

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2016 Legislative Session**

**Legislative Day No. 9**

July 29, 2016

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **10:06** a.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; Jeff Meyers, Legislative Analyst; James Vannoy, Senior Assistant County Solicitor; Gary Kuc, County Solicitor; Paul Johnson, County Solicitor; Jennifer Sager, Legislative Coordinator; and Jennifer Egan Administrative Support were also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 8, July 8, 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 Special Legislative Work Session - July 11, 2016, Special Public Hearing - July 14, 2016, Legislative Public Hearing - July 18, 2016, and the Legislative Work Session on July 25, 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.

**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.

---

Council Resolution 94-2016 - A RESOLUTION confirming the appointment of Charmayne Anderson to the Howard County Local Children's Board.

Council Resolution 95-2016 -A RESOLUTION confirming the appointment of Misbah Farooqi to the Human Rights Commission.

Council Resolution 96-2016 - A RESOLUTION confirming the appointment of Cynthia Gula to the Board of Directors of the Economic Development Authority.

Council Resolution 97-2016 - A RESOLUTION confirming the appointment of Matthew K. Lee to the Equal Business Opportunity Commission.

Council Resolution 98-2016 - A RESOLUTION confirming the appointment of Paul Lin to the Environmental Sustainability Board.

Council Resolution 99-2016 - A RESOLUTION confirming the appointment of Megha Sharman to the Commission of Women.

Council Resolution 100-2016 - A RESOLUTION confirming the appointment of Young Ran Smith to the Advisory Board on Consumer Protection.

The Chairperson moved to table Council Resolutions 94-, 95-, 96-, 97-, 98-, 99- and 100-2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Resolutions 94-, 95-, 96-, 97-, 98-, 99- and 100-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Resolutions 94-, 95-, 96-, 97-, 98-, 99- and 100-2016 passed.

---

Council Resolution 53-2016 - A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State Law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Assessment Appeal Board.

The Chairperson moved to approve Council Resolution 53-2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to approve Council Resolution 53-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Resolution 53-2016 passed.

---

Council Bill 46-2016 (ZRA 159) – Introduced by the Chairperson at the request of the Howard County Fueling Station Taskforce; AN ACT amending the Howard County Zoning Regulations Gasoline Service Station provisions by creating a new definition for Motor Vehicle Fueling Facility, repealing the Gasoline Service Station Conditional Use, and creating a new Motor Vehicle Fueling Facilities Conditional Use; and generally relating to Gasoline Service Stations and Motor Vehicle Fueling Facilities.

Council Member Sigaty moved to table Council Bill 46-2016. The motion was seconded by Mr. Fox.

The roll call vote called by the Administrator on the motion to table Council Bill 46-2016 was: Yea: Council Members Fox and Sigaty. Nay: Council Members Ball, Terrasa and Weinstein.

The motion to table Council Bill 46-2016 failed.

The Chairperson moved to approve Council Bill 46-2016. The motion was seconded by Mr. Weinstein.

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

**Amendment No. 1**

*(This amendment would clarify the public road frontage criteria).*

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 Chairperson moved to approve Amendment 2. The motion was seconded by Mr. Weinstein.

**Amendment No. 2**

*(This amendment would remove the 1,000 foot distance requirement for the siting of fueling stations in the NT zone).*

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

The motion to approve Amendment 2 passed.

The Chairperson moved to approve Amendment 3. The motion was seconded by Mr. Weinstein.

### **Amendment No. 3**

*(This amendment would clarify the Grandfathering clause).*

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 Chairperson moved to approve Amendment 4. The motion was seconded by Mr. Weinstein.

### **Amendment No. 4**

*(This amendment would make various technical corrections to the bill).*

The Chairperson moved to approve Amendment 1 to Amendment 4. The motion was seconded by Mr. Weinstein.

### **Amendment No. 1 to Amendment No. 4**

*(This amendment would make a technical correction to the amendment to clarify a reference that may be changed as the result of the passage of Amendment Number 2, which deletes a subsection of the bill).*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 1 to Amendment 4 passed.

The roll call vote by the Administrator on the motion to approve Amendment 4 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Amendment 4 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 46-2016 as amended was: Yea: Council Members Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The motion to approve Council Bill 46-2016 as amended passed.

