

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2009 Legislative Session

**Legislative Day No. 15
November 2, 2009**

HOWARD COUNTY TO WIT:

The Chairman called the legislative session to order at 7:42 p.m..

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

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

APPROVE JOURNALS

The Chairperson moved to approve the journals for Day No. 13, October 5, 2009 and Day No. 14, October 26, 2009. The motion was seconded by Ms. Terrasa.

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

The motion to approve the journals passed.

APPROVE MINUTES

The Chairperson moved to approve the minutes for the Legislative Work Session, October 26, 2009. The motion was seconded by Ms. Terrasa.

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

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. 90-2009 – Confirming the reappointment of Dr. James Filipczak to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the reappointment of Dr. James Filipczak to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 91-2009 – Confirming the reappointment of John C. Monahan to the Board of Directors of the Howard County Mental Health Authority

A RESOLUTION confirming the reappointment of John C. Monahan to the Board of Directors of the Howard County Mental Health Authority.

Council Resolution No. 92-2009 – Confirming the reappointment of Michael G. Riemer to the Housing and Community Development Board

A RESOLUTION confirming the reappointment of Michael G. Riemer to the Housing and Community Development Board.

Council Resolution No. 93-2009 – Confirming the reappointment of Michael G. Riemer to the Housing Commission

A RESOLUTION confirming the reappointment of Michael G. Riemer to the Housing Commission.

Financial

Council Bill No. 57-2009 – To authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$18,000,000 from the Maryland Water Quality Financing Administration (the "Administration"), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project No. S6245 (Nitrogen Loading Reduction), as described in the County's 2010 Capital Budget, and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; and making certain findings and determinations

AN ACT to authorize and empower Howard County, Maryland to borrow, on its full faith and credit, up to \$18,000,000 from the Maryland Water Quality Financing Administration (the "Administration"), and to issue and sell its installment bonds to the Administration, the proceeds thereof to be used to pay costs of Capital Project No. S6245 (Nitrogen Loading Reduction), as described in the County's 2010 Capital Budget, and to pay all related costs; and to levy taxes upon the assessable property within the County sufficient, together with benefit assessments, ad valorem taxes levied upon assessable property in the Metropolitan District and other available funds, to pay the debt service on such bonds; authorizing the County to enter into one or more Loan Agreements with the Administration to effect and further evidence such borrowing; and making certain findings and determinations.

Supplementary Budget & Appropriation Ordinance No. 8-Fiscal 2010 – Transferring \$2,601,580 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for the Energy Efficiency and Conservation Block Grant

AN ACT transferring \$2,601,580 from the Grants Fund, Contingency Reserve to the Department of Technology and Communication Services for the Energy Efficiency and Conservation Block Grant.

General

Council Bill No. 58-2009 – Introduced by The Chair at the request of General Growth Properties - Adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment

AN ACT adopting the Downtown Columbia Plan, a General Plan Amendment for the purpose of revitalizing and redeveloping Downtown Columbia; and generally relating to the Downtown Columbia Plan, a General Plan Amendment.

Council Bill No. 59-2009 (ZRA-113) – Introduced by: The Chair at the request of General Growth Properties - Amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district

AN ACT amending the Howard County Zoning Regulations to create a new Downtown Columbia revitalization process in the New Town District; defining new terms; establishing a new residential density for Downtown Columbia; establishing new land use percentages for open space in Downtown Columbia; establishing an affordable housing provision for Downtown Columbia revitalization; establishing new off-street parking requirements for Downtown Columbia revitalization; and generally relating to the New Town zoning district. (ZRA 113)

Council Bill No. 60-2009 - Introduced by: The Chairperson at the request of the County Executive/Co-Sponsored by Calvin Ball, Mary Kay Sigaty, Jennifer Terrasa, and Courtney Watson - Amending the Howard County Cable Television Systems Franchise Act to clarify certain maintenance requirements; to allow for the use of temporary lines under certain conditions and for a certain period of time; to require certain notice of temporary lines; to prohibit certain temporary lines; to provide certain civil penalties; to allow for certain waivers of certain time requirements; providing for the application of this Act; and generally related to the Howard County Cable Television Systems Franchise Act

AN ACT amending the Howard County Cable Television Systems Franchise Act to clarify certain maintenance requirements; to allow for the use of temporary lines under certain conditions and for a certain period of time; to require certain notice of temporary lines; to prohibit certain

temporary lines; to provide certain civil penalties; to allow for certain waivers of certain time requirements; providing for the application of this Act; and generally related to the Howard County Cable Television Systems Franchise Act.

