

Introduced 10/1/18  
Public hearing 10/15/18  
Council action 10/29/18  
Executive action 11/8/18  
Effective date 1/8/19

## County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 13

BILL NO. 75 - 2018

Introduced by: Jon Weinstein  
Co-sponsored by: Greg Fox and Mary Kay Sigaty

AN ACT amending the Howard County Code to create an approval requirement for the Certificate of Approval process for certain actions involving historic structures and public safety; and generally relating to historic structures.

Introduced and read first time October 1, 2018. Ordered posted and hearing scheduled.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on October 15, 2018.

By order Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on October 29, 2018 and Passed   , Passed with amendments   ✓  , Failed   .

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 1<sup>st</sup> day of November 2018 at 1<sup>00</sup> a.m. (p.m)

By order Jessica Feldmark  
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive 11/8, 2018

Allan H. Kittleman  
Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 *Section 1. Be it enacted by the County Council of Howard County, Maryland, that the Howard County*  
2 *Code is hereby amended as follows:*

3  
4 *By Amending:*

5  
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7  
8 *Subtitle 6. "Historic Preservation Commission"*

9 *Section 16.607. "Standards for Review." and*

10 *Section 16.608. "Structures of unusual importance."*

11  
12 **HOWARD COUNTY CODE**

13  
14 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**  
15 **REGULATIONS**

16  
17 **Subtitle 6. Historic Preservation Commission.**

18  
19 **Section 16.607. Standards for review.**

20 (a) *Elements for Consideration.* In reviewing an application for a certificate of approval, the  
21 Commission shall give consideration to:

- 22 (1) The historic, architectural, or archeological value or significance of the structure and its  
23 relationship to historic value of the surrounding area.
- 24 (2) The relationship of the exterior architectural features of such structure to the remainder  
25 of the structure and to the surrounding area.
- 26 (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and  
27 materials proposed to be used.
- 28 (4) WHETHER THE REQUESTED ACTION IS NECESSARY TO PROTECT AGAINST THREATS TO  
29 PUBLIC SAFETY.
- 30 (45) Any other factors, including aesthetic factors, which the Commission deems to be  
31 pertinent.

32 ~~(B) PUBLIC SAFETY. THE COMMISSION SHALL APPROVE AN APPLICATION FOR A CERTIFICATE OF~~  
33 ~~APPROVAL IF THE PROPOSED ALTERATION, CONSTRUCTION, MOVING OR DEMOLITION OF THE~~

1 ~~PROPOSED WORK IS NECESSARY TO PROTECT AGAINST THREATS TO PUBLIC SAFETY,~~  
2 ~~INCLUDING APPLICATIONS FOR STRUCTURES OF UNUSUAL IMPORTANCE.~~

3 ((b))e) *Exterior Features Only.* The Commission shall pass only on exterior features of a  
4 structure and shall not consider interior arrangement; nor shall it disapprove  
5 applications except in regard to the considerations set forth above.

6 ((c))D) *Intent of the Subtitle.* It is the intent of this subtitle that the Commission be strict in its  
7 judgment of plans for contributing structures. It is also the intent of this subtitle that the  
8 Commission shall be lenient in its judgment of plans for structures of little historic value  
9 or plans for new construction, except where such plans would seriously impair the  
10 historic or architectural value of surrounding structures or the surrounding area. It is not  
11 the intent of this subtitle to limit new construction, alteration, or repairs to the  
12 architectural style of any one period.

13 ((d))E) *Additional Guidelines.* The Commission shall adopt guidelines for its review of  
14 applications based on the standards of this subtitle. The guidelines may include  
15 standards for identifying contributing structures.

16 **Sec. 16.608. - Structures of unusual importance.**

17 (a) Structure of Unusual Importance. In the case of an application for alteration affecting  
18 the exterior appearance of a structure or for the moving or demolition of a structure the  
19 preservation of which the Commission deems of unusual importance to the County, State  
20 or nation, the Commission shall endeavor to work out with the owner an economically  
21 feasible plan for the preservation of such structure.

22 (b) Deny Application. Unless the Commission is satisfied that proposed construction,  
23 alteration, or reconstruction will not materially impair the historic value of the structure,  
24 the Commission shall deny the application.

25 (c) Negotiation. If an application is submitted for alteration, moving or demolition of a  
26 structure that the Commission deems of unusual importance and no economically feasible  
27 plan can be formulated, the Commission shall have 90 days from the time it concludes that  
28 no economically feasible plan can be formulated to negotiate with the owner and other  
29 parties in an effort to find a means of preserving the building.



