

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 7
June 1, 2009**

HOWARD COUNTY TO WIT:

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

APPROVE JOURNALS

The Chairperson moved to approve the journals for Legislative Days No. 5, May 4, 2009 and No. 6, May 20, 2009. The motion was seconded by Ms. Terrasa.

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

The motion to approve the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the following minutes:

Budget Work Session (Pending Issues) - May 15, 2009

Minutes of Closed Meeting – May 15, 2009

Legislative Public Hearing – May 18, 2009

Budget Work Session - May 18, 2009

The motion was seconded by Ms. Terrasa.

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

The motion to approve the minutes passed.

AMEND AGENDA

The Chairperson moved to amend the agenda to allow the introduction of Council Resolution No. 56-2009 which was not prefiled. The motion was seconded by Ms. Terrasa.

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

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. 45-2009 – Confirming the appointment of Richard M. Alexander to the Board of Library Trustees

A RESOLUTION confirming the appointment of Richard M. Alexander to the Board of Library Trustees.

Council Resolution No. 46-2009 – Confirming the appointment of Jay H. Blackman to the Board of Directors of the Economic Development Authority

A RESOLUTION confirming the appointment of Jay H. Blackman to the Board of Directors of the Economic Development Authority.

Council Resolution No. 47-2009 - Confirming the appointment of Barry C. Curtis to the Board of Directors of the Economic Development Authority

A RESOLUTION confirming the appointment of Barry C. Curtis to the Board of Directors of the Economic Development Authority.

Council Resolution No. 48-2009 – Confirming the reappointment of David P. Grabowski to the Planning Board

A RESOLUTION confirming the reappointment of David P. Grabowski to the Planning Board.

Council Resolution No. 49-2009 - Confirming the reappointment of Catherine Ward to the Board of Directors of the Economic Development Authority

A RESOLUTION confirming the reappointment of Catherine Ward to the Board of Directors of the Economic Development Authority.

Financial

Council Bill No. 28-2009 – To authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G-0163), for an aggregate purchase price of not more than \$4,154,800, plus interest thereon; providing that the County's obligation to pay the purchase price under and interest on such agreements shall be a general obligation of the County made upon its full faith and credit; and to levy taxes upon the assessable property within the County sufficient, together with the portion of the transfer tax imposed on transfers of real property in

Howard County which is dedicated to agricultural land preservation and other available funds, to provide for the payment of the purchase price under and interest on any agreements so entered into; and providing for and determining various matters in connection therewith

AN ACT to authorize and empower Howard County, Maryland, to enter into installment purchase agreements to acquire development rights in agricultural lands located within the County (Project No. G-0163), for an aggregate purchase price of not more than \$4,154,800, plus interest thereon; providing that the County's obligation to pay the purchase price under and interest on such agreements shall be a general obligation of the County made upon its full faith and credit; and to levy taxes upon the assessable property within the County sufficient, together with the portion of the transfer tax imposed on transfers of real property in Howard County which is dedicated to agricultural land preservation and other available funds, to provide for the payment of the purchase price under and interest on any agreements so entered into; and providing for and determining various matters in connection therewith.

General

Council Bill No. 29-2009 (ZRA-102) – Introduced by The Chair at the request of the Wilde Lake Business Trust - Amending the Howard County Zoning Regulations to allow the owner of any portion of a Village Center in the New Town zoning district to petition to amend certain approved development plans for the owner's property; establishing public notice, information, and justification requirements for such petitions; establishing standards to be used by the Zoning Board in evaluating and considering such petitions; and generally relating to the New Town zoning district

AN ACT amending the Howard County Zoning Regulations to allow the owner of any portion of a Village Center in the New Town zoning district to petition to amend certain approved development plans for the owner's property; establishing public notice, information, and justification requirements for such petitions; establishing standards to be used by the Zoning Board in evaluating and considering such petitions; and generally relating to the New Town zoning district.

Council Bill No. 30-2009 – Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer's Association, Lodge 21 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the Howard County Police Officer's Association, Lodge 21 that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act

AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer's Association, Lodge 21 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the

Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the Howard County Police Officer's Association, Lodge 21 that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act.

Council Bill No. 31-2009 – Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the International Union of Police Associations - Howard County Local 107 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the International Union of Police Associations -Howard County Local 107 that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act

AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the International Union of Police Associations - Howard County Local 107 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the International Union of Police Associations -Howard County Local 107 that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act.

Council Bill No. 32-2009 – Pursuant to Section 1.111(e) of the Howard County Code approving provisions in a collective bargaining agreement between Howard County and the International Union of Police Associations - Howard County Police Supervisor's Alliance - Howard County Local 112 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; and providing for the application of this Act

AN ACT pursuant to Section 1.111(e) of the Howard County Code approving provisions in a collective bargaining agreement between Howard County and the International Union of Police Associations - Howard County Police Supervisor's Alliance - Howard County Local 112 that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; and providing for the application of this Act.

Council Bill No. 33-2009 – Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act

AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act.

Council Bill No. 34-2009 – Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act

AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2011 and that includes payment of certain compensation in Fiscal Year 2011; and providing for the application of this Act.

Council Resolution No. 50-2009 – Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Sierra Woods Limited Partnership and Howard County, Maryland for a multi-family rental housing project known as Sierra Woods

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Sierra Woods Limited Partnership and Howard County, Maryland for a multi-family rental housing project known as Sierra Woods.

Council Resolution No. 51-2009 - Approving the acquisition and rehabilitation of an affordable housing project known as Sierra Woods Apartments in Columbia, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department’s Community Development Administration.

