

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2012 Legislative Session**

**Legislative Day No. 3**

03/05/2012

**HOWARD COUNTY TO WIT:**

The Chairman 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; Melissa Whipkey, Assistant County Attorney and Jennifer Sager, Legislative Coordinator were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 2, February 6, 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 – February 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, 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 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 Lauren 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.

## **Financial**

SAO5-FY2012 - AN ACT transferring \$53,402 from the Grants Fund, Contingency Reserve to the Department of Corrections for the State Criminal Alien Assistance Program.

## **General**

Council Bill 8-2012 (ZRA 136) – Introduced by the Chair at the request of The Liparini Company -AN ACT amending the Howard County Zoning Regulations to permit the MXD District regulations to reduce the minimum percentage of employment use land area which may be used in MXD-6 developments that provide age-restricted adult housing from 9% to 7%; and generally related to employment use land area in MXD.

Council Bill 9-2012 - AN ACT repealing the requirement that the County fire and rescue tax be based on separate districts; removing certain obsolete language; making certain technical corrections; providing for the application of this Act; providing that this Act may be construed to apply only prospectively and may not be construed to apply to certain matters arising before a certain date; and generally relating to the County fire and rescue tax.

## **FINAL CONSIDERATION**

### **Consent**

Council Resolution 11-2012 - A RESOLUTION confirming the appointment of Nellie A. Hutt to the Public Ethics Commission.

Council Resolution 13-2012 - A RESOLUTION confirming the reappointment of Ann M. Geddes to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 14-2012 - A RESOLUTION confirming the reappointment of Stephen M. Liggett-Creel to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution 15-2012 - A RESOLUTION confirming the reappointment of Elizabeth Singer to the Environmental Sustainability Board.

Council Resolution 16-2012 - A RESOLUTION confirming the reappointment of Ned Tillman to the Environmental Sustainability Board.

The Chairperson moved approval of Council Resolution 11-2012, Council Resolution 13-2012, Council Resolution 14-2012, Council Resolution 15-2012, and Council Resolution 16-2012. 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 Resolution 11-2012, Council Resolution 13-2012, Council Resolution 14-2012, Council Resolution 15-2012, and Council Resolution 16-2012 passed.

### **Appointments**

The Chairperson moved to withdraw Council Resolution 12-2012. 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 Resolution 12-2012 - A RESOLUTION confirming the reappointment of Kristina Demme to the Howard County Animal Matters Hearing Board.

Council Resolution 12-2012 was withdrawn.

### **General**

The Chairperson moved to table Council Bill 7-2012 . 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 Bill 7-2012 was tabled.

Council Bill 7-2012 - AN ACT amending the Howard County Zoning Regulations to amend the Conditional Uses Section to establish a new Conditional Use category that allows boutique hotels under certain conditions; and generally related to boutique hotels.

### **Tabled Legislation**

The Chairperson moved to remove Council Bill 2-2012 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. Council Bill 2-2012 was removed from the table.

Council Bill No. 2-2012 (ZRA 137) - AN ACT amending the Howard County Zoning Regulations to permit Community Swimming Pools to send density under the Neighborhood Preservation Program in the R-ED, R-20, and R-12 zoning districts, under certain conditions; establish a reduced rear setback of 15 feet on R-ED zoned lots that adjoin an open space lot; and generally related to Community Swimming Pools and rear setbacks.

The Chairperson moved to adopt Amendment No.2 to Council Bill No. 2-2012 as follows:

(This amendment would provide a maximum setback encroachment provision in the bill for sunrooms and room extensions).

On the title page, in line 4 of the title, after “lot”, insert “for sunrooms and room extensions”.

On page 1, strike lines 10-12, in their entirety.

On page 1, immediately following line 13, insert “Number 1”.

On pages 2 and 3, strike beginning with line 12 on page 2 thorough line 8 on page 3, in their entirety.

On pages 4 and 5, strike after line 22 on page 4 through line 1 on page 5, inclusive of the table, in their entirety and substitute the following Subsection J to be included in the table:

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<u>TYPE OF BUILDING FEATURE STRUCTURE, OR LAND USE</u>	<u>ZONING DISTRICT</u>	<u>MAXIMUM ENCROACHMENT INTO SETBACK</u>
<u>J. SUNROOMS AND ROOM EXTENSIONS</u>	<u>R-ED LOTS RECORDED AFTER [THE EFFECTIVE DATE OF COUNCIL BILL 2-2012]</u>	<u>10 FEET INTO A REAR SETBACK, ALONG NOT MORE THAN 60 PERCENT OF THE REAR FACE OF A DWELLING ON A LOT WHICH ADJOINS OPEN SPACE ALONG A MAJORITY OF THE REAR LOT LINE</u>

The motion was seconded by Ms. Watson.

The Chairperson moved to adopt Amendment 1 to Amendment No.2 to Council Bill No. 2-2012 as follows:

(This technical amendment would clarify that a new letter J is being added to the Exceptions to Setback Requirements table in the Supplementary Zoning District Regulations).

