

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2019 Legislative Session**

**Legislative Day No.13**

November 4, 2019

**HOWARD COUNTY TO WIT:**

The Administrator called the legislative session to order at **7:07**p.m.

Chairperson Christiana Mercer Rigby, Vice Chairperson Opel Jones, Council Member Deb Jung, Council Member Liz Walsh, and Council Member David Yungmann were present.

Diane Schwartz Jones, Administrator to the County Council; Craig Glendenning, County Auditor; Jeff Meyers, Administrative Manager; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Sjori Thompson, Administrative Support were also present.

**APPROVE JOURNAL AND MINUTES**

The Chairperson moved to approve the Journal for October 7, 2019. The motion was seconded by Vice Chairperson Opel Jones.

The roll call vote called by the Administrator on the motion to approve the Journal was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve the Journal passed.

The Chairperson moved to approve the minutes of:

Monthly Meeting-October 15, 2019; Legislative Public Hearing- October 21, 2019

The motion was seconded by Council Member Jones.

The roll call vote called by the Administrator on the motion to approve the minutes was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve the minutes passed.

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**INTRODUCTION OF LEGISLATION**

The following legislation is introduced by the Chairperson at the request of the County Executive unless otherwise noted:

## Appointments

**Council Resolution 135-2019** - A RESOLUTION confirming the reappointment of Charles L. Fuller to the Public Ethics Commission. (No expiration date)

**Council Resolution 136-2019** - A RESOLUTION confirming the appointment of Brook Hubbard to the Local Behavioral Health Advisory Board. (No expiration date)

**Council Resolution 137-2019** - A RESOLUTION confirming the appointment of Kelly Kesler to the Howard County Commission for Veterans and Military Families. (No expiration date)

**Council Resolution 138-2019** - A RESOLUTION confirming the appointment of Keith McGuire to the Howard County Commission for Veterans and Military Families. (No expiration date)

**Council Resolution 139-2019** - A RESOLUTION confirming the appointment of Paul Rivers to the Howard County Commission for Veterans and Military Families. (No expiration date)

**Council Resolution 140-2019** - A RESOLUTION confirming the appointment of Michael Griggs to the Howard County Commission for Veterans and Military Families. (No expiration date)

**Council Resolution 141-2019** – Introduced by the Chairperson - A RESOLUTION appointing Gene Thomas Ryan to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2025. (No expiration date)

## General

**Council Resolution 142-2019** - A RESOLUTION increasing Forest Conservation fees-in lieu. (No expiration date)

**Council Bill 56-2019** - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Third Amendment for the lease of space; and authorizing the County Executive to take certain actions in connection with the Agreement. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 57-2019** - AN ACT amending the definition tobacco product to be consistent with State law; related to the distribution of tobacco products, prohibiting the distribution of tobacco products, including electronic smoking devices, to individuals under the age of 21 years; amending the enforcement provisions for unlawful distribution of tobacco products to an individual under the age of 21 years; providing for certain exceptions for individuals in the active military in accordance with State law; amending what constitutes acceptable proof of age; and generally related to the placement and distribution of tobacco products in Howard County. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council 58-2019** - AN ACT amending the Classification Plan for Howard County to add a description for the position of Office of Emergency Management Administrator; and generally

