

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2006 Legislative Session

**Legislative Day No. 14
October 30, 2006**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 4:40 p.m. This is the final legislative session in the current County Council's term.

Christopher Merdon, Chairman; Calvin Ball, Council Member; Charles Feaga, Council Member; Guy Guzzone, Council Member; and Ken Ulman, Council Member, were present.

Sheila Tolliver; Administrator to the County Council; Jennifer Sager, Legislative Coordinator; and Barbara Cook, County Solicitor, were also present.

FINAL CONSIDERATION

The Chairman moved to adopt the following legislation:

Consent

Council Resolution No. 127-2006 – Confirming the appointment of Harry Evans, III to the Alcoholic Beverage Hearing Board

Council Resolution No. 128-2006 – Confirming the appointment of Cabell Greenwood to the Planning Board

Council Resolution No. 129-2006 – Confirming the appointment of Charles A. Gueli to the Housing and Community Development Board

Council Resolution No. 130-2006 – Confirming the appointment of Sandra Holt to the Human Rights Commission

Council Resolution No. 131-2006 – Confirming the appointment of Cindy Knowlton to the Howard County Animal Matters Hearing Board

Council Resolution No. 132-2006 – Confirming the appointment of Gerald M. Richman to the Cable Advisory Committee.

Council Resolution No. 133-2006 – Confirming the reappointment of Sabina Taj to the Commission for Women.

Council Resolution No. 134-2006 -Confirming the reappointment of Norman L. Wines to the Fire and Rescue Services Board.

Council Resolution No. 135-2006 – Introduced by Ken Ulman, Councilman; Co-Sponsored by Christopher J. Merdon, Councilman – Approving an Amendment to the Howard County Inventory of Scenic Roads which adds a portion of Governor Warfield Parkway to the inventory

His motion was seconded by Mr. Guzzone.

The Chairman moved to table Council Resolution No. 128-2006. His motion was seconded by Mr. Feaga.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to table Council Resolution No. 128-2006 passed.

The roll call vote called by the Chairman on the consent legislation was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolutions No. 127-2006, No. 129-2006, No. 130-2006, No. 131-2006, No. 132-2006, No. 133-2006, No. 134-2006, and No. 135-2006 passed.

Financial

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2007 - Transferring \$146,840 from the Grant Fund Contingency to the Department of Police for a grant to fund the creation and development of a Domestic Violence Section within the Department of Police

The Chairman moved to adopt Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the ordinance was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Supplementary Budget & Appropriation Ordinance No. 2-Fiscal 2007 passed.

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2007 – Transferring \$10,640 from the General Fund Contingency to the Tourism Council to fund improved employee benefits

The Chairman moved to adopt Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the ordinance was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2007 passed.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2007 – Transferring \$14,000 from the Grant Fund Contingency to the Department of Public Works for the Tree Buffer Program

The Chairman moved to adopt Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the ordinance was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2007 passed.

Transfer of Appropriation Ordinance No. 3-Fiscal 2007 – Transferring \$2,300,000 in bond funding to Capital Project F-5965, New Firestation 3 (West Friendship Firestation), from Capital Project F-5551, Banneker Firestation Redevelopment

The Chairman moved to adopt Transfer of Appropriation Ordinance No. 3-Fiscal 2007. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Transfer of Appropriation Ordinance 3-Fiscal 2007 as follows: *(This amendment makes a technical correction.)*

In the first line of the title, after “transferring”, strike “to”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Transfer of Appropriation Ordinance No. 3-Fiscal 2007 passed.

The roll call vote called by the Chairman on the ordinance as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Transfer of Appropriation Ordinance No. 3-Fiscal 2007 passed as amended.

Council Resolution No. 126-2006 – Approving certain transfers between capital projects in the Board of Education capital budget, including the transfer of \$2,000,000 in education excise tax backed bond funding and \$1,000,000 in general bond funding from capital project E-1003, ARL Space Reconfiguration/Classrms, to capital project E-0980, Systemic Renovations

The Chairman moved to adopt Council Resolution No. 126-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 126-2006 passed.

Council Bill No. 76-2006 – To authorize and empower Howard County, Maryland, to borrow up to \$5,300,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0980 (Systemic Renovations) and F-5965 (New Firestation 3) and costs of issuance of such bonds; authorizing and empowering 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

The Chairman moved to adopt Council Bill No.76-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 76-2006 passed.

