

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2019 Legislative Session

Legislative Day No. 3
February 4, 2019

HOWARD COUNTY TO WIT:

The Administrator called the legislative session to order at **7:05** 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.

Theo Wimberly, Acting Administrator to the County Council; Craig Glendenning, County Auditor; Jeff Meyers, Legislative Analyst; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; and Trish Hammond, Administrative Support were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 2, January 22, 2019. The motion was seconded by Council Member Jones.

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

The motion to approve the journal passed.

The Chairperson moved to approve the minutes for the Monthly Meeting – January 14, 2019; Public Hearing – January 22, 2019; Joint Meeting with the Board of Education – January 28, 2019; and Legislative Work Session – January 28, 2019. The motion was seconded by Council Member Jones.

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

The motion to approve the minutes passed.

INTRODUCTION OF LEGISLATION

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

Appointments

Council Resolution 9-2019 - A RESOLUTION confirming the appointment of Gary W. Kuc as County Solicitor. *(No expiration date)*

Council Resolution 10-2019 - A RESOLUTION confirming the appointment of Amber Dawn Butler to the Environmental Sustainability Board. *(No expiration date)*

Council Resolution 11-2019 - A RESOLUTION confirming the appointment of Randy G. Murbach to the Commission on Disabilities. *(No expiration date)*

Council Resolution 12-2019 - A RESOLUTION confirming the appointment of Leslie P. Salgado-Tamayo to the Human Rights Commission. *(No expiration date)*

Council Resolution 13-2019 - A RESOLUTION confirming the appointment of Vivian Chi Stone, AIA, LEED AP, to the Howard County Design Advisory Panel. *(No expiration date)*

Council Resolution 14-2019 - A RESOLUTION confirming the appointment of Melissa Hennessy Teitelbaum to the Board of Social Services. *(No expiration date)*

Financial

Council Resolution 16-2019 - A RESOLUTION amending the Howard County Health Department Operating Budget, as reflected in Council Resolution No. 54-2018, to account for additional funding received from the State of Maryland; and generally relating to the Health Department Operating Budget for Fiscal Year 2019. *(No expiration date)*

General

Council Bill 5-2019 - AN ACT amending the purpose of the Local Children's Board; amending the membership of the Board; amending certain provisions related to the Officers of the Board; amending the number of meetings required to be held by the Board; amending the responsibilities of the Board; removing certain review requirements; making certain technical corrections and generally relating to the Local Children's Board.

(Expires 4/15/19; 5/20/19 if extended; or 6/24/19 if extended twice.)

Council Bill 6-2019 - AN ACT specifying the appointing authority for certain executive exempt positions within the executive branch; and generally relating to executive exempt provisions in the Howard County Code. *(Expires 4/15/19; 5/20/19 if extended; or 6/24/19 if extended twice.)*

Council Bill 7-2019 - AN ACT allowing an Ex-Officio member to appoint a designee to serve on the Local Behavioral Health Advisory Board; clarifying what constitutes a quorum; providing for staggered terms of Board members; and generally relating to the Local Behavioral Health Advisory Board. *(Expires 4/15/19; 5/20/19 if extended; or 6/24/19 if extended twice.)*

Council Resolution 17-2019 - A RESOLUTION endorsing the provision of financing by the State Department of Commerce for an economic development project in Howard County and certifying that the project is consistent with the County's plan for economic development. *(No expiration date)*

Council Resolution 18-2019 – Introduced by: The Chairperson - A RESOLUTION establishing a Charter Review Commission to review and make recommendations concerning the Howard County Charter; appointing certain persons to serve on the Commission; appointing a Chairperson; providing for the duties of the Commission including the duty to submit a final report on or before a certain date; and generally relating to the Charter Review Commission. *(No expiration date)*

FINAL CONSIDERATION

General

TAO2-2019 - Transferring a total of \$650,000 from certain capital projects within the Board of Education's capital budget to Systemic Renovations and Barrier-Free Projects. *(Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.)*

The Chairperson moved to approve TAO2-2019. The motion was seconded by Council Member Jones.