relating to amendments to the Howard County Classification Plan. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council 59-2019** - AN ACT amending the Pay Plan for Howard County to add certain positions into the list of Executive Exempt positions; and generally relating to the Pay Plan for Howard County. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 60-2019** - AN ACT specifying the appointing authority for the Administrator of the Office of Emergency Management; and generally relating to executive exempt provisions in the Howard County Code. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 61-2019** - AN ACT amending the criteria for granting waivers from the requirements of the Howard County Subdivision and Land Development Regulations; requiring survey bearings and distances on plans to delineate wetlands and required wetland and stream buffers; prohibiting the impact on certain steep slopes established by the prior development of the property; requiring that the Office of Community Sustainability and the Department of Public Works review certain requests for necessary disturbances; establishing criteria for alternative compliance from the provisions of the Subdivision and Land Development Regulations; providing that the Office of Transportation will also review requests to eliminate sidewalk requirements; and generally relating to alternative compliance, waiver and variances of the Subdivision and Land Development Regulations. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 62-2019** - Introduced by The Chairperson at the request of the County Executive and Cosponsored by Opel Jones, Deb Jung, Christiana Mercer Rigby, and Liz Walsh - AN ACT repealing and reenacting the Forest Conservation Act of Howard County; providing the purpose of the Act; defining certain terms to be used throughout the Act; requiring a Forest Conservation Plan for any person, or unit of local government, developing land 40,000 square feet or greater, subject to certain exceptions; requiring a Declaration of Intent for certain exemptions; setting forth the requirements of a Forest Conservation Plan; providing for the review process of a Forest Conservation Plan; requiring a Forest Conservation Manual to be prepared and adopted; requiring that the Manual include specific standards and guidelines; setting forth certain Forest Retention Priorities; requiring certain reforestation requirements and providing that reforestation shall be based on certain calculations; requiring certain afforestation and providing that afforestation shall be based on certain calculations; setting forth certain afforestation and reforestation location priorities and preferred methods; requiring certain site design; requiring certain financial security for afforestation and reforestation; authorizing a fee-in lieu of afforestation and reforestation under certain conditions; providing for Forest Conservation Fund to keep the fee-in-lieu of afforestation and reforestation and providing for the use of monies contained in the fund; providing for certain enforcement and penalties; requiring mitigation by the County when land is developed in violation of the Act; providing for certain appeals; allowing for the grant of variances of the provisions of the Act, under certain circumstances; allowing the abandonment of Forest Conservation Easements under certain conditions; providing for the opportunity to create a Forest Mitigation Bank under certain conditions; and generally related to forest conservation in Howard County. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Resolution 143-2019** - A RESOLUTION approving the 2019 Interim Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on and including: 1. Changes to capital projects related to the capital budget, the ten-year capital improvement program, or completed engineering studies; 2. The entry of properties into the County's Metropolitan District; 3. Changes in service area priorities for individual property parcels, subdivisions and developer projects based upon the review of capital and developer project progress; and 4. Changes to the water and sewer Planned Service Area. (No expiration date)

**Council Resolution 144-2019** - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that portions of parcels of land owned by Howard County totaling approximately 2.63 acres are no longer needed by the County for public purposes; authorizing the County Executive to convey fee simple title to such portions of the parcels to the adjacent property owner, the State of Maryland as part of the widening of Maryland Route 32 from Linden Church Road to Interstate-70; 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 convey such property if he finds that the land may have a further public use. (No expiration date)

**Council Resolution 145-2019** - Introduced by The Chairperson at the request of the County Executive at the request of the Board of Education of Howard County - A RESOLUTION pursuant to Sections 16.301 of the Howard County Code, granting variances for government uses from the use setbacks and height requirements for the 13th high school and ancillary roads, parking, sports fields, fences, and bleachers to be constructed on Property located along Mission Road in Jessup, Howard County, Maryland. (No expiration date)

**Council Bill 63-2019** – Introduced by Liz Walsh, Deb Jung and Christiana Mercer Rigby - AN ACT amending the Howard County Code by altering the requirements for a certain buffer between a road and a new major subdivision that is located along a Scenic Road; altering a certain approval process for a major subdivision that abuts or adjoins a scenic road; and generally relating to Scenic Roads. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 64-2019** - Introduced by: Opel Jones and Christiana Mercer Rigby - AN ACT to require a specified fee on certain disposable bags; providing for the collection of the fee and the administration of the subtitle; specifying the duties of certain stores; creating a Disposable Plastics Reduction Fund; providing for the administration and uses of the Fund; providing for penalties for certain violations; requiring certain studies and reports; and generally relating to disposable bags in the County. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 65-2019 (ZRA 189)** – Introduced by David Yungmann - AN ACT amending the Howard County Zoning Regulations to authorize the hearing authority to reduce the setback for buildings and parking uses associated with Commercial Athletic Facilities to no less than 25 feet if the petition includes detailed plans for screening that presents an attractive and effective visual barrier for neighboring properties; and generally relating to Commercial Athletic Facilities Conditional Uses. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

**Council Bill 66-2019** – Introduced by the Chairperson - AN ACT to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

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**FINAL CONSIDERATION**

**Consent Agenda**

There are were no items on the Consent Agenda.

