

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2012 Legislative Session

Legislative Day No. 15

12/03/2012

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:33** p.m.

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

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; Theodore Wimberly, Senior Administrative Analyst to the Council; and Jennifer Sager, Legislative Coordinator were also present.

ELECTION OF COUNCIL OFFICERS

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

Ms. Watson nominated Ms. Sigaty for Council Vice-Chairperson. The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Ms. Sigaty was elected Vice-Chairperson.

Dr. Ball nominated Ms. Watson for Chairperson of the Zoning Board . The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Ms. Watson was elected Chairperson of the Zoning Board.

Ms. Watson nominated Dr. Ball for Vice-Chairperson of the Zoning Board. The motion was seconded by Mr. Fox. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Dr. Ball was elected Vice-Chairperson of the Zoning Board.

Ms. Sigaty nominated Mr. Fox for Chairperson of the Board of License Commissioners. The motion was seconded by Ms. Watson. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Mr. Fox was elected Chairperson of the Board of License Commissioners.

Ms. Watson nominated Dr. Ball for Vice-Chairperson of the Board of License Commissioners. The motion was seconded by Mr. Fox. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Dr. Ball was elected Vice-Chairperson of the Board of License Commissioners.

COUNCIL APPOINTMENTS

The Chairperson announced the following County Council appointments, effective December 2012 to December 2013:

Maryland Association of Counties Legislative Committee – Jennifer Terrasa
Alternate – Mary Kay Sigaty.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 14, November 5, 2012. 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 Legislative Public Hearing – November 19, 2012. 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, Watson; Abstain: Terrasa.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Work Session – November 26, 2012. 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 175-2012 - A RESOLUTION confirming the reappointment of Deborah Chapman to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 176-2012 - A RESOLUTION confirming the reappointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 177-2012 - A RESOLUTION confirming the reappointment of Maurice Simpkins to the Housing Commission.

General

Council Resolution 178-2012 - A RESOLUTION declaring that a total of approximately 18,992 square feet (.436 acres) of real property owned by Howard County and identified as Lots 9 and 36, Parcel 425, Tax Map 50 located in North Laurel, Howard County, Maryland are no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to Cornerstone Homes, Inc.; 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 179-2012 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that development rights on approximately 68.1924 acres owned by Howard County, Maryland located at 6555 Belmont Woods Road, Elkridge, Maryland, are no longer needed by the County for public purposes; authorizing the County Executive to sell the development rights and, accordingly, place a preservation easement on the property; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; providing that the County Executive is not bound to sell the development rights or place the preservation easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration; and providing for a certain effective date.

Council Resolution 180-2012 - A RESOLUTION authorizing and directing the Office of Law to institute condemnation proceedings in the Circuit Court for Howard County, Maryland for the acquisition of a sewer, water and utility easement needed for a public purpose and on land believed to be owned by or assessed to Mary Howard Bruce Smith and known as Bowdoin Road.

Council Resolution 181-2012 - A RESOLUTION approving the application and receipt of financing for a Neighborhood Conservation Initiative Project in Howard County, further described in the Neighborhood Conservation Initiative 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.

FINAL CONSIDERATION

Consent

Council Resolution 157-2012 - A RESOLUTION confirming the appointment of Mary Bird to the Alcoholic Beverage Hearing Board.

Council Resolution 158-2012 - A RESOLUTION confirming the appointment of Jennifer Facticeau to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 159-2012 - A RESOLUTION confirming the appointment of Hector J. Garcia, Jr. to the Public Transportation Board.

Council Resolution 160-2012 - A RESOLUTION confirming the appointment of Phyllis Meyerson to the Adult Public Guardianship Review Board.

Council Resolution 161-2012 - A RESOLUTION confirming the appointment of Andrew A. Monjan, Ph., D, M.P.H. to the Commission on Aging.

Council Resolution 162-2012 - A RESOLUTION confirming the appointment of Maria Mouratidis, Psy. D. to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 163-2012 - A RESOLUTION confirming the nomination of Maura Rossman, M.D., to be the Health Officer for Howard County; and requiring the nomination to be forwarded to the Secretary of the Maryland Department of Health and Mental Hygiene for the appointment of Maura Rossman, M.D., as the Health Officer for Howard County.

Council Resolution 164-2012 - A RESOLUTION confirming the appointment of Thomas Schmidt, R.N. to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 165-2012 - A RESOLUTION confirming the reappointment of Henry M. Alinger to the Howard County Design Advisory Panel.

Council Resolution 166-2012 - A RESOLUTION confirming the reappointment of Bitia Dayhoff to the Board to Promote Self-Sufficiency.

Council Resolution 167-2012 - A RESOLUTION confirming the reappointment of Andrea Ingram to the Board to Promote Self-Sufficiency.

Council Resolution 168-2012 - A RESOLUTION confirming the appointment of Mitchell W. Stringer to the Pension Oversight Commission.

The Chairperson moved to approve Council Resolutions 157-2012, 158-2012, 159-2012, 160-2012, 161-2012, 162-2012, 163-2012, 164-2012, 165-2012, 166-2012, 167-2012, and 168-2012. 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 157-2012, 158-2012, 159-2012, 160-2012, 161-2012, 162-2012, 163-2012, 164-2012, 165-2012, 166-2012, 167-2012, and 168-2012 passed.