1        (d) *Special Circumstances.* The Commission may approve the proposed alteration,  
2        moving or demolition of a structure of unusual importance despite the fact that the changes  
3        come within the provisions of subsections (a) through (c) of this section, if:

4            (1) The structure is a deterrent to a major improvement program which will be of  
5            substantial benefit to the County;

6            (2) RETENTION OF THE STRUCTURE WOULD BE A THREAT TO PUBLIC SAFETY;

7  
8            (~~[[2]]~~3) Retention of the structure would cause undue financial hardship to the owner;

9            or

10           (~~[[3]]~~4) Retention of the structure would not be in the interest of a majority of the persons  
11           in the community.

12  
13        *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the Department*  
14        *of Planning and Zoning shall, by the effective date of this Act, update the General Application for*  
15        *Certificate of Approval to reflect the Public Safety provision in this Act.*

16  
17        *Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall*  
18        *become effective 61 days after its enactment.*

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 8, 2018.

Jessica Feldmark  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on \_\_\_\_\_, 2018.

\_\_\_\_\_  
Jessica Feldmark, Administrator to the County Council

Amendment 1 to Council Bill 75-2018

BY: Mary Kay Sigaty  
Jon Weinstein  
Greg Fox

Legislative Day No: 14  
Date: 10/29/18

Amendment No. 1

1 (This amendment would provide discretion for the Historic Preservation Commission to  
2 approve Certificate of Approvals in the area of public safety and makes corresponding  
3 changes in the "Structures of unusual importance" section.)  
4  
5

6 On page 1, in line 9, after the closed quotation mark, insert "and". On the same  
7 page, in line 10, insert "Section 16.608. "Structures of unusual importance."".  
8

9 On page 1, immediately following line 27, insert the following:

10 "(4) WHETHER THE REQUESTED ACTION IS NECESSARY TO PROTECT AGAINST  
11 THREATS TO PUBLIC SAFETY.".  
12

13 On page 1, in line 28, strike "4" and substitute "5".  
14

15 Also, on page 1, in strike lines 30 - 33, in their entirety.  
16

17 On page 2, at the beginning of line 1, strike the brackets and the letter "C".  
18

19 On page 2, at the beginning of line 4, strike the brackets and the letter "D".  
20

21 On page 2, at the beginning of line 11, strike the brackets and the letter "E".  
22

23 On page 2, immediately following line 14, insert the following:

24 "Sec. 16.608. - Structures of unusual importance."

1 (a) Structure of Unusual Importance. In the case of an application for alteration  
2 affecting the exterior appearance of a structure or for the moving or demolition of a  
3 structure the preservation of which the Commission deems of unusual importance to the  
4 County, State or nation, the Commission shall endeavor to work out with the owner an  
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22 (3) Retention of the structure would not be in the interest of a majority of the  
23 persons in the community."

24  
25  
26  
ADOPTED 10/29/18  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman



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20 *become effective 61 days after its enactment.*

21

22

23



*[Faint, illegible text, possibly bleed-through from the reverse side of the page.]*

Amendment   1   to Council Bill 75-2018

BY: Mary Kay Sigaty  
Jon Weinstein  
Greg Fox

Legislative Day No: 14  
Date: 10/29/18

Amendment No.   1  

1     *(This amendment would provide discretion for the Historic Preservation Commission to*  
2     *approve Certificate of Approvals in the area of public safety and makes corresponding*  
3     *changes in the "Structures of unusual importance" section.)*

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22 ([3]4) Retention of the structure would not be in the interest of a majority of the  
23 persons in the community."  
24  
25  
26

**Sayers, Margery**

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**From:** Dan Finkelstein <danf879@gmail.com>  
**Sent:** Wednesday, October 24, 2018 11:08 AM  
**To:** CouncilMail  
**Subject:** CB75-2018

I write again in strong opposition to a bill, a truly despicable attempt to over-ride important historical checks and balances on a county council drunk with power and obsessed with a badly thought out plan for Maryland's most historic treasure.

The text of the bill is dangerous, requiring the HCHPC to approve certificates of demolition if the project is "necessary to protect against threats to public safety." This language is terribly broad, undermines the Council's independent work, and above all, unnecessary. Why was this even introduced? Is there a pressing need, putting the Ellicott City plan aside? Of course not. It's an attempt to make an end-run around the commission to get the much-ballyhooed EC plan implemented with a minimum of troublesome paperwork.

