

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2011 Legislative Session**

**Legislative Day No. 8  
July 5, 2011**

**HOWARD COUNTY TO WIT:**

The Chairman called the special legislative session to order at 7:33 p.m.

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

Stephen LeGendre, Administrator to the County Council; Theodore Wimberly, Senior Administrative Analyst to the County Council; Margaret Ann Nolan, County Solicitor; and Jennifer Sager, Legislative Coordinator were also present.

**APPROVE JOURNAL**

The Chairperson moved to approve the journal for Legislative Day No. 7, June 6, 2011. The motion was seconded by Ms. Terrasa.

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

The motion to approve the journal passed.

**APPROVE MINUTES**

The Chairperson moved to approve the minutes for the Legislative Public Hearing – June 20, 2011 and the Legislative Work Session – June 27, 2011. The motion was seconded by Ms. Terrasa.

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

The motion to approve the minutes passed.

**AMEND AGENDA**

The Chairperson moved to amend the agenda for Legislative Day No. 8, July 5, 2011 to allow Council Resolution 124, which was not prefiled, to be introduced. The motion was seconded by Ms. Terrasa.

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

The motion to allow the introduction of Council Resolution 124 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. 114-2011 – A RESOLUTION confirming the appointment of William L. Santos to the Planning Board.

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Council Resolution No. 124-2011 – A RESOLUTION confirming the appointment of Donna Richardson as the Cable Administrator.

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### **Financial**

Supplemental Budget & Appropriation Ordinance No. 1- Fiscal Year 2012 - AN ORDINANCE transferring \$85,300 from the Grants Fund, Contingency Reserve to the Department of County Administration for a grant to provide funding for a BRAC Regional Family Support Coordinator.

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Council Bill No. 40-2011 – AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in two parcels of agricultural land consisting of approximately 186.18 acres combined located at 1625 Rt. 32, Sykesville, Howard County, Maryland, from The Wilbur and Lillie Mae Zepp Living Trust or any other owner thereof for a maximum purchase price of \$5,921,000 or, if less, \$31,800 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.

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## General

Council Bill No. 41-2011 - AN ACT amending the County's discount for prompt real property tax payment; and generally relating to the Real Property Taxes in Howard County.

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Council Bill No. 42-2011 - AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter approving provisions in a collective bargaining agreement between Howard County and the International Association of Firefighters – Howard County Local 2000 that are in conflict with the provisions of Title 1 “Human Resources” of the Howard County Code or the Employee Manual; approving a multi-year collective bargaining agreement between International Association of Firefighters–Howard County Local 2000 that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

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Council Bill No. 43-2011 - AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the American Federation of State, County and Municipal Employees, Howard County Local 3080, 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 3080, Council 67, AFL-CIO that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

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Council Bill No. 44-2011 - 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; and providing for the application of this Act.

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Council Bill No. 45-2011 - AN ACT amending the Pay Plan for Howard County to amend the pay scales for members of the Howard County Public Safety Dispatchers Association; and generally relating to the Pay Plan for Howard County.

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Council Bill No. 46-2011 - AN ACT making a technical correction to amend a definition in the Adequate Public Facilities Ordinance; and generally related to the Adequate Public Facilities Ordinance.

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Council Bill No. 47-2011 - AN ACT pursuant to the Stormwater Management Act of 2007, amending certain stormwater management regulations in the Howard County Code, amending certain definitions, defining certain term, referring to various stages instead of plans, removing certain alternative compliance, clarifying certain waiver provisions and allowing alternative measures instead of alternative compliance, providing that the Howard County Design Manual shall contain certain provisions, making certain technical corrections, and generally relating to stormwater management requirements in Howard County.

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Council Resolution No. 112-2011 - Introduced by, The Chairperson at the request of Emerson Development LLCs - A RESOLUTION to close a portion of Sterling Drive, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code; and providing that the costs of the closing will be paid by one or more developers.

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Council Resolution No. 113-2011 - Introduced by, The Chairperson at the request of 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; and providing that the costs of the closing will be paid by one or more developers.

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Council Resolution No. 115-2011 - A RESOLUTION revising Chapter 5, Stormwater Management, of Volume I (Storm Drainage) of the Design Manual in order to amend provisions related to the maintenance and inspection of stormwater management facilities in Howard County.

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Council Resolution No. 116-2011 - A RESOLUTION designating the area surrounding and including the Savage MARC Station as a Transit-oriented Development in accordance with the Governor's Executive Order 01.01.2009.12 and State law.

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Council Resolution No. 117-2011 - A RESOLUTION adopting Guidelines for the 2030 General Plan, promulgated by the Planning Board, to be used by the Department of Planning and Zoning

in the preparation or revision of the General Plan.

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Council Resolution No. 118-2011 - A RESOLUTION pursuant to Sections 16.301 and 16.200(a) of the Howard County Code, granting a variance for government uses from the structure and use setback for a fence on property located along Md. Route 216 and Stephens Road and located in the Planned Employment Center Zoning District.

