

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

**Legislative Day No. 8
06/03/2013**

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:32** 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.

Sheila Tolliver, Administrator to the County Council; James Vannoy, Assistant County Attorney; Paul Johnson, Deputy County Solicitor; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journals for Legislative Day No. 6, May 6, 2013 and Legislative Day No. 7, May 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 the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Operating Budget Work Session – May 20, 2013 and Legislative Public Hearing – May 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 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 80-2013 - A RESOLUTION Confirming the reappointment of Jay H. Blackman to the Board of Directors of the Economic Development Authority.

Council Resolution 81-2013 - A RESOLUTION Confirming the reappointment of Barry C. Curtis to the Board of Directors of the Economic Development Authority.

Council Resolution 82-2013 - A RESOLUTION Confirming the reappointment of Dawn Marie Duignan, LCSW-C to the Howard County Local Children's Board.

Council Resolution 83-2013 - A RESOLUTION Confirming the reappointment of Lisa S. Spitulnik to the Public Works Board.

General

Council Bill 32-2013 - AN ACT Adopting the 2013 Comprehensive Zoning Plan of Howard County in order to adopt the Howard County Zoning Maps and amend the Howard County Zoning Regulations , which include requirements related to zoning districts, permitted uses, accessory uses, temporary uses, nonconforming uses, conditional uses, design standards, density, lot size, building height limits, setbacks, parking, and supplementary regulations; and generally relating to zoning and land use in Howard County.

Council Bill 33-2013 - AN ACT Amending the Howard County Zoning Regulations to allow certain breweries as a matter of right in the M-1 (Manufacturing: Light) District and the M-2 (Manufacturing: Heavy) District; and generally relating to the Howard County Zoning Regulations.

Council Bill 34-2013 - AN ACT Amending moderate income housing unit provisions to allow a mix of low and moderate income units under certain conditions; defining certain terms; setting forth the number of required low and moderate income units; establishing certain rental rates and purchase prices; and generally related to moderate income housing units in Howard County.

Council Bill 35-2013 - AN ACT Amending moderate income housing unit provisions to allow certain alternatives to the moderate income housing unit obligation in certain zoning districts; allowing a developer to substitute moderate income housing units by purchasing, rehabilitating, and offering for sale certain existing housing units that are in foreclosure under certain conditions; allowing the substitution of units by offering a certain number of units to certain eligible low-income purchasers who have a certain annual household income; allowing a fee-in-lieu under certain conditions; and generally related to moderate income housing units in Howard County.

Council Bill 36-2013 - AN ACT Increasing the amount of the tax credit available for the restoration and preservation of certain eligible historic properties; increasing the number of years that any unused portion of the tax credit may be carried forward; providing for the application of this Act; and generally related to Howard County tax credits.

Council Resolution 84-2013 - A RESOLUTION Introduced by Courtney Watson, at the request of Linwood Center, Inc. - Endorsing an application by Linwood Center, Inc. to the Maryland Department of Housing and Community Development's Community Investment Tax Credit program providing tax credits for individuals who donate to certain 501(c)(3) organizations.

Council Resolution 85-2013 - A RESOLUTION declaring that a total of approximately .1596 acres of real property maintained by Howard County and identified as a portion of the right-of-way of Dorsey Run Road is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to Savage Towne Centre Ventures, 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 86-2013 - A RESOLUTION Adopting the Housing Unit Allocation Chart for Fiscal Year 2014 pursuant to the Adequate Public Facilities Act of Howard County.

Council Resolution 87-2013 - A RESOLUTION Adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development.

Council Bill 37-2013 - AN ACT Introduced by Greg Fox - Establishing a Watershed Protection and Restoration Fee for certain religious institutions, noncollegiate educational institutions, community service partners, and properties outside the planned service area for water and sewerage; and generally relating to the Watershed Protection and Restoration Program in Howard County.

Council Member Ball moved to reject CB37-2013 upon introduction. The motion was seconded by Ms. Sigaty.

The Council Members discussed.

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

The motion to reject CB37-2013 upon introduction passed.

The Chairperson called a short recess at **8:03** p.m.

The Chairperson called the legislative session back to order at **8:17** p.m.