The fact this bill was introduced when it was is infuriating, evidence of politics at its absolute worst. All involved should be ashamed of themselves and by all means, please expect to see this come back up to bite you when you all attempt to seek higher public office in the future.

Sincerely,

Dan Finkelstein  
Trail View Drive

GMBRS  
JF  
MS

October 25, 2018

Howard County Council  
3430 Court House Drive  
Ellicott City, Maryland 21043

RE: Pending Howard County Council Bill CB75-2018

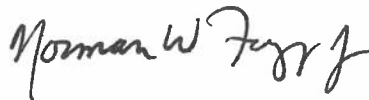
Dear Members of the Howard County Council:

I am the Chair of the Sykesville Historic District Commission and have reviewed the proposed Howard County Council Bill CB75-2018, along with comments submitted by the Maryland Association of Historic Districts. I share their concerns regarding precedent being set in Howard County by the pending Council Bill CB75-2018, specifically concerning Ellicott City, the Historic Preservation Commission (HPC) and protection from catastrophic flooding. My concern is that the lack of a more narrow definition of "public safety", along with the use of the language "shall approve", removes any ability of the HPC to deliberate, and disapprove with cause, any application regarding historic sites within Ellicott City, and especially that regarding flood mitigation. This language could continue to affect the role of HPC oversight in the future.

Further, this could be used to justify similar actions in other municipal historic preservation districts. Specifically, in Sykesville, our Historic District Commission is working to preserve the Warfield Historic Site which contains a number of buildings that require significant, expensive repairs to preserve them. It is not hard to conceive of a situation where the SHDC role to ensure their preservation could be compromised using that language in a similar Carroll County bill.

While I agree that an amendment regarding public safety is necessary to address this issue, I feel that definition should be narrowly defined and the term "shall approve" be modified to provide for the continued oversight of the HPC to approve or disapprove an application based on all considerations. To continue the important role of the Howard County Preservation Commission to provide oversight for the heritage of Howard County and to protect its independent nature, I respectfully request that the County Council consider the ramifications of the bill CB75-2018 and vote no on this version.

Respectfully submitted,



Norman Fogg  
718 Oklahoma Avenue  
Sykesville, MD 21784

CC: Leslie L. Gottert, MA, Executive Director, MAHD

**Sayers, Margery**

---

**From:** joy gaither-wineke <jgwink@hotmail.com>  
**Sent:** Monday, October 29, 2018 5:55 PM  
**To:** CouncilMail  
**Subject:** CB75

Hello,  
My name is Joy Wineke and I am a Ellicott City resident and I'm in of supports CB75.  
Please pass this amendment.  
Thank you,  
Joy Wineke  
Sent from my iPhone



**Sayers, Margery**

---

**From:** Ted Cochran <tedcochran55409@gmail.com>  
**Sent:** Monday, October 29, 2018 12:07 PM  
**To:** CouncilMail  
**Subject:** CB75-2018

Greetings,

Please table or kill this legislation. We do not need to micromanage the Historic Preservation Commission, and the last meeting of these council members should certainly should not be the opportunity for making sweeping changes to the rulebook.

Sincerely,

Ted Cochran  
Columbia, MD.

**Sayers, Margery**

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**From:** Tammy Bean <saveoldec@aol.com>  
**Sent:** Wednesday, October 24, 2018 3:51 PM  
**To:** CouncilMail  
**Subject:** Flood Mitigation Plan

To Whom it May Concern,

After spending upwards of 50 million dollars on a plan that allows for 4-6 feet of what is classified as "swift water" to flood the area and put lives in danger, the very thought of this plan having support seems preposterous. Even after 5 years the fact is that lives will still be put in harms way. The flat out lie by Mr. Fox about an open cut on CSX tracks shows his lack of knowledge on Design and Construction Standards by CSX. The flat out lie " We can't stop the flooding from happening altogether, but we can make it so that it's not going to be a threat to human life." is a staggering lie at best. That lie alone can endanger lives by giving people a false sense of safety! The building that's being allowed to continue and add more water to the flooding issue shows that the county is choosing developer money OVER lives. The decision on how to move forward needs to be left to the new council. The studies have been done, we all know that we do not have the time for more studies. Start the upstream mitigation plans; and not just 3% of what has been shown will make a difference. Leave Main Street to the new council, they are the ones that will have to deal with this....not you.

Thank you,  
T.

