

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2011 Legislative Session**

**Legislative Day No. 13**

12/05/2011

**HOWARD COUNTY TO WIT:**

The Chairman called the legislative session to order at **7:33** 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; Margaret Ann Nolan, County Solicitor; James Vannoy, Assistant County Attorney; David Nitkin, Director of policy and legislative affairs; and Jeffery Meyers, Legislative Analyst were also present.

**COUNCIL OFFICERS**

Dr. Ball nominated Ms. Sigaty for Council Chairperson. 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. Ms. Sigaty was elected Chairperson.

Ms. Terrasa nominated Ms. Watson for Council Vice-Chairperson. The motion was seconded by Mr. Fox. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Ms. Watson was elected Vice-Chairperson.

Ms. Watson nominated Ms. Terrasa for Chairperson of the Zoning Board . The motion was seconded by Dr. Ball. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Ms. Terrasa was elected Chairperson of the Zoning Board.

Ms. Sigaty nominated Dr. Ball for Vice-Chairperson of the Zoning Board. The motion was seconded by Mr. Fox. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Dr. Ball was elected Vice-Chairperson of the Zoning Board.

Dr. Ball nominated Mr. Fox for Chairperson of the Board of License Commissioners. 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. Mr. Fox was elected Chairperson of the Board of License Commissioners.

Ms. Sigaty nominated Dr. Ball for Vice-Chairperson of the Board of License

Commissioners. The motion was seconded by Mr. Fox. The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson. Dr. Ball was elected Vice-Chairperson of the Board of License Commissioners.

### **APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 12, November 7, 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.

The motion to approve the journal passed.

### **APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – November 21, 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.

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 177-2011 - A RESOLUTION confirming the appointment of Shirley Barber to the Howard County Local Children's Board.

Council Resolution 178-2011 - A RESOLUTION confirming the appointment of Julianne Meagher to the Howard County Local Children's Board.

Council Resolution 179-2011 - A RESOLUTION confirming the appointment of Regina S. Mitchell to the Housing Commission.

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

Council Resolution 181-2011 - A RESOLUTION confirming the appointment of John J. Sedlevicius to the Adult Public Guardianship Review Board.

Council Resolution 182-2011 - A RESOLUTION confirming the reappointment of Phillips S. Engelke to the Howard County Design Advisory Panel.

Council Resolution 183-2011 - A RESOLUTION confirming the reappointment of Mohammad Saleem to the Howard County Design Advisory Panel.

### **General**

Council Bill 57-2011 - Introduced by The Chairperson 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.

### **Final Consideration**

### **Consent**

Council Resolution No. 161-2011 - A RESOLUTION confirming the appointment of Jacqueline Morais Easley to the Planning Board.

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Council Resolution No. 162-2011 - A RESOLUTION confirming the appointment of Jim D. Ennis to the Commission on Disability Issues.

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Council Resolution No. 163-2011 - A RESOLUTION confirming the appointment of Jeffrey Huber to the Pension Oversight Commission.

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Council Resolution No. 164-2011 - A RESOLUTION confirming the appointment of Rhonda J. Jones, Ed. D., to the Howard County Local Children’s Board.

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Council Resolution No. 165-2011 - A RESOLUTION confirming the appointment of Sue P. Rogan to the Advisory Board on Consumer Affairs.

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Council Resolution No. 166-2011 - A RESOLUTION confirming the appointment of S. Allan Shad to the Historic District Commission.

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Council Resolution No. 167-2011 - A RESOLUTION confirming the appointment of Joan Webb Scornaienchi to the Commission for Women.

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Council Resolution No. 169-2011 - A RESOLUTION confirming the reappointment of Michelle B. Glassburn to the Board to Promote Self-Sufficiency.

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Council Resolution No. 170-2011 - A RESOLUTION confirming the reappointment of Julie Keough to the Board to Promote Self-Sufficiency.

