

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2017 Legislative Session**

**Legislative Day No. 15**

December 4, 2017

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:03** 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; Edward Shulder, Deputy County Auditor; Jeff Meyers, Legislative Analyst; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Kel Habicht, Administrative Support were also present.

**ELECTION OF COUNCIL OFFICERS**

Mr. Weinstein nominated Ms. Sigaty for Council Chairperson. 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. Ms. Sigaty was elected Chairperson.

Ms. Sigaty nominated Dr. Ball for Council Vice Chairperson. 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. Dr. Ball was elected Vice Chairperson.

Mr. Weinstein nominated Ms. Terrasa for Chairperson of the Zoning Board. 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. Ms. Terrasa was elected Chairperson of the Zoning Board.

Ms. Terrasa nominated Dr. Ball for Vice Chairperson of the Zoning Board. 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. Dr. Ball was elected Vice Chairperson of the Zoning Board.

Ms. Sigaty nominated Mr. Fox for Chairperson of the Board of License Commissioners. 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. Mr. Fox was elected Chairperson of the Board of License Commissioners.

Dr. Ball nominated Mr. Weinstein for Vice Chairperson of the Board of License Commissioners. The motion was seconded by Ms. Sigaty. The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein. Mr. Weinstein was elected Vice Chairperson of the Board of License Commissioners.

### **COUNCIL APPOINTMENTS**

The Chairperson announced the following County Council appointments, effective December 2017 to December 2018:

Maryland Association of Counties Legislative Committee – Jennifer Terrasa  
Alternate – Calvin Ball

National Association of Counties liaison – Greg Fox  
Alternate – Jon Weinstein

Patuxent River Commission – Mary Kay Sigaty

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### **APPROVE JOURNAL AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 14, November 6, 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 – November 13, 2017, the Public Hearing – November 20, 2017 and the Legislative Work Session – November 27, 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.

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### **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.

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### **Appointments**

Council Resolution 142-2017 – A RESOLUTION confirming the appointment of Hector J. Garcia, Jr. to the Howard County Local Children’s Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 142-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 142-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 142-2017 passed.

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Council Resolution 143-2017 – A RESOLUTION confirming the appointment of Melissa W. Rosenberg to the Howard County Local Children’s Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 143-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 143-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 143-2017 passed.

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Council Resolution 144-2017 – A RESOLUTION confirming the appointment of Judi Olinger to the Commission for Transitioning Students with Disabilities. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 144-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 144-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 144-2017 passed.

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Council Resolution 145-2017 – A RESOLUTION confirming the appointment of Brian Welsh to the Commission for Transitioning Students with Disabilities. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 145-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 145-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 145-2017 passed.

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### **General**

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. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 141-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 141-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 141-2017 passed.

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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. (*Expires 1/10/18; 2/9/18 if extended; or 3/11/18 if extended twice.*)

The Chairperson moved to approve SAO1-FY18. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve SAO1-FY18 was:  
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve SAO1-FY18 passed.

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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. (*No expiration date.*)

The Chairperson moved to approve Council Resolution 146-2017. 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:*

- 1. Corrects the amount of Low Income Housing Tax Credits to be \$3,153,997;*
- 2. Corrects the EmPower grant to be \$284,364;*
- 3. Adds a Mortgage Bond Program loan derived from the sale of tax-exempt bonds in the approximate aggregate principal amount of \$6,220,000 as another source of financing for the project; and*
- 4. Makes a technical correction.)*

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 Resolution 146-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 146-2017 as amended passed.

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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. *(Expires 1/10/18; 2/9/18 if extended; or 3/11/18 if extended twice.)*

The Chairperson moved to approve Council Bill 79-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 79-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 79-2017 passed.

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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. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 147-2017. 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 the consideration given by Locust Thicket for the conveyance of the County Property.)*

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 147-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein. Nay: Council Member Terrasa.

The motion to approve Council Resolution 147-2017 as amended passed.

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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. (*No expiration date.*)

The Chairperson moved to withdraw Council Resolution 148-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to withdraw Council Resolution 148-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to withdraw Council Resolution 148-2017 passed.

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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. (*No expiration date.*)

Council Member Weinstein moved to table Council Resolution 149-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Resolution 149-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolution 149-2017 passed.

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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

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. (*Expires 1/10/18; 2/9/18 if extended; or 3/11/18 if extended twice.*)

Council Member Terrasa moved to table Council Bill 80-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Bill 80-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill 80-2017 passed.

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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. (*No expiration date.*)

The Chairperson moved to approve Council Resolution 138-2017. 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 the name of a chapter to be consistent with changes made in Council Resolution No. 97-2010. CR 97-2010 renamed Chapter 4 to be Adequate Transportation Facilities Test Evaluation Requirements.)*

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 Resolution 138-2017 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 138-2017 as amended passed.

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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. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 139-2017. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 139-2017 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 139-2017 passed.

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

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

The motion to remove Council Resolution 130-2017 from the table passed.

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Council Resolution 130-2017 – A RESOLUTION confirming the appointment of David Zinner to the Multimodal Transportation Board. (tabled 11/6/17) *(No expiration date.)*

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

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

The motion to approve Council Resolution 130-2017 passed.

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

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

The motion to remove Council Resolution 121-2017 from the table passed.

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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) *(No expiration date.)*

The Chairperson moved to approve Council Resolution 121-2017. 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:*

- 1. Corrects the definition of “Minority Individual”;*
- 2. Removes “Veterans” from the list of “Minority Individuals”; and*
- 3. Removes a provision that prohibits certain combinations of ownership interests which is inconsistent with State requirements. Because we accept State certifications, the inconsistency raised by the proposed language is problematic.)*

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 corrects the definition of “Asian American” to clarify that Pacific Islanders are included.)*

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

The motion to approve Amendment 1 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

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

**Amendment No. 2**

*(This amendment would require non-Howard County based MBE/WBE/DBE firms to be certified by another regulatory body before being certified by the EBOC)*

Council Member Ball moved to approve Amendment 1 to Amendment 2. The motion was seconded by Mr. Weinstein.

**Amendment No. 1 to Amendment 2**

*(This amendment would clarify that firms located in Howard County must have their principal place of business in the County)*

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 motion to approve Amendment 1 to Amendment 2 passed.

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 motion to approve Amendment 2 as amended passed.

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

The motion to approve Council Resolution 121-2017 as amended passed.

Adjourned **7:43** p.m.

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**Tabled**

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. (tabled 12/4/17) *(No expiration date.)*

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 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. (tabled 12/4/17) *(Expires 1/10/18; 2/9/18 if extended; or 3/11/18 if extended twice.)*

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) *(No expiration date.)*

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) *(No expiration date.)*

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) *(No expiration date.)*

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) *(No expiration date.)*