

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 5

03/28/2013

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:58** 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 Journals for Legislative Day No. 3, March 4, 2013 and Legislative Day No. 4, March 18, 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 Presentations – March 18, 2013, Legislative Public Hearing – March 18, 2013, and for the Legislative Work Session – March 18, 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.

The Chairperson moved to approve the minutes for the Quarterly Meeting with the Board of Education – March 19, 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.

The Chairperson moved to approve the minutes for the Legislative Work Session – March 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 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 31-2013 - 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.

Council Resolution 32-2013 - A RESOLUTION confirming the appointment of Ann H. Jones to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 33-2013 - A RESOLUTION confirming the appointment of Vivian M. Lawyer to the Personnel Board.

Council Resolution 34-2013 - A RESOLUTION confirming the reappointment of Ricky Bauer to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 35-2013 - A RESOLUTION confirming the reappointment of Howard Feaga to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 36-2013 - A RESOLUTION confirming the reappointment of Joshua D. Sullivan to the Human Rights Commission.

Financial

SAO8-FY2013 - AN ACT transferring \$18,908 from the Grants Fund, Contingency Reserve to

the Office of Transportation to reflect increased funding for the Work on Wheels grant program.

SAO9-FY2013 - AN ACT transferring \$770,000 from the General Fund, Contingency Reserve to the Department of Public Works for unanticipated expenses for snow removal.

General

Council Bill 12-2013 - AN ACT amending the Howard County Employees' Retirement Plan pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008; amending certain definitions; amending certain death benefits, disability benefits, and differential wage provisions for pension plan participants with military service; and generally relating to the Howard County Employees' Retirement Plan.

Council Bill 13-2013 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan pursuant to the Heroes Earnings Assistance and Relief Tax Act of 2008; amending certain definitions; amending certain death benefits, disability benefits, and differential wage provisions for pension plan participants with military service; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

Council Bill 14-2013 - AN ACT amending the Howard County Employees' Retirement Plan to define the term "spouse"; making certain technical corrections; and generally relating to the Howard County Employees' Retirement Plan.

Council Bill 15-2013 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to define the term "spouse"; making certain technical corrections; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

Council Resolution 28-2013 - A RESOLUTION to close a portion of Sterling Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

Council Resolution 29-2013 - A RESOLUTION to close a portion of Linden Church road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

Council Resolution 37-2013 - A RESOLUTION declaring that a total of approximately 6.149 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and (2) a certain open space parcel are 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 property to the homeowners association serving the adjacent property, Emerson Development HOA, LLC; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution 38-2013 - A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of

the Howard County Code, granting a variance for government uses from the structure and use setback for a fence on property located along Stephens Road and located in the Planned Employment Center Zoning District.

Council Resolution 39-2013 - 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.

Council Resolution 40-2013 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 23, 2013.

Council Resolution 41-2013 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on July 25, 2013.

FINAL CONSIDERATION

The Chairperson moved to table Council Resolutions 24, 25, 26, and 27- 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 Resolutions 24, 25, 26, and 27-2013 passed.

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.

The Chairperson moved to table Council Bill 11- 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 11-2013 passed.

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

The roll call vote called by the Chairperson on the motion to remove Council Bill 8- 2013 from the table was: Yea: Council Members Ball, Sigaty, and Terrasa. Nay: Fox and Watson.

The motion to remove Council Bill 8-2013 from the table passed.

The Chairperson moved to go into closed session to consult with counsel to obtain legal advice, as authorized under Section 10-508(a)(7). The motion was seconded by Ms. Sigaty.

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

The motion to go into closed session to consult with counsel to obtain legal advice on a legal matter, as authorized under Section 10-508(a)(7), Annotated Code of Maryland, State Government passed.

The Session closed at 4:50 p.m.

Present: Council members: Jen Terrasa, Mary Kay Sigaty, Calvin Ball, Greg Fox, Courtney Watson. Staff: Jim Vannoy, Office of Law; Stephen LeGendre, Council Administrator.

Topics discussed during the closed meeting: Council members received legal advice on voting requirements for a legislative action.