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Council Resolution No. 171-2011 - A RESOLUTION confirming the reappointment of Theresa E. Long to the Pension Oversight Commission.

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Council Resolution No. 172-2011 - A RESOLUTION reappointing James D. Walsh to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2016.

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The Chairperson moved to adopt the resolutions on the consent agenda. 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 Resolutions No. 161-2011, No. 162-2011, No. 163-2001, No. 164-2001, No. 165-2001, No. 166-2001, No. 167-2001, No. 169-2001, No. 170-2001, No. 171-2001, and No. 172-2011 passed.

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### **Appointments**

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

The Chairperson moved to remove Council Resolution No. 155-2011 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.

Council Resolution No. 155-2011 was removed from the Table.

The Chairperson moved to approve Council Resolution No. 155-2011. 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 No. 155-2011 passed.

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Council Resolution No. 168-2011 - A RESOLUTION confirming the appointment of Felicia Banks West to the Advisory Board on Consumer Affairs.

The Chairperson moved to table Council Resolution No. 155-2011. 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 No. 155-2011 was placed on the Table.

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### **General**

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Council Bill No. 51-2011 - Introduced by Calvin Ball - 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.

The Chairperson moved to remove Council Bill No. 51-2011 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.

Council Bill No. 51-2011 was removed from the Table.

The Chairperson moved to approve Council Bill No. 51-2011. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to Council Bill No. 51-2011 as follows:

*(This amendment changes the parameters that must be met before an impoundment.)*

On page 1, strike lines 14 and 15 in their entirety and substitute:

“(1) THIS SECTION APPLIES TO A MOTOR VEHICLE PARKED ON A PUBLIC STREET IN HOWARD COUNTY THAT IS:

(I) PARKED ILLEGALLY AND AGAINST WHICH THERE IS ONE OR MORE UNSATISFIED PARKING VIOLATIONS; OR

(II) PARKED LEGALLY AND AGAINST WHICH THERE ARE TWO OR MORE UNSATISFIED PARKING VIOLATIONS.”

Also on page 1, in line 18, after “(I)” insert “1. FOR A VEHICLE WITH ONE UNSATISFIED PARKING VIOLATION,” and, also in line 18, strike “ANY” and substitute “THE”.

Also on page 1, in line 19, strike “AND” and substitute “OR”.

Also on page 1, after line 19, insert “2. OTHERWISE, AT LEAST 30 DAYS HAS ELAPSED SINCE THE MOST RECENT UNSATISFIED PARKING VIOLATION WAS ISSUED AND AT LEAST 90 DAYS HAS ELAPSED SINCE ANY OTHER UNSATISFIED PARKING VIOLATION WAS ISSUED; AND”

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 No. 1 to Council Bill No. 51-2011 was approved.

The Chairperson moved to approve Amendment 3 to Council Bill No. 51-2011 as follows:

*(This amendment limits impoundment to commercial vehicles in specified areas.)*

On the title page, in the purpose paragraph, strike “impound a vehicle” and substitute “impound a certain vehicle”; after “circumstances;”, insert “specifying the area where an impoundment may occur;”.

On page 1, in line 14, before “MOTOR” insert “COMMERCIAL”.

Also on page 1, in line 15, after “VIOLATIONS” insert “, IF THE STREET IS IN OR ADJACENT TO:

(I) A RESIDENTIAL AREA; OR

(II) PROPERTY ZONED FOR RESIDENTIAL USE.”

The motion was seconded by Mr. Fox.

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

Amendment No. 3 to Council Bill No. 51-2011 was approved.

The Chairperson moved to approve Amendment 2 to Council Bill No. 51-2011 as follows:

*(This amendment sets the date when enforcement may begin.)*

On page 2, before line 36, insert “**Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland that the Department of Police shall not impound a vehicle under this Act before March 1, 2012.**”

Also on page 2, in line 37, strike “**Section 2.**” and substitute “**Section 3.**”.

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 No. 2 to Council Bill No. 51-2011 was approved.