**Sayers, Margery**

---

**From:** Davia, Joseph P CIV CENAB CENAD (US) <Joseph.DaVia@usace.army.mil>  
**Sent:** Friday, October 19, 2018 8:09 AM  
**To:** OFAP  
**Cc:** CouncilMail; ElizabethHughes@Maryland.gov; RNiewig@savingplaces.org; NRedding@PresMD.org; gracek8@verizon.net; FDorsey1130@verizon.net; Kittleman, Allan; Owen, Gib; John Eddins; Beth Cole - MHT; Richmond, Mark S; William Seiger - MDE-  
**Subject:** Proposed Ellicott City Flood Mitigation Project, Ellicott City, Howard County, Maryland  
**Attachments:** 2018-02385 USACE Response to ACHP Letter.pdf

US Army Corps of Engineers, Baltimore District response to September 28, 2018 ACHP letter.

Joseph P. DaVia  
Chief, Maryland Section Northern  
US Army Corps of Engineers, Baltimore District  
410.962.5691  
joseph.davia@usace.army.mil

Assist us in better serving you!  
Please complete our brief customer survey, located at the following link:  
[http://corpsmapu.usace.army.mil/cm\\_apex/f?p=regulatory\\_survey](http://corpsmapu.usace.army.mil/cm_apex/f?p=regulatory_survey)



**DEPARTMENT OF THE ARMY**  
**BALTIMORE DISTRICT, CORPS OF ENGINEERS**  
**ATTN: REGULATORY BRANCH**  
**2 HOPKINS PLAZA**  
**BALTIMORE, MD 21201**

October 17, 2018

Operations Division

**SUBJECT: 2018-02385 HO DPW/ELLICOTT CITY FLOOD MITIGATION  
PROJECT/PRE-APP**

Ms. Jamie Loichinger  
Acting Assistant Director  
Federal Permitting, Licensing and Assistance Section  
Office of Federal Agency Programs  
Advisory Council on Historic Preservation  
401 F Street NW, Suite 308  
Washington, DC 20001-2637

Dear Ms. Loichinger:

This is in reference to your September 28, 2018 letter requesting the current status of the proposed Ellicott City Flood Mitigation Project.

The U.S. Army Corps of Engineers, Baltimore District (Corps) has not received a permit application requesting authorization to work in waters of the U.S. for the subject project. Therefore, the Corps has no review currently ongoing. However, the Corps and the Maryland Department of the Environment participated in a pre-application meeting with Howard County Department of Public Works (HO DPW) officials on August 22, 2018. The primary purpose of the meeting was to discuss the Federal/State permit process and information requirements. During this meeting, the Corps conveyed to HO DPW representatives that the proposed project (i.e., building removal and stream restoration) would also be subject to Federal review under Section 106 of the National Historic Preservation Act. At present, a lead Federal agency for the Section 106 review process has not been established.

We appreciate your interest in this matter. If you have any additional questions concerning this letter, please call Mr. Donald Bole of this office, at (410) 962-6079.

Sincerely,

**DAVIA.JOSEPH**  
**.P.1229279170**

Digitally signed by  
DAVIA.JOSEPH.P.1229279170  
DN: c=US, o=U.S. Government,  
ou=DoD, ou=PKI, ou=USA,  
cn=DAVIA.JOSEPH.P.1229279170  
Date: 2018.10.17 07:29:24 -04'00'

Joseph P. DaVia  
Chief, Maryland Section Northern

## Sayers, Margery

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**From:** Landon Davies <landon@daviesland.net>  
**Sent:** Tuesday, October 02, 2018 9:33 PM  
**To:** CouncilMail  
**Cc:** gail.bates@senate.state.md.us; Bob.Flanagan@house.state.md.us  
**Subject:** I strongly oppose CB 75-2018

Dear County Council,

I am writing to you again on the topic of Old Ellicott City. **I strongly oppose CB 75-2018.** Why is this legislation needed? What purpose could it serve except to disempower the Historic Preservation Commission in order to clear the way for your ill-advised demolition of our historic town?

We all want a safe, vibrant Ellicott City. Bulldozing the demolition plan through at all costs is not the right way to go! By all means, proceed with upstream flood mitigation and acquire properties, but do not demolish. Please, please look at the big picture and listen to all of your constituents, including the 74% percent of us seeking a saner solution.

Sincerely,  
Landon Davies  
Ellicott City

---

**From:** Landon Davies [mailto:landon@daviesland.net]  
**Sent:** Wednesday, September 26, 2018 9:58 PM  
**To:** councilmail@howardcountymd.gov  
**Cc:** gail.bates@senate.state.md.us; Bob.Flanagan@house.state.md.us  
**Subject:** Don't demolish Ellicott City---Prevent the flooding instead

Dear County Council,

Please do not demolish the heart of Ellicott City! The current plan sacrifices the core of our town while providing only a marginal reduction in flooding.

