

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2011 Legislative Session**

**Legislative Day No. 10**

9/6/2011

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at **7:32** p.m.

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

Stephen LeGendre, Administrator to the County Council; Jeffery Meyers, Legislative Analyst; 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. 8, July 5, 2011 and Legislative Day No. 9, July 28, 2011. 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, Terrasa and Watson.

The motion to approve the journals 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 No. 125-2011 - A RESOLUTION confirming the appointment of J. Allen Cornell to the Howard County Board of Directors of the Revenue Authority.

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Council Resolution No. 126-2011 - A RESOLUTION confirming the appointment of Victor C. Crentsil to the Human Rights Commission.

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Council Resolution No. 127-2011 - A RESOLUTION confirming the appointment of Donzella Curtis to the Housing Commission.

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Council Resolution No. 128-2011 - A RESOLUTION confirming the appointment of Danielle Ellis to the Recreation & Parks Board.

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Council Resolution No. 129-2011 - A RESOLUTION confirming the appointment of Athena Kan to the Commission for Women.

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Council Resolution No. 130-2011 - A RESOLUTION confirming the appointment of Richard A. Kohr, Jr. to the Board of Directors of the Economic Development Authority.

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Council Resolution No. 131-2011 - A RESOLUTION confirming the appointment of Andrea Kolp to the Commission on Disability Issues.

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Council Resolution No. 132-2011 - A RESOLUTION confirming the appointment of Jose Maldonado to the Equal Business Opportunity Commission.

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Council Resolution No. 133-2011 - A RESOLUTION confirming the appointment of Stephen Martin to the Board to Promote Self-Sufficiency.

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Council Resolution No. 134-2011 - A RESOLUTION confirming the appointment of Robert D. McMenamin to the Fire and Rescue Services Board.

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Council Resolution No. 135-2011 - A RESOLUTION confirming the appointment of Sang W. Oh to the Board of Directors of the Economic Development Authority.

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Council Resolution No. 136-2011 - A RESOLUTION confirming the appointment of Robin Toler, M.D. to the Adult Public Guardianship Review Board.

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Council Resolution No. 137-2011 - A RESOLUTION confirming the appointment of David Wasser to the Board of Directors of the Howard County Mental Health Authority.

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Council Resolution No. 138-2011 - A RESOLUTION confirming the appointment of Peggy M. White to the Howard County Design Advisory Panel.

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Council Resolution No. 139-2011 - A RESOLUTION confirming the appointment of Arthur John Whittle to the Commission on Disability Issues.

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Council Resolution No. 140-2011 - A RESOLUTION confirming the reappointment of Carol A. Beatty to the Commission on Disability Issues.

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Council Resolution No. 141-2011 - A RESOLUTION confirming the reappointment of Jean L. Daniello to the Commission on Disability Issues.

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Council Resolution No. 142-2011 - A RESOLUTION confirming the reappointment of John F. Meitl to the Fire and Rescue Services Board.

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Council Resolution No. 143-2011 - A RESOLUTION confirming the reappointment of David M. Moynihan to the Fire and Rescue Services Board.

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Council Resolution No. 144-2011 - A RESOLUTION confirming the reappointment of Edward L. Waddell to the Howard County Revenue Authority.

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### **Financial**

SAO2-FY2012 - AN ACT transferring \$10,006 from the Grants Fund, Contingency Reserve to the Sheriff's Office for a grant to provide overtime funding for deputies assigned to the Domestic Violence Unit.

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Council Bill No. 48-2011 - AN ORDINANCE authorizing the issuance, sale and delivery of up to \$100,000,000 consolidated public improvement bonds and up to \$10,000,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith.

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TAO1-FY2012 - AN ACT transferring \$600,000 in excise tax funding to capital project T7101,

State/County Shared Intersections, from capital project J4148, Dorsey Run Road Extension; making certain text changes to the detail pages for Capital Project T7101 in order to authorize certain studies to be funded by the transfer.

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Council Resolution No. 145-2011 - A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the consent by Howard County, Maryland to (1) the transfer of the 634-unit residential rental housing facility located in Elkridge, Maryland known as the “Sherwood Crossing Apartments,” by WLA Sherwood Investors VI, L.L.C. to KMF Sherwood Crossing, LLC (the “Purchaser”), the costs of which facility were refinanced with the proceeds of the County’s Variable Rate Demand Multifamily Housing Revenue Refunding Bonds (Sherwood Crossing Apartments) Series 2003, and (2) the assumption by the Purchaser of the borrower’s surviving obligations under Amended and Restated Regulatory Agreement relating to such bonds; authorizing the County to enter into an amendment to such Regulatory Agreement; making certain findings; and authorizing the County Executive and other County officials to do all acts and execute all documents necessary in connection therewith.

