

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 1
January 5, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:40 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.

Sheila Tolliver; Administrator to the County Council; Stephen LeGendre, Administrator Designee 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. 14, December 1, 2008. Her motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson to approve the journal was: 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 Legislative Public Hearing, December 15, 2008; and the Legislative Work Session, December 22, 2008. 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:

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

AN ACT 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.

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

AN ACT transferring \$38,864 from the Grants Fund, Contingency Reserve to the Department of Corrections for the State Criminal Alien Assistance Program.

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

AN ACT 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.

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

AN ACT 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.

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.

AN ACT 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. *(ZRA 104)*

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

AN ACT 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. *(ZRA 103)*

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

AN ACT 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. *(ZRA 106)*

Council Member Watson moved to reject Council Bill No. 5-2009 on introduction. The motion was seconded by Mr. Fox.

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

The motion to reject Council Bill No. 5-2009 failed.

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

AN ACT 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. *(ZRA 107)*

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

A RESOLUTION 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.

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

AN ACT 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.

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

A RESOLUTION 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.

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

A RESOLUTION 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.

FINAL CONSIDERATION

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority (*Tabled 11/03/08*)

Council Resolution No. 123-2008 – Confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency (*Tabled 12/01/08*)

The Chairperson moved to remove Council Resolution No. 101-2008 and Council Resolution No. 123-2009 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. 101-2008 and Council Resolution No. 123-2009 from the table passed.

Consent

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority *(Tabled 11/03/08)*

Council Resolution No. 123-2008 – Confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency *(Tabled 12/01/08)*

Council Resolution No. 130-2008 – Confirming the appointment of Kevin E. Carlson, M.D. to the Board of Health

Council Resolution No. 133-2008 – Confirming the reappointment of Deborah Hayes to the Human Rights Commission

Council Resolution No. 134-2008 – Confirming the appointment of Alfred J. LaBeau to the Commission on Disability Issues

Council Resolution No. 135-2008 – Confirming the appointment of Katrina D. Mitchell-Cooper to the Board of Social Services

Council Resolution No. 136-2008 – Confirming the reappointment of Sharon Neville to the Commission on Disability Issues

Council Resolution No. 137-2008 – Confirming the appointment of Mark E. Scanga to the Fire and Rescue Services Board

Council Resolution No. 138-2008 – Confirming the appointment of Michael C. Smith to the Board of Social Services

The Chairperson moved to adopt the consent legislation. 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. 101-2008; No. 123-2008, No. 130-2008, No. 133-2008. No. 134-2008, No. 135-2008, No. 136-2008, No. 137-2008, and No. 138-2008 passed.

Appointments

Council Resolution No. 131-2008 – Confirming the appointment of Christina Diaz-Malone to the Board to Promote Self-Sufficiency

Council Resolution No. 132-2008 – Confirming the appointment of Sierra Harris to the Human Rights Commission

The Chairperson moved to table Council Resolution No. 131-2008 and Council Resolution No. 132-2008. 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. 131-2008 and Council Resolution No. 132-2008 passed.

General

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

The Chairperson moved to table Council Bill No. 62-2008. 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. 62-2008 passed.

Council Bill No. 63-2008 – Introduced by Councilperson Sigaty/Co-sponsored by Councilpersons Ball, Fox, Terrasa, and Watson - Establishing a position on the Commission for Women; clarifying membership to the Commission; clarifying terms for members of Commission; and providing for the term and appointment of certain positions

The Chairperson moved to adopt Council Bill No. 63-2008. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 63-2008 as follows: *(This amendment adds a sponsor to the bill.)*

On the title page, in the line under the line starting with “Cosponsored by” add “and at the request of the County Executive.”

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. 63-2008 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. 63-2008 passed as amended.

Council Bill No. 64-2008 – Introduced by Councilperson Sigaty/Cosponsored by Councilpersons Ball, Fox, Terrasa, and Watson - Establishing a position on the Recreation and Parks Board; clarifying membership; and providing for the term and appointment of certain positions

The Chairperson moved to adopt Council Bill No. 64-2008. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 64-2008 as follows: *(This amendment adds a sponsor to the bill.)*

On the title page, in the line under the line starting with “Cosponsored by” add “and at the request of the County Executive.”

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. 64-2008 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. 64-2008 passed as amended.

Council Resolution No. 139-2008 - Pursuant to Section 4.201 of the Howard County Code declaring that a water and sewer easement owned by Howard County, Maryland and located across property known as Parcel 211, Lot 143 on Tax Map 43 within the paper street known as Piedmont Drive in the Sixth Election District of Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, JLN Development, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to terminate the easement 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. 139-2008. 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. 139-2008 passed.

Council Resolution No. 140-2008 – Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing development known as Guilford Gardens

The Chairperson moved to adopt Council Resolution No. 140-2008. 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. 140-2008 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:10 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. 132-2008 – Confirming the appointment of Sierra Harris to the Human Rights Commission *(Tabled 01/05/09)*

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)*
