

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 4
April 6, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:37 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 remove the journal for Legislative Day No. 2, February 2, 2009 from the table. Her 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 remove the journal from the table passed.

The Chairperson moved to approve the journals for Legislative Day No. 2, February 2, 2009 and Legislative Day No. 3, March 2, 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 minutes for the Public Hearing – March 16, 2009; the Legislative Work Session – March 23, 2009; and the Council Meeting with the Board of Education – April 1, 2009. Her 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.

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. 12-2009 – Confirming the appointment of Eileen Tennor to the Historic District Commission

A RESOLUTION confirming the appointment of Eileen Tennor to the Historic District Commission.

Council Resolution No. 13-2009 – Confirming the appointment of Jeanne M. Zarnoch to the Personnel Board

A RESOLUTION confirming the appointment of Jeanne M. Zarnoch to the Personnel Board.

Financial

Transfer of Appropriation Ordinance No. 3-Fiscal 2009 – Transferring \$3,000,000 in grant funding from C-0214, Category Contingency Fund, to H-2008, Road Resurfacing Program, in order to accept funding as part of the American Recovery and Reinvestment Act of 2009

AN ACT transferring \$3,000,000 in grant funding from C-0214, Category Contingency Fund, to H-2008, Road Resurfacing Program, in order to accept funding as part of the American Recovery and Reinvestment Act of 2009.

General

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

AN ACT 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.

Council Bill No. 20-2009 – Pursuant to Section 612 of the Howard County Charter, approving a Contract between Howard County, Maryland and Petrie Ross Joint Ventures D.C., L.L.C., for the construction of certain public improvements including a parking garage and related infrastructure to serve the Savage MARC Station to be financed by certain tax increment financing

AN ACT pursuant to Section 612 of the Howard County Charter, approving a Contract between Howard County, Maryland and Petrie Ross Joint Ventures D.C., L.L.C., for the construction of certain public improvements including a parking garage and related infrastructure to serve the Savage MARC Station to be financed by certain tax increment financing.

Council Resolution No. 14-2009 –Adopted pursuant to Sections 12-201 *et seq.* of the Economic Development Article of the Annotated Code of Maryland (the “Tax Increment Financing Act”) and Section 9-1301 of Article 24 of the Annotated Code of Maryland (the “Special Taxing District Act”, and collectively with the Tax Increment Financing Act, the “Acts”) providing for the designation of contiguous property in the Savage area of Howard County as a development district for purposes of the Tax Increment Financing Act, and as a special taxing district for the purposes of the Special Taxing District Act (collectively, the “Districts”); creating certain special funds pursuant to the Acts; providing for the deposit and use of moneys in such special funds; pledging that the County will allocate and divide property taxes on real property within the District so that a certain portion of the real property tax (the “Tax Increment”) will be allocated and paid into one of the special funds, and providing for the levy and collection of special taxes or ad valorem taxes to be deposited to the other special fund in the event proceeds of the Tax Increment are or will be insufficient to pay debt service on bonds issued under the Acts; and providing for, finding, and determining matters in connection therewith

A RESOLUTION adopted pursuant to Sections 12-201 *et seq.* of the Economic Development Article of the Annotated Code of Maryland (the “Tax Increment Financing Act”) and Section 9-1301 of Article 24 of the Annotated Code of Maryland (the “Special Taxing District Act”, and collectively with the Tax Increment Financing Act, the “Acts”) providing for the designation of contiguous property in the Savage area of Howard County as a development district for purposes of the Tax Increment Financing Act, and as a special taxing district for the purposes of the Special Taxing District Act (collectively, the “Districts”); creating certain special funds pursuant to the Acts; providing for the deposit and use of moneys in such special funds; pledging that the County will allocate and divide property taxes on real property within the District so that a certain portion of the real property tax (the “Tax Increment”) will be allocated and paid into one of the special funds, and providing for the levy and collection of special taxes or ad valorem taxes to be deposited to the other special fund in the event proceeds of the Tax Increment are or will be insufficient to pay debt service on bonds issued under the Acts; and providing for, finding, and determining matters in connection therewith.

Council Bill No. 21-2009 - Levying and providing for the collection of a special tax on property within the special taxing district in the Savage area of Howard County, Maryland known as the “Savage Towne Centre Special Taxing District” pursuant to the Rate and Method identified herein and for various matters relating thereto; authorizing and empowering the County to issue up to \$17,000,000.00 of its special obligation bonds at a maximum interest rate of 7% per annum in order to finance or reimburse the cost of certain public improvements relating to the Special Taxing District and the geographically coincident Savage Towne Centre Development District and other costs permitted under the Acts identified herein; providing that such bonds and the interest thereon shall never constitute a general obligation of the County or a pledge of its full faith and credit; providing for the further specification, prescription, determination, provision for or approval of various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale and payment for any such bonds; making certain legislative findings; and generally providing for the levy, imposition, collection and application of such special tax and the issuance of bonds in accordance with the Acts identified herein

