3. Adds a definition for the term "natural wood waste recycling";*
- 4. Removes certain references to composting as a permitted use in certain districts, thus preserving it as an accessory use;*
- 5. Clarifies that natural wood waste recycling activities that do NOT require an MDE permit are permitted accessory uses.)*

The Chairperson moved to approve Amendment 1 to Amendment 2. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 2

(This amendment ensures consistency with natural wood waste recycling facilities with changes made for composting in Am 2 to CB 60. This amendment removes natural wood waste recycling accessory to a principal farm use as an accessory use in RC and RR and as an accessory use on ALPP purchased and dedicated easements.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein. Nay: Council Member Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Ball moved to approve Amendment 2 to Amendment 2. The motion was seconded by Ms. Terrasa.

Amendment No. 2 to Amendment 2

(This amendment restricts the location, size, sales, and trucks associated with natural wood waste recycling on certain farms if an MDE permit is not required.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 2 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 2 as amended was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Fox moved to approve Amendment 3. The motion was seconded by Ms. Sigaty.

Amendment No. 3

(Related to conditional uses for Natural Wood Waste Recycling Facilities (NWWRF), this amendment:

- 1. Adds a definition for the term "horticultural nursery";*
- 2. Applies Agricultural Land Preservation Program restrictions for conditional uses on Maryland Agricultural Land Preservation Foundation (MALPF) easements;*
- 3. Provides that NWWRF must be accessory to a horticultural nursery, instead of a tree farm, tree nursery, or Christmas tree farm;*
- 4. Provides that the use area is less than 15% of the area in active production, versus the area*

actively farmed in trees;

5. *Changes the use area from 2 acres to 1;*
6. *Provides that the use area cannot exceed 5% of the annual production versus 2% of the easement;*
7. *Prohibits NWWRFs on easements created through the cluster subdivision process;*
8. *Establishes a maximum use area in the RC and RR Zoning Districts of:*
 - a. *One acre; or*
 - b. *The maximum of five acres or 10% of the property for properties that abut an interstate;*
9. *Prohibits a composting facility conditional use to be granted with a natural wood waste recycling facility conditional use unless the property adjoins an interstate and vehicular access is within one mile of the interchange;*
10. *Removes proposed road frontage requirements to be consistent with item 9, above;*
11. *Amends setback requirements from existing dwellings from 300 feet to be 500 feet;*
12. *Amends setback requirements from property lines to be from residential lots and sets that distance at 300 feet; and*
13. *Corrects numbering.)*

Council Member Ball moved to approve Amendment 1 to Amendment 3. The motion was seconded by Ms. Terrasa.

Amendment No. 1 to Amendment 3

(This amendment restricts the location, size, sales, and trucks associated with natural wood waste recycling on certain farms if an MDE permit is required.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 3 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Sigaty moved to approve Amendment 2 to Amendment 3. The motion was seconded by Mr. Weinstein.

Amendment No. 2 to Amendment 3

(This amendment ensures that consistent terms are used.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 3 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Terrasa moved to approve Amendment 4. The motion was seconded by Dr. Ball.

Amendment No. 4

(This amendment specifies that composting facilities in M-1 and M-2 districts are conditional uses if a permit from the Maryland Department of the Environment is required.)

The roll call vote called by the Administrator on the motion to approve Amendment 4 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Terrasa moved to approve Amendment 5. The motion was seconded by Dr. Ball.

Amendment No. 5

(This amendment prohibits the composting of animal mortalities in the M-1 and M-2 districts.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 5. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 5

(This amendment would add animal-based food waste to the prohibition).

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 5 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Terrasa moved to approve Amendment 2 to Amendment 5. The motion was seconded by Dr. Ball.

Amendment No. 2 to Amendment 5

(This amendment would prohibit animal mortalities and animal-based food waste in the RC and RR districts).

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 5 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 5 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Fox moved to approve Amendment 6. The motion was seconded by Ms. Sigaty.