General

Council Bill No. 79-2006 – Introduced by Guy Guzzone - Amending the Howard County Code to require a special election to fill certain vacancies on the County Council of Howard County.

The Chairman moved to adopt Council Bill No. 79-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 79-2006 passed.

Council Bill No. 80-2006 – Adopting certain national codes as the Howard County Property Maintenance Code for Rental Housing; adopting local amendments; making certain technical corrections to rental housing licensing provisions; amending certain rental housing licensing provisions to ensure consistency with the Howard County Property Maintenance Code for Rental Housing

The Chairman moved to adopt Council Bill No. 80-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 80-2006 passed.

Council Bill No. 81-2006 – AN ACT adding certain requirements for on-site sewage disposal systems and individual potable water supply systems to the Howard County Code; defining certain terms; requiring certain permits; setting forth certain design and construction requirements and certain percolation test requirements; setting forth the administration and enforcement of these provisions; providing a right of entry to the Health Department; setting forth certain penalties

The Chairman moved to adopt Council Bill No. 81-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No.1 to Council Bill No. 81-2006 as follows: *(This amendment adds certain definitions, clarifies the length of time that certain approvals are valid, clarifies that certain requirements will apply to certain single family dwellings, amends the flow rates for certain single family dwellings and makes certain technical corrections.)*

On page 1, in line 2, before “Potable” insert “Individual”.

On page 3, after line 22, insert:

“(N) SHARED SYSTEM. A WATER OR SEWERAGE SYSTEM THAT SERVES MORE THAN ONE LOT OF LAND OR MORE THAN ONE USER ON A SINGLE LOT OF LAND WITH WATER OR SEWERAGE SYSTEMS LOCATED ON THE INDIVIDUAL LOTS OR ON PARCELS OWNED IN COMMON BY THE USERS OR A CONTROLLING AUTHORITY.”

On page 3, in line 23, strike “(N)” and substitute “(O)”.

On page 6, in line 27, strike “(H)” and substitute “(G)”.

On page 6, in line 31, strike “(I)” and substitute “(H)”.

On page 9, in line 27, strike “IS OBLIGATED” and substitute “SHALL USE ALL REASONABLE EFFORTS”.

On page 12, strike lines 16 through 28, inclusive and in their entirety and substitute:

“(4) APPROVAL OF PERCOLATION TEST APPLICATION. THE PERCOLATION TEST APPLICATION MAY BE APPROVED WHEN THE PERCOLATION CERTIFICATION PLAN IS SIGNED OR, IF A PERCOLATION CERTIFICATION PLAN IS NOT REQUIRED, OTHER DEMONSTRATION OF ADEQUATE AREA FOR ON-SITE SEWAGE DISPOSAL IS PROVIDED. THE PERCOLATION TEST APPLICATION IS VALID FOR 2 YEARS FROM THE DATE OF PAYMENT OF THE REQUIRED APPLICATION FEE. THE SIGNED PERCOLATION CERTIFICATION PLAN SHALL REMAIN VALID UNLESS CHANGES TO THE PERCOLATION CERTIFICATION PLAN ARE REQUIRED.

“(5) CHANGES TO A SIGNED PERCOLATION TEST PLAN. CHANGES TO A SIGNED PERCOLATION CERTIFICATION PLAN AFTER THE PERCOLATION TEST APPLICATION HAS EXPIRED MAY REQUIRE A NEW PERCOLATION TEST

APPLICATION. CHANGES TO THE SIGNED PERCOLATION CERTIFICATION PLAN THAT REQUIRE ADDITIONAL TESTING SHALL REQUIRE A NEW PERCOLATION TEST APPLICATION.

(6) ISSUANCE OF ON-SITE SEWAGE DISPOSAL PERMIT. AN ON-SITE SEWAGE DISPOSAL PERMIT MAY BE ISSUED WHEN A SITE PLAN SUBMITTED WITH THE BUILDING PERMIT APPLICATION IS APPROVED.”.

On page 12, in line 29, strike “(5)” and substitute “(7)”.

On page 13, in line 1, strike “(6)” and substitute “(8)”.

On page 13, in line 15, strike “(7)” and substitute “(9)”.

