

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2012 Legislative Session

Legislative Day No. 13

10/01/2012

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; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journals for Legislative Day No. 11, September 4, 2012 and for Legislative Day No. 12, September 18, 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 – September 18, 2012, the Legislative Work Session – September 24, 2012, and the Council Closed Meeting – September 24, 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.

INTRODUCTION OF LEGISLATION

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

Appointments

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.

General

Council Bill 33-2012, Introduced by: The Chairperson at the request of Marsha S. McLaughlin, Director, Department of Planning and Zoning - 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.

Council Resolution 143-2012 – Introduced by: The Chairperson at the request of the Wilde Lake Business Trust - A RESOLUTION to close Lynx Lane, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

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.

Council Resolution 154-2012 – Introduced by: The Chairperson at the request of Columbia Downtown Housing Corporation - A RESOLUTION recognizing Columbia Downtown Housing Corporation as the Downtown Columbia Housing Foundation and providing for certain conditions.

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.

FINAL CONSIDERATION

Consent

Council Resolution 118-2012 - A RESOLUTION confirming the appointment of Elaine Brown to the Board of Directors of the Economic Development Authority.

Council Resolution 119-2012 - A RESOLUTION confirming the appointment of Peter J. Brunner to the Commission on Aging.

Council Resolution 120-2012 - A RESOLUTION confirming the appointment of Kristen M. Detwiler to the Commission for Women.

Council Resolution 121-2012 - A RESOLUTION confirming the appointment of Olivia Farrow to the Environmental Sustainability Board.

Council Resolution 122-2012 - A RESOLUTION confirming the appointment of Charles Frekot to the Recreation & Parks Board.

Council Resolution 123-2012 - A RESOLUTION confirming the appointment of Beryl Gantt to the Adult Public Guardianship Review Board.

Council Resolution 124-2012 - A RESOLUTION confirming the appointment of Anita M. Jackson to the Board of Directors of the Economic Development Authority.

Council Resolution 125-2012 - A RESOLUTION confirming the appointment of Pastor Donald M. Poole to the Board to Promote Self-Sufficiency.

Council Resolution 127-2012 - A RESOLUTION confirming the appointment of Devansh Srivastava to the Human Rights Commission.

Council Resolution 128-2012 - A RESOLUTION confirming the reappointment of Stacie Hunt to the Board of Library Trustees.

Council Resolution 129-2012 - A RESOLUTION confirming the reappointment of Michael J. Jack to the Howard County Board of Directors of the Revenue Authority.

Council Resolution 130-2012 - A RESOLUTION confirming the reappointment of Anne Markus to the Board of Library Trustees.

Council Resolution 131-2012 - A RESOLUTION confirming the reappointment of Jaykant Parekh, P.E. to the Board of Directors of the Economic Development Authority.

The Chairperson moved to approve Council Resolutions 118, 119, 120, 121, 122, 123, 124, 125, 127, 128, 129, 130 and 131. 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.

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

The Chairperson moved to Table Council Resolution 126-2012. 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 Table passed.

Financial

SAO1-FY2013 - AN ACT transferring \$10,006 from the Grants Fund, Contingency Reserve to the Sheriff's Office for a grant to provide overtime funding for deputies assigned to the Domestic Violence Unit.

The Chairperson moved to approve SAO1-FY2013. 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. SAO1-FY2013 passed.

SAO2-FY2013 - AN ACT transferring \$307,980 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for the Energy Efficiency and Conservation Block Grants Program.

The Chairperson moved to approve SAO2-FY2013. 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. SAO2-FY2013 passed.

Council Bill 32-2012 - AN ORDINANCE authorizing the issuance, sale and delivery of up to \$100,000,000 consolidated public improvement bonds and up to \$10,000,000 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 CB32-2012. 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. CB32-2012 passed.

General

Council Bill 28-2012 - AN ACT establishing a tax credit against the County tax imposed on real property equipped with certain types of accessibility features, under certain conditions; establishing the amount, terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; and generally relating to property tax credits.

The Chairperson moved to approve CB28-2012. The motion was seconded by Ms. Watson.

Amendment No. 1.

(This amendment adds sensory accessibility features as eligible features.)

On page 2, in line 36, strike "OR".

On page 3, in line 2, strike, "TUB." and substitute "TUB; OR

(9) ALARMS, APPLIANCES, AND CONTROLS STRUCTURALLY INTEGRATED

INTO THE 5 UNIT DESIGNED TO ASSIST AN INDIVIDUAL WITH A SENSORY DISABILITY.”

The Chairperson moved to approve Amendment 1 to CB28-2012. 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. Amendment 1 to CB28-2012 passed.

