

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2010 Legislative Session

**Legislative Day No. 9
July 29, 2010**

HOWARD COUNTY TO WIT:

The Chairman called the legislative session to order at 4:52 p.m.

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

Stephen LeGendre, Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Paul Johnson, Deputy County Solicitor; James Vannoy, Assistant County Solicitor; and Jennifer Sager, Legislative Coordinator, were also present.

APPROVE MINUTES

The Chairperson moved to approve the following minutes:

Legislative Public Hearing – July 19, 2010
Legislative Public Hearing (Continued) – July 20, 2010
Legislative Work Session – July 26, 2010

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

The motion to approve the minutes passed.

AMEND AGENDA

The Chairperson moved to suspend the rules and allow the introduction of Amendment No. 5 to Council Bill No. 41-2010 and Amendment No. 4 to Council Resolution No. 103-2010 which were not prefiled.

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

The motion to suspend the rules passed.

FINAL CONSIDERATION

Appointments

Council Resolution No. 93-2010 - Confirming the appointment of Deborah Chapman to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 94-2010 - Confirming the appointment of Naureen Elahi to the Environmental Sustainability Board

Council Resolution No. 95-2010 - Confirming the appointment of Joanne Kiebler to the Recreation & Parks Board.

Council Resolution No. 96-2010 - Confirming the appointment of Bruce Rothschild to the Board of Library Trustees

The Chairperson moved to table Council Resolutions No. 93-2010, No. 94-2010, No. 95-2010 and No. 96-2010. The motion was seconded by Ms. Sigaty.

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

The motion to table the resolutions passed.

Financial

Supplemental Budget & Appropriation Ordinance No. 1-Fiscal Year 2011 - Transferring \$10,006 from the Grants Fund, Contingency Reserve to the Sheriff's Office for a grant from the Governor's Office of Crime Control and Prevention

The Chairperson moved to adopt Supplemental Budget & Appropriation Ordinance No. 1-Fiscal Year 2011. The motion was seconded by Ms. Sigaty.

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

Supplemental Budget & Appropriation Ordinance No. 1-Fiscal Year 2011 passed.

Council Bill No. 39-2010 - Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 107 acres of agricultural land located at 15790 Old Frederick Road, Woodbine, Maryland, from Mario F. Mannarelli, Sr., Serafina Mannarelli, Mario F. Mannarelli, Jr. and Raymond Mannarelli or any other owner thereof for a maximum purchase price of \$3,044,000 or, if less, \$28,440 per acre or portion thereof, rounded to the next highest \$1,000, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such deferred portion of the purchase price and interest thereon 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 adopt Council Bill No. 39-2010. The motion was seconded by Ms. Sigaty.

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

Council Bill No. 39-2010 passed.

General

Council Bill No. 40-2010 (ZRA-126) – Introduced by Chair at the request of Kimberly Harbin Taylor and Michael Taylor - Amending the Howard County Zoning Regulations to allow Farmer’s Markets and Produce Stands in the R-20 Zoning District as a conditional use, under certain conditions; and generally relating to Farmer’s Markets and Produce Stands

The Chairperson moved to adopt Council Bill No. 40-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 40-2010 as follows: *(This amendment removes references to "farmers markets".)*

On the title page, in the purpose paragraph, strike both references to "Farmer's Markets and".

On page 1, in lines 2, 13, 15 through 16, and 21, strike each reference to "FARMER'S MARKETS AND" and "FARMER'S MARKETS AND".

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 40-2010 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 40-2010 as follows: *(This amendment would clearly express that DPZ has the authority to correct any obvious errors while codifying the legislation).*

On page 1, immediately following line 33, insert the following:

“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters and to publish a table of contents.”

On page 2, in line 1, strike “2”, and substitute “4”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 2 to Council Bill No. 40-2010 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 40-2010 passed as amended.

