PROCEEDINGS OF LEGISLATIVE SESSION DAY 12-17 OF THE COUNTY COUNCIL OF HARFORD COUNTY, MARYLAND

May 22, 2012 COUNCIL CHAMBERS 7:30 P.M.

CALL TO ORDER – Legislative Session Day 12-17 was called to order at 7:34 p.m. by Council President William K. Boniface with all Members present.

PLEDGE OF ALLEGIANCE – The Pledge of Allegiance was led by Council President Boniface.

OPENING PRAYER – The Opening Prayer was delivered by Council Member Woods.

Council President Boniface read a letter from County Executive Craig, requesting the withdrawal of Bill Nos. 12-21, 12-22 and 12-23. At his request, Council President Boniface withdrew all three Bills.

PRESENTATION OF PROCLAMATIONS - None

CITIZEN INPUT – None

SPECIAL PRESENTATIONS – None

APPROVAL OF MINUTES – The minutes of LSD 12-15 (May 8, 2012), LSD 12-16 (May 15, 2012), and Budget Public Works Sessions (April 17, 2012, April 18, 2012, April 19, 2012, April 24, 2012, April 25, 2012, April 26, 2012) were placed on layover.

INTRODUCTION AND CONSIDERATION OF RESOLUTIONS

Resolution No. 14-12 (Adoption of Property Tax Rate) was introduced by Council President Boniface at the request of the County Executive:

> A RESOLUTION to levy and impose a property tax upon all persons for real and personal property in Harford County, Maryland, both within and without the City of Havre de Grace and the City of Aberdeen and the incorporated Town of Bel Air in the County, that is subject to ordinary taxation in accordance with Article 15 of the Declaration of Rights of the Maryland Constitution; the Tax Property Article, Senate Bill 626, Chapter 8 of the 2000 General Assembly and Article 25A, Section 5(o) of the Annotated Code of Maryland; and Chapter 123, Article I, Sections 123-15, 123-16 and 123-27 of the Harford County Code, as amended; for the purpose of meeting all of the estimated County expenses for the taxable year beginning on the 1st day of July, 2012, and ending on the 30th day of June, 2013, and to fix the rate of County taxation for such taxable property and year.

INTRODUCTION OF BILLS

Bill No. 12-28 (Charter Amendment – Vacancy in the Office of the County Executive) was introduced by Council President Boniface at the request of the County Executive:

AN ACT to propose an amendment to Article III, Executive Branch, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 307, Vacancy in the office of County Executive; to provide for the appointment of a County Executive in the event of a vacancy; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-29 (Charter Amendment – Public Notice Posting Requirements) was introduced by Council President Boniface at the request of the County Executive:

AN ACT to propose an amendment to Article II, Legislative Branch, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Subsection (b) of Section 213, County Auditor, Subsection (c) of Section 218, Enactment of legislation, and Section 221, Publication of laws; to propose an amendment to Article V, Budget and Finance, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 511, Public budget hearings; to propose an amendment to Article VII, Planning and Zoning, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Subsection (b) of Section 704, Procedural requirements in zoning cases; to propose an amendment to Article VIII, General Provisions, of the Harford County Charter, as amended, by adding Section 812, Public Notice; and to propose an amendment to Article IX, Effect and Amendment of Charter, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 905, Charter amendment; to provide requirements for posting of public notice of documents and events; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-30 (Charter Amendment – Submission of the County Budget) was introduced by Council President Boniface at the request of the County Executive:

AN ACT to propose an amendment to Article V, Budget and Finance, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 509, Submission of the County budget, and Subsection (c) of Section 512, Action on the budget by the Council; to provide for a change in the submittal date and the date of adoption of the Annual Budget and Appropriation Ordinance; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-31 (Charter Amendment – Qualifications of Council Members) was introduced by Council Member McMahan:

AN ACT to propose an amendment to Article II, Legislative Branch, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 207, Qualifications of Council members; to provide for the removal of the two year ban for appointment to a county office; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-32 (Charter Amendment – Redistricting Procedure) was introduced by Council President Boniface:

AN ACT to propose an amendment to Article II, Legislative Branch, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Subsection (a) of Section 205, Redistricting procedure; to provide for a change in the selection of members of the Redistricting Commission; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-33 (Charter Amendment – Zoning Board of Appeals) was introduced by Council Members Guthrie, Woods and Lisanti:

AN ACT to propose an amendment to Article VII, Planning and Zoning, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Subsections (b) and (c) of Section 706, Restrictions in Zoning Cases; to define a pending zoning case to include only those which are active and pending with the Zoning Hearing Examiner, County Council, or Circuit Court for Harford County and to correct the reference to the Board of Appeals as the County Council; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection, in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

Bill No. 12-34 (Charter Amendment – Classified and Exempt Services) was introduced by Council President Boniface:

AN ACT to propose an amendment to Article VI, Personnel, of the Harford County Charter, as amended, by repealing and reenacting, with amendments, Section 602, Classified and exempt services; to provide for the addition of the Legislative Aide position(s) in the Legislative Branch, the Council Attorney position and the County Auditor position; and to require the submission of this amendment to the legally qualified voters of Harford County for their adoption or rejection in accordance with Section 905 of the Harford County Charter.

