

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2012 Legislative Session

Legislative Day No. 5

05/07/2012

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:35** p.m.

Mary Kay Sigaty, Chairperson; Calvin Ball, Council Member; Greg Fox, Council Member; and Jennifer Terrasa, Council Member, were present. Courtney Watson, Vice Chairperson, arrived at 7:45 p.m.

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 journal for Legislative Day No. 4, March 29 2012. 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, and Terrasa. Absent: Council Member Watson.

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Public Hearing – April 16, 2012 and the Capital Budget Public Hearing – April 16, 2012. The motion was seconded by Ms. Terrasa.

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

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Capital Budget Work Session – April 19, 2012, the Legislative Work Session – April 24, 2012, the Operating Budget Public Hearing- April 30, 2012, the Operating Budget Work Session – May 2, 2012 and the Council Monthly Meeting- May 2, 2012. 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, and Terrasa. Absent: Council Member Watson.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The Chairperson moved to amend the agenda to include SAO 8 FY2012 that was not prefiled. 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, and Terrasa. Absent: Council Member Watson.

The motion to amend the agenda was passed.

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

Appointments

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

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.

Financial (Non-FY 2013 Budget)

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

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.

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.

General

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.

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.

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

Council Resolution 65-2012 – Introduced by the Chairperson. A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 31, 2012.

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

Budget

Council Bill 16-2012 - AN ACT amending the duration of the taxicab certificate and the taxicab driver's license; making certain technical corrections; and generally related to the Taxicab Code of Howard County.

Council Bill 17-2012 - AN ACT amending the Pay Plan for Howard County; providing payscales for employees, amending pay grades for certain employees; adding certain premium pays; adding pay grades that apply to certain bargaining units; making certain technical corrections; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

Council Bill 18-2012 - AN ACT amending the Classification Plan for Howard County; amending certain class descriptions; providing for the application of this Act; and generally relating to amendments to the Howard County Classification Plan.

Council Bill 19-2012 - AN ACT adopting the current expense budget and the capital budget for the fiscal year beginning July 1, 2012 and ending June 30, 2013, to be known as the Annual Budget and Appropriation Ordinance of Howard County, Fiscal Year 2013.

Council Bill 20-2012 - AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$116,555,760 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County capital projects (including bridge projects, general county projects, storm drainage projects, school system projects, fire and rescue projects, road construction projects, roadside and

sidewalk projects, library projects, community college projects, parks and recreation projects, and intersection improvements projects), which are specified and described in the County's 2013 Capital Budget (including, without limitation, borrowings for certain capital projects previously authorized in other calendar years, which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Bill 21-2012 - AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in the principal amount of up to \$91,799,179 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County water and sewer capital projects which are specified and described in the County's Capital Budget (including, without limitation, borrowings for certain water and sewer capital projects previously authorized in prior calendar years which such authorization has lapsed or will lapse), and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon the assessable property in the Metropolitan District and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Bill 22-2012 - AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in a principal amount of up to \$22,461,022 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of certain County road construction projects and other capital projects specified and described in the County's 2013 Capital Budget (including, without limitation, borrowings for certain of such capital projects previously authorized), and to pay costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with building excise taxes and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

Council Resolution 67-2012 - A RESOLUTION approving the Capital Program for Howard County for Fiscal Years 2014 through 2018 and the Extended Capital Program for Fiscal Years 2019 through 2022.

Council Resolution 68-2012 - A RESOLUTION approving the Fiscal Year 2013 operating budget for the Howard Community College and indicating appropriations for major functional categories.

Council Resolution 69-2012 - A RESOLUTION approving the Fiscal Year 2013 budget for the Howard County Library System and indicating appropriations for object classes.

Council Resolution 70-2012 - A RESOLUTION setting forth the Fiscal Year 2013 Operating Budget for the Howard County Board of Education.

Council Resolution 71-2012 - A RESOLUTION approving schedules for charges pertaining to the Metropolitan District, to water and sewer service, and to shared sewage disposal facilities.

