

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2018 Legislative Session**

**Legislative Day No. 8**

June 4, 2018

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:05** p.m.

Chairperson Mary Kay Sigaty, Vice Chairperson Calvin Ball, Council Member Greg Fox, and Council Member Jon Weinstein were present. Not present: Council Member Jennifer Terrasa.

Jessica Feldmark, Administrator to the County Council; Edward Shulder, Deputy County Auditor; Michelle Harrod, Deputy County Auditor; Jeff Meyers, Legislative Analyst; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Kel Habicht, Administrative Support were also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 5, May 7, 2018 and the Journal for Legislative Day No. 7, June 1, 2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve the journals passed.

The Chairperson moved to approve the minutes for the Constant Yield Public Hearing – May 7, 2018, the Operating Budget Work Session – May 9, 2018, the Operating Budget Work Session – May 14, 2018, the Budget Public Hearing – May 14, 2018, the Operating Budget Work Session – May 18, 2018 and the Budget Amendment Work Session – May 24, 2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve the minutes passed.

The Chairperson moved to suspend the rules to allow for introduction of Council Bill 47-2018, Council Bill 48-2018 and Council Resolution 85-2018 that were not prefiled. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to suspend the rules to allow for introduction of Council Bill 47-2018, Council Bill 48-2018 and Council Resolution 85-2018 that were not prefiled was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to suspend the rules to allow for introduction of Council Bill 47-2018, Council Bill 48-2018 and Council Resolution 85-2018 that were not prefiled 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 69-2018 - A RESOLUTION confirming the appointment of David W. Moynihan to the Board of Electrical Examiners. *(No expiration date)*

Council Resolution 70-2018 - A RESOLUTION confirming the appointment of Sharon R. Pinder to the Equal Business Opportunity Commission. *(No expiration date)*

Council Resolution 71-2018 - A RESOLUTION confirming the appointment of David Drasin to the Multimodal Transportation Board. *(No expiration date)*

Council Resolution 72-2018 - A RESOLUTION confirming the reappointment of Fred L. Coover to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 73-2018 - A RESOLUTION confirming the reappointment of Michelle Henry to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 74-2018 - A RESOLUTION confirming the reappointment of Archana Goel Leon-Guerrero to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 75-2018 - A RESOLUTION confirming the reappointment of Nikki Young to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 76-2018 - A RESOLUTION confirming the reappointment of Susan M. Hailman to the Commission on Aging. *(No expiration date)*

Council Resolution 77-2018 - A RESOLUTION confirming the reappointment of Timothy J. Collins to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 78-2018 - A RESOLUTION confirming the reappointment of Milton W. Matthews to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 79-2018 - A RESOLUTION confirming the reappointment of Mitra Basu to the Housing and Community Development Board. *(No expiration date)*

Council Resolution 80-2018 - A RESOLUTION confirming the reappointment of Khiem Doan to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 81-2018 - A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board. *(No expiration date)*