The roll call vote called by the Administrator on the motion to approve TAO2-2019 was:
Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve TAO2-2019 passed.

Council Bill 1-2019 - Authorizing and empowering Howard County, Maryland to borrow up to \$650,000 to be used to pay costs of various capital projects in the County's Fiscal Year 2019 Capital Budget. (*Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.*)

The Chairperson moved to approve Council Bill 1-2019. The motion was seconded by Council Member Jones.

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

The motion to approve Council Bill 1-2019 passed.

Council Bill 2-2019 - Authorizing the issuance, sale and delivery of up to \$150,000,000 in consolidated public improvement bonds and up to \$100,000,000 in metropolitan district bonds. (*Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.*)

The Chairperson moved to approve Council Bill 2-2019. The motion was seconded by Council Member Jones.

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

The motion to approve Council Bill 2-2019 passed.

Council Resolution 1-2019 - Amending the Purchasing Manual in order to incorporate certain requirements related to Federal grant funded purchases. (*No expiration date*)

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

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

The motion to approve Council Resolution 1-2019 passed.

Council Resolution 2-2019 - Adopting an amended Howard County Investment Policy. (*No expiration date*)

The Chairperson moved to approve Council Resolution 2-2019. The motion was seconded by Council Member Jones.

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

The motion to approve Council Resolution 2-2019 passed.

Council Resolution 3-2019 - Authorizing the County Purchasing Agent to waive the formal competitive bidding requirements in order to enter into an agreement with River Hill Square, LLC, to make certain road improvements at the intersection of Clarksville Pike (MD Route 108) and Sheppard Lane. *(No expiration date)*

The Chairperson moved to approve Council Resolution 3-2019. The motion was seconded by Council Member Jones.

The Chairperson moved to approve Amendment 1 to Council Resolution 3-2019. The motion was seconded by Council Member Jones.

Amendment No. 1

(This amendment makes technical corrections to remove reference to specific capital projects and corrects a dollar amount.)

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

The motion to approve Amendment 1 Council Resolution 3-2019 passed.

Council Member Walsh moved to table Council Resolution 3-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to table Council Resolution 3-2019 was: Yea: Council Members Jung and Walsh; Nay: Council Members Jones, Mercer Rigby, and Yungmann.

The motion to table Council Resolution 3-2019 failed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 3-2019 as amended was: Yea: Council Members Jones, Mercer Rigby, and Yungmann; Nay: Council Member Jung and Walsh.

The motion to approve Council Resolution 3-2019 as amended passed.

Council Resolution 4-2019 - Declaring that two portions of a water, sewer, and utility easement containing approximately 0.114 acres of property conveyed to Howard County, Maryland are no longer needed by the County for public purposes; authorizing the County Executive to terminate the easement interest, vesting title to the fee simple owner, The Normandy Venture Limited Partnership. (*No expiration date*)

The Chairperson moved to approve Council Resolution 4-2019. The motion was seconded by Council Member Jones.

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

The motion to approve Council Resolution 4-2019 passed.

Council Resolution 5-2019 - Declaring that a total of approximately 0.649 acres of real property is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements in order to convey the County's property interest to Chase Limited Partnership and Annapolis Junction Holdings, LP,. (*No expiration date*)

The Chairperson moved to approve Council Resolution 5-2019. The motion was seconded by Council Member Jones.

The Chairperson moved to approve Amendment 1 to Council Resolution 5-2019. The motion was seconded by Council Member Jones.

Amendment No. 1

(This amendment makes a technical correction to correct a date.)

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

The motion to approve Amendment 1 to Council Resolution 5-2019 passed.

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

The motion to approve Council Resolution 5 as amended passed.

Council Resolution 8-2019 - Introduced by: The Chairperson - Reappointing Steven Hunt to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2023. (*No expiration date*)

The Chairperson moved to approve Council Resolution 8-2019. The motion was seconded by Mr. Jones.