Council Resolution 72-2012 - A RESOLUTION approving schedules of fees for the functions regulated by the Department of Public Works.

Council Resolution 73-2012 - A RESOLUTION approving schedules of fees, fines and charges for functions regulated by the Howard County Department of Inspections, Licenses and Permits.

Council Resolution 74-2012 - A RESOLUTION approving schedules of fees and charges for functions regulated or administered by the Department of Planning and Zoning.

Council Resolution 75-2012 - A RESOLUTION adopting a schedule of fees for functions regulated by the Department of Finance, including a schedule of fees for parking meter rates.

Council Resolution 76-2012 - A RESOLUTION approving schedules of fees and rates for functions regulated and administered by the Department of Police.

Council Resolution 77-2012 - A RESOLUTION approving fee and rate schedules for:

- (1) Applying for approval of an industrial development revenue bond or MIDFA bond or loan;
- (2) Solicitor and Peddler Identification Card;
- (3) Weekend Prisoners - Room and board;
- (4) Prisoner - Health care provider fee;
- (5) Participation in work release program;
- (6) Participation in home detention program;
- (7) Marriage license fee charge for funding of domestic violence programs;
- (8) Annual registration of trespass towing companies and maximum rates to be charged by trespass towing services;
- (9) Fee and specifications for transcripts of administrative proceedings; and
- (10) Reproduction of public records.

Council Resolution 78-2012 - A RESOLUTION levying a tax on certain admissions and amusements, establishing classes of admissions and amusements, setting tax rates on different classes, and providing for certain exemptions from the tax.

Council Resolution 79-2012 - A RESOLUTION establishing a recordation tax rate on instruments of writing that are recorded with the Clerk of the Circuit Court.

Council Resolution 80-2012 - A RESOLUTION adopting the schedule of rates for the Building Excise Tax.

Council Resolution 81-2012 - A RESOLUTION levying Fire and Rescue tax rates beginning

July 1, 2012.

Council Resolution 82-2012 - A RESOLUTION levying a property tax for the fiscal year beginning July 1, 2012 and ending June 30, 2013; setting the tax rates for property; and providing for the collection of the property tax.

FINAL CONSIDERATION

The Chairperson moved to remove Council Resolutions 17-2012, 18-2012, 19-2012, 20-2012, 21-2012, 22-2012, 23-2012, 24-2012, 25-2012, 26-2012, 27-2012, and 28-2012 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 17-2012 - A RESOLUTION confirming the appointment of Rosemary Brown Beakes to the Howard County Local Children's Board.

Council Resolution 18-2012 - A RESOLUTION confirming the appointment of Mickey Day to the the Howard County Agricultural Land Preservation Board.

Council Resolution 19-2012 - A RESOLUTION confirming the appointment of Connie M. Molter to the Howard County Animal Matters Hearing Board.

Council Resolution 20-2012 - A RESOLUTION confirming the appointment of Mary Jo Neil to the Commission for Women.

Council Resolution 21-2012 - A RESOLUTION confirming the appointment of Paula M. Schultz to the Howard County Animal Matters Hearing Board.

Council Resolution 22-2012 - A RESOLUTION confirming the appointment of Ligeia Shin-Zeruto to the Howard County Commission for Veterans and Military Families.

Council Resolution 23-2012 - A RESOLUTION confirming the appointment of Stan Vornovitsky, Ph. D., to the Commission on Aging.

Council Resolution 24-2012 - A RESOLUTION confirming the appointment of Laureen G. Wylie to the Commission on Aging.

Council Resolution 25-2012 - A RESOLUTION confirming the reappointment of Shirley Barber to the Howard County Local Children's Board.

Council Resolution 26-2012 - A RESOLUTION confirming the reappointment of Franklin V. Eastham, Jr. to the Human Rights Commission.