Action taken: None

The Chair reopened the Session at 5:00p.m and resumed the Legislative Session.

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 approve Council Bill 8-2013. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Sigaty

Amendment No. 1

(This amendment reflects State law exemptions.)

On page 9, in line 31 strike “OWNED BY” and substitute “EXEMPTED UNDER SECTION 4.202.1 OF THE ENVIRONMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND.”.

On page 10, strike lines 1 through 4, inclusive and in their entirety.

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. The motion was seconded by Ms. Sigaty

Amendment No. 2

(This amendment makes a technical change to conform a provision to language in State law.)

On page 11, in line 18, strike “ARE”.

On page 11, in line 19, after “MARYLAND” insert “ARE DEPOSITED INTO THE FUND”.

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

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3. The motion was seconded by Ms. Sigaty

Amendment No. 3

(This amendment allows for a credit for off-site best management practices and clarifies that best management practices shall be in accordance with the State's Design Manual.)

On page 14, in line 8 strike "AN ON-SITE" and substitute "A".

On page 14, in line 13, after "FACILITY" insert "AS DEFINED IN THE MARYLAND STORMWATER DESIGN MANUAL PUBLISHED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT".

The Chairperson moved to withdraw Amendment 3.

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

The motion to withdraw Amendment 3 passed.

The Chairperson moved to approve Amendment 4. The motion was seconded by Dr. Ball.

Amendment No. 4

(This amendment provides for a credit application fee.)

On page 14, in line 26, strike "AND".

Also on page 14, in line 29, strike the period and substitute ";AND".

Also on page 14, after line 29, insert:

"(4) BE ACCOMPANIED BY AN APPLICATION FEE OF \$75."

On page 15, in line 1, after "SHALL", insert "REFUND THE APPLICATION FEE AND".

The Chairperson moved to approve Amendment 1 to Amendment 4. The motion was seconded by Ms. Sigaty

Amendment No. 1 to Amendment 4

(This amendment provides for the application fee to be applied towards the amount of the fee assessment or refunded.)

On page 1, strike line 5 and substitute:

“On page 15, in line 3, after “COUNCIL” insert “AND THE APPLICATION FEE SHALL EITHER BE APPLIED TOWARDS THE FEE ASSESSMENT OR REFUNDED.””.

The Chair moved to withdraw Amendment 1 to Amendment 4.

The roll call vote called by the Chairperson on the motion to withdraw Amendment 1 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to withdraw Amendment 1 to Amendment 4 passed.

The Chairperson moved to approve a new Amendment 2 to Amendment 4. The motion was seconded by Dr. Ball.

Amendment No. 2 to Amendment 4

(This amendment provides for the application fee to be applied towards the amount of the applicant's tax account or refunded.)

On page 1, strike line 5 and substitute:

“On page 15, in line 3, after “COUNCIL” insert “AND THE APPLICATION FEE SHALL EITHER BE APPLIED TOWARDS THE APPLICANT’S TAX ACCOUNT OR REFUNDED.””.

The roll call vote called by the Chairperson on the motion to approve a new Amendment 2 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 to Amendment 4 passed.

The roll call vote called by the Chairperson on the motion to approve Amendment 4 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 4 as amended passed.

The Chairperson moved to approve Amendment 5. The motion was seconded by Ms. Watson.

Amendment No. 5

(This amendment requires a statement to be included with bills.)

On page 16, in line 18, after “FEE” insert: “THE DEPARTMENT OF FINANCE SHALL INCLUDE A FOOTNOTE ON EACH BILL THAT INDICATES THAT THE IMPOSITION OF A WATERSHED PROTECTION FEE IS REQUIRED BY THE MARYLAND GENERAL ASSEMBLY THROUGH CHAPTER 151 OF 2012 (HB 987).”

The Chairperson moved to approve Amendment 1 to Amendment 5. The motion was seconded by Mr. Fox.

Amendment No. 1 to Amendment 5

(This amendment adds a time period for when the notice is included on bills.)