Amendment No. 6

(This amendment provides that in the M-1 Zoning District, natural wood waste recycling that does not require an MDE permit is a use permitted as a matter of right.)

The roll call vote called by the Administrator on the motion to approve Amendment 6 was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Terrasa moved to approve Amendment 7. The motion was seconded by Dr. Ball.

Amendment No. 7

(This amendment requires Natural Wood Waste Recycling Facilities to use specified practices.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 7. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 7

(This amendment would require the additional specific practices for Composting Facilities).

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 7 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 7 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The Chairperson moved to approve Amendment 8. The motion was seconded by Dr. Ball.

Amendment No. 8

(This amendment makes a technical correction to correct the spelling of Fire Marshal's Office.)

The roll call vote called by the Administrator on the motion to approve Amendment 8 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Fox moved to approve Amendment 9. The motion was seconded by Ms. Sigaty.

Amendment No. 9

(Related to the special farm permit for composting facilities, this amendment:

- 1. Replaces a limitation on the type of vehicle used for product pickup with the requirement*

that on-site retail sales may not exceed 5% of the total yearly production;

2. *Requires that a site layout that shows acreage, composting facility operational area, screening, and any relevant mitigation measures be provided as part of the permit application; and*
3. *Requires a permit holder to verify compliance with permit requirements after two years.)*

The roll call vote called by the Administrator on the motion to approve Amendment 9 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Fox moved to approve Amendment 10. The motion was seconded by Ms. Sigaty.

Amendment No. 10

(This amendment would remove all references to Tier II Large Composting Facilities from the RC and RR zoning districts).

The roll call vote called by the Administrator on the motion to approve Amendment 10 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Sigaty moved to approve Amendment 11. The motion was seconded by Mr. Fox.

Amendment No. 11

(Related to conditional uses for composting facilities, this amendment:

1. *Prohibits composting conditional uses on Maryland Agricultural Land Preservation Foundation (MALPF) easements;*
2. *Establishes a maximum use area in the RC and RR Zoning Districts of:*
 - a. *One acre; or*
 - b. *The maximum of five acres or 10% of the property for properties that abut an interstate;*
3. *Prohibits a composting facility conditional use to be granted with a natural wood waste recycling facility conditional use unless the property adjoins an interstate and vehicular access is within one mile of the interchange;*
4. *Removes proposed road frontage requirements to be consistent with item 3, above;*
5. *Amends setback requirements from existing dwellings from 300 feet to be 500 feet;*
6. *Amends setback requirements from property lines to be from residential lots and sets that distance at 300 feet; and*

7. *Corrects numbering.*)

Council Member Sigaty moved to approve Amendment 1 to Amendment 11. The motion was seconded by Mr. Fox.

Amendment No. 1 to Amendment 11

(This amendment ensures that consistent terms are used.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 11 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 11 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Sigaty moved to approve Amendment 12. The motion was seconded by Mr. Fox.

Amendment No. 12

(This amendment eliminates by-right composting in the M1 district, limits certain by-right composting facilities in the M2 district, and allows composting facilities as a conditional use in the M2 district in certain situations.)

The roll call vote called by the Administrator on the motion to approve Amendment 12 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

Council Member Sigaty moved to approve Amendment 13. The motion was seconded by Mr. Weinstein.

Amendment No. 13

(This amendment eliminates by-right composting in the M1 district, limits certain by-right composting facilities in the M2 district, and allows composting facilities as a conditional use in the M2 district in certain situations.)

The roll call vote called by the Administrator on the motion to approve Amendment 13 was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Council Bill 60-2017 as amended was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 60-2017 had already expired.

The Chairperson moved to remove Council Bill 61-2017 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Chairperson on the motion to remove Council Bill 61-2017 from the table was: Yea: Council Members, Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

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. (tabled 7/26/17)

The Chairperson moved to approve Council Bill 61-2017. The motion was seconded by Dr. Ball.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Ball.

Amendment No. 1

(This amendment corrects terminology to clarify that improvements are the responsibility of the developer.)