On page 13, in line 19, strike “(8)” and substitute “(10)”.

On page 13, in line 29, strike “(9)” and substitute “(11)”.

On page 15, in line 18, strike “(I)” and substitute “(1)”.

On page 15, in line 18, before “THE” insert “EXCEPT SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM,”.

On page 15, in line 20, strike “GRINDER, AND SHALL BE IN ACCORDANCE WITH THE” and substitute “GRINDER. FLOW RATES SHALL BE BASED ON 150 GALLONS PER DAY PER BEDROOM.”.

On page 15, strike lines 21 through 23, including the chart, inclusive and in their entirety.

On page 15, in line 24, strike “(II)” and substitute “(2)”.

On page 15, in line 25, after “THAN” insert “CERTAIN”.

On page 16, in line 7, after “DWELLINGS” insert “THAT ARE NOT ON A SHARED SYSTEM”.

On page 17, in line 8, after “THEATRE”, in the column for “GPD* PER UNIT”, insert “20/SEAT”.

On page 17, strike line 9 in its entirety.

On page 18, in line 21, after “APARTMENTS” insert a comma.

On page 18, in line 22, strike “OR CONDOMINIUMS” and substitute “CONDOMINIUMS, OR SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM”.

On page 21, in line 16, strike “SUBSECTIONS (A) AND (B) OF”.

On page 22, in line 3, after “RESIDENCES” insert “EXCEPT SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM”.

On page 22, in line 5, strike “RESIDENTIAL” and substitute “RESIDENTIAL, EXCEPT SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM,”.

On page 22, in line 14, after “ESTABLISHMENTS” insert “AND SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM”.

On page 22, in line 15, strike “COMMERCIAL OR INSTITUTIONAL” and substitute “COMMERCIAL, INSTITUTIONAL, OR SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM”.

On page 22, in the chart after line 18, in the column for “PERCOLATION RATE MIN/INCH”, in the cell that begins “LESS THAN”, strike “1” and substitute “2” and strike the row that begins “1-2” in its entirety.

On page 23, in line 3, after “NOTE:” insert “FOR COMMERCIAL, INDUSTRIAL, OR SINGLE FAMILY DWELLINGS ON A SHARED SYSTEM,”.

On page 23, in line 12, after “REQUIRED” insert “PROXIMATE TO THE AREA DESIGNATED FOR THE ON-SITE SEWAGE DISPOSAL SYSTEM”.

On page 30, in line 2, strike “SYSTEMS” and substitute “SYSTEM”.

On page 47, in line 12, before “WHEREVER” insert “EXCEPT FOR PROPERTY LOCATED OUTSIDE THE PLANNED SERVICE AREA FOR WATER SERVICE AND THE METROPOLITAN DISTRICT,”.

On page 48, in line 5, insert:

SECTION 3.912. WAIVER.

THE APPROVING AUTHORITY MAY GRANT A WAIVER OF A PROVISION OF THIS SUBTITLE THAT IS MORE STRINGENT THAN THE STANDARDS SET FORTH IN COMAR FOR UNUSUAL CIRCUMSTANCES OR EXTRAORDINARY HARDSHIPS WHERE THE APPROVING AUTHORITY BELIEVES THAT THE MODIFICATION IS IN COMPLIANCE WITH THE INTENT AND PURPOSE OF THIS SUBTITLE AND THAT THE MODIFICATION DOES NOT LESSEN THE HEALTH OR ENVIRONMENTAL REQUIREMENTS OF THIS SUBTITLE AND THE REQUIREMENTS OF COMAR 26.04.02.”.

On page 48, in line 6, strike “3.912” and substitute “3.913”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 81-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.
Council Bill No. 81-2006 passed as amended.

Council Bill No. 82-2006 - Amending the approved Capital Budget for Fiscal Year 2007 to add reference to certain improvements in Capital Project T-7092, State/County Shared Intersections

The Chairman moved to adopt Council Bill No. 82-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 82-2006 as follows: *(This amendment adds clarifying language to Part A of the Capital Budget Detail to provide that the capital project can be used as a funding source for certain public improvements. The amendment also adds an effective date that was inadvertently omitted.)*

On page 2, in line 5, strike “page” and substitute “pages Part A and”.

