

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2015 Legislative Session

Legislative Day No. 9

July 31, 2015

HOWARD COUNTY TO WIT:

The Chairperson called the special legislative session to order at **10:10 a.m.**

Chairperson Mary Kay Sigaty, Vice Chairperson Jon Weinstein, Council Member Calvin Ball, Council Member Greg Fox, and Council Member Jennifer Terrasa were present.

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, County Auditor; Jeff Meyers, Legislative Analyst; James Vannoy, Office of Law; Gary Kuc, County Solicitor; Jennifer Sager, Legislative Coordinator; were also present.

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 8, July 6, 2015. The motion was seconded by Mr. Weinstein.

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

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Closed Meeting – July 6, 2015; Monthly Meeting – July 13, 2015; and Legislative Public Hearing – July 20, 2015. The motion was seconded by Mr. Weinstein.

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

The motion to approve the minutes passed.

FINAL CONSIDERATION

The Chairperson moved to allow the reading of bills by short title on third reading. The motion was seconded by Mr. Weinstein.

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

The motion to allow the reading of bills by short title on third reading passed.

Consent

Council Resolution 113-2015 – A RESOLUTION confirming the reappointment of Joanne Kiebler to the Recreation & Parks Board.

Council Resolution 114-2015 - A RESOLUTION confirming the reappointment of Archana Goel Leon-Guerrero, M.D., to the Adult Public Guardianship Review Board.

Council Resolution 115-2015 - A RESOLUTION confirming the reappointment of Paul G. Nagy, Ph.D., to the Board of Health.

Ms. Sigaty moved to approve Consent Agenda. The motion was seconded by Mr. Weinstein.

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

The motion to approve Consent Agenda passed.

Appointments

Council Resolution 108-2015 – A RESOLUTION confirming the appointment of John Dove to the Environmental Sustainability Board.

The Chairperson moved to approve Council Resolution No. 108 -2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 108-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 108-2015 passed.

Council Resolution 109-2015 – A RESOLUTION confirming the appointment of Bradley Myers to the Housing Commission.

The Chairperson moved to withdraw Council Resolution No. 109 -2015 (*The Administration has requested withdrawal*). The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to withdraw Council Resolution No. 109-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein. (*requires 4 affirmative votes*)

The motion to withdraw Council Resolution No. 109-2015 passed.

Council Resolution 110-2015 – A RESOLUTION confirming the appointment of Christopher Oxenham to the Housing Commission.

The Chairperson moved to approve Council Resolution No. 110 -2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 110-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 110-2015 passed.

Council Resolution 111-2015 – A RESOLUTION confirming the appointment of Catherine Strawley to the Environmental Sustainability Board.

The Chairperson moved to approve Council Resolution No. 111 -2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

Amendment #1 corrects the end of the appointee's term.

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 111-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 111-2015 as amended passed.

Council Resolution 112-2015 – A RESOLUTION confirming the appointment of Alan Whitworth to the Public Works Board.

The Chairperson moved to table Council Resolution No. 112 -2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Resolution No. 112-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolution No. 112-2015 passed.

General

Council Bill 29-2015 – AN ACT amending the Annual Budget and Appropriation Ordinance for Fiscal Year 2016 in order to correct certain negative amounts in certain grant appropriations; to add the Grant Fund, Contingency Reserve; to add a grant that was inadvertently omitted; to correct certain account numbers; and generally relating to the Annual Budget and Appropriation Ordinance for Fiscal Year 2016.

The Chairperson moved to approve Council Bill 29-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 29 -2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 29-2015 passed.

Council Bill 30-2015 – AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 52.95 acres of agricultural land located on Manor Lane, Ellicott City, Howard County, Maryland, from Genevieve Carroll or any other owner thereof for a maximum purchase price of \$1,639,700 or, if less, not more than \$30,966.00 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve Council Bill 30-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 30-2015 was: Yea: Council Members Ball, Fox, Sigaty, and Weinstein. Nay: Council Member Terrasa.

