

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2014 Legislative Session**

**Legislative Day No. 11**

October 6, 2014

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at 7:34 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; Meredith Beach, Legislative Assistant; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 10, September 2, 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 Legislative Public Hearing – September 15, 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 following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

**Appointments**

Council Resolution No. 118-2014 – Introduced by Chairperson, Confirming the reappointment of John D. Lederer to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2019.

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Council Bill No. 52-2014 – AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Energy Performance Contract between Howard County, Maryland and Energy Systems Group, LLC where Energy Systems Group will develop and implement comprehensive energy efficiency guaranteed savings program at certain County facilities and energy using systems.

Council Bill No. 53-2014 – AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Solar Power & Services Agreement between Howard County, Maryland and Bith Energy, Inc., for the construction of a canopy mounted solar photovoltaic array, with two electric vehicle charging stations powered by the solar canopy, and for the provision of electrical energy output from the canopy; and authorizing the County Executive to take certain actions in connection with the Agreement.

Council Resolution No. 119-2014 – A RESOLUTION endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County and certifying that the project is consistent with the County's plan for economic development.

Council Resolution No. 120-2014 – A RESOLUTION requesting the Columbia Downtown Housing Corporation to consider whether legislative changes are necessary and appropriate to ensure that the Downtown Columbia Plan's vision for a full spectrum of affordable housing can be achieved and to recommend any changes believed necessary and appropriate to the County Council and County Executive; requiring input from certain stakeholders; establishing certain deadlines; and providing for certain staff assistance.

Council Resolution No. 121-2014 – A RESOLUTION adopted pursuant to the Maryland Economic Development Revenue Bond Act providing for the issuance by Howard County, Maryland, of up to \$8,035,000 of its limited obligation bonds and the loan of the proceeds thereof to Glenelg Country School, Inc. to be used to (1) refund (a) the Howard County, Maryland Economic Development Revenue Bond (Glenelg Country School Facility) 2001 Issue and (b) Howard County, Maryland Economic Development Revenue Bond (Glenelg Country School Facility) 2008 Issue; and (2) finance the costs of projects on the school's campus, located in the County which include (a) the expansion and revitalization of the athletic facilities, including the construction of a two-story press box, grandstands and restoration of existing tennis courts and athletic center floors, (b) renovation and restoration of exterior and interior structural defects in existing buildings, including the Historic Manor House, and updating fire and safety concerns, and (c) costs of issuance and other related costs; reserving certain rights; providing for the issuance of bond anticipation notes for such purposes; authorizing the County Executive to specify, prescribe, determine, provide for or approve certain matters, details, documents or procedures; and specifying and describing various matters in connection therewith.

Council Resolution No. 122-2014 – 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 2016 and Capital Improvement Program Request for Fiscal Years 2017-2021 for the purpose of submission to the Interagency Committee on School Construction.

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

The Chairperson moved to remove CR110-2014 from the consent agenda so that the Council may consider a corrective amendment.

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 CR110-2014 from the consent agenda so that the Council may consider a corrective amendment passed.

## **FINAL CONSIDERATION**

### **Consent**

Council Resolution No. 86-2014 - A RESOLUTION confirming the appointment of Omar Aziz to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 97-2014 - A RESOLUTION confirming the appointment of Charles L. Fuller to the Public Ethics Commission.

Council Resolution No. 99-2014 - A RESOLUTION confirming the appointment of Giovanna Guarnieri to the Human Rights Commission.

Council Resolution No. 101-2014 - A RESOLUTION confirming the appointment of Dr. Carlessia A. Hussein to the Board of Health.

Council Resolution No. 102-2014 - A RESOLUTION confirming the appointment of Andrew Kraus to the Howard County Commission for Veterans and Military Families.

Council Resolution No. 103-2014 - A RESOLUTION confirming the appointment of Jonathan Kromm to the Public Ethics Commission.

Council Resolution No. 104-2014 - A RESOLUTION confirming the appointment of Archana Goel Leon-Guerrero, M.D., to the Adult Public Guardianship Review Board.

Council Resolution No. 106-2014 - A RESOLUTION confirming the appointment of Milton W. Matthews to the Board of Directors of the Economic Development Authority.

Council Resolution No. 107-2014 - A RESOLUTION confirming the appointment of Shuron A. Morton to the Board of Social Services.

Council Resolution No. 108-2014 - A RESOLUTION confirming the appointment of Shahan Rizvi to the Equal Business Opportunity Commission.

Council Resolution No. 109-2014 - A RESOLUTION confirming the appointment of Shaharbano Rizvi to the Commission for Women.