Council Bill No. 41-2010 (ZRA-129) – Introduced by Calvin Ball, Councilmember - Amending the Howard County Zoning Regulations to establish new definitions for “Small Wind Energy Systems, Building Mounted” and “Small Wind Energy Systems, Freestanding Tower”; to permit Small Wind Energy Systems in certain zoning districts, under certain conditions; and generally relating to Small Wind Energy Systems

The Chairperson moved to adopt Council Bill No. 41-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 41-2010 as follows: (*This amendment would allow freestanding wind turbine towers in the R-ED zoning district on lots greater than 5 acres as a conditional use*).

On page 7, in line 10, insert the following,

“19. SMALL WIND ENERGY SYSTEM, FREESTANDING TOWER ON PROPERTIES 5 ACRES OR GREATER.”

On page 30, in line 15, after “RR”, insert “R-ED”. On the same page, in line 27, before the period, insert “, EXCEPT IN THE R-ED DISTRICT WHERE THE MINIMUM LOT SIZE SHALL BE 5 ACRES”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 41-2010 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 41-2010 as follows: (*This amendment clarifies that meteorological towers for the measurement of wind are a temporary use*).

On pages 26 and 30, in lines 16 and 8 respectively, after the first comma, insert, “SOLELY FOR THE MEASUREMENT OF WIND,”.

On pages 27 and 31, in lines 21 and 8 respectively, after “TOWERS”, insert “, SOLELY FOR THE MEASUREMENT OF WIND,”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 2 to Council Bill No. 41-2010 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Bill No. 41-2010 as follows: (*This amendment is technical correction which would create parallel language*).

On page 30, in line 16, after “SYSTEMS”, insert “, FREE STANDING TOWER”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 3 to Council Bill No. 41-2010 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Bill No. 41-2010 as follows: *(This amendment would clearly express that DPZ has the authority to correct any obvious errors while codifying the legislation).*

On page 31, immediately following line 31, insert the following:

“Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland that the Director of the Department of Planning and Zoning is authorized to publish this Act, to correct obvious errors in section references, numbers and references to existing law, capitalization, spelling, grammar, headings and similar matters and to publish a table of contents.”

On page 32, in line 1, strike “3”, and substitute “4”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 4 to Council Bill No. 41-2010 passed.

The Chairperson moved to adopt Amendment No. 5 to Council Bill No. 41-2010 as follows: *(This amendment would change the maximum height for tower mounted systems on farms greater than 25 acres to 120 feet).*

On page 27, in line 7, after “EXCEED”, strike “180” and substitute “120”.

On page 30, in line 25, after “EXCEED”, strike “180” and substitute “120”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 5 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 5 to Council Bill No. 41-2010 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Bill No. 41-2010 passed as amended.

Council Bill No. 42-2010 - Amending the Howard County Retirement Plan to include employees of the Howard Soil Conservation District; making certain technical corrections; and generally relating to the Howard County Retirement Plan

The Chairperson moved to adopt Council Bill No. 42-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 42-2010 as follows: *(The amendment corrects a reference to the Plan's effective date. The Plan was effective on July 1, 1995, not 1985. The term "Effective date" is defined as July 1, 1995 in the Plan.)*

On page 3, in line 22, strike "July 1, 1985" and substitute "the Plan's Effective Date".

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 42-2010 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 42-2010 passed as amended.

Council Bill No. 43-2010 - Providing that an eligibility list for vacant positions shall remain in effect for a year; providing for certain extensions under certain conditions; clarifying the duration of certain applications; clarifying the requirement for physical examinations; making certain technical corrections; and generally related to Human Resource provisions in the Howard County Code

The Chairperson moved to adopt Council Bill No. 43-2010. The motion was seconded by Ms. Sigaty.

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

Council Bill No. 43-2010 passed.

Council Bill No. 44-2010 - Pursuant to Section 612 of the Howard County Charter, approving a 40-year ground lease of approximately 13.88 acres of park land located at 6500 Mansion Lane, Elkridge, Howard County, Maryland by and between Howard County, Maryland and Howard County Tennis Patrons, Inc. under the terms of which the County agrees to reinvest certain rent; authorizing the County Executive to execute and deliver the lease on behalf of the County, and generally relating to the approval, authorization, execution, and delivery of a multi-year lease of certain premises owned by Howard County to the Howard County Tennis Patrons, Inc.