The Chairperson moved to approve Amendment 1 to Amendment 1. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 1

(This amendment further clarifies those improvements that are the responsibility of the developer.)

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

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

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

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Ball moved to approve Amendment 2. The motion was seconded by Ms. Terrasa.

Amendment No. 2

(This amendment proposes that an APFO Review Committee be convened within 1 year of a comprehensive general plan revision and again after 5 additional years.)

The Chairperson moved to approve Amendment 1 to Amendment 2. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 2

(This amendment proposes the composition of the APFO Review Committee.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 2 to Amendment 2. The motion was seconded by Dr. Ball.

Amendment No. 2 to Amendment 2

(This amendment adds reference to the inclusion of other agencies and the public when planning growth management in order to provide predictability.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 2 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Sigaty moved to approve Amendment 3. The motion was seconded by Mr. Weinstein.

Amendment No. 3

(This amendment proposes to create Housing Unit Allocation flexibility for developments in Downtown Columbia.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 3. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 3

(This amendment proposes to limit the redistribution of residential units to those FDPs which are not utilizing CEPPA flexibility provisions.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 3 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 3 was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 20. The motion was seconded by Dr. Ball.

Amendment No. 20

(This amendment proposes to add a high school capacity test, set the school capacity chart capacity utilization threshold to 105 percent for elementary schools and regions, 110 percent for middle schools, and 115 percent for high schools, and phase implementation to allow the Board of Education to incorporate changes to the school capacity tests into its planning for its next capital budget process.)

The Chairperson moved to approve Amendment 1 to Amendment 20. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 20

(This amendment corrects a drafting error by adding references to the high school capacity test.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 20 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 20 as amended was: Yea: Council Members Ball, Terrasa and Weinstein. Nay: Council Members Fox and Sigaty.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Ball moved to approve Amendment 7. The motion was seconded by Mr. Weinstein.

Amendment No. 7

(This amendment proposes to define APFO capacity consistently with HCPSS policies.)

The roll call vote called by the Administrator on the motion to approve Amendment 7 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 8. The motion was seconded by Dr. Ball.

Amendment No. 8

(This amendment defines the term "capacity utilization" and substitutes "capacity utilization" for "projected enrollment".)

The roll call vote called by the Administrator on the motion to approve Amendment 8 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 9. The motion was seconded by Dr. Ball.

Amendment No. 9

(This amendment proposes that additional information be submitted to the County to assist with its annual consideration of the School Capacity chart.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 9. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 9

(This amendment proposes to require an explanation of capacity utilization changes.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 9 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 9 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 10. The motion was seconded by Dr. Ball.

Amendment No. 10

(This amendment proposes including a requirement for a public meeting on school facilities that reach a capacity of 95 percent with a projection of more than 110 percent within five years.)

The roll call vote called by the Administrator on the motion to approve Amendment 10 was: Yea: Council Members Ball, Terrasa and Weinstein. Nay: Council Members Fox and Sigaty.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Ball moved to approve Amendment 13. The motion was seconded by Mr. Weinstein.

Amendment No. 13

(This amendment would adjust the maximum combined wait time for certain projects and require that all projects take a school capacity test.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 13. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 13

(This amendment would adjust the maximum combined wait time for certain projects.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 13 was: Yea: Council Members Ball, Terrasa and Weinstein. Nay: Council Members Fox and Sigaty.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 13 as amended was: Yea: Council Members Ball, Terrasa and Weinstein. Nay: Council Members Fox and Sigaty.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Sigaty moved to approve Amendment 15. The motion was seconded by Mr. Weinstein.

Amendment No. 15

(This amendment proposes to create an exception for affordable housing developments that leverage State and Federal funds.)

The roll call vote called by the Administrator on the motion to approve Amendment 15 was: Yea: Council Member Sigaty. Nay: Council Members Ball, Fox, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Terrasa moved to approve Amendment 16. The motion was seconded by Mr. Weinstein.

Amendment No. 16

(This amendment proposes to remove the Housing Unit Allocation exemption for MIHUs.)