---

Council Resolution 101-2016 - Introduced by Mary Kay Sigaty and Jon Weinstein; A RESOLUTION proposing to amend the Howard County Charter by amending Section 603 “Submission and contents of the County budget” and Section 606 “Action on the annual budget and appropriation ordinance by the County Council” to require the budget ordinance to include certain specified funds and a contingency reserve Capital Project; to allow the County Council to increase the appropriation to those funds under certain circumstances; to amend Section 611 “Lapsed Appropriations” to provide that a certain fund is non-reverting fund; 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 XI-A of the Maryland Constitution.

Council Member Sigaty moved to approve Council Resolution 101-2016. The motion was seconded by Mr. Weinstein.

Council Member Sigaty moved to approve Amendment 1. The motion was seconded by Mr. Weinstein.

#### **Amendment No. 1**

*(This amendment:*

- 1. Removes the proposed reserve fund for retiree obligations in light of the County’s already-existing trust funds for retiree obligations, as well as other provisions related to the fund;*
- 2. Requires that the budget include a contingency reserve, not a contingency reserve fund;*
- 3. Changes the provision authorizing the Council to increase the appropriation for retiree obligations to refer to a trust instead of a fund, with the intention being to refer to the existing OPEB trust established by County law.*
- 4. Revises language to be clearer.)*

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.

Council Member Fox moved to approve Amendment 2. The motion was not seconded.

**Amendment No. 2**

*(This amendment deletes the reference to the contingency reserve fund and capital project and limits the amount that may be placed in the retiree obligations reserve fund.)*

Amendment 2 was not voted due to lack of second.

The roll call vote called by the Administrator on the motion to approve Council Resolution 101-2016 as amended was: Yea: Council Members Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The motion to approve Council Resolution 101-2016 as amended passed.

---

Council Bill 47-2016 - 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; approving a multi-year 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 will be effective through the end of Fiscal Year 2018 and that includes payment of certain compensation in future fiscal years; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 1810, Council 67, AFL-CIO.

The Chairperson moved to approve Council Bill 47-2016. The motion was seconded by Ms. Sigaty.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Sigaty.

**Amendment No. 1**

*(This amendment corrects a date.)*

The roll call vote was 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 was called by the Administrator on the motion to approve Council Bill 47-2016 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 47-2016 as amended passed.

---

Council Bill 48-2016 - 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 3085, 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; approving a multi-year collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2018 and that includes payment of certain compensation in future fiscal years; providing for the application of this Act; and generally relating to the collective bargaining agreement between Howard County and the American Federation of State, County, and Municipal Employees, Howard County Local 3085, Council 67, AFL-CIO.

The Chairperson moved to approve Council Bill 48-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Bill 48-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 48-2016 passed.

---

Council Bill 49-2016 - AN ACT amending pay scales included in the Pay Plan for Howard County in accordance with certain recently negotiated collective bargaining agreements; adding certain pay scales to be effective on January 1, 2017; providing for the application of this Act; and generally relating to the Pay Plan for Howard County.

The Chairperson moved to approve Council Bill 49-2016. The motion was seconded by Mr. Weinstein.

The roll call vote was called by the Administrator on the motion to approve Council Bill 49-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 49-2016 passed.

---

Council Bill 50-2016 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Multi-Year Grant Agreement between the County and the Howard County Housing Commission for the grant of funds related to a Non-Profit Center, which will provide greater access to services for low-income and foreign-born families, enhance coordination and collaboration among services providers, improve efficiency through shared spaces and services, and provide certain other efficiencies; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement.

The Chairperson moved to approve Council Bill 50-2016. The motion was seconded by Ms. Sigaty.

The roll call vote was called by the Administrator on the motion to approve Council Bill 50-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 50-2016 passed.

---

Council Bill 51-2016 - AN ACT clarifying the method of computing time for deadlines set forth in the Howard County Code; defining certain terms; and generally relating to computing time.

The Chairperson moved to approve Council Bill 51-2016. 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:*

- 1. Clarifies that holidays means those holidays designated by the CAO and posted on the County's website; and*
- 2. Clarifies that the bill applies to periods of time that exceed seven days.)*

The roll call vote was 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 was called by the Administrator on to approve Council Bill 51-2016 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to approve Council Bill 51-2016 as amended passed.