On page 2, in line 7, strike “page” and substitute “pages Part A and”.

On page 2, after line 10, insert:

“Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland, that this Act shall become effective 61 days after its enactment.”

Insert Detail Page A, attached to this Amendment, before Detail Page B, attached to the Bill as introduced.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.
Amendment No. 1 to Council Bill No. 82-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.
Council Bill No. 82-2006 passed as amended.

Council Bill No. 83-2006 – Removing certain nomination requirements for the director of fire and rescue services and generally relating to the Howard County department of fire and rescue services.

The Chairman moved to adopt Council Bill No. 83-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 83-2006 as follows:
(This amendment provides that the County Executive shall provide to the Fire and Rescue Services Board the name of the Executive's top 3 choices to fill a vacancy in the position of Director of Fire and Rescue Services.)

On page 1, in line 18, after "board]]]" insert "THE DIRECTOR SHALL BE APPOINTED IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 17.101(F)(2) OF THIS SUBTITLE.".

On page 2, in line 9, after "position." insert "]] NOMINEE FOR DIRECTOR OF FIRE AND RESCUE SERVICES. WHEN THERE IS A VACANCY IN THE POSITION OF DIRECTOR OF FIRE AND RESCUE SERVICES, THE COUNTY EXECUTIVE SHALL PROVIDE TO THE FIRE AND RESCUE SERVICES BOARD FOR REVIEW AND COMMENT, THE NAMES AND A COPY OF THEIR RESUMES OF THE COUNTY EXECUTIVE'S TOP 3 CHOICES TO FILL THE VACANCY. THE BOARD SHALL PROVIDE COMMENTS TO THE COUNTY EXECUTIVE WITHIN 15 BUSINESS DAYS AFTER RECEIVING THE NAMES. A NEW DIRECTOR OF FIRE AND RESCUE SERVICES MAY NOT BE APPOINTED UNTIL THE 15 DAYS HAS PASSED.".

On page 2, in line 10, strike "]]]".

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 83-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Ball, Guzzone and Ulman; Nay: Council Members Merdon and Feaga.

Council Bill No. 83-2006 passed as amended.

Council Bill No. 77-2006 – Approving, in accordance with Section 612 of the Howard County Charter, a 25 year lease of approximately 7.369 acres of land and improvements located at 350 West Friendship Road, Sykesville, Howard County, Maryland by and between Howard County, Maryland and the Town of Sykesville under the terms of which the County agrees to pay certain costs for the planning and studying of certain renovations; 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 Town of Sykesville.

The Chairman moved to adopt Council Bill No. 77-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 73-2006 as follows:
(This amendment substitutes a new South Branch Park Cooperative Agreement and Lease in order to make the following substantive changes:

1. The term of the lease has been changed from 25 years to 35 years (item 2.A.);
2. The amount of acreage being leased has been amended (item 1.);
3. The use of County funds have been clarified (item 4.B.); and
4. Insurance provisions have been amended to require the Town of Sykesville to insure the property during the renovation phase and, upon completion of renovations, the County will resume coverage on the property (item 7.A.)

In the title, strike “25” and substitute “35”.

In the title, strike “7.369” and substitute “9.578”.

In the title, strike “the planning and studying of certain renovations” and substitute “planning, renovating, and stabilizing the historic structures and developing the property for recreation”.

On page 1, strike lines 1 through 3, inclusive and in their entirety, and substitute:

“WHEREAS, Howard County, Maryland (hereinafter the “County”) is the owner of 9.578 acres of improved property acquired from (i) Tisano Realty, Inc. by deed dated April 19, 1995, recorded among the Land Records for Howard County at liber 3483, folio 621; (ii) The Duke’s Place, Inc. by deed dated November 9, 1992, recorded among the Land Records for Howard County at liber 2713, folio 171; and (iii) Robert W. Adee and wife by deed dated August 2, 1991, recorded among the Land Records for Howard County at liber 2380, folio 289 (hereinafter “the “Premises”); and”.

On page 1, in line 9, strike “25” and substitute “35”.

On page 1, in line 14, strike “the planning and studying of the renovation of the property” and substitute “planning, renovating, and stabilizing the historic structures and developing the property for recreation”.

On page 1, in line 24, strike “7.369” and substitute “9.578”.