The Chairperson moved to adopt Council Bill No. 44-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 44-2010 as follows: *(This amendment: 1. Clarifies the use of Revenue Based Rents paid in years 11 through the end of the lease; 2. Revises the provision of the lease relating to the permissive use of the Premises by the Howard County Public School System; and 3. Requires the word "Elkridge" to be included on certain signs.)*

1. a. On page 2, strike lines 9 and 10 and substitute:
“WHEREAS, at the expiration of the tenth lease year, any Revenue Based Rent received in years 11 through the end of the lease, up to \$1,000,000 annually, will be used for the operation and programming of and repairs, maintenance, and improvements to Troy Regional Park; and”.
- b. In the Ground Lease Agreement, which is Exhibit A attached to the Bill, on page 10, in Section 3.6, strike the second sentence that begins “At the expiration” and that ends “in other parks”.
2. In the Ground Lease Agreement, which is Exhibit A attached to the Bill, on page 13, strike Section 5.1.3, in its entirety and substitute:
“5.1.3 Tenant will permit the Howard County Public School System (“HCPSS”) to conduct HCPSS High School graduations at the Stadium and the indoor exhibition court, shown on **Exhibit B**, on an annual basis at no rental charge for the use and operations thereof in accordance with additional terms and conditions agreed to in writing by HCPSS and Tenant, and subject to mutually agreed upon scheduling of the graduations.”.
3. In the Ground Lease Agreement, which is Exhibit A attached to the Bill, on page 16, in the sign’s text reference, insert a new line between “Troy Regional Park” and “Howard County Dept. of Recreation and Parks” that reads: “Elkridge, Maryland”.

The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 44-2010 as follows: *(This amendment further clarifies the use of Revenue Based Rents.)*

On page 1, in line 10 insert:

- “ c. In the Ground Lease Agreement, which is Exhibit A attached to the Bill, on page 10, in Section 3.6, strike the third sentence that begins “Tenant shall use” and that ends “residents” and substitute “During the Term, Tenant shall use all payments made to it by the County from Revenue Based Rent to provide space rentals and services purchased by the County and/or Howard County, Maryland residents at a discounted rate.””.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to Amendment No. 1 was:
Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 1 to Amendment No. 1 to Council Bill No. 44-2010 passed.

The roll call vote called by the Chairperson on Amendment No. 1 as amended was: Yea:
Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 1 to Council Bill No. 44-2010 passed as amended.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Bill No. 44-2010 passed as amended.

Council Bill No. 45-2010 - Pursuant to Section 612 of the Howard County Charter, approving certain agreements for the design, permitting, construction, operation and maintenance of a certain solar photovoltaic system at the New Cut Road Landfill to provide energy to Worthington Elementary School, a management payment and possible reimbursement payment for energy from SunEdison Origination3, LLC.

The Chairperson moved to adopt Council Bill No. 45-2010. The motion was seconded by Ms. Sigaty.

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

Council Bill No. 45-2010 passed.

Council Bill No. 46-2010 (ZRA-130) – Introduced by Chairperson at the request of Marsha S. McLaughlin, Director of Planning and Zoning - Allowing Farm Wineries – Class 1 as a permitted accessory use in the RC (Rural Conservation) and the RR (Rural Residential) Zoning Districts under certain conditions; allowing Farm Wineries – Class 1 and Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RC (Rural Conservation) Zoning District under certain conditions; allowing Farm Wineries – Class 2 as a conditional use on Preservation Parcels or as permitted conditional use categories in the RR (Rural Residential) Zoning District under certain conditions; defining certain terms; establishing certain criteria related to Farm Wineries Class 1 and Class 2; and generally relating to the Howard County Zoning Regulations

The Chairperson moved to table Council Bill No. 46-2010. The motion was seconded by Ms. Sigaty.

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

The motion to table Council Bill No. 46-2010 passed.