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**Appointments**

**Council Resolution 124-2019** - A RESOLUTION confirming the appointment of Alexandra Berry to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

The Chairperson moved to approve Council Resolution 124-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 124-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 124-2019 passed.

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**Council Resolution 125-2019** - A RESOLUTION confirming the appointment of Richard Butler to the Charter Review Commission. *(No expiration date)*

The Chairperson moved to approve Council Resolution 125-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 125-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 125-2019 passed.

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**Council Resolution 126-2019** - A RESOLUTION confirming the appointment of Shanika M. Cooper to the Board of Social Services. *(No expiration date)*

The Chairperson moved to approve Council Resolution 126-2019. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1 to Council Resolution 126 -2019. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This amendment corrects the length of the term to be consistent with Section 3-501 of the Human Services Article of the Annotated Code of Maryland)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 126-2019 as amended by Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 126-2019 passed.

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**Council Resolution 127-2019** - A RESOLUTION confirming the appointment of Alaina Elam to the Board of Social Services. *(No expiration date)*

The Chairperson moved to approve Council Resolution 127-2019. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This amendment corrects the length of the term to be consistent with Section 3-501 of the Human Services Article of the Annotated Code of Maryland)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 127-2019 as amended by Amendment 1 was Yea: Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 127-2019 passed.

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**Council Resolution 128-2019** -A RESOLUTION confirming the appointment of Shahriar Etemadi to the Multimodal Transportation Board. *(No expiration date)*

The Chairperson moved to approve Council Resolution 128-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 128-2019 was: Yea Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 128-2019 passed.

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**Council Resolution 129-2019** - A RESOLUTION confirming the appointment of Wei Guo to the Commission on Aging. *(No expiration date)*

The Chairperson moved to approve Council Resolution 129-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 129-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 129-2019 passed.

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**Council Resolution 130-2019** - A RESOLUTION confirming the appointment of Roberta Kelly to the Cemetery Preservation Advisory Board. *(No expiration date)*

The Chairperson moved to approve Council Resolution 130 -2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 130-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 130 -2019 passed.

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**Council Resolution 131-2019** - A RESOLUTION confirming the appointment of Georgea Lee Moore to the Board of Social Services. *(No expiration date)*

The Chairperson moved to approve Council Resolution 131-2019. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This amendment corrects the length of the term to be consistent with Section 3-501 of the Human Services Article of the Annotated Code of Maryland)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 131-

2019 as amended by amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 131-2019 passed.

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### **Financial**

**SAO3-FY2020** - AN ACT transferring \$250,000 from the General Fund, Contingency Reserve to Non-Departmental Expenses for the costs of an audit of the Howard County Public School System. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice*)

The Chairperson moved to approve Supplemental Appropriation 03-FY2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Supplemental Appropriation 03-FY2020 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Supplemental Appropriation 03-FY2020 passed.

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### **General**

**Council Bill 50-2019** - AN ACT defining certain terms such as disability income, disability income housing unit, low income and low income housing unit; providing for Disability Income Housing Units as an optional method of providing moderate income housing units in certain instances; providing for certain numbers of units when Disability Income Housing Units are used; adding a unit type and size for studio units that are used as a Moderate Income Housing Unit offered for sale or rent; amending certain prohibited transfers to allow that certain types of entities that are formed to receive low income housing tax credits may use optional or alternative methods; amending the fee in lieu to clarify the basis for the computation of square footage used to determine the rate; clarifying when the fee in lieu will be paid; providing that the fee in lieu can be used for grants to the Housing Commission or local nonprofits; amending how many days the Department shall use when calculating the prevailing interest rate; providing that the Department shall establish rental rates for Disability Incoming Housing Units that shall be based on monthly income; clarifying that sales prices shall be based on certain square footage; establishing the pricing for the subsequent sale of previously occupied Moderate Income Housing Units, under certain conditions; providing for certain fines and penalties; adding certain qualifications to be eligible to purchase or rent; including employees of the Housing Commission as those who will receive certain priority; providing that purchasers who do not reside in their unit shall be subject to certain penalties; requiring that Regulations contain certain criteria; making certain technical corrections; and generally related to moderate income housing in Howard County. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