Council Resolution No. 111-2014 - A RESOLUTION confirming the appointment of Steven C. Snelgrove to the Board of Directors of the Economic Development Authority.

Council Resolution No. 112-2014 - A RESOLUTION confirming the appointment of William Stone to the Board of Directors of the Economic Development Authority.

Council Resolution No. 115-2014 - A RESOLUTION confirming the appointment of Heather Gaetano to the Alcoholic Beverage Hearing Board.

Council Resolution No. 116-2014 - A RESOLUTION confirming the appointment of Chuen-Chin Bianca Chang to the Human Rights Commission.

Council Resolution No. 117-2014 - A RESOLUTION confirming the appointment of Ilene Kessler to the Human Rights Commission.

The Chairperson moved to approve Council Resolutions 86, 97, 99, 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 115, 116 and 117-2014 The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Council Resolutions 86, 97, 99, 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 115, 116 and 117-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolutions 86, 97, 99, 101, 102, 103, 104, 106, 107, 108, 109, 111, 112, 115, 116 and 117-2014 passed.

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### **Other Appointments**

Council Resolution No. 110-2014 - A RESOLUTION confirming the appointment of Drew Roth to the Historic District Commission.

The Chairperson moved to approve Council Resolution No. 110-2014. 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 corrects the appointee's name and the name of the Commission.)*

In the title and on page 1, in lines 7 and 15, in each instance, strike “Drew” and substitute “Robert Andrew”.

In the title and on page 1, in lines 5 and 13, in each instance, strike “District” and substitute “Preservation”.

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 roll call vote called by the Chairperson on the motion to approve Council Resolution No. 110-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 110-2014 as amended passed.

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The Chairperson asked the Administrator to read the remaining appointments introduced on September 2 together. These appointees were unable to attend our public hearing in September.

Council Resolution No. 98-2014 - A RESOLUTION confirming the appointment of Ali Goraya to the Howard County Board of Directors of the Revenue Authority.

Council Resolution No. 100-201 - A RESOLUTION confirming the appointment of Judy Harris to the Board of Directors of the Economic Development Authority.

Council Resolution No. 105-2014 - A RESOLUTION confirming the appointment of E. Randolph Marriner to the Board of Directors of the Economic Development Authority.

The Chairperson moved to table Council Resolution No. 98, 100 and 105-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to table Council Resolution No. 98, 100 and 105-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to table Council Resolution No. 98, 100 and 105-2014 passed.

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### **Financial**

Supplementary Budget & Appropriation Ordinance No. 1-FY2015 - AN ACT transferring \$5,000 from the Grants Fund, Contingency Reserve to the Department of Corrections for a grant to assist inmates with reentry into the community.

The Chairperson moved to approve Supplementary Budget & Appropriation Ordinance No. 1-FY2015. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion to approve Supplementary Budget & Appropriation Ordinance No. 1-FY2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Supplementary Budget & Appropriation Ordinance No. 1-FY2015 passed.

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### **General**

Council Bill No. 49-2014 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and Pictometry International Corp. for certain pictometry services used by the County.

The Chairperson moved to approve Council Bill No. 49-2014. The motion was seconded by Ms. Watson.

The motion to approve Council Bill No. 49-2014 passed.

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Council Bill No. 50-2014 - AN ACT establishing a Help To Others (H2O) Round-Up Program to assist residential customers who are facing financial hardships in the payment of their utility service charges; defining certain terms; authorizing certain payments; authorizing certain actions by the Department of Finance; and generally relating to utility service charges in Howard County.

The Chairperson moved to approve Council Bill No. 50-2014. 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:*

- (1) Corrects terminology;*
- (2) Clarifies that the County will enter a grant agreement with the private entity administering the program; and*
- (3) Clarifies that failure to pay the rounded amount will not serve as the basis for a late fee or penalty.)*

On page 4, in line 9, strike “A”.

On page 4, in line 10, strike “FUND” and substitute “AN ACCOUNT HELD BY THE COUNTY”.

On page 4, in line 12, strike “CONTRACT” and substitute “ENTER INTO A GRANT AGREEMENT”.

On page 4, in line 13, strike “AND FUND”.

On page 4, strike lines 14 through 16, inclusive and in their entirety, and substitute:

“(E) IF A CUSTOMER FAILS TO PAY THE ROUNDED AMOUNT OR ONE-TIME CONTRIBUTION, THE UNPAID ROUNDED AMOUNT OR CONTRIBUTION MAY NOT SERVE AS THE BASIS FOR A LATE FEE OR PENALTY.”.

