

Introduced 9/4/18  
Public Hearing 9/17/18  
Council Action 10/1/18  
Executive Action \_\_\_\_\_  
Effective Date \_\_\_\_\_

## County Council Of Howard County, Maryland

2018 Legislative Session

Legislative Day No. 12

Bill No. 61 -2018

Introduced by: The Chairperson at the request of the County Executive

AN ACT making emergency appropriations pursuant to Section 610(b) of the Howard County Charter and amending the Annual Budget and Appropriation Ordinance for Fiscal Year 2019 in order to implement the Ellicott City flood mitigation plan; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property.

Introduced and read first time September 4, 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 September 17, 2018.

By order

Jessica Feldmark  
Jessica Feldmark, Administrator

This Bill was read the third time on October 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 \_\_\_\_ day of \_\_\_\_\_, 2018 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_

Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive \_\_\_\_\_, 2018

\_\_\_\_\_  
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           **WHEREAS**, Council Bill No. 25-2018 (the “Bill”) is known as the Annual Budget and  
2 Appropriation Ordinance of Howard County, Fiscal Year 2019 and contains the capital and  
3 operating budget for the fiscal year beginning July 1, 2018 and ending June 30, 2019; and  
4

5           **WHEREAS**, as a result of the destructive flooding that occurred in Ellicott City and  
6 Valley Mede in 2016 and 2018, the County recognizes that significant changes need to be made  
7 in those areas in order to protect life, health and property; and  
8

9           **WHEREAS**, the County intends to implement the Ellicott City flood mitigation plan  
10 (“Plan”) which will result in the demolition and construction of structures in both Historic  
11 Ellicott City and Valley Mede; and  
12

13           **WHEREAS**, in conjunction with this Act, the Council has considered Transfer of  
14 Appropriation Ordinance No. 1 Fiscal Year 2019 which transfers a total of \$15,759,000 to  
15 Capital Project C0337, Ellicott City Improvements and Enhancements, and a total of \$1,000,000  
16 to Capital Project D1175, Valley Mede/Chatham Flood Mitigation, from various capital projects  
17 in the Fiscal Year 2019 Capital Budget; and  
18

19           **WHEREAS**, in order to implement the Plan, funding in the amount of \$2,000,000 from  
20 the General Fund, Contingency Reserve will be used for costs associated with the Plan; and  
21

22           **WHEREAS**, funding from the General Fund, Contingency Reserve for the Fiscal Year  
23 2019 Operating Budget will be used as Pay-As-You-Go funding in Capital Project C0337,  
24 Ellicott City Improvements and Enhancements; and  
25

26           **WHEREAS**, in order to implement the Plan, certain changes need to be made to the  
27 Capital Budget Detail Pages; and  
28

29           **WHEREAS**, pursuant to Section 610(b) of the Howard County Charter, this Emergency  
30 Bill is authorized as it is necessary to meet a public emergency affecting life, health or property.

1  
2 **NOW, THEREFORE,**  
3

4 *Section 1. Be It Enacted by the County Council of Howard County, Maryland, that the Annual*  
5 *Budget and Appropriation Ordinance for the fiscal year beginning July 1, 2018 and ending June*  
6 *30, 2019 is amended as follows:*

- 7 1. *On page 54, strike “2,000,000” in each instance and substitute “0” in each instance.*  
8 2. *On page 55, strike “10,928,778” and substitute “12,928,778”.*  
9

10 *Section 2. And Be It Further Enacted by the County Council of Howard County, Maryland,*  
11 *that, subject to the provisions of Maryland law, the Howard County Charter, and the Howard*  
12 *County Code relating to the budgetary and fiscal procedures, the amount hereafter specified is*  
13 *hereby approved, appropriated, and authorized to be disbursed for the general County purposes*  
14 *specified and in sums itemized for the fiscal year beginning July 1, 2018 and ending June 30,*  
15 *2019, as hereinafter indicated:*

16 **C0337 Ellicott City Improvements and Enhancements**

17	Appropriation Fiscal Year 2019 before transfer	\$1,415,000	
18	Plus amount transferred from the General Fund		
19	Contingency Reserve	<u>\$2,000,000</u>	(P)
20	Appropriation Fiscal Year 2019 after transfer	\$3,415,000	