Please consider better options that completely mitigate the threat of flooding to Main Street using a combination of retention and diversion. Consult with national experts! Do not rush this arbitrary and deficient plan through. Find a viable solution that retains all of the historic buildings and puts an end to the flooding. ~75% of my fellow voters want you to develop another plan that does not demolish the heart of Ellicott City. Listen to us! Save our town!

I understand the need to take urgent action. These immediate actions could include new warning signs, loud warning lights and sirens, designated escape routes, new parking restrictions, buyouts, and temporary occupancy restrictions until flood mitigation is complete. Demolition is not the answer.

Sincerely,  
Landon Davies  
Ellicott City



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Nicholas Redding, have been duly authorized by  
*(name of individual)*

Preservation Maryland to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB-75 2018 to express the organization's  
*(bill or resolution number)*

support for opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Nicholas Redding

Signature: Nicholas Redding

Date: 10/15/18

Organization: Preservation MD

Organization Address: 3600 Clippu Mill Rd. Ste. 248

Baltimore, MD 21211

Number of Members: 7,000

Name of Chair/President: Anthony Azola

*This form can be submitted electronically via email to [councilmail@howardcountymd.gov](mailto:councilmail@howardcountymd.gov) no later than 5pm the day of the Public Hearing or delivered in person the night of the Public Hearing before testifying.*

# PATAPSCO HERITAGE GREENWAY, INC.

P. O. Box 96, Ellicott City, Maryland 21041 | info@patapsco.org | www.patapsco.org

October 15, 2018  
Re: CB 75-2018  
Howard County Code  
Preservation Commission

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**Chairperson Sigaty and members of the Howard County Council:**

**The Patapsco Heritage Greenway asks that you amend Council Bill 75 by deleting the proposed new language in Section 16.607 Historic Preservation Commission Standards for Review: titled Public Safety.**

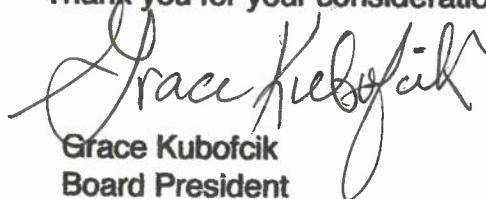
**In our opinion, the language is not needed, could be interpreted as a sole standard, provides no discretion, provides no criteria for Commission review and as written is mandatory.**

**The Historic Preservation Commission under its current guidelines already considers public safety and is presented with testimony regarding public safety.**

**The Historic Preservation Commission has been under going a review and rewrite of its Guidelines. We know a new chapter is proposed titled Flood Proofing and it will have elements related to emergency preparedness.**

**If the County Council needs to include the words public safety we suggest that they be placed in Section 16.607(a) under existing (4) or a new (5). "Public safety factors which the Commission deems pertinent or constitutes an emergency hazard."**

**Thank you for your consideration.**



**Grace Kubotcik  
Board President**

**CC: Lindsey Baker: Executive Director**





HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, Grace Kubofcik, have been duly authorized by  
*(name of individual)*

Patapasco Heritage Greenway to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB 75-2018 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Grace Kubofcik

Signature: Grace Kubofcik

Date: Oct 2, 2018 Board meeting

Organization: Patapasco Heritage Greenway

Organization Address: Old Columbia Pike

Ellicott City MD 21041

Chair/President: Grace Kubofcik





### Board

*Martha Clark*

*Fred Dorsey*

*Virginia Frank*

*Jacque Galke*

*Barbara Kellner*

*Laura Manning-Attridge*

*William Miller*

*Allan Shad*

October 15, 2018

My name is Fred Dorsey and I live at 10774 Judy Lane, Columbia. I am President of Preservation Howard County testifying on behalf of our officers and board members on CB 75 Amending the Howard County Code to create an approval for the Certificate of Approval process for certain actions involving historic structures and public safety; and generally relating to historic structures. We cannot support CB 75 as written.

CB 75 amends Section 16.607. Standards for review to include (B) Public Safety stating "The Commission shall approve an application for certificate of approval if the proposed alterations, construction, moving or demolition of the proposed work is necessary to protect against threats to public safety, including applications for structures of unusual importance."

It does not provide for the Commission to review and consider the application but to simply approve the application, specifies only structures of unusual importance from all other historic structures and provides no criteria for what constitutes threats of public safety.

