

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 3

03/04/2013

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:37** p.m.

Jennifer Terrasa, Chairperson; Mary Kay Sigaty, Vice Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Courtney Watson, Council Member, were present.

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; Theodore Wimberly, Senior Administrative Analyst; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 2, February 4, 2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing – February 19, 2013 and for the Legislative Work Session on February 26, 2013. The motion was seconded by Ms. Sigaty.

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

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 24-2013 - A RESOLUTION confirming the appointment of Ryan C. Frederic to the Howard County Board of Directors of the Revenue Authority.

Council Resolution 25-2013 - A RESOLUTION confirming the reappointment of Kristen Perry to the Public Ethics Commission.

Council Resolution 26-2013 - A RESOLUTION confirming the appointment of Katie Weyrauch to the Environmental Sustainability Board.

Council Resolution 27-2013 - A RESOLUTION confirming the reappointment of Dr. Byung H. Ahn to the Commission on Disability Issues.

General

Council Bill 11-2013 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year agreement between Howard County, Maryland and Grant Capital Management, Inc., a Maryland corporation, where Grant Capital will finance the acquisition of certain equipment including, without limitation, Fire Department apparatus, furniture, library books and computers through a Tax-Exempt Master Equipment Lease-Purchase Agreement.

FINAL CONSIDERATION

The Chairperson moved to remove Council Resolution 3- 2013 from the table. The motion was seconded by Ms. Sigaty.

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

The motion to remove Council Resolution 3-2013 from the table passed.

Consent

Council Resolution No. 3-2013 - A RESOLUTION confirming the appointment of M. Eletta Morse to the Commission on Aging.

Council Resolution 17-2013 - A RESOLUTION confirming the reappointment of Mark D. Donovan to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 18-2013 - A RESOLUTION confirming the reappointment of N. Joseph Gagliardi, M.D., to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 19-2013 - A RESOLUTION confirming the reappointment of Douglas C. Lea to the Commission on Disability Issues.

Council Resolution 20-2013 - A RESOLUTION confirming the reappointment of Dave Willemain to the Alcohol & Drug Abuse Advisory Board.

The Chairperson moved to approve Council Resolutions 3, 17, 18, 19, and 20-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Resolutions 3, 17, 18, 19, and 20-2013 passed.

General

Council Bill 6-2013 - AN ACT amending the Howard County Zoning Regulations' TNC (Traditional Neighborhood Center) overlay district to expand the permitted uses and change the bulk regulations; and generally related to the TNC overlay district.

The Chairperson moved to approve Council Bill 6-2013. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1.

Amendment No. 1

(This amendment deletes the term "Amusement Facility" and replaces it with the term "Recreation Facility, Commercial").

On page 2, strike line 5, in its entirety.

On page 3, immediately following line 20, insert:

"35. RECREATION FACILITY, COMMERCIAL INCLUDING BOWLING CENTERS, BILLIARD OR

POOL CENTERS, CHILDREN’S PARTY AND PLAY SPACES, LASER-TAG FACILITIES,
COMPUTER GAMING CENTERS, GOLF DRIVING RANGES, MINIATURE GOLF, WATER
SLIDES, PAINTBALL, AND SIMILAR USES.

Renumber the section accordingly.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2.

Amendment No. 2

(This amendment adds structures incorporating either first floor retail or structured parking to the new height limit provision and changes the maximum height limit from 65 feet to 62 feet).

On page 4, in line 12, strike “PARCELS” and insert “FOR STRUCTURES INCORPORATING EITHER FIRST FLOOR RETAIL OR STRUCTURED PARKING ON PARCELS”. On the same page, in line 17, strike “65”, and substitute “62”.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3.

Amendment No. 3

(This amendment changes the minimum setbacks for dumpsters, utilities, and transformers).

On page 5, in lines 3 and 4, strike “DUMPSTERS,” and “, UTILITIES, TRANSFORMERS”.

The motion was seconded by Ms. Sigaty

The roll call vote called by the Chairperson on the motion was: Yea: Council Members

Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 3 passed.

The Chairperson moved to approve Amendment 4.

Amendment No. 4

(This amendment clarifies that any existing commercial space must be renovated to the requirements of new commercial construction).

On page 7, in line 6, immediately before the period, insert “, PROVIDED THAT THE EXISTING COMMERCIAL SPACE IS REDEVELOPED AND THE REDEVELOPMENT IS SUBJECT TO THE SAME REQUIREMENTS AS NEW COMMERCIAL CONSTRUCTION IN THE TNC DISTRICT”.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 4 passed.