On page 1, in line 25, strike “25” and substitute “35”.

Remove Exhibit A, attached to the Bill as introduced, and substitute Exhibit A, attached to this amendment. (See attached.)

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 77-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 77-2006 passed as amended.

Council Bill No. 78-2006 – Approving, in accordance with Section 612 of the Howard County Charter, a 10-year lease with renewals of approximately 12.652 acres of land and improvements located at 8510 High Ridge Road, Ellicott City, Howard County, Maryland by and between Howard County Arts Council, Inc. and Howard County, Maryland under the terms of which the County agrees to pay certain maintenance costs associated with the premises, 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 Arts Council

The Chairman moved to adopt Council Bill No. 78-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Bill No. 78-2006 as follows: *(This amendment clarifies that the lease is for a portion of the improvements and not the land and substitutes a new Agreement of Lease in order to make the following substantive changes:*

- 1. The insurance provisions have been clarified to provide that the County shall maintain all-risk property coverage on the building (Item 5.3); and*
- 2. The sublease for the Arts Council’s tenants has been added as Exhibit D.)*

In the title, in the second line, strike “approximately 12.652 acres of land and” and substitute “a portion of the”.

On page 1, in line 5, strike “Premises” and substitute “Property”.

On page 1, in line 7, strike “Premises” and substitute “Property”.

On page 1, in line 8, strike “the Premises” and substitute “a portion of the Property” and after “business” insert “(the “Premises”)”.

On page 2, in line 1, strike “12.652 acres of land and” and substitute “a portion of the”.

Remove Exhibit A, attached to the Bill as introduced, and substitute Exhibit A, attached to this amendment.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 78-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 78-2006 passed.

Council Resolution No. 136-2006 - Adopting a comprehensive revision of Volume III (Roads and Bridges) of the Design Manual in order to revise the standards and specifications relating to the design and construction of roads and highways in Howard County

The Chairman moved to adopt Council Resolution No. 136-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Resolution No. 136-2006 as follows: *(This amendment substitutes a new Table 2.01 "Stopping Sight Distance".)*

Remove page 2-5 of the Design Manual Volume III (Roads and Bridges), as attached to the Resolution as introduced, and substitute a new page 2-5, as attached to this amendment. *(See attached.)*

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Resolution No. 136-2006 passed.

The roll call vote called by the Chairman on the resolution as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 136-2006 passed as amended.

Council Resolution No. 137-2006 – Pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 350 West Friendship Road, Sykesville, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term Cooperative Agreement and Lease with The Town of Sykesville; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

The Chairman moved to adopt Council Resolution No. 137-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Resolution No. 137-2006 as follows: *(This amendment corrects the term of the lease and the amount of acreage.)*

On page 1, strike lines 1 through 4, inclusive and in their entirety, and substitute:

“ **WHEREAS**, Howard County, Maryland (hereinafter the “County”) is the owner of 9.578 acres of improved property acquired from (i) Tisano Realty, Inc. by deed dated April 19, 1995, recorded among the Land Records for Howard County at liber 3483, folio 621; (ii) The Duke’s Place, Inc. by deed dated November 9, 1992, recorded among the Land Records for Howard County at liber 2713, folio 171; and (iii) Robert W. Adee and wife by deed dated August 2, 1991, recorded among the Land Records for Howard County at liber 2380, folio 289 (hereinafter “the “Premises”); and”.

On page 1, in line 11, strike “25” and substitute “35”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Resolution No. 137-2006 passed.

The roll call vote called by the Chairman on the resolution as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 137-2006 passed as amended.

Council Resolution No. 138-2006 – Pursuant to Section 4.201 of the Howard County Code declaring that certain improved real property located at 8510 High Ridge Road, Ellicott City, Maryland, Howard County, Maryland and owned by Howard County is no longer needed by the County for public purposes; authorizing the County Executive to enter into a long-term lease of the property with Howard County Arts Council, Inc.; and providing that the County Executive is not bound to lease the property if he finds that it may have a further public use and submits his finding to the County Council for its consideration

The Chairman moved to adopt Council Resolution No. 138-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Resolution No. 138-2006 as follows: (*This amendment clarifies that the lease is for a portion of the property owned by the County.*)

In the title, in the first line, after “that” insert “a portion of”.