I understand a concern for safety and in my years of attending Commission meetings they understand safety concerns both private and public with consistent forethought and competence.

The 16.607 (a) Elements for Consideration provides four (4) elements to be considered In reviewing an application for a certificate of approval.

PHC could support this bill should an amendment removing (2) Public Safety under Section 16.607 and expanding (a) (4) under Section 16.607 Standards to read:

(4) Any other factors, including aesthetic factors or public safety factors, which the Commission deems to be pertinent.

The Council has been a positive advocate for historic preservation through the passage of the County's Historic Preservation Plan, the increase to the Historic Properties Tax Credit Program from 10% to 25% and being the first county to do so, the addition of supplement historic buildings to the Historic Properties Tax Credit Program, the continuation of the Cemetery Preservation Advisory Board, and approval of a process to address minor building alterations.

Amending this bill will add to your historic preservation legacy.



HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, FRED DORSEY, have been duly authorized by  
(name of individual)

PRESERVATION HOWARD COUNTY to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-75 to express the organization's  
(bill or resolution number)

support for / opposition to request to amend this legislation.  
(Please circle one.)

Printed Name: FRED DORSEY

S. Allan Shad  
Secretary - PHO

Signature: Fred Dorsey

Date: 10-15-2018

Organization: PRESERVATION HOWARD COUNTY

Organization Address: 10774 JUDY LANE COLUMBIA, MA

Chair/President: \_\_\_\_\_





HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION

I, S. Allan Shad, have been duly authorized by  
(name of individual)

Historic Preservation Commission to deliver testimony to the  
(name of nonprofit organization or government board, commission, or task force)

County Council regarding CB-75-2018 to express the organization's  
(bill or resolution number)

support for / opposition to / request to amend this legislation.  
(Please circle one.)

Printed Name: S. Allan Shad

Signature: [Handwritten Signature]

Date: 10/15/2018

Organization: Howard County Historic Preservation Commission

Organization Address: 3040 Courthouse Drive, Ellicott City,  
MD 21043

Chair/President: Aileen Ferrer  
(Via Chair)

*Debbie Slack*

Good evening. My name is ~~Lori Lilly~~, I live in Woodstock and I am here to testify on behalf of the EC Flood Workgroup (FW).

The FW has been working together since 2015 after being appointed by the County Executive through an Executive Order. We have been engaged in monthly meetings for the past 3 years, liaising with experts, reaching out to the community, writing a report, and generally studying Ellicott City's flooding issue in depth. We have spent many hours tromping throughout the watershed, assessing conditions, reporting to the county and generally being engaged in the identification of potential solutions.

The FW supports CB 75 and the County's current proposed Flood Mitigation Plan that includes retention projects, conveyance improvements and floodplain expansion. We see removal of the 10 buildings on Lower Main as unfortunate but necessary as the buildings provide inadequate clearance for the flows that are coming to that point. Opening up the floodplain has been shown in the County's modeling to reduce velocities, which is extremely important for life safety. We see the proposed plan as an incremental step in improving this untenable situation. We are fully supportive of future actions and improvements to the current plan that will mitigate the future loss of any additional buildings.

CB 75 will also help to facilitate the implementation of necessary floodproofing projects that are needed throughout town. Matching the historic character of the town with floodproofing products is extremely expensive and there are no local vendors for these resources. The best products have been sourced in TX, North Dakota and even England and will need to be custom made to represent the historic character. The flood mitigation work is expensive enough already, property owners and the County need the ability to implement floodproofing projects in a more widespread and cost effective manner, particularly if we want to protect the buildings that remain after demolition while the flood mitigation strategy is being implemented.

Thank you for your consideration and hopefully support of CB 75.

Ellicott City Flood Workgroup





**HOWARD COUNTY COUNCIL  
AFFIDAVIT OF AUTHORIZATION  
TO TESTIFY ON BEHALF OF AN ORGANIZATION**

I, Debra Ann Slah/Katz, have been duly authorized by  
*(name of individual)*

Flood Workgroup to deliver testimony to the  
*(name of nonprofit organization or government board, commission, or task force)*

County Council regarding CB 75 to express the organization's  
*(bill or resolution number)*

support for / opposition to / request to amend this legislation.  
*(Please circle one.)*

Printed Name: Loei Lilly

Signature: [Handwritten Signature]

Date: 10/15/19

Organization: Ellicott City Flood Work Group

Organization Address: \_\_\_\_\_

Chair/President: Debra Ann Slah/Katz

**Sayers, Margery**

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**From:** Marjorie Valin <mvalin@frankbiz.com>  
**Sent:** Monday, October 15, 2018 1:12 PM  
**To:** CouncilMail  
**Subject:** Submitting testimony strongly against CB 75 2018

I am asking the Council to vote against CB-75 2018. It is so vague as to be irresponsible. Not only does it gut the authority of the HPC to carry out its mission, it would require the HPC to approve demolition of the very buildings it exists to protect - in the name of public safety, but with no definition of what constitutes public safety.