Council Resolution 27-2012 - A RESOLUTION confirming the reappointment of Lynn Parlett Moore to the State Agricultural Preservation Advisory Board and to the Howard County Agricultural Land Preservation Board.

Council Resolution 28-2012 - A RESOLUTION confirming the reappointment of Deborah St. Lawrence Thompson to the Howard County Local Children's Board.

Council Resolution 29-2012 - A RESOLUTION confirming the appointment of Chinwe Calista Adetula to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 30-2012 - A RESOLUTION confirming the appointment of Deborah Jean Fleischmann to the Commission on Aging.

Council Resolution 32-2012 - A RESOLUTION confirming the appointment of Helen H. Liu to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 33-2012 - A RESOLUTION confirming the appointment of Ivette Lopez to the Human Rights Commission.

Council Resolution 34-2012 - A RESOLUTION confirming the appointment of Julia Mattis to the Commission on Aging.

Council Resolution 35-2012 - A RESOLUTION confirming the appointment of Otha Myles, M.D. to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 36-2012 - A RESOLUTION confirming the appointment of Sharon Schwemin to the Howard County Animal Matters Hearing Board.

Council Resolution 37-2012 - A RESOLUTION confirming the appointment of Thomas Stanitis to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 38-2012 - A RESOLUTION confirming the reappointment of Carol A. Beatty to the Howard County Local Children's Board.

Council Resolution 39-2012 - A RESOLUTION confirming the reappointment of Jacqueline Morais Easley to the Planning Board.

Council Resolution 40-2012 - A RESOLUTION confirming the reappointment of Naureen Elahi to the Environmental Sustainability Board.

Council Resolution 41-2012 - A RESOLUTION confirming the reappointment of Pamela K. Grady to the Howard County Local Children's Board.

Council Resolution 42-2012 - A RESOLUTION confirming the reappointment of Saba S. Sheikh, M.D., F.A.C.P. to the Commission on Aging.

Council Resolution 43-2012 - A RESOLUTION confirming the reappointment of Sang Kyun Shin, M.D. to the Commission on Aging.

Council Resolution 44-2012 - A RESOLUTION confirming the reappointment of Daniel E. Tracy, Jr. to the Recreation & Parks Board.

The Chairperson moved approval of Council Resolutions 17-2012, 18-2012, 19-2012, 20-2012, 21-2012, 22-2012, 23-2012, 24-2012, 25-2012, 26-2012, 27-2012, 28-2012, 29-2012, 30-2012, 32-2012, 33-2012, 34-2012, 35-2012, 36-2012, 37-2012, 38-2012, 39-2012, 40-2012, 41-2012, 42-2012, 43-2012 and 44-2012. 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.

Council Resolutions 17-2012, 18-2012, 19-2012, 20-2012, 21-2012, 22-2012, 23-2012, 24-2012, 25-2012, 26-2012, 27-2012, 28-2012, 29-2012, 30-2012, 32-2012, 33-2012, 34-2012, 35-2012, 36-2012, 37-2012, 38-2012, 39-2012, 40-2012, 41-2012, 42-2012, 43-2012 and 44-2012 passed.

Other Appointments

The Chairperson moved to table Council Resolution 31-2012.

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

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 Council Resolution 31-2012 passed.

Financial

The Chairperson moved to approve SAO 6 – FY2012. The motion was seconded by Ms. Watson.

SAO6-FY2012 - AN ACT transferring \$110,000 from the General Fund, Contingency Reserve to the Department of Recreation and Parks for the Hazardous Tree Removal Program.

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 SAO6-FY2012 passed.

The Chairperson moved to approve SAO7-FY2012. The motion was seconded by Ms. Watson.

SAO7-FY2012 - AN ACT transferring \$9,975 from the Grants Fund, Contingency Reserve to the Department of Public Works for the purchase of an Earth Tub Composter.

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 SAO7-FY2012 passed.

The Chairperson moved to approve Council Bill 11-2012. The motion was seconded by Ms. Watson.

