

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 9

07/01/2013

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **8:06** 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. 8, June 3, 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 Comprehensive Zoning Work Session – Central – June 17, 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 Comprehensive Zoning Work Session – June 19, 2013 and Comprehensive Zoning Public Hearing – June 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 Comprehensive Zoning Work Session – June 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.

The Chairperson moved to approve the minutes for the Comprehensive Zoning Work Session and Public Hearing - West – June 24, 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 Comprehensive Zoning Work Session – June 25, 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. Abstain: Council Member Fox

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Comprehensive Zoning Work Session – June 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, Sigaty, and Terrasa. Abstain: Council Members Fox and Watson

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Comprehensive Zoning Work Session – June 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 approve the minutes passed.

The Chairperson moved to approve the minutes for the Comprehensive Zoning Work Session – June 28, 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 suspend the rules to allow the introduction of a resolution and a bill that were not prefiled.

Council Resolution No. 92-2013 - Introduced by, Chairperson at the request of the Community Action Council of Howard County - Endorsing an application by the Community Action Council of Howard County 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.

Transfer of Appropriation Ordinance No 2- Fiscal Year 2014 – transferring \$1,000,000 in grant funding from Capital Project C0214, Contingency Fund, to H2014, Highway Resurfacing

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 suspend the rules passed.

The Chairperson moved to allow the reading of the bills by short titles on third reading. 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 readying of short titles passed.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Financial

Transfer of Appropriation Ordinance No. 1-FY2014 - Transferring \$1,400,000 in Pay As You Go funding to the Board of Education's capital project E0980, Systemic Renovations.

Council Resolution No. 89-2013 - Approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2014; transferring a total of \$5,213,460 to the Fixed Charges category; removing \$1,400,000 from the Maintenance of Plant category; amending the Operating Budget for Fiscal Year 2014 as reflected in Council Resolution No. 64-2013; and generally relating to the Board of Education Operating Budget for Fiscal Year 2014.

Transfer of Appropriation Ordinance No 2- Fiscal Year 2014 – transferring \$1,000,000 in grant funding from Capital Project C0214, Contingency Fund, to H2014, Highway Resurfacing

General

Council Bill No. 38-2013 - Amending the Watershed Protection and Restoration Fee to require that the fee schedule adopted by the County Council include an impervious surface rate and rates for residential properties; to provide that certain agricultural properties shall be charged the residential rate under certain conditions; to allow for certain credits for certain nonprofit entities; to clarify the Assistance Program as it relates to nonprofit entities and nonresidential properties; and generally relating to the Watershed Protection and Restoration Fee.

Council Bill No. 39-2013 - Introduced by, Greg Fox - Modifying the Watershed Protection and Restoration Fee for certain religious institutions, noncollegiate educational institutions, community service partners, certain historic properties, properties outside the planned service area for water and sewerage, certain swim clubs, and certain amateur athletic fields; providing a certain cap on the Fee County-wide; providing for a certain phase-in of the Fee; and generally relating to the Watershed Protection and Restoration Program in Howard County.

Council Bill No. 40-2013 - Introduced by, Greg Fox - Amending the PlanHoward 2030 by adjusting the Planned Service Area boundary of the Master Plan for Water and Sewerage to remove a specified area; by denoting a specified area as being in a specified Growth Tier, and generally relating to the PlanHoward 2030.

Council Bill No. 41-2013 - Required by the Federal Emergency Management Agency, amending

floodplain regulations in the Howard County Code in order to remain eligible for the National Flood Insurance Program; defining certain terms; amending certain definitions; clarifying certain provisions; making certain technical corrections; clarifying certain prohibitions against the storage of materials in a floodplain; setting forth the statutory authority and purposes of floodplain regulations; providing that a stricter law shall govern if there is a conflict of law; providing a basis for establishing special flood hazard areas and base flood elevations; providing for the use and interpretation of Flood Insurance Rate Maps; setting forth certain requirements for certain types of development in the floodplain under certain conditions and subject to certain limitations; requiring certain permits consistent with current requirements; requiring certain information to be submitted with a permit application; providing for certain disclaimers and warnings; establishing the role, duties and responsibilities of the Floodplain Administrator; requiring certain conditions when a development is going to affect the flood-carrying capacity of nontidal waters; requiring that certain subdivision and development proposals minimize flood damage; providing for certain enforcement authority; clarifying certain variance criteria; and generally relating to floodplain regulations in the Howard County Code.

Council Resolution No. 88-2013 - Approving schedules for various charges related to the Watershed Protection and Restoration Fee including a rate for residential properties; clarifying credits for nonprofit entities, and setting forth certain assistance amounts that apply to nonresidential properties.

Council Resolution No. 90-2013 - Approving an application by Barrow Family, LLC to sell an agricultural land preservation easement on their property, located on the north side of Old Frederick Road in Sykesville, Howard County, Maryland at Tax Map 8, Parcel 164 and consisting of approximately 74.06 acres to the Maryland Agricultural Land Preservation Foundation.

Council Resolution No. 91-2013 - Authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with Security Development Corporation, a Maryland corporation, for the construction of road improvements to realign the intersection of Ilchester Road and Landing Road.