On page 1, in line 1, strike “THE” and substitute “FOR THE FIRST THREE YEARS OF THE FEE, THE”. Also on page 1, in line 4, immediately after “987)” insert “AND MORE INFORMATION CAN BE FOUND IN THE ATTACHED INSERT.”

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

The motion to approve Amendment 1 to Amendment 5 passed.

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

The motion to approve Amendment 5 as amended passed.

The Chairperson moved to approve Amendment 6. The motion was seconded by Ms. Watson.

Amendment No. 6

(This amendment alters the application of a lien so that an unpaid fee does not subject the property to a tax sale.)

On page 16, strike lines 26 through 31 in their entirety and substitute:

“(D) COLLECTION; ENFORCEMENT. IF NOT PAID, THE FEE CHARGED PURSUANT TO THIS SUBTITLE SHALL BE A LIEN AGAINST THE PROPERTY, AND SHALL BE COLLECTIBLE IN THE SAME MANNER AS ANY CIVIL MONEY JUDGMENT OR DEBT MAY BE COLLECTED. THE UNPAID FEE SHALL ACCRUE PENALTIES AT THE SAME RATE AND IN THE SAME MANNER AS THE ACCRUAL OF INTEREST AND PENALTIES FOR UNPAID REAL PROPERTY TAXES.”

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

The motion to approve Amendment 6 failed.

The Chairperson moved to approve Amendment 8. The motion was seconded by Ms. Watson.

Amendment No. 8

(This amendment expands the financial hardship program.)

On page 17, in line 21, strike “RESIDENTIAL”.

Also on page 17, in line 29, strike “INDIVIDUAL” and substitute “APPLICANT”.

On page 18, strike lines 1 through 8 in their entirety and substitute:

“(I) THE APPLICANT IS AN INDIVIDUAL WHO:

1. OWNS RESIDENTIAL PROPERTY FOR WHICH THE WATERSHED PROTECTION AND RESTORATION FEE APPLIES;

2. HAS AN INCOME OF 250 PERCENT OR LESS OF THE POVERTY LEVEL, AS ESTABLISHED BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, AND ADJUSTED FOR FAMILY SIZE; AND

3. ON JULY 1 OF THE YEAR IN WHICH APPLICATION IS MADE, RESIDES IN THE PROPERTY WHICH IS SUBJECT TO THE WATERSHED PROTECTION AND RESTORATION FEE; OR

(II) THE APPLICANT OWNS NONRESIDENTIAL PROPERTY THAT MEETS THE CRITERIA THAT THE COUNTY EXECUTIVE SETS BY EXECUTIVE ORDER DEMONSTRATING THAT A REDUCTION IN THE WATERSHED PROTECTION AND RESTORATION FEE IS NECESSARY TO AVOID SUBSTANTIAL FINANCIAL HARDSHIP.”

Ms. Sigaty moved to approve Amendment 1 to Amendment 8. The motion was seconded by Chairperson Terrasa.

Amendment No. 1 to Amendment 8

(This amendment alters the language applicable to non-residential properties for purposes of a hardship adjustment.)

Strike lines 13 through 16 in their entirety and substitute:

“(II) THE APPLICANT OWNS NON-RESIDENTIAL PROPERTY AND MEETS THE SUBSTANTIAL HARDSHIP CRITERIA FOR A FEE ADJUSTMENT TO THE WATERSHED PROTECTION AND RESTORATION FEE THAT THE COUNTY MAY SET BY REGULATION.”

Ms. Sigaty moved to withdraw Amendment 1 to Amendment 8.

Ms. Sigaty moved to approve a new Amendment 2 to Amendment 8. The motion was seconded by Chairperson Terrasa.

Amendment No. 2 to Amendment 8

(This amendment alters the language applicable to non-residential properties for purposes of a

hardship adjustment.)

Strike lines 13 through 16 in their entirety and substitute:

“(II) THE APPLICANT OWNS NON-RESIDENTIAL PROPERTY AND MEETS THE SUBSTANTIAL HARDSHIP CRITERIA FOR A FEE ADJUSTMENT OR OTHER MEASURES TO THE WATERSHED PROTECTION AND RESTORATION FEE THAT THE COUNTY MAY SET BY REGULATION.”.

