

**C O U N T Y C O U N C I L
O F
H O W A R D C O U N T Y, M A R Y L A N D**

2014 Legislative Session

Legislative Day No. 4

April 7, 2014

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:55** p.m.

Chairperson; Calvin Ball, Vice Chairperson; Courtney Watson, Council Member; Greg Fox, Council Member; Mary Kay Sigaty, Council Member; and Jennifer Terrasa, Council Member, were present.

Sheila Tolliver, Administrator to the County Council; Craig Glendenning, County Auditor; Theodore Wimberly, Legislative Assistant; Paul Johnson, Deputy County Solicitor; and Jennifer Sager, Legislative Coordinator were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 3, March 5, 2014. 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 Monthly Meeting – March 10, 2014. The motion was seconded by Ms. Watson.

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

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Legislative Public Hearing – March 17, 2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion approve the minutes for the Legislative Public Hearing – March 17, 2014 was: Yea: Council Members

Ball, Fox, Sigaty and Terrasa. Abstain: Council Member Watson.

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Quarterly Meeting with Board of Education – March 25, 2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve the minutes for the Quarterly Meeting with Board of Education – March 25, 2014 was: Yea: Council Members Ball, Fox, Terrasa and Watson. Abstain: Council Member Sigaty.

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

The Chairperson moved to allow the reading of bills by short title on final reading. 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 allow the reading of bills by short title on final reading passed.

The Chairperson moved to allow the introduction of a resolution that was not prefiled. 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 allow the introduction of a resolution that was not prefiled passed.

Council Resolution No. 38-2014 - A RESOLUTION requesting the Howard County Environmental Sustainability Board to review the potential environmental impacts of locating Composting Facility & Mulch Manufacturing uses on agricultural land in Howard County and make a recommendation to the County Council by a certain date and requesting the County Executive to provide appropriate county resources to support this effort.

The Chairperson announced that he had prefiled CB15-2014 at the request of the Howard County Independent Business Association, which would have allowed consideration with modifications of ZRA 145. At the request of the Association, he will not be introducing CB 15-2014 tonight. Instead he asked his colleagues to allow him to introduce a resolution which will authorize the appointment of a task force to study issues related to the proposal in ZRA 145.

The Chairperson moved to allow the introduction of a resolution that was not prefiled. 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 allow the introduction of a resolution that was not prefiled passed.

Council Resolution No. 39-2014 - Introduced by: Calvin Ball, A RESOLUTION, creating a task force to study standards and related parking issues for locating fueling stations and to recommend standards for locating facilities.

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

Appointments

Council Resolution No. 30-2014 - A RESOLUTION confirming the appointment of Susan M. Hailman to the Commission on Aging.

Council Resolution No. 31-2014 - A RESOLUTION confirming the appointment of Opel T. Jones, I to the Human Rights Commission.

Council Resolution No. 32-2014 - A RESOLUTION confirming the reappointment of Katherine Elicker to the Environmental Sustainability Board.

Council Resolution No. 33-2014 - A RESOLUTION confirming the reappointment of Richard J. Green to the Advisory Board on Consumer Affairs.

Council Resolution No. 34-2014 - A RESOLUTION confirming the reappointment of Andrew A. Monjan, Ph. D., M.P.H. to the Commission on Aging.

Financial

Supplementary Budget & Appropriation Ordinance No. 3 - Fiscal Year 2014 - AN ACT transferring \$2,000,000 from the General Reserve, Contingency Fund to the Department of Public Works and increasing the General Fund budget of the Department of Public Works and the County by an additional \$1,300,000 for unanticipated expenses for snow removal; and declaring, under section 610(b) of the Howard County Charter, that this transfer is necessary to meet a public emergency affecting life, health or property.

Transfer of Appropriation Ordinance No. 3 Fiscal Year 2014 - AN ACT transferring \$100,000 in grant funding from Capital Project C0214, Category Contingency Fund, to Capital Project C0337, Ellicott City Improvements and Enhancements, for the Ellicott City Streetscape Program grant.

General

Council Resolution No. 35-2014 - A RESOLUTION declaring that a portion of certain real property consisting of 0.6113 acres located on Guilford Road and owned by Howard County, Maryland is no longer needed by the County for a public purpose; authorizing the County Executive to convey the property to The Salvation Army in exchange for the acquisition of 0.6113 acres of adjacent property owned by The Salvation Army; waiving the advertising and bidding requirements of Section 4.201 of the County Code in connection with the property's conveyance; and providing that the County Executive is not bound to terminate the County's interest in the property if he finds that the property may have a further public use.