### **General**

Council Bill 39-2018 - Introduced by: Jon Weinstein - AN ACT requiring specified shelter and conditions for certain dogs at certain times; specifying how dogs may be tethered, authorizing the Animal Control Officer to issue certain animal safety alerts in a specified manner; requiring certain publicity of certain provisions of Title 17 Subtitle 3; providing for civil penalties for specified violations; and generally relating to animal control in Howard County. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 40-2018 - Introduced by: Jennifer Terrasa - An Act amending the Howard County Code to require presubmission community meetings for projects on publicly owned land and for projects that abut open space; and generally relating to presubmission community meetings. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 41-2018 – AN ACT amending a tax credit against the County tax imposed on real property that is owned by individuals who are a retired member of the Armed Forces of the United States to provide that certain surviving spouses of retired members of the Armed Forces are eligible to receive the property tax credit; and generally relating to real property tax credits. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 42-2018 - AN ACT establishing a tax credit against the County property tax imposed on certain real property that is owned by certain 9-1-1 Public Safety Telecommunicators under certain circumstances; establishing the amount, terms, and conditions of the credit; and generally relating to real property tax credits. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 43-2018 – Introduced by: The Chairperson - AN ACT specifying the manner of submitting reports, studies, publications, and other documents to the County Council; specifying the format of the documents; and generally relating to submissions to the County Council. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 44-2018 – Introduced by: The Chairperson - AN ACT modifying the Howard County Public Ethics Law by clarifying that “interest” does not include owning or holding an exchange-traded fund; specifying who must file financial disclosure statements; prohibiting certain lobbying by specified former officials related to legislation before the County Council for a specified period; altering certain disclosure requirements; requiring the Howard County Ethics Commission to redact certain home addresses from specified documents disclosed to the public; repealing the prohibition related to participating in County procurement if a certain contingency is met; and generally relating to the Howard County Public Ethics Law. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 45-2018 – Introduced by: The Chairperson - AN ACT prohibiting participation in specified County bidding by persons who have participated in specified activities related to assisting the County in developing the purchasing specifications, invitations, or requests for proposals; and generally relating to the Howard County Purchasing Law. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Bill 46-2018 – Introduced by: Jon Weinstein - AN ACT amending the Howard County Code to modify the process for establishing Single Site Historic Districts; and generally relating to Single Site Historic Districts. *(Expires 8/08/18; 9/07/18 if extended; or 10/07/18 if extended twice.)*

Council Resolution 82-2018 - A RESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2019 pursuant to the Adequate Public Facilities Act of Howard County. *(No expiration date)*

Council Resolution 83-2018 - A RESOLUTION adopting the School Capacity Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the school regions, elementary schools, and middle schools constrained for new residential development during each of the following years as based on the definition of program capacity as defined by Howard County Public School System policy. *(No expiration date)*

Council Bill 47-2018 - AN ACT making emergency appropriations pursuant to Section 610(b) of the Howard County Charter and amending the Annual Budget and Appropriation for Fiscal Year 2018 in order to fund unanticipated expenses related to flood response and recovery efforts in Howard County in 2018; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property. *(No effect in not adopted prior to 6/30/18.)*

Council Bill 48-2018 - Introduced by: The Chairperson at the request of the County Executive and Cosponsored by Jon Weinstein - AN ACT amending certain fees, as previously set by Resolution 62-2017, as amended by Resolution 57-2018; Resolution 111-2012; and Resolution 60-2017, as amended by Resolution 55-2018, for a limited time and related to property damaged by severe flooding in Howard County in 2018; and making this Act an Emergency Bill.

Council Resolution 85-2018 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on June 18, 2018.

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### **FINAL CONSIDERATION**

The Chairperson moved to allow the reading of short titles for bills and resolutions for final approval. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to allow the reading of short titles for bills and resolutions for final approval passed.

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### **General**

SAO2-FY2018 - AN ACT transferring \$934,400 from the General Fund, Contingency Reserve to the Department of Public Works for unanticipated expenses related to snow removal. (*Expires 7/11/18; 8/10/18 if extended; or 9/09/18 if extended twice.*)

The Chairperson moved to approve SAO2-FY2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve SAO2-FY2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve SAO2-FY2018 passed.

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Council Resolution 68-2018 - Introduced by: The Chairperson at the request of the Board of Education - A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2018; transferring \$1,989,750 to the Fixed Charges category, \$700,000 to the Administration category, and \$400,000 to the Student Transportation category. (*No expiration date.*)

The Chairperson moved to approve Council Resolution 68-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 68-2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Resolution 68-2018 passed.

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Council Bill 38-2018 (ZRA 182) – Introduced by: The Chairperson at the request of David Moxley - AN ACT amending the Howard County Zoning Regulations to permit nursing homes and residential care facilities as a matter of right in the Planned Service Area for Water and Sewage area of the B-2 zoning district; and generally relating to nursing homes and residential care facilities. (*Expires 7/11/18; 8/10/18 if extended; or 9/09/18 if extended twice.*)

The Chairperson moved to approve Council Bill 38-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Bill 38-2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Bill 38-2018 passed.

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Council Resolution 85-2018 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on June 18, 2018.

