

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2013 Legislative Session

Legislative Day No. 12

10/07/2013

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:51** p.m.

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

Greg Fox, Council Member, was absent.

Sheila Tolliver, Administrator to the County Council; and Jennifer Sager, Legislative Coordinator, Margaret Ann Nolan, Office of Law, Jim Vannoy, Office of Law and Theodore Wimberly, Senior Administrative Analyst were also present.

APPROVE JOURNAL

Chairperson moved to approve the Journal of 9/03/2013. Before the second to the motion was offered the Chairperson withdrew the motion to approve the Journal and announced that it will be voted on at the next legislative session.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the - Monthly Meeting – September 9, 2013
[Greg and Calvin were absent]

The motion was seconded by Ms. Sigaty.

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

Abstained: Ball

Absent: Fox

The motion to approve the minutes passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing – September 16,

2013, Legislative Breakfast, Board of Education – September 17, 2013 and Legislative Work Session – September 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, Sigaty, Terrasa, and Watson

Absent: Fox

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 No. 122-2013 - Confirming the appointment of Phillip Adejumo to the Human Rights Commission.

Council Resolution No. 123-2013 - Confirming the appointment of J. Michael Bennett to the Cemetery Preservation Advisory Board.

Council Resolution No. 125-2013 - Confirming the appointment of Eileen Diggs to the Board of Social Services.

Council Resolution No. 126-2013 - Confirming the appointment of Fred Dorsey to the Cemetery Preservation Advisory Board.

Council Resolution No. 127-2013 - Confirming the appointment of Katherine Elicker to the Environmental Sustainability Board.

Council Resolution No. 129-2013 - Confirming the appointment of Edward Plitt to the Cemetery Preservation Advisory Board.

Council Resolution No. 131-2013 - Confirming the appointment of Lee Preston, Jr., to the Cemetery Preservation Advisory Board.

Council Resolution No. 132-2013 - Confirming the appointment of Rizwan Siddiqi to the Environmental Sustainability Board.

Council Resolution No. 124-2013 - Confirming the reappointment of Kevin Carlson, M.D., to the Health Board.

Council Resolution No. 128-2013 - Confirming the reappointment of Carole MacPhee to the Housing Commission.

Council Resolution No. 130-2013 - Confirming the reappointment of Deb Poquette to the Ethics Commission.

Council Resolution No. 133-2013 - Confirming the reappointment of Don Taylor to the Design Advisory Board.

Council Resolution No. 134-2013 - Confirming the reappointment of Peggy White to the Design Advisory Board.

Council Resolution No. 135-2013 - Introduced by: The Chairperson - Appointing Thomas Price to the Compensation Review Commission.

General

Council Bill No. 47-2013 - Amending the Length of Service Award Program for volunteer firefighting/EMS personnel; amending the payment amount; providing for burial benefits and survivor benefits; amending certain reporting requirements; amending certain deadlines; clarifying the points received for military service; making certain technical corrections; providing for the application of this act; and generally relating to the Length of Service Award Program.

Council Bill No. 48-2013 - Amending the Pay Plan for Howard County; providing pay scales for certain employees to be effective January 1, 2014; amending certain shift differentials, adding and amending certain specialty pays; providing for certain standby and acting duty pay, amending certain overtime and compensatory time provisions; making certain technical corrections; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

Council Bill No. 49-2013 - Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in one parcel of agricultural land consisting of approximately 49.3 acres located at 2797 Pfefferkorn Road, West Friendship, Howard County, Maryland, from The James W. Pfefferkorn Revocable Living Trust or any other owner thereof for a maximum purchase price of \$1,438,500.00 or, if less, \$30,089.60 per acre or portion thereof.

Council Bill No. 50-2013 - Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in one parcel of agricultural land consisting of approximately 54.6 acres located at 2815 Pfefferkorn road, West Friendship, Howard County, Maryland, from Louis and Mary Pfefferkorn or any other owner thereof for a maximum purchase price of \$1,614,100.00 or, if less, \$29,561.60 per acre or portion thereof.

Council Bill No. 51-2013 - Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in one parcel of agricultural land consisting of approximately 78.9 acres located on the east side of Pfefferkorn Road, West Friendship, Howard County, Maryland, from Pfefferkorn, LLC, or any other owner thereof for a maximum purchase price of \$2,464,400.00 or, if less, \$31,234.40 per acre or portion thereof.

Council Resolution No. 136-2013 - Designating the Southeast Area as a Sustainable Community for approval either directly by the Department of Housing and Community Development of the State of Maryland or through the Smart Growth Subcabinet of the State of Maryland.

Council Resolution No. 137-2013 - Approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2015 and Capital Improvement Program Request for Fiscal Years 2016-2020.