Amendment No. 2.

(This amendment requires the Department of Finance to record certain information regarding property owners who request the property tax credit for home modifications and adds a short title.)

On page 4, in line 19, after “SECTION.” insert “THE DEPARTMENT OF FINANCE SHALL SUBMIT A WRITTEN REPORT TO THE COUNTY COUNCIL BY OCTOBER 1 OF EVERY YEAR FOR THE PRECEDING FISCAL YEAR THAT SHALL INCLUDE THE FOLLOWING:

- (1) NUMBER OF APPLICANTS;
- (2) NUMBER OF APPLICATIONS APPROVED;
- (3) INCOME RANGE OF APPLICANTS;
- (4) MODIFICATION MADE BY THE APPLICANT;
- (5) REASON FOR THE MODIFICATION;
- (6) OTHER SOURCES FROM WHICH THE APPLICANT RECEIVED FUNDS OR APPLIED FOR ASSISTANCE FOR THE MODIFICATION;
- (7) EFFORTS TO ADVERTISE THE CREDIT; AND
- (8) ANY PROGRAM RECOMMENDATIONS.”

Also on page 4, in line 25, insert:

“(I) SHORT TITLE.
THE TAX CREDIT ESTABLISHED UNDER THIS SECTION MAY BE CITED AS
“LIVABLE HOMES TAX CREDIT”.”

The Chairperson moved to approve Amendment 2 to CB28-2012. 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. Amendment 2 to CB28-2012 passed.

Amendment No. 3.

(This amendment adds a sunset provision.)

On the title page, in line 4 of the title, after “credit;” insert “providing for the termination of this Act;” .

On page 4, in line 27, after “enactment.”, insert “It shall remain effective for a period of 5 three years and, at the end of the three years, with no further action required by the 6 County

Council, this Act shall be abrogated and of no further force and effect.”

The Chairperson moved to approve Amendment 3 to CB28-2012. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Member Fox; No: Council Members Ball, Sigaty, Terrasa and Watson. Amendment 3 to CB28-2012 failed.

The roll call vote called by the Chairperson on the motion to approve CB 28-2012 as amended was: Yea: Council Members Ball, Fox Sigaty, Terrasa and Watson. CB28-2012 as amended passed.

Council Bill 30-2012 - AN ACT amending the on-site sewage disposal permit to include the modification, alteration, repair or connection to certain types of disposal systems; and generally relating to sewage disposal permits.

The Chairperson moved to approve CB30-2012. 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. CB30-2012 passed.

Council Bill 31-2012 (ZRA 139) - AN ACT amending the Howard County Zoning Regulations to require a financial affordable housing obligation or the provision of moderate income housing units in Downtown Columbia; and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to approve CB31-2012. 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. CB31-2012 passed.

Council Resolution 134-2012 - A RESOLUTION requesting the Public Service Commission of Maryland investigate the reliability of the electric power supply for certain areas in Howard County and require electrical utility providers doing business in Howard County to disclose outage information to Howard County after 24 hours; and directing certain other actions by certain County officials.

The Chairperson moved to approve CR134-2012. The motion was seconded by Ms. Watson.

Amendment No. 1 .

(This amendment expands the places identified as having electric reliability problems and provides instructions to the County Solicitor.)

On page 1, in line 27, strike “the” and substitute “many” and strike beginning with “of”

down through “Worthington” in line 29 and substitute “in Howard County, including the neighborhoods under review in Case No. 9291.”.

On page 2, in line 1, insert a comma after “Resolution”.4

Also on page 2, in line 5, after “supply” insert “to the neighborhoods set forth on Exhibit A to this Resolution”.

Also in page 2, beginning in line 26, strike “of Braeburn” down through “Worthington” and substitute “set forth in Exhibit A to this Resolution”.

On page 3, beginning in line 4, strike “of Braeburn” down through “Worthington” and substitute “identified in Exhibit A to this Resolution”.

Also on page 3, in line 8, insert “BE IT FURTHER RESOLVED by the County Council of Howard County, Maryland, that the County Solicitor is directed to take all reasonable and appropriate steps to intervene as a party in Case No. 9291 to promote efficient resolution of the complaint of the County Council without undue duplication.”.

Also on page 3, in line 10, after “consolidate” insert “Case No. 9291 with”.

Also on page 3, in line 11, strike “with Case No. 9291” and substitute “regarding the neighborhoods identified on Exhibit A that are not under review in Case No. 9291”.

Remove Exhibit A as attached to the Resolution and substitute the Exhibit A attached to this Amendment.