The Chairperson moved to allow the reading of legislation by short title on Final Consideration. 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 allow the reading of legislation by short title on Final Consideration passed.

FINAL CONSIDERATION

Consent

Council Resolution No. 42-2013 - A RESOLUTION Confirming the appointment of Renee Bitner, R.N., to the Adult Public Guardianship Review Board.

Council Resolution No. 43-2013 - A RESOLUTION Confirming the appointment of Pamela Blackwell, M. Ed., LCPC to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 44-2013 - A RESOLUTION Confirming the appointment of Sandy Cederbaum to the Advisory Board on Consumer Affairs.

Council Resolution No. 45-2013 - A RESOLUTION Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

Council Resolution No. 46-2013 - A RESOLUTION Confirming the appointment of Ian Kennedy to the Housing Commission.

Council Resolution No. 47-2013 - A RESOLUTION Confirming the appointment of Mark S. Kimberling to the Historic District Commission.

Council Resolution No. 48-2013 - A RESOLUTION Confirming the appointment of Ralph Paez to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 50-2013 - A RESOLUTION Confirming the appointment of Shannon Taitt to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 52-2013 - A RESOLUTION Confirming the reappointment of Astamay Curtis to the Public Transportation Board.

Council Resolution No. 53-2013 - A RESOLUTION Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

Council Resolution No. 54-2013 - A RESOLUTION Confirming the reappointment of Elizabeth Menachery, M.D. to the Adult Public Guardianship Review Board.

Council Resolution No. 55-2013 - A RESOLUTION Confirming the reappointment of Jason Michaelson to the Advisory Board on Consumer Affairs.

Council Resolution No. 57-2013 - A RESOLUTION Confirming the reappointment of Timothy G. Wolf to the Adult Public Guardianship Review Board.

Council Resolution No. 58-2013 - A RESOLUTION Appointing the members of the Compensation Review Commission; providing that the Commission shall set the compensation and allowances of the County Council to be elected in November 2014 by resolution adopted no later than December 16, 2013; providing that the Commission shall make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2014; and providing that the commission shall terminate on April 30, 2014.

The Chairperson moved to approve Council Resolutions 42, 43, 44, 45, 46, 47, 48, 50, 52, 53, 54, 55, 57 and 58-2013. 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.

Other
Appointments

Council Resolution No. 56-2013 - A RESOLUTION Approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board.

The Chairperson moved to approve Council Resolutions 56-2013. 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 clarifies that this is a reappointment, not an initial appointment.)

On page 1, in line 9, strike “appointment” and substitute “reappointment”.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 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 Resolution 56-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolutions 56-2013 as amended passed.

Council Resolution No. 49-2013 - A RESOLUTION Confirming the appointment of Stephen M. Rice to the Public Transportation Board.

Council Resolution No. 51-2013 - A RESOLUTION Confirming the appointment of Sharonlee Vogel to the Adult Public Guardianship Review Board.

The Chairperson moved to table Council Resolutions 49 and 51-2013. 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 49 and 51-2013 passed.

Financial

Council Resolution 78-2013 – A RESOLUTION Approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2013; transferring \$106,150 to the Student Personnel Services category; transferring \$780,000 to the Instruction Salaries Category; transferring \$1,710,000 to the Fixed Charges category; transferring \$300,000 to the Administration category; and transferring \$844,200 to the Textbooks and Instructional Supplies category.

The Chairperson moved to approve Council Resolution 78-2013. 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 78-2013 passed.

General

Council Bill No. 16-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the Howard County Public Safety Dispatchers Association that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the Howard County Public Safety Dispatchers Association that will be effective through the end of Fiscal Year 2015 and that includes payment of certain compensation in future fiscal years; and providing for the application of this Act.

The Chairperson moved to approve Council Bill 16-2013. 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 16-2013 passed.

Council Bill No. 17-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer’s Association, Lodge 21, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; and providing for the application of this Act.

Council Bill No. 18-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor’s Alliance that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; and providing for the application of this Act.

Council Bill No. 19-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 1810, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 1810, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2015 and that includes payment of certain compensation in future fiscal years; and providing for the application of this Act.

The Chairperson moved to approve Council Bills 17, 18 and 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 Council Bills 17, 18 and 19-2013 passed.