21

22 *Section 3. And Be It Further Enacted by the County Council of Howard County, Maryland*  
23 *that, in order to incorporate the changes made in this Act, the Detail Pages for Capital Project*  
24 *C0337 shall be amended as shown in red in the attached amended Detail Pages.*  
25

26 *Section 4. And Be It Further Enacted by the County Council of Howard County, Maryland*  
27 *that, in the current expense budget and capital budget attached to this Act or incorporated by*  
28 *reference including the Capital Budget Detail pages, all subtotals, totals, and other calculated*  
29 *figures shall be corrected to accommodate amendments to this Act.*  
30

1 **Section 5. And Be It Further Enacted** by the County Council of Howard County, Maryland that,  
2 **having been passed by two-thirds of its members, this Act shall be effective immediately upon its**  
3 **enactment.**

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**Fiscal 2019 Capital Budget**

**GENERAL COUNTY PROJECTS**

**Project: FY2014 ELLICOTT CITY IMPROVEMENTS and ENHANCEMENTS**

Number: C0337

(In Thousands)

Appropriation Object Class	Prior Appr.	FY2019 Budget	Appr. Total	Five Year Capital Program					Master Plan						
				Fiscal 2020	Fiscal 2021	Fiscal 2022	Fiscal 2023	Fiscal 2024	Sub Total	Fiscal 2025	Fiscal 2026	Fiscal 2027	Fiscal 2028	Total Project	
PLANS & ENGINEERING	500	0	500	0	0	0	0	0	0	0	0	0	0	0	500
LAND ACQUISITION	1,000	<del>2,000</del> 1,000	<del>3,000</del> 1,000	0	0	0	0	0	0	0	0	0	0	0	<del>1,000</del> 1,000
CONSTRUCTION	2,875	1,415	4,290	0	0	0	0	0	0	0	0	0	0	0	4,290
Total Expenditures	4,375	<del>4,415</del> 4,415	<del>5,790</del> 5,790	0	0	0	0	0	0	0	0	0	0	0	<del>5,790</del> 5,790
BONDS	1,700	0	1,700	0	0	0	0	0	0	0	0	0	0	0	<del>1,700</del> 1,700
DEVELOPER CONTRIBUTION	0	165	165	0	0	0	0	0	0	0	0	0	0	0	165
GRANTS	170	1,250	1,420	0	0	0	0	0	0	0	0	0	0	0	1,420
OTHER SOURCES	5	0	5	0	0	0	0	0	0	0	0	0	0	0	5
PAY AS YOU GO	1,000	<del>0</del> 2,000	<del>4,000</del> 3,000	0	0	0	0	0	0	0	0	0	0	0	<del>4,000</del> 3,000
STORMWATER UTILITY FUNDING	1,500	0	1,500	0	0	0	0	0	0	0	0	0	0	0	1,500
Total Funding	4,375	<del>4,415</del> 3,415	<del>5,790</del> 7,790	0	0	0	0	0	0	0	0	0	0	0	<del>5,790</del> 7,790

\$3,998,515 spent and encumbered through February 2018  
 \$2,723,815 spent and encumbered through February 2017  
 Project Status : Performed design for Main St. crosswalk.  
 Performed concept design for Parking Lot F improvements.  
 Partial funding for Parking Lot E improvements.  
 Performed design for water quality bumpout on Ellicott Mills Drive.  
 Performed inspection of stream walls and began repairs of walls.  
 Repair walls at Court Ave, Tonge Row, Lot E northeast corner, Precious Gifts, and 84-inch Culvert.  
 Perform re-paving of Main Street  
 Perform design for Courthouse Drive roadway stabilization.