Council Resolution No. 138-2013 - Introduced by: The Chairperson - Accepting the annual report of the Howard County Retirement Plan and the Police and Fire Employee's Retirement Plan submitted by the Pension Oversight Commission.

FINAL CONSIDERATION

Consent

Council Resolution No. 95-2013 - Confirming the appointment of Thomas M. Franklin to the Recreation & Parks Board.

Council Resolution No. 96-2013 - Confirming the appointment of Nancy K. Gabie to the Board of Social Services.

Council Resolution No. 97-2013 - Confirming the appointment of Victoria L. F. Gaunt to the Howard County Animal Matters Hearing Board.

Council Resolution No. 98-2013 - Confirming the appointment of Catherine Hyde to the Human Rights Commission.

Council Resolution No. 99-2013 - Confirming the appointment of Maria E. Miller to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 100-2013 - Confirming the appointment of Denny Patrick to the Howard County Agricultural Land Preservation Board.

Council Resolution No. 102-2013 - Confirming the appointment of Elaine R. Ritchey to the Howard County Animal Matters Hearing Board.

Council Resolution No. 103-2013 - Confirming the appointment of LaRee Siddiqui to the Howard County Animal Matters Hearing Board.

Council Resolution No. 104-2013 - Confirming the reappointment of Paul J. Beckham to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 105-2013 - Confirming the reappointment of Jonathan K. Branch to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 106-2013 - Confirming the reappointment of Ulysses M. Currie to the Board of Social Services.

Council Resolution No. 107-2013 - Confirming the reappointment of Charles Frekot to the Recreation & Parks Board.

Council Resolution No. 108-2013 - Confirming the reappointment of Dr. Joel Goodman to the Recreation & Parks Board.

Council Resolution No. 109-2013 - Confirming the reappointment of Edward R. Herbert, III to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 110-2013 - Confirming the reappointment of Athena Kan to the Commission for Women.

Council Resolution No. 111-2013 - Confirming the reappointment of Ian Kennedy to the Housing Commission.

Council Resolution No. 112-2013 - Confirming the reappointment of Alissa G. Putman, Ph. D. to the Board of Social Services.

Council Resolution No. 113-2013 - Confirming the reappointment of Gregory A. Schuckman to the Board of Social Services.

Council Resolution No. 114-2013 - Confirming the reappointment of Catherine Ward to the Board of Directors of the Economic Development Authority.

The Chairperson moved to approve Council Resolutions 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114-2013 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

Absent: Fox

The motion to Approve Council Resolutions 95, 96, 97, 98, 99, 100, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, and 114-2013 was passed.

Other Appointments

The administrator read the next two bills together

Council Resolution No. 93-2013 - Confirming the appointment of Barbara Catlin to the Commission on Aging.

Council Resolution No. 94-2013 - Confirming the appointment of Brian Daugherty to the Howard County Local Children's Board.

The Chairperson moved to table Council Resolution 93-2013 and Council Resolution 94-2013. 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

Absent: Fox

The motion to table Council Resolution 93-2013 and Council Resolution 94-2013 was passed.

Financial

Supplemental Budget & Appropriation Ordinance No. 1-FY2014 - transferring \$67,861 from the Grants Fund, Contingency Reserve to the Department of County Administration, Economic Development Authority for BRAC grant funding.

The Chairperson moved to approve SAO1-FY2014. The motion was seconded by Ms. Watson.

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

Absent: Fox

The motion to approve SAO1-FY2014 was passed.

Council Bill No. 42-2013 - Authorizing the issuance, sale and delivery of up to \$100,000,000 consolidated public improvement bonds and up to \$50,000,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill No. 42-2013. The motion was seconded by Ms. Watson.

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

Absent: Fox

The motion to approve Council Bill No. 42-2013 was passed.

General

Council Bill No. 43-2013 - Introduced by: Calvin Ball, Councilperson - Requiring the Department of Housing and Community Development to include certain additional information in the annual moderate income housing unit analysis the Department is required to file; requiring that the analysis be filed by a certain date; and generally relating to moderate income housing units.

The Chairperson moved to approve Council Bill No. 43-2013. 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 add Councilwoman Jennifer Terrasa as a co-sponsor to the bill).

On the title page, immediately following the sponsorship line, insert “**Co-sponsored by: Jennifer Terrasa**”.

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

Absent: Fox

The motion to approve amendment 1 was passed.

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

Absent: Fox

The motion to approve Council Bill No. 43-2013, as amended, was passed.