Council Resolution No. 36-2014 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to convey certain real property owned by the County shown as Parcel A, containing approximately 1.7386 acres to the Howard County Housing Commission; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to convey the land if he finds that the land may have a further public use.

Council Resolution No. 37-2014 - 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.

Council Resolution No. 38-2014 - Introduced by: Courtney Watson, Councilperson, A RESOLUTION requesting the Howard County Environmental Sustainability Board to review the potential environmental impacts of locating Composting Facility & Mulch Manufacturing uses on agricultural land in Howard County and make a recommendation to the County Council by a certain date and requesting the County Executive to provide appropriate county resources to support this effort.

Council Resolution No. 39-2014 - Introduced by: Calvin Ball, A RESOLUTION, creating a task force to study standards and related parking issues for locating fueling stations and to recommend standards for locating facilities.

Council Bill No. 12-2014 - Introduced By, Jen Terrasa - AN ACT amending the Howard County Code to require developers conducting presubmission community meetings in accordance with Section 16.128 and 16.205 of the County Code to send notification to any school within a three-mile radius of the subject property; and generally relating to presubmission community meetings.

Council Bill No. 13-2014 - Introduced By, Courtney Watson; Co-Sponsored By, Calvin Ball and Jen Terrasa - AN ACT requiring County Boards and Commissions and the Howard County Housing Commission to publicly post minutes and agendas of all open meetings; and generally relating to Boards and Commissions.

Council Bill No. 14-2014 - Introduced By, Jen Terrasa; Co-Sponsored By, Calvin Ball and Courtney Watson - AN ACT amending the building code to conform terms relating to persons with disabilities; amending the Equal Business Opportunity Commission to conform terms relating to persons with disabilities; amending the human rights provisions to conform terms relating to persons with disabilities; amending housing and community development programs to conform terms relating to persons with disabilities; amending the Howard County Cable Television Systems Franchise Act to conform terms relating to persons with disabilities; amending towing provisions to conform terms relating to persons with disabilities; amending recreations and parks provisions to conform terms relating to persons with disabilities; and generally relating to people with disabilities.

FINAL CONSIDERATION

Consent

Council Resolution No. 25-2014 - A RESOLUTION confirming the appointment of Anthony E. Molinaro, Jr., P.E., to the Board of Electrical Examiners.

Council Resolution No. 26-2014 - A RESOLUTION confirming the reappointment of Denny Patrick to the Howard County Agricultural Land Preservation Board.

The Chairperson moved to approve Council Resolutions 25 and 26-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Council Resolutions 25 and 26-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolutions 25 and 26-2014 passed.

Other Appointments

Council Resolution No. 24-2014 - A RESOLUTION confirming the appointment of Dr. Anand Mattai to the Board of Directors of the Howard County Mental Health Authority.

The Chairperson moved to withdraw Council Resolution No. 24-2014 at the request of the administration. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to withdraw Council Resolution No. 24-2014 at the request of the administration was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to withdraw Council Resolution No. 24-2014 at the request of the administration passed.

General

Council Bill No. 8-2014 - Introduced by: The Chairperson - AN ACT to amend the compensation of the members of the Howard County Board of Appeals; and generally relating to the Howard County Board of Appeals.

The Chairperson moved to approve Council Bill No. 8-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 8-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 8-2014 passed.

Council Bill No. 9-2014 - AN ACT establishing a tax credit against the County tax imposed on real property located adjacent to Route 1 that is renovated, upgraded, or rehabilitated, under certain conditions; establishing the amount, terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; and generally relating to property tax credits.

The Chairperson moved to approve Council Bill No. 9-2014. The motion was seconded by Ms. Watson.

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

Amendment No. 1

(This amendment limits eligible properties to a certain size.)

On page 1, in line 30 after “THAT” insert “IS LESS THAN 10 ACRES AND”.

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

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Watson.

Amendment No. 2

(This amendment requires that eligible work be visible from Route 1, limits the amount of the tax credit, and clarifies eligible expenses.)

On page 1, in line 30, immediately following “THAT” insert “INCLUDES NO RESIDENTIAL COMPONENT AND”.

On page 2, in line 1, immediately following “IS” insert “READILY” and immediately following “FROM” insert “THE CENTER LINE OF”.

On page 3, in line 3, strike “150%” and substitute “100%”. Also on page 3, immediately following “EXPENSES” insert “BUT FOR NO MORE THAN \$50,000”

On page 5, in line 28, insert “Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, the tax credit may only be granted for expenses incurred after the effective date of this Act.”