FY 2018 Budget	4,375	2,800	7,175	0	0	0	0	0	0	0	0	0	0	0	7,175
Difference 2018 / 2019	0	(1,385)	(1,385)	0	0	0	0	0	0	0	0	0	0	0	(1,385)



Amendment 1 to Council Bill No. 61-2018

BY: The Chairperson at the request  
of the County Executive

Legislative Day 13  
Date: October 1, 2018

Amendment No. 1

(This amendment:

1. Clarifies terminology;
2. Removes \$500,000 from the transfer from the General Fund Contingency Reserve; and
3. Allocates funding differently across Capital Project C0337 in order to shift funding from Land Acquisition to Construction.)

1 On page 1, in line 10, strike “demolition and construction” and substitute “acquisition, removal,  
2 relocation, deconstruction, or demolition”.

3  
4 In the following instances, strike “\$2,000,000” and substitute “\$1,500,000”:

- 5 1. On page 1, in line 19; and
- 6 2. On page 2, in line 19.

7  
8 On page 1, in line 14, strike “a total of \$15,759,000” and substitute “funding”.

9  
10 On page 1, in line 15, strike “a total of \$1,000,000”.

11  
12 On page 1, in line 16, strike “to”.

13  
14 On page 2, in line 7, strike “0” and substitute “\$500,000”.

15  
16 On page 2, in line 8, strike “12,928,778” and substitute “12,428,778”.

17  
18 On page 2, in line 20, strike “\$3,415,000” and substitute “\$2,915,000”.

19  
20 On page 2, in line 24, strike “in red”.

21  
22 Remove the Detail Page attached to the Bill as filed and substitute the revised detail page as  
23 attached to this amendment.

ADOPTED 10/1/18  
FAILED \_\_\_\_\_  
SIGNATURE Jessica Feldman

Dear Sir,

Yours faithfully,

[Signature]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

[Faint text]

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**Fiscal 2019 Capital Budget**

**GENERAL COUNTY PROJECTS**

**Project: FY2014 ELLICOTT CITY IMPROVEMENTS and ENHANCEMENTS**

**Number: C0337**

Appropriation Object Class	Prior Appr.	FY2019 Budget	Appr. Total	Five Year Capital Program							Master Plan				
				Fiscal 2020	Fiscal 2021	Fiscal 2022	Fiscal 2023	Fiscal 2024	Sub Total	Fiscal 2025	Fiscal 2026	Fiscal 2027	Fiscal 2028	Total Project	
PLANS & ENGINEERING	500	0	500	0	0	0	0	0	0	0	0	0	0	0	500
LAND ACQUISITION	1,000	0	1,000	0	0	0	0	0	0	0	0	0	0	0	1,000
		2,000	3,000												3,000
		0	1,000												1,000
CONSTRUCTION	2,875	1,445	4,290	0	0	0	0	0	0	0	0	0	0	0	4,290
		2,915	5,790												5,790
<b>Total Expenditures</b>	<b>4,375</b>	<b>3,445</b>	<b>6,790</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,790</b>
		<b>2,915</b>	<b>7,290</b>												<b>7,290</b>
BONDS	1,700	0	1,700	0	0	0	0	0	0	0	0	0	0	0	1,700
DEVELOPER CONTRIBUTION	0	165	165	0	0	0	0	0	0	0	0	0	0	0	165
GRANTS	170	1,250	1,420	0	0	0	0	0	0	0	0	0	0	0	1,420
OTHER SOURCES	5	0	5	0	0	0	0	0	0	0	0	0	0	0	5
PAY AS YOU GO	1,000	0	1,000	0	0	0	0	0	0	0	0	0	0	0	1,000
		2,000	3,000												3,000
		1,500	2,500												2,500
STORMWATER UTILITY FUNDING	1,500	0	1,500	0	0	0	0	0	0	0	0	0	0	0	1,500
<b>Total Funding</b>	<b>4,375</b>	<b>1,445</b>	<b>5,790</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,790</b>
		<b>3,445</b>	<b>7,790</b>												<b>7,790</b>
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Difference 2018 / 2019	0	(1,385)	(1,385)	0	0	0	0	0	0	0	0	0	0	0	(1,385)