Public hearing is scheduled for June 19, 2012 at 7:00 pm.

INTRODUCTION AND CONSIDERATION OF AMENDMENTS

Amendment Nos. 59 - 62 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were introduced by Council President Boniface at the request of the County Executive:

Amendment No. 59

On page 34, between lines 14 and 15 insert the following:
"Bynum Run at St. Andrews Way Stream Restoration 57,026".
(To add the Water Resources Capital Project – Bynum Run at St. Andrews Way Stream Restoration in the amount of $57,026.)

Amendment No. 60

On page 33, in line 11, strike "9,024,562" and substitute "9,081,588".
(To increase Reappropriated funding in the amount of $57,026 for the Water Resources Capital Project – Bynum Run at St. Andrews Way Stream Restoration.)

Amendment No. 61

On page 34, between lines 12 and 13, insert the following:
"Repairs to 45 South Main Street Building 100,000".
(To add the General Capital Project – Repairs to 45 South Main Street Building in the amount of $100,000.)

Amendment No. 62

On page 33, in line 9, strike "15,128,321" and substitute "15,228,321".
(To increase Paygo funding in the amount of $100,000 for the General Capital Project – Repairs to 45 South Main Street Building.)

Amendment Nos. 63 - 69 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were introduced by Council President Boniface at the request of the County Executive, and Council Member Lisanti:

Amendment No. 63

On page 34, between lines 15 and 16, insert the following:
"Lilly Run Watershed Restoration 725,000".
(To add the Water Resources Capital Project – Lilly Run Watershed Restoration in the amount of $725,000.)

Amendment No. 64

On page 33, in line 9, strike "15,128,321" and substitute "15,278,321".
(To increase Paygo funding in the amount $150,000 for the Water Resources Capital Project – Lilly Run Watershed Restoration.)

Amendment No. 65

On page 33, in line 12, strike "22,913,106" and substitute "22,988,106".
(To increase State funds in the amount of $75,000 for the Water Resources Capital Project – Lilly Run Watershed Restoration.)

Amendment No. 66

On page 33, in line 16, strike "1,957,583" and substitute "2,457,583".
(To increase Other funding in the amount of $500,000 for the Water Resources Capital Project – Lilly Run Watershed Restoration.)

Amendment No. 67

On page 40, between lines 16 and 17, insert the following:
"Water and Land Trails (North Park) 800,000".
(To add the Parks and Recreation Capital Project – Water and Land Trails (North Park) in the amount of $800,000.)

Amendment No. 68

On page 39, in line 3, strike "1,662,904" and substitute "1,962,904".
(To increase Paygo funding in the amount of $300,000 for the Parks and Recreation Capital Project – Water and Land Trails (North Park).)

Amendment No. 69

On page 39, in line 11, strike "160,000" and substitute "660,000".
(To increase Other funding in the amount of $500,000 for the Parks and Recreation Capital Project – Water and Land Trails (North Park).)

Amendment Nos. 70 - 74 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were introduced by Council President Boniface at the request of the County Executive:

Amendment No. 70

On page 43, in line 16, strike "(2,304,290)" and substitute "(1,543,453)"
(To correct Bond Premium amount.)

Amendment No. 71

On page 43, in line 19, strike "(9,020,231)" and substitute "(16,370,231)".
(To correct Designated for Landfill Closure amount.)

Amendment No. 72

On page 7, in line 10, strike "13,286,097" and substitute "18,815,838".
(To increase Fund Balance Appropriated in the amount of $5,529,741 to support State mandated contribution to teacher pensions.)

Amendment No. 73

On page 12, in line 25, strike the following:
"Fixed Charges 27,343,560"
and substitute the following:
"Fixed Charges and County Contributions to Pensions $32,873,301".
(To increase the Board of Education – Fixed Charges in the amount of $5,529,741 to support State mandated contribution to teacher pensions.)

Amendment No. 74

On page 12, between lines 25 and 26, insert the following verbiage:
"Fixed Charges include State mandated contribution to teacher pensions pursuant to SB 1301 – 2012 for Fiscal Year 2013 in the amount of $5,529,741".

Kathryn Hewitt, Treasurer, Mary Chance, Director of Administration, and Kimberly Spence, Chief, Budget and Management Research, provided testimony.