Renumber the remaining sections accordingly.

The Chairperson moved to approve Amendment 1 to Amendment 2. The motion was seconded by Ms. Watson.

Amendment No. 1 to Amendment 2

(This amendment changes the maximum permitted tax credit.)

On page 1, in line 7, strike “100%” and substitute “125%”.

Also on page 1, in line 8, strike “\$50,000” and substitute “\$100,000”.

On page 1, in line 5, after “THE” strike “CENTER LINE OF” and insert “NEAREST ROAD EDGE ON” and insert “and on page 2 in line 1, strike ‘FROM’”.

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

The motion to approve Amendment 1 to Amendment 2 passed.

The Chairperson moved to approved Amendment 2 to Amendment 2. The motion was seconded by Ms. Watson.

Amendment No. 2 to Amendment 2

(This amendment requires the building to be visible from the road edge of Route 1.)

On page 1, in line following line 2 insert, “On page 2, at the end of line 5, add ‘AND’ and in line following line 5, insert ‘IS READILY VISIBLE FROM THE NEAREST ROAD EDGE OF ROUTE 1.’”

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

The motion to approve Amendment 2 to Amendment 2 passed.

The Chairperson moved to approve Amendment 3 to Amendment 2. The motion was seconded by Ms. Watson.

Amendment No. 3 to Amendment 2

(This amendment provides a sunset.)

On page 1, in the explanation, in the second line, after the comma, insert “establishes a four year sunset provision.”

On page 1, after line 6, insert:

“On the title page, in line 4, before ‘and’ insert ‘establishing a sunset provision;’

On page 5, after line 28, after ‘enactment’ insert:

*‘Section 3. **And be it further enacted** by the County Council of Howard County, Maryland that tax credits authorized by this Act shall remain effective for a period of 48 months and, at the end of that period, with no further action required by the County Council, this Act shall be abrogated and of no further force and effect.’”*

Renumber the remainder of the section accordingly.

The roll call vote called by the Chairperson on the motion to approve Amendment 3 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 3 to Amendment 2 passed.

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

The motion to approve Amendment 2 as amended passed.

The Chairperson moved to approve Amendment 5. The motion was seconded by Ms. Watson.

Amendment No. 5

(This amendment requires the report to be made in a public meeting.)

On page 5, in line 12, immediately after “CHANGES” insert “;AND

(IV) BE PRESENTED IN A PUBLIC MEETING WITH THE COUNCIL.”

The roll call vote called by the Chairperson on the motion to approve Amendment 5 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 5 passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 9-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 9-2014 as amended passed.

Council Bill No. 10-2014 - AN ACT allowing certain fees-in-lieu to be used to create urban tree canopy; defining certain terms; allowing certain fees-in-lieu to be used for the maintenance of existing forests in accordance with State law; and generally relating to forest conservation in Howard County.

The Chairperson moved to approve Council Bill No. 10-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 10-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 10-2014 passed.

Council Bill No. 11-2014 - AN ACT changing the name of the Historic District Commission to be the Historic Preservation Commission; defining certain terms; allowing for certain single-site historic districts; clarifying certain membership of the Commission; extending certain voting deadlines; clarifying the advisory role of the Commission; clarifying certain powers of the Commission and staff; clarifying certain appeal provisions; and generally relating to the Historic District Commission.

The Chairperson moved to approve Council Bill No. 11-2014. The motion was seconded by Ms. Watson.

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

Amendment No. 1

(This amendment would move the clarifying provision that the request for a Single Site Historic District designation can only be made by the property owner from Section 16.606 "Powers of the Commission" to Section 16.602 "Establishment of historic districts").

On page 1, immediately following line 10, insert the following:

"SECTION 16.602. "Establishment of historic districts."".

On page 4, immediately following line 3, insert the following:

"Sec. 16.602. Establishment of historic districts.

(a) *Boundaries Established.* The boundaries of historic districts shall be established in accordance with title 16, subtitle 2 of the Howard County Code (the Zoning Enabling Act).

(b) *Zoning Regulations Remain in Effect.* The zoning regulations of Howard County, as amended, shall remain in full force and effect within any historic district hereafter established, except as may herein be modified.

(c) *Zoning Districts as Designated on Zoning Map.* The zoning districts as designated on the zoning map of Howard County, as amended, shall remain in full force and effect within any historic district.