AN ORDINANCE levying and providing for the collection of a special tax on property within the special taxing district in the Savage area of Howard County, Maryland known as the “Savage Towne Centre Special Taxing District” pursuant to the Rate and Method identified herein and for various matters relating thereto; authorizing and empowering the County to issue up to \$17,000,000.00 of its special obligation bonds at a maximum interest rate of 7% per annum in order to finance or reimburse the cost of certain public improvements relating to the Special Taxing District and the geographically coincident Savage Towne Centre Development District and other costs permitted under the Acts identified herein; providing that such bonds and the interest thereon shall never constitute a general obligation of the County or a pledge of its full faith and credit; providing for the further specification, prescription, determination, provision for or approval of various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale and payment for any such bonds; making certain legislative findings; and generally providing for the levy, imposition, collection and application of such special tax and the issuance of bonds in accordance with the Acts identified herein.

Council Resolution No. 15-2009 – Adopting Howard County’s Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds

A RESOLUTION adopting Howard County’s Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds.

Council Resolution No. 16-2009 – Approving the redevelopment of an affordable housing project known as Guilford Gardens 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 redevelopment of an affordable housing project known as Guilford Gardens 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. 17-2009 - Introduced by the Chairperson - Calling the County Council of Howard County, Maryland into legislative session on May 20, 2009

RESOLUTION calling the County Council of Howard County, Maryland into legislative session on May 20, 2009.

FINAL CONSIDERATION

Consent

Council Resolution No. 8-2009 – Confirming the appointment of A. John Rezaiyan to the Human Rights Commission

Council Resolution No. 9-2009 – Confirming the appointment of Joshua D. Sullivan to the Human Rights Commission

Council Resolution No. 10-2009 – Confirming the reappointment of James H. Eacker to the Howard County Agricultural Land Preservation 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. 8-2009, No. 9-2009 and No. 10-2009 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2009 - Transferring up to \$1,500,000 from the General Fund, Contingency Reserve to the Department of Public Works for unanticipated expenses for snow removal

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2009. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance 8-Fiscal 2009 passed.

General

Council Bill No. 10-2009 (ZRA-105) – Introduced by The Chair at the request of The Concerned Citizens of Western Howard County, Inc. - Amending the Howard County Zoning Regulations to add additional requirements to the B-1 (Business: Local) and B-2 (Business: General) regulations for uses on properties located in the No Planned Service Area of the Howard County Master Plan for Water and Sewer; and generally relating to the B-1 and B-2 zoning districts

The Chairperson moved to withdraw Council Bill No. 10-2009. The motion was seconded by Ms. Terrasa.

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

The motion to withdraw Council Bill No. 10-2009 passed.

Council Bill No. 11-2009 (ZRA-108) – Introduced by The Chair at the request of Brantly Development Group - Amending the Howard County Zoning Regulation's definition of Age-restricted Adult Housing to allow an exception of up to 20 percent of the units within age-restricted adult housing developments to be unrestricted in terms of age occupancy requirements except for the existing restriction applicable to children under 18 years of age; to delete an existing exception relating to surviving household members 50 years or older; and generally relating to age-restricted adult housing

The Chairperson moved to adopt Council Bill No. 11-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 11-2009 failed.

Council Bill No. 12-2009 (ZRA-109) – Introduced by The Chair at the request of SK King George, LLC - Amending the Howard County Zoning Regulations to establish a new provision whereby approved Conditional Uses would be completely exempt from the potential to become void and would not have to obtain extensions for projects for which plans are being processed with Howard County; and generally relating to Conditional Uses

The Chairperson moved to adopt Council Bill No. 12-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 12-2009 as follows: *(This amendment would correct a drafting error found in the bill and add an additional reference to the County's Adequate Public Facilities Ordinance).*

On page 2, strike lines 29 – 32, in their entirety, and substitute the following:

“E. SUBSECTIONS A. AND C. ABOVE SHALL NOT APPLY TO ANY PROJECT FOR WHICH PLANS ARE BEING ACTIVELY PROCESSED IN COMPLIANCE WITH THE PROCEDURES IN TITLE 16, SUBTITLES 1 AND 11 OF THE HOWARD COUNTY CODE OR WERE BEING ACTIVELY PROCESSED IN COMPLIANCE WITH THOSE SUBTITLES WHEN THE APPLICABLE TIME PERIOD ESTABLISHED BY SECTION A ABOVE EXPIRED.”.

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 Bill No. 12-2009 passed.

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

Council Bill No. 12-2009 passed as amended.

