

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 2
February 2, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:36 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 for the County Administration, were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 1, January 5, 2009. Her motion was seconded by Ms. Terrasa.

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

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Public Hearing – January 21, 2009 and the Legislative Work Session – January 26, 2009. Her motion was seconded by Ms. Terrasa.

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

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. 6-2009 – Confirming the reappointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the reappointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority

Financial

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2009 – Transferring \$18,294 from the Grants Fund, Contingency Reserve to the Sheriff's Office in order to purchase and install Mobile Data Computers

AN ACT transferring \$18,294 from the Grants Fund, Contingency Reserve to the Sheriff's Office in order to purchase and install Mobile Data Computers.

Transfer of Appropriation Ordinance No. 2-Fiscal 2009 – Transferring \$3,262,000 to capital project N3960, Robinson Property Nature Center, from various capital projects in the Capital Budget for Fiscal Year 2009

AN ACT transferring \$3,262,000 to capital project N3960, Robinson Property Nature Center, from various capital projects in the Capital Budget for Fiscal Year 2009.

Council Bill No. 7-2009 - To authorize and empower Howard County, Maryland, to borrow up to \$2,180,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. N-3960 (Robinson Property Nature Center) and costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$2,180,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. N-3960 (Robinson Property Nature Center) and costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

General

Council Bill No. 8-2009 – Introduced by Courtney Watson, Councilperson/Co-sponsored by Greg Fox, Councilperson - Amending the Howard County Code to allow an additional revision during 2009 of the phasing schedule for a residential development, under certain conditions; to allow unphased projects to become phased projects in 2009; and providing that this Act shall be null and void after a certain date; and generally relating to phased residential developments

AN ACT amending the Howard County Code to allow an additional revision during 2009 of the phasing schedule for a residential development, under certain conditions; to allow unphased projects to become phased projects in 2009; and providing that this Act shall be null and void after a certain date; and generally relating to phased residential developments.

Council Resolution No. 7-2009 - Supporting an application to be submitted by Howard County for funding in the amount of \$4,373,214 from the Maryland Neighborhood Conservation Initiative Program and authorizing the County Executive to execute certain documents required for the application

A RESOLUTION supporting an application to be submitted by Howard County for funding in the amount of \$4,373,214 from the Maryland Neighborhood Conservation Initiative Program and authorizing the County Executive to execute certain documents required for the application.

FINAL CONSIDERATION

The Chairperson moved to remove Council Resolution No. 132-2008 from the table. 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 remove Council Resolution No. 132-2008 from the table passed.

Council Resolution No. 132-2008 – Confirming the appointment of Sierra Harris to the Human Rights Commission (*Tabled 01/05/09*)

The Chairperson moved to adopt Council Resolution No. 132-2008. 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. 132-2008 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 5-Fiscal 2009 – Transferring \$100,000 from the Grants Fund, Contingency Reserve to the Office of Workforce Development to provide funding for the “Working for Independence, Success and Healthy Families” program

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 5-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 No. 5-Fiscal 2009 passed.

Supplementary Budget & Appropriation Ordinance No. 6-Fiscal 2009 – Transferring \$38,864 from the Grants Fund, Contingency Reserve to the Department of Corrections for the State Criminal Alien Assistance Program

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance 6-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 6-Fiscal 2009 passed.

Council Bill No. 62-2008 – Introduced by Calvin Ball and Mary Kay Sigaty/Co-sponsored by Jennifer Terrasa - Amending the Howard County Code to exempt certain residential developments containing Moderate Income Housing Units from the allocations portion of the Adequate Public Facilities Ordinance, under certain circumstances; altering the categories to be used in the housing unit allocation chart; and generally relating to the Adequate Public Facilities Ordinance *(Tabled 01/05/09)*

The Chairperson moved to remove Council Bill No. 62-2008 from the table. 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 remove Council Bill No. 62-2000 from the table passed.