Council Bill No. 44-2013 (ZRA 146) - Amending the Howard County Zoning Regulations to allow certain farm breweries as an accessory use in certain Zoning Districts and subject to certain criteria; and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to approve Council Bill No. 44-2013 (ZRA 146). 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 missing references to breweries and beer, fixes a section reference and clarifies that the number of barrels shall be in accordance with State law.) On page 5, in line 18, after “Winery” insert “OR BREWERY”.

On page 5, in line 19, after “wine” insert “OR BEER”.

On page 6, in line 6, after “winery” insert “OR BREWERY”.

On page 6, in line 10, insert:

“M. THE NUMBER OF BARRELS BREWED BY A FARM BREWERY MAY NOT EXCEED THE NUMBER OF BARRELS ALLOWED BY STATE LAW.”.

On page 6, line 19, strike “128.0.O.E” and substitute “128.0.O.1.E”.

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

Absent: Fox

The motion to approve amendment 1 was passed.

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

Absent: Fox

The motion to approve Council Bill No. 44-2013, as amended, was passed.

Council Bill No. 45-2013 - Amending the participant contribution percentage and retirement benefit multiplier for certain participants in the Howard County Employees Retirement Plan; making certain technical corrections; providing for the implementation of a new participant contribution percentage and retirement benefit multiplier; adding references to certain past multipliers; and generally related to the Howard County Retirement Plan.

The Chairperson moved to approve Council Bill No. 45-2013. 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

Absent: Fox

The motion to approve Council Bill No. 45-2013 was passed.

Council Bill No. 46-2013 - Pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000, 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.

The Chairperson moved to approve Council Bill No. 46-2013. 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 substitutes a revised Exhibit D2 in order to correct certain pay amounts.)

Remove Exhibit D2 from Exhibit 1, attached to the Bill as introduced, and substitute a revised Exhibit D2, as attached to this amendment.

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

Absent: Fox

The motion to approve amendment 1 was passed.

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

Absent: Fox

The motion to approve Council Bill No. 46-2013, as amended, was passed.

Council Resolution No. 115-2013 - 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 Autumn Development Corporation, a Maryland corporation, to stabilize the slope that supports the roadbed of College Avenue in the vicinity of 3961 College Avenue.

The Chairperson moved to approve Council Resolution No. 115-2013. 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

Absent: Fox

The motion to approve Council Resolution No. 115-2013 was passed.

Council Resolution No. 116-2013 - Endorsing the County's application to the State Department of Business and Economic Development to include 5.96 acres of land known as the Boise Cascade site into the County's Base Realignment and Closure Revitalization and Incentive Zone.

The Chairperson moved to approve Council Resolution No. 116-2013. 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

Absent: Fox

The motion to approve Council Resolution No. 116-2013 was passed.

Council Resolution No. 117-2013 - declaring that a total of approximately 0.841 acres of real property owned 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; 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 Coastal Sunbelt Produce; 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 table Council Resolution 117-2013. 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

Absent: Fox

The motion to table Council Resolution 117-2013 was passed.

Council Resolution No. 118-2013 - Introduced by: The Chairperson at the request of the County Executive and Calvin Ball, Greg Fox, Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson - Requiring the County to fly the POW/MIA flag beneath the flag of the United States at certain locations and on certain dates.

The Chairperson moved to approve Council Resolution No. 118-2013. 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

Absent: Fox

The motion to approve Council Resolution No. 118-2013 was passed.

The Administrator read the next two bills together:

Council Resolution No. 119-2013 - Approving the development of an affordable housing development to be known as Deep Falls Apartments in Elkridge, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration.

Council Resolution No. 120-2013 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and its successors and assigns and Howard County, Maryland for a multi-family rental housing development on the property to be known as Deep Falls Apartments.

The Chairperson moved to withdraw Council Resolution No. 119-2013 and Council Resolution No. 120-2013. 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

Absent: Fox

The motion to withdraw Council Resolution No. 119-2013 and Council Resolution No. 120-2013 was passed.

Council Resolution No. 121-2013 - Introduced by: The Chairperson at the request of the County Executive and Calvin Ball - Adopting alternative standards that must be met in order to receive a Green Neighborhood Allocation, Building Permit and Use and Occupancy Permit.

The Chairperson moved to approve Council Resolution No. 121-2013. 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 a person must provide proof of “pending” certifications and removes reference to a Use and Occupancy Permit.)

On page 2, in line 11, after “that” strike “in order to be eligible for a subsequent Use”.

On page 2, in line 12, strike “and Occupancy Permit,”.

On page 2, in line 17, after “and” insert “proof of pending”.

On page 2, in line 20, after “and” insert “proof of pending”.

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

Absent: Fox

The motion to approve amendment 1 was passed.

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

Absent: Fox

The motion to approve Council Resolution No. 121-2013 as amended was passed.

Tabled

Council Resolution No. 150-2011 - Introduced by Greg Fox - 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.