

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2013 Legislative Session**

**Legislative Day No. 13**

11/4/2013

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:33** 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; Craig Glendenning, County Auditor; Jeff Meyers, Legislative Assistant; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator were also present.

The Chair announced that the Council had concluded the closed session which began at 7:05 p.m. That session was closed following a brief open session at 7:05 p.m. in which a vote was taken to close the meeting in accordance with the *Annotated Code of Maryland, State Government*, section 10-508 (a) (1) (i). Open and closed minutes of that meeting will be approved at the next County Council meeting.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 11, September 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 and Terrasa. Abstain: Council Members Sigaty and Watson.

The motion to approve the journal passed.

The Chairperson moved to approve the journal for Legislative Day No. 12, October 7, 2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Monthly Meeting – October 14, 2013, Open Minutes Closed Meeting – October 14, 2013, Closed Minutes of The Closed

Meeting – October 14, 2013 and Quarterly Meeting with Board of Education – October 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, Sigaty, Terrasa and Watson. Abstain: Council Member Fox.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Public Hearing – October 21, 2013, Open Minutes Closed Meeting – October 21, 2013 and Closed minutes of The Closed Meeting – October 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 No. 139-2013 - A RESOLUTION confirming the appointment of Mary K. Affeldt to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 140-2013 - A RESOLUTION confirming the appointment of Phillips S. Engelke to the Planning Board.

Council Resolution No. 141-2013 - A RESOLUTION confirming the appointment of Charles C. Feaga to the Alcoholic Beverage Hearing Board.

Council Resolution No. 142-2013 - A RESOLUTION confirming the appointment of Treena S. Greene to the Commission for Women.

Council Resolution No. 143-2013 - A RESOLUTION confirming the appointment of Mary K. Hargadon-Zester to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 144-2013 - A RESOLUTION confirming the appointment of Michelle Henry to the Adult Public Guardianship Review Board.

Council Resolution No. 145-2013 - A RESOLUTION confirming the appointment of Tristan L. Mack to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 146-2013 - A RESOLUTION confirming the appointment of Richard Meckel to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 147-2013 - A RESOLUTION confirming the appointment of William A. Moss to the Adult Public Guardianship Review Board.

Council Resolution No. 148-2013 - A RESOLUTION confirming the appointment of Wanda L. Riddle to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 149-2013 - A RESOLUTION confirming the appointment of Rebecca Roberts to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 151-2013 - A RESOLUTION confirming the appointment of Charley C. Sung to the Public Ethics Commission.

Council Resolution No. 152-2013 - Introduced by Chairperson - A RESOLUTION appointing Genevieve E. Walker-Lightfoot to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2017.

Council Resolution No. 153-2013 - Introduced by Chairperson - A RESOLUTION appointing Steven Hunt to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2018.

Council Resolution No. 154-2013 - A RESOLUTION confirming the reappointment of Lori A. Fuchs to the Commission for Women.

Council Resolution No. 155-2013 - A RESOLUTION confirming the reappointment of G. Scott Harding to the Board of Electrical Examiners.

Council Resolution No. 156-2013 - A RESOLUTION confirming the reappointment of Jaykant Parekh to the Equal Business Opportunity Commission.

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### **General**

Council Bill No. 52-2013 - 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 3080, 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 3080, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2015 and that includes payment of certain compensation in Fiscal Year 2015; and providing for the application of this Act.

Council Bill No. 53-2013 - AN ACT amending the Pay Plan for Howard County to provide pay scales for certain employees in the Department of Corrections to be effective January 1, 2014; and generally relating to the Pay Plan for Howard County.

Council Bill No. 54-2013 AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Developer Agreement and Right of Entry for a Major Public Water System between Howard County, Waverly Woods Development Corporation, and Waverly Woods Owner's Association, Inc., for the construction and acquisition of the Waverly Woods 12-inch Water Main Extension; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Resolution No. 157-2013 - A RESOLUTION approving the application and receipt of financing for a Community Legacy Project in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland and authorizing certain actions necessary to carry out the intent of this Resolution.

### **FINAL CONSIDERATION**

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

The Chairperson moved to remove Council Resolution No. 93-2013 from 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 Resolutions 93-2013 from the table passed.

### **Consent**

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

Council Resolution No. 122-2013 - A RESOLUTION confirming the appointment of Philip Adejumo to the Human Rights Commission.

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

Council Resolution No. 125-2013 - A RESOLUTION confirming the appointment of Eileen Diggs, LCSW-C, to the Board of Social Services.

Council Resolution No. 126-2013 - A RESOLUTION confirming the appointment of Frederick W. Dorsey to the Cemetery Preservation Advisory Board.

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

Council Resolution No. 129-2013 - A RESOLUTION confirming the appointment of Edward Plitt, III to the Cemetery Preservation Advisory Board.