Amendment No. 59 & 60 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) was approved on motion made by Mr. McMahan, seconded by Mr. Woods, and unanimously approved (7-0).

Amendment Nos. 61 & 62 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

Amendment Nos. 63 - 66 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Ms. Lisanti, seconded by Mr. Guthrie, and unanimously approved (7-0).

Amendment Nos. 67 - 69 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Ms. Lisanti, seconded by Mr. Guthrie, and unanimously approved (7-0).

Amendment Nos. 70 & 71 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

Amendment Nos. 72 - 74 to Bill No. 12-24 (Annual Budget and Appropriation Ordinance) were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, with votes of "yes" made by President Boniface, Mr. McMahan, Mr. Shrodes, Mr. Slutzky and Ms. Lisanti. Mr. Guthrie and Mr. Woods voted "no" (5-2).

Memorandums of Change Nos. 26 - 29 to Resolution No. 13-12 (Adoption of Capital Program) were introduced by Council President Boniface at the request of the County Executive:

MEMORANDUM OF CHANGE #26

DATE: 22 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Water Resources

PROJECT: Lilly Run Watershed Restoration

This memorandum of change adds outyear Paygo funding to Fiscal Year 2014 in the amount a of $250,000 for the Water Resources Capital Project - Lilly Run Watershed Restoration.

MEMORANDUM OF CHANGE #27

DATE: 22 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: General

PROJECT: Performing Arts Theater – Opera House

This memorandum of change adds a new General Capital Project – Performing Arts Theater – Opera House to the Capital Program with outyear Paygo funding in the amount of $150,000 and the outyear Other funding in the amount of $500,000 for Fiscal Year 2014.

MEMORANDUM OF CHANGE #28

DATE: 22 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Harford Community College

PROJECT: New Nursing and Allied Health Building

This memorandum of change revises the project description for the Harford Community College Capital Project – New Nursing and Allied Health Building by striking the following verbiage:
"will be located on the main campus" and substituting the following verbiage:
"is planned to be located on the main campus. Collaboration with Upper Chesapeake Health Systems is encouraged."

MEMORANDUM OF CHANGE #29

DATE: 22 - May-12

REFERENCE: Resolution 13-12 Capital Program Fiscal Years 2013- 2018

AGENCY: Water Resources

PROJECT: Watershed Stream Assessment Studies 00

This memorandum of change adds a note to the Project Status stating that this project has been closed. Remaining funds from this project are being reappropriated to the Water Resources Capital Project – Bynum Run at St. Andrews Way Stream Restoration in Amendments 59 and 60.

Questions were answered by Kimberly Spence and Ms. Lisanti.

Memorandum of Change No. 26 to the Capital Program was approved on motion made by Ms. Lisanti, seconded by Mr. Slutzky, and carried with votes of "yes" by Mr. Guthrie, Mr. Woods, Mr. Shrodes, Mr. Slutzky and Ms. Lisanti. President Boniface cast the dissenting vote (6-1).

Memorandum of Change No. 27 to the Capital Program failed on motion made by Ms. Lisanti, seconded by Mr. Slutzky, with votes of "no" cast by Council President Boniface, Mr. Guthrie, Mr. Woods, Mr. McMahan, Mr. Shrodes and Mr. Slutzky. Ms. Lisanti was the lone vote of "yes" (1-6).

Memorandum of Change No. 28 to the Capital Program was approved on motion made by Ms. Lisanti, seconded by Mr. McMahan, and unanimously approved (7-0).

Memorandum of Change No. 29 to the Capital Program were approved on motion made by Mr. McMahan, seconded by Mr. Slutzky, and unanimously approved (7-0).

CALL FOR FINAL READING OF BILLS - None

ENROLLMENT OF BILLS - None

UNFINISHED BUSINESS – None

NEW BUSINESS – None

BUSINESS FROM THE PRESIDENT

Mr. Edward Fields, Director of Budget for Harford County Public Schools, requested approval of a Board of Education budget transfer. Motion to approve was made by Mr. Slutzky, seconded by Mr. Guthrie, and unanimously approved (7-0).

By unanimous consent (7-0), Melissa Lambert was appointed Council Attorney, effective June 11, 2012.

Council Attorney Charles Kearney was recognized for his work for the Council.

BUSINESS FROM COUNCIL MEMBERS

Remarks were offered by Council Members Guthrie, Woods, McMahan, Shrodes and Lisanti. Mr. McMahan thanked Mr. Kearney, Council Attorney.

COMMENTS FROM ATTENDING CITIZENS - None

ADJOURNMENT

The Legislative Session Day was adjourned at 9:32 p.m. by general consent.

APPROVED Billy Boniface 5/29/12
President Date