

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2012 Legislative Session

Legislative Day No. 14

11/05/2012

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; Paul Johnson, Assistant County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 13, October 1, 2012. 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.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing – October 15, 2012 and the Board of Education Quarterly Meeting – October 17, 2012. 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.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Work Session – October 22, 2012. 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; Abstain: 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 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.

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.

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.

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.

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.

Council Bill 36-2012 (ZRA 144) –Introduced by the Chairperson at the request of the Marsha S. McLaughlin, Director, Department of Planning and Zoning- 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 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.

Council Bill 38-2012 (ZRA 140) - Introduced by the Chairperson at the request of Kellogg CCP LLP, c/o Preston Scheffenacker Properties, Inc. - 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.

Council Bill 39-2012 (ZRA 142) – Introduced by the Chairperson at the request of Bith Energy, Inc. - 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.

Council Bill 40-2012 - Introduced by Calvin Ball, Jennifer Terrasa, and Courtney Watson - 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.

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 156-2012 - Introduced by the Chairperson at the request of COPT Development and Construction Services, LLC A RESOLUTION to close a portion of Riverwood Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

Council Resolution 169-2012 – Introduced by Courtney Watson - 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.

Council Resolution 172-2012 - A RESOLUTION adding certain sites to the Cemeteries and Grave Sites Inventory.

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.

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.

FINAL CONSIDERATION

The Chairperson moved to remove Council Resolution 126-2012 from the table. 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.

The motion to remove Council Resolution 126-2012 from the table passed.

Consent

Council Resolution 126-2012 - A RESOLUTION confirming the appointment of Jason Quan to the Public Transportation Board.

Council Resolution 144-2012 - A RESOLUTION confirming the appointment of Michael S. Couch to the Board to Promote Self-Sufficiency.

Council Resolution 145-2012 - A RESOLUTION confirming the appointment of Astamay Curtis to the Public Transportation Board.

Council Resolution 146-2012 - A RESOLUTION confirming the appointment of Lisa L. Jablonover to the Board to Promote Self-Sufficiency.

Council Resolution 147-2012 - A RESOLUTION confirming the appointment of John P. Koenig to the Howard County Commission for Veterans and Military Families.

Council Resolution 148-2012 - A RESOLUTION confirming the appointment of John J. McNiff to the Howard County Commission for Veterans and Military Families.

Council Resolution 149-2012 - A RESOLUTION confirming the appointment of Gregory A. Schuckman to the Board of Social Services.

Council Resolution 150-2012 - A RESOLUTION confirming the reappointment of Joyce Lehrer to the Adult Public Guardianship Review Board.

Council Resolution 151-2012 - A RESOLUTION confirming the reappointment of Robin Toler, M.D. to the Adult Public Guardianship Review Board.

Council Resolution 152-2012 - A RESOLUTION confirming the reappointment of Nikki Young to the Adult Public Guardianship Review Board.

The Chairperson moved to approve Council Resolutions 126, 144, 145, 146, 147, 148, 149, 150, 151 and 152-2012. 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.

The motion to approve the Resolutions passed.

General

Council Bill 33-2012 - AN ACT defining certain terms; allowing certain parcels within the R-ED zoning district to both send and receive development density through the Neighborhood Preservation Density Exchange Option; establishing a maximum receiving lot yield; providing certain regulations for sending parcels that contain a historic structure; making certain technical corrections; amending certain setbacks; and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to approve Council Bill 33-2012. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 1

(This amendment incorporates the requirements of a previously enacted Zoning Regulation Amendment (ZRA 137).)

On page 3, in line 13, after “Regulations”, insert “OR A PARCEL PRINCIPALLY USED FOR A SWIMMING POOL, COMMUNITY, AS DEFINED IN SECTION 103 OF THE ZONING REGULATIONS.”.

The Chairperson moved to approve Amendment 1 to Amendment 1. The motion was seconded by Ms. Watson.

Amendment No. 1 to Amendment No. 1

(This amendment incorporates provisions from previously enacted Zoning Regulation Amendment (ZRA 137) that were inadvertently omitted from the Bill as prefiled.)

On page 1, after line 2, insert:

“On page 2, in line 19, strike the second “a”.

On page 2, in line 20, strike “parcel” and substitute “parcels”.

On page 4, in line 19, after “unit” insert “or a swimming pool, community”.

On page 4, in line 20, strike “dwelling unit” and substitute “structure”.

On page 4, in line 23, strike the second “the” and substitute “an”.

On page 8, in line 3, after “existing”, insert “or a potential future”.

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

The motion to approve Amendment 1 to Amendment 1 passed.

The Chairperson moved to approve Amendment 1 as amended. The motion was seconded by Ms. Watson.

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

The motion to approve Amendment 1 as amended passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Amendment 2 was:

Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Council Bill 33-2012 as amended. 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.

The motion to approve Council Bill 33-2012 as amended passed.

Council Resolution 143-2012 - A RESOLUTION to close Lynx Lane, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

The Chairperson moved to approve Council Resolution 143-2012 . 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.

The motion to approve Council Resolution 143-2012 passed.

Council Resolution 153-2012 - A RESOLUTION declaring that approximately .914 acres of real property owned by Howard County and identified as a portion of the road bed of Lynx Lane 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 the owner of the adjacent property, Wilde Lake Business Trust; 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 153-2012. 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.

The motion to approve Council Resolution 153-2012 passed.

Council Resolution 154-2012 - A RESOLUTION recognizing Columbia Downtown Housing Corporation as the Downtown Columbia Housing Foundation and providing for certain conditions.

The Chairperson moved to approve Council Resolution 154-2012. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to Council Resolution 154-2012. The motion was seconded by Ms. Watson.

Amendment No. 1

(This amendment adds certain conditions to the Council's recognition of the Columbia Downtown Housing Corporation as the Downtown Columbia Housing Foundation; it also substitutes updated Corporation documents in Attachment A to the Resolution.)

On page 1, insert "revised" in the following places:

- In line 6, before "copy"; and
- In line 7, before "listing".

On page 2, in line 6, before "file", insert "On or before December 5, 2012,".

On the same page, in line 7, strike "as soon as practical".

On the same page, in line 9, strike "promptly" and substitute "On or before December 5, 2012,".

On the same page, in line 14, strike "and".

On the same page, in line 16, strike "on or before October 31 of each year" and substitute: "within 90 days after the end of the Corporation's fiscal year".

On the same page, in line 19, after "Fund", insert "and;".

On the same page, in line 20, insert:

"6. Include the following in the contract with the Downtown Columbia Partnership required by Section 28.116(c)(4) of the County Code:
a. A requirement that the Corporation comply with the Maryland Public Information Act and the Maryland Open Meetings Act; and
b. A provision that Title 28 of the County Code controls in the event of a conflict between the provisions of the contract and the provisions of Title 28".

Substitute the revised list of Columbia Downtown Housing Corporation Directors, Articles of Incorporation, Bylaws, and Memorandum of Understanding attached to this Amendment for the corresponding documents in Attachment A to the Resolution.

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

The motion to approve Amendment 1 to Council Resolution 154-2012 passed.

The Chairperson moved to approve Council Resolution 154-2012 as amended. 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.

The motion to approve Council Resolution 154-2012 as amended passed.

Council Resolution 155-2012 - 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 2014 and Capital Improvement Program Request for Fiscal Years 2015-2019 for the purpose of submission to the Interagency Committee on School Construction.

The Chairperson moved to approve Council Resolution 155-2012. 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.

The motion to approve Council Resolution 155-2012 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.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:03 p.m.