Council Bill 11-2012 - AN ORDINANCE authorizing and empowering Howard County, Maryland to issue and sell its refunding revenue bonds, as limited obligations and not upon its full faith and credit in the aggregate principal amount of up to \$6,200,000 in order to refund all of the County's Golf Course Refunding Revenue Bonds, 2003 Series A, which financed or refinanced the costs of the Timbers at Troy golf course; providing that such refunding bonds or other obligations be payable from funds and revenues received from or in connection with such golf course and other funds that may be made available under a financing agreement; providing for the private (negotiated) sale of the bonds; authorizing the execution of a financing agreement; approving the form, manner and tenor of the bonds; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, documents or procedures; authorizing the establishment of a debt service reserve fund with respect to the bonds; and providing for and determining various matters in connection therewith.-

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 11-2012 passed.

General

The Chairperson moved to approve Council Bill 12-2012. The motion was seconded by Ms. Watson.

Council Bill 12-2012 - AN ACT adopting the International Building Code, 2012, the International Residential Code, 2012, the International Mechanical Code, 2012, and the

International Energy Conservation Code, 2012; providing that such codes collectively comprise the Howard County Building Code; regulating the design, construction, alteration, improvement, or modification of a building, structure, or other related equipment; adopting certain local amendments to the Building Code; adopting penalties for the violation of the Building Code; making certain technical corrections; and generally relating to building and construction regulations in Howard County.

The Chairperson moved to approve Amendment 1 to Council Bill 12-2012 as follows:
(*This amendment:*

1. *Makes a technical correction to reinsert an exception that was inadvertently omitted during the drafting process.*
2. *Clarifies that the replacement of certain alarms is exempt from permit requirements. The installation is not exempt.)*

On page 3, after line 19, insert:

“EXCEPTION 3: AGRICULTURAL BUILDINGS. THE PROVISIONS OF THIS CODE SHALL NOT APPLY TO THE CONSTRUCTION, ALTERATION, ADDITION, REPAIR, REMOVAL, DEMOLITION, USE, LOCATION, OR MAINTENANCE OF AGRICULTURAL BUILDINGS. THIS PROVISION DOES NOT EXEMPT THE OWNER OF AN AGRICULTURAL BUILDING FROM OBTAINING REQUIRED ELECTRICAL OR PLUMBING PERMITS OR FROM COMPLYING WITH ALL OTHER APPLICABLE LOCAL, STATE, AND FEDERAL REGULATIONS, LAWS, AND ORDINANCES.”.

On page 9, in line 13, strike “INSTALLATION” and substitute “REPLACEMENT”.

The motion was seconded by Ms. Watson.

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 12-2012 passed.

The Chairperson moved to approve Amendment 2 to Council Bill 12-2012 as follows:

(*This amendment allows the replacement of certain gas-fired equipment without a permit.*)

On page 9, in line 15, strike “OR”.

Also on page 9, in line 17, after “RECEPTACLES”, insert:

“OR:

10. REPLACEMENT OF EXISTING FUEL-GAS-FIRED COOKING EQUIPMENT OR EXISTING FUEL-

GAS-FIRED CLOTHES DRYERS THAT DOES NOT INVOLVE ANY NEW HARD PIPING, ANY NEW FLEX TUBING, ANY NEW VALVES, OR ANY NEW SIMILAR INFRASTRUCTURE OF ANY KIND”

The motion was seconded by Ms. Watson.

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

The motion to approve Amendment 2 to Council Bill 12-2012 passed.

The Chairperson moved to approve Council Bill 12-2012 as amended. The motion was seconded by Ms. Watson.

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

The motion to approve Council Bill 12-2012 as amendment passed.

The Chairperson moved to approve Council Bill 13-2012. The motion was seconded by Ms. Watson.

Council Bill 13-2012 - AN ACT adopting the 2011 National Electrical Code as the Electrical Code for Howard County; regulating the design, construction, alteration, improvement or modification to electrical equipment; adopting certain local amendments to the Electrical Code; and generally relating to the electrical requirements in Howard County.