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Council Resolution No. 119-2011 - A RESOLUTION declaring that a total of approximately 64.664 acres of real property owned by Howard County and identified as (1) a portion of the road bed of Sterling Drive and Whiskey Bottom Road and (2) certain open space parcels, are 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 homeowners association serving the adjacent properties, Emerson Development HOA LLC; 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 and submits his finding to the County Council for its consideration.

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Council Resolution No. 120-2011 - A RESOLUTION adopting the Howard County Flood Mitigation Plan.

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Council Resolution No. 121-2011 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that portions of a Water and Utility Easement and a Sewer and Utility easement, collectively comprising approximately 0.6669 acres, are no longer needed by Howard County, Maryland for public purposes; authorizing the County Executive to terminate the property interest, vesting title to the adjacent property owner, Trinity Homes at Cypress Springs, LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to abandon the easements if he finds that the easements may have a further public use and submits his finding to the County Council for its consideration.

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Council Resolution No. 122-2011 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and its successors and assigns and Howard County, Maryland for a multi-family rental housing redevelopment on the property to be known as Hilltop Phase I.

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Council Resolution No. 123-2011 - A RESOLUTION approving the redevelopment of an affordable housing development to be known as Hilltop Phase I in Ellicott City, Maryland to be financed either directly by the Department of Housing and Community Development of the State

of Maryland or through the Department's Community Development Administration.

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**FINAL CONSIDERATION**

**Consent**

Council Resolution No. 98-2011 – A RESOLUTION confirming the appointment of Mitra Basu to the Commission for Women.

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Council Resolution No. 99-2011 – A RESOLUTION confirming the appointment of Paul J. Beckham to the Howard County Revenue Authority.

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Council Resolution No. 100-2011 – A RESOLUTION confirming the appointment of Ankur P. Dalal to the Board of Library Trustees.

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Council Resolution No. 101-2011 – A RESOLUTION confirming the appointment of Gerald Engel to the Board of Directors of the Howard County Mental Health Authority.

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Council Resolution No. 102-2011 – A RESOLUTION confirming the appointment of Michelle B. Glassburn to the Board to Promote Self-Sufficiency.

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Council Resolution No. 103-2011 – A RESOLUTION confirming the appointment of Richard C. Hackney to the Equal Business Opportunity Commission.

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Council Resolution No. 104-2011 – A RESOLUTION confirming the appointment of Gregory Hamilton to the Board of Directors of the Howard County Mental Health Authority.

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Council Resolution No. 105-2011 – A RESOLUTION confirming the appointment of Dona M. Marshall to the Advisory Board on Consumer Affairs.

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Council Resolution No. 106-2011 – A RESOLUTION confirming the appointment of Richard McCray, II to the Commission on Aging.

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Council Resolution No. 107-2011 – A RESOLUTION confirming the appointment of Jason Michaelson to the Advisory Board on Consumer Affairs.

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Council Resolution No. 108-2011 – A RESOLUTION confirming the appointment of Carolyn Rimes to the Commission on Aging.

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Council Resolution No. 109-2011 – A RESOLUTION confirming the appointment of Rebecca A. Weaver to the Board of Directors of the Howard County Mental Health Authority.

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The Chairperson moved to adopt the items on the consent agenda. The motion was seconded by Ms. Terrasa.

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

Council Resolutions No. 98-2011, No. 99-2011, No. 100-2011, No. 101-2011, No. 102-2011, No. 103-2011, No. 104-2011, No. 105-2011, No. 106-2011, No. 107-2011, No. 108-2011, and No. 109-2011 passed.

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### **Other Appointments**

The Chairperson moved to remove CR38-2011 from the table as follows:

Council Resolution No. 38 – A RESOLUTION confirming the reappointment of Swathi Narayan to the Human Rights Commission.

The motion was seconded by Ms. Terrasa.

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

The motion to removed Council Resolution 38-2011 from the table passed.

The Chairperson moved to withdraw CR38-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution 38-2011 was withdrawn.

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### **General**

The Chairperson moved to approve as follows:

Council Bill No. 31-2011 – Introduced by The Chairperson at the request of the Marsha S.McLaughlin, Director, Department of Planning and Zoning – AN ACT amending the Howard County Zoning Regulations to provide that variances may remain valid as long as certain plans are being processed in accordance with certain provisions of the Howard County Code; and generally relating to the Howard County Zoning Regulations.

The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 1 to CB31-2011 as follows:

*(This amendment makes a technical correction to make certain language consistent with the Petition.)*

On page 1, strike beginning with “A” in line 15 down through and including “Order.” in line 17.

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

Amendment No. 1 to Council Bill 31-2011 passed.

The roll call vote called by the Chairperson to approve Council Bill 31-2011 as amended was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.

Council Bill 31-2011, as amended passed.

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Council Bill No. 32-2011 –AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Maintenance Agreement between Howard County, Maryland and Accela, Inc. for a maintenance agreement for certain software systems used by the Department of Inspections, Licenses and Permits; and authorizing the County Executive to take certain actions in connection with the Agreement.