The roll call vote called by the Administrator on the motion to approve Amendment 16 was: Yea: Council Members Fox and Terrasa. Nay: Council Members Ball, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 19. The motion was seconded by Dr. Ball.

Amendment No. 19

(This amendment proposes to redefine the impact area to be studied for the APFO roads test based on trip generation.)

The Chairperson moved to approve Amendment 1 to Amendment 19. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 19

(This amendment adds a sponsor.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 19 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 2 to Amendment 19. The motion was seconded by Dr. Ball.

Amendment No. 2 to Amendment 19

(This amendment proposes to adjust trip generation thresholds and specify that an intersection at the entrance to a project does not count toward the minimum number of intersections to be studied.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 19 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 19 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

Council Member Sigaty moved to approve Amendment 18. The motion was seconded by Mr. Weinstein.

Amendment No. 18

(This amendment proposes to exempt urban renewal developments from the School Capacity test.)

The roll call vote called by the Administrator on the motion to approve Amendment 18 was: Yea: Council Members Fox, Sigaty and Weinstein. Nay: Council Members Ball and Terrasa.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to approve Amendment 23. The motion was seconded by Dr. Ball.

Amendment No. 23

(This amendment inserts references to existing Code provisions for adequate water, sewer, stormwater, and solid waste facilities.)

Council Member Terrasa moved to approve Amendment 1 to Amendment 23. The motion was seconded by Dr. Ball.

Amendment No. 1 to Amendment 23

This amendment proposes that DPZ ensure that there is adequate Police, Fire and Health serves prior to plan approval.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 23 was: Yea: Council Members Ball and Terrasa. Nay: Council Members Fox, Sigaty and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Amendment 23 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Council Bill 61-2017 as amended was: Yea: Council Members Ball, Terrasa and Weinstein. Nay: Council Members Fox and Sigaty.

The Council's vote on the motion was not valid as Council Bill 61-2017 had already expired.

The Chairperson moved to remove Council Bill 62-2017 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Chairperson on the motion to remove Council Bill 62-2017 from the table was: Yea: Council Members, Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 62-2017 had already expired.

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. (tabled 7/26/17)

The Chairperson moved to approve Council Bill 62-2017. The motion was seconded by Dr. Ball.

The Chairperson moved to approve Amendment 1. The motion was seconded by Dr. Ball.

Amendment No. 1

(This amendment makes inserts a cross reference.)

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

The Council's vote on the motion was not valid as Council Bill 62-2017 had already expired.

The roll call vote called by the Administrator on the motion to approve Council Bill 62-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The Council's vote on the motion was not valid as Council Bill 62-2017 had already expired.

Council Member Sigaty moved to remove Council Resolution 124-2017 from the table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Chairperson on the motion to remove Council Resolution 124-2017 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein. Nay: Council Member Terrasa.

The motion to remove Council Resolution 124-2017 from the table passed.

Council Resolution 124-2017 - A RESOLUTION to enlarge the Downtown Columbia area of Howard County designated as the development district by County Council Resolution 105-2016 for purposes of the State Tax Increment Financing Act, and generally relating to the development district.

Council Member Sigaty moved to approve Council Resolution 124-2017. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 124-2017 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein. Nay: Council Member Terrasa.

The motion to approve Council Resolution 124-2017 passed.

Adjourned **12:29** a.m.

Tabled

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 7/26/17)

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 2/6/17)

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 12/05/16)

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 7/29/16)

Council Resolution 121-2017 – A RESOLUTION pursuant to Section 4.122 of the Howard County Code, approving a revised Equal Business Opportunity Program Manual that governs the internal operating procedures of the County’s Equal Business Opportunity Program; providing that Veterans are a group that may be counted towards Equal Business Opportunity goals; amending certain goal percentages; and generally relating to the Equal Business Opportunity Program. (tabled 11/6/17)

Council Resolution 130-2017 – A RESOLUTION confirming the appointment of David Zinner to the Multimodal Transportation Board. (tabled 11/6/17)