

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2008 Legislative Session

**Legislative Day No. 14
December 1, 2008**

HOWARD COUNTY TO WIT:

The Chairman called the session to order at 7:40 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.

Sheila Tolliver; Administrator to the County Council; Margaret Ann Nolan, County Solicitor; Jim Vannoy, Office of Law; and Jennifer Sager, Legislative Coordinator for the County Administration, were also present.

ELECTION OF OFFICERS

The election of County Council Officers, to serve from December 2008 to December 2009, was as follows:

Chairperson – Courtney Watson nominated Mary Kay Sigaty for Chairperson of the Howard County Council. Her motion was seconded by Calvin Ball.

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

The nomination of Council Member Sigaty for Chairperson of the Howard County Council was approved.

Vice Chairperson – Calvin Ball nominated Jennifer Terrasa for Vice Chairperson of the Howard County Council. His motion was seconded by Courtney Watson.

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

The nomination of Jennifer Terrasa for Vice Chairperson of the Howard County Council was approved.

Zoning Board Chair Person – Courtney Watson nominated Calvin Ball for Chairperson of the Zoning Board. Her motion was seconded by Ms. Sigaty.

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

The nomination of Calvin Ball for Chairperson of the Zoning Board was approved.

Zoning Board Vice Chairperson – Greg Fox nominated Courtney Watson for Vice Chairperson of the Zoning Board. His motion was seconded by Ms. Terrasa.

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

The nomination of Courtney Watson for Vice Chairperson of the Zoning Board was approved.

Liquor Board Chairperson – Courtney Watson nominated Greg Fox for Chairperson of the Board of License Commissioners. Her motion was seconded by Ms. Sigaty.

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

The nomination of Greg Fox for Chairperson of the Liquor Board was approved.

Liquor Board Vice Chairperson – Courtney Watson nominated Jennifer Terrasa for Vice Chairperson of the Board of License Commissioners. Her motion was seconded by Mr. Fox.

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

The nomination of Jennifer Terrasa for Vice Chairperson of the Board of License Commissioners was approved.

COUNCIL APPOINTMENTS

The Chairperson announced the following County Council appointments, effective December 2008 to December 2009:

Maryland Association of Counties Legislative Committee – Jen Terrasa

Patuxent River Commission – Mary Kay Sigaty

Baltimore Metropolitan Council and the Energy Committee of the National Association of Counties – Greg Fox

APPROVE JOURNAL

The Chairperson moved to approve the journal for Legislative Day No. 13, November 3, 2008. Her motion was seconded by Ms. Terrasa.

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

The motion to approve the journal passed.

APPROVE MINUTES

The Chairperson moved to approve the Minutes for the following meetings:

Public Hearing – November 17, 2008

Official Minutes of Closed Meeting – November 17, 2008

Confidential Minutes of Closed Meeting – November 17, 2008

Official Minutes of Closed Meeting – November 19, 2008

Confidential Minutes of Closed Meeting – November 19, 2008

Her motion was seconded by Ms. Terrasa.

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

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. 130-2008 – Confirming the appointment of Kevin E. Carlson, M.D. to the Board of Health

A RESOLUTION confirming the appointment of Kevin E. Carlson, M.D. to the Board of Health.

Council Resolution No. 131-2008 – Confirming the appointment of Christina Diaz-Malone to the Board to Promote Self-Sufficiency

A RESOLUTION confirming the appointment of Christina Diaz-Malone to the Board to Promote Self-Sufficiency.

Council Resolution No. 132-2008 – Confirming the appointment of Sierra Harris to the Human Rights Commission

A RESOLUTION confirming the appointment of Sierra Harris to the Human Rights Commission.

Council Resolution No. 133-2008 – Confirming the reappointment of Deborah Hayes to the Human Rights Commission

A RESOLUTION confirming the reappointment of Deborah Hayes to the Human Rights Commission.

Council Resolution No. 134-2008 – Confirming the appointment of Alfred J. LaBeau to the Commission on Disability Issues

A RESOLUTION confirming the appointment of Alfred J. LaBeau to the Commission on Disability Issues.

Council Resolution No. 135-2008 – Confirming the appointment of Katrina D. Mitchell-Cooper to the Board of Social Services

A RESOLUTION confirming the appointment of Katrina D. Mitchell-Cooper to the Board of Social Services.

Council Resolution No. 136-2008 – Confirming the reappointment of Sharon Neville to the Commission on Disability Issues

A RESOLUTION confirming the reappointment of Sharon Neville to the Commission on Disability Issues.

Council Resolution No. 137-2008 – Confirming the appointment of Mark E. Scanga to the Fire and Rescue Services Board

A RESOLUTION confirming the appointment of Mark E. Scanga to the Fire and Rescue Services Board.