Financial

SAO3-FY2013 - AN ACT transferring \$27,100 from the Grants Fund, Contingency Reserve to the Sheriff's Office for a grant to purchase a fingerprinting system and to provide training on the equipment.

The Chairperson moved to approve SAO3-FY2013. 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. SAO3-FY2013 passed.

SAO4-FY2013 - AN ACT transferring \$585,000.00 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for the PEG/INet Grants from Verizon and Ellicott City Cable Companies.

The Chairperson moved to approve SAO4-FY2013. 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. SAO4-FY2013 passed.

General

Council Bill 34-2012 - AN ACT amending the Pay Plan for Howard County; providing pay scales for police management employees; making certain positions within the Department of Corrections executive exempt; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

The Chairperson moved to approve Council Bill 34-2012. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Council Bill 34-2012 as follows:

(This amendment corrects a typographical error.)

On page 2 of the Pay Plan, attached to the Bill as introduced, in the P Schedule, effective January 1, 2013, in the Row for “PO” in the column for “MAXIMUM BASE PAY”, strike “371” and substitute “\$34.71”.

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 motion to approve Amendment 1 to Council Bill 34-2012 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 34-2012 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson. Council Bill 34-2012 passed, as amended.

Council Bill 35-2012 - AN ACT amending the Classification Plan for Howard County to amend the classification description for the position of Correctional Program Supervisor III within the Department of Corrections; and generally relating to amendments to the Howard County Classification Plan.

The Chairperson moved to approve Council Bill 35-2012. 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 35-2012 passed.

Council Bill 36-2012 (ZRA 144) - AN ACT creating a Community Enhancement Floating District; setting forth uses permitted as of right; excluding certain uses; allowing for certain accessory uses; requiring certain moderate income housing; requiring certain density be obtained through the density exchange option or through the neighborhood preservation density exchange option; requiring certain features or amenities as community enhancements; setting forth certain criteria and procedures for the establishment of a Community Enhancement Floating District; requiring certain plans; allowing certain modifications under certain conditions; and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to approve Council Bill 36-2012. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Council Bill 36-2012 as follows:
(This amendment:

1. *Clarifies the purpose statement;*
2. *Clarifies that the purpose of serving as a transitional use and buffer is particularly focused on the compatibility with an adjoining residential*

- neighborhood;*
3. *Clarifies that enhancements should be proportional to certain increases in development intensity and that enhancements should be free and open to the public;*
 4. *Sets forth that the Zoning Board should consider certain criteria when considering setbacks and heights;*
 5. *Clarifies that a CEF development should be compatible with surrounding residential neighborhoods;*
 6. *Requires enhancements to be proportionate to the scale of the CEF development;*
 7. *Amends the procedures for the creation of a CEF district;*
 8. *For consistency, changes references to “amenities” to be references to “enhancements”; and*
 9. *Allows the CAC district as a possible location for a CEF district.)*

On page 1, in line 23, after “REQUIREMENTS” insert “IN ORDER TO MAKE THE PROPERTIES MORE ATTRACTIVE ASSETS AND TO IMPROVE THE SURROUNDING COMMUNITY”.

On page 1, strike “THE CEF DISTRICT” in line 28 down through “AND” in line 29 and substitute “DEVELOPMENT IN THE CEF DISTRICT SHALL COMPLY WITH ALL OTHER DEVELOPMENT REGULATIONS INCLUDING, WITHOUT LIMITATION, THE ADEQUATE PUBLIC FACILITIES ORDINANCE AND THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE CEF DISTRICT”.

On page 2, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

On page 2, strike lines 12 through 14, inclusive and in their entirety and substitute:

“4. ENHANCE THE SURROUNDING COMMUNITY, PROVIDING APPROPRIATE TRANSITIONAL USES AND BUFFERS, WITH PARTICULAR CONCERN FOR COMPATIBILITY WITH AN ADJOINING RESIDENTIAL NEIGHBORHOOD; AND”.

On page 4, in lines 17, 20 and 21, in each instance, strike “AMENITIES” and substitute “ENHANCEMENTS”.

On page 4, in line 20, strike “SIZE AND SCOPE OF THE” and substitute “INCREASE IN DEVELOPMENT INTENSITY AND IMPACTS ASSOCIATED WITH THE CEF REZONING COMPARED TO THE PREVIOUSLY EXISTING ZONING. ENHANCEMENTS SHALL BE FREE AND OPEN TO THE GENERAL PUBLIC, AS”.

OPPOSED TO A COMMERCIAL USE.”.

On page 4, in line 21, strike “CEF DEVELOPMENT.”.

On page 4, in line 25, strike “SURROUNDING” and in line 26, strike “COMMUNITY” and substitute “GENERAL PUBLIC”.