The Chairperson moved to approve Council Resolution 85-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 85-2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Resolution 85-2018 passed.

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The Chairperson moved to remove Council Bill 14-2018 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Bill 14-2018 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein.

The motion to remove Council Bill 14-2018 from the table passed.

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Council Bill 14-2018 - AN ACT allowing for the dismissal of classified employees in certain instances; and generally relating to Human Resources provisions in the County Code. (tabled 4/02/18) (*Expires 5/9/18; 6/8/18 if extended; or 7/8/18 if extended twice.*)

The Chairperson moved to approve Council Bill 14-2018. The motion was seconded by Dr. Ball.

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

**Amendment No. 1**

*(This amendment corrects how the current law is reflected and makes a technical correction.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 5. The motion was seconded by Dr. Ball.

**Amendment No. 5**

*(This amendment proposes changes to the bill to specify who may provide a medical evaluation and proposes parameters for a third medical evaluation).*

Council Member Fox moved to approve Amendment 3 to Amendment 5. The motion was seconded by Mr. Weinstein.

**Amendment No. 3 to Amendment 5**

*(This is a technical amendment which clarifies that the instruction will make changes to the bill starting on page 3.)*

The roll call vote called by the Administrator on the motion to approve Amendment 3 to Amendment 5 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 3 to Amendment 5 passed.

Council Member Fox moved to approve Amendment 4 to Amendment 5. The motion was seconded by Dr. Ball.

**Amendment No. 4 to Amendment 5**

*(This amendment references appeal provisions in the Howard County Code.)*

The roll call vote called by the Administrator on the motion to approve Amendment 4 to Amendment 5 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 4 to Amendment 5 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 5 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 5 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 14-2018 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Bill 14-2018 as amended passed.

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The Chairperson moved to remove Council Bill 20-2018 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Bill 20-2018 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein.

The motion to remove Council Bill 20-2018 from the table passed.

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Council Bill 20-2018 - Introduced by: Mary Kay Sigaty - AN ACT to regulate specified matters between certain landlords and tenants; specifying certain powers and duties of the Office of Consumer Protection and other units of County government; specifying the contents of certain lease applications and leases; requiring certain disclosures and notices; regulating the use of Ratio Utility Billing; prohibiting certain retaliatory practices; specifying certain rights of tenants and tenant organizations; specifying certain responsibilities of landlords and tenants; providing for certain penalties and other relief; providing for the application of this Act to certain existing leases; and generally relating to landlord-tenant relations. *(Expires 6/6/18; 7/6/18 if extended; or 8/5/18 if extended twice.)*

Council Member Weinstein moved to approve Amendment 2 to Amendment 4. The motion was seconded by Ms. Sigaty.

**Amendment No. 2 to Amendment 4**

*(This amendment adds a condition about relocation not being paid by the employer.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 2 to Amendment 4 passed.

Council Member Weinstein moved to approve Amendment 3 to Amendment 4. The motion was seconded by Ms. Sigaty.

**Amendment No. 3 to Amendment 4**

*(This amendment clarifies that the unemployment has to be “involuntary”.)*

The roll call vote called by the Administrator on the motion to approve Amendment 3 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 3 to Amendment 4 passed.

Council Member Weinstein moved to approve Amendment 4 to Amendment 4. The motion was seconded by Ms. Sigaty.

**Amendment No. 4 to Amendment 4**

*(This amendment specifies that there must also be governmental documentation of unemployment benefits.)*

The roll call vote called by the Administrator on the motion to approve Amendment 4 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 4 to Amendment 4 passed.

Council Member Fox moved to approve Amendment 5 to Amendment 4. The motion was seconded by Dr. Ball.

**Amendment No. 5 to Amendment 4**

*(This amendment allows for different termination notice period if both parties agree.)*

The roll call vote called by the Administrator on the motion to approve Amendment 5 to Amendment 4 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 5 to Amendment 4 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 4 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 4 as amended passed.

The Chairperson moved to approve Amendment 5. The motion was seconded by Dr. Ball.