The roll call vote called by the Chairperson on Council Bill No. 51-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill No. 50-2011 passed as amended.

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Council Bill No. 54-2011 - Introduced by Council Members Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson - AN ACT amending the Health and Social Services Title of the Howard County Code to include gender identity and expression as a classification protected against certain types of unlawful, discriminatory practices; and generally relating to the Human Rights law of Howard County.

The Chairperson moved to approve Council Bill No. 54-2011. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; No: Mr. Fox.

Council Bill No. 54-2011 passed.

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Council Bill No. 55-2011 - Introduced by Calvin Ball, Co-sponsored by, Courtney Watson - AN ACT authorizing a property tax credit for certain residential buildings that meet specified environmental standards; providing for the amount and duration of the credit; and generally relating to property tax credits.

The Chairperson moved to approve Council Bill No. 55-2011. The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to Council Bill No. 51-2011 as follows:

*(This amendment (1) specifies that a high performance building includes one that attains the silver certification level of the National Green Building Standard if DILP finds that the standard is equivalent to LEED silver or better, (2) requires an R-2 or R-3 building to meet a certain HERS standard or be Energy Star Qualified, (3) sets the credit for specified LEED or equivalent ratings, and (4) sets a cap for an individual credit.)*

On the Title page, in the purpose paragraph, after “standards;” insert “altering a certain definition;”.

On page 1, after line 18, insert:

“(II) ACHIEVES AT LEAST A SILVER CERTIFICATION LEVEL OF THE NATIONAL GREEN BUILDING STANDARD ICC-700 IF THE DIRECTOR OF THE DEPARTMENT OF INSPECTIONS, LICENSES AND PERMITS FINDS THAT THE STANDARD IS EQUIVALENT TO AT LEAST A SILVER RATING ACCORDING TO THE U.S. GREEN BUILDING COUNCIL'S LEED (LEADERSHIP IN ENERGY AND ENVIRONMENTAL DESIGN) RATING SYSTEM;”

Also on page 1, in line 19, strike “(ii)” and substitute “(III)”.

Also on page 1, in line 23, strike “(iii)” and substitute “(IV)”.

On page 2, strike lines 13 through 23 in their entirety and substitute:

“(D) AMOUNT AND DURATION OF CREDIT FOR R-2 AND R-3 BUILDINGS.

(1) THIS SUBSECTION APPLIES TO AN R-2 OR R-3 BUILDING THAT :

(I) ACHIEVES AT LEAST A SILVER RATING UNDER THE LEED FOR HOMES RATING SYSTEM OR A COMPARABLE RATING SYSTEM THAT THE DIRECTOR OF INSPECTIONS, LICENSES AND PERMITS MAY ADOPT BY REGULATION; AND

- (II) 1. HAS A HOME ENERGY RATING SYSTEM SCORE OF 70 OR LESS; OR
- 2. IS AN ENERGY STAR QUALIFIED HOME.

(2) THE TAX CREDIT UNDER THIS SUBSECTION FOR A BUILDING THAT HAS A LEED PLATINUM OR EQUIVALENT RATING IS A PERCENTAGE OF THE TOTAL COUNTY PROPERTY TAX CREDIT ASSESSED ON THE BUILDING AS FOLLOWS:

- (I) FIRST YEAR: 100 PERCENT;
- (II) SECOND YEAR: 75 PERCENT;
- (III) THIRD YEAR: 50 PERCENT; AND
- (IV) FOURTH YEAR: 25 PERCENT.

(3) THE TAX CREDIT UNDER THIS SUBSECTION FOR A BUILDING THAT HAS A LEED GOLD OR EQUIVALENT RATING IS A PERCENTAGE OF THE TOTAL COUNTY PROPERTY TAX CREDIT ASSESSED ON THE BUILDING AS FOLLOWS:



- (I) FIRST YEAR: 90 PERCENT;
- (II) SECOND YEAR: 68 PERCENT;
- (III) THIRD YEAR: 45 PERCENT; AND
- (IV) FOURTH YEAR: 23 PERCENT.