On page 5, in line 10, after “PLAN.” insert “ZONING BOARD APPROVAL OF HEIGHT AND SETBACKS FROM ADJOINING PROPERTIES SHALL BE PROTECTIVE OF RESIDENTIAL NEIGHBORHOODS, BUT SHOULD ACKNOWLEDGE THE IMPACT OF TOPOGRAPHIC, ENVIRONMENTAL, OR LANDSCAPE BUFFERS, AS WELL AS THE DESIRABILITY OF OPEN SPACE AND PEDESTRIAN AND BICYCLE CONNECTIONS.”.

On page 5, in line 20, strike “CAC,”.

On page 5, in line 24, strike “WILL BE SENSITIVE TO”.

On page 5, in line 25, strike “EXISTING LAND USES IN THE VICINITY OF THE SITE” and substitute “SHALL BE COMPATIBLE WITH SURROUNDING RESIDENTIAL NEIGHBORHOODS”.

On page 5, in line 29, strike “A SITE AMENITY OR” and in line 30 strike “AMENITY AREA WITHIN THE DELINEATED COMMUNITY EXCEPT” and substitute “ENHANCEMENTS”.

On page 5, in line 31, after “121.G.” insert “ENHANCEMENTS SHALL BE PROPORTIONATE TO THE SCALE OF THE CEF DEVELOPMENT.”

On page 6, after line 14, insert:

“3. PRIOR TO FILING AN APPLICATION FOR A CEF DISTRICT, THE PETITIONER SHALL HOLD A PRE-SUBMISSION COMMUNITY MEETING USING THE SAME PROCEDURES ESTABLISHED IN SECTION 16.128(B) – (G) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. THE DEVELOPMENT CONCEPT PLAN AND MATERIALS

REQUIRED UNDER SUBSECTION 4 OF THIS SECTION MUST BE PRESENTED AT THE PRESUBMISSION COMMUNITY MEETING. THE MEETING MINUTES, WHICH INCLUDE WRITTEN RESPONSES TO QUESTIONS RAISED AT THE MEETING, SHALL BE TRANSMITTED TO THE DEPARTMENT OF PLANNING AND ZONING AND SHALL BE INCLUDED IN THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING.”.

On page 6, in line 15, strike “3” and substitute “4”.

On page 6, in line 23, strike “4” and substitute “5”.

On page 7, in line 3, strike “AMENITIES” and substitute “ENHANCEMENTS”.

On page 7, after line 18, insert:

“(14) PRE-SUBMISSION COMMUNITY MEETING MINUTES AND A SUMMARY OF DESIGN MODIFICATIONS MADE IN RESPONSE TO INTERACTION WITH THE COMMUNITY.”.

On page 8, after line 2 insert:

“6. THE TECHNICAL STAFF REPORT SHALL EVALUATE THE APPLICATION BASED ON THE “CRITERIA FOR A CEF DISTRICT” IN SECTION 121.I ABOVE AND NOTE ANY UNRESOLVED COMMUNITY COMMENTS RELEVANT TO THESE CRITERIA.

7. THE PLANNING BOARD SHALL HOLD A PUBLIC MEETING ON THE APPLICATION AND SHALL MAKE A RECOMMENDATION TO THE ZONING BOARD, BASED ON THE “CRITERIA FOR A CEF DISTRICT” GIVEN IN SECTION 121.I ABOVE.”

On page 8, in line 3, strike “5” and substitute “8”.

The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Amendment 1 to Council Bill 36-2012 as follows:

(This amendment would revise the application process to add an initial Zoning Board public meeting).

On page 3, strike lines 5 through 19 and substitute the following:

“In page 6, line 12, after the period, insert “THE INITIAL CEF PLAN SHALL INCLUDE:

- A. A MAP DELINEATING THE BOUNDARY OF THE COMMUNITY SURROUNDING THE PROPOSED CEF DISTRICT, WHICH INCLUDES:
- (1) A JUSTIFICATION FOR SUCH BOUNDARY AND A SUMMARY DESCRIPTION OF THE COMMUNITY IN TERMS OF LAND-USE MIX AND INTENSITY AND ANY IMPORTANT NATURAL OR MAN MADE FEATURES THAT DEFINE THE CHARACTER OF THE COMMUNITY;
 - (2) THE LOCATION OF THE PROPOSED CEF DISTRICT IN RELATION TO THE SURROUNDING COMMUNITY; AND
 - (3) AN EXPLANATION OF ANY KEY ENVIRONMENTAL, INFRASTRUCTURE OR OTHER RELATIONSHIPS BETWEEN THE PROPOSED CEF DISTRICT AND THE SURROUNDING COMMUNITY.
- B. A CONCEPTUAL PLAN THAT INCLUDES:
- (1) IMMEDIATELY ADJOINING PARCELS AND USES;
 - (2) EXISTING ON-SITE NATURAL AND DEVELOPMENT FEATURES, CLARIFYING THOSE TO BE RETAINED OR REMOVED;
 - (3) THE PROPOSED DEVELOPMENT ENVELOPE;
 - (4) PROPOSED PERMITTED USES AND THEIR GENERAL LOCATIONS, INCLUDING THE PROPOSED SQUARE FOOT AREA OF NON-RESIDENTIAL USES, THE NUMBER OF RESIDENTIAL UNITS, AND THE UNIT TYPES;
 - (5) THE GENERAL LOCATIONS OF ROAD, PEDESTRIAN, AND BICYCLE CONNECTIONS TO THE SURROUNDING COMMUNITY;
 - (6) A DESCRIPTION OF PROPOSED COMMUNITY ENHANCEMENTS; AND

- (7) A STATEMENT AS TO HOW THE PROPOSED DEVELOPMENT CONCEPT PLAN CONFORMS TO THE PURPOSE STATEMENT FOR THE CEF DISTRICT AND HOW THE PROPOSED CEF DISTRICT WILL HAVE A GREATER BENEFIT TO HOWARD COUNTY AND THE SURROUNDING COMMUNITY THAN A CONVENTIONAL DEVELOPMENT OF THE PROPERTY USING THE EXISTING ZONING DISTRICT REGULATIONS.”.