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

The motion to approve Council Bill 13-2012 passed.

The Chairperson moved to approve Council Resolution 45-2012. The motion was seconded by Ms. Watson.

Council Resolution 45-2012 - A RESOLUTION adopting Howard County’s Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds.

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

The motion to approve Council Resolution 45-2012 passed.

The Chairperson moved to approve Council Bill 10-2012. The motion was seconded by Ms. Watson.

Council Bill 10-2012 - AN ACT permitting a homeowners association or common ownership community to submit certain documentation that a unit owner seeking a County issued rental license is delinquent on certain fees or violating certain bylaws or covenants; permitting the denial of rental license applications for failing to pay fees or other obligations to the association or community; permitting the denial of a rental license renewal request for failing to pay fees or violating obligations to the association or community; authorizing the Director of the Department of Licenses, Permits and Inspections to suspend or revoke a rental housing license if a homeowners association or common ownership community provides certain documentation indicating a unit owner with a rental license is delinquent on fees or other obligations to the association or community; authorizing the Director of the Department of Licenses, Inspections and Permits to revoke a rental license for false statements on an application; and generally relating to homeowners association and common ownership community fees and obligations, and rental housing licenses.

The Chairperson moved to approve Amendment 1 to Council Bill 10-2012 as follows:

(This amendment

- 1. changes the definition of common ownership community to include all common ownership communities;*
- 2. adds mixed use communities to the definition of common ownership communities;*
- 3. grants discretion to the Director of the Department of Inspections, Licenses and Permits to suspend a license; and*
- 4. removes the provision allowing the Director to deny, suspend or revoke a license for violations of covenants and bylaws)*

On the title page:

1. In the third line, strike “or violating certain bylaws or covenants”;
2. In the fourth line, strike “or other obligations to the association or community”;
3. In the fifth through the sixth line, strike “or violating obligations to the association or community”;
4. In the ninth through the tenth line, strike “or other obligations to the association or community”.

On page 1, in lines 20 and 23, make the following changes in each instance:

1. strike “MULTIFAMILY”; and
2. after “RESIDENTIAL” insert “OR MIXED USE” in each instance.

On page 3, beginning in line 24 with “THAT” strike through “OR” in line 25.

On page 4, make the following changes:

1. in line 23, strike “THAT:” and substitute “THAT”; and
2. strike line 24 in its entirety, and “2.” on line 25.

On page 5, make the following changes:

1. in line 8, strike “SHALL” and substitute “MAY”;
2. in line 10, strike “THAT:” and substitute “THAT”;
3. strike lines 11 through 12 in their entirety, and strike “B.” in line 13; and
4. strike line 23 in its entirety through the first instance of “OR” in line 24.

On page 6, make the following changes:

1. in line 6, strike “THAT:” and substitute “THAT”; and
2. strike lines 7 through 8 in their entirety, and “B.” in line 9.

The motion was seconded by Ms. Watson.

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 10-2012 passed.

The Chairperson moved to approve Amendment 3 to Council Bill 20-2012 as follows:

(This amendment changes the definition of dwelling unit to include lots and structures in common ownership communities.)

On page 2, in line 5, after “Housing” insert “AND INCLUDES A LOT AS DEFINED IN THE MARYLAND HOMEOWNERS ASSOCIATION ACT IN TITLE 11B OF THE REAL PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND”.

Also on page 2, in line 9, strike “HOUSING” and substitute “DWELLING”.

On page 3, in line 27, after the first instance of “THE” insert “DWELLING”.

On page 4, make the following changes:

1. in line 5, after the first instance of “THE” insert “DWELLING”;
2. in line 8, after the second instance of “THE” insert “DWELLING”;
3. after the first instance of “THE” insert “DWELLING” in the following instances:
 - a. in line 26; and
 - b. in line 29; and
4. in line 31, after the second instance of “THE” insert “DWELLING”.