The Chairperson moved to adopt Council Bill No. 62-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 62-2008 as follows: *(This amendment would correct a typographical error in the sponsorship lines of the title page).*

On the title page, in line 1 of the sponsorship lines, strike the “and” and substitute a comma. In the same line, immediately following “Sigaty”, insert “, and Jennifer Terrasa”. Also on the same page, strike line two of the sponsorship line, in its entirety.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 1 to Council Bill No. 62-2008 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 62-2008 as follows: *This amendment would retain the MIHU allocation section in Section 16.1102 and allow the MIHU allocations to be used for market rate housing units for developments containing MIHUs).*

On the title page, strike the entire title and insert:

“An Act amending the Howard County Code to allow Moderate Income Housing Unit allocations to be used for market rate housing units for developments containing Moderate Income Housing Units, under certain circumstances; and generally relating to the Adequate Public Facilities Ordinance.”.

On page 1, in line 5 after the quotation mark, strike the remainder of the line. In line 6, strike “16.1107 “Exemptions””. On the same page, in line 8, after the comma, insert “is amended”.

On page 3, in line 4, strike the brackets.

On page 3, in line 11, insert brackets before the parentheses.

On page 3, immediately following line 23 insert:

- (I) EXCEPT AS PROVIDED IN SUBSECTION (IV), THE MODERATE INCOME HOUSING UNIT ALLOCATIONS SHALL BE USED FOR MODERATE INCOME HOUSING UNITS THAT SATISFY THE MODERATE INCOME HOUSING UNIT PROVISIONS OF TITLE 13 OF THIS CODE;
- (II) A DEVELOPMENT MAY ONLY RECEIVE MODERATE INCOME HOUSING UNIT ALLOCATIONS FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS THAT ARE REQUIRED BY THE ZONING REGULATIONS, EXCEPT THAT IF A DEVELOPER PROFFERS MORE MODERATE INCOME HOUSING UNITS THAN IS REQUIRED BY THE ZONING REGULATIONS, THE DEVELOPMENT MAY RECEIVE ADDITIONAL MODERATE INCOME HOUSING UNIT ALLOCATIONS FOR THE PROFFERED UNITS;
- (III) NO MORE THAN ONE-THIRD OF ALL OF THE UNITS IN A DEVELOPMENT MAY RECEIVE MODERATE INCOME HOUSING UNIT ALLOCATIONS;
- (IV) MODERATE INCOME HOUSING UNIT ALLOCATIONS MAY BE USED FOR MARKET RATE HOUSING UNITS IF:
 - A. THE DEVELOPMENT IS A MULTI-YEAR PHASED PROJECT; AND
 - B. IN EACH PHASE OF CONSTRUCTION, THE PERCENTAGE OF MODERATE INCOME HOUSING UNITS IS NO LESS THAN THAT REQUIRED BY THE ZONING REGULATIONS; AND
- (V) THE SUBDIVISION OR SITE DEVELOPMENT PLAN, INCLUDING THE MODERATE INCOME HOUSING UNITS, IS SUBJECT TO THE TESTS FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOL FACILITIES AS PROVIDED IN SECTIONS 16.1101 AND 16.1103 OF THIS CODE.”.

On pages 3 and 4, strike lines 24 through 31 and 1 through 17 respectively.

On page 4, in line 19, strike “3” and substitute “2”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Amendment No. 2 to Council Bill No. 62-2008 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 62-2008 as follows: *(This amendment would retain the MIHU allocation section in Section 16.1102, allow the MIHU allocations to be used for market rate housing units for developments containing MIHUs, and specify that no more than 50 MIHU allocations can be used for a given project in a given year).*

On the title page, strike the entire title and insert:

“An Act amending the Howard County Code to allow Moderate Income Housing Unit allocations to be used for market rate housing units for developments containing Moderate Income Housing Units, under certain circumstances; and generally relating to the Adequate Public Facilities Ordinance.”.

On page 1, in line 5 after the quotation mark, strike the remainder of the line. In line 6, strike “16.1107 “Exemptions””. On the same page, in line 8, after the comma, insert “is amended”.

On page 3, in line 4, strike the brackets.

On page 3, in line 11, insert brackets before the parentheses.