On page 6, line 13, delete “DETERMINE” and insert “EVALUATE”.

On page 6, after line 14, insert:

- “3. AFTER THE PETITIONER HAS CONFERRED WITH THE DEPARTMENT OF PLANNING AND ZONING AND PRIOR TO THE PETITIONER PREPARING A DETAILED CEF PLAN AND APPLICATION, THE ZONING BOARD SHALL HOLD AN INITIAL MEETING ON THE INITIAL CEF PLAN.
- A. THE PURPOSE OF THE INITIAL MEETING IS TO REVIEW THE PETITIONER’S INITIAL CEF PLAN, REVIEW THE DEPARTMENT OF PLANNING AND ZONING’S PRELIMINARY EVALUATION, AND TO ALLOW CITIZENS AND THE ZONING BOARD TO ASK QUESTIONS, RAISE CONCERNS, AND MAKE SUGGESTIONS REGARDING THE INITIAL CEF PLAN PRIOR TO THE APPLICANT PREPARING THE DETAILED CEF PLAN.
- B. AT THE MEETING THE PETITIONER SHALL PRESENT THE INITIAL CEF PLAN.
- C. A SUMMARY OF THE QUESTIONS, CONCERNS AND COMMENTS RAISED AT THE PRELIMINARY HEARING SHALL BE PROVIDED BY THE PETITIONER IN ACCORDANCE WITH SECTION 16.128(C), INCLUDED IN THE APPLICATION, AND ATTACHED TO THE TECHNICAL STAFF REPORT PRODUCED BY THE DEPARTMENT OF PLANNING AND ZONING.
- D. THE PETITIONER SHALL COMPLY WITH ALL PROVISIONS OF SECTION 16.128 (C) – (J) BEFORE, DURING, AND AFTER THE INITIAL MEETING.”.

On page 6, line 16 delete “DEVELOPMENT CONCEPT” and insert “DETAILED CEF PLAN”.

On page 6, line 16 following the word “to” insert a colon, and strike the remainder of the sentence and substitute the following:

“A. THE COMMUNITY AT A MEETING IN ACCORDANCE WITH SECTION 16.128 PRESUBMISSION COMMUNITY MEETINGS; and

B. THE DESIGN ADVISORY PANEL FOR EVALUATION IN ACCORDANCE WITH THE PROCEDURES ESTABLISHED IN SECTION 16.1500 OF THE COUNTY CODE.”.

Renumber the section accordingly.”.

The motion was seconded by Ms. Sigaty.

The Chairperson moved to table Council Bill 36-2012. 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 36-2012 was tabled.

Council Bill 37-2012 - AN ACT amending PlanHoward 2030, the general plan for Howard County, by defining Growth Tiers, as required by the Maryland Sustainable Growth and Agricultural Preservation Act of 2012; specifying additional designated place types to correspond with the Growth Tiers; revising certain maps to reflect the additional designated place types; adding new text to describe Growth Tiers and adding new maps; and generally relating to planning, zoning and land use in Howard County.

The Chairperson moved to approve Council Bill 37-2012. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Council Bill 37-2012 as follows:

(This amendment would:

- 1. Create “Whereas” clauses in the bill which clarifies the intent of the Council; and*
- 2. Change the tier map to designate all parcels not subject to preservation easements outside the Planned Service Area as Tier III properties and all encumbered parcels would be designated Tier IV properties).*

On page 1, immediately following line 4, insert the following:

“WHEREAS, the goal of Senate Bill 236 is to limit the disproportionate impacts of large subdivisions and septic systems on our farm and forest land, streams, rivers and Chesapeake and Coastal Bays; and

WHEREAS, the Howard County Council supports the intent of Senate Bill 236 to minimize the impact that septic systems have on our environment and to protect and preserve our farmlands and other sensitive areas; and

WHEREAS, for over 30 years Howard County has been a national leader in farmland

preservation and has been a model for many Maryland Counties by:

- Being one of the earliest Maryland Agricultural Land Preservation Foundation participants;
- Being one of the first counties to establish its own local preservation program, which creates perpetual easements on agricultural parcels;
- Being the first jurisdiction in the nation to implement innovative installment purchase agreements as a means to acquire easements;
- Having over 40,000 acres preserved in the County (including parkland, open space, Washington Suburban Sanitary Commission property, and obtaining agricultural easements on over 20,000 acres of farmland);
- Appropriating approximately \$253 million in funding toward the County’s preservation efforts; and

WHEREAS, for over twenty years Howard County’s pace of development has been governed by its Adequate Public Facilities Ordinance, specifically, the Housing Unit Allocation Chart, which has slowed the pace of development in the Rural West and reduced the General Plan annual targets for residential completions by providing an orderly and predictable planning environment; and

WHEREAS, Howard County’s Density Exchange Option, a model throughout the nation, will meet the Transfer of Development Rights provision for Senate Bill 236; and”.

