

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2012 Legislative Session**

**Legislative Day No. 8**

06/04/2012

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:35** 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 May 7, 2012, May 23, 2012, and May 31, 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 journals passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – May 21, 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; Abstain: Fox and Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Council Budget Worksession – May 23, 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 83-2012 - A RESOLUTION confirming the appointment of Nathaniel Alston, Jr. to the Equal Business Opportunity Commission.

Council Resolution 84-2012 - A RESOLUTION confirming the appointment of John T. Blake to the Commission on Disability Issues.

Council Resolution 85-2012 - A RESOLUTION confirming the appointment of Jae Chon to the Personnel Board.

Council Resolution 86-2012 - A RESOLUTION confirming the appointment of Karen Greenfield to the Board of Electrical Examiners.

Council Resolution 87-2012 - A RESOLUTION confirming the appointment of Caroline Harper to the Housing and Community Development Board.

Council Resolution 88-2012 - A RESOLUTION confirming the appointment of Ronald J. Hartman to the Public Transportation Board.

Council Resolution 89-2012 - A RESOLUTION confirming the appointment of Stacy L. Spann to the Housing Commission.

Council Resolution 90-2012 - A RESOLUTION confirming the appointment of Mitchell W. Stringer to the Pension Oversight Commission.

Council Resolution 91-2012 - A RESOLUTION confirming the appointment of Alex Walker to the Commission on Disability Issues.

Council Resolution 92-2012 - A RESOLUTION confirming the reappointment of B. Jerome Jackson to the Advisory Board on Consumer Affairs.

Council Resolution 93-2012 - A RESOLUTION confirming the reappointment of Ike Okoye to the Housing and Community Development Board.

Council Resolution 94-2012 - A RESOLUTION confirming the reappointment of Stephen Rivers to the Commission on Disability Issues.

Council Resolution 95-2012 - A RESOLUTION confirming the reappointment of Jennifer R. Smith to the Commission for Women.

Council Resolution 96-2012 - A RESOLUTION confirming the reappointment of S. Allan Shad to the Historic District Commission.

Council Resolution 97-2012 - A RESOLUTION confirming the reappointment of Sue Song, Ph.D. to the Board of Health.

### **General**

Council Bill 23-2012 - AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 1810, 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; and providing for the application of this Act.

Council Bill 24-2012 - AN ACT creating the Downtown Columbia Partnership; defining certain terms; establishing the Downtown Columbia Management District; setting forth the composition, qualifications and term of the Partnership’s Board of Directors; establishing the powers and duties of the Board; requiring that the Board adopt bylaws and that the bylaws contain certain provisions, including ethical standards and disclosure requirements; requiring the Partnership to perform certain duties; setting forth the powers and duties of the Partnership; providing for certain funding and certain payments required by the Downtown Columbia Plan; providing that the Partnership serves as the Downtown Columbia Housing Foundation and that certain funds shall be used to make affordable housing more available; requiring certain transportation initiatives; requiring that the Partnership prepare certain reports and keep certain records; allowing the Partnership to use certain methods of procurement; requiring Partnership compliance with the State Open Meetings Act and Public Information Act laws; setting forth the Partnership’s legal advisor; providing a method to terminate the existence of the Downtown Columbia Partnership; providing for staggered terms for the initial members of the Board; and generally relating to the Downtown Columbia Partnership.

Council Bill 25-2012 - AN ACT amending the process for comprehensive zoning; defining certain terms; clarifying the County Council authority related to comprehensive zoning, clarifying the purpose of zoning districts and zoning regulations; requiring certain notice of a comprehensive zoning plan; requiring certain procedures before the Planning Board and the County Council; allowing for the consideration of certain requests; making certain technical corrections; and generally related to comprehensive zoning in Howard County.

Council Bill 26-2012 - AN ACT adopting PlanHoward 2030 as the general plan for Howard County, Maryland, for the purpose of planning for land use and land conservation and multiyear development planning for transportation, public facilities, water, sewerage, parkland, housing, human services, and environmental protection; and generally relating to planning, zoning, and land use in Howard County, Maryland.