(4) THE TAX CREDIT UNDER THIS SUBSECTION FOR A BUILDING THAT HAS A LEED SILVER OR EQUIVALENT RATING IS A PERCENTAGE OF THE TOTAL COUNTY PROPERTY TAX CREDIT ASSESSED ON THE BUILDING AS FOLLOWS:

- (I) FIRST YEAR: 75 PERCENT;
- (II) SECOND YEAR: 56 PERCENT;
- (III) THIRD YEAR: 38 PERCENT; AND
- (IV) FOURTH YEAR: 19 PERCENT.

((5) (I) IN ONE FISCAL YEAR, THE TAX CREDIT UNDER THIS SUBSECTION MAY NOT EXCEED \$5,000 PER BUILDING; PROVIDED, HOWEVER, THAT EACH OWNER OCCUPIED UNIT IS ALLOWED A CREDIT NOT TO EXCEED \$5,000.

- (II) EXCESS CREDITS SHALL NOT BE CARRIED OVER TO FUTURE YEARS.”

The motion was seconded by Ms. Watson.

The Chairperson moved to approve Amendment 1 to Amendment 1 to Council Bill No. 51-2011 as follows:

*(This amendment requires R2 and R3 buildings to be “high performance buildings” and deletes references to the home energy rating system and energy star qualification.)*

In line 15, before “R-2” insert “HIGH PERFORMANCE”.

Strike lines 20 and 21 and substitute “(II) IS A HIGH PERFORMANCE BUILDING.”

The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to adopt Amendment 1 to Amendment 1 to Council Bill No. 55-2011 was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Recuse: Mr. Fox.

Amendment 1 to Amendment 1 was approved.

The roll call vote called by the Chairperson on the motion to adopt Amendment 1 to Council Bill No. 55-2011 as amended was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Recuse: Mr. Fox.

Amendment 1 as amended was approved.

The roll call vote called by the Chairperson on the motion to adopt Council Bill No. 55-2011 as amended was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Recuse: Mr. Fox.

Council Bill No. 55-2011 passed as amended.

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Council Bill No. 56-2011 - AN ACT amending the Pay Plan for Howard County; establishing a premium pay for certain Emergency Communications Supervisors; providing for certain shift differentials and payrates for Correctional Lieutenants and Captains; and generally relating to the Pay Plan for Howard County.

The Chairperson moved to approve Council Bill No. 56-2011. 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. 56-2011 passed.

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Council Resolution No. 173-2011 - A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into an agreement with Ellicott Meadows, LLC, a Maryland limited liability company, for the design and construction of road improvements to North Ridge Road.

The Chairperson moved to approve Council Resolution No. 173-2011. 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 No. 173-2011 passed.

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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 No. 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 No. 174-2011 passed.

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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 table Council Resolution No. 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 No. 175-2011 was placed on the Table.

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Council Resolution No. 176-2011 - A RESOLUTION approving the application and receipt of financing for a Community Legacy Project in Howard County, further described in the Community Legacy Application, to be financed either directly by the Maryland Department of Housing and Community Development or through other departments or agencies of the State of Maryland.

The Chairperson moved to approve Council Resolution No. 176-2011. 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 No. 176-2011 passed.

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### **Tabled**

Council Bill No. 53-2011- Introduced by The Chairperson at the request of the County Executive - 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.

Council Resolution No. 150-2011 - Introduced by Greg Fox - 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.

Council Resolution No. 156-2011 - Introduced by The Chairperson at the request of the County Executive - A RESOLUTION confirming the appointment of Debra Poquette to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 168-2011 - A RESOLUTION confirming the appointment of Felicia Banks West to the Advisory Board on Consumer Affairs.

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**ADJOURNMENT**

The Chairperson adjourned the legislative session at 8:09 p.m.