Council Resolution No. 89-2009 - Introduced by The Chairperson at the request of Speedway Rock LLC, Binder Rock LLC, and Deerpath Rock, LLC - To close a portion of Deerpath Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code

A RESOLUTION to close a portion of Deerpath Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code.

FINAL CONSIDERATION

Consent

Council Resolution No. 83-2009 – Confirming the appointment of Darryl L. Burnett to the Board of Health

Council Resolution No. 84-2009 – Confirming the appointment of Catherine Busch, Ph. D. to the Board of Directors of the Howard County Mental Health Authority

Council Resolution No. 85-2009 – Confirming the appointment of Susanna S. Sung to the Board of Directors of the Howard County Mental Health Authority

The Chairperson moved to adopt the consent resolutions. The motion was seconded by Ms. Terrasa.

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

Council Resolutions No. 83-2009, No. 84-2009 and No. 85-2009 passed.

Financial

Council Bill No. 50-2009 – Authorizing the issuance, sale and delivery of up to \$175,000,000 consolidated public improvement refunding bonds and up to \$50,000,000 metropolitan district refunding bonds; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the bonds to be refunded, the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith

The Chairperson moved to adopt Council Bill No. 50-2009. The motion was seconded by Ms. Terrasa.

The roll call vote called by the Chairperson on the bill was: Yea: Council Members Sigaty, Ball, Fox, Terrasa and Watson.
Council Bill No. 50-2009 passed.

Transfer of Appropriation Ordinance No. 1- Fiscal Year 2010 – Transferring \$400,000 in bond funding to capital project N3105, Meadowbrook Park, from capital project N3960, Robinson Nature Center

The Chairperson moved to adopt Transfer of Appropriation Ordinance No. 1- Fiscal Year 2010. The motion was seconded by Ms. Terrasa.

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

Transfer of Appropriation Ordinance No. 1- Fiscal Year 2010 passed.

Council Bill No. 51-2009 – For the purpose of authorizing and empowering Howard County, Maryland to borrow money in the aggregate principal amount of up to \$400,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. N3105 (Meadowbrook Park), more particularly described in the County's 2010 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith

The Chairperson moved to adopt Council Bill No. 51-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 51-2009 passed.

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2010 – Transferring \$108,000 from the Grants Fund, Contingency Reserve to the Office of Workforce Development in order to further fund the Maryland Business Works program

The Chairperson moved to adopt Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2010. The motion was seconded by Ms. Terrasa.

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

Supplementary Budget & Appropriation Ordinance No. 7-Fiscal 2010 passed.

Council Bill No. 56-2009 - A BOND ISSUE AUTHORIZATION ORDINANCE providing for the issuance and sale of the Howard County, Maryland Water Quality Bond, Series 2009A (ARRA), in the maximum principal amount of \$3,530,000; providing for and approving a Loan Agreement with the Maryland Water Quality Financing Administration (the "Administration"); prescribing the forms of such Bond and Loan Agreement; providing certain details relating thereto or the method of determining such details; providing that such Bond shall be issued on the County's full faith and credit; providing

for disbursement of the proceeds of such Bond and for the levying of taxes for payment of the principal of and interest on such Bond; providing for the private (negotiated) sale of such Bond to the Administration; and providing for and determining various matters in connection therewith.

The Chairperson moved to adopt Council Bill No. 56-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 56-2009 passed.

General

Council Bill No. 52-2009 – Introduced by Courtney Watson and at the request of the County Executive/co-sponsored by Calvin Ball, Greg Fox, Mary Kay Sigaty, and Jennifer Terrasa - Granting a certain tax credit against the Howard County property tax for certain residential real property owned by certain disabled law enforcement officers or rescue workers; defining certain terms; and generally relating to County property tax credits for disabled law enforcement officers or rescue workers in Howard County

The Chairperson moved to adopt Council Bill No. 52-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 52-2009 as follows: *(This amendment allows a credit to surviving spouses of certain correctional officers.)*

On the title page, in the third line of the purpose paragraph, after “workers” insert “or certain spouses of certain deceased correctional officers” and, in the fourth line after “workers” insert “and surviving spouses of correctional officers”.