Council Resolution No. 99-2010 - Pursuant to Section 16.301 of the Howard County Code granting a variance from the front, rear, and side building restriction lines at the new Savage Fire Station located at 8521 Corridor Road in Savage

The Chairperson moved to adopt Council Resolution No. 99-2010. The motion was seconded by Ms. Sigaty.

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

Council Bill No. 99-2010 passed.

Council Resolution No. 100-2010 - Designating the Department of Police as the “primary law enforcement unit” for Howard County for the purpose of receiving records in accordance with Section 17.1011(b) of the Business Regulations Article of the Annotated Code of Maryland

The Chairperson moved to adopt Council Resolution No. 100-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Bill No. 100-2010 passed.

Council Resolution No. 103-2010 - Approving and authorizing the execution of a Development Rights and Responsibilities Agreement by and between Camilla Carroll and Philip D. Carroll and Howard County, Maryland in accordance Title 16, Subtitle 17 of the Howard County Code

The Chairperson moved to adopt Council Resolution No. 103-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 103-2010 as follows: *(The amendment:*

1. *Corrects a tax map reference;*
2. *Inserts the date of the public hearing before the County Council;*
3. *Inserts the date of Council approval;*
4. *Inserts the Resolution number;*
5. *Corrects a reference to the date of the Commitment Letter;*
6. *Substitutes the word "Property" for the word "Site" in certain instances;*
7. *Corrects certain language related to amendments; and*
8. *Makes other similar technical corrections.)*

Strike "25" and substitute "23" in the following instances:

1. In the Resolution, on page 1 in line 18;
2. In the Development Rights and Responsibilities Agreement (the "DRRA"), attached to the Resolution as Exhibit A:
 - a. On page 1 in Recital number 4; and
 - b. On page 4 in the definition of "Property";
3. In the Option Agreement, attached to the DRRA as Exhibit 7, on page 1 in the first sentence of Recital number 1;
4. In the Complaint for Specific Performance, attached to the Option Agreement as Exhibit C, on page 2 in number 4 under "Parties"; and
5. In the Consent Decree for Specific Performance, attached to the Option Agreement as Exhibit D, on page 1 in item number 1.

In the DRRA, attached to the Resolution as Exhibit A:

1. On page 2, in item number 11:
 - a. In the first blank, insert "July 19,";
 - b. In the second blank, insert "July 29, 2010"; and
 - c. In the third blank, insert "No. 103-2010";
2. On page 3, in the definition of "Commitment Letter", strike "April 14" and substitute "May 18";
3. On page 11, in Section 6.1, in the second sentence, strike "agrees" and substitute "agree";
4. On page 14, in Section 9.2, strike "8.5" and substitute "8.4";
5. On page 15, in Section 9.4, in the first sentence, strike "terminate" and substitute "amend";

6. On page 15, in Section 9.4, strike the last sentence and substitute: “Unless the Planning Board determines that the proposed amendment is consistent with the Howard County General Plan, the Parties may not amend this Agreement.”; and
7. Strike “Site” and substitute “Property” in the following instances:
 - a. On page 11:
 - i. In the first sentence of Section 6.1;
 - ii. In Section 6.1B; and
 - iii. In Section 6.1C; and
 - b. On page 14, in the first sentence of Section 9.2A;
 - c. On page 16, in Section 9.6(2); and
 - d. On page 17, in Section 9.15.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Resolution No. 103-2010 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Resolution No. 103-2010 as follows: *(This amendment would add a provision to the DRRA requiring the Carrolls to record a perpetual covenant at a specified time to permit only the construction of 325 single-family detached dwelling units on the Site, and would require that the covenant to prevent further subdivision of the “Core” be recorded within a specified period of time.)*

In the Developer Rights and Responsibilities Agreement attached to the Resolution as Exhibit A, make the following changes:

On page 5, in Section 2.3A, after “Regulations.” insert the following:

“THE CARROLLS SHALL EXECUTE AND RECORD IN THE LAND RECORDS OF HOWARD COUNTY A PERPETUAL COVENANT TO PROHIBIT THE CONSTRUCTION OF SINGLE-FAMILY ATTACHED DWELLING UNITS OR APARTMENT UNITS ON THE SITE, AND TO PROHIBIT THE CONSTRUCTION OF MORE THAN 325 SINGLE-FAMILY DETACHED UNITS ON THE SITE. THIS COVENANT SHALL BE MADE BETWEEN THE CARROLLS AND EITHER HOWARD COUNTY, A HOMEOWNER’S ASSOCIATION OF THE SITE, OR OTHER COMMUNITY ASSOCIATION, AT THE DISCRETION OF HOWARD COUNTY, WITHIN 90 DAYS AFTER HOWARD COUNTY EXERCISES THE OPTION UNDER SECTION 1.2 OF THE OPTION AGREEMENT, UNLESS SUCH PERIOD IS EXTENDED BY HOWARD COUNTY.”

On page 9, in Section 4.2, in the next to last line, after “covenant.” insert the following:

“THIS COVENANT SHALL BE MADE WITHIN 90 DAYS AFTER HOWARD COUNTY’S EXERCISE OF THE OPTION UNDER SECTION 1.2 OF THE OPTION AGREEMENT, UNLESS SUCH PERIOD IS EXTENDED BY HOWARD COUNTY.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 2 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 2 to Council Resolution No. 103-2010 passed.

The Chairperson moved to adopt Amendment No. 3 to Council Resolution No. 103-2010 as follows: *(This amendment would clarify the intent of Section 2.4 of the DRRA that the Carrolls are required to completely comply with APFO requirements in the development of the Site.)*

In the Developer Rights and Responsibilities Agreement attached to the Resolution as Exhibit A, make the following changes:

On page 5, in Section 2.4, strike “Project.” and substitute “PROJECT, FOR ALL ASPECTS OF THE DEVELOPMENT OF THE SITE, IN ALL OF ITS PHASES, FOR ALL APFO TESTS.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 3 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 3 to Council Resolution No. 103-2010 passed.

The Chairperson moved to adopt Amendment No. 4 to Council Resolution No. 103-2010 as follows: *(This amendment makes technical corrections to section 3.1B2 of the DRRA.)*

On page 7 of Exhibit A, delete after the word “Lot” through “other”, insert “to an entity or”, after “identified by” insert “Howard County”, and strike “the CRLCA”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 4 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 4 to Council Resolution No. 103-2010 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Resolution No. 103-2010 passed as amended.

Council Bill No. 47-2010 - Amending the Adequate Public Facilities Act of Howard County and establishing procedures and policies related to revitalization within Downtown Columbia, including establishing an appropriate intersection standard for Downtown Columbia; requiring a pedestrian and bicycle level of service test for Downtown Columbia; establishing a housing unit allocation process for Downtown Columbia to conform to the Downtown Columbia Plan; defining certain terms; making certain technical corrections; and generally related to the Adequate Public Facilities Act in Howard County

The Chairperson moved to adopt Council Bill No. 47-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 47-2010 as follows: *(The amendment clarifies that development in Downtown Columbia cannot use Columbia allocations.)*

On page 8, in line 2, after “MIHU,” insert “COLUMBIA,” and, in the same line, insert a period after “ALLOCATIONS”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Bill No. 47-2010 passed.

The roll call vote called by the Chairperson on the bill as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Council Bill No. 47-2010 passed as amended.

Council Resolution No. 97-2010 - Revising Chapter 4, Adequate Public Facilities Test Evaluation Requirements, of Volume III (Roads and Bridges) of the Design Manual in order to amend the standards and specifications relating to the adequate public facilities evaluation specific to Downtown Columbia

The Chairperson moved to adopt Council Resolution No. 97-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 97-2010 as follows: *(The amendment:*

1. *Clarifies certain determinations to be made regarding intersection standards;*
2. *Clarifies that certain standards related to intersections apply within the Cordon Line;*
3. *Better describes the intersections that are included in the Cordon Line; and*
4. *Clarifies certain terms and makes certain technical corrections.)*