The motion to approve Council Bill No. 30-2015 passed.

Council Bill 31-2015 – AN ACT approving an amendment to a multi-year collective bargaining agreement between Howard County and the Howard County Police Officers' Association, Lodge 21 that will be effective through the end of Fiscal Year 2017 and that includes payment of certain compensation in future fiscal years; ratifying certain previously approved provisions in a collective bargaining agreement between Howard County and the Howard County Police Officers' Association, Lodge 21, that are in conflict with the provisions of Title 1 "Human Resources" of the Howard County Code or the Employee Manual; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the Howard County Police Officers' Association, Lodge 21.

The Chairperson moved to approve Council Bill 31-2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

(This amendment substitutes a revised Amendment to Memorandum of Agreement with Lodge 21 in order to insert pay scales that were inadvertently omitted at prefile, to remove certain pay scales included in the Memorandum of Agreement, to correct the table of contents and exhibits, and to correct certain dates.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 31-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 31-2015 passed as amended.

Council Bill 32-2015 – AN ACT approving an amendment to a multi-year collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors’ Alliance that will be effective through the end of Fiscal Year 2017 and that includes payment of certain compensation in future fiscal years; ratifying certain previously approved provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors’ Alliance, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisors’ Alliance.

The Chairperson moved to approve Council Bill 32-2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

(This amendment substitutes a revised Amendment to Memorandum of Agreement with Lodge 143 in order to insert pay scales that were inadvertently omitted at prefile, to remove

certain pay scales included in the Memorandum of Agreement, to correct the table of contents and exhibits, and to correct certain dates.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 32-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 32-2015 passed as amended.

Council Bill 33-2015 – AN ACT approving an amendment to a multi-year collective bargaining agreement between Howard County and the International Association of Firefighters, Howard County Local 2000 that will be effective through the end of Fiscal Year 2017 and that includes payment of certain compensation in future fiscal years; ratifying certain previously approved provisions in a collective bargaining agreement between Howard County and the International Association of Firefighters, Howard County Local 2000, that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the International Association of Firefighters, Howard County Local 2000.

The Chairperson moved to approve Council Bill 33-2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

(This amendment substitutes a revised Amendment to Memorandum of Agreement with Local 2000 in order to insert pay scales that were inadvertently omitted at prefile, to remove certain pay scales included in the Memorandum of Agreement, to correct the table of contents and exhibits, and to correct certain dates.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 33-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 33-2015 passed as amended.

Council Bill 34-2015 – AN ACT amending the Pay Plan for Howard County; correcting the pay scales for certain Sheriff employees; adding certain pay scales for members of certain collective bargaining units that will be effective June 12, 2016; providing police and fire management employees with the same cost-of-living adjustment provided to certain collective bargaining units by this Act; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

The Chairperson moved to approve Council Bill 34-2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

(This amendment corrects a date and removes a step that has not been ratified.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 34-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 34-2015 passed as amended.

Council Bill 35-2015 (ZRA 151) – Introduced by: The Chairperson at the request of C. Godfrey Garvey - AN ACT amending the Howard County Zoning Regulations’ B-1 (Business: Local) District to add Commercial Schools as a permitted use; and generally relating to the B-1 (Business: Local) District.

The Chairperson moved to approve Council Bill 35-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 35-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 35-2015 passed.

Council Bill 36-2015 (ZRA 153) – Introduce by: The Chairperson at the request of Michael L. Buch. - AN ACT amending the Howard County Zoning Regulations’ R-APT (Residential: Apartments) District to repeal the maximum building length limitation; and generally relating to the R-APT (Residential: Apartments) District.

The Chairperson moved to approve Council Bill 36-2015. The motion was seconded by Mr. Weinstein.

Council Member Fox moved to approve Amendment 1. The motion was seconded by Ms. Sigaty.