---

Council Resolution 102-2016 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, declaring that certain real property containing approximately 7.71 acres and located at 8775 Cloudleap Court, Columbia, 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.

The Chairperson moved to withdraw Council Resolution 102-2016 per Administration's request. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administration on the vote to withdraw Council Resolution 102-2016 was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to withdraw Council Resolution 102-2016 passed.

---

Council Bill 43-2016 - Introduced by Jennifer Terrasa; AN ACT amending the Downtown Columbia Plan to establish an Affordable Housing Inclusionary Zoning provision for Downtown Columbia, under certain conditions; amending certain Community Enhancements, Programs, and Public Amenities (CEPPAs) requirements regarding affordable housing; and generally relating to planning, zoning and land use in Howard County.

Council Bill 44-2016 (ZRA 162) - Introduced by Jennifer Terrasa; AN ACT amending the Howard County Zoning Regulations' New Town (NT) District Downtown Revitalization regulations to include a 15 percent Affordable Housing Inclusionary Zoning provision for Downtown Columbia, under certain conditions; and generally relation to the NT District.

Council Bill 45-2016 - Introduced by Jennifer Terrasa; AN ACT amending the Howard County Code's Downtown Columbia provisions regarding affordable housing payments required by Community Enhancements, Programs, and Public Amenities (CEPPAs) to reflect an inclusionary zoning provision for Downtown Columbia ; and generally relating to affordable housing in Downtown Columbia.

Council Bill 52-2016 - AN ACT amending the *Downtown Columbia Plan*, a General Plan Amendment, to revise the Downtown Columbia affordable housing program; setting forth methods for development of affordable housing; revising the Downtown Revitalization Phasing Progression to reflect the timing of affordable housing development; amending certain Community Enhancements, Programs and Public Amenities to reflect the methods for the development of affordable housing; and generally relating to planning, zoning and land use in Howard County.

Council Bill 53-2016 - AN ACT amending *PlanHoward2030*, the general plan for Howard County, in order to amend the number of housing unit allocations available to developers of new residential units in Downtown Columbia for the period 2015-2030; and generally relating to planning, zoning and land use in Howard County.

Council Bill 54-2016 (ZRA 170) - AN ACT requiring a new configuration of affordable housing in Downtown Columbia under certain conditions with certain alternatives; amending and providing for certain parking requirements related to residential units in Downtown Columbia; providing certain requirements for certain plans; requiring that certain types of construction provide for art in the community; and generally relating to the Howard County zoning Regulations.

Council Bill 55-2016 - AN ACT amending the County Code by clarifying that certain moderate income housing units provided in certain Zoning Districts are required by Howard County Zoning Regulations or when required by certain plans; exempting Downtown Columbia from a certain provision of the Adequate Public Facilities Ordinance; amending certain payments for affordable housing required by each developer of residential property within Downtown Columbia under certain conditions; and generally relating to development in Downtown Columbia.

Council Resolution 103-2016 - A RESOLUTION approving and authorizing the execution of a Development Rights and Responsibilities Agreement by Howard Research and Development Corporation and Howard County in accordance with Title 16, Subtitle 17 of the Howard County Code; authorizing the Executive to make changes to the Agreement; providing for the effective date of this Resolution, and generally relating to the Agreement.

Council Resolution 104-2016 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive's sale of 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; 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 further public use.

Council Resolution 105-2016 - A RESOLUTION adopted pursuant to Sections 12-201 et seq. of the Economic Development Article of the Annotated Code of Maryland (the "Tax Increment Financing Act") and Sections 21-501 et seq. of the Local Government Article of the Annotated Code of Maryland (the "Special Taxing District Act", and collectively with the Tax Increment Financing Act, the "Acts") providing for the designation of contiguous property in the Downtown Columbia area of Howard County as a development district for purposes of the Tax Increment Financing Act (the "Development District") and for the designation of a separate area within the development district as a special taxing district for the purposes of the Special Taxing District Act (the "Special Taxing District", and collectively with the Development District, the "Districts"); creating certain special funds; pledging that the County will allocate and divide property taxes on real property within the Development District so that the portion of the real property taxes levied on the amount by which the assessable base of the real property in the Development District exceeds the original taxable value (the "Tax Increment") will be allocated and paid into one of the special funds, and providing the levy and collection of special taxes or

ad valorem, taxes to be deposited to the other special fund in the event the real property taxes levied on the Tax Increment are or will be insufficient to pay debt service on certain bonds issued under the Acts; providing for, finding, and determining matters in connection therewith.

