

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2011 Legislative Session

Legislative Day No. 11

10/3/2011

HOWARD COUNTY TO WIT:

The Chairman called the legislative session to order at **7:38** 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; Meredith Beach, Legislative Analyst; 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. 10, September 6, 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 journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the legislative public hearing on September 19, 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 minutes passed.

The Chairperson moved to approve the minutes for the work session on September 26, 2011. The motion was seconded by Ms. Terrasa.

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.

INTRODUCTION OF LEGISLATION

The following legislation is introduced:

Appointments

Council Resolution No. 151-2011 - A RESOLUTION confirming the appointment of Faenita Dilworth to the Equal Business Opportunity Commission.

Council Resolution No. 152-2011 - A RESOLUTION confirming the appointment of Dawn Marie Duignan, LCSW-C to the Howard County Local Children's Board.

Council Resolution No. 153-2011 - A RESOLUTION confirming the appointment of Richard J. Green to the Advisory Board on Consumer Affairs.

Council Resolution No. 154-2011 - A RESOLUTION confirming the appointment of Ashlyn Hood to the Advisory Board on Consumer Affairs.

Council Resolution No. 155-2011 - A RESOLUTION confirming the appointment of Donna Pidel to the Howard County Local Children's Board.

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

Council Resolution No. 157-2011 - A RESOLUTION confirming the appointment of Duane St. Clair to the Board to Promote Self-Sufficiency.

Council Resolution No. 158-2011 - A RESOLUTION confirming the reappointment of Harry Evans, III to the Alcoholic Beverage Hearing Board.

General

Council Bill No. 51-2011 - AN ACT authorizing the Department of Police to impound a vehicle under specified circumstances; specifying the criteria for release of the vehicle; and generally relating to parking violations in Howard County.

Council Bill No. 52-2011 - AN ACT eliminating the Cemetery Preservation Advisory Board; making certain technical corrections; and generally relating to Boards and Commissions in Howard County.

Council Bill No. 53-2011 - AN ACT requiring that appeals from a decision of the Hearing Examiner shall be heard on the record; and generally relating to appeals to the Board of Appeals.

Ms. Watson moved to reject Council Bill No. 53-2011 upon introduction. Motion seconded by Mr. Fox.

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

The motion to reject Council Bill No. 53-2011 upon introduction failed.

Council Resolution No. 159-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant a permanent easement to the Baltimore Gas and Electric Company in certain real property owned by the County located at Monarch Mills (formerly known as Guilford Gardens); 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 grant the easement if he finds that the land may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 160-2011 - A RESOLUTION pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2013 and Capital Improvement Program Request for Fiscal Years 2014-2018 for the purpose of submission to the Interagency Committee on School Construction.

FINAL CONSIDERATION

Consent

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.

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

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

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

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

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.

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

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

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

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

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

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

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.

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

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

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

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

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

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

The Chairperson moved to adopt the resolutions on the consent agenda. 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 Resolutions No. 125-2011, No. 126-2011, No. 127-2001, No. 128-2001, No. 129-2001, No. 130-2011, No. 131-2011, No. 132-2011, No. 133-2011, No. 134-2011, No. 135-

2011, No. 136-2011, No. 137-2011, No. 138-2011, No. 140-2011, No. 141-2011, No. 142-2011, No. 143-2011, and No. 144-2011 passed.

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

The Chairperson moved to table Council Resolution No. 139-2011. 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 table Council Resolution No. 139-2011 passed.

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.

The Chairperson moved to approve SAO2-FY2012. 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.

SAO2-FY2012 passed.

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.

The Chairperson moved to approve Council Bill No. 48-2011. 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 Bill No. 48-2011 passed.

General

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.

The Chairperson moved to approve Council Resolution No. 145-2011. 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 No. 145-2011 passed.

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.

The Chairperson moved to approve Council Bill No. 49-2011. 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 Bill No. 49-2011 passed.

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.

The Chairperson moved to approve Council Resolution No. 146-2011. 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 No. 146-2011 passed.

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.

The Chairperson moved to approve Council Resolution No. 147-2011. 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 No. 147-2011 passed.

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.

The Chairperson moved to approve Council Resolution No. 148-2011. 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 No. 148-2011 passed.

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.

The Chairperson moved to approve Council Resolution No. 149-2011. 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 No. 149-2011 passed.

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.

The Chairperson moved to table Council Bill No. 50-2011. 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 Bill No. 50-2011 was tabled.

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.

The Chairperson moved to approve TAO1-FY2012. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to TAO1-FY2012 as follows: *(This amendment would make the TAO subject to a certain contingency.)*

On the title page, in the fourth line of the title paragraph, after “transfer”, insert “; and making this Act subject to a certain contingency”.

On page 2, after line 10, insert:

“WHEREAS, the County Council does not feel that it is sound policy to reserve land under § 16.122 of the Howard County Code on any private property within a 500-foot radius of Great Star Drive or Auto Drive, if certain site development plans for such property already have been submitted to the County, and the Council therefore has made the effectiveness of this Act contingent on such reservation not taking place; and”.

On page 3, in line 28, after “enactment”, insert “, contingent on Howard County not exercising, under § 16.122 of the Howard County Code, a reservation of land on private property that is located within a 500-foot radius of Great Star Drive or Auto Drive and for which a Site Development Plan was submitted to the County on or before July 22, 2011, and if such reservation is made on or before June 30, 2012, this Act shall be null and void without the necessity of further action by the County Council”.

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.

Amendment No. 1 to TAO1-FY2012 was approved.

The Chairperson moved to adopt Amendment No. 2 to TAO1-FY2012 as follows: *(This amendment specifies the area that must be included in any evaluation.)*

On page 3, in line 17 after “Maryland that” insert “no funds appropriated by this Act may be”

used to fund any traffic study to evaluate connecting Great Star Drive to Auto Drive in Clarksville unless the study includes the Route 108 corridor between Route 32 and Linden Linthicum Lane.

Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that” .

Also on page 3, in line 26 strike “3” and substitute “4”.

On Part A of the detail page for capital project T7101, State/County Shared Intersections, as attached to this Ordinance, append to paragraph 4, “Any evaluation undertaken for purposes of this paragraph shall include the Route 108 corridor between Route 32 and Linden Linthicum Lane.”.

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.

Amendment No. 2 to TAO1-FY2012 was approved.

The roll call vote called by the Chairperson on TAO1-FY2012 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

TAO1-FY2012 passed as amended.

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.

Mr. Fox moved to table Council Resolution No. 150-2011. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to table Council Resolution No. 150-2011

was: Yea: Council Members Fox, Sigaty, Terrasa and Watson; Nay Council Member Ball.

The motion to table Council Resolution No. 150-2011 passed.

Tabled Legislation

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

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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ADJOURNMENT

The Chairperson adjourned the legislative session at 8:25 p.m.