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

On page 1, in line 8, after “Maryland” insert “on a portion of the Property (the “Premises”)”.

On page 1, in line 12, strike “premises” and substitute “Premises”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Resolution No. 138-2006 passed.

The roll call vote called by the Chairman on the resolution as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 138-2006 passed as amended.

Council Resolution No. 139-2006 – Authorizing and directing the Howard County Office of Law to institute condemnation proceedings in the Circuit Court of Howard County, Maryland for the acquisition of a fee simple area containing 0.015 acres and a sewer and utility easement containing 0.073 acres, being a portion of Parcel 112, Block 21, Tax Map 43 which is necessary for the construction of Capital Project No. J-4148, Dorsey Run Road Extension

The Chairman moved to adopt Council Resolution No. 139-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 139-2006 passed.

Council Resolution No. 140-2006 – Approving an amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions, including:

1. Revision of the priority designations assigned in the Master Plan to certain private development projects; and
2. Update of the water and sewer facilities maps to reflect changes in the Metropolitan District.

The Chairman moved to adopt Council Resolution No. 140-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 140-2006 passed.

Council Resolution No. 141-2006 – Authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code in order to enter into a contract with Highland Crossing LLC, a Maryland limited liability company, to authorize certain cost sharing

The Chairman moved to adopt Council Resolution No. 141-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 141-2006 passed.

Council Resolution No. 142-2006 - Declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of portion of the streets known as Grover Place and Hill Street (sixty (60) feet in width) abutting lots 21, 22, and 23 in block 5 and lots 18, 19, 20, 21, and 22 in block 6; to reject the offer of dedication of Hill Street (sixty (60) feet in width) abutting lots 1 through 6 in block 4 and lots 10 and 22 (along Hill Street only) in block 6 as shown on the Plat of North Laurel;

and to accept the relocation of Hill Street through lots 9 and 19 in block 6 of the subdivision plat entitled "Property of North Laurel Park Company" recorded among the land records of Howard County, Maryland at liber 61, folio 470 in 1894

The Chairman moved to adopt Council Resolution No. 142-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Resolution No. 142-2006 as follows: *(This amendment corrects a lot number.)*

In the following instances, strike "12" and substitute "21":

- On page 1, in line 19;
 - On page 1, in line 29; and
 - On page 2, in line 10.
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His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Resolution No. 142-2006 passed.

The roll call vote called by the Chairman on the resolution as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 142-2006 passed as amended.

Council Resolution No. 143-2006 – Declaring that it is in the interest of the public health, safety, and welfare of the citizens of Howard County to accept the dedication of a portion of Forrest Avenue abutting lots 677 through 726 which is from the existing paved terminus at Highland Avenue to its western most point as shown on the plat entitled "Plat of Harwood" recorded among the Land Records of Howard County, Maryland at liber 60, folio 155 in 1893

The Chairman moved to adopt Council Resolution No. 143-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the resolution was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 143-2006 passed.

Council Resolution No. 144-2006 -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 2008 and Capital Improvement Program Request for Fiscal Years 2009-2013 for the purpose of submission to the Interagency Committee on School Construction.

The Chairman moved to adopt Council Resolution No. 144-2006. His motion was seconded by Mr. Guzzone.

The Chairman moved to adopt Amendment No. 1 to Council Resolution No. 144-2006 as follows: (This amendment substitutes pages to ensure the most current pages are attached to the Resolution. There are no changes in projects or dollar amounts. The only difference is that the prefiled pages are titled "Superintendent's Proposed" and the substitute pages are titled "Board of Education's Proposed".)

Remove the pages attached to the Resolution as introduced and substitute the pages attached to this amendment. (*See attached.*)

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Resolution No. 144-2006 passed.

The roll call vote called by the Chairman on the resolution as amended was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Resolution No. 144-2006 passed as amended.

Council Bill No. 68-2006 – Introduced by Christopher J. Merdon and Charles C. Feaga - Establishing a tax credit for certain senior citizens under certain conditions; establishing the terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; providing for the affect of the credit on deferred taxes (*Tabled 10/03/06*)

Council Bill No. 69-2006 - Introduced by Charles C. Feaga - Amending the Howard County Cable Television Systems Franchise Act creating a secondary cable franchise classification to enable developers to serve new communities with cable services designed specifically for those communities (*Substantively amended and tabled 10/03/06*)

The Chairman moved to remove Council Bill No. 68-2006 and Council Bill No. 69-2006 from the table. His motion was seconded by Mr. Ulman.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion to remove Council Bill No. 68-2006 and Council Bill No. 69-2006 from the table passed.