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 roll call vote called by the Chairperson on the motion to approve Council Bill No. 50-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 50-2014 as amended passed.

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Council Bill No. 51-2014 - AN ACT amending the Howard County Police and Fire Employees’ Retirement Plan in order to create a Deferred Retirement Option Program II (DROP II) to replace the currently existing Deferred Retirement Option Program; defining certain terms; establishing certain deadlines; providing for the transfer to DROP II; setting forth the eligibility for DROP II to include certain employees of the Department of Fire and Rescue Services; providing for the term of DROP II participation; providing for the termination of participation in the DROP II program;

requiring that certain accounts be established and maintained; setting forth provisions related to the disability, death, or retirement of DROP II participants; providing for the status of certain County employees whose employment continues past the DROP II term; and generally relating to the Howard County Police and Fire Employees' Retirement Plan.

The Chairperson moved to approve Council Bill No. 51-2014. 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 provisions that the salaries of the Chief of Police and the Fire Chief will be included in the determination of "average compensation".)*

On page 5, in line 1, strike the colon and substitute ", THE CHIEF MAY REMAIN IN THE EMPLOY OF THE COUNTY AS THE CHIEF BEYOND THE LAST DAY OF THE DROP I PARTICIPATION AS PROVIDED UNDER SUBSECTION (L) OF SECTION 1.438A.".

On page 5, strike lines 2 through 8, inclusive and in their entirety.

On page 21, strike lines 3 through 6, inclusive and in their entirety.

On page 21, in line 7, strike "3" and substitute "2".

On page 21, in line 9, after "BALANCE" insert "OR THE DETERMINATION OF AVERAGE COMPENSATION UNDER SECTION 1.406A(F).".

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 clarifies that:*

- 1. DROP I participants who are on an approved extension of employment may be eligible to transfer to DROP II;*
- 2. The minimum of 2 years and the maximum of 5 years applies to the total DROP I plus DROP II participation;*
- 3. A DROP I participant who transfers to DROP II after completing more than 3 ½ years in DROP I participation is unable to give the required 18 months' notice and is exempt from certain penalties for early termination; and*
- 4. A DROP participant who completes five years of DROP participation or 35 years of creditable service is not required to give 18 months' notice and is exempt from certain penalties for early termination.)*

On page 12, in line 16, strike “AN ACTIVE PARTICIPANT IN DROP I” and substitute “A COVERED EMPLOYEE”.

On page 12, in line 17, after “2015” insert “, INCLUDING A COVERED EMPLOYEE WHO IS IN THE EMPLOY OF THE COUNTY BEYOND THE LAST DAY OF HIS OR HER DROP I PARTICIPATION AS PERMITTED BY SUBSECTION (G).”.

On page 14, in line 25, after “DOLLARS.” insert “FOR PURPOSES OF THIS SUBSECTION (C), DROP PARTICIPATION PERIOD IS THE TOTAL OF A PARTICIPANT’S DROP I PARTICIPATION PERIOD PLUS HIS OR HER DROP II PARTICIPATION PERIOD.”.

On page 15, in line 23 after “PERIOD” insert “PRIOR TO THE DATE HE OR SHE ACCRUES 35 YEARS OF CREDITABLE SERVICE OR REACHES THE FIFTH ANNIVERSARY OF HIS OR HER DROP PARTICIPATION DATE.”.

On page 16, in line 14, after “WHO” insert “(I) TRANSFERS FROM DROP I TO DROP II PURSUANT TO SUBSECTION (K) OF SECTION 1.437A AFTER HAVING COMPLETED THREE OR MORE YEARS OF DROP I PARTICIPATION, (II) TERMINATES DROP II ON THE DATE HE OR SHE ACCRUES 35 YEARS OF

CREDITABLE SERVICE OR REACHES THE FIFTH ANNIVERSARY OF HIS OR HER DROP PARTICIPATION DATE, OR (3)”.

The roll call vote called by the Chairperson on the motion 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. Watson.

**Amendment No. 3**

*(This amendment changes dates, clarifies which DROP program is being referenced, clarifies that an interest rate is per annum, and makes other technical corrections.)*

On page 13, in line 2, after “THAN” strike “90 DAYS AFTER JANUARY” and substitute “APRIL”.

On page 13, in line 16, after “DROP”, in each instance, insert “II”.

On page 13, in line 25, after “3.5%” insert “PER ANNUM”.

On page 14, in line 2, strike “A” and substitute “EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION (B), A” and, in the same line, after “PLAN” strike “; OTHER THAN A PARTICIPANT IN DROP I.”.