Council Resolution 98-2012 – Introduced by the Chairperson – A RESOLUTION requesting that certain County Boards and Commissions comment on the draft PlanHoward 2030 and forward their comments to the County Executive and County Council for consideration.

Council Resolution 99-2012 – Introduced by the Council Member Calvin Ball – A RESOLUTION proposing to amend Section 202 “County Council” of the Howard County Charter by changing from three to four the maximum number of terms the Council Members can serve; 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 Resolution 100-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend the Howard County Charter to make various technical changes; to amend Section 202 “The County Council” by removing an obsolete factor to be considered in redistricting; to amend Section 501 “The County Board of Appeals” by correcting a citation to the Annotated Code of Maryland; to amend Section 601 “Fiscal year and tax year definitions”, Section 615A “Budget Stabilization”, and Section 615B “Restrictions on Use of Surplus Revenues” in order to consolidate certain duplicate definitions; to amend Section 709 “Prohibitions” by correcting a typographical error; 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 Resolution 101-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend Section 208 “Sessions of the County Council; quorum; rules of procedure”, Section 209 “Legislative Procedure”, Section 210 “Recording, printing and compilation of laws”, and Section 604 “Filing of proposed budget; copies” of the Howard County Charter by changing various publication and advertising requirements to provide that certain information also be made available in at least one electronic medium; proposing to amend Section 209 “Legislative procedure” of the Howard County Charter by permitting the County Council to extend the amount of time to post emergency legislation; 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 Resolution 102-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend Section 209 “Legislative procedure” of the Howard County Charter by permitting the County Council to extend the amount of time to consider legislation before the Council; 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 Resolution 103-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend Section 211 “The referendum” of the Howard County Charter by providing that the number of required signatures for a referendum be 5% of the qualified voters of the County calculated upon the whole number

of votes cast in the County for Governor at the last preceding gubernatorial election; 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 Resolution 104-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend Section 611 “Lapsed appropriations” of the Howard County Charter to permit the County to carry over grant funds from one fiscal year to the next; 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 Resolution 105-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to amend Section 613 “Restrictions of capital projects; amendment to capital budget after adoption of budget”, of the Howard County Charter to clarify the application of the section to new capital projects; requiring the County Council to establish by law procedures for amending the budget when changes to existing capital projects are approved; 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 Resolution 106-2012 – Introduced by the Chairperson at the Request of the Charter Review Commission – A RESOLUTION proposing to repeal Section 906 “Copies of books and papers on demand” and Section 907 “Inspection of books, accounts, and papers” of the Howard County Charter and replace them with new Section 906 “Right to Inspect and Copy Public Records”; making the public access provisions of the County Charter consistent with the Maryland Public Information Act; expanding the public right to inspect records to include all persons; permitting persons to obtain copies of public records upon payment of a reasonable fee prescribed by the County Council; 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 Resolution 107-2012 – Introduced by the Chairperson – A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on July 26, 2012.

### **FINAL CONSIDERATION**

The Chairperson moved to remove Council Resolution 31-2012 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 passed.

### **Consent**

Council Resolution 31-2012 - A RESOLUTION confirming the appointment of G. Scott Harding to the Board of Electrical Examiners.

Council Resolution 47-2012 - A RESOLUTION confirming the appointment of Richard J. Bergin to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 48-2012 - A RESOLUTION confirming the appointment of N. Joseph Gagliardi, M.D., to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 49-2012 - A RESOLUTION confirming the appointment of Douglas C. Lea to the Commission on Disability Issues.

Council Resolution 51-2012 - A RESOLUTION confirming the appointment of Louise B. Riemer to the Board of Library Trustees.

Council Resolution 52-2012 - A RESOLUTION confirming the appointment of Tracy Snyder to the Board of Electrical Examiners.

Council Resolution 53-2012 - A RESOLUTION confirming the appointment of Cory J. Summerson to the Public Works Board.

Council Resolution 54-2012 - A RESOLUTION confirming the reappointment of Reginald T. Avery to the Howard County Commission for Veterans and Military Families.

Council Resolution 55-2012 - A RESOLUTION confirming the reappointment of Samuel G. Crozier to the Historic District Commission.