Council Bill No. 73-2006 - To incorporate into the Metropolitan District a parcel of real property owned by Nicholas B. Mangione and Mary Mangione, located in Mariottsville, Maryland (*Tabled 10/03/06*)

Council Member Feaga moved to remove Council Bill No. 73-2006 from the table. His motion was seconded by Mr. Merdon.

There was no vote on the motion.

Council Bill No. 68-2006 – Introduced by Christopher J. Merdon and Charles C. Feaga -
Establishing a tax credit for certain senior citizens under certain conditions; establishing
the terms, conditions, and duration of the credit; providing for an application procedure
and administration of the credit; providing for the affect of the credit on deferred taxes
(Tabled 10/03/06)

The Chairman moved to adopt Council Bill No. 68-2006. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the bill was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 68-2006 passed.

Council Bill No. 69-2006 - Introduced by Charles C. Feaga - Amending the Howard County
Cable Television Systems Franchise Act creating a secondary cable franchise
classification to enable developers to serve new communities with cable services
designed specifically for those communities
(Substantively amended and tabled 10/03/06)

The Chairman moved to adopt Council Bill No. 69-2006 as previously amended. His motion was seconded by Mr. Guzzone.

The Chairman moved to reconsider the vote by which Amendment No. 1 to Council Bill No. 69-2006 was passed. His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on the motion was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

The motion passed.

The Chairman moved to adopt Amendment No. 1 to Amendment No. 1 to Council Bill No. 69-2006 as follows: *(This amendment to amendment #1 would make the amendment gender neutral.)*

On page 1, in line 26, strike “THE” and substitute “ANY”.

On page 1, in line 27, strike “OF HIS CHOICE”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on Amendment No. 1 to the amendment was: Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Amendment No. 1 to Council Bill No. 69-2006 passed.

The Chairman moved to adopt Amendment No. 2 to Amendment No. 1 to Council Bill No. 69-2006 as follows: *(This amendment clarifies language, requires that open competition within a secondary franchise area be without charge, and corrects a spelling error).*

In line 16 after "REQUIRES" add "OR HAS THE EFFECT OF REQUIRING".

In line 25 after "CABLE OPERATORS" add "WITHOUT CHARGE EXCEPT FOR COMPENSATION FOR DAMAGES".

After line 27, insert “

“On page 3, in line 28, strike "FRANCHISE" and substitute "FRANCHISEE".”

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on Amendment No. 2 to the amendment was:
Yea: Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 2 to Amendment No. 1 to Council Bill No. 69-2006 passed.

The roll call vote called by the Chairman on Amendment No. 1 as amended was: Yea:
Council Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 1 to Council Bill No. 69-2006 passed as amended.

The Chairman moved to adopt Amendment No. 2 to Council Bill No. 69-2006 as follows:
(*This amendment extends the definition of “secondary franchisee”*).

On page 2, in line 11, after “DEVELOPMENT” insert “DEVELOPED,”.

Also on page 2, in line 11, after “FINANCED” insert “BY OR THROUGH”.

His motion was seconded by Mr. Guzzone.

The roll call vote called by the Chairman on Amendment No. 2 was: Yea: Council
Members Merdon, Ball, Feaga, Guzzone and Ulman.

Amendment No. 2 to Council Bill No. 69-2006 passed.

The roll call vote called by the Chairman on the bill as amended was: Yea: Council
Members Merdon, Ball, Feaga, Guzzone and Ulman.

Council Bill No. 69-2006 passed as amended.

ADJOURNMENT

The Chairman adjourned the legislative session at 5:05 p.m.

TABLED LEGISLATION

Council Bill No. 73-2006 - To incorporate into the Metropolitan District a parcel of real property owned by Nicholas B. Mangione and Mary Mangione, located in Marriottsville, Maryland (*Tabled 10/03/06*)

Council Resolution No. 128-2006 – Confirming the appointment of Cabell Greenwood to the Planning Board (*Tabled 10/30/06*)
