

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2016 Legislative Session

Legislative Day No. 2

2/01/2016

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:03** p.m.

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

Jessica Feldmark, Administrator to the County Council; Jennifer Sager, Legislative Coordinator; Theo Wimberly, Legal Analyst; Craig Glendenning, County Auditor; Gary Kuc, County Solicitor; and James Vannoy, County Attorney were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 1, January 4, 2016. 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 on January 11, 2016. 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.

The Chairperson moved to approve the minutes for the Legislative Public Hearing on January 19, 2016. 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.

INTRODUCTION OF LEGISLATION

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

Appointments

Council Resolution No. 12-2016 – A RESOLUTION confirming the appointment of Jonathan Bos to the Historic Preservation Commission.

Council Resolution No. 13-2016 – A RESOLUTION confirming the appointment of Joan Hash to the Human Rights Commission.

Council Resolution No. 14-2016 – A RESOLUTION confirming the appointment of Peter Hwang to the Human Rights Commission.

Council Resolution No. 15-2016 – A RESOLUTION confirming the appointment of Stanley Levy to the Board of Social Services.

Council Resolution No. 16-2016 – A RESOLUTION confirming the appointment of Ivan Montoya to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 17-2016 – A RESOLUTION confirming the appointment of Bradley Myers to the Board of Directors of the Howard County Revenue Authority.

Council Resolution No. 18-2016 – A RESOLUTION confirming the appointment of Millicent Nwolisa to the Board to Promote Self-Sufficiency.

Council Resolution No. 19-2016 – A RESOLUTION confirming the appointment of Jason Peay to the Equal Business Opportunity Commission.

Council Resolution No. 20-2016 – A RESOLUTION confirming the appointment of Brandon Robinson to the Public Works Board.

Council Resolution No. 21-2016 – A RESOLUTION confirming the appointment of Matthew Smithson to the Cemetery Preservation Advisory Board.

Council Resolution No. 22-2016 – A RESOLUTION confirming the appointment Christopher Tsien of to the Environmental Sustainability Board.

Council Resolution No. 23-2016 – A RESOLUTION confirming the appointment of Michael Willis to the Commission on Aging.

Council Resolution No. 24-2016 – A RESOLUTION confirming the reappointment of Bitu Dayoff as a member to the Howard County Local Children's Board.

Council Resolution No. 25-2016 – A RESOLUTION confirming the reappointment of Gwynn Marsh-Armstrong as a student member to the Howard County Local Children’s Board.

Council Resolution No. 26-2016 – A RESOLUTION confirming the reappointment of Connie Molter to the Howard County Animal Matters Hearing Board.

Finanacial

Council Bill No. 6-2016 – AN ACT pursuant to Section 612 of the Howard County Charter, approving an Assignment of Amended Agreement between Howard County, Maryland, the Central Maryland Regional Transit Corporation and the Center for Transportation and the Environment for an assignment of an amended Consulting Agreement for the Electric Bus Project and ratifying the County’s approval of the Assignment.

General

Council Bill No. 7-2016 – Introduced by: Jennifer Terrasa and Calvin Ball; AN ACT authorizing the Howard County Police Department to enforce parking restrictions related to plug-in vehicle recharging stations; and generally related to parking control in Howard County.

Council Bill No. 8-2016 – AN ACT adopting the National Fire Protection Association 1, Fire Code, 2015 Edition as the Howard County Fire Prevention Code, which sets certain fire safety requirements for structures in order to protect life and property; making certain local amendments to the Fire Code; clarifying the duties of the Department of Fire and Rescue Services; amending certain definitions in the Fire Code; requiring certain registration of fire suppression systems; enhancing requirements for certain bulk tire storage; requiring certain inspections of mobile food vending platforms; requiring certain permits for certain actions taken with certain hazardous materials; providing for certain abatement when approved by the Authority Having Jurisdiction; updating fire lanes designation; and generally relating to fire safety requirements and fire prevention in Howard County.

Council Bill No. 9-2016 – AN ACT pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 1810, Council 67, AFL-CIO that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; and providing for the application of this Act.

Council Bill No. 10-2016 – AN ACT amending the Pay Plan for Howard County; adding steps to the pay scales for members of a certain collective bargaining unit that were recently negotiated in a collective bargaining agreement; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

Council Resolution No. 27-2016 – Introduced by: Jon Weinstein and Jennifer Terrasa; A RESOLUTION proposing to amend Section 611 “Lapsed Appropriations” of the Howard County Charter and add Section 907 “Citizen Funded Campaigns” to the Howard County Charter; and submitting this amendment to the voters of Howard County for their adoption or rejection in accordance with Article X of the Howard County Charter and Article XIA of the Maryland Constitution.