In Chapter 4, Adequate Road Facilities Test Evaluation Requirements, as attached to the Resolution as Exhibit A:

1. On page 10, under paragraph 3 entitled "INTERSECTION STANDARD", strike the first sentence and substitute: "THE INTERSECTION STANDARD WITHIN THE CORDON LINE, AS DEFINED IN SECTION 4.9.5., SHALL NOT EXCEED CLV 1600 FOR THE OVERALL INTERSECTION.".
2. On page 10, under paragraph 3 entitled "INTERSECTION STANDARD", in the first sentence of item (A), after "BE" insert "EVALUATED AND, IF NECESSARY,".
3. On page 11, in the second line at the top of the page, strike "TRAFFIC" and substitute "NET PEAK HOUR TRIPS".
4. On page 11, in subitem (2) strike beginning with "THEN, THE APPLICABLE" down through "SATISFIED." in item (B), inclusive, and substitute: "THEN, THE APPLICABLE CLV STANDARD WILL INCREASE BY INCREMENTS OF 50 UNTIL THE CONDITIONS IDENTIFIED IN BOTH (I) AND (II) ABOVE ARE NO LONGER TRUE.".

THEREAFTER, THE ADJUSTED INTERSECTION CLV WILL THEN BECOME THE NEW ACCEPTED CLV STANDARD FOR THAT INTERSECTION AND WILL BE USED AS THE INITIAL CLV FOR SUBSEQUENT EVALUATIONS OF THAT INTERSECTION UNDER PARAGRAPHS (A)(1) AND (2) OF THIS SUBSECTION, 4.9.1.B.3.".

5. On page 11, strike “(C)” and substitute “(B)” and strike “(D)” and substitute “(C)”.
6. On page 12, in the second block of text from the top of the page, strike “QUEUING ANALYSES WHICH EXCEED THE SPECIFIED STANDARDS SHALL BE TREATED” and substitute “IF THE QUEUE EXCEEDS THE SPECIFIED STANDARD, THEN IT SHALL BE TREATED”.
7. On page 12, in the second paragraph under “**5. TRAFFIC VOLUMES**”, in the second sentence strike “SITED” and substitute “CITED”.
8. On page 13, in the second sentence under “**D. TRANSPORTATION DEMAND MANAGEMENT STATEMENT**”:
 - a. After “APPROPRIATE” insert “TDM”;
 - b. After “COMPLEMENT”, strike “THE EXISTING” and substitute “ANY CURRENT”; and
 - c. After “DOWNTOWN TRANSPORTATION MANAGEMENT PLAN” insert “DEVELOPED UNDER SECTION 2.4 OF THE DOWNTOWN COLUMBIA PLAN”.
9. On page 19, under the item called “CORDON LINE STUDY-”, strike “CHARACTERIZATION” and substitute “CLASSIFICATION”.
10. On page 20, in section 4.9.5, Cordon Line:
 - a. In item 1, after “ROAD”, insert “AND WEST OF THE ROUTE 29 RAMPS”;
 - b. In item 3, after “PARKWAY”, insert “AND PRIOR TO Hyla BROOK ROAD”;
 - c. In item 4, after “PARKWAY”, insert “AND PRIOR TO PLACID LAKE ROAD”;
 - d. In item 5, after “PARKWAY”, insert “AND PRIOR TO DAYSTAR COURT”;
 - e. In item 6, after “PARKWAY/BANNEKER”, insert “ROAD”;
 - f. In item 7, after “PARKWAY”, insert “AND PRIOR TO MARTIN ROAD”;
 - g. In item 8, after “Ridge”, insert “ROAD AND WEST OF THE ROUTE 29 RAMPS”; and
 - h. In item 9, strike “LITTLE PATUXENT PARKWAY” and substitute “SYMPHONY WOODS ROAD AND WEST OF THE ROUTE 29 RAMPS”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.

Amendment No. 1 to Council Resolution No. 97-2010 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Resolution No. 97-2010 as follows: (*This amendment further describes the transit option in the Transportation Demand Management Statement and the Trip Credit sections of the Exhibit to the resolution*).