**Amendment No. 5**

*(This amendment clarifies that the tenant must pay for services and utilities that are the tenant's obligations under the lease.)*

The roll call vote called by the Administrator on the motion to approve Amendment 5 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 5 passed.

The Chairperson moved to approve Amendment 6. The motion was seconded by Dr. Ball.

**Amendment No. 6**

*(This amendment clarifies landlord responsibilities under a RUBS regime.)*

The Chairperson moved to approve Amendment 1 to Amendment 6. The motion was seconded by Dr. Ball.

**Amendment No. 1 to Amendment 6**

*(This amendment caps the administrative fee at the actual administrative fee.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 6 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 1 to Amendment 6 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 6 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 6 as amended passed.

The Chairperson moved to approve Amendment 7. The motion was seconded by Dr. Ball.

**Amendment No. 7**

*(This amendment describes the characteristics of a tenant organization modeled after HUD notice H 2011-29 issued on October 13, 2011.)*

The roll call vote called by the Administrator on the motion to approve Amendment 7 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Amendment 7 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 20-2018 as amended was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Bill 20-2018 as amended passed.

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The Chairperson moved to remove Council Bill 21-2018 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Bill 21-2018 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein.

The motion to remove Council Bill 21-2018 from the table passed.

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Council Bill 21-2018 (ZRA183) - Introduced by: Greg Fox and Mary Kay Sigaty - AN ACT allowing certain composting facilities and natural wood waste recycling as accessory uses under certain conditions in certain Zoning Districts; allowing certain natural wood waste recycling facilities and composting facilities as a use permitted as a matter of right under certain conditions in certain Zoning Districts; providing supplementary regulations for composting facilities; providing conditional use standards for composting facilities and natural wood waste recycling facilities; defining certain terms; making certain technical corrections; and generally relating to the Howard County Zoning Regulations. (*Expires 6/6/18; 7/6/18 if extended; or 8/5/18 if extended twice.*)

The Chairperson moved to withdraw Council Bill 21-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to withdraw Council Bill 21-2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to withdraw Council Bill 21-2018 passed.

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The Chairperson moved to remove Council Resolution 43-2018 from the table. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to remove Council Resolution 43-2018 from the table was: Yea: Council Members, Ball, Fox, Sigaty and Weinstein.

The motion to remove Council Resolution 43-2018 from the table passed.

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Council Resolution 43-2018 - A RESOLUTION confirming the reappointment of Phillips S. Engelke to the Planning Board. (tabled 5/7/18) (*No expiration date.*)

The Chairperson moved to approve Council Resolution 43-2018. The motion was seconded by Dr. Ball.

The roll call vote called by the Administrator on the motion to approve Council Resolution 43-2018 was: Yea: Council Members Ball, Fox, Sigaty and Weinstein.

The motion to approve Council Resolution 43-2018 passed.

Adjourned **8:17** p.m.

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**Tabled**

Council Resolution 112-2017 - A RESOLUTION amending the green neighborhood standards that are used to qualify for Green Neighborhood Allocations and amending a total number of possible points on the Green Neighborhood Site portion of the Green Neighborhood Checklist. (tabled 7/26/17) *(No expiration date.)*

Council Resolution 1-2017 – Introduced by the Chairperson at the request of Windsor Forest Fox Chasing HOA, Inc. and Gaither Hunt Homeowners Association, Inc.; A RESOLUTION to close all of Winter Thicket Road, as shown in Exhibits A and B, in accordance with Section 18.204 of the Howard County Code. (tabled 2/6/17) *(No expiration date.)*

Council Resolution 179-2016 – Introduced by Calvin Ball and Jennifer Terrasa; A RESOLUTION calling on the Maryland State Department of Education to contract for a performance audit of the Howard County Public School System and specifying the issues requested to be studied. (tabled 12/05/16) *(No expiration date.)*

Council Resolution 104-2016 – A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive’s sale of certain real property known as the “Flier Building” owned by Howard County, Maryland, containing approximately 2.159 acres, and located at 10750 Little Patuxent Parkway, Maryland; 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 sell the property if he finds that it may have a further public use. (tabled 7/29/16) *(No expiration date.)*