Council Resolution No. 92-2013 - Introduced by, Chairperson at the request of the Community Action Council of Howard County - Endorsing an application by the Community Action Council of Howard County 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.

Final Consideration

Consent

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.

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 approve Council Resolutions 80, 81, 82, 83, 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 passed.

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.

The Chairperson moved to consider in accordance with Section 16.203(c)(8) of the County Code, Amendment 21, submitted at the request of Hasa and Huseyin Ozcan, to change zoning from R-20 to B-1 on property at 10207 Baltimore National Pike.

The motion was seconded by Ms. Sigaty.

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

The motion failed.

The Chairperson moved to consider in accordance with Section 16.203(c)(8) of the County Code, Amendment 22, submitted at the request of Robert and Joyce Orndorff to change from RR-DEO to B-2 a property at 4844 Greens Bridge Road.

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 passed.

The Chairperson moved to consider Amendment 23, submitted at the request of Lois Peters to change from RR-MXD-3 to CCT a property at 11584 Scaggsville Road. 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 passed.

The Chairperson moved to consider Amendment 24, submitted at the request of Liu Vifan and Yideng Liung to change from RR-DEO to CCT a property at 7590 Sanner Road, Amendment 25, submitted at the request of Jeffrey and Joan Smith to change from RR-DEO to CCT the zoning on property at 7582 Sanner Road, and Amendment 26, submitted at the request of Azur Sasson to change from RR-DEO to CCT the zoning on property at 7598 Sanner Road. 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. Nays: Council Members Terrasa and Watson.

The motion failed.

The Chairperson moved to consider Amendment 56, submitted by Greg Fox, to add a property at 2890 McKendree Avenue and propose a change from RR-DEO zoning to B-1.

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 passed.

The Chairperson moved to suspend the rules to allow consideration of amendments that were filed after the prefile deadline. These include Amendments 20 through 29 and 31 through 60, inclusive. 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 passed.

The Chairperson moved to table Council Bill 32-2013. 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.

Council Bill 32-2013 was tabled.

The Chairperson moved to hold hearings on proposed amendments to Council Bill 32-2013 on July 15 at 3:30 p.m. in the Bannekar Room and on July 16 at 6:30, also in the Bannekar Room. 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 passed.

The Chairperson moved to consider Amendment 32 to Council Bill 32-2013. 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 passed.

The Chairperson moved to consider Amendment 49 to Council Bill 32-2013. 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 passed.

The Chairperson moved to suspend the rules to allow consideration of Amendments 32 and 49, which were not prefiled. 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 passed.

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.

The Chairperson moved to approve Council Bill 33-2013. The motion was seconded by Ms. Sigaty.

The Chairperson moved approve Amendment 1 to Council Bill 33-2013.

Amendment No. 1

(This amendment alters the cap on breweries permitted as a matter of right in the M-1 and M-2 zoning districts.)

On page 1, in line 28, strike “10,000 BARRELS” and substitute “22,500 BARRELS”.

On page 2, in line 8, strike “10,000 BARRELS” and substitute “22,500 BARRELS”.

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 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 33-2013 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill 33-2013 as amended passed.

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.

The Chairperson moved to approve Council Bill 34- 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.

Council Bill 34-2013 passed.

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.

The Chairperson moved to table Council Bill 35-2013. 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.

Council Bill 35-2013 was tabled.

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.

The Chairperson moved to approve Council Bill 36-2013. 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.

Council Bill 35-2013 passed.

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.

The Chairperson moved to approve Council Resolution 84-2013. 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.

Council Bill 35-2013 passed.

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.

The Chairperson moved to approve Council Resolution 85-2013. The motion was seconded by Ms. Sigaty.

The Chairperson moved to suspend the rule to allow the introduction of Amendment 1, which was not prefiled. The motion was seconded by Ms. Sigaty.

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

The motion to suspend the rules passed.

The Chairperson moved to approve Amendment 1 to Council Resolution 85-2013.

Amendment No. 1

(This amendment is a minor revision reflecting the fact that

the correct recipient of the right-of-way should be Annapolis Junction Town Center, LLC, instead of Savage Towne Centre Ventures, LLC.)

In the introduction section, strike “Savage Towne Centre Ventures, LLC” and replace with “Annapolis Junction Town Center, LLC”.

On page 2, line 15, strike “Savage Towne Centre Ventures, LLC” and replace with “Annapolis Junction Town Center, LLC”.

On page 2, lines 19-20, strike “Savage Towne Centre Ventures, LLC” and replace with “Annapolis Junction Town Center, LLC”.

On page 2, line 26, strike “Savage Towne Centre Ventures, LLC” and replace with “Annapolis Junction Town Center, LLC”.

The motion was seconded by Ms. Sigaty.

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

The amendment passed.

The roll call vote called by the Chairperson on Council Resolution 85-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Resolution 85-2013 as amended passed.

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.

The Chairperson moved to approve Council Resolution 86-2013. The motion was seconded by Ms. Sigaty.

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

The Council Resolution 86-2013 passed.

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.

The Chairperson moved to approve Council Resolution 87-2013. The motion was seconded by Ms. Sigaty.

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

The Council Resolution 87-2013 passed.

The Council adjourned at 8:58 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 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.