On page 14, in line 9, strike “AN ACTIVE PARTICIPANT” and substitute “A COVERED EMPLOYEE”.

On page 14, in lines 10 through 11, strike “A 90 DAY PERIOD IMMEDIATELY FOLLOWING JANUARY 1, 2015” and substitute “UNTIL APRIL 1, 2015”.

On page 14, in lines 20 and 21, in each instance, after “DROP” strike “II”.

On page 15, in line 8, strike “90 DAYS FOLLOWING JANUARY 1, 2015” and substitute “APRIL 1, 2015”.

On page 15, in line 9, strike “AN ACTIVE PARTICIPANT” and substitute “A COVERED EMPLOYEE”.

On page 15, in lines 11 through 12, strike “90 DAYS FOLLOWING JANUARY 1, 2015” and substitute “APRIL 1, 2015”.

On page 16, in line 21, after “DROP” strike “II”.

On page 16, in line 23, strike the first “ACTIVE” and substitute “PLAN” and strike “AN ACTIVE” and substitute “A”.

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

The motion to approve Amendment 3 passed.

The Chairperson moved to approve Amendment 4. The motion was seconded by Ms. Watson.

**Amendment No. 4**

*(This amendment changes some of the requirements related to how credits for pickup contributions will be calculated and clarifies the interest credit.)*

On page 17, in line 26, after “CREDIT” insert “EACH MONTH”.

On page 18, strike lines 3 through 5, inclusive and in their entirety, and substitute:

“B. SUBJECT TO SUBSECTION (G)(4)A OF THIS SECTION, AN AMOUNT EQUAL TO THE PARTICIPANT’S COMPENSATION AS DEFINED IN SECTION 1.406A(K) OF THIS SUBTITLE MULTIPLIED BY THE CONTRIBUTION RATE APPLICABLE TO THE PARTICIPANT UNDER SECTION 1.426A OF THIS SUBTITLE. SOLELY FOR THE PURPOSES OF THIS SUB-PARAGRAPH, THE

CONTRIBUTION RATE WILL BE 0% FOR EVERY MONTH FOLLOWING THE DATE THE PARTICIPANT HAS ATTAINED 30 YEARS OF CREDITABLE SERVICE.”.

On page 18, in line 7, strike “COMPOUNDED ANNUALLY”.

On page 18, in line 8, strike “AT ONE-TWELFTH OF” and substitute “COMPOUNDED MONTHLY, BUT WITH AN EFFECTIVE ANNUAL RATE EQUAL TO”.

The roll call vote called by the Chairperson on the motion to approve Amendment 4 was:  
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Amendment 4 passed.

The roll call vote called by the Chairperson to approve Council Bill No. 51-2014 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Bill No. 51-2014 as amended passed.

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Council Resolution No. 113-2014 - Introduced by: Mary Kay Sigaty, member Co-sponsored by: Calvin Ball, member - A RESOLUTION amending the Howard County Council Rules of Procedure to ensure that the prefile deadline will not fall on the day before a County Government holiday; and generally relating to the Council Rules of Procedure.

The Chairperson moved to approve Council Resolution No. 113-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve Council Resolution No. 113-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 113-2014 passed.

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Council Resolution No. 114-2014 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Ellicott LLLP, a limited liability limited partnership, for the renovation and operation of an existing 81-unit senior rental housing project known as Park View at Ellicott City.

The Chairperson moved to approve Council Resolution No. 114-2014. The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson to approve Council Resolution No. 114-2014 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

The motion to approve Council Resolution No. 114-2014 passed.

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Council member Greg Fox moved to remove Council Bill No. 37-2014 from the table. Mr. Ball seconded the motion.

The roll call vote called by the Chairperson remove Council Bill No. 37-2014 from the table was: Yea: Council Member Fox. Nay: Council Members Ball, Sigaty, Terrasa and Watson.

The motion to remove Council Bill No. 37-2014 from the table failed.

Adjourned 8:15 p.m.

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### **Tabled**

Council Resolution No. 80-2014 – Confirming the reappointment of William E. Erskine to the Board of Directors of the Economic Development Authority. (tabled 7-25-2014).

Council Bill No. 37-2014 – Introduced by Greg Fox – AN ACT providing that, unless otherwise prohibited by law, there are no limits on kinds of foods or beverages sold or distributed on County-owned property or during County-Sponsored events, meetings, and programs; and generally relating to certain food and beverage sales in the County. (tabled 7-24-2014; extended 9-2-2014; will expire on 12-10-2014).