Council Bill No. 14-2009 – Adding certain definitions; describing the accrued benefit of certain reemployed employees in job classes represented by the American Federation of State, County and Municipal Employees (“AFSCME”) Local 3085; requiring certain contributions from AFSCME Local 3085 employees after a certain date; setting forth the retirement income for certain AFSCME Local 3085 employees; reordering certain provisions; making certain technical corrections; and generally related to the County’s retirement plans for employees of AFSCME Local 3085

The Chairperson moved to adopt Council Bill No. 14-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 14-2009 as follows: *(This amendment makes the following corrections:*

1. *It provides that a person who transfers into the Local 3085 bargaining unit cannot receive the enhanced benefit for that time period prior to joining Local 3085;*
2. *Clarifies that the 1.66% multiplier applies to Years of Creditable Service earned as a member of Local 3085 as of July 1, 2011; and*
3. *Changes the implementation date for pension enhancements to July 1, 2011.)*

On page 2, in lines 9, 10, 11 and 13, in each instance strike “2009” and substitute “2011”.

On page 5, in line 19, strike “2009” and substitute “2011”.

On page 5, in line 23, strike “2009” and substitute “2011”.

On page 5, strike beginning with “SUM” in line 27 down through “THE” in line 28.

On page 5, in line 30, after “AFSCME” insert “LOCAL” and, in the same line, strike “ON OR AFTER JULY 1, 2009”.

On page 6, strike line 5 and substitute:

“EARNED AS AN AFSCME LOCAL 3085 EMPLOYEE.

FOR PURPOSES OF THIS SUBSECTION (C), ALL YEARS OF CREDITABLE SERVICE EARNED PRIOR TO JULY 1, 2011 BY A PARTICIPANT WHO WAS AN AFSCME LOCAL 3085 EMPLOYEE ON JUNE 30, 2011 WILL BE CONSIDERED YEARS OF CREDITABLE SERVICE AS AN AFSCME LOCAL 3085 EMPLOYEE.”

On page 9, in line 23,strike “2009” and substitute “2011”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Bill No. 14-2009 passed.

Council Member Courtney Watson moved to table Council Bill No. 14-2009. The motion was seconded by Mr. Fox.

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

The motion to table Council Bill No. 14-2009 failed.

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

Council Bill No. 14-2009 passed as amended.

Council Bill No. 15-2009 – Pursuant to Section 612 of the Howard County Charter, approving a multi-year agreement between Howard County, Maryland and Energy Systems Group where Energy Systems Group will develop and implement a comprehensive energy efficiency guaranteed savings program at certain County facilities that shall include the

construction and installation of certain equipment, and certain management tasks and the program will result in certain cost savings which may be used to finance the construction and installation of certain equipment

The Chairperson moved to adopt Council Bill No. 15-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 15-2009 passed.

Council Bill No. 16-2009 – Pursuant to Section 612 of the Howard County Charter, approving a multi-year agreement between Howard County, Maryland and Grant Capital Management, Inc., where Grant Capital Management will finance the acquisition of certain equipment required under an energy performance contract.

The Chairperson moved to adopt Council Bill No. 16-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 16-2009 as follows: *(This amendment substitutes a new lease-purchase agreement in order to:*

- 1. Add certain exhibits that were completed after prefile; and*
- 2. Clarify certain terms.)*

Remove the 2009 Energy Performance Contract Master Lease- Purchase Agreement, as attached to the Bill as introduced, and substitute the 2009 Energy Performance Contract Master Lease-Purchase Agreement as attached to this Amendment.

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 Bill No. 16-2009 passed.

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

Council Bill No. 16-2009 passed as amended.

Council Bill No. 17-2009 (ZRA-112) – Amending the Howard County Zoning Regulations to allow fences of a certain height along certain lot lines that adjoin public street rights-of-way; to set forth certain setbacks for certain fences and walls that are a certain height; to prohibit certain arrangements for certain fences and walls; and generally related to the Howard County Zoning Regulations.

The Chairperson moved to adopt Council Bill No. 17-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 17-2009 passed.

Council Bill No. 18-2009 – To legalize the 2008 Edition of the Howard County Code, as approved by Margaret Ann Nolan, County Solicitor, and published by Municipal Code Corporation; to provide for the Code’s periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County.

The Chairperson moved to adopt Council Bill No. 18-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 18-2009 passed.

Council Resolution No. 11-2009 - Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of tables and maps incorporating various revisions, including the:

1. Revision of the priority designations assigned in the Master Plan to certain County capital projects;
2. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
3. Update of the water and sewer facilities maps to reflect changes in the Metropolitan District.

The Chairperson moved to table Council Resolution No. 11-2009. 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 table Council Resolution No. 11-2009 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 9:03 p.m.

TABLED LEGISLATION

Council Resolution No. 131-2008 – Confirming the appointment of Christina Diaz-Malone to the Board to Promote Self-Sufficiency (*Tabled 01/05/09*)

Council Resolution No. 11-2009 - Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of tables and maps incorporating various revisions, including the:

1. Revision of the priority designations assigned in the Master Plan to certain County capital projects;
2. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
3. Update of the water and sewer facilities maps to reflect changes in the Metropolitan District.

(*Tabled 4/6/09*)