The Chairperson moved to approve Council Bill 50-2019. The motion was seconded by Dr. Jones.



The Chairperson moved to approve Amendment # 1 to Council Bill 50-2019. The motion was seconded by Dr. Jones.

**Amendment 1**

*(This amendment corrects the definition of disability income and adds the Office of Transportation as an agency that will review a request to provide Disability Income Housing Units as an optional method.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 50-2019 as amended by amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Bill 50-2019 as amended by Amendment 1 passes.

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**Council Bill 51-2019** - AN ACT prohibiting the use of pesticides on any County controlled, managed, or owned buildings and grounds unless the use complies with County policy; and generally related to pesticide/herbicide use on County property. *(Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.)*

The Chairperson moved to approve Council Bill 51-2019. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment # 1 to Council Bill 51-2019. The motion was seconded by Dr. Jones.

**Amendment 1**

*(This amendment corrects the subtitle and section names and defines the term "pesticide".)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 51-2019 as amended by amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, and Walsh.  
Nay: Yungmann.

The motion to approve Council Bill 51-2019 as amended by Amendment 1 passes.

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**Council Bill 52-2019** - AN ACT to establish a Human Trafficking Prevention Coordination Council;

providing for the membership of the Council; providing for the purpose and responsibilities of the Council; providing the expiration dates of the terms of the initial members of the Council; and generally relating to the Human Trafficking Prevention Coordination Council. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

The Chairperson moved to approve Council Bill 52-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to table Council Bill 52-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Bill 52-2019 passed.

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**Council Bill 53-2019** - AN ACT to amending the membership and responsibilities of the Board to Promote Self-Sufficiency; and generally relating to the Board to Promote Self-Sufficiency. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

The Chairperson moved to approve Council Bill 53-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 53-2019 was: Yea Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Bill 53-2019 passed.

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**Council Bill 54-2019** - AN ACT pursuant to Section 612 of the Howard County Charter, approving the Lease Agreement between Howard County, Maryland and Delta-Greenwood, LLC, a Maryland limited liability company, for 28,511 square feet of space at 8869 Greenwood Place, Savage, Maryland, to be used by the Department of Public Works, Bureau of Utilities; authorizing the County Executive to enter into the Agreement and to make changes to the Agreement before executing it, under certain conditions; and generally relating to a multi-year lease of certain premises by Howard County from Delta-Greenwood, LLC. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

The Chairperson moved to approve Council Bill 54-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 54-2019 was: Yea Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Bill 54-2019 passed.

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**Council Resolution 132-2019** - A RESOLUTION pursuant to Title 5, Subtitle 3 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget

Request for Fiscal Year 2021 and Capital Improvement Program Request for Fiscal Years 2022-2026 for the purpose of submission to the Interagency Commission on School Construction. *(No expiration date)*

The roll call vote called by the Administrator on the motion to approve Council Resolution 132-2019 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 132-2019 passed.

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**Council Bill 55-2019** - Introduced by David Yungmann - AN ACT establishing the temporary Commercial Solar Facility Conditional Use Interim Development Act; temporarily prohibiting certain Conditional Use petitions for proposed Conditional Use approvals for Commercial Solar Facility; finding that such petitions, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding agricultural uses; finding that the potential incompatibility represents a threat to the sustainability of the agricultural industry and its impact on public health, safety and welfare; providing that the purposes of this Act are to provide the Commercial Solar Facilities Task Force with time to study the deficiencies in the Commercial Solar Facility Conditional Use, investigate alternatives and make recommendations for improvement and give the County Council time to act on the recommendations; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to zoning and land use. *(Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.)*

The Chairperson moved to approve Council Bill 55-2019. The motion was seconded by Dr. Jones.