On page 3, immediately following line 23 insert:

- “
- (I) EXCEPT AS PROVIDED IN SUBSECTION (IV), THE MODERATE INCOME HOUSING UNIT ALLOCATIONS SHALL BE USED FOR MODERATE INCOME HOUSING UNITS THAT SATISFY THE MODERATE INCOME HOUSING UNIT PROVISIONS OF TITLE 13 OF THIS CODE;
 - (II) A DEVELOPMENT MAY ONLY RECEIVE MODERATE INCOME HOUSING UNIT ALLOCATIONS FOR THE NUMBER OF MODERATE INCOME HOUSING UNITS THAT ARE REQUIRED BY THE ZONING REGULATIONS, EXCEPT THAT IF A DEVELOPER PROFFERS MORE MODERATE INCOME HOUSING UNITS THAN IS REQUIRED BY THE ZONING REGULATIONS, THE DEVELOPMENT MAY RECEIVE ADDITIONAL MODERATE INCOME HOUSING UNIT ALLOCATIONS FOR THE PROFFERED UNITS;
 - (III) NO MORE THAN ONE-THIRD OF ALL OF THE UNITS IN A DEVELOPMENT MAY RECEIVE MODERATE INCOME HOUSING UNIT ALLOCATIONS;
 - (IV) NO MORE THAN 50 MODERATE INCOME HOUSING UNIT ALLOCATIONS PER YEAR MAY BE GRANTED FOR A GIVEN PROJECT;
 - (V) MODERATE INCOME HOUSING UNIT ALLOCATIONS MAY BE USED FOR MARKET RATE HOUSING UNITS IF:
 - A. THE DEVELOPMENT IS A MULTI-YEAR PHASED PROJECT; AND
 - B. IN EACH PHASE OF CONSTRUCTION, THE PERCENTAGE OF MODERATE INCOME HOUSING UNITS IS NO LESS THAN THAT REQUIRED BY THE ZONING REGULATIONS; AND
 - (VI) THE SUBDIVISION OR SITE DEVELOPMENT PLAN, INCLUDING THE MODERATE INCOME HOUSING UNITS, IS SUBJECT TO THE TESTS FOR ADEQUATE ROAD FACILITIES AND ADEQUATE PUBLIC SCHOOL FACILITIES AS PROVIDED IN SECTIONS 16.1101 AND 16.1103 OF THIS CODE.”.

On pages 3 and 4, strike lines 24 through 31 and 1 through 17 respectively.

On page 4, in line 19, strike “3” and substitute “2”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 3 was: Nay: Council Members Sigaty, Ball and Terrasa; Yea: Council Members Fox and Watson.

Amendment No. 3 to Council Bill No. 62-2008 failed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 62-2008 as follows: *(This amendment would permit projects that have received building tentative housing allocations prior to the enactment of this legislation to be grandfathered).*

On page 4, immediately following line 18, insert the following:

“Section 3. Be it further enacted by the County Council of Howard County, Maryland, that any moderate income housing unit allocations tentatively granted as of December 1, 2008 shall remain moderate income housing unit allocations pursuant to Section 16.1102(b)(6) of the Howard County Code as it existed on December 1, 2008, except the square footage of any unit may exceed the square footages set forth in Section 16.1102(b)(6)(ii), and any development for which moderate income housing unit allocations have been tentatively granted on or before December 1, 2008 for allocation years 2010 and beyond may use moderate income housing unit allocations for market rate units in those years.”

On the same page, in line 19, strike the “3” and substitute “4”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Sigaty, Ball, Fox and Terrasa; Nay: Council Member Watson.

Amendment No. 4 to Council Bill No. 62-2008 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. 62-2008 passed as amended.

General

Council Bill No. 1-2009 – Introduced by The Chairperson at the request of the County Executive/Co-sponsored by Calvin Ball, Greg Fox, Mary Kay Sigaty, and Jennifer Terrasa - Prohibiting the discharge of a gun within a certain distance from certain structures under certain conditions; prohibiting the discharge of a gun in the direction of certain structures; providing for certain exceptions; making certain technical corrections; defining certain terms; and generally related to firearm control provisions in the Howard County Code

The Chairperson moved to adopt Council Bill No. 1-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 1-2009 as follows: *(This amendment would add a definition of “facility,” would strike the requirement that hunting occur on not less than 10 acres outside the Metropolitan District, would strike references to a 300 yard safety zone, would add conditions to shooting in a safety zone; would remove references to maximum range, and would provide that firing a projectile that damages certain personal property or facilities is subject to a civil penalty.)*

On page 1, after line 19, insert:

“(D) (1) “FACILITY” MEANS A BUILDING, STRUCTURE, OR CAMP DESIGNED FOR OCCUPANCY OR USE BY HUMAN BEINGS.

