

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2016 Legislative Session

Legislative Day No. 1

January 4, 2016

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:02** p.m.

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

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, County Auditor; Edward Shulder, Deputy County Auditor; Jeff Meyers, Legislative Analyst; James Vannoy, Senior Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Kel Habicht, Administrative Support were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 13, December 7, 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.

The Chairperson moved to approve the minutes for the Monthly Meeting – December 14, 2015 and the Legislative Public Hearing – December 21, 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, Terrasa and Weinstein. Abstained: Sigaty.

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 4-2016 – A RESOLUTION confirming the appointment Kelly Hensing of to the Environmental Sustainability Board.

Council Resolution 5-2016 – A RESOLUTION confirming the appointment of Martin A. H. Jones, P.H.D. to the Commission on Disability Issues.

Council Resolution 6-2016 – A RESOLUTION confirming the reappointment of Steven A. Joss to the Equal Business Opportunity Commission.

Council Resolution 7-2016 – A RESOLUTION confirming the appointment of Robin Steele to the Board of Social Services.

Council Resolution 8-2016 – A RESOLUTION confirming the reappointment of Barry Curtis to the Equal Business Opportunity Commission.

Council Resolution 9-2016 – A RESOLUTION confirming the reappointment of Jennifer Facticeau to the Alcohol & Drug Abuse Advisory Board.

Council Resolution 10-2016 – A RESOLUTION confirming the reappointment Olivia Farrow of to the Environmental Sustainability Board.

Council Resolution 11-2016 – A RESOLUTION confirming the reappointment of Stephen Rivers to the Commission on Disability Issues.

General

Council Bill 1-2016 – Introduced by: Calvin Ball; AN ACT amending the Solicitors and Peddlers provisions for Howard County; amending certain limitations on the time of day solicitors and peddlers may operate; and generally relating to solicitors and peddlers.

Council Bill 2-2016 (ZRA 156) – Introduced by: The Chairperson at the request of ATAPCO Howard Square I Business Trust; AN ACT amending the Howard County Zoning Regulations' CAC (Corridor Activity Center) Zoning District to allow for the reduction of the commercial space requirement in residential developments, if determined appropriate by the Department of Planning and Zoning; and generally relating to CAC developments.

Council Bill 3-2016 - Introduced by: Jon Weinstein; AN ACT to prohibit certain vehicles and devices from sidewalks and pathways in a portion of historic Ellicott City; and generally related to bicycles, play vehicles, and similar devices in Howard County.

Council Resolution 2-2016 – Introduced by: The Chairperson at the request of several Emerson Development LLCs; A RESOLUTION to close a portion of Whiskey Bottom Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

Council Resolution 3-2016 – A RESOLUTION declaring that a total of approximately 0.010 acres of real property owned by Howard County and identified as a portion of Whiskey Bottom Road is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property to the owner of the adjacent property; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use.

Financial

Council Bill 4-2016 - AN ACT for the purpose of defining certain terms; establishing a Clean Energy Loan Program for commercial property owners; establishing the scope of and eligibility for the Clean Energy Loan Program; providing for qualifying criteria; establishing a calculation of the clean energy loan surcharge; providing for a recorded agreement and certain notices; providing for the collection of loan payments; establishing default procedures; providing for financing of a loan under the Program; providing for the application of this Ordinance; and generally related to the Clean Energy Loan Program and real property taxes.

Council Bill 5-2016 - AN ACT extending the life of the tax credit for high performance buildings until June 30, 2018; providing that applications for the credit received by a certain date will be eligible to receive the credit the full four years of the credit; allowing for credits to be issued until a certain date; and generally related to tax credits for high performance buildings.

FINAL CONSIDERATION

The Chairperson moved to allow the reading of short titles for bills and resolutions for final approval. 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 short titles for bills and resolutions for final approval passed.

Consent Agenda

Council Resolution 171-2015 – Introduced by: Chairperson; A RESOLUTION reappointing James P. Howard II to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2020.

Council Resolution 178-2015 – A RESOLUTION confirming the reappointment of Andrea Kolp to the Commission on Disability Issues.

Council Resolution 179-2015 – A RESOLUTION confirming the reappointment of Diane B. Mikulis to the Commission on Disability Issues.

Council Resolution 180-2015 – A RESOLUTION confirming the reappointment of Linda M. Skelton to the Housing and Community Development Board.

The Chairperson moved to approve Council Resolutions 171, 178, 179, and 180-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 171, 178, 179, and 180-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolutions 171, 178, 179, 180-2015 passed.

Appointments

Council Resolution 172-2015 – A RESOLUTION confirming the appointment of Riffat S. Ashai, M.D., to the Commission on Disability Issues.

The Chairperson moved to approve Council Resolution 172-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 172-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 172-2015 passed.

Council Resolution 173-2015 – A RESOLUTION confirming the appointment of Jennifer H. Asher to the Commission on Aging.

The Chairperson moved to approve Council Resolution 173-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 173-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 173-2015 passed.

Council Resolution 174-2015 – A RESOLUTION confirming the appointment of Joseph Markwordt to the Public Ethics Commission.

The Chairperson moved to approve Council Resolution 174-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 174-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 174-2015 passed.

Council Resolution 175-2015 – A RESOLUTION confirming the appointment of Susan Mascaro to the Personnel Board.

The Chairperson moved to approve Council Resolution 175-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 175-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 175-2015 passed.