Council Resolution No. 28-2016 – Introduced by: Greg Fox at the request of Friends of Haviland Mill Road; A RESOLUTION approving an amendment to the Howard County Inventory of Scenic Roads which adds Haviland Mill Road, a rural, historically significant road to the Inventory.

Council Bill No. 11-2016 – AN ACT reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; removing the Office of Transportation within the Department of County Administration and transferring that function to the Department of Planning and Zoning; removing certain positions from the list of positions appointed by the Chief Administrative Officer, clarifying certain duties; making certain technical corrections; and generally relating to the Executive Branch of County Government.

Council Bill No. 12-2016 – AN ACT reorganizing the Executive Branch of County Government pursuant to Section 403 of the Howard County Charter; transferring certain functions currently performed by the Department of Housing and Community Development to the Department of Citizen Services; creating a new Office of Housing and Community Partnerships within the Department of Citizen Services; correcting the positions that are appointed by certain appointing authorities; amending the duties and responsibilities of certain offices; renaming the Department of Citizen Services to be the Department of Community Resources and Services; renaming the Office on Aging to be the Office on Aging and Independence; renaming the Office of Consumer Affairs to be the Office of Consumer Protection; renaming the Office of Children’s Services to be the Office of Children and Families; renaming the Commission on Aging to the Commission on Aging and Independence; renaming the Advisory Board on Consumer Affairs to be the Advisory Board on Consumer Protection; providing that certain employees of the Howard County Housing Commission are members of the County Retirement Plan and eligible for Other Post-Employment Benefits; providing for certain legal representation of the Howard County Housing Commission; making certain technical corrections; and generally relating to the Executive Branch of County Government.

FINAL CONSIDERATION

The Chairperson moved to suspend the rules to allow the third reading by short title. 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 suspend the rules to allow the third reading by short title passed.

Consent Agenda

Council Resolution No. 8-2016 – A RESOLUTION confirming the reappointment of Barry Curtis to the Equal Business Opportunity Commission.

Council Resolution No. 9-2016 – A RESOLUTION confirming the reappointment of Jennifer Facticeau to the Alcohol & Drug Abuse Advisory Board.

Council Resolution No. 10-2016 – A RESOLUTION confirming the reappointment Olivia Farrow of to the Environmental Sustainability Board.

Council Resolution No. 11-2016 – A RESOLUTION confirming the reappointment of Stephen Rivers to the Commission on Disability Issues.

The Chairperson moved to approve Council Resolution 8-2016, Council Resolution 9-2016, Council Resolution 10-2016, and Council Resolution 11-2016. 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 Council Resolution 8-2016, Council Resolution 9-2016, Council Resolution 10-2016, and Council Resolution 11-2016 passed.

Appointments

Council Resolution No. 4-2016 – A RESOLUTION confirming the appointment Kelly Hensing of to the Environmental Sustainability Board.

The Chairperson moved to approve Council Resolution 4-2016. 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 Council Resolution 4-2016 passed.

Council Resolution No. 5-2016 – A RESOLUTION confirming the appointment of Martin A. H. Jones, P.H.D. to the Commission on Disability Issues.

The Chairperson moved to approve Council Resolution 5-2016. 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 Council Resolution 5-2016 passed.

Council Resolution No. 6-2016 – A RESOLUTION confirming the appointment of Steven A. Joss to the Equal Business Opportunity Commission.

The Chairperson moved to approve Council Resolution 6-2016. 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 Council Resolution 6-2016 passed.

Council Resolution No. 7-2016 – A RESOLUTION confirming the appointment of Robin Steele to the Board of Social Services.

The Chairperson moved to approve Council Resolution 7-2016. 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 Council Resolution 7-2016 passed.

General

Council Bill No. 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

The Chairperson moved to approve Council Bill 1-2016. 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 Council Bill 1-2016 passed.

Council Bill No. 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.

The Chairperson moved to table Council Bill 2-2016. 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 table Council Bill 2-2016 passed.

Council Bill No. 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.

Mr. Weinstein moved to approve Council Bill 3-2016. The motion was seconded by the Dr. Ball.

Mr. Weinstein moved to approve Amendment 1. The motion was seconded by the Dr. Ball.

Amendment No. 1

(This amendment modifies the streets covered by the prohibition and requires certain markings on specified roadways.)

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 3-2016 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein

The motion to approve Council Bill 3-2016 as amended passed.