Council Member Yungmann moved to approve Amendment 1. The motion was seconded by the Chairperson.

**Amendment 1**

*(Clarifies that the Interim Development Act applies to Commercial Solar Facilities Conditional Uses on agriculturally preserved parcels.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passes.

Council Member Yungmann moved to approve Amendment 2. The motion was seconded by the Chairperson.

**Amendment 2**

*This amendment establishes a grandfathering clause for Commercial Solar projects that have conducted a presubmission community meeting prior to November 4, 2019.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 2 passes.

The roll call vote called by the Administrator on the motion to approve Council Bill 55-2019 as amended by amendments 1 and 2 was Yea: Council Member Yungmann Nay: Council Members Mercer Rigby, Jones, Jung, and Walsh.

The motion to approve Council Bill 55-2019 as amended by amendments 1 and 2 fails.

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**Council Resolution 133-2019** – Introduced by David Yungmann - A RESOLUTION creating a Task Force to study commercial solar facilities on agricultural land preservation parcels. *(No expiration date)*

The Chairperson moved to approve Council Resolution 133-2019. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1. The motion was seconded by Council Member Yungmann.

**Amendment 1**

*(This Amendment at the request of the County Executive 1. Charges the Environmental Sustainability Board with facilitating a Commercial Solar Facilities Task Force; 2. Adds members to the Task Force; 3. Adds to the items to be investigated by the Task Force; and 4. Amends the title accordingly.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Jones, Jung, Mercer Rigby, and Walsh. Nay: Yungmann.

The motion to approve Amendment 1 passes.

The roll call vote called by the Administrator on the motion to approve Council Resolution 133-2019 as amended by amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 133-2019 passes.

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**Council Resolution 134-2019** – Introduced by Opel Jones - A RESOLUTION calling on those offering homes for sale in Howard County to omit references to schools and school zones in certain advertising. *(No expiration date)*

Dr. Jones moved to approve Council Resolution 134-2019. The motion was seconded by the Chairperson.

Dr. Jones moved to approve Amendment 1. The motion was seconded by the Chairperson.

**Amendment 1**

*(This Amendment clarifies the activities and target groups of the sales practices.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 passes.

Dr. Jones moved to approve Amendment 2. The motion was seconded by the Chairperson.

**Amendment 2**

*(This Amendment clarifies the activities and target groups of the sales practices.)*

Dr. Jones moved to approve Amendment 1 to Amendment 2. The motion was seconded by the Chairperson.

**Amendment 1 to Amendment 2**

*(This Amendment clarifies the target groups of the sales practices.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 1 to Amendment 2 passes.

The roll call vote called by the Administrator on the motion to approve Amendment 2 as amended was Yea: Council Members Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 2 as amended passes.

The roll call vote called by the Administrator on the motion to approve Council Resolution 134-2019 as amended by Amendment 1 and Amendment 2, as amended, was Yea: Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Council Resolution 134-2019 as amended by Amendment 1 and Amendment 2, as amended, passes.

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**Council Bill 42-2019** - Introduced by Christiana Mercer Rigby and Deb Jung;  
Co-sponsored by Opel Jones and Liz Walsh - AN ACT to alter the school facilities surcharge in accordance with Chapter 744 of the Acts of the General Assembly of 2019; and generally relating to the school facilities surcharge. *(Expires 11/12/19; 12/17/19 if extended; or 01/21/20 if extended twice.)*

The Chairperson moved to remove from the table Council Bill 42-2019.

The roll call vote called by the Administrator on the motion to take Council Bill 42-2019 from the table was Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

Council Bill 42-2019 is removed from the table.

The Chairperson moved to approve Council Bill 42-2019. The motion was second by Dr. Jones.

The roll call vote called by the Administrator on the motion for a late file amendment for Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

Council Member Jung moved to approve Amendment 7. The motion was second by the Chairperson.