The roll call vote called by the Chairperson on the motion to approve a new Amendment 2 to Amendment 8 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 to Amendment 8 passed.

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

The motion to approve Amendment 8 as amended passed.

The Chairperson moved to approve Amendment 9. The motion was seconded by Ms. Watson.

Amendment No. 9

(This amendment requires a report with certain information.)

On page 18, in line 25, after “SECTION 20.1111.”, insert:

“REPORT.

(A) WITH THE COOPERATION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS AND THE DIRECTOR OF THE DEPARTMENT OF FINANCE, THE ADMINISTRATOR OF THE OFFICE OF ENVIRONMENTAL SUSTAINABILITY SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL THAT INCLUDES:

(1) ANY INFORMATION REQUIRED BY § 4-202.1(i) OF THE ENVIRONMENT ARTICLE OF THE MARYLAND CODE;

(2) FINANCIAL DATA REGARDING:

(i) THE IMPOSITION, COLLECTION, AND DISPOSITION OF THE WATERSHED PROTECTION AND RESTORATION FEE;

(ii) THE WATERSHED PROTECTION AND RESTORATION FUND, INCLUDING

BALANCES, DEPOSITS, AND DISBURSEMENTS;

(II) PROGRAM COSTS;

(3) INFORMATION ABOUT REIMBURSEMENTS AND GRANTS;

(4) THE NUMBER OF APPEALS AND WHETHER THE KINDS OF APPEALS SUGGESTS THAT
CHANGES TO LAW OR PROCEDURES ARE INDICATED;

(5) INFORMATION ABOUT APPLICATIONS FOR CREDITS AND CREDIT AWARDS; AND

(6) ANY PROGRAM RECOMMENDATIONS.

(B) THE ADMINISTRATOR SHALL SUBMIT THE REPORT ANNUALLY ON OR BEFORE MARCH 1 FOR THE
PRECEDING CALENDAR YEAR.

SECTION 20.1112 . ”.

The Chairperson moved to approve Amendment 1 to Amendment 9. The motion was seconded by Ms. Sigaty.

Amendment No. 1 to Amendment 9

(This amendment adds an additional reporting category.)

In line 18, strike “AND”.

In line 19, after “(6)” insert “INFORMATION ABOUT APPLICATIONS FOR THE FEE ASSISTANCE PROGRAM
AND RECOMMENDATIONS FOR PROGRAM IMPROVEMENTS, WITH A FOCUS IN THE FIRST YEAR ON THE
FEASIBILITY OF ESTABLISHING A FEE ASSISTANCE PROGRAM FOR NON-RESIDENTIAL PROPERTY OWNERS;

AND

(7)”.

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

The motion to pass Amendment 1 to Amendment 9 passed.

The Chairperson moved to approve Amendment 2 to Amendment 9. The motion was seconded by Ms. Sigaty

Amendment No. 2 to Amendment 9

(This amendment alters the date for the first report.)

After line 22 insert:

“On page 19, before line 1, insert:

Section 2, And Be It Further Enacted by the County Council of Howard County, Maryland, that the first report required by Section 1 of this Act shall be due March 1, 2015, and shall include information on the time period beginning on July 1, 2013, and ending on December 31, 2014.

Also on page 19, in line 1, strike “2” and substitute “3”.”

The roll call vote called by the Chairperson on the motion to approve Amendment 2 to Amendment 9 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson.

The motion to pass Amendment 2 to Amendment 9 passed.

The Chairperson moved to approve Amendment 3 to Amendment 9. The motion was seconded by Ms. Sigaty.

Amendment No. 3 to Amendment 9

(This amendment adds additional reporting criteria.)

In line 18, strike “AND” and insert:

“(6) YEAR OVER YEAR TAX DELINQUENCY DATA AS WELL AS THE NUMBER OF PROPERTIES, IF ANY, IN TAX DELINQUENCY WHERE THE AMOUNT DELINQUENT MAY BE RELATED TO THE STORMWATER FEE;”.

Renumber the section accordingly.