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

The motion to approve Council Resolution 8-2019 passed.

Council Bill 3-2019 - Introduced by: Liz Walsh - AN ACT amending the Howard County Code by removing certain exceptions for a certificate of approval for new development in a historic district. (*Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.*)

Council Member Walsh moved to approve Council Bill 3-2019. The motion was seconded by Council Member Mercer Rigby.

Council Member Jones moved to table Council Bill 3-2019. The motion was seconded by Council Member Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 3-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to table Council Bill 3-2019 passed.

Council Bill 4-2019 - Introduced by: Liz Walsh - AN ACT amending the Howard County Code by removing the necessary disturbance exemption for development near wetlands, streams, and steep slopes. (*Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.*)

Council Member Walsh moved to approve Council Bill 4-2019. The motion was seconded by Council Member Jung.

Council Member Yungmann moved to approve Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 1

(This amendment would keep the necessary disturbance exemption and require all applicants for necessary disturbances to apply in writing to DPZ. Also, DPZ would be required to track certain information concerning necessary disturbance requests and report quarterly to the County Council and the public.)

Council Member Jung moved to approve Amendment 1 to Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 1 to Amendment No. 1

(This amendment proposes change the reporting period from quarterly to monthly and also requires that if a necessary disturbance exemption is granted, DPZ would have to require that the least damaging designs and specified environmental remediation.)

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

The motion to approve Amendment 1 to Amendment 1 to Council Bill 4-2019 passed.

Council Member Yungmann moved to approve Amendment 2 to Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 2 to Amendment No. 1

(This amendment corrects the title of the bill.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 1 to Council Bill 4-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to Amendment 1 to Council Bill 4-2019 passed.

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

The motion to approve Council Bill 4-2019 as amended passed.

Adjourned: 8:03 p.m.

Legislative Session Part Two

Resuming the just adjourned Legislative Session of the Council to correct a technical error in the Council's approval of CB4-2019.

Council Bill 4-2019 - Introduced by: Liz Walsh - AN ACT amending the Howard County Code by removing the necessary disturbance exemption for development near wetlands, streams, and steep slopes. (*Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.*)

The Chairperson moved to reconsider Council Bill 4-2019. The motion was seconded by Mr. Jones.

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

The motion to reconsider Council Bill 4-2019 passed.

Council Member Walsh moved to approve Council Bill 4-2019. The motion was seconded by Council Member Jung.

Council Member Yungmann moved to approve Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 1

(This amendment would keep the necessary disturbance exemption and require all applicants for necessary disturbances to apply in writing to DPZ. Also, DPZ would be required to track certain information concerning necessary disturbance requests and report quarterly to the County Council and the public.)

Council Member Jung moved to approve Amendment 1 to Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 1 to Amendment No. 1

(This amendment proposes change the reporting period from quarterly to monthly and also requires that if a necessary disturbance exemption is granted, DPZ would have to require that the least damaging designs and specified environmental remediation.)

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

The motion to approve Amendment 1 to Amendment 1 to Council Bill 4-2019 passed.

Council Member Yungmann moved to approve Amendment 2 to Amendment 1 to Council Bill 4-2019. The motion was seconded by Council Member Jones.

Amendment No. 2 to Amendment No. 1

(This amendment corrects the title of the bill.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 1 to Council Bill 4-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to Amendment 1 to Council Bill 4-2019 passed.

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

The motion to approve Amendment 1 as amended to Council Bill 4-2019 passed.

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

The motion to approve Council Bill 4-2019 as amended passed.

Adjourned at 8:33 p.m.

Tabled Legislation

Council Bill 3-2019 - Introduced by: Liz Walsh - AN ACT amending the Howard County Code by removing certain exceptions for a certificate of approval for new development in a historic district.

(Expires 3/18/19; 4/22/19 if extended; or 5/27/19 if extended twice.) (tabled 2/4/19)