

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 16
December 7, 2009**

HOWARD COUNTY TO WIT:

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

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

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Paul Johnson, Deputy County Solicitor; James Vannoy, Assistant County Attorney; and Jennifer Sager, Legislative Coordinator, were also present.

ELECTION OF OFFICERS

The election of County Council Officers, to serve from December 2009 to December 2010, was as follows:

Chairperson – Mary Kay Sigaty nominated Courtney Watson for Chairperson of the Howard County Council. The motion was seconded by Jennifer Terrasa.

The roll call vote called by Ms. Sigaty was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Council Member Watson for Chairperson of the Howard County Council was approved.

Vice Chairperson – Courtney Watson nominated Mary Kay Sigaty for Vice Chairperson of the Howard County Council. The motion was seconded by Jennifer Terrasa.

The roll call vote called by Ms. Watson was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Mary Kay Sigaty for Vice Chairperson of the Howard County Council was approved.

Zoning Board Chairperson – Calvin Ball nominated Jennifer Terrasa for Chairperson of the Zoning Board. The motion was seconded by Courtney Watson.

The roll call vote called by Mr. Ball was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Jennifer Terrasa for Chairperson of the Zoning Board was approved.

Zoning Board Vice Chairperson – Jennifer Terrasa nominated Calvin Ball for Vice Chairperson of the Zoning Board. The motion was seconded by Courtney Watson.

The roll call vote called by Ms. Terrasa was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Calvin Ball for Vice Chairperson of the Zoning Board was approved.

Liquor Board Chairperson – Mary Kay Sigaty nominated Calvin Ball for Chairperson of the Board of License Commissioners. The motion was seconded by Ms. Watson.

The roll call vote called by Ms. Sigaty was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Calvin Ball for Chairperson of the Liquor Board was approved.

Liquor Board Vice Chairperson – Courtney Watson nominated Mary Kay Sigaty for Vice Chairperson of the Board of License Commissioners. The motion was seconded by Calvin Ball.

The roll call vote called by Ms. Watson was: Yea: Council Members Ball, Sigaty, Terrasa and Watson; Abstain: Council Member Fox.

The nomination of Mary Kay Sigaty for Vice Chairperson of the Board of License Commissioners was approved.

COUNCIL APPOINTMENTS

The Chairperson announced the following County Council appointments, effective December 2009 to December 2010:

Maryland Association of Counties Legislative Committee – Jennifer Terrasa

Patuxent River Commission – Mary Kay Sigaty

Baltimore Metropolitan Council – Greg Fox

Energy Committee of the National Association of Counties – Greg Fox

APPROVE JOURNAL

The Chairperson moved to approve the journal for Day No. 14, November 2, 2009. The motion was seconded by Ms. Sigaty.

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 following meetings:

Legislative Public Hearing (CB 58/59) – November 14, 2009

Legislative Public Hearing – November 16, 2009

Legislative Public Hearing (CB 58/59) – November 18, 2009

Legislative Work Session -- November 23, 2009

Legislative Work Session (CB 58/59) – November 30, 2009
Legislative Work Session (CB 58/59) – December 2, 2009

The motion was seconded by Ms. Sigaty.

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.

AMEND AGENDA

Council Resolution No. 101-2009 – Confirming the appointment of Adejire Bademosi to the Commission for Women

The Chairperson moved to amend the agenda to allow the introduction of Council Resolution No. 101-2009 which was not prefiled. The motion was seconded by Ms. Sigaty.

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

The motion to amend the agenda 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. 94-2009 – Confirming the appointment of Dr. Colin Burke to the Cable Advisory Committee

RESOLUTION confirming the appointment of Dr. Colin Burke to the Cable Advisory Committee.

Council Resolution No. 95-2009 – Confirming the appointment of Bitu Dayhoff to the Board to Promote Self-Sufficiency

RESOLUTION confirming the appointment of Bitu Dayhoff to the Board to Promote Self-Sufficiency.

Council Resolution No. 96-2009 – Confirming the reappointment of Olaniyi Areke to the Cable Advisory Committee

RESOLUTION confirming the reappointment of Olaniyi Areke to the Cable Advisory Committee.

Council Resolution No. 97-2009 – Confirming the reappointment of Charles A. Gueli to the Housing and Community Development Board

RESOLUTION confirming the reappointment of Charles A. Gueli to the Housing and Community Development Board.

Council Resolution No. 98-2009 – Confirming the reappointment of Joslyn R. Wolfe to the Commission for Women

RESOLUTION Confirming the reappointment of Joslyn R. Wolfe to the Commission for Women.

Council Resolution No. 99-2009 – Confirming the reappointment of Courtney Workman to the Commission for Women

RESOLUTION confirming the reappointment of Courtney Workman to the Commission for Women.