(2) “FACILITY” INCLUDES A DWELLING, HOUSE, AND RESIDENCE.”

and renumber the rest of the subsections.

On page 2, strike beginning with “dwelling” in line 6 down through “beings” in line 7 and substitute “FACILITY”.

On page 4, in line 5, strike “ON NOT LESS THAN 10 ACRES”.

Also on page 4, strike lines 21 through 31 in their entirety and substitute:

“(C) (1) (i) THE SAFETY ZONE IS THE AREA CONSISTING OF 150 YARDS AROUND A FACILITY.
(ii) WITHOUT WRITTEN PERMISSION OF THE PROPERTY OWNER, A PERSON SHALL
NOT DISCHARGE A GUN WITHIN, FROM, ONTO, OR ACROSS A SAFETY ZONE.

(2) WHENEVER A PERSON DISCHARGES A GUN, THE PERSON SHALL BE SURE THAT THE
DISCHARGE IS TOWARDS A SAFE BACKSTOP OR BACKGROUND OR SHALL USE A SHOTGUN THAT
CONTAINS ONLY SHOT.

(D) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, A PERSON HAS COMMITTED A
CLASS A OFFENSE UNDER TITLE 24, SUBTITLE 1 OF THE HOWARD COUNTY CODE IF THE PERSON
DISCHARGES A GUN AND A PROJECTILE FROM THE GUN DAMAGES A FACILITY OR PERSONAL
PROPERTY, INCLUDING PETS AND LIVESTOCK, REGARDLESS OF WHETHER THE PERSON HAS
COMPLIED WITH ALL OTHER PROVISIONS OF THIS SECTION.”

The motion was seconded by Ms. Terrasa.

Council Member Terrasa moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 1 as follows: *(This amendment would restore a 300 yard safety zone.)*

In the second line of the descriptive heading, strike beginning with “, would” through “zone”.

In 13, strike “150” and substitute “300”.

The motion was seconded by Ms. Watson.

The roll call vote called by the Chairperson on the motion was: Nay: Council Members Sigaty, Ball, Fox and Watson; Yea: Council Member Terrasa.
Amendment No. 1 to Amendment No. 1 to Council Bill No. 1-2009 failed.

The Chairperson moved to adopt Amendment No. 2 to Amendment No. 1 to Council Bill No. 1-2009 as follows: *(This amendment would add conditions to the 150 yard safety zone.)*

In line 17, after “SHALL” insert “:

(I) ENSURE THAT THE PROJECTILE HAS A DOWNWARD TRAJECTORY;
(II)”.

In line 18, after “SAFE” insert “, VISIBLE”.

Also in line 18, strike “OR BACKGROUND OR SHALL” and substitute “; OR (IV)”.

The motion was seconded by Mr. Fox.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Sigaty, Ball, Fox and Terrasa; Nay: Council Member Watson.
Amendment No. 2 to Amendment No. 1 to Council Bill No. 1-2009 passed.

The Chairperson moved to adopt Amendment No. 3 to Amendment No. 1 to Council Bill No. 1-2009 as follows: *(This amendment would clarify that certain play and athletic areas are included in the definition of “facility”.)*

In line 4, strike “AND” and after “RESIDENCE” insert “, PLAYGROUND, PLAY STRUCTURE, ATHLETIC FIELD, AND ATHLETIC COURT”.

The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Nay: Council Members Ball, Fox, and Watson; Yea: Council Members Sigaty and Terrasa.
Amendment No. 3 to Amendment No. 1 to Council Bill No. 1-2009 failed.

Council Member Terrasa moved to determine that Amendment No. 1 to Council Bill No. 1-2009 as amended by Amendment No. 2 to Amendment No. 1 is substantive. The motion was seconded by Ms. Watson.