If a historic building does not pass inspection, is it a threat to public safety and subject to demolition?

If a building needs major repairs and renovation, like nearly every historic structure, is it to be torn down instead of restored?

If there is a fire that damages but does not destroy the structure, who decides if it is a safety threat?

If a historic building stands in the way of development rights, it is a good bet that someone will find a public safety concern.

And what are the parameters of "public safety"? 5 people? A block? A neighborhood, business district or voting district? Who writes laws that leave out this type of specificity?

CB 75 sets a terrible precedent that could make Ellicott City or other areas of Howard County unrecognizable in less than one generation. It is bad enough that this bill is an end run to avoid federal intervention that might delay or keep the flood mitigation plan moving forward, but it is a Pandora's Box for Howard County's future.

For a county that has been the financial beneficiary of heritage tours and cultural tourism, this bill is killing the goose that has laid the golden egg. I urge you in the strongest possible terms to vote against it.

Marjorie Valin  
5367 Five Fingers Way  
Columbia MD 21045

Co-owner of Frank Strategic Marketing, formerly located at 8320 Main Street, Ellicott City

## Sayers, Margery

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**From:** John Logan <jlstonekeeper@gmail.com>  
**Sent:** Monday, October 15, 2018 9:27 AM  
**To:** CouncilMail  
**Subject:** Bill CB75-2018 Demolition ECBldgs

I lived in HO for 55 years and worked for Rec and Parks for over 30. The last 20 I was charged with tool trade care of 18 historic sites owned by the County. Since retirement I have continued Preservation career with a stone, monument, gravestone repair and conservation business.

During Hurricane Katrina I received a grant from Worlds Monument fund to access damage to homes and structures in New Orleans. Published a pamphlet on care of flood damaged structures for residents, it was well received. After first flood in EC I sent 50 copies to Rec and Parks, did not hear back. Hope folks received copies that needed it.

What could possibly be more historically correct than what is already there? Foundations are probably compromised, but can be repaired, anything can be repaired, unless it explodes. If the B&O Station was half way down the hill in the river, I'm sure it would be repaired.

I have a relationship with the Association for Preservation Technology and many preservation architects. Some structural engineers are not versed on rubble stone, timber, triple brick or other historic building practices. Mostly concrete/ steel for demo. Public should be able to get the structural assessment reports and read them. Hope the County knows this.

Went to a Historic District Commission mtg years ago. Back then not many folks on the commission seemed to be versed in historic preservation practice and theory. My opinion ,hope there is more knowledge there now, not to discredit anyone. Should read the Secretary of Interior's Standards for treatment if historic structures, again. When plastic windows and cement board are approved building materials replacements that's not preservation in a historic district.

The money spent on architectural documents prior to demolition, the study of what should replace the bldgs and the cost of replacement would probably equal repair. Maybe a plaza with statues of the Ellicott Bros, George Howard, Wendall Bowman, or Roland Bounds.

Got my first real haircut in one of those bldgs, Clark's was really the only hardware in 1960 when I was 7. This is Ellicott City MD founded 1771, these buildings, the B&O station, this town was very significant to the founding of our Country. Very significant, agriculture, commerce, transportation.

In closing I hope there is not a big by partisan battle over this and I hope the County has done their homework thoroughly. I am not taking a side, just observations, opinions, statements of questions from someone that has been in the historic preservation tool trades for a while.

Thank you for your time, best regards  
Michael Logan Waynesboro, PA



## Sayers, Margery

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**From:** Peter Edelen <peter.edelen@peteredelen.com>  
**Sent:** Monday, October 15, 2018 6:55 AM  
**To:** CouncilMail  
**Subject:** Testimony In Support of CB75-2018

Dear Council Members,

I am submitting testimony in support of CB75-2018 in lieu of my scheduled public testimony.

While opposition has concentrated on “demolition”, it is important to note that there are a large number of flood proofing measures that could improve Public Safety proposed by the US Army Corps of Engineers that would not get approved by the Historic Preservation Commission ‘as is’ without purchasing expensive specialized and custom made mechanisms outside of the country in some cases. This is because readily available flood doors for example do not meet HPC requirements for facade improvements. There are a large number of structural flood proofing measures that can not be implemented because of these requirements.