On page 1, immediately following line 19, insert:

“On page 1, strike lines 22 through 24, in their entirety, and insert the following:

“Subsection L. “Density Exchange For Neighborhood Preservation Parcels”

By Adding:

Section 128 “Supplementary Zoning District Regulations” District  
Subsection A. “Supplementary Bulk Regulations”  
Number 1. “Exceptions to Setback Requirements”  
Letter J. “Sunrooms and Room Extensions””.

The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment 1 to Amendment 2 passed.

The roll call vote called by the Chairperson on Amendment 2 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 2-2012 passed.

Ms. Watson moved to adopt Amendment No.1 to Council Bill No. 2-2012 as follows:

*(This amendment would allow Neighborhood Preservation Parcel Program development rights to be received in the R-ED zoning district).*

On the title page, in line 4 of the title, after the semicolon, insert “to allow Neighborhood Preservation Parcel Development rights to be received in the R-ED Zoning District;”.

On page 8, in line 1, after “the”, insert “R-ED.”.

The motion was seconded by Dr. Ball.

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

Amendment No. 1 to Council Bill 2-2012 failed.

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

Council Bill No. 2-2012 passed as amended.

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The Chairperson moved to remove Council Bill 3-2012 from the table. The motion was seconded by Ms. Watson.

Council Bill No. 3-2012 (ZRA 135) - AN ACT amending the Howard County Zoning

Regulations to amend the Riding Academies and Stables Conditional Use category to change required setback provisions; and generally relating to Riding Academies and Stables.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Council Bill No. 3-2012 was removed from the table.

The Chairperson moved to extend the life of Council Bill 3-2012 by 30 days. 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 life of Council Bill No. 3-2012 was extended by 30 days.

The Chairperson moved to place Council Bill 3-2012 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. Council Bill No. 3-2012 was placed on the table.

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The Chairperson moved to remove Council Bill 5-2012 from the table. The motion was seconded by Ms. Watson.

Council Bill No. 5-2012 (ZRA 138) - AN ACT removing a requirement that pick-your-own-enterprises located in the RC (Rural Conservation) Zoning District have frontage on and direct access to certain types of roads, requiring that all necessary permits and licenses to be obtained from the Health Department prior to use as a pick-your-own enterprise, and generally relating to the Howard County Zoning Regulations.

The Chairperson moved to adopt Amendment 1 to Council Bill 5-2012 as follows:

*(This amendment requires appropriate directional signs when necessary for visitor access.)*

On page 1, delete lines 17 and 18 in their entirety, and substitute:

“B. SIGHT DISTANCE, THE DESIGN OF DRIVEWAY ENTRANCES, AND DIRECTIONAL SIGNAGE ARE ADEQUATE TO ACCOMMODATE EXPECTED TRAFFIC.”

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 Council Bill 5-2012 passed.

The roll call vote called by the Chairperson on Council Bill 5-2012 as amended was:

Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Council Bill 5 passed as amended.

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The Chairperson moved to remove Council Bill 57-2011 from the table. The motion was seconded by Ms. Watson.

Council Bill 57-2011 - AN ACT repealing and reenacting Subtitle 3 “Councilmanic Districts” of Title 5 “County Council” of the Howard County Code to adopt redistricting maps and council district descriptions which will establish new council districts for Howard County in accordance with Howard County Charter Section 202(f) “Redistricting”; and generally relating to Redistricting.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Council Bill 57-2011 was removed from the table.

The Chairperson moved to approve Amendment 1 to Council Bill 57-2011 as follows:

*(This amendment would amend the Howard County Redistricting Commission’s Plan to do the following:*

- 1. Place a different portion of Precinct 01-02 in District 2;*
- 2. Place Precinct 02-03 in District 1;*
- 3. Place the entire Precinct 02-22 in District 1;*
- 4. Place a portion of Precinct 06-32 in District 3; and*
- 5. Place Precincts 05-16, 02-20, 02-14, and 02-13 in District 4).*

Substitute the attached pages, numbered 1 through 15 (including the 2 attached census block split maps), for the attachment entitled, “Councilmanic District Descriptions for Howard County, Maryland”.

Substitute the attached 6 pages, which include a new title page and 5 maps, for the attachment entitled, “Councilmanic Redistricting Maps (Redistricting Commission) for Howard County, Maryland”.

The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to Amendment 1 to Council Bill 57-2011 as follows:

*(This amendment would correct a drafting error to the descriptive clause of the amendment in which two proposed changes to the Redistricting Commission’s map were unintentionally omitted and corrects a grammatical error in the description).*



On amendment page, in number 4 of the descriptive clause, after the semi colon, strike “and”. On the same page, in number 5 of the descriptive clause, after “District 4”, strike the parenthesis and the period and substitute “;”. On the same page, immediately on the line following descriptive clause item number 5, insert the following:

“6. Place a portion of Precinct 06-32 and the entire Precinct 06-28 in District 5; and 7. Place Precinct 06-30 in District 2).”

