

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2018 Legislative Session

Legislative Day No. 4

April 2, 2018

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:02** p.m.

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

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, County Auditor; Michelle Harrod, Deputy County Auditor; Ed Shulder, Auditor; Jeff Meyers, Legislative Analyst; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Jennifer Egan, Administrative Support were also present.

SUSPEND RULES OF PROCEDURE

The Chairperson moved to approve suspending the rules to allow for the adjustment of prefile deadlines. 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 suspending the rules to allow for the adjustment of prefile deadlines passed.

The Chairperson moved to approve the schedule changes as stated. 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 schedule changes as stated passed.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 3, March 5, 2018. 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 – March 12, 2018, Closed Meeting – March 12, 2018, Legislative Public Hearing – March 19, 2018 and Joint Meeting with the Board of Education – March 29, 2018. 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 for the Monthly Meeting – March 12, 2018, Closed Meeting - March 12, 2018, Legislative Public Hearing – March 19, 2018 and Joint Meeting with the Board of Education – March 29, 2018 passed.

SUSPEND RULES TO ALLOW INTRODUCTION NOT PREFILED

The Chairperson moved to suspend the rules to allow for the introduction of Council Resolution 49-2018 that was not pre-filed. 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 suspend the rules to allow for the introduction of Council Resolution 49-2018 that was not pre-filed 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 35-2018 – A RESOLUTION confirming the appointment of Jonathan Daryl Anthony to the Recreation and Parks Board. (*No expiration date.*)

Council Resolution 36-2018 - A RESOLUTION confirming the appointment of Anna M. Boyd to the Recreation and Parks Board. *(No expiration date.)*

Council Resolution 37-2018 - A RESOLUTION confirming the reappointment of G. Scott Harding to the Board of Electrical Examiners. *(No expiration date.)*

Council Resolution 38-2018 - A RESOLUTION confirming the reappointment of Sonja Hamada to the Martin Luther King, Jr. Holiday Commission. *(No expiration date.)*

Council Resolution 39-2018 – A RESOLUTION confirming the reappointment of Jonah Hornum to the Martin Luther King, Jr. Holiday Commission. *(No expiration date.)*

Council Resolution 40-2018 - A RESOLUTION confirming the reappointment of Tracey L. Williams to the Martin Luther King, Jr. Holiday Commission. *(No expiration date.)*

Council Resolution 41-2018 - A RESOLUTION confirming the reappointment of Astamay Curtis to the Multimodal Transportation Board. *(No expiration date.)*

Council Resolution 42-2018 - A RESOLUTION confirming the reappointment of Lawrence J. Schoen to the Multimodal Transportation Board. *(No expiration date.)*

Council Resolution 43-2018 - A RESOLUTION confirming the reappointment of Phillips S. Engelke to the Planning Board. *(No expiration date.)*

Council Resolution 44-2018 - A RESOLUTION confirming the reappointment of Pedro Ramirez to the Public Works Board. *(No expiration date.)*

Council Resolution 45-2018 - A RESOLUTION confirming the reappointment of Thomas M. Franklin to the Recreation and Parks Board. *(No expiration date.)*

General

Council Bill 18-2018 – AN ACT amending certain references in the County Code to the consumer price index for all urban consumers that currently refer to the Baltimore-Washington Consumer Price Index to be the Baltimore-Columbia-Towson index, and generally relating to references to the consumer price index for all urban consumers. *(Expires 6/6/18; 7/6/18; if extended; or 8/5/18 if extended twice.)*

Council Bill 19-2018 - AN ACT amending certain references in the County Code to the consumer price index for the Howard County Retirement Plan and the Howard County Police and Fire

Employees' Retirement Plan that currently refer to the Baltimore-Washington Consumer Price Index to be the Baltimore-Columbia-Towson index; and generally relating to the geographic area sample for cost of living adjustments to retirees' benefits under the Howard County Retirement Plan and the Howard County Police and Fire Employees' Retirement Plan.. (*Expires 6/6/18; 7/6/18; if extended; or 8/5/18 if extended twice.*)

Council Resolution 46-2018 – 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. (*No expiration date.*)

Council Resolution 47-2018 – A RESOLUTION adopting Howard County's Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds. (*No expiration date.*)

Council Resolution 48-2018 - A RESOLUTION endorsing the Central Maryland Transit Development Plan as a guide for future transit development in Howard County and in the Central Maryland region. (*No expiration date.*)

Council Bill 20-2018 – Introduced by: Mary Kay Sigaty, Co-sponsored by: Calvin Ball, Jennifer Terrasa and Jon Weinstein – AN ACT to regulate specified matters between certain landlords and tenants; specifying certain powers and duties of the Office of Consumer Protection and other units of County government; specifying the contents of certain lease applications and leases; requiring certain disclosures and notices; regulating the use of Ratio Utility Billing; prohibiting certain retaliatory practices; specifying certain rights of tenants and tenant organizations; specifying certain responsibilities of landlords and tenants; providing for certain penalties and other relief; providing for the application of this Act to certain existing leases; and generally relating to landlord-tenant relations. (*Expires 6/6/18; 7/6/18; if extended; or 8/5/18 if extended twice.*)