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### **General**

Council Bill No. 49-2011 - 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, Autumn Development Corporation, and Autumn River Corporation for the acquisition of the Autumn River Wastewater Pumping Station; and authorizing the County Executive to take certain actions in connection with the Agreement.

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Council Bill No. 50-2011 - AN ACT, pursuant to State law requirements, repealing and reenacting the Howard County Public Ethics Law; defining certain terms; restating the role of the Howard County Ethics Commission and the role of the County Solicitor; authorizing certain late fees for failure to file certain forms; clarifying certain prohibited conduct and interests; clarifying provisions related to gifts and authorizing the acceptance of certain limited types of gifts; maintaining certain exceptions currently allowed under the Howard County Charter; clarifying the disclosure of certain information by elected officials, candidates for elected offices, county employees and board and commission members; clarifying and expanding certain lobbyist provisions including reporting requirements; providing for certain enforcement; and generally relating to the Howard County Public Ethics Law.

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Council Resolution No. 146-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of Preservation Parcel U in the Riverwood subdivision subject to a Forest Conservation Easement comprising approximately 0.11 acres is no longer needed by Howard County, Maryland for public purposes provided that, in exchange for the

conveyance of such .11 acres, .30 acres is conveyed to the County and encumbered with a Forest Conservation Easement; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Winchester Homes, Inc.; 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 property if he finds that the property may have a further public use and submits his finding to the County Council for its consideration.

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Council Resolution No. 147-2011 - A RESOLUTION amending the rules that implement the Settlement Downpayment Loan Program established under Title 13, Subtitle 9 of the Howard County Code; requiring a certain minimum debt ratio; requiring that a home be used as a primary residence; limiting the use of loan payments to finance certain discount fees; prohibiting the use of a loan in conjunction with certain primary loans; and generally relating to the Settlement Downpayment Loan Program.

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Council Resolution No. 148-2011 - A RESOLUTION endorsing an application by Linwood Center, Inc. to the Maryland Department of Housing and Community Development's Community Investment Tax Credit program providing tax credits for individuals who donate to certain 501(c)(3) organizations.

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Council Resolution No. 149-2011 - A RESOLUTION endorsing an application by The Red Devils to the Maryland Department of Housing and Community Development's Community Investment Tax Credit program providing tax credits for individuals who donate to certain 501(c)(3) organizations.

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Council Resolution No. 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.

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#### Tabled Legislation

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The Chairperson moved to remove Council Resolution 22-2011 from the Table.

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, Terrasa, and Watson.

The motion to remove Council Resolution 22-2011 from the Table passed.

Council Resolution No. 22-2011 - A RESOLUTION approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.

The Chairperson moved to adopt Council Resolution 22-2011.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment 1 to Council Resolution 22-2011.

The motion was seconded by Ms. Terrasa.

Amendment to Council Resolution No. 22-2011 - *This amendment substitutes certain exhibits showing a new location for a monopole cell tower and accessory ground equipment.*

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

Amendment 1 to Council Resolution 22-2011 passed.

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

Council Resolution 22-2011 passed as amended.

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The Chairperson moved to remove Council Resolution 52-2011 from the Table.

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, Terrasa, and Watson.

The motion to remove Council Resolution 52-2011 from the Table passed.

Council Resolution No. 52- 2011 - A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.

The Chairperson moved to withdraw Council Resolution 52-2011.

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, Terrasa, and Watson.

The motion to withdraw Council Resolution 52-2011 passed.

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The Chairperson moved to remove Council Resolution 114-2011 from the Table.

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, Terrasa, and Watson.

The motion to remove Council Resolution 114-2011 from the Table passed.

Council Resolution No. 114-2011 - A RESOLUTION appointing William L. Santos to the Planning Board.

The Chairperson moved to approve Council Resolution 114-2011.

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, Terrasa, and Watson.

Council Resolution 114-2011 passed.

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## **ADJOURNMENT**

The Chairperson adjourned the legislative session at 7:57 p.m.