Council Bill No. 20-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2015 and that includes payment of certain compensation in future fiscal years; and providing for the application of this Act.

The Chairperson moved to approve Council Resolution No. 20-2013. 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 adds language providing that, in case of any conflict between the Agreement and the FY 2013 Pay Plan, the Agreement’s FY 2013 pay scale takes precedence.)

On page 1, in line 16, after “during”, insert “Fiscal Year 2013 (July 1, 2012 to June 30, 2013).”.

On page 2, after line 16, insert:

“Section 5. And Be It Further Enacted by the County Council of Howard County, Maryland that, in case of any conflict between the Agreement and the Fiscal Year 2013 Pay Plan, the Agreement’s pay scale for Fiscal Year 2013 for members of the American Federation of State, County and 27 Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO shall take precedence.”

On the same page, in line 17, strike “5” and substitute “6”.

The roll call vote called by the Chairperson on the motion to approve Amendment 1 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 substitutes a revised Exhibit 1 in order to remove an exhibit (Option B, Exhibit 1 on page 40 of the agreement as prefiled) and to correct the table of contents to reflect the removed exhibit.)

Remove the Memorandum of Agreement, attached to the Bill as Exhibit 1, and substitute a revised Memorandum of Agreement, as attached to this amendment.

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 roll call vote called by the Chairperson on the motion to approve Council Bill 20-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 20-2013 as amended passed.

Council Bill No. 21-2013 – AN ACT Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3888, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3888, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2015 and that includes payment of certain compensation in future fiscal years; and providing for the application of this Act.

The Chairperson moved to approve Council Resolution No. 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 Council Bill No. 21-2013 passed.

Council Bill No. 22-2013 – AN ACT Amending the eligibility requirements for the water/sewer connection financing program; setting forth the purpose and applicability of the program; making certain technical corrections; and generally related to the water/sewer connection financing program.

The Chairperson moved to approve Council Bill No. 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 Bill No. 22-2013 passed.

Council Resolution No. 59-2013 - Pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a non-exclusive maintenance easement, a retaining wall easement, and a non-exclusive access easement, collectively comprising a total of 0.1973 acres, to CSX Transportation, Inc. on property owned by the County known as Parking Lot B located on Main Street in Ellicott City; 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 grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to approve Council Resolution No. 59-2013. 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 No. 59-2013 passed.

Council Resolution No. 60-2013 - Endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County and certifying that the project is consistent with the County's plan for economic development.

The Chairperson moved to approve Council Resolution No. 60-2013. 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 No. 60-2013 passed.

Council Resolution No. 79-2013 - Introduced by, The Chair - Approving the hearing procedures for the Howard County Council's comprehensive zoning effort.

The Chairperson moved to approve Council Resolution No. 79-2013. 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 would change the notification provision for new map amendment requests from certified letters to posting of the subject property; and other minor changes).

On page 2 of the Hearing Procedures attached to the resolution, strike item number 6, in its entirety, and substitute the following:

“6. **Consideration of New Map Amendment Requests.** Any proposed amendment to the proposed zoning map as part of the adoption of a Comprehensive Zoning Ordinance which was not previously proposed, considered or recommended by the Department of Planning and Zoning or the Planning Board shall only be considered by the County Council upon an affirmative vote of two-thirds of the members of the Council. Any person requesting such an amendment shall post the property which is the subject of the request within 72 hours of the introduction of the proposed amendment, with the date, time and location of the hearing on the request. This provision shall not apply to text amendments and noncompliance shall not constitute a basis for setting aside a zoning decision.”

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

Amendment No. 1 to Amendment No. 1

(This amendment adds the requirement of sending notice by certified mail to adjoining property owners to the notice requirement).

On page 1, in line 9, immediately after “shall” insert “send a certified letter to adjoining property owners and”.

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 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

The roll call vote called by the Chairperson on the motion to approve Council Resolution 79-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolutions 79-2013 passed.

The Chairperson moved to remove Council Bill No. 11-2013 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 Bill No. 11-2013 from the table passed.

Council Bill No. 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 approve Council Bill No. 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, Sigaty, Terrasa and Watson. Recused: Council Member Fox

The motion to approve Council Bill No. 11-2013 passed.

Adjourned: 8:36 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 No. 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.