Council Bill 21-2018 (ZRA 183) – Introduced by: Greg Fox and Mary Kay Sigaty – AN ACT allowing certain composting facilities and natural wood waste recycling 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; 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. (*Expires 6/6/18; 7/6/18; if extended; or 8/5/18 if extended twice.*)

Council Resolution 49-2018 – Introduced by: The Chairperson – A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on specified dates. (*No expiration date.*)

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.

Council Resolution 30-2018 – A RESOLUTION confirming the reappointment of Ann H. Jones to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board. *(No expiration date.)*

Council Resolution 31-2018 – A RESOLUTION confirming the reappointment of Charmayne Anderson to the Howard County Local Children’s Board. *(No expiration date.)*

Council Resolution 32-2018 – A RESOLUTION confirming the reappointment of Dawn Marie Duignan to the Howard County Local Children’s Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolutions 30-, 31- and 32-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 30-, 31- and 32-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolutions 30-, 31- and 32-2018 passed.

Council Resolution 25-2018 – A RESOLUTION confirming the appointment of Abby Gibbon to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 25-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 25-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 25-2018 passed.

Council Resolution 26-2018 – A RESOLUTION confirming the appointment of Cathy Hudson to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 26-2018. 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 end-date of the term.)

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 26-2018, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 26-2018, as amended passed.

Council Resolution 27-2018 – A RESOLUTION confirming the appointment of Lawrence E. Quarrick to the Howard County Design Advisory Panel. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 27-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 27-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 27-2018 passed.

Council Resolution 28-2018 – A RESOLUTION confirming the appointment of Khiem Doan to the Howard County Local Children’s Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 28-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 28-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 28-2018 passed.

Council Resolution 29-2018 – A RESOLUTION confirming the appointment of Rev. Leandro Fazolini to the Howard County Local Children’s Board. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 29-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 29-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 29-2018 passed.

Council Resolution 33-2018 – Introduced by: Mary Kay Sigaty – A RESOLUTION appointing certain members of the Downtown Columbia Partnership Advisory Committee. *(No expiration date.)*

The Chairperson moved to approve Council Resolution 33-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 33-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 33-2018 passed

Council Resolution 34-2018 – Introduced by: The Chairperson – A RESOLUTION appointing William Santos to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2022. (No expiration date.)

The Chairperson moved to approve Council Resolution 34-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 34-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 34-2018 passed

Council Bill 13-2018 – AN ACT relating to the provision of behavioral health services in the County; removing certain references to the Howard County Mental Health Authority; changing the name of the Alcohol and Drug Abuse Advisory Board to be the Local Behavioral Health Advisory Board; amending the duties of the Board of Health; amending the membership of certain boards and commissions; amending the membership of the Local Behavioral Health Advisory Board; amending the qualifications to be a member of the Local Behavioral Health Advisory Board; setting forth the duties and responsibilities of the Local Behavioral Health Advisory Board; making certain technical corrections; providing for the application of certain provisions related to changes to Other Post-Employment Benefits; and generally relating to the Local Behavioral Health Advisory Board. (*Expires 5/9/18; 6/8/18 of extended; or if extended twice.*)

The Chairperson moved to approve Council Bill 13-2018. 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 adds two ex officio members, one family member, and one consumer member.)

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

Amendment No. 2

(This amendment provides a statement that the Local Behavioral Health Advisory Board shall serve as the Local Drug and Alcohol Abuse Council, as provided by State Law.)

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 Chairperson moved to approve Amendment 3. The motion was seconded by Dr. Ball.

Amendment No. 3

(This amendment provides for a specific effective date.)

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

The motion to approve Amendment 3 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 13-2018, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 13-2018, as amended passed.

Council Bill 14-2018 – AN ACT allowing for the dismissal of classified employees in certain instances; and generally relating to Human Resources provisions in the County Code. *(Expires 5/9/18; 6/8/18 if extended; or if extended twice.)*

The Chairperson moved to table Council Bill 14-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Bill 14-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill 14-2018 passed.

Council Bill 15-2018 – AN ACT to correct the year for which the tax credit established by Council Bill No. 7-2018 will apply; and generally relating to the tax credit for certain public safety officers. *(Expires 5/9/18; 6/8/18 of extended; or if extended twice.)*

The Chairperson moved to approve Council Bill 15-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 15-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 15-2018 passed.