Council Resolution No. 101-2009 – Confirming the appointment of Adejire Bademosi to the Commission for Women

RESOLUTION confirming the appointment of Adejire Bademosi to the Commission for Women.

Financial

Council Bill No. 61-2009 – AN ORDINANCE supplementing Council Bill No. 35-2006, as supplemented, which authorized the issuance and reissuance of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes"), in order to (i) authorize the issuance of up to an additional \$137,400,000 of the Notes; (ii) provide for the disbursement of the proceeds of such additional Notes, and for related purposes; (iii) allow proceeds of the Notes to be used to finance certain capital projects and project costs described in Council Bill Nos. 22-2009, 23-2009, 24-2009, 35-2009, 51-2009 and 57-2009; (iv) supplement Council Bill No. 34-2006, as supplemented, to allow proceeds of the County's Consolidated Public Improvement Bonds and Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs; and (v) provide for and determine various matters in connection therewith

AN ORDINANCE supplementing Council Bill No. 35-2006, as supplemented, which authorized the issuance and reissuance of the County's Consolidated Public Improvement Commercial Paper Bond Anticipation Notes, Series D (the "Notes"), in order to (i) authorize the issuance of up to an additional \$137,400,000 of the Notes; (ii) provide for the disbursement of the proceeds of such additional Notes, and for related purposes; (iii) allow proceeds of the Notes to be used to finance certain capital projects and project costs described in Council Bill Nos. 22-2009, 23-2009, 24-2009, 35-2009, 51-2009 and 57-2009; (iv) supplement Council Bill No. 34-2006, as supplemented, to allow proceeds of the County's Consolidated Public Improvement Bonds and Metropolitan District Bonds authorized thereby to be used to refinance such capital projects and project costs; and (v) provide for and determine various matters in connection therewith.

Supplementary Budget & Appropriation Ordinance No. 9-Fiscal 2010 – Transferring \$65,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for the Homelessness Prevention and Rapid Re-Housing Program

AN ACT transferring \$65,000 from the Grants Fund, Contingency Reserve to the Department of Housing and Community Development for the Homelessness Prevention and Rapid Re-Housing Program.

Supplementary Budget & Appropriation Ordinance No. 10-Fiscal 2010 –Transferring \$253,898 from the Grants Fund, Contingency Reserve to the Department of Citizen Services for the Homelessness Prevention and Rapid Re-Housing Program

AN ACT transferring \$253,898 from the Grants Fund, Contingency Reserve to the Department of Citizen Services for the Homelessness Prevention and Rapid Re-Housing Program.

General

Council Bill No. 62-2009 – Introduced by Greg Fox - Amending an uncodified section in Council Bill No. 14-2007, as amended by Council Bills No. 11-2008 and 2-2009, that required certain connections to the Planned Service Area for water and sewer within a certain time in order to extend the time to make the connections

AN ACT amending an uncodified section in Council Bill No. 14-2007, as amended by Council Bills No. 11-2008 and 2-2009, that required certain connections to the Planned Service Area for water and sewer within a certain time in order to extend the time to make the connections; and providing for the application of this Act.

Council Bill No. 63-2009 (ZRA-114) - Introduced by The Chair at the request of Tim Keane - Amending the Howard County Zoning Regulations to amend the definition of Neighborhood Preservation Parcels, to add provisions allowing unimproved properties to also be Neighborhood Preservation Parcels; and generally relating to the Density Exchange for Neighborhood Preservation program and Neighborhood Preservation Parcels

AN ACT amending the Howard County Zoning Regulations to amend the definition of Neighborhood Preservation Parcels, to add provisions allowing unimproved properties to also be Neighborhood Preservation Parcels; and generally relating to the Density Exchange for Neighborhood Preservation program and Neighborhood Preservation Parcels.

Council Resolution No. 100-2009 – Introduced by The Chairperson at the request of the County Executive and Council Member Courtney Watson - Designating a certain portion of Ellicott City as a “designated neighborhood,” as defined by state law, in order to qualify for participation in the Neighborhood Business Development Program of the Department of Housing and Community Development of the State of Maryland

A RESOLUTION designating a certain portion of Ellicott City as a “designated neighborhood,” as defined by state law, in order to qualify for participation in the Neighborhood Business Development Program of the Department of Housing and Community Development of the State of Maryland.

FINAL CONSIDERATION

Consent

Council Resolution No. 90-2009 – Confirming the reappointment of Dr. James Filipczak to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 91-2009 – Confirming the reappointment of John C. Monahan to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 92-2009 – Confirming the reappointment of Michael G. Riemer to the Housing and Community Development Board

Council Resolution No. 93-2009 – Confirming the reappointment of Michael G. Riemer to the Housing Commission

The Chairperson moved to adopt the legislation on the consent agenda. The motion was seconded by Ms. Sigaty.