On page 1, in line 23, strike “and” and immediately following line 23, insert:

“3. A new Map 6-2.1, Uncommitted Land and Preserved Land in Western Howard County, is inserted on page 76; and”.

On page 1, in line 24, strike “3” and substitute “4”.

On page 66 of PlanHoward 2030, as attached to the Bill, make the following changes:
Strike the first paragraph, in its entirety and substitute:

“PLANHOWARD 2030 ALSO INCORPORATES THE RECENTLY ADOPTED SENATE BILL 236-

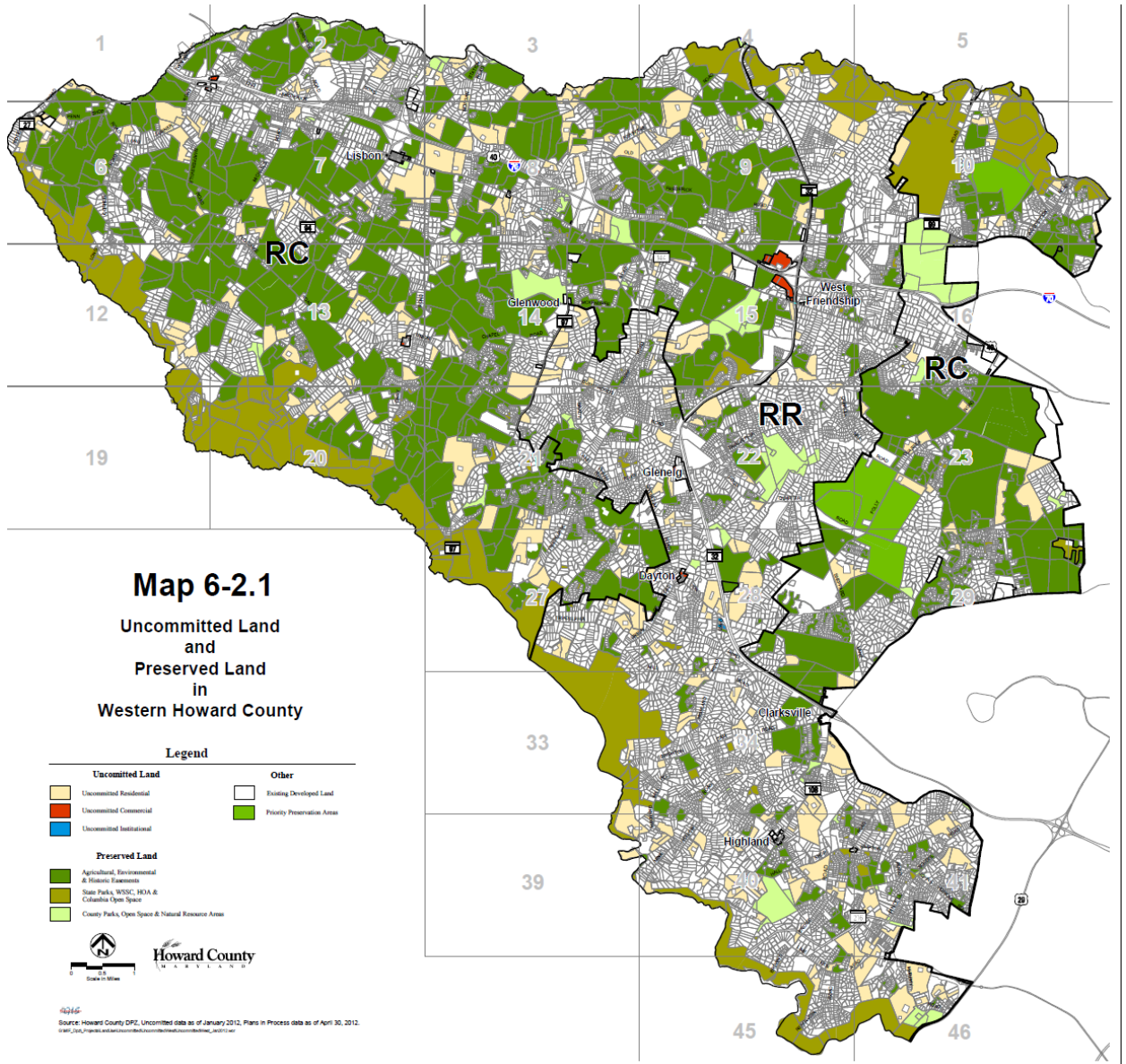
2012, KNOWN AS THE SUSTAINABLE GROWTH AND AGRICULTURAL PRESERVATION ACT. THE INTENT OF THIS LEGISLATION IS TWO-FOLD, THE PRESERVATION OF AGRICULTURAL LANDS AND RESOURCES AND OTHER SENSITIVE AREAS AS WELL AS THE PROHIBITION OF MAJOR SUBDIVISIONS OF FIVE OR MORE LOTS IN PRESERVATION AREAS. THIS STATE LAW REQUIRES LOCAL JURISDICTIONS TO CLASSIFY LAND INTO ONE OF FOUR GROWTH TIERS. THE TIERS FOR HOWARD COUNTY ARE DESIGNATED IN ACCORDANCE WITH THIS 2012 LAW AND ARE ALSO SHOWN IN THIS CHAPTER ON MAP 6-3.”