**Amendment 7**

*(The amendment provides for an annual adjustment of the rate.)*

The roll call vote called by the Administrator on the motion to approve Amendment 7 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh, and Yungmann.

The motion to approve Amendment 7 passes.

The Chairperson moved to approve Amendment 1. The motion was second by Council Member Jung.

**Amendment 1**

*(This amendment alters the rate for certain moderate-income housing units.)*

Dr. Jones moved to approve Amendment 1 to Amendment 1. The motion was second by the Chairperson.

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 1 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, and Yungmann. Nay: Walsh.

The motion to approve Amendment 1 to Amendment 1 passes.

The roll call vote called by the Administrator on the motion to approve Amendment 1 as amended to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, and Jung. Nay: Walsh and Yungmann.

The motion to approve Amendment 1 to Council 42-2019 passes.

The Chairperson moves to approve Amendment 2, the motion was second by Council Member Jung.

**Amendment 2**

*(This Amendment alters the rate for certain affordable housing projects.)*

The Chairperson moves to approve Amendment 1 to Amendment 2. The motion was second by

Council Member Jung.

**Amendment 1 to Amendment 2**

*(This Amendment eliminates certain projects from the reduced rate.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Walsh, Jung, and Yungmann.

The motion to approve Amendment 1 to Amendment 2 passes.

Council Member Walsh moved to approve Amendment 2 to Amendment 2. The motion was second by Council Member Jung.

**Amendment 2 to Amendment 2**

*(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 2 to Council Bill 42-2019 was Yea: Walsh. Nay: Mercer Rigby, Jones, Jung, and Yungmann.

The motion to approve Amendment 2 to Amendment 2 fails.

The roll call vote called by the Administrator on the motion to approve Amendment 2 as amended by Amendment 1 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, and Walsh. Nay: Yungmann.

The motion to approve Amendment 2 as amended by Amendment 1 passes.

Council Member Jung moved to approve Amendment 3. The motion was second by the Chairperson.

**Amendment 3**

*(This Amendment alters the rate for certain affordable housing projects.)*

Council Member Jung moved to approve Amendment 1 to Amendment 3. The motion was second by Dr. Jones.

**Amendment 1 to Amendment 3**

*(This Amendment eliminates certain projects from the reduced rate.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to

Amendment 3 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 3 passes.

Council Member Walsh moved to approve Amendment 2 to Amendment 3 to Council Bill 42-2019. The motion was second by Council Member Jung.

**Amendment 2 to Amendment 3**

*(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 3 to Council Bill 42-2019 was Yea: Walsh Nay: Mercer Rigby, Jones, Jung, and Yungmann

The motion to approve Amendment 2 to Amendment 3 fails.

The roll call vote called by the Administrator on the motion to approve Amendment 3 as amended by Amendment 1 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann.

The motion to approve Amendment 3 as amended by Amendment 1 passes.

Council Member Yungmann moves to approve Amendment 4. The motion is second by Dr. Jones.

**Amendment 4**

*(This Amendment alters the rate for certain housing units in Downtown Columbia.)*

Council Member Walsh moved to approve Amendment 1 to Amendment 4 to Council Bill 42-2019. The motion was second by Council Member Yungmann.

**Amendment 1 to Amendment 4**

*(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates from certain projects.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 4 as amended to Council Bill 42-2019 was Yea: Jones and Walsh. Nay: Mercer Rigby, Jung, and Yungmann.

The motion to approve Amendment 1 to Amendment 4 fails.

The roll call vote called by the Administrator on the motion to approve Amendment 4 as unamended to Council Bill 42-2019 was Yea; Jones and Yungmann. Nay: Mercer Rigby, Jung and



Walsh.

The motion to approve Amendment 4 fails.

Council Member Yungmann moves to approve Amendment 5 to Council Bill 42-2019. The motion was second by the Chairperson.

**Amendment 5**

*(This Amendment provides for a phase in-rates and the final rate.)*

Council Member Yungmann moves to approve Amendment 1 to Amendment 5 to Council Bill 42-2019. The motion was second by the Chairperson.