I believe that approval of all flood proofing measures should take priority over stringent HPC requirements that prevent expedient remediation to structures along Main Street in the interest of Public Safety. The Historic Preservation Commission rules in the County Code already have rules in place for these types of applications in section 16.605 and I believe amending 16.607 for certificate of approvals in regards to Public Safety is absolutely necessary.

I would ask that in your consideration and decision of this bill, you review the NONSTRUCTURAL FLOOD PROOFING STUDY FOR ELLICOTT CITY, MD prepared by the U.S. Army Corps of Engineers with the Historic Preservation Commission in a special meeting and see how many recommended measures would be approved with their current requirements if this bill were not approved.

This report can be referenced here

at <https://www.howardcountymd.gov/LinkClick.aspx?fileticket=dHPynIDuG5I%3d&portalid=0> at <https://www.howardcountymd.gov/Departments/Ellicott-City-Flood-2018/Previous-Studies> in case you have not been provided this report before.

It has been wildly speculated that this bill would enable Howard County to demolish structures unrelated to Public Safety measures in favor of development. I believe this bill can be approved in a manner that would protect structures such as the B&O Railroad Museum and other historic structures throughout the County that have been speculated by opposition to mislead the public about this bill.

Thank you for your time and consideration,  
Peter A Edelen

## Sayers, Margery

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**From:** lindaleslie@verizon.net  
**Sent:** Monday, October 15, 2018 6:36 AM  
**To:** CouncilMail  
**Subject:** CB-75-2018 - No!

Dear council members,

I read with great dismay proposed legislation bill 75, which allows for, among other things, the destruction of historic buildings against the recommendations of the historic preservation commission. The speed with which you are trying to rush this bill through the council is alarming. The lack of details that have been provided on the necessity for this bill is equally alarming. Pretty much every historic building could be put at risk for the sake of "public safety." Would you care to define that better for us?

I do not support passage of this bill at this time.

- Linda Leslie  
Columbia, MD

Sent from AOL Mobile Mail

CMBRS  
JF  
MS

HOWARD COUNTY COUNCIL  
RECEIVED

2018 OCT 15 AM 10:11



October 12, 2018

Howard County Council  
3430 Court House Drive  
Ellicott City, Maryland 21043

Dear Members of the Howard County Council:

The Maryland Association of Historic District Commissions (MAHDC) respectfully requests that the County Council consider the ramifications of the bill **CB75-2018** currently pending before the Council, specifically concerning Ellicott City, the Historic Preservation Commission (HPC) and protection from catastrophic flooding.

As you are well aware, the HPC is responsible for guiding the protection of the contributing features of the historically and architecturally significant buildings, structures and streetscape of the town. The Commission is an appointed body that meets professional standards of excellence in the evaluation of historic resources and is certified under the Certified Local Government program. MAHDC considers the role of the Howard County Historic Preservation Commission as a decision-making body crucial in maintaining the integrity of Ellicott City's historic district. This bill would require the Commission to approve 'certificates of approval' for demolition and/or alteration of historical structures when a public safety concern is put forward. In this case, the definition of the term 'public safety', as broadly defined in the bill, could potentially limit the HPC's role and lead to undesired outcomes, such as demolition of buildings beyond and including those impacted within the plan put forward by the County Council, rather than finding ways to reduce risk while maintaining historical properties.

The Maryland Association of Historic District Commissions is made up of the representatives of forty-seven Historic Districts and Historic Preservation Commissions around the State of Maryland. Its primary mission is to provide training, program support and advocacy for historic preservation commissions and local governments across the state. MAHDC feels strongly that the preservation and the protection of significant historic sites and districts add value to the quality of life and sense of place of all Marylanders. These unique and irreplaceable assets also have significant economic benefits to individuals and communities. Through this

legislation, a dangerous precedent is set. The role of other HPCs around the state would be negatively compromised with a movement such as this from Howard County.

In light of recognition of the important role of the Howard County Preservation Commission to provide oversight for the heritage of Howard County and to protect its independent nature, MAHDC and our membership request that the Council oppose and vote no on bill **CB75-2018**.

Respectfully submitted,



Leslie L. Gottert, MA  
Executive Director  
Maryland Association of Historic District Commissions  
P.O. Box 783  
Frederick, MD 21705  
[www.mahdc.org](http://www.mahdc.org)