On page 76 of PlanHoward 2030, as attached to the Bill, make the following changes:
Strike the last paragraph, in its entirety and substitute:

“THE INTENT OF THIS LEGISLATION IS TO PROMOTE AGRICULTURAL PRESERVATION AS WELL AS PROHIBIT MAJOR SUBDIVISIONS OR FIVE OR MORE LOTS IN TIER IV AREAS. WHILE LIMITING DEVELOPMENT ON SEPTIC IS IMPORTANT, PRESERVING AGRICULTURAL LANDS AND THEIR PRODUCTIVITY AS WELL AS OTHER SENSITIVE AREAS FOR FUTURE GENERATIONS IS EQUALLY IMPORTANT. THIS GENERAL PLAN RECOGNIZES THE IMPORTANCE OF BALANCING THESE GOALS. AS HOWARD COUNTY IMPLEMENTS THIS LAW, CARE MUST BE TAKEN TO ENSURE THAT THE OPPORTUNITIES FOR GRANDFATHERING EXISTING FARMS AND FORESTS BY REQUESTING PERCOLATION TESTS BY JULY 1, 2012 DOESN’T ADVERSELY IMPACT EITHER OF THE GOALS.

LOCAL JURISDICTIONS MUST ADOPT TIER DESIGNATIONS BY DECEMBER 31, 2012 OR ALL AREAS NOT PLANNED FOR PUBLIC WATER AND SEWER WILL BE RESTRICTED TO MINOR SUBDIVISIONS OF FOUR OR FEWER LOTS. MAP 6-3 SHOWS THE GROWTH TIERS FOR HOWARD COUNTY. TIER I IS OUR PRIORITY FUNDING AREA, WHICH IS THE PLANNED PUBLIC WATER AND SEWER SERVICE AREA. NO AREAS ARE DESIGNATED FOR TIER II, SINCE THERE ARE NO PLANS FOR FURTHER EXTENSION OF THE PUBLIC WATER AND SEWER SERVICE AREA IN THE FUTURE. TIER III (LOW DENSITY DEVELOPMENT ON MAP 6-3) EQUATES TO ALL EXISTING DEVELOPED LAND AND UNCOMMITTED LAND IN THE RC AND RR ZONING DISTRICTS THAT ARE NOT IN THE PLANNED SERVICE AREA AND TIER IV (RURAL RESOURCE ON MAP 6-3) EQUATES TO ALL PRESERVED LAND AND PRIORITY PRESERVATION AREAS IN THE RC AND RR ZONING DISTRICTS AS SHOWN ON MAP 6-2.1, UNCOMMITTED LAND AND PRESERVED

LAND IN WESTERN HOWARD COUNTY.



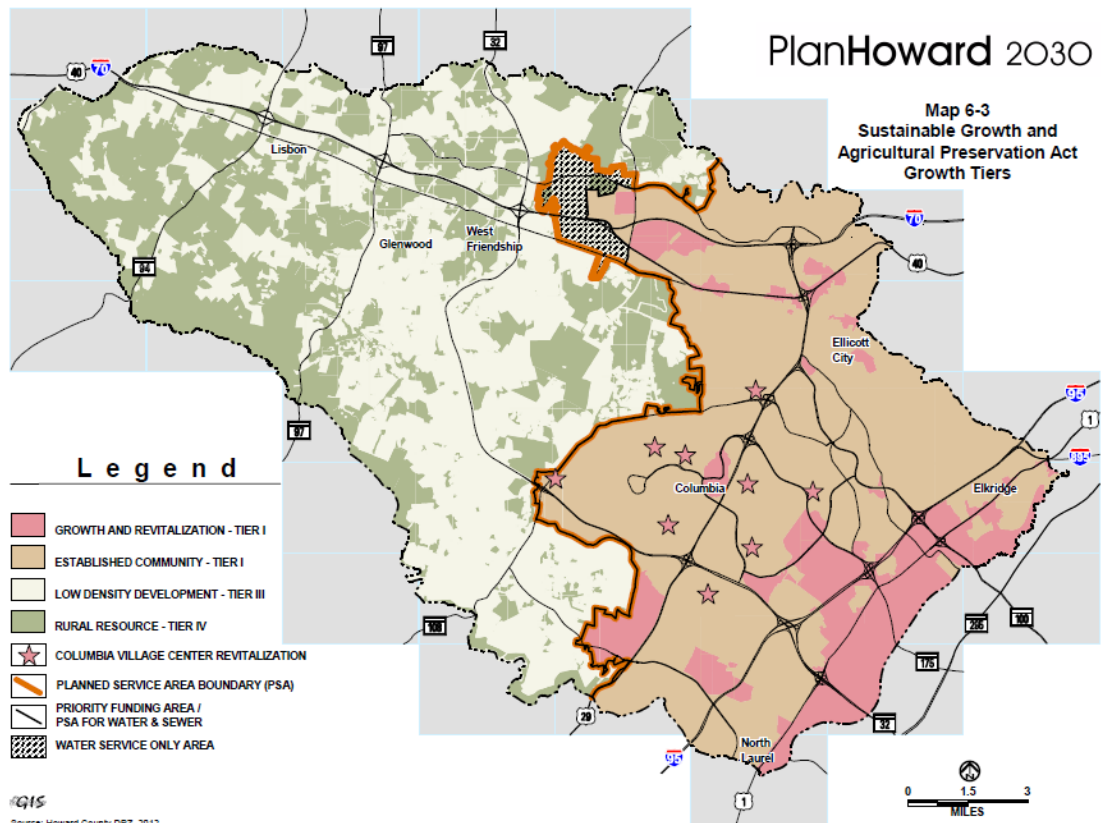
”