Council Resolution No. 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.

The Chairperson moved to approve Council Resolution 2-2016. 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 Council Resolution 2-2016 passed.

Council Resolution No. 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.

The Chairperson moved to approve Council Resolution 3-2016. 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 Council Resolution 3-2016 passed.

Council Bill No. 55-2015 - Introduced by: Greg Fox and Mary Kay Sigaty, Councilmembers; AN ACT establishing the temporary BRX/BR Interim Development Act; temporarily prohibiting applications for proposed rezonings to the BRX and BR zoning districts; finding that such applications, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding residential uses; finding that the potential incompatibility represents a current 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 BRX and BR districts, 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.

The Chairperson moved to approve Council Bill 55-2015. 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 Council Bill 55-2015 passed.

Financial

Council Bill No. 52-2015 - Introduced by: The Chairperson at the request of the County Executive and Cosponsored by Greg Fox; AN ACT amending the existing Watershed Protection and Restoration Fee to include the rates in the Howard County Code; reducing the rates of the fee beginning on July 1, 2016; providing for the application of this Act; providing for the abrogation of certain provisions of the Howard County Code related to the fee, as of July 1, 2017; and generally relating to the Watershed Protection and Restoration Fee.

The Chairperson moved to extend the life of Council Bill 52-2015. 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 extend the life of Council Bill 52-2015 passed.

The Chairperson moved table Council Bill 52-2015. 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 table Council Bill 52-2015 passed.

Council Resolution No. 181-2015 - Introduced by: The Chairperson at the request of the County Executive and Cosponsored by Greg Fox; A RESOLUTION amending schedules for various charges related to the Watershed Protection and Restoration Fee; removing certain fees because they are being transferred to the County Code; providing for an effective date of certain changes; providing for certain changes to be effective in Fiscal Year 2018.

The Chairperson moved table Council Resolution 181-2015. 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 table Council Resolution 181-2015 passed.

Council Resolution No. 182-2015 - Introduced by: The Chairperson at the request of the County Executive and cosponsored by Greg Fox; A RESOLUTION approving a financial assurance plan for funding Howard County's stormwater management program for a two-year period, in accordance with Section 4-202.1 of the Environment Article of the Annotated Code of Maryland.

The Chairperson moved table Council Resolution 182-2015. 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 table Council Resolution 182-2015 passed.

Council Bill No. 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.

The Chairperson moved to approve Council Bill 4-2016. The motion was seconded by Mr. Weinstein.

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

The motion to approve Council Bill 4-2016 passed.

Council Bill No. 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.

The Chairperson moved to approve Council Bill 5-2016. The motion was seconded by Mr. Weinstein.

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

The motion to approve Council Bill 5-2016 passed.

Council Bill No. 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 Ms. Sigaty.

The roll call vote called by the Administrator on the motion 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 approve Council Bill 51-2015. 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 Council Bill 51-2015 passed.

Council Resolution No. 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)

The Chairperson moved to remove Council Resolution 169-2015 from the table. 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 remove Council Resolution 169-2015 from the table passed

The Chairperson moved to approve Council Resolution 169-2015. 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 Council Resolution 169-2015 passed.

Adjourned **7:28** p.m.

Tabled

Council Resolution No. 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 Bill No. 2-2015 (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. (tabled 2-1-2016)

Council Bill No. 52-2015 - Introduced by: The Chairperson at the request of the County Executive and Cosponsored by Greg Fox; AN ACT amending the existing Watershed Protection and Restoration Fee to include the rates in the Howard County Code; reducing the rates of the fee beginning on July 1, 2016; providing for the application of this Act; providing for the abrogation of certain provisions of the Howard County Code related to the fee, as of July 1, 2017; and generally relating to the Watershed Protection and Restoration Fee. (tabled 2-1-2016)

Council Resolution No. 181 - Introduced by: The Chairperson at the request of the County Executive and Cosponsored by Greg Fox; A RESOLUTION amending schedules for various charges related to the Watershed Protection and Restoration Fee; removing certain fees because they are being transferred to the County Code; providing for an effective date of certain changes; providing for certain changes to be effective in Fiscal Year 2018. (tabled 2/1/2016)

Council Resolution No. 182 - Introduced by: The Chairperson at the request of the County Executive and cosponsored by Greg Fox; A RESOLUTION approving a financial assurance plan for funding Howard County's stormwater management program for a two-year period, in accordance with Section 4-202.1 of the Environment Article of the Annotated Code of Maryland. (tabled 2/1/2016)