CB61-2018 &  
CB62-2018

See TAO1-FY19 for ALL  
related documents

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Number: C0337

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<b>Total Funding</b>	<b>4,375</b>	<b>4,415</b>	<b>5,790</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>5,790</b>
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FY 2018 Budget	4,375	2,800	7,175	0	0	0	0	0	0	0	0	0	0	0	7,175
Difference 2018 / 2019	0	(1,385)	(1,385)	0	0	0	0	0	0	0	0	0	0	0	(1,385)

WRITTEN TESTIMONY IN OPPOSITION TO PORTIONS OF CB61-2018  
CB62-2018

Betty Adams, Glenwood MD 21738

The Hon. Mary Kay Sigaty , Chairperson  
The Hon. Calvin Ball  
The Hon. Jen Terrasa  
The Hon. Greg Fox  
The Hon. Jon Weinstein

2018 SEP 20 PM 1:36

HOWARD COUNTY COUNCIL  
RECEIVED

Madame Chairperson, Dr. Ball, Ms. Terrasa, Mr. Fox, Mr. Weinstein:

Somewhat ironically due to weather conditions and flooding out here in my part of Western Howard County, I was unable to appear to testify and so modified my written testimony so that you would not think me a discourteous no-show or someone who changed position.

Although I live in Western Howard County, I have close ties to Ellicott City. A Howard County resident since 1974 and married to a native Howard Countian, I lived in Ellicott City from 1974-1984. I served on the Board of Directors for the Howard County Historical Society until February of 2016 and have also been on the Board for Historic Ellicott City, Inc. I shop and dine in OEC.

Because of ties to Clark's Hardware, I was aware of the devastation from Agnes in 1972. I shoveled mud and cried with them as they were forced to relocate their business. I volunteered after Eloise in 1976. With my later participation in HEC, Inc. I was a strong supporter of giving as much financial aid as we could to the ECP in 2016-17; you may recall that proceeds from our Decorator Show house were earmarked for this aid and that we made a significant contribution.

I have been aware of the conversations and community meetings that have taken place since the 2016 flood. I know there have been discussions prior to 2016. However to say I was nonplused by the Press Conference in August is an understatement. It was the first I had heard of the Plan to demolish the swath of lower Main St. I immediately called for release of the Plan and in the interim studied the Army Corps of Engineers report and whatever else material I could locate. I have a copy of a Planning Report from August of 1976 prepared for the then Office of Planning and Zoning by Murphy/Williams in Philadelphia, "Ellicott City: New Life for an Old Town." That Report stressed what I see as missing in the current discussion: a consensus after full discussion of all engineering solutions and open and thoughtful community engagement.

Therefore I still question the process by which demolition became the ultimate solution. I am also troubled by the presentation of the Plan at a hastily called Press Conference when the actual Plan still was not released. I read and reread the Plan after its release and was dismayed that Preservation Maryland, a huge driving force, a resource, and source of hands-on assistance in 2016, had not been made aware of the Plan. Should other governmental agencies be involved? Are they involved?

Here are my other concerns:

- \* How are the buyouts being conducted, i.e., the methodology? How were property owners approached? What is the status of negotiations, if any? Upon what are valuations based? If there are appraisals, as is rumored, who were the appraisers? What factored into valuations - SDAT's assessments, purchase price, current condition, improvements, current financing? I understand the concept of private property, but you, the Council, are being asked to finance this with taxpayer money so any privacy arguments, to me, fail.
- \* How do we dispel the undercurrent of secretiveness, divisiveness, and distrust that exists? If the perception held by some is incorrect, the best way to deal with it is to continue the dialogue.
- \* Should you as a Council be rushed into decisions that could be irreversible? Does it have to be an all or nothing package? Can it be parsed?
- \* Have we truly explored all the options or is there a rush to do something/anything?
- \* What does Old Ellicott City become? Is a replica of Carroll Creek the model we seek and would that reflect the unique flavor of this wonderful old mill town?

In summary, my personal objection to the Plan is to the blanket demolition of all the lower Main St. buildings and what I see as a failure to deal with the New Cut Branch water flow.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Betty Fedams". The signature is written in dark ink and is positioned below the typed text of the letter.

CB61-2018 &  
CB62-2018

See TAO1-FY19 for ALL  
related documents