On page 5, in line 14, after the first instance of “THE” insert “DWELLING”.

On page 6, in line 10, after the first instance of “THE” insert “DWELLING”.

The motion was seconded by Ms. Watson.

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

The motion to approve Amendment 3 to Council Bill 10-2012 passed.

The Chairperson moved to approve Amendment 4 to Council Bill 10-2012 as follows:

(This amendment requires a homeowner to certify that they are current on their

homeowners association or common ownership community dues and removes the provision allowing the Director to deny, suspend or revoke a license for violations of covenants and bylaws.)

On the title page, make the following changes:

1. in the first line, strike from “permitting” through “covenants” in the third line, and substitute “requiring a homeowner to certify that the homeowners association or common ownership community fees are current for the dwelling unit for which the homeowner is seeking or renewing a rental license”;
2. In the fourth line, strike “or other obligations to the association or community”;
3. In the fifth through the sixth line, strike “or violating obligations to the association or community”; and
4. In the ninth through the tenth line, strike “or other obligations to the association or community”.

On page 3, in line 22, strike from “HOMEOWNERS” through the end of line 27, and substitute “HOMEOWNER THAT HOMEOWNER ASSOCIATION OR COMMON OWNERSHIP COMMUNITY FEES FOR THE DWELLING UNIT ARE NOT MORE THAN 30 DAYS PAST DUE.”

On page 4, make the following changes:

1. strike line 2 through “SECTION” in line 3;
2. in line 18, strike “A.”;
3. in line 19, strike “AND” and substitute “.”;
4. in line 20, strike “CODE; AND” and substitute “CODE, AND HAS PROVIDED UPDATED INFORMATION IN THE RENTAL LICENSE APPLICATION.”; and
5. strike lines 21 through 26, in their entirety.

On page 5, in line 10 strike from “THAT:” through “B.” in line 13, and substitute “THAT”.

Also on page 5, strike line 23 in its entirety and in line 24 strike “UNIT OR”.

On page 6, in line 6, strike “THAT:” and substitute “THAT”. Also on page 6, strike lines 7 through 8 in their entirety, and “B.” in line 9.

The motion was seconded by Ms. Watson.

The Chairperson moved to approved Amendment 1 to Amendment 4 to Council Bill 10-2012 as follows:

(This amendment permits the Director to deny a rental license if the homeowners association or common ownership community submits proof of a final adjudication for unpaid fees.)

On page 1, in line 19, after “3” insert “and substitute ‘AND THE HOMEOWNERS ASSOCIATION OR COMMON OWNERSHIP COMMUNITY HAS NOT SUBMITTED PROOF OF A FINAL ADJUDICATION AGAINST THE HOMEOWNER FOR UNPAID FEES RELATING TO THE UNIT’”.

The motion was seconded by Ms. Watson.

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 Amendment 4 to Council Bill 10-2012 passed.

The Chairperson moved to approve Amendment 4 as amended to Council Bill 10-2012. The motion was seconded by Ms. Watson.

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

The motion to approve Amendment 4 as amended to Council Bill 10-2012 passed.

The Chairperson moved to approved Council 10-2012 as amended. The motion was seconded by Ms. Watson.

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

The motion to approve Council Bill 10-2012 as amended passed.

The Chairperson moved to approve Council Resolution 46-2012. The motion was seconded by

Ms. Watson.

Council Resolution 46-2012 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 23, 2012.

The Chairperson moved to approve Amendment 1 to Council Resolution 46-2012 as follows:
(This amendment changes the time of the session.)

On page 1, in line 6, strike “10:30” and substitute “9:30”.

The motion was seconded by Ms. Watson.

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 Resolution 46-2012 passed.

The Chairperson moved to approve Council Resolution 46-2012 as amended. The motion was seconded by Ms. Watson.

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

The motion to approve Council Resolution 46-2012 as amended passed.

Tabled

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

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.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:19 p.m.