On pages 3 and 7 of the attached description, in the sentence immediately following the first table, strike “Blocks are” and substitute “Block is”. In the same sentence, in the parentheses, strike “descriptions” and substitute “description”.

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 Amendment 1 to Council Bill 57-2011 passed.

The roll call vote called by the Chairperson on the motion to adopt Amendment 1 as amended was: Yea: Council Member Fox; Nay: Council Members Ball, Sigaty, Terrasa and Watson. Amendment 1 to Council Bill 57-2011 failed.

The Chairperson moved to approve Amendment 2 to Council Bill 57-2011 as follows:

*(This amendment would amend the Howard County Redistricting Commission’s Plan to do the following:*

- 1. Place Precinct 02-03 in District 1;*
- 2. Place Precinct 02-08 in District 5;*
- 3. Place the Terra Maria Community in Precinct 02-17 in District 5;*
- 4. Place the portion of the Quarterfield Community in Precinct 03-04 in District 5; and*
- 5. Place the remainder of Precinct 02-22 in District 1).*

Substitute the attached pages, numbered 1 through 14 (including the 4 attached census block split maps), for the attachment entitled, “Councilmanic District Descriptions for Howard County, Maryland”.

Substitute the attached 6 pages, which include a new title page and 5 maps, for the attachment entitled, “Councilmanic Redistricting Maps (Redistricting Commission) for Howard County, Maryland”.

The motion was seconded by Ms. Watson. The roll call vote called by the Chairperson on the motion to adopt Amendment 2 was: Yea: Council Members Ball and Watson; Nay: Council

Members Fox, Sigaty, and Terrasa. Amendment 2 to Council Bill 57-2011 failed.

The Chairperson moved to approve Amendment 4 to Council Bill 57-2011 as follows:

*(This amendment would amend the Howard County Redistricting Commission's Plan to do the following:*

- 1. Place different portions of Precincts 01-11 and 01-02 in District 2;*
- 2. Place Precinct 02-22 and a portion of 03-03 in District 1;*
- 3. Place a portion of Precinct 05-01 in District 4;*
- 4. Place Precincts 05-16, 02-20, 02-14, and 02-13 in District 4;*
- 5. Place Precincts 06-32 and 06-28 in District 5;*
- 6. Place Precinct 06-30 in District 2; and*
- 7. Place a small portion of Precinct 01-01 and all of Precinct 01-15 in District 1).*

Substitute the attached pages, numbered 1 through 13, for the attachment entitled, "Councilmanic District Descriptions for Howard County, Maryland".

Substitute the attached 6 pages, which include a new title page and 5 maps, for the attachment entitled, "Councilmanic Redistricting Maps (Redistricting Commission) for Howard County, Maryland".

The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion to adopt Amendment 4 was: Yea: Council Member Terrasa; Nay: Council Members Ball, Fox, Sigaty, and Watson. Amendment 4 to Council Bill 57-2011 failed.

The Chairperson moved to approve Amendment 3 to Council Bill 57-2011 as follows:

*(This amendment would amend the Howard County Redistricting Commission's Plan to do the following:*

- 1. Place different portions of Precincts 01-11 and 01-02 in District 2;*
- 2. Place Precinct 02-03 in District 1;*
- 3. Place Precinct 02-22 and a portion of 03-03 in District 1;*
- 4. Place a portion of Precinct 05-01 in District 4; and*
- 5. Place Precincts 05-16, 02-20, 02-14, and 02-13 in District 4).*

Substitute the attached pages, numbered 1 through 14, for the attachment entitled, "Councilmanic District Descriptions for Howard County, Maryland".

Substitute the attached 6 pages, which include a new title page and 5 maps, for the attachment entitled, "Councilmanic Redistricting Maps (Redistricting Commission) for Howard County, Maryland".

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 to Amendment 3 to Council Bill 57-2011 as follows:

*(This amendment would correct a drafting error to the descriptive clause of the amendment in which a proposed change to the Redistricting Commission's map was unintentionally omitted).*

On amendment page, in number 4 of the descriptive clause, after the semi colon, strike “*and*”. On the same page, in number 5 of the descriptive clause, after “District 4”, strike the parenthesis and the period and substitute “; *and*”. On the same page, immediately on the line following descriptive clause item number 5, insert the following “6. Place Precincts 06-32 and 06-28 in District 5).”.

The motion was seconded by Ms. Terrasa. The roll call vote called by the Chairperson on the motion to adopt Amendment 1 to Amendment 3 was Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Amendment 1 to Amendment 3 of Council Bill 57-2011 passed.

The roll call vote called by the Chairperson on the motion to adopt Amendment 3 as amended was Yea: Council Members Sigaty, Fox, and Terrasa; Nay: Council Members Ball and Watson. Amendment 3 as amended to Council Bill 57-2011 passed.

The roll call vote called by the Chairperson on the motion to adopt Council Bill 57-2011 as amended was Yea: Council Members Sigaty, Fox, and Terrasa; Nay: Council Members Ball and Watson. Council Bill 57-2011 passed as amended.

The Chairperson adjourned the legislative session at 8:22 p.m.