Council Resolution No. 138-2008 – Confirming the appointment of Michael C. Smith to the Board of Social Services

A RESOLUTION confirming the appointment of Michael C. Smith to the Board of Social Services.

General

Council Bill No. 62-2008 – Introduced by Calvin Ball and Mary Kay Sigaty/Co-sponsored by Jennifer Terrasa - Amending the Howard County Code to exempt certain residential developments containing Moderate Income Housing Units from the allocations portion of the Adequate Public Facilities Ordinance, under certain circumstances; altering the categories to be used in the housing unit allocation chart; and generally relating to the Adequate Public Facilities Ordinance

An Act amending the Howard County Code to exempt certain residential developments containing Moderate Income Housing Units from the allocations portion of the Adequate Public Facilities Ordinance, under certain circumstances; altering the categories to be used in the housing unit allocation chart; and generally relating to the Adequate Public Facilities Ordinance.

Council Bill No. 63-2008 – Introduced by Councilperson Sigaty/Co-sponsored by Councilpersons Ball, Fox, Terrasa, and Watson - Establishing a position on the Commission for Women; clarifying membership to the Commission; clarifying terms for members of Commission; and providing for the term and appointment of certain positions

AN ACT establishing a position on the Commission for Women; clarifying membership to the Commission; clarifying terms for members of Commission; and providing for the term and appointment of certain positions.

Council Bill No. 64-2008 – Introduced by Councilperson Sigaty/Cosponsored by Councilpersons Ball, Fox, Terrasa, and Watson - Establishing a position on the Recreation and Parks Board; clarifying membership; and providing for the term and appointment of certain positions

AN ACT establishing a position on the Recreation and Parks Board; clarifying membership; and providing for the term and appointment of certain positions.

Council Resolution No. 139-2008 - Pursuant to Section 4.201 of the Howard County Code declaring that a water and sewer easement owned by Howard County, Maryland and located across property known as Parcel 211, Lot 143 on Tax Map 43 within the paper street known as Piedmont Drive in the Sixth Election District of Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, JLN Development, 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 terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration

A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a water and sewer easement owned by Howard County, Maryland and located across property known as Parcel 211, Lot 143 on Tax Map 43 within the paper street known as Piedmont Drive in the Sixth Election District of Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, JLN Development, 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 terminate the easement if he finds that it may have a further public use and submits his finding to the County Council for its consideration.

Council Resolution No. 140-2008 – Approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing development known as Guilford Gardens

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County Housing Commission and Howard County, Maryland for a multi-family rental housing development known as Guilford Gardens.

FINAL CONSIDERATION

Consent

Council Resolution No. 116-2008 – Confirming the appointment of Carole MacPhee to the Housing Commission

Council Resolution No. 117-2008 – Confirming the appointment of Lisa Bandel-Sparks to the Board to Promote Self-Sufficiency

Council Resolution No. 118-2008 – Confirming the appointment of Andrea Ingram to the Board to Promote Self-Sufficiency

Council Resolution No. 119-2008 – Confirming the appointment of Julie Keough to the Board to Promote Self-Sufficiency

Council Resolution No. 120-2008 – Confirming the appointment of Irfan Malik to the Board to Promote Self-Sufficiency

Council Resolution No. 121-2008 – Confirming the appointment of Richard Ohnmacht to the Board to Promote Self-Sufficiency

Council Resolution No. 122-2008 – Confirming the appointment of Jane O’Leary to the Board to Promote Self-Sufficiency

Council Resolution No. 124-2008 – Confirming the appointment of James Smith to the Board to Promote Self-Sufficiency

Council Resolution No. 125-2008 – Confirming the appointment of Sharon Ransome Smith to the Board to Promote Self-Sufficiency

Council Resolution No. 126-2008 – Confirming the appointment of Anne Towne to the Board to Promote Self-Sufficiency

Council Resolution No. 127-2008 – Confirming the appointment of Helen Woods to the Board to Promote Self-Sufficiency

Supplementary Budget & Appropriation Ordinance No. 3-Fiscal 2009 – Transferring \$62,247 from the Grants Fund, Contingency Reserve to the Police Department to pay the costs of an Administrative Analyst position

Supplementary Budget & Appropriation Ordinance No. 4-Fiscal 2009 - Transferring \$71,380 from the Grants Fund, Contingency Reserve to the Sheriff’s Office to provide funding for a deputy in the Domestic Violence Unit.

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

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

Council Resolutions No. 116-2008, No. 117-2008, No. 118-2008, No. 119-2008, No. 120-2008, No. 121-2008, No. 122-2008, No. 124-2008, No. 125-2008, No. 126-2008, No. 127-2008 and Supplementary Budget & Appropriation Ordinances No. 3-FY2009 and No. 4-FY2009 passed.