The Chairperson moved to adopt Council Bill No. 32-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 32-2011 passed.

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Council Bill No. 33-2011 - Pursuant to Section 1.111(e) of the Howard County Code, approving provisions in a collective bargaining agreement between Howard County and the Howard County Public Safety Dispatchers Association 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.

The Chairperson moved to adopt Council Bill No. 33-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 1 to CB33-2011 as follows:

*(This amendment substitutes payscales in the Memorandum of Agreement.)*

Remove pages 30 and 31 from the Memorandum of Agreement, attached to the Bill as Exhibit A, and substitute revised pages 30 and 31 as attached to this Amendment.

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

Amendment No. 1 to Council Bill 33-2011 passed.

The roll call vote called by the Chairperson to approve Council Bill 33-2011 as amended

was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.  
Council Bill 33-2011, as amended passed.

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Council Bill No. 34-2011 - Pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the Howard County Police Officer's Association, Lodge 21 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 Howard County Police Officer's Association, Lodge 21 that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

The Chairperson moved to adopt Council Bill No. 34-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.  
Council Bill No. 34-2011 passed.

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Council Bill No. 35-2011 - AN ACT pursuant to Section 1.111(e) of the Howard County Code and Section 612 of the Howard County Charter, approving provisions in a collective bargaining agreement between Howard County and the FOP Lodge 143, Howard County Police Supervisor's Alliance 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 FOP Lodge 143, Howard County Police Supervisor's Alliance that will be effective through the end of Fiscal Year 2013 and that includes payment of certain compensation in Fiscal Year 2013; and providing for the application of this Act.

The Chairperson moved to adopt Council Bill No. 35-2011. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the motion was: Yea: Council Members Ball, Fox, Sigaty, Terrasa and Watson.  
Council Bill No. 35-2011 passed.

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Council Bill No. 36-2011 - 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 3888, 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.

The Chairperson moved to adopt Council Bill No. 36-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 36-2011 passed.

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Council Bill No. 37-2011 - Introduced by Greg Fox, Mary Kay Sigaty - AN ACT amending the Howard County Zoning Regulations to establish an alternate method for calculating the minimum requirement for off-street parking for funeral homes; and generally relating to off-street parking for funeral homes.

The Chairperson moved to adopt Council Bill No. 37-2011. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 37-2011 passed.

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Council Resolution No. 110 – A RESOLUTION approving an amendment to the Solid Waste Management Plan, 2003-2013, in accordance with the procedure required by State Law.

The Chairperson moved to adopt Council Resolution No. 110-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 110-2011 passed.

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Council Bill No. 30-2011 – Introduced by Courtney Watson, Co-sponsored by Greg Fox – AN ACT establishing a tax credit against the Howard County real property tax for certain nonprofit swim clubs under certain conditions; establishing the duration of the credit; providing for an application procedure; and generally relating to property tax credits in Howard County.

The Chairperson moved to adopt Council Bill 30-2011. The motion was seconded by Ms. Terrasa.

The Chairperson moved to approve Amendment No. 2 to CB30-2011 as follows:

*(This amendment broadens the kinds of entities that may receive the credit.)*

On page 1, strike line 17 through the end of line 18 and substitute “(2) THE OWNER IS A NONPROFIT SWIM CLUB THAT USES ITS FACILITY EXCLUSIVELY TO PROVIDE A RECREATIONAL”

OUTLET FOR A LOCAL COMMUNITY.”

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

Amendment No. 2 to Council Bill 30-2011 passed.

The Chairperson moved to table CB30-2011, as amended. The motion was seconded by Ms. Terrasa.

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

Council Resolution 30-2011 was tabled.

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Council Resolution No. 111 –Introduced by, The Chairperson - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on July 28, 2011.

The Chairperson moved to adopt Council Resolution No. 111-2011. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 111-2011 passed.

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**ADJOURNMENT**

The Chairperson adjourned the legislative session at 7:57 p.m.

**TABLED LEGISLATION**

Council Resolution No. 22-2011 - Approving a public interest use for a monopole cell tower and accessory ground equipment on land owned by Trent Kittleman; finding that the proposed use is in the public interest; approving an amendment to certain deeds of easement to release the land used for the monopole cell tower and accessory ground equipment for a public purpose; and providing that the release is contingent on a certain payment to the County.  
*(Tabled 04/04/11)*

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Council Resolution No. 52-2011 - A RESOLUTION confirming the appointment of John A. Clark to the Howard County Commission for Veterans and Military Families.  
*(Tabled 06/06/11)*

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Council Bill No. 30-2011 – Introduced by Courtney Watson, Co-sponsored by Greg Fox – AN ACT establishing a tax credit against the Howard County real property tax for certain

nonprofit swim clubs under certain conditions; establishing the duration of the credit; providing for an application procedure; and generally relating to property tax credits in Howard County.

*(Tabled 07/05/11)*