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

The roll call vote called by the Chairperson on Amendment No. 1 to Council Bill No. 1-2009 as amended was: Yea: Council Members Sigaty, Ball, Fox, and Watson; Nay: Council Member Terrasa.

Amendment No. 1 to Council Bill No. 1-2009 passed as amended.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 1-2009 as follows: *(This amendment would require certain notifications that hunting may occur.)*

On page 4, after line 28, insert:

“(D) ANNUALLY, AT LEAST 15 DAYS BEFORE ANY GUN IS DISCHARGED ON PROPERTY COVERED BY THIS SECTION, THE PROPERTY OWNER SHALL:

- (1) SEND WRITTEN NOTICE TO THE CHIEF OF POLICE THAT STATES WHEN HUNTING WILL OCCUR;
- (2) NOTIFY BY FIRST CLASS MAIL EACH RESIDENT OF ABUTTING PROPERTIES THAT STATES WHEN HUNTING MAY OCCUR; AND
- (3) POST, AT THE MAIN ENTRANCE TO THE PROPERTY, A SIGN THAT:
 - (i) INDICATES THE RANGE OF DATES WHEN HUNTING MAY OCCUR; AND
 - (ii) IS OF THE SAME SIZE AND STYLE AS THE SIGNS THAT THE DEPARTMENT OF RECREATION AND PARKS POSTS FOR MANAGED HUNTS.”

Also on page 4, In line 29, strike “D” and substitute “(E)”.

The motion was seconded by Ms. Terrasa.

Council Member Watson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Bill No. 1-2009 as follows: *(This amendment would require the County Executive to adopt regulations to require certain notifications.)*

In line 2, after “D”, strike beginning with “ANNUALLY” down through “HUNTS” in line 11 and substitute “THE COUNTY EXECUTIVE SHALL ADOPT REGULATIONS REQUIRING THAT A PROPERTY OWNER GIVE NOTICE BEFORE A GUN IS DISCHARGED ON PROPERTY COVERED BY THIS SECTION”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Amendment No. 2 to Council Bill No. 1-2009 failed.

The Chairperson moved to determine that Amendment No. 2 to Council Bill No. 1-2009 is substantive. The motion was seconded by Ms. Terrasa.

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

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

The motion to determine that Amendment No. 2 to Council Bill No. 1-2009 is substantive passed.

The roll call vote called by the Chairperson on Amendment No. 2 was: Nay: Council Members Ball, Fox and Watson. Yea: Council Members Sigaty and Terrasa.

Amendment No. 2 to Council Bill No. 1-2009 failed.

The roll call vote called by the Chairperson on Council Bill No. 1-2009 as amended was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.

Council Bill No. 1-2009 passed as amended.

Council Bill No. 2-2009 – Amending an uncodified section in Council Bill No. 14-2007, as amended by Council Bill No. 11-2008, 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

The Chairperson moved to adopt Council Bill No. 2-2009. 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. 2-2009 passed.

Council Bill No. 3-2009 (ZRA 104) - Amending the Howard County Zoning Regulations to amend certain definitions related to setbacks; to amend certain setbacks from amenity areas in the Corridor Employment Zoning Districts; to add certain setbacks from Route 1 in the Corridor Activity Center Zoning District; to amend certain setbacks from certain principal structures in the Transit Oriented Development; to require that certain developments include an amenity area; and generally related to the Howard County Zoning Regulations.

The Chairperson moved to adopt Council Bill No. 3-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 3-2009 as follows:
(This amendment restores the 10-foot setback for surface parking in the CAC Zoning District.)

On page 4, in line 12, strike “0” and substitute “10”.

On page 4, in line 15, after “USES” insert “(EXCEPT SURFACE PARKING)”.

On page 4, after line 15, insert:

“(C) SURFACE PARKING.....10 FEET”.

On page 4, in line 19, after “USES” insert “(EXCEPT SURFACE PARKING)”.

On page 4, after line 19, insert:

“(B) SURFACE PARKING.....10 FEET”.

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. 3-2009 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. 3-2009 passed as amended.