On page 77 of PlanHoward 2030, as attached to the Bill, make the following changes:
 Strike the first paragraph, in its entirety and substitute:

“TWO AMENDMENTS WERE ADOPTED TO THIS STATE LAW TO MODERATE THE IMPACT OF PROHIBITING NEW MAJOR SUBDIVISIONS IN TIER IV. ONE IS TO PROTECT ANY SUBDIVISION RIGHTS THAT WERE SPECIFICALLY RETAINED IN AN AGRICULTURAL,

ENVIRONMENTAL, OR HISTORIC PRESERVATION EASEMENT FOR A PARTICULAR PROPERTY. THE OTHER IS AN ALLOWANCE FOR THE POSSIBILITY OF DENSITY TRANSFER OF DEVELOPMENT RIGHTS FROM TIER IV PROPERTIES. HOWARD COUNTY’S SUCCESSFUL DEO (DENSITY EXCHANGE OPTION) ZONING DISTRICT CURRENTLY ALLOWS FOR DENSITY TRANSFER UNDER CERTAIN CONDITIONS. THE PROVISIONS OF THE DEO DISTRICT SHOULD BE REVIEWED AND UPDATED, IF NECESSARY, DURING THE COMPREHENSIVE ZONING PROCESS TO ENSURE ITS CONTINUED USE AS ONE OF THE STRATEGIES TO ACCOMPLISH THE GOALS OF SB 236.”.

The attached Map 6-3 “Sustainable Growth and Agricultural Preservation Act Growth Tiers”, replaces Map 6-3 on page 77 attached to the Bill, and reflects changes made to Tier III and Tier IV.



The motion was seconded by Ms. Sigaty.

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

The motion to approve Amendment 1 to Council Bill 37-2012 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 37-2012 as amended was: Yea: Council Members Ball, Fox, Sigaty, and Terrasa. Nay: Watson. Council Bill 37-2012 passed, as amended.

Council Bill 38-2012 (ZRA 140) - AN ACT amending the Howard County Zoning Regulations to permit the TOD District regulations to allow multi-family dwellings as a permitted use subject to certain criteria; amending the commercial use requirements concerning the building-type; allowing drive-through services subject to certain criteria; generally relating to residential and commercial uses in the TOD zoning district; and generally relating to the Zoning Regulations.

The Chairperson moved to approve Council Bill 38-2012. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Council Bill 38-2012 as follows:

(This amendment:

- (1) Changes the maximum size requirement for commercial uses within a proposed TOD district; and*
- (2) Removes an exception that would allow single lane, drive-through restaurant service under certain conditions.)*

On page 3, strike beginning with “LAND” in line 6 down through “PARKING” in line 7 and substitute “OF 20,000 SQUARE FEET OF TOTAL BUILDING AREA”

On page 3, in line 25, strike the brackets around the period and strike beginning with “, EXCEPT” down through “ROAD.” in line 27.

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 motion to approve Amendment 1 to Council Bill 38-2012 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 38-2012 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Watson. Council Bill 38-

2012 passed, as amended.

Council Bill 39-2012 (ZRA 142) - AN ACT amending the Howard County Zoning Regulations to permit Commercial Solar Facilities as a Conditional Use in the RC and RR zoning district subject to certain criteria; and generally related to the Zoning Regulations.

The Chairperson moved to approve Council Bill 39-2012. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1 to Council Bill 39-2012 as follows:

(This amendment adds limitations for solar collectors and solar facilities.)

On page 5, in line 18, after “(2), insert “THE MAXIMUM SIZE OF A SOLAR FACILITY SHALL BE 75 ACRES NOTWITHSTANDING THE SIZE OF THE PARCEL.”.

Also on page 5, in line 24, strike “25” and substitute “20”.

On page 6, after line 12, insert:

“(10) A SOLAR COLLECTOR OR COMBINATION OF SOLAR COLLECTORS SHALL BE DESIGNED AND LOCATED TO AVOID GLARE OR REFLECTION ONTO ADJACENT PROPERTIES AND ADJACENT ROADWAYS AND SHALL NOT INTERFERE WITH TRAFFIC OR CREATE A SAFETY HAZARD.