**Amendment 1 to Amendment 5**

*(This Amendment alters the phase in-rates and the final rate.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 5 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann

The motion to approve Amendment 1 to Amendment 5 passes.

The roll call vote called by the Administrator on the motion to approve Amendment 5 as amended to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, and Yungmann. Nay: Walsh.

The motion to approve Amendment 5 as amended by Amendment 1 passes.

Council Member Yungmann moves to approve Amendment 6 to Council Bill 42-2019. The motion was second by the Chairperson.

**Amendment 6**

*(This Amendment alters the rate for housing projects that have reached specified stages of development and sunsets that rate)*

Council Member Walsh moves to approve Amendment 1 to Amendment 6 to Council Bill 42-2019. The motion was second by the Chairperson.

**Amendment 1 to Amendment 6**

*(This Amendment helps to ensure that the revenues from the surcharge are not diminished in total by reducing rates for certain projects.)*

Council Member Yungmann moves to approve Amendment 2 to Amendment 6 to Council Bill 42-2019. The motion was second by the Chairperson.

The roll call vote called by the Administrator on the motion to approve Amendment 1 to

Amendment 6 to Council Bill 42-2019 was Yea: Walsh. Nay: Mercer Rigby, Jones, Jung and Yungmann.

The motion to approve Amendment 1 to Amendment 6 fails.

**Amendment 2 to Amendment 6**

*(This Amendment alters the projects that are grandfathered at the existing rate.)*

Council Member Yungmann withdraws the motion to approve Amendment 2 to Amendment 6. The motion was second by the Chairperson.

The Chair moves to approve Amendment 3 to Amendment 6 to Council Bill 42-2019. The motion was seconded by Dr. Jones.

**Amendment 3 to Amendment 6**

*(This Amendment reduces the kinds of projects that are grandfathered at the existing rate.)*

The Chairperson withdraws the motion to approve Amendment 3 to Amendment 6. The motion was second by Dr. Jones.

Council Member Yungmann moves to approve Amendment 4 to Amendment 6. The motion was second by the Chairperson.

**Amendment 4 to Amendment 6**

*(This Amendment alters the projects that are grandfathered at the existing rate.)*

The roll call vote called by the Administrator on the motion to approve Amendment 4 to Amendment 6 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, and Yungmann. Nay: Jung and Walsh.

The motion to approve Amendment 4 to Amendment 6 passes.

The roll call vote called by the Administrator on the motion to approve Amendment 6 as amended by Amendment 4 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, and Yungmann. Nay: Jung and Walsh.

The motion to approve Amendment 6 as amended by Amendment 4 passes.

The roll call vote called by the Administrator on the motion to approve the introduction of Amendment 8 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann.

The Chairperson moves to approve Amendment 8. The motion was second by Council Member

Jung.

**Amendment 8**

*(This technical Amendment deletes language that has already been enacted by Chapter 744 of the Acts of the General Assembly of 2019.)*

The roll call vote called by the Administrator on the motion to approve Amendment 8 to Council Bill 42-2019 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann.

The motion to approve Amendment 8 to Council Bill 42-2019 passes.

The roll call vote called by the Administrator on the motion to approve Council Bill 42-2019 as amended by Amendment 1, 2, 3, 5, 6, 7, and 8 was Yea: Mercer Rigby, Jones, Jung, Walsh and Yungmann.

The motion to approve Council Bill 42-2019 as amended by Amendment 1, 2, 3, 5, 6, 7, and 8 passes.

Adjourned: **11:05 PM**

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**Tabled Legislation**

**Council Bill 98-2019** – A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2020 pursuant to the Adequate Public Facilities Act of Howard County. *(No expiration date)*

**Council Resolution 89-2019** - Introduced by: The Chairperson at the request of the County Executive at the request of Dorsey Overlook, LLLP. – AN ACT declaring that a portion of Old Maryland Route 108, containing approximately 1.087 acres, is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the County's property interest to the developer of the adjacent property, Dorsey Overlook, LLLP. *(No expiration date)*