Council Bill No. 4-2009 (ZRA-103) – Introduced by The Chair at the request of Horse Farm, LLC and Deep Run Property Management, LLC - Amending the Howard County Zoning Regulations to allow developments utilizing the PSC zoning district overlay to also utilize the provisions of the underlying zoning district; add the PSC zoning district to the list of overlay districts found in the overlay district definition; and generally relating to the PSC zoning district

The Chairperson moved to adopt Council Bill No. 4-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 4-2009 as follows: *(This amendment would clarify that the regulations established in the underlying zoning district would apply if the property owner in a PSC decides to develop using the underlying zone).*

On page 2, in line 15, before the period, insert “PROVIDED ALL PROVISIONS OF THE UNDERLYING DISTRICT ARE USED”.

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. 4-2009 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. 4-2009 passed.

Council Bill No. 5-2009 (ZRA-106) – Introduced by The Chair at the request of James R. Buch and Robert M. Buch - Amending the Howard County Zoning Regulations’ CAC zoning district to add a provision to permit apartment and single-family attached uses within a Route 1 Corridor development project of less than two acres, if the property is contiguous to a CAC development which has received an approved sketch plan or site development plan, under certain circumstance; and generally relating to the CAC zoning district

The Chairperson moved to table Council Bill No. 5-2009. 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 Bill No. 5-2009 passed.

Council Bill No. 6-2009 (ZRA-107) – Introduced by The Chair at the request of Robert and Maxine Walker - Amending the Howard County Zoning Regulations’ Limited Outdoor Social Assemblies conditional use to alter the road access requirement for Limited Outdoor Social Assemblies; and generally relating to the Limited Outdoor Social Assemblies conditional use

The Chairperson moved to table Council Bill No. 6-2009. 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 Bill No. 6-2009

Council Resolution No. 1 -2009 – Amending Volume III (Roads and Bridges) of the Design Manual in order to clarify the intersection sight distance requirements, to clarify how stopping sight distance shall be measured, to clarify certain waivers, to clarify information required to request a waiver, and generally related to Volume III (Roads and Bridges) of the Design Manual

The Chairperson moved to adopt Council Resolution No. 1-2009. 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. 1-2009 passed.

Council Resolution No. 2-2009 – Pursuant to the Howard County Cable Televisions Systems Franchise Act, granting a secondary cable franchise agreement to Ellicott City Cable Company, LLC for Taylor Village under certain terms and conditions

The Chairperson moved to adopt Council Resolution No. 2-2009. 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. 2-2009 passed.

Council Resolution No. 3-2009 – Pursuant to the Howard County Cable Televisions Systems Franchise Act, granting a secondary cable franchise agreement to Ellicott City Cable Company, LLC for Waverly Woods under certain terms and conditions

The Chairperson moved to adopt Council Resolution No. 3-2009. 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. 3-2009 passed.

Council Resolution No. 4-2009 – Endorsing the provision of financing by the State Department of Business and Economic Development for an economic development project in Howard County; designating the Howard County Economic Development Authority as the agency to administer the project; and certifying that the project is consistent with the County's plan for economic development

The Chairperson moved to adopt Council Resolution No. 4-2009. 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. 4-2009 passed.

Council Resolution No. 5-2009 – Introduced by Greg Fox/Co-sponsored by Calvin Ball -
Exempting certain hot air balloon activities from the admissions and amusement tax.

The Chairperson moved to adopt Council Resolution No. 5-2009. 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. 5-2009 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 9:04 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 Bill No. 5-2009 (ZRA-106) – Introduced by The Chair at the request of James R. Buch and Robert M. Buch - Amending the Howard County Zoning Regulations' CAC zoning district to add a provision to permit apartment and single-family attached uses within a Route 1 Corridor development project of less than two acres, if the property is contiguous to a CAC development which has received an approved sketch plan or site development plan, under certain circumstance; and generally relating to the CAC zoning district (*Tabled 02/02/09*)

Council Bill No. 6-2009 (ZRA-107) – Introduced by The Chair at the request of Robert and Maxine Walker - Amending the Howard County Zoning Regulations' Limited Outdoor Social Assemblies conditional use to alter the road access requirement for Limited Outdoor Social Assemblies; and generally relating to the Limited Outdoor Social Assemblies conditional use (*Tabled 02/02/09*)
