

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2012 Legislative Session

Legislative Day No. 2

02/06/2012

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; Jennifer Sager, Legislative Coordinator; Theodore Wimberly, Senior Administrative Analyst to the Council were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 1, January 3, 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 – January 17, 2012, the Legislative Work Session – January 23, 2012, and the Quarterly Meeting with the Board of Education – January 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 11-2012 - A RESOLUTION confirming the appointment of Nellie A. Hutt to the Public Ethics Commission.

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

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.

General

Council Bill 7-2012 (ZRA – 119) Introduced by: The Chair at the Request of Cynthia Lynn and David Lynn - 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.

FINAL CONSIDERATION

Consent

Council Resolution No. 1-2012 - A RESOLUTION confirming the appointment of Brian Daugherty to the Howard County Local Children's Board.

Council Resolution No. 2-2012 - A RESOLUTION confirming the appointment of Scott E. Hale to the Adult Public Guardianship Review Board.

Council Resolution No. 3-2012 - A RESOLUTION confirming the appointment of Stephen Harrison to the Howard County Local Children's Board.

Council Resolution No. 4-2012 - A RESOLUTION confirming the appointment of William Wurzell to the Housing and Community Development Board.

Council Resolution No. 5-2012 - A RESOLUTION confirming the reappointment of Lynn Albizo to the Commission on Disability Issues.

Council Resolution No. 6-2012 - A RESOLUTION confirming the reappointment of Arthur C. Gold to the Commission on Disability Issues.

Council Resolution No. 7-2012 - A RESOLUTION confirming the reappointment of Margaret Kim to the Equal Business Opportunity Commission.

Council Resolution No. 8-2012 - A RESOLUTION confirming the reappointment of Diane Richardson to the Commission on Disability Issues.

The Chairperson moved to approve Council Resolutions 1-2012, 2-2012, 3-2012, 4-2012, 5-2012, 6-2012, 7-2012, and 8-2012. The motion was seconded by Ms. Watson.

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

The motion to approve Council Resolutions 1-2012, 2-2012, 3-2012, 4-2012, 5-2012, 6-2012, 7-2012, and 8-2012 passed.

Appointments

The Chairperson moved to remove Council Resolution 156-2011 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.

Council Resolution No. 156-2011 - A RESOLUTION confirming the appointment of Debra Poquette to the Howard County Board of Directors of the Revenue Authority.

The Chairperson moved to approve Council Resolution 156-2011. 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 156-2011 passed.

The Chairperson moved to remove Council Resolution 180-2011 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.

Council Resolution 180-2011 - A RESOLUTION confirming the appointment of Deborah St. Lawrence Thompson to the Howard County Local Children's Board.

The Chairperson moved to approve Council Resolution 180-2011. 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 180-2011 passed.

Financial

Council Bill No. 1-2012 - AN ACT amending Council Bill No. 48-2011 that authorizes and provides for the issuance, sale and delivery of general obligation bonds of the County for the purposes of financing certain capital projects of the County.

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

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Council Bill 1-2012 passed.

SAO3-FY2012 - AN ACT transferring \$264,723 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for a grant to provide overtime funding for the Energy Efficiency and Conservation Block Grants Program.

The Chairperson moved to approve SAO3-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. SAO3-FY2012 passed.

SAO4-FY2012 - AN ACT transferring \$40,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for a grant to provide rental assistance to eligible low-income residents with critical and emergency housing needs.

The Chairperson moved to approve SAO4-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. SAO4-FY2012 passed.

Council Bill No. 2-2012 (ZRA 137) Introduced by: Courtney Watson, Councilperson - 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 Council Member Watson moved to table Council Bill No. 2-2012. The motion was seconded by the Chair.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Council Bill No. 2-2012 was tabled.

Council Bill No. 3-2012 (ZRA 135) Introduced by: The Chair at the Request of Viram Patel - 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 Chairperson moved to table Council Bill No. 3-2012. 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 No. 3-2012 was tabled.

Council Bill No. 4-2012 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Amended and Restated Developer Agreement and Right of Entry for a Major Public Sewer System between Howard County, Maryland and Ellicott Meadows, LLC for the acquisition of the Orchard Meadows Water Main; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to approve Council Bill No. 4-2012. 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 No. 4-2012 was passed.

Council Bill No. 5-2012 (ZRA 138) Introduced by: The Chair at the Request of Marsha McLaughlin, Director, The Department of Planning and Zoning - 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 table Council Bill No. 5-2012. 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 No. 5-2012 was tabled.

Council Bill No. 6-2012 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and Recall Total Information Management Inc., and Recall Secure Destruction Services, Inc., both subsidiaries of Recall Corp.; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to approve Council Bill No. 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. Council Bill No. 6-2012 was passed.

Council Resolution No. 10-2012 - A RESOLUTION authorizing Ken Ulman, Howard County Executive, to file an application with the Maryland Transit Administration of the Maryland Department of Transportation for a Sections 5303, 5304, 5307, 5309, 5310, 5311, 5316 and/or 5317 grants under the Federal Transit Act.

The Chairperson moved to approve Council Resolution No. 10-2012. 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 No. 10-2012 was passed.

Council Resolution No. 9-2012 Introduced by the Chairperson - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on March 29, 2012, in lieu of the legislative session that would normally be held on April 2, 2012.

The Chairperson moved to approve Council Resolution No. 9-2012. 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 No. 9-2012 was passed.

The Chairperson moved to remove Council Resolution 174-2011 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.

Council Resolution No. 174-2011 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2012 pursuant to the Adequate Public Facilities Act of Howard County.

The Chairperson moved to approve Council Resolution 174-2011. 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 174-2011 passed.

The Chairperson moved to remove Council Resolution 175-2011 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.

Council Resolution No. 175-2011 - A RESOLUTION adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development.

The Chairperson moved to approve Council Resolution 175-2011. 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 175-2011 passed.

The Chairperson moved to remove Council Bill 57-2011 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.

Council Bill No. 57-2011 Introduced by: The Chair based on the recommendation of the Redistricting Commission - 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 Chairperson moved to extend the life of Council Bill No. 57-2011 under Charter Section 209(h). 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 57-2011 was extended.

The Chairperson moved to table Council Bill No. 57-2011. 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. 57-2011 was tabled.

Tabled

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.

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.

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.

Council Bill No. 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.

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 7:51 p.m.