On page 2, in line 10, after “officer” insert “OR CORRECTIONAL OFFICER”.

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Bill No. 52-2009 passed.

The Chairperson moved to adopt Amendment No. 2 to Council Bill No. 52-2009 as follows: *(This amendment allows the credit to employees of or volunteers in jurisdictions with reciprocity.)*

On page 1, in line 22, after “Howard County” insert “OR A JURISDICTION WITH RECIPROCITY”.

Also on page 1, in line 24, after “Howard County” insert “OR A JURISDICTION WITH RECIPROCITY”.

On page 2, in line 14, after “(4)” insert “JURISDICTION WITH RECIPROCITY MEANS A JURISDICTION IN THE STATE OF MARYLAND THAT OFFERS A SIMILAR CREDIT TO A HOWARD COUNTY DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER. (5)”

On page 3, in line 16, before “The tax” insert “(1)”.

On page 3, in line 21, after the period, insert” “(2) AN INDIVIDUAL WHO RECEIVED A CREDIT BASED ON EMPLOYMENT OR SERVICE IN A JURISDICTION WITH RECIPROCITY IS NOT DISQUALIFIED FROM RECEIVING THE CREDIT BECAUSE THE JURISDICTION DISCONTINUES OFFERING A SIMILAR CREDIT TO A HOWARD COUNTY DISABLED LAW ENFORCEMENT OFFICER OR RESCUE WORKER.”

On page 4, in line 8, insert “(G) CONSTRUCTION. AN INDIVIDUAL WHO WORKED FOR A JURISDICTION WITH RECIPROCITY IS ELIGIBLE TO RECEIVE A CREDIT UNDER THIS SECTION ONLY TO THE EXTENT THE INDIVIDUAL WOULD QUALIFY FOR THE SIMILAR TAX CREDIT IN THE JURISDICTION WITH RECIPROCITY IF THE INDIVIDUAL WERE A RESIDENT THERE.”

The motion was seconded by Ms. Terrasa.

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

Amendment No. 2 to Council Bill No. 52-2009 passed.

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

Council Bill No. 52-2009 passed as amended.

Council Bill No. 53-2009 – Requiring residential multi-family common ownership communities to register with the Department of Inspections, Licenses and Permits; defining certain terms; requiring that certain information be kept current; authorizing the inspection of common areas; authorizing the issuance of notice of violations and citations; providing for the method of service of a notice of violation or citation; providing for certain civil and criminal penalties, and generally relating to multi-family residential common ownership communities in Howard County

The Chairperson moved to adopt Council Bill No. 53-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 53-2009 passed.

Council Bill No. 54-2009 – Amending the commercial or industrial business tax credit to extend the credit to retail stores, restaurants, hotels, motels and recreational facilities; and generally relating to property tax credits

The Chairperson moved to adopt Council Bill No. 54-2009. The motion was seconded by Ms. Terrasa.

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

Council Bill No. 54-2009 passed.

Council Resolution No. 86-2009 – Making certain findings and designating the Route 1 Corridor as a Recovery Zone for the issuance of Recovery Zone Economic Development Bonds and Recovery Zone Facility Bonds

The Chairperson moved to adopt Council Resolution No. 86-2009. The motion was seconded by Ms. Terrasa.

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

Council Resolution No. 86-2009 passed.

Council Resolution No. 87-2009 – Pursuant to Section 5-301 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2011 and Capital Improvement Program Request for Fiscal Years 2012-2016 for the purpose of submission to the Interagency Committee on School Construction

The Chairperson moved to adopt Council Resolution No. 87-2009. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 87-2009 as follows: *(This amendment substitutes pages that were approved by the Board of Education after prefile. The pages prefiled were the Superintendent's proposed.)*

Remove the FY2011 Capital Budget Request, the FY 2012-2016 Capital Improvement Program Request, the FY 2011-2016 Long-Range Systemic Renovation Projects, the FY 2011-2020 Long-Range Master Plan and the Priority Listing of FY 2011, attached to the Resolution as introduced, and substitute the revised pages attached to this Amendment.

(See attached.)

The motion was seconded by Ms. Terrasa.

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

Amendment No. 1 to Council Resolution No. 87-2009 passed.

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

Council Resolution No. 87-2009 passed as amended.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:00 p.m.