(D) SINGLE SITE HISTORIC DISTRICTS MAY ONLY BE ESTABLISHED UPON THE PETITION OF THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THE PETITION.”.

The roll call vote on the motion to approve Amendment 1 was. Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Watson.

Amendment No. 2

(This amendment would correct the State authority reference found in the Purpose section).

On page 2, in lines 6 and 7, strike “article 25A, section 5(BB) (Historic and Landmark Zoning and Preservation)” and substitute “LOCAL GOVERNMENT ARTICLE, SECTION 10-325”. On the same page, in line 8, strike “1957” and substitute “2013”.

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

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3. The motion was seconded by Ms. Sigaty.

Amendment No. 3

(This amendment would clarify that recommendations made by the Historic Preservation Commission on an entire Historic District designation as a whole are made to the County Council and that recommendations made pertaining to single Historic District properties seeking to be designated as part of a Historic District are to be made to the Zoning Board).

On page 8, strike lines 12 through 19, in their entirety, and substitute the following:

"(c) RECOMMEND DESIGNATION AS HISTORIC DISTRICT. THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE HOWARD COUNTY COUNCIL ON ALL PETITIONS TO CREATE OR MODIFY MULTIPLE SITE HISTORIC DISTRICTS. THE COMMISSION SHALL ALSO MAKE RECOMMENDATIONS TO THE ZONING BOARD ON ALL PETITIONS TO CREATE BOUNDARIES OF SINGLE SITE HISTORIC DISTRICTS OR TO AMEND THE BOUNDARIES OF HISTORIC DISTRICTS ON A PIECEMEAL BASIS."

The roll call vote called by the Chairperson to approve Amendment 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 3 passed.

The roll call vote called by the Chairperson to approve Council Bill No. 11-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 11-2014 as amended passed.

Council Resolution No. 27-2014 - A RESOLUTION adopting the Howard County Historic Preservation Plan.

The Chairperson moved to approve Council Resolution No. 27-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve Council Resolution No. 27-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 27-2014 passed.

Council Resolution No. 28-2014 - A RESOLUTION recommending the denial of Elizabeth Mullinix's request to terminate a Maryland Agricultural Land Preservation Foundation easement on property located on the south side of Carrs Mill Road, containing approximately 142 acres, more commonly known as the "Clevenger Farm".

The Chairperson moved to approve Council Resolution No. 28-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve Council Resolution No. 28-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 28-2014 passed.

Council Resolution No. 29-2014 - A RESOLUTION declaring that a total of approximately 22.58 acres of real property owned by Howard County and identified as the Mears Property and located along Lennox Road in Jessup is no longer needed for a public purpose; authorizing the County Executive to sell the property; waiving the bidding requirements of Section 4.201 of the Howard County Code; allowing the County to consider certain conditions when reviewing bids to purchase the property; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use.

The Chairperson moved to approve Council Resolution No. 29-2014. The motion was seconded by Ms. Watson.

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

Amendment No. 1

(This amendment removes the bidding waiver.)

On the title page, beginning in line 4 of the purpose paragraph strike from "waiving" through "property;" in line 6.

On page 1, in line 17, strike from the first instance of "and" through "requirements" in line 26.

On page 2, strike lines 2 through 7 in their entirety.

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

Amendment No. 1 to Amendment 1

(This amendment preserves the bidding waiver but requires County Council approval to sell the Property to a person other than the highest responsible bidder.)

On page 1 of the amendment, strike lines 1 through 6, inclusive and in their entirety, and substitute:

“On the title page, in the sixth line of the title, after the first ‘property;’, insert ‘requiring certain approvals by the County Council;

On page 1, in line 26, strike the period and substitute ‘;and’

On page 1, in line 27, insert ‘WHEREAS, any award to a person other than the highest responsible bidder shall be approved by the County Council.’

On page 2, in line 8, insert ‘AND BE IT FURTHER RESOLVED, that any award to a person other than the highest responsible bidder shall be approved by the County Council.’”.

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

The motion to approve Amendment 1 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

The roll call vote called by the Chairperson on the motion to approve Council Bill No. 29-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 29-2014 as amended passed.

Adjourned 8:41 p.m.

Tabled

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.

(Tabled October 3, 2011)

Council Resolution No. 117-2013 - A RESOLUTION declaring that a total of approximately 0.841 acres of real property owned by Howard County and identified as a portion of the right-of-way of Dorsey Run Road is no longer needed for a public purpose; authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to Coastal Sunbelt Produce; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

(Tabled October 7, 2013)