“(11) THE APPLICANT SHALL AGREE TO REGISTER ALL SOLAR COLLECTORS WITH THE DEPARTMENT OF FIRE AND RESCUE SERVICES. THE REGISTRATION SHALL INCLUDE A MAP OF THE SOLAR FACILITY NOTING THE LOCATION OF THE SOLAR COLLECTORS AND THE PANEL DISCONNECT.

“(12) TREE REMOVAL SHALL BE MINIMIZED AND REFORESTATION SHALL BE DONE IN ACCORDANCE WITH SECTION 16.1206 OF THE COUNTY CODE.

“(13) THE APPLICANT SHALL DEMONSTRATE THAT THE SOLAR FACILITY DOES NOT HARM THE SCENIC CHARACTERISTICS OF THE VIEW OF OR FROM:

(I) A PUBLIC PARK;

(II) A NATIONAL OR STATE DESIGNATED SCENIC BYWAY;

(III) A ROAD LISTED IN THE SCENIC ROADS INVENTORY ADOPTED UNDER § 16.1403

OF THE COUNTY CODE; OR

(IV) A HISTORIC STRUCTURE AS DEFINED IN § 16.601 OF THE COUNTY CODE.

The motion was seconded by Ms. Sigaty.

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

The motion to approve Amendment 1 to Council Bill 39-2012 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill 39-2012 as amended was: Yea: Council Members Ball, Sigaty, Terrasa, and Watson. Abstain: Fox. Council Bill 39-2012 passed, as amended.

Council Bill 40-2012 - AN ACT providing a hiring preference in County government for qualified individuals and veterans with disabilities; providing for policies related to the hiring preference; and generally relating to County hiring practices.

The Chairperson moved to approve Council Bill 40-2012. 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 40-2012 passed.

Council Bill 41-2012 - AN ACT amending the allocation categories used in the Housing Unit Allocation Chart, clarifying certain definitions, providing for the application of this Act, and generally relating to adequate public facilities in Howard County.

The Chairperson moved to table Council Bill 41-2012. 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 41-2012 was tabled.

Council Resolution 156-2012 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that .4966 acres of land known as a portion of Riverwood Drive owned by Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, 7200 Riverwood LLC, a subsidiary of COPT Development and Construction

Services, LLC; 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 terminate the property interest if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to approve Council Resolution 156-2012. 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 Resolution 156-2012 passed.

Council Resolution 169-2012 - A RESOLUTION to encourage the General Assembly to provide the necessary resources to appropriate agencies to implement the use of multidisciplinary teams to address bullying, harassment, and intimidation among students.

Ms. Watson moved to table Council Resolution 169-2012. 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 Resolution 169-2012 was tabled.

Council Resolution 170-2012 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2013 pursuant to the Adequate Public Facilities Act of Howard County; and providing for a certain effective date.

The Chairperson moved to table Council Resolution 170-2012. 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 Resolution 170-2012 was tabled.

Council Resolution 171-2012 - 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; and providing for a certain effective date.

The Chairperson moved to table Council Resolution 171-2012. 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 Resolution 171-2012 was tabled.

Council Resolution 172-2012 - A RESOLUTION adding certain sites to the Cemeteries and

Grave Sites Inventory.

The Chairperson moved to approve Council Resolution 172-2012. 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 Resolution 172-2012 was approved.

Council Resolution 173-2012 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that .4966 acres of land known as a portion of Riverwood Drive owned by Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, 7200 Riverwood LLC, a subsidiary of COPT Development and Construction Services, LLC; 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 terminate the property interest if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

The Chairperson moved to approve Council Resolution 173-2012. 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 Resolution 173-2012 was approved.

Council Resolution 174-2012 - AN ACT removing a provision in Council Resolution No. 143-2006 that required certain construction on or before December 31, 2008 or the County's acceptance of a portion of Forrest Avenue would be null and void.

The Chairperson moved to approve Council Resolution 174-2012. 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 Resolution 174-2012 was approved.

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 36-2012 - AN ACT creating a Community Enhancement Floating District; setting forth uses permitted as of right; excluding certain uses; allowing for certain accessory uses; requiring certain moderate income housing; requiring certain density be obtained through the density exchange option or through the neighborhood preservation density exchange option; requiring certain features or amenities as community enhancements; setting forth certain criteria and procedures for the establishment of a Community Enhancement Floating District; requiring certain plans; allowing certain modifications under certain conditions; and generally relating to the Howard County Zoning Regulations.

Council Bill 41-2012 - AN ACT amending the allocation categories used in the Housing Unit Allocation Chart, clarifying certain definitions, providing for the application of this Act, and generally relating to adequate public facilities in Howard County.

Council Resolution 169-2012 - A RESOLUTION to encourage the General Assembly to provide the necessary resources to appropriate agencies to implement the use of multidisciplinary teams to address bullying, harassment, and intimidation among students.

Council Resolution 170-2012 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2013 pursuant to the Adequate Public Facilities Act of Howard County; and providing for a certain effective date.

Council Resolution 171-2012 - 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; and providing for a certain effective date.