A RESOLUTION approving the acquisition and rehabilitation of an affordable housing project known as Sierra Woods Apartments in Columbia, Maryland to be financed either directly by the Department of Housing and Community Development of the State of Maryland or through the Department's Community Development Administration.

Council Resolution No. 52-2009 – Approving a revised Route 1 Manual to incorporate changes made in recent Zoning Regulation Amendments, to make changes recommended by the State Highway Administration and to reference Design Advisory Panel requirements

A RESOLUTION approving a revised Route 1 Manual to incorporate changes made in recent Zoning Regulation Amendments, to make changes recommended by the State Highway Administration and to reference Design Advisory Panel requirements.

Council Resolution No. 53-2009 - Adopting the Housing Unit Allocation Chart for Fiscal Year 2010 pursuant to the Adequate Public Facilities Act of Howard County

A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2010 pursuant to the Adequate Public Facilities Act of Howard County.

Council Resolution No. 54-2009 – 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

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.

Council Resolution No. 55-2009 - Introduced by the Chairperson - Calling the County Council of Howard County, Maryland into legislative session on July 30, 2009

RESOLUTION calling the County Council of Howard County, Maryland into legislative session on July 30, 2009.

Council Resolution No. 56-2009 - Introduced by the Chairperson - Appointing the members of the Compensation Review Commission; providing that the Commission shall by resolution adopted no later than December 15, 2009 set the compensation and allowances of the County Council to be elected in November 2010; providing that the Commission shall also make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2010; and providing that the commission shall terminate on April 30, 2010

A RESOLUTION appointing the members of the Compensation Review Commission; providing that the Commission shall by resolution adopted no later than December 15, 2009 set the compensation and allowances of the County Council to be elected in November 2010; providing that the Commission shall also make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2010; and providing that the commission shall terminate on April 30, 2010.

FINAL CONSIDERATION

Consent

Council Resolution No. 18-2009 - Confirming the reappointment of Sherman Howell to the Environmental Sustainability Board

Council Resolution No. 19-2009 - Confirming the reappointment of Christina Mudd to the Environmental Sustainability Board

Council Resolution No. 20-2009 - Confirming the reappointment of Dr. Mark Southerland to the Environmental Sustainability Board

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 Sigaty, Ball, Fox, Terrasa and Watson.

Council Resolutions No. 18-2009, No. 19-2009 and No. 20-2009 passed.

Financial

Council Resolution No. 21-2009 - Approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2009; transferring \$1,470,000 to the Special Education category; transferring \$300,000 to the Administration category; transferring \$190,000 to the Pupil Personnel category; transferring \$185,000 to the Health Services category; and transferring \$2,230,000 to the Mid-Level Administration category

The Chairperson moved to adopt Council Resolution No. 21-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 21-2009 as follows: *(This amendment corrects an incorrect reference.)*

On page 1, in line 21, strike “Mid-Level Administration” and insert “Maintenance of Plant”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Resolution No. 21-2009 passed.

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

Council Resolution No. 21-2009 passed as amended.

General

Council Resolution No. 22-2009 – Declaring that 837.893 square feet of Open Space Lot 100 of the subdivision known as Rockburn Township owned by Howard County, Maryland is no longer needed by the County for a public purpose; authorizing the County Executive to transfer the property to Thomas Vicino and Susann Vicino in exchange for 837.893 square feet of Lot 7 of the subdivision known as Rockburn Township owned by Thomas Vicino and Susann Vicino; waiving the advertising and bidding requirements of Section 4.201 of the County Code in connection with the property’s conveyance; and providing that the County Executive is not bound to terminate the County’s interest in the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

The Chairperson moved to adopt Council Resolution No. 22-2009. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 22-2009 passed.

Council Resolution No. 23-2009 - Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the HCH Partners, II, LLC, and Howard County, Maryland for a multi-family rental housing project known as Guilford Gardens

The Chairperson moved to adopt Council Resolution No. 23-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 23-2009 as follows: *(This amendment allows for the possible scenario where HCH Partners II, LLC may become the managing member of an LLC and a tax credit investor would be a limited member of that LLC.)*

In the title, after “LLC,” insert “or an affiliated entity.”

On page 1, in line 10, after “intends” insert “to”.

On page 1, in line 11, after “member,” insert “or an affiliated entity.”

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Resolution No. 23-2009 passed.

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

Council Resolution No. 23-2009 passed as amended.

ADJOURNMENT

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

TABLED LEGISLATION

Council Bill No. 19-2009 –Introduced by Courtney Watson at the request of John Boyd - To allow certain parcels that are subject to specified conservation easements to be removed from the Metropolitan District under specified circumstances, and generally relating to public utilities (*Tabled 05/04/09*) (*Died June 10, 2009*)

Closed Meeting

The Howard County Council held a closed meeting on May 11, 2009 in accordance with provisions of the Annotated Code of Maryland, State Government Article, Section 10-208(a)(7) to consult with the County Solicitor regarding legal advice concerning budgetary matters related to Howard Community College.

The Chairperson moved to close the meeting. The motion was seconded by Ms. Terrasa.

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

Closed Meeting

The Howard County Council held a closed meeting on May 15, 2009 in accordance with provisions of the Annotated Code of Maryland, State Government Article, Section 10-208(a)(7) to consult with the County Solicitor regarding legal advice concerning budgetary matters related to Howard Community College.

The Chairperson moved to close the meeting. The motion was seconded by Ms. Terrasa.

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

Closed Meeting

The Chairperson moved to close the meeting following the legislative session on June 1, 2009. The motion was seconded by Ms. Terrasa.

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

The meeting was closed pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508(a)(7) to consult with bond counsel concerning bond funded projects by Howard Community College.