Amendment No. 1

(This amendment would limit the building length to 300ft. However, the length may be exceeded under certain conditions)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 36-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 36-2015 passed as amended.

Council Bill 37-2015 (ZRA 155) – Introduced by: The Chairperson at the request of Jonathan L. Miller and Sonya A. Miller - AN ACT amending the Howard County Zoning Regulations’ Home-Based Contractors conditional use to permit the Home-Based Contractors conditional use in the R-20 zoning district under certain conditions; and generally relating to Home-Based Contractors.

The Chairperson moved to table Council Bill 37-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Bill No. 37-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill No. 37-2015 passed.

Council Bill 38-2015 (ZRA 157) – Introduced by: The Chairperson at the request of Demirel Plaza, LLC - AN ACT amending the Howard County Zoning Regulations’ OT (Office Transition) District to add Personal Service Establishments as a permitted use; and generally relating to the OT (Office Transition) District.

The Chairperson moved to approve Council Bill 38-2015. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

Amendment No. 1

(This amendment would limit the floor area for personal services to no more than 50 percent.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill No. 38-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 38-2015 passed as amended.

Council Resolution 118-2015 - A RESOLUTION authorizing the disposal of certain Dodge Charger vehicles owned by Howard County to the Maryland Police Training Commission.

The Chairperson moved to approve Council Resolution 118-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 118-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 118-2015 passed.

Council Resolution 119-2015 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that a certain property interest in a portion of a County right-of-way named Hale Haven Drive located in Ellicott City, Howard County, Maryland containing approximately 0.0538 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant a permanent access and utility easement to Verizon Wireless; 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 grant the easement if he finds that the land may have a further public use.

The Chairperson moved to approve Council Resolution 119-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 119-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 119-2015 passed.

Council Resolution 120-2015 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a certain property interest in a portion of County Open Space known as Parcel 82 on Tax Map 35 located on Guilford Road containing approximately 4195 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to convey a driveway easement interest to the adjacent property owners; 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 grant the easement if he finds that the property may have a further public use.

The Chairperson moved to approve Council Resolution 120-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 120-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 120-2015 passed.

Council Resolution 121-2015 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that a certain interest in a portion of real property owned by the County located at the Timbers of Troy Golf Course containing approximately 5,811 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant an easement for the installation of fiber optic cable to PEG Bandwidth MD, 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 grant the easement if he finds that the land may have a further public use.

The Chairperson moved to table Council Resolution 121-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Resolution No. 121-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolution 121-2015 passed.

Council Resolution 122-2015 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of County Open Space known as part of Parcel 130, Lot 1 on Tax Map 17 located on N. Pine Orchard Lane containing approximately 0.1098 acres is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to

convey a fee simple interest to the adjacent property owners; 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 convey the property if he finds that it may have a further public use.

The Chairperson moved to approve Council Resolution 122-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 122-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 122-2015 passed.

Council Resolution 123-2015 – Introduced by: Greg Fox - A RESOLUTION ratifying the conveyance of 0.157 of an acre of real property in Clarksville by the County to the State Highway Administration.

Council Member Fox moved to approve Council Resolution 123-2015. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 123-2015 was: Yea: Council Members Ball, Fox, Sigaty, and Weinstein. Nay: Council Member Terrasa.

The motion to approve Council Resolution No. 123-2015 passed.

Council Resolution 92-2015 – A RESOLUTION confirming the appointment of James Filipczak, Ph. D., to the Board of Directors of the Howard County Mental Health Authority. (tabled 7-6-2015)

The Chairperson moved to remove Council Resolution 92-2015 from the table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to remove Council Resolution No. 92-2015 from table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Resolution No. 92-2015 from table passed.

The Chairperson moved to approve Council Resolution 92-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 92-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution No. 92-2015 passed.

Council Bill 28-2015 – Introduced by: Jon Weinstein; Co-Sponsored by: Calvin Ball and Jen Terrasa - AN ACT prohibiting the use of Electronic Smoking Devices in certain public places and in certain places of employment; defining certain terms; and generally relating to smoking in Howard County.