Appointments

Council Resolution No. 123-2008 – Confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency

The Chairperson moved to table Council Resolution No. 123-2008. The motion was seconded by Ms. Terrasa

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 Resolution No. 123-2008 passed.

Council Bill No. 59-2008 – Providing for the issuance of up to \$125,000,000 Howard County, Maryland Consolidated Public Improvement Bonds and up to \$35,000,000 Howard County, Maryland Metropolitan District Bonds

The Chairperson moved to adopt Council Bill No. 59-2008. The motion was seconded by Ms. Terrasa

The Chairperson moved to adopt Amendment No. 1 to Council Bill No. 59-2008 as follows: (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 Bill No. 59-2008 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. 59-2008 passed as amended.

Council Resolution No. 128-2008 - Introduced by the Chairperson at the request of the Board of Education - Approving certain transfers between capital projects in the Board of Education capital budget for Fiscal Year 2009, including the transfer of \$3,500,000 to capital project E-0980 (Systemic Renovations) from capital projects E-0972 (Bushy Park Elementary) and E-0975 (New Northern High School); \$1,000,000 to capital project E-0943 (Howard High Addition/Renovation) from capital project E-0975 (New Northern High School); and \$3,500,000 to capital project E-0954 (Glenelg High School Addition) from capital project E-0992 (Northeastern Elementary School)

The Chairperson moved to adopt Council Resolution No. 128-2008. 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. 128-2008 passed.

Council Bill No. 61-2008 – To authorize and empower Howard County, Maryland, to borrow up to \$1,450,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Projects Nos. E-0943 (Howard High Addition/Renovation) and E-0980 (Systemic Renovations)

The Chairperson moved to adopt Council Bill No. 61-2008. 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. 61-2008 passed.

General

Council Resolution No. 129-2008 – Introduced by Fox/Co-Sponsored by Watson - Approving an amendment to the Howard County Inventory of Scenic Roads which adds several rural, historically significant roads to the Inventory.

The Chairperson moved to adopt Council Resolution No. 129-2008. The motion was seconded by Ms. Terrasa.

The Chairperson moved to adopt Amendment No. 1 to Council Resolution No. 129-2008 as follows: *(This amendment would include the entire road segment of Ed Warfield Road in the Scenic Road Inventory. Currently the road segment located between Duvall Road and Daisy Road is not proposed to be included in the inventory).*

Substitute the attached page for the attachment entitled Ed Warfield Road.

ED WARFIELD ROAD

Scenic Road Designation Ed Warfield Road from Daisy Road to Jennings Chapel Road

Road Characteristics Pavement width: 20'
ROW width: 60'
Lanes: Two lanes, striped, no shoulders
Speed Limit: 30 miles per hour

Length: 1.471 miles from Daisy Road to Jennings Chapel Road

Road Classification Local road

Description Ed Warfield Road is a two-lane road without shoulders that passes two historically significant estates and crosses a branch of Cattail Creek in the rural western county. Dense woodlands along both sides enhance the character of the road and houses on large lots are primarily hidden from view.

Its two lanes and heavily forested areas create outstanding natural features providing the scenic character of Ed Warfield Road, named after former Governor Edwin Warfield. Historically significant as Governor Warfield's birthplace, Oakdale, built in 1838, is preserved into perpetuity. A large portion of the road follows an historic alignment from the Warfields' two family estates.

Ed Warfield Road passes scenic views with steep topography and a stream valley. Cattail Creek, a small stone fence, high hedgerows and steep embankments all provide outstanding scenic environmental elements. Sparsely placed yet established rural homes coexist with outstanding views of undisturbed woods.

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. 129-2008 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. 129-2008 passed as amended.

Council Bill No. 60-2008 – Approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 35 acres of agricultural land located at 3547 Route 94 in Howard County, Maryland, from Grace A. de Fries, Patricia C. de Fries, Carol J. de Fries and Grace A. de Fries, Trustee of the Carol F. de Fries Testamentary Trust, or any other owner thereof for a maximum purchase price of \$893,000 or, if less, \$25,498 per acre or portion thereof, rounded to the next highest \$1,000, plus interest thereon; providing

The Chairperson moved to adopt Council Bill No. 60-2008. 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. 60-2008 passed.

ADJOURNMENT

The Chairperson adjourned the legislative session at 8:02 p.m.

TABLED LEGISLATION

Council Resolution No. 101-2008 - Confirming the appointment of Susan Fillmore to the Board of Directors of the Howard County Mental Health Authority (*Tabled 11/03/08*)

Council Resolution No. 123-2008 – Confirming the appointment of Kelley Riddle to the Board to Promote Self-Sufficiency (*Tabled 12/01/08*)