Council Resolution 56-2012 - A RESOLUTION confirming the reappointment of Mark D. Donovan to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 57-2012 - A RESOLUTION confirming the reappointment of Yvonne C. Howard to the Board of Social Services.

Council Resolution 58-2012 - A RESOLUTION confirming the reappointment of Athena Kan to the Commission for Women.

Council Resolution 59-2012 - A RESOLUTION confirming the reappointment of Robert Seipel to the Howard County Commission for Veterans and Military Families.

Council Resolution 60-2012 - A RESOLUTION confirming the reappointment of Eileen Tennor to the Historic District Commission.

Council Resolution 61-2012 - A RESOLUTION confirming the reappointment of Tracey L. Williams to the Board of Social Services.

The Chairperson moved to approve Council Resolutions 31-2012, 47-2012, 48-2012, 49-2012, 51-2012, 52-2012, 53-2012, 54-2012, 55-2012, 56-2012, 57-2012, 58-2012, 59-2012, 60-2012, and 61-2012. 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 passed.

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Council Resolution 50-2012 - A RESOLUTION confirming the appointment of Thomas K. Munns to the Board of Library Trustees.

The Chairperson moved to place Council Resolution 50-2012 on 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 passed.

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### **Financial**

SAO8-FY2012 - AN ACT transferring \$30,000 from the General Fund, Contingency Reserve to the Circuit Court in order to pay jury stipends.

The Chairperson moved to approve SAO8-FY2012. 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 passed.

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### **General**

Council Resolution 62-2012 - A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2012; transferring \$3,102,500 to the Maintenance of Plant category; transferring \$720,000 to the Fixed Charges category; transferring \$1,209,800 to the Instruction-Textbook/Supplies category; and transferring \$2,720,000 to the Mid-Level Administration category.

The Chairperson moved to approve CR62-2012. 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 passed.

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Council Resolution 63-2012 - A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the issuance by Howard County, Maryland, of up to \$6,000,000 of its limited obligation bonds and the loan of the proceeds thereof to Soccer Association of Columbia, Inc. to be used to (1) refund (a) the Howard County, Maryland Economic Development Revenue Bond (Soccer Association of Columbia Facility) 2008 Issue and (b) Howard County, Maryland Economic Development Revenue Bond (Soccer Association of Columbia Facility) 2003 Issue; and (2) finance the costs of constructing, equipping and improvement of a grass soccer field and additional parking at the existing soccer complex in Ellicott City in the County, costs of issuance and other related costs; reserving certain rights; providing for the issuance of bond anticipation notes for such purposes; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, documents or procedures; and specifying and describing various matters in connection therewith.

The Chairperson moved to approve CR63-2012. 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 passed.

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Council Bill 14-2012 - AN ACT amending the Howard County Employees' Retirement Plan to ensure that a cost of living adjustment can never be negative; to correct the name of a certain index; and generally relating to the Howard County Employees' Retirement Plan.

The Chairperson moved to approve CB14-2012. 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 passed.

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Council Bill 15-2012 - AN ACT amending the Howard County Police and Fire Employees' Retirement Plan to ensure that a cost of living adjustment can never be negative; to

correct the name of a certain index; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

The Chairperson moved to approve CB15-2012. 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 passed.

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Council Resolution 64-2012 - A RESOLUTION authorizing the sale of a surplus mainframe to the Charles County Public School System.

The Chairperson moved to approve CR64-2012. 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 passed.

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Council Resolution 66-2012 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on June 1, 2012.

The Chairperson moved to withdraw CR66-2012. 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 passed.

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The Chairperson adjourned the meeting at 8:21 p.m.

The Chairperson moved to reconvene at 8:45 p.m. 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 passed.

Council Resolution 98-2012 - A RESOLUTION requesting that certain County Boards and Commissions comment on the draft PlanHoward 2030 and forward their comments to the County Executive and County Council for consideration.

The Chairperson moved to approve CR98-2012. 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 passed.

### **Tabled**

Council Resolution 50-2012 - A RESOLUTION confirming the appointment of Thomas K. Munns to the Board of Library Trustees.

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.