The Chairperson moved to approve Amendment 5.

Amendment No. 5

(This amendment would keep the existing 15 percent MIHU requirement).

On page 7, in line 9, strike “THIS REQUIREMENT MAY BE MET BY AN ALTERNATE METHOD AS”. On the same page, strike in their entirety lines 10 through 13.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 5 passed.

The Chairperson moved to approve Amendment 6.

Amendment No. 6

(This amendment deletes the proposed reduction in the amount of required commercial square-

footage per dwelling unit requirement).

On page 6, in line 25, immediately before the comma, strike “[[300]]200” and substitute “300”. On the same page, in lines 27 and 28, strike “[[200]]100” and substitute “200”.

The motion was seconded by Ms. Sigaty

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Terrasa and Watson. Nay: Council Member Sigaty.

The motion to approve Amendment 6 passed.

The Chairperson moved to approve Amendment 7.

Amendment No. 7

(This amendment:

- 1. Substitutes the term “Amusement Facilities” with “Recreation Facility, Commercial” in the list of permitted uses in the TNC;*
- 2. Adds children’s party and play spaces to the list of types of Commercial Recreation Facilities;*
- 3. Requires that certain uses have appropriate buffers;*
- 4. Requires that certain commercial space be renovated to be compatible in architectural character with residential development and new or renovated buildings; and*
- 5. Prohibits the issuance of building permits for the certain construction of residential units without the issuance of building permits for a proportional amount of commercial construction.)*

On page 2, strike line 5 and renumber subsection G accordingly.

On page 2, line 16, after “ROAD” insert “AND THE DRIVE THROUGH SERVICE SHALL BE APPROPRIATELY BUFFERED FROM ADJOINING RESIDENTIAL PROPERTY”.

On page 2, line 34, after “ROAD” insert “AND THE DRIVE THROUGH SERVICE SHALL BE APPROPRIATELY BUFFERED FROM ADJOINING RESIDENTIAL PROPERTY”.

On page 3, after line 20, insert:

“34. RECREATION FACILITY, COMMERCIAL INCLUDING BOWLING CENTERS , BILLIARD OR POOL CENTERS, CHILDREN’S PARTY AND PLAY SPACES, LASER-TAG FACILITIES, COMPUTER GAMING CENTERS, GOLF DRIVING RANGES, MINIATURE GOLF, WATER SLIDES, PAINTBALL AND OTHER SIMILAR AMUSEMENT OR GAMING ACTIVITY OR SERVICE USES.” and renumber the remainder subsection G accordingly.

On page 6, line 26, after "developed" insert “OR RENOVATED TO BE COMPATIBLE IN ARCHITECTURAL CHARACTER WITH NEW DEVELOPMENT”.

On page 7, in line 2, strike “No more than” down through and including “construction.” in line 3 and substitute “ONCE BUILDING PERMITS HAVE BEEN ISSUED FOR 50% OF THE RESIDENTIAL UNITS, NO MORE BUILDING PERMITS FOR RESIDENTIAL UNITS WILL BE ISSUED UNTIL THE DEVELOPER OBTAINS BUILDING PERMITS FOR A PROPORTIONAL AMOUNT OF COMMERCIAL CONSTRUCTION OR RENOVATION.”.

On page 7, strike lines 4 through 6, inclusive, and in their entirety.

The motion was seconded by Ms. Sigaty

The Chairperson moved to approve Amendment 1 to Amendment 7.

Amendment No. 1

(This amendment makes the term “Recreation Facility, Commercial” consistent in Amendments number 1 and 7 and resolves a conflict between Amendments 4 and 7 regarding existing commercial space.)

On page 2, in line 1, strike “AMUSEMENT OR GAMING ACTIVITY OR SERVICE”.

On page 2, strike line 13, in its entirety.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 1 to Amendment 7 passed.

The roll call vote called by the Chairperson on the motion, as amended, was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 7, as amended, passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 6, as amended, was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 6-2013, as amended, passed.

Council Bill 7-2013 - AN ACT providing that historic outbuildings are eligible property for purposes of the Historic Tax Credit Program; providing that work performed by an architect or historic preservation consultant is a qualified expense; making certain technical corrections; and generally related to Howard County tax credits.

The Chairperson moved to approve Council Bill 7-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Bill 7-2013 passed.