The Vice Chair moved to remove Council Bill 28-2015 from the table. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Administrator on the motion to remove Council Bill No. 28-2015 from table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Bill No. 28-2015 from table passed.

The Vice Chair moved to approve Council Bill 28-2015. The motion was seconded by Ms. Terrasa.

The Vice Chair moved to approve Amendment 2. The motion was seconded by Ms. Terrasa.

Amendment No. 2

(This amendment would change the definitions of “Electronic Smoking Device”, “Smoking”, and “Tobacco product”).

The Vice Chair moved to approve Amendment 1 to Amendment 2. The motion was seconded by Ms. Terrasa.

Amendment No. 1 to Amendment No. 2

(This amendment would clarify the definitions of “Retail Tobacco Store” and “Tobacco Product”.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 to Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 2 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 2 passed as amended.

The Vice Chair moved to approve Amendment 3. The motion was seconded by Ms. Terrasa.

Amendment No. 3

(This amendment delays the requirement to post “no vaping” signs until January 1, 2016; penalties for failure to post a “no vaping” sign would therefore not exist until that date.)

The roll call vote called by the Administrator on the motion to approve Amendment 3 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 3 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 28 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill No. 28-2015 passed as amended.

Council Resolution 49-2015 - A RESOLUTION confirming the appointment of Susan Garber to the Planning Board.

The Chairperson moved to remove Council Resolution 49-2015 from the table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to remove Council Resolution No. 49-2015 from table was: Yea: Council Members Ball, Fox, Sigaty, and Weinstein. Nay: Council Member Terrasa

The motion to remove Council Resolution No. 49-2015 from table passed.

The Chairperson moved to approve Council Resolution 49-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution No. 49-2015 was: Yea: Council Members Fox and Terrasa. Nay: Council Members Ball, Sigaty and Weinstein.

The motion to approve Council Resolution No. 49-2015 failed.

Council Bill No. 17-2015 - Introduced by: Calvin Ball - AN ACT requiring that healthy food and beverage options be provided on certain County properties and for certain county programs, under certain conditions; establishing standards for healthy food and beverages in connection with these requirements; providing exemptions for these requirements; establishing certain requirements on placement, pricing, advertising and marketing of food and beverages in relation to these requirements; establishing certain duties for the Office of Purchasing in relation to these requirements; and generally relating to healthy food and beverages.

The County Executive has returned Council Bill 17-2015 with the following veto message:

July 13, 2015

Mary Kay Sigaty, Council Chair
Howard County Council
3430 Courthouse Drive
Ellicott City, Maryland 21043

Dear Council Chair Sigaty:

"Today, by the authority granted by Section 209 of the County Charter, I have vetoed Council Bill 17- 2015. I believe this bill is an unnecessary intrusion on personal responsibility and freedom. I trust Howard County residents, as well as county employees, to make their own decisions regarding what they eat and drink. Standards outlining nutritional preferences do not belong in the Howard County Code, as standards evolve over time. With these reasons in mind, I believe it is in the best interest of county residents and employees to veto this bill.

Research Findings. *Experts from prestigious organizations, including the National Institutes of Health, consistently recommend comprehensive lifestyle changes to improve health outcomes. Research has shown that voluntary programs stressing healthy behaviors "driven by individual employees rather than by mandates or incentives" have proven effective. Arbitrarily banning or limiting access to some foods at limited locations will have little, if any, effect in encouraging the needed lifestyle changes to achieve meaningful and measurable improvement.*

Tackling obesity and related health issues through education and outreach is more likely to produce results. That is why I am coordinating an effort to bring community partners together to prepare a comprehensive plan on how we can encourage healthier lifestyles in Howard County.