The Chairperson moved to approve Amendment 1 to CR134-2012. The motion was seconded by Ms. Watson.

Amendment 1 to Amendment No. 1

(This amendment expands the places identified as having electric reliability problems.)

On Exhibit A attached to Amendment 1,

1. Delete the reference to the 3700 block of Tustin “Drive” and substitute 3700 block of Tustin “Road”.
2. Delete the reference to the “5000 block” of Thunder Hill Road and substitute “5000, 5100, 5200, and 5400 blocks” of Thunder Hill Road.
3. At the end of the Exhibit, insert:

“Late Additions:

5200 block of Bright Dawn Court, Columbia, 21045
8700 block of Autumn Hill Drive, Ellicott City, 21043
7000 block of Golden Seeds Row, Columbia, 21044
5000 block of Lake Circle Court, Columbia, 21044
7000 block of Garden Walk, Columbia, 21044
10300 block of Burnside Drive, Ellicott City, 21042
all of Old Dobbin Lane, Columbia, 21045”

The Chairperson moved to approve Amendment 1 to Amendment 1 to CR134-2012. 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. Recuse: Council Member Fox. Amendment 1 to Amendment 1 passed.

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

The roll call vote called by the Chairperson on the motion to approve CR134-2012 as amended was: Yea: Council Members Ball, Sigaty, Terrasa and Watson. Recuse: Council Member Fox. CR134-2012 passed as amended.

Council Resolution 135-2012 - A RESOLUTION adopting the 2012 Howard County Land Preservation & Recreation Plan.

The Chairperson moved to approve CR135-2012. 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. CR135-2012 passed.

Council Resolution 136-2012 - A RESOLUTION approving the 2011 Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on and including: 1. An analysis of the water and sewerage systems, including systems expansion to serve presently undeveloped areas within the Planned Service Area and augmentation of undersized existing facilities; 2. The progress of projects for future water supply and sewerage treatment needs in the county and outside of the county, including improvements to the Western Third Zone water supply and expansion of the Patapsco Wastewater Treatment Plant being built in coordination with Baltimore City and Baltimore County; 3. Review of service priorities for properties in the Planned Service Area; and 4. Changes in the anticipated alignment, location, and sizing of future facilities.

The Chairperson moved to approve CR136-2012. 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. CR136-2012 passed.

Council Resolution 137-2012 - A RESOLUTION approving a revised schedule of fees for on-site sewage disposal functions regulated by the Health Department.

The Chairperson moved to approve CR137-2012. 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. CR137-2012 passed.

Council Resolution 138-2012 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Colonial LLLP and Howard County, Maryland for a senior rental housing project known as Park View at Colonial Landing.

The Chairperson moved to approve CR138-2012. 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. CR138-2012 passed.

Council Resolution 139-2012 - A RESOLUTION approving the acquisition and renovation of an affordable housing project known as Park View at Colonial Landing 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.

The Chairperson moved to approve CR139-2012. 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. CR139-2012 passed.

Council Resolution 140-2012 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Hickory Ridge Village LLLP, a Maryland limited liability limited partnership, and Howard County, Maryland for a multi-family rental housing project known as Hickory Ridge Place Apartments.

The Chairperson moved to approve CR140-2012. The motion was seconded by Ms. Watson.

Amendment No. 1 .

(This amendment corrects certain financing arrangements and clarifies the income focus of the project.)

On page 1, in line 2, strike "to moderate".

On page 1, in line 7, strike beginning with "HUD" down through and including "Project" in line 8, and substitute "HUD insured 223 (a) (7) loan from Wells Fargo Bank in the approximate amount of \$4,997,900 (the "HUD Loan") to refinance the existing first mortgage loan in the original principal amount of \$5,194,700 from Berkshire Mortgage Finance Limited Partnership".

On page 1, in line 11, strike "and moderate".

Remove Exhibit 1, as attached to the Resolution as prefiled, and substitute a revised Exhibit 1, as 10 attached to this Amendment.

The Chairperson moved to approve Amendment 1 to CR140-2012. 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. Amendment 1 passed.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. CR140-2012 as amended passed.

Council Resolution 141-2012 - 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.

The Chairperson moved to approve CR141-2012. 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. CR141-2012 passed.

Council Resolution 142-2012 - A RESOLUTION adopting a revised schedule of fees for parking meter rates.

The Chairperson moved to approve CR142-2012. The motion was seconded by Ms. Watson.

Council Member Fox moved to Table CR142-2012. The motion was not seconded.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson. No: Council Member Fox. CR142-2012 passed.

Tabled

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

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 8:27 p.m.