Council Bill 8-2013 - AN ACT establishing a Watershed Protection and Restoration fund as a dedicated, non-lapsing, enterprise fund; specifying the purposes of the fund and allowing certain revenue to be deposited into the fund; allowing the fund to be used for certain purposes; establishing a Watershed Protection and Restoration Fee; establishing the method, frequency and enforcement of the collection of the Fee; setting forth certain provisions specific to particular types of properties; creating a certain credit and reimbursement program to adjust the amount of the Fee that certain properties will pay; allowing for certain adjustments; allowing for a certain Assistance Program; allowing certain appeals; authorizing the adoption of certain regulations; defining certain terms; amending certain definitions; providing for certain enforcement; and generally relating to the Watershed Protection and Restoration Program in Howard County.

The Chairperson moved to table Council Bill 8-2013. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Bill 8-2013 passed.

Council Resolution 21-2013 - A RESOLUTION approving schedules for various charges related

to the Watershed Protection and Restoration Fee including the impervious unit rate and the amounts for certain credit, reimbursement and assistance programs.

The Chairperson moved to table Council Resolution 21-2013. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Resolution 21-2013 passed.

Council Resolution 22-2013 - A RESOLUTION adopting the Howard County Natural Hazards Mitigation Plan.

The Chairperson moved to approve Council Resolution 22-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Resolution 22-2013 passed.

Council Bill 9-2013 - AN ACT revising the criteria used to determine whether property is eligible for the County Agricultural Land Preservation Program; revising the process by which development rights are purchased under the Program; authorizing the County, under certain conditions, to transfer purchased development rights for a certain purpose; requiring the Department of Planning and Zoning to establish a process for such transfers; and generally relating to the County Agricultural Land Preservation Program.

The Chairperson moved to approve Council Bill 9-2013. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1.

Amendment No. 1

(This amendment removes the reservation of development rights.)

In the title, strike “authorizing the County, under certain conditions, to transfer purchased development rights for a certain purpose; requiring the Department of Planning and Zoning to establish a process for such transfers;”.

On page 2, strike lines 5 through 31, inclusive, and in their entirety.

On page 7, in line 23, strike “EITHER” and strike “[[by]] OR ACQUIRED BY THE COUNTY THROUGH” and substitute “BY”.

The motion was seconded by Ms. Sigaty

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 9-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 9-2013 as amended passed.

Council Bill 10-2013 - AN ACT amending certain provisions related to nuisance suits against agricultural operations; amending certain definitions; clarifying the types of properties for which certain protection applies; requiring certain mediation; and generally related to nuisance suits against agricultural operations.

The Chairperson moved to approve Council Bill 10-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Bill 10-2013 passed.

Council Resolution 23-2013 - A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the resolution and shall remain in effect until changed or repealed by resolution of the County Council.

The Chairperson moved to approve Council Resolution 23-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Resolution 23-2013 passed.

The Chairperson moved for the Council to meet in a closed session pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i). The motion was seconded by Ms. Sigaty.

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

The motion for the Council to meet in a closed session pursuant to Annotated Code of Maryland, State Government Article, Section 10-508(a)(1)(i) passed.

The Session adjourned at 9:55 p.m.

Tabled

Council Resolution 150-2011 - A RESOLUTION proposing to add a section to Article VIII. "Centralized Purchasing" of the Howard County Charter to limit the exercise of the power of eminent domain so that the power is used only for public purposes and not for private economic development, and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Bill 8-2013 - AN ACT establishing a Watershed Protection and Restoration fund as a dedicated, non-lapsing, enterprise fund; specifying the purposes of the fund and allowing certain revenue to be deposited into the fund; allowing the fund to be used for certain purposes; establishing a Watershed Protection and Restoration Fee; establishing the method, frequency and enforcement of the collection of the Fee; setting forth certain provisions specific to particular types of properties; creating a certain credit and reimbursement program to adjust the amount of the Fee that certain properties will pay; allowing for certain adjustments; allowing for a certain Assistance Program; allowing certain appeals; authorizing the adoption of certain regulations; defining certain terms; amending certain definitions; providing for certain enforcement; and generally relating to the Watershed Protection and Restoration Program in Howard County.

Council Resolution 21-2013 - A RESOLUTION approving schedules for various charges related to the Watershed Protection and Restoration Fee including the impervious unit rate and the amounts for certain credit, reimbursement and assistance programs.