Council Resolution No. 131-2013 - A RESOLUTION confirming the appointment of M. Lee Preston, Jr. to the Cemetery Preservation Advisory Board.

Council Resolution No. 124-2013 - A RESOLUTION confirming the reappointment of Kevin E. Carlson, M.D., to the Board of Health.

Council Resolution No. 128-2013 - A RESOLUTION confirming the reappointment of Carole MacPhee to the Housing Commission.

Council Resolution No. 130-2013 - A RESOLUTION confirming the reappointment of Deb Poquette to the Public Ethics Commission.

Council Resolution No. 133-2013 - A RESOLUTION confirming the reappointment of Don Taylor to the Howard County Design Advisory Panel.

Council Resolution No. 134-2013 - A RESOLUTION confirming the reappointment of Peggy M. White to the Howard County Design Advisory Panel.

Council Resolution No. 135-2013 - Introduced by Chairperson - A RESOLUTION appointing Thomas Price to the Compensation Review Commission.

The Chairperson moved to approve Council Resolutions 93, 122, 123, 125, 126, 127, 129, 131, 124, 128, 130, 133, 134 and 135-2013. The motion was seconded by Ms. Sigaty.

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

The motion to approve Council Resolutions 93, 122, 123, 125, 126, 127, 129, 131, 124, 128, 130, 133, 134 and 135-2013 passed.

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### **Other Appointments**

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

The Chairperson moved to table Council Resolution 132-2013. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Resolution 132-2013 passed.

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**General**

Council Bill No. 47-2013 - AN ACT 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.

The Chairperson moved to withdraw Council Bill No. 47-2013 at the administration's request. 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. Nay: Council member Fox.

The motion to withdraw Council Bill No. 47-2013 at the administration's request passed.

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Council Bill No. 48-2013 - AN ACT 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.

The Chairperson moved to approve Council Bill No. 48-2013. 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 removes an irrelevant reference to emergency communications supervisors and corrects an amount included in a payscale.)*

In the Bill, on page 1:

1. In line 13, after "management;" insert "and";

2. In line 14, after “Office” strike “; and” and substitute a period; and
3. Strike line 15 in its entirety.

In the Pay Plan, attached to the Bill as introduced, on page P7, in the P Schedule, Effective 1/1/2014, in the row entitled “CPL” in the column entitled “PL 20”, strike “47.13” and substitute “47.58”.

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 48-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 48-2013 as amended passed.

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Council Bill No. 49-2013 - AN ACT 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, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of the purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill No. 49-2013. 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 corrects an amount.)*

In the title, in the fifth line, strike “\$1,438,500.00” and substitute “\$1,483,500.00”.

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 49-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill 49-2013 as amended passed.

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Council Bill No. 50-2013 - AN ACT 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, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of the purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

Council Bill No. 51-2013 - AN ACT 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, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of the purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill No. 50-2013 and Council Bill No. 51-2013. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 50-2013 and Council Bill No. 51 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 50-2013 and Council Bill No. 51-2013 passed.

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Council Resolution No. 136-2013 - A RESOLUTION 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.

The roll call vote called by the Chairperson on the motion to approve Council Resolution No. 136-2013 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 136-2013 passed.

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Council Resolution No. 137-2013 - A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, 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 for the purpose of submission to the Interagency Committee on School Construction.

The Chairperson moved to approve Council Resolution No. 137-2013. 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 the Board of Education's proposed budget pages for the pages attached at prefile.)*

Remove the FY 2015 Capital Budget, FY 2016-2020 Capital Improvement Program, FY 2015-2020 Long-Range Systemic Renovation Projects, and FY 2015-2024 Long-Range Master Plan pages, as attached to the Resolution as prefiled, and substitute revised pages, as attached to this Amendment.<sup>1</sup>

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Resolution No. 137-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution 137-2013 as amended passed.

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<sup>1</sup> Attached *infra*.

Council Resolution No. 138-2013 – Introduced by the Chairperson - A RESOLUTION 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.

The Chairperson moved to approve Council Resolution No. 138-2013. 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 changes the term “accept”.)*

On the title page, strike “accepting” and substitute “acknowledging receipt of”.

On page 1, in line 8 strike “accept” and substitute “acknowledge receipt”. In the same line, strike the second instance of “the”.

Also on page 1, in line 16 strike “accepts” and substitute “acknowledges receipt of”.

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Chairperson on the motion to approve Council Resolution No. 138-2013 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution 138-2013 as amended passed.

Adjourned 7:48 p.m.

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**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.

(Tabled October 3, 2011)

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

(Tabled October 7, 2013)

Council Resolution No. 117-2013 - A RESOLUTION 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.

(Tabled October 7, 2013)

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

(Tabled November 4, 2013)