In Exhibit A, on page 13, in the fifth sentence in Subsection D, immediately following “CONTRIBUTIONS”, insert the following:

“SUCH AS CONTRIBUTIONS TO A CIRCULATOR SYSTEM, NEW BUS ROUTES, HIGHER FREQUENCY OF SERVICE AND IMPROVED STOPS AND SERVICE INFORMATION, ENHANCEMENTS TO THE CONNECTIONS BETWEEN DOWNTOWN COLUMBIA AND THE VILLAGE CENTERS AND AREAS OUTSIDE OF DOWNTOWN COLUMBIA, INCLUDING TRANSIT RIGHT-OF- WAYS,”.

On page 15, in number 2, in the first sentence, after “PROGRAM”, insert “NOT OTHERWISE REQUIRED”. On the same page, in the second sentence, after “CREDITS”, insert “AND DETERMINATION OF THE AMOUNT WITHIN A RANGE OF THE CREDIT” and after “MOBILITY”, insert “TO”.

On page 16, in Table 2, insert above the row entitled “BUS PULLOUT” insert the following:

<u>SHUTTLE OR BUS</u>	<u>5-15</u>
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On page 18, in number 4.9.4, immediately below “COMPREHENSIVE TRAFFIC STUDY-HCM AND CLV”, insert “TRAFFIC RIDERSHIP”.

On page 19, immediately below “TRIP DISTRIBUTION/DIVERSION - DPW”, insert “TRAFFIC RIDERSHIP - DPZ”.

The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Amendment No. 2 to Council Resolution No. 97-2010 as follows: (*This amendment would correct a drafting error by substituting the word transit for traffic throughout the amendment and makes technical corrections*).

On page 1, in line 19, insert, “On Exhibit A, on page 13, in the fifth sentence in Subsection D, immediately following “contributions,” delete “and””.

On page 1, in line 23, after “TO”, insert a comma.

On page 1, in lines 29 and 31, strike “TRAFFIC” and substitute “TRANSIT”.

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the amendment to the amendment was:
Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 1 to Amendment No. 2 to Council Resolution No. 97-2010 passed.

The roll call vote called by the Chairperson on Amendment No. 2 as amended was: Yea:
Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 2 passed as amended.

The roll call vote called by the Chairperson on the resolution as amended was: Yea:
Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Resolution No. 97-2010 passed as amended.

Council Resolution No. 98-2010 - Repealing Council Resolution No. 21-1992 and declaring that certain road facilities are the constrained road facilities in Howard County

The Chairperson moved to adopt Council Resolution No. 98-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Resolution No. 98-2010 passed.

Council Resolution No. 101-2010 - Adopting the Housing Unit Allocation Chart for Fiscal Year 2011 pursuant to the Adequate Public Facilities Act of Howard County

The Chairperson moved to adopt Council Resolution No. 101-2010. The motion was seconded by Ms. Sigaty.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 101-2010 as follows: *(The amendment clarifies certain effective dates.)*

On page 2, after line 4, insert:

“AND BE IT FURTHER RESOLVED by the County Council of Howard County, Maryland that the Allocations Based on Planning Regions/Housing Type will be effective upon enactment and the Downtown Columbia Allocations Based on Zoning Performance Requirements will be effective when Council Bill No. 47-2010 is effective.”

The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on Amendment No. 1 was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Amendment No. 1 to Council Resolution No. 101-2010 passed.

The roll call vote called by the Chairperson on the resolution as amended was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Resolution No. 101-2010 passed as amended.

Council Resolution No. 102-2010 - Adopting the Open/Closed Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions and school districts that are open for residential development

The Chairperson moved to adopt Council Resolution No. 102-2010. The motion was seconded by Ms. Sigaty.

The roll call vote called by the Chairperson on the resolution was: Yea: Council Members Watson, Ball, Fox, Sigaty, and Terrasa.
Council Resolution No. 102-2010 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 5:34 p.m.