Evolving Nutritional Standards. *I cannot support an approach that adds language to the Howard County Code regarding nutritional recommendations, because they frequently change. As research and science improves, standards for healthy foods and beverages evolve. We have seen many modifications regarding what is best nutritionally - non-fat versus low fat, saturated versus non-saturated, sugar versus high fructose corn syrup, diet soft drinks versus non-sweetened beverages, calorie counting versus portion control, food pyramid overhauls - the list goes on. We should not pass legislation every time the health and nutrition industry modifies its recommendations.*

Existing Guidelines in Place. *The county's youth programs already follow strict licensing regulations and COMAR guidelines regarding which foods and beverages can be provided, making this bill unnecessary and redundant in this respect. The guidelines already in place*

govern the nutritional standards for healthy foods and beverages in the state and county. Passing legislation to mandate guidelines is counter-productive and will make it more difficult to adjust guidelines as needed.

***Impact on Small Business.** Finally, I agree with the Howard County Chamber of Commerce and others in the business community that CB 17 is harmful to small businesses. The overly restrictive guidelines for packaged food and beverage placement will make it extremely difficult for county vendors to comply. The restrictions also prohibit vendors from stocking many healthy options that consumers want, such as Vitamin Water, Gold Peak Iced Tea and many Honest Tea products - another of the unintended consequences of this bill. I believe the selection of products to be placed in vending machines is best left to market forces, not government intrusion. In summary, I believe CB 17 does not represent good governance. The actual impact of this legislation will be minimal, but this precedent will create an obligation in the future for the government to continue legislating nutrition/ as standards and tastes change. Giving the County Executive or the County Council the authority to micro-manage our nutritional standards goes far beyond the proper role of government. This is especially true where, as we have seen, there are real and substantial grounds for disagreements and ambiguities. More to the point, this legislation provides only lip service to the issue of improving health outcomes and misses the mark significantly on what we, as a community, can do to reduce obesity and affect real change in Howard County. I have taken this action based on what I believe to be in the best interest of the public and what the residents of Howard County have elected me to do.*

I invite the County Council to work with my administration on the development of an educational outreach program to address the obesity issue and improve health outcomes for Howard County residents.”

Sincerely,

*Allan H. Kittleman
County Executive*

The Chairperson posed the question on the veto to the Council: “Shall the bill pass notwithstanding the objections of the Executive?”

The roll call vote called by the Administrator to override the County Executive’s veto on Council Bill No. 17-2015 was: Yea: Council Members Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The Council vote to override the County Executive’s veto on Council Bill 17-2015 passed.

Tabled

Council Resolution 29-2015 – A RESOLUTION confirming the appointment of Kimberly A. Hartman to the Howard County Local Children’s Board. (tabled 5-4-2015)

Council Resolution 89-2015 – A RESOLUTION confirming the appointment of Ivan R. Betancourt to the Human Rights Commission. (tabled 7-6-2015)

Council Resolution 68-2015 – A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that certain real property known as the “Flier Building” owned by Howard County, Maryland, containing approximately 2.159 acres, and located at 10750 Little Patuxent Parkway, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; 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 sell the property if he finds that it may have a further public use. (tabled 7-6-2015)

Council Resolution 69-2015 – A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that certain real property known as the “Hurst Building” owned by Howard County, containing approximately 1.92 acres, and located at 9770 Washington Boulevard and 9790 Washington Boulevard, Laurel, Maryland, is no longer needed by the County for public purposes; authorizing the County Executive to sell the property; 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 sell the property if he finds that it may have a further public use. (tabled 7-6-2015)

Council Resolution 112-2015 – A RESOLUTION confirming the appointment of Alan Whitworth to the Public Works Board. (tabled 7/31/15)

Council Resolution 121-2015 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that a certain interest in a portion of real property owned by the County located at the Timbers of Troy Golf Course containing approximately 5,811 square feet is no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to grant an easement for the installation of fiber optic cable to PEG Bandwidth MD, 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 grant the easement if he finds that the land may have a further public use. (tabled 7/31/2015)