The roll call vote called by the Chairperson on the motion to approve Amendment 3 to Amendment 9 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson.

The motion to pass Amendment 3 to Amendment 9 passed.

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

The motion to approve Amendment 9 as amended passed.

The Chairperson moved to suspend the rules to allow for a late filed amendment. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion suspend the rules to allow for a late filed amendment was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson.

The motion to suspend the rules passed.

The Chairperson moved to approve Amendment 10. The motion was seconded by Ms. Sigaty.

Amendment No._10__

(This amendment clarifies credit adjustments.)

On page 14, strike in their entirety lines 8 and 9 and substitute “.”.

On the same page, strike beginning with “FOR” on line 11 down through “FACILITY” in line 13 and substitute:

“IF THE OWNER MAKES AN INVESTMENT IN A STORMWATER BEST MANAGEMENT PRACTICE AS DEFINED IN THE MARYLAND STORMWATER DESIGN MANUAL PUBLISHED BY THE MARYLAND DEPARTMENT OF THE ENVIRONMENT.”

On page 15, in line 2, after “CREDIT”, insert “RELATED TO THAT PORTION OF THE IMPERVIOUS”

AREA ON A PROPERTY THAT DRAINS TO AN ELIGIBLE BEST MANAGEMENT PRACTICE FACILITY.”

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

The motion to approve Amendment 10 passed.

Mr. Fox moved to table Council Bill 8- 2013. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to table Council Bill 8- 2013 was: Yea: Council Members Fox and Watson. Nay: Council Members Ball, Sigaty, and Terrasa.

The motion to table Council Bill 8-2013 failed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 8-2013, as amended, was: Yea: Council Members Ball, Sigaty, Terrasa and Watson. Nay: Fox.

The motion to approve Council Bill 8-2013, as amended, passed.

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

The roll call vote called by the Chairperson on the motion to remove Council Resolution 21- 2013 from the table was: Yea: Council Members Ball, Sigaty, Terrasa, and Watson. Nay: Fox.

The motion to remove Council Resolution 21-2013 from the table 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 approve Amendment 1. The motion was seconded by Dr. Ball.

Amendment No. 1

(This amendment alters the impervious unit rate.)

On the first page of the attachment, strike “\$7.80” and substitute “\$15.00”.

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

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Sigaty.

Amendment No. 2

(This amendment adds a reference to a best management practice.)

On the second page of the attachment, in the third line of paragraph 3, after “landscaping, ” insert “sheet flow to conservation areas,”.

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

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3. The motion was seconded by Ms. Sigaty.

Amendment No. 3

(This amendment authorizes a credit for the holder of certain permits.)

On the second page of the attachment, insert a new paragraph (3) as follows:

“3. A property owner is eligible for a credit of 50% of the Watershed Protection and Restoration Fee if the property is subject to (a) a National Pollutant Discharge Elimination System (NPDES) permit regulating stormwater or (b) an industrial stormwater permit that requires the management of 20% of the uncontrolled impervious area on the parcel.” .

Renumber the subsequent paragraphs on the page.

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

The motion to approve Amendment 3 passed.

The roll call vote called by the Chairperson on the motion to approve Council Resolution 21-2013, as amended, was: Yea: Council Members Ball, Sigaty, and Terrasa. Nay: Fox and Watson.

The motion to approve Council Resolution 21-2013, as amended 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) (7)*. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion to meet in a closed session was: Yea: Council Members Ball, Sigaty, Terrasa, and Watson. Abstain: Fox.

The motion for the Council to meet in a closed session pursuant to *Annotated Code of Maryland, State Government Article, Section 10-508(a) (7)* passed.

The Session adjourned at 7:23 p.m.

Present for the Closed Session: Council members: Jen Terrasa, Mary Kay Sigaty, Calvin Ball, Courtney Watson. Staff: Stephen LeGendre, Council Administrator; Margaret Ann Nolan, Melissa Whipkey, Office of Law.

Topic of discussion: PSC case No. 9291 and pertinent legal advice.

Action taken: None

The session was reopened and adjourned at: 9:59 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 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.

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.