Council Bill 16-2018 – Introduced by: Jennifer Terrasa and Mary Kay Sigaty, Co-sponsored by: Calvin Ball, Greg Fox and Jon Weinstein – AN ACT amending the Howard County Code to modify the process for piecemeal map amendments and development plan approvals by the Zoning Board; and generally relating to Zoning Board hearings. *(Expires 5/9/18; 6/8/18 of extended; or if extended twice.)*

The Chairperson moved to approve Council Bill 16-2018. The motion was seconded by Dr. Ball.

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

Amendment No. 1

(This amendment proposes to:

- *Clarify that the Department of Planning and Zoning (DPZ) is to transmit its findings and recommendations in the form of a Technical Staff Report;*
- *Clarify the timeliness of the written questions to DPZ and DPZ's response to the questions;*
and
- *Clarify that DPZ staff making its presentation of findings and recommendations is subject to cross-examination.)*

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 16-2018, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 16-2018, as amended passed.

Council Bill 17-2018 – Introduced by: Jennifer Terrasa and Mary Kay Sigaty, Co-sponsored by: Calvin Ball, Greg Fox and Jon Weinstein – AN ACT amending the Howard County Code to provide that in piecemeal amendment cases that the Zoning Board initially limit the hearing to the evidence relevant to the applicable criteria which would justify the requested rezoning; and generally relating to piecemeal map amendments. (*Expires 5/9/18; 6/8/18 of extended; or if extended twice.*)

The Chairperson moved to table Council Bill 17-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to table Council Bill 17-2018 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill 17-2018 passed.

Council Resolution 10-2018 – Introduced by: The Chairperson – A RESOLUTION amending the Howard County Council Rules of Procedure specifying the start time for certain meetings; eliminating the 5 minute time limit for representatives of a group; allowing a Resolution or Bill to be withdrawn at any time before a vote on its final passage; specifying that members may participate in a legislative session by teleconference only for an emergency legislative session; requiring a certain sign-up system for those wanting to testify; providing that individuals need not give a street address aloud when testifying; and authorizing the Administrator to add to the first page of a bill the dates that the bill may fail due to inaction as provided by Charter Section 209(h). (*No expiration date.*)

The Chairperson moved to remove Council Resolution 10-2018 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Resolution 10-2018 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Resolution 10-2018 from the table passed.

The Chairperson reminded colleagues that before the resolution was tabled:

- Approval of the resolution was moved and seconded
- Amendment #1 was voted and failed
- Amendment #2 was moved and failed
- Amendments #1, 2 and 3 to Amendment #2 were moved and seconded, and that is where we resume our discussion

Council Member Weinstein moved to withdraw motion to approve Amendment 2 to Amendment 2. The motion was seconded by Dr. Ball. There were no objections.

Amendment 2 to Amendment 2 was withdrawn.

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

Amendment No. 5 to Amendment No. 2

(This amendment delays the effect of the changes.)

Council Member Terrasa moved to approve Amendment 6 to Amendment 2. The motion was seconded by Dr. Ball.

Amendment No. 6 to Amendment No. 2

(This amendment clarifies the limit for certain persons.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 (which was previously motioned and seconded on February 5, 2018) 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 3 to Amendment 2 (which was previously motioned and seconded on February 5, 2018) was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 3 to Amendment 2 passed.

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

The motion to approve Amendment 5 to Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 6 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 6 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 Chairperson moved to approve Amendment 3. The motion was seconded by Dr. Ball.

Amendment No. 3

(This amendment clarifies the time of availability of the system to sign up to testify and clarifies that persons desiring to speak must sign up and may proceed only when recognized by the Chairperson.)

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

The motion to approve Amendment 3 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 10-2018, as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 10-2018, as amended passed.

Adjourned **7:31** p.m.

Tabled

Council Bill 14-2018 – AN ACT allowing for the dismissal of classified employees in certain instances; and generally relating to Human Resources provisions in the County Code. (tabled 4/2/2018) (*Expires 5/9/18; 6/8/18 of extended; or if extended twice.*)

Council Bill 17-2018 – Introduced by: Jennifer Terrasa and Mary Kay Sigaty, Co-sponsored by: Calvin Ball, Greg Fox and Jon Weinstein – AN ACT amending the Howard County Code to

provide that in piecemeal amendment cases that the Zoning Board initially limit the hearing to the evidence relevant to the applicable criteria which would justify the requested rezoning; and generally relating to piecemeal map amendments. (tabled 4/2/2018) (*Expires 5/9/18; 6/8/18 of extended; or if extended twice.*)

Council Resolution 14-2018 – Introduced by The Chairperson at the request of Triangle Route 108 Associates, LLC; A RESOLUTION to close a portion of Old Maryland Route 108 as shown in Exhibits A and B in accordance with Section 18.204 of the Howard County Code. (tabled 3/5/18) (*No expiration date.*)

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.*)