Council Resolution 176-2015 – A RESOLUTION confirming the appointment of Edisa T. Padder, MD to the Howard County Local Children’s Board.

The Chairperson moved to approve Council Resolution 176-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 176-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 176-2015 passed.

Council Resolution 177-2015 – A RESOLUTION confirming the appointment of Darren Vilus to the Board of Directors of the Howard County Mental Health Authority.

The Chairperson moved to withdraw Council Resolution 177-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to withdraw Council Resolution 177-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to withdraw Council Resolution 177-2015 passed.

Financial

TAO1-FY2016 – Introduced by: The Chairperson at the request of the Board of Education; AN ACT transferring a total of \$2,200,000 between capital projects in the Board of Education capital budget for Fiscal Year 2016.

The Chairperson moved to approve TAO1-FY2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve TAO1-FY2016 was:
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve TAO1-FY2016 passed.

General

Council Bill 53-2015 – AN ACT amending certain minimum educational and experience requirements for certain positions in the Department of Fire and Rescue Service; and generally relating to amendments to the Howard County Classification Plan.

The Chairperson moved to withdraw Council Bill 53-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to withdraw Council Bill 53-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to withdraw Council Bill 53-2015 passed.

Council Bill 54-2015 – Introduced by: Mary Kay Sigaty and Jon Weinstein; AN ACT requiring that the capital budget and the current expense budget as proposed by the Executive contain certain information; delaying certain requirements; and generally related to County budgets.

The Chairperson moved to approve Council Bill 54-2015. 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 clarifies the kinds of information required for multi-year recurring capital projects, clarifies which projects in the capital budget are required to contain certain descriptions and explanations, specifies how certain information in the capital budget must be classified, and clarifies the personnel summaries required to be included in the current expense budget.)

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 54-2015 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 54-2015 as amended passed.

Council Bill 56-2015 – Introduced by: Jon Weinstein, Councilmember; AN ACT establishing the temporary Two-family Dwelling Conditional Use Interim Development Act; temporarily prohibiting certain Conditional Use petitions for proposed Conditional Use approvals for Two-family Dwellings; finding that such petitions, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding residential uses; finding that the potential incompatibility represents a threat to the public health, safety and welfare; providing that the purposes of this Act are to provide the Department of Planning and Zoning with time to study the deficiencies in the Two-family Dwelling Conditional Use, investigate alternatives and make recommendations for improvement and give the County Council time to act on the recommendations; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to zoning and land use.

Council Member Weinstein moved to approve Council Bill 56-2015. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 56-2015 was: Yea: Council Members Terrasa and Weinstein. Nay: Council Members Ball, Fox, and Sigaty.

The motion to approve Council Bill 56-2015 failed.

Council Resolution 183-2015 – A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant an easement containing a total of approximately 0.537 acres on certain real property owned by the County located at 10741 Little Patuxent Parkway, Columbia; 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 183-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 183-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 183-2015 passed.

Council Resolution 184-2015 – A RESOLUTION authorizing the sale of surplus mobile video trailers to the Baltimore City Police Department.

The Chairperson moved to approve Council Resolution 184-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 184-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 184-2015 passed.

Council Resolution 159-2015 – A RESOLUTION confirming the appointment of David Kreutzinger as a member of the Cable Advisory Committee. (tabled 12-7-2015)

The Chairperson moved to remove Council Resolution 159-2015 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 159-2015 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Resolution 159-2015 from the table passed.

The Chairperson moved to approve Council Resolution 159-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 159-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 159-2015 passed.

Council Resolution 163-2015 – A RESOLUTION confirming the appointment of Robert F. Rossomondo to the Board of Social Services. (tabled 12-7-2015)

The Chairperson moved to remove Council Resolution 163-2015 from the table. The motion was seconded by Mr. Weinstein.

The Chairperson moved to approve Council Resolution 163-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 163-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 163-2015 passed.

Council Bill 51-2015 - AN ACT providing that the Design Advisory Panel will provide advice on projects in certain Zoning Districts consistent with the Zoning Regulations; adding that the Panel will review and provide advice for projects that are subject to the Clarksville Pike Streetscape Plan and Design Guidelines; reorganizing the Panel's purpose and applicability sections; removing redundant language; clarifying certain principles of review; making certain technical corrections; and generally related to the Design Advisory Panel in Howard County. (tabled 12-7-2015)

The Chairperson moved to remove Council Bill 51-2015 from the table. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to remove Council Bill 51-2015 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to remove Council Bill 51-2015 from the table passed.

The Chairperson moved to extend the life of Council Bill 51-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 51-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to extend the life of Council Bill 51-2015 passed.

The Chairperson moved to table Council Bill 51-2015. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Bill 51-2015 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bill 51-2015 passed.

Adjourned **7:26** p.m.

Tabled

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 169-2015 – A RESOLUTION adopting the Clarksville Pike Streetscape Plan and Design Guidelines which will apply to new development or redevelopment in the Clarksville Pike/Route108 corridor. (tabled 12-7-2015)

Council Bill 51-2015 - AN ACT providing that the Design Advisory Panel will provide advice on projects in certain Zoning Districts consistent with the Zoning Regulations; adding that the Panel will review and provide advice for projects that are subject to the Clarksville Pike Streetscape Plan and Design Guidelines; reorganizing the Panel’s purpose and applicability sections; removing redundant language; clarifying certain principles of review; making certain technical corrections; and generally related to the Design Advisory Panel in Howard County. (tabled 12-7-2015)