Council Bill 56-2016 - AN ORDINANCE levying and providing for the collection of a special tax on property within the special taxing district in the Downtown Columbia area of Howard County, Maryland known as the “Crescent Special Taxing District” (the “Special Taxing District”) pursuant to the Rate and Method identified herein and for various matters relating thereto; authorizing and empowering the County to issue up to \$90,000,000 of its special obligation bonds at maximum interest rate not to exceed 12% per annum in order to finance or reimburse the cost of certain public improvements relating to the Special Taxing District and the Development District (as defined herein) and other costs permitted under the Acts (as identified herein); providing such bonds and the interest thereon shall never constitute a general obligation of the County or a pledge of its full faith and credit; providing for the further specification, prescription, determination, provision for or approval of various other matters, details, documents and procedures in connection with the authorization, issuance, security, sale and payment for any such bonds; making certain legislative findings; and generally providing for the levy, imposition, collection and application of such special tax and the issuance of an initial series of bonds in accordance with the Acts identified herein.

The Chairperson moved to table Council Bills 43-, 44-, 45-, 52-, 53-54-, 55-, and 56-2016 and Council Resolutions 103-, 104- and 105-2016. The motion was seconded by Mr. Weinstein.

The roll call vote called by the Administrator on the motion to table Council Bills 43-, 44-, 45-52-, 53-, 54-, 55-, and 56-2016 and Council Resolutions 103-, 104- and 105-2016 was :  
Yea: Council Members Ball, Fox, Sigaty, Terrasa and Weinstein.

The motion to table Council Bills 43-, 44-, 45-52-, 53-, 54-, 55-, and 56-2016 and Council Resolutions 103-, 104- and 105-2016 passed.

---

Council Bill 34-2016 (ZRA 163/166) – Introduced by Jon Weinstein and The Chairperson at the request of Binder Rock, LLC; AN ACT amending the Howard County Zoning Regulations’ Transit Oriented Development (TOD) District to remove certain residential area restrictions on single-family attached dwellings and amenity areas, under certain conditions; and generally relating to the TOD District (Tabled 7-8-2016).

The Chairperson moved to remove Council Bill 34-2016 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 34-2016 from the table was: Yea: Council Members Ball, Fox, Sigaty, Terrasa, and Weinstein.

The motion to remove Council Bill 34-2016 from the table passed.

The Chairperson moved to approve Council Bill 34-2016. The motion was seconded by Mr. Weinstein.

Council Member Terrasa moved to approve Amendment 1. The motion was seconded by Dr. Ball.

**Amendment No. 1**

*(This amendment would delete the proposed changes by the Department of Planning and Zoning and change the Area Requirements for Residential Uses).*

Council Member Terrasa moved to approve Amendment 1 to Amendment 1. The motion was seconded by Mr. Weinstein.

**Amendment No. 1 to Amendment No. 1**

*(This amendment would restore the Department of Planning and Zoning's recommended changes to Uses Permitted as a Matter of Right.)*

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

The motion to approve Amendment 1 to Amendment 1 passed.

The Chairperson moved to approve Amendment 2 to Amendment 1. The motion was seconded by Mr. Weinstein.

**Amendment No. 2 to Amendment No. 1**

*(This amendment proposes that there be more specific Area Requirements for Residential Uses on parcels five acres or less.)*

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

The motion to approve Amendment 2 to Amendment 1 passed.

The roll call vote was called by the Administrator on the motion to approve Amendment 1 as

amended was: Yea: Council Members: Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The motion to approve Amendment 1 as amended passed.

The roll call vote was called by the Administrator on the motion to approve Council Bill 34-2016 as amended was: Yea: Council Members: Ball, Sigaty, Terrasa and Weinstein. Nay: Council Member Fox.

The motion to approve Council Bill 34-2016 as amended passed.

---

Adjourned **11:25** a.m.