



Howard County Council

George Howard Building
3430 Courthouse Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Mary Kay Sigaty, Chairperson
District 4
Jennifer Terrasa, Vice Chairperson
District 3
Calvin Ball
District 2
Greg Fox
District 5
Courtney Watson
District 1

Minutes (approved 12/07/09) Legislative Work Session November 23, 2009

The meeting was called to order at 4:34 pm in the Board Room, Board of Education, 10910 Route 108, Ellicott City.

Members present: Calvin Ball, Greg Fox, Mary Kay Sigaty, Jennifer Terrasa and Courtney Watson.

Discussion: The members discussed the following items related to the following bills:

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

Paul Johnson explained that the Council is not constrained from adopting the legislation. Since the subject matter of the bill is public safety, it falls under the police power. Additionally, the proposal is not a material change to the cable franchise agreements. Lori Sherwood stated that an amendment from calendar to business days is unobjectionable to the Administration.

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

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

Jay Shulman explained that the pending GGP bankruptcy does not raise enforceability concerns for the land use or financial obligations imposed under the legislation. Paul Johnson offered suggestions for linking the General Plan Amendment and the Zoning Regulation Amendment to elevate the GPA from guidance to a regulatory device. He also explained the unique nature of New Town Zoning. Gabrielle Koeppel indicated that it is feasible for multiple owners to carry out the redevelopment plans and explained that any purchaser would be aware of the obligations as part of its due diligence. Marsha McLaughlin stated that there are a variety of tools available for coordination among multiple owners. Paul Johnson also explained that there is no entitlement to the full development plan; rather, the obligation is to meet the criteria and provide the amenities as each Final Development Plan is processed and approved. There was also a discussion of the differences between the existing and proposed procedures, the standards in the legislation for substituting amenities, private covenants and restrictions and the Terrapin Run decision and subsequent State legislation (Senate Bill 280 of the 2009 Session of the General Assembly). Bill Erskine reiterated that nothing in the decision or the State law prohibits the Council from making provisions in the General Plan Amendment enforceable by reference in the Zoning Regulation Amendment.

The meeting was adjourned at 6:18 pm.