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

Council Resolutions No. 90-2009, No. 91-2009, No. 92-2009 and No. 93-2009 passed.

Financial

Council Bill No. 57-2009 – To authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$18,000,000 from the Maryland Water Quality Financing Administration (the "Administration"), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project No. S6245 (Nitrogen Loading Reduction), as described in the County's 2010 Capital Budget, and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; and making certain findings and determinations

The Chairperson moved to adopt Council Bill No. 57-2009. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Bill No. 57-2009 passed.

Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2010 – Transferring \$2,601,580 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for the Energy Efficiency and Conservation Block Grant

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the ordinance was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2010 passed.

General

Council Bill No. 58-2009 – Introduced by The Chair at the request of General Growth Properties - Adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment

The Chairperson moved to extend the life of Council Bill No. 58-2009 by 30 days in accordance with Section 209(h) of the Charter. The motion was seconded by Ms. Sigaty.

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

The motion to extend the life of Council Bill No. 58-2009 by 30 days passed.

The Chairperson moved to table Council Bill No. 58-2009. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Bill No. 58-2009 passed.

Council Bill No. 59-2009 (ZRA-113) – Introduced by: The Chair at the request of General Growth Properties - Amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district

The Chairperson moved to extend the life of Council Bill No. 59-2009 by 30 days in accordance with Section 209(h) of the Charter. The motion was seconded by Ms. Sigaty.

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

The motion to extend the life of Council Bill No. 59-2009 by 30 days passed.

The Chairperson moved to table Council Bill No. 59-2009. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Bill No. 59-2009 passed.

Council Bill No. 60-2009 - Introduced by: The Chairperson at the request of the County Executive/Co-Sponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa, and Courtney Watson - Amending the Howard County Cable Television Systems Franchise Act to clarify certain maintenance requirements; to allow for the use of temporary lines under certain conditions and for a certain period of time; to require certain notice of temporary lines; to prohibit certain temporary lines; to provide certain civil penalties; to allow for certain waivers of certain time requirements; providing for the application of this Act; and generally related to the Howard County Cable Television Systems Franchise Act

The Chairperson moved to adopt Council Bill No. 60-2009. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 60-2009 as follows: *(This amendment specifies that time periods are calculated using “working days”).*

On page 2, in lines 17, 28, and 29, in each instance, before “DAYS” insert “WORKING”. Also on page 2, in line 30, strike “15-DAY” and substitute “15-WORKING-DAY”.

On page 3, in line 5, before “DAYS” insert “WORKING”. Also on page 3, in line 7, strike “15-DAY” and substitute “15-WORKING-DAY”.

The motion was seconded by Ms. Sigaty.

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

Amendment No. 1 to Council Bill No. 60-2009 passed.

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

Council Bill No. 60-2009 passed as amended.

Council Resolution No. 89-2009 - Introduced by The Chairperson at the request of Speedway Rock LLC, Binder Rock LLC, and Deerpath Rock, LLC - To close a portion of Deerpath Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code

The Chairperson moved to adopt Council Resolution No. 89-2009. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 89-2009 as follows: *(This amendment:*

- 1. Changes the length of the road to be closed;*
- 2. Provides that the petitioner shall submit a resubdivision plan to DPZ; and*
- 3. Substitutes a new exhibit in order to remove reference to a parcel that does not exist.)*

On page 1, in line 7, and on page 2, in line 11, in each instance, strike “1,130” and substitute “460”.

On page 2, in line 8, after “specifications” strike the period and substitute “; and”

On page 2, after line 8, insert:

“WHEREAS, prior to the County Council’s consideration of a resolution to surplus the road bed of the closed portion of Deerpath Road, the petitioner shall submit a resubdivision plan to the Department of Planning and Zoning to consolidate the closed portion of Deerpath Road with adjacent parcels.”.

On page 2, after line 17, insert:

“BE IT FURTHER RESOLVED, that, prior to the County Council’s consideration of a resolution to surplus the road bed of the closed portion of Deerpath Road, the petitioner shall submit a resubdivision plan to the Department of Planning and Zoning to consolidate the closed portion of Deerpath Road with adjacent parcels.”.

Remove Exhibit B, as attached to the Resolution as prefiled, and substitute the amended Exhibit B as attached to this Amendment.

(See attached -- amended Exhibit B.)

The motion was seconded by Ms. Sigaty.

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

Amendment No. 1 to Council Resolution No. 89-2009 passed.

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

Council Resolution No. 89-2009 passed as amended.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:05 p.m..

TABLED LEGISLATION

Council Bill No. 58-2009 – Introduced by The Chair at the request of General Growth Properties
- Adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment
(Life extended and tabled 12/07/09)

Council Bill No. 59-2009 (ZRA-113) – Introduced by: The Chair at the request of General Growth Properties - Amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district
(Life extended and tabled 12/07/09)
