

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2019 Legislative Session**

**Legislative Day No. 8**  
June 3, 2019

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:08** 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.

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, Senior Legislative Analyst; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Theo Wimberly, Legislative Analyst; and Kel Berg, Administrative Support were also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journals for Legislative Day No. 6, May 6, 2019 and Legislative Day No. 7, May 29, 2019. The motion was seconded by Mr. 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 journals passed.

The Chairperson moved to approve the minutes for the Joint Meeting with the Board of Education – April 8, 2019, the Work Session, Operating Budget – May 6, 2019, the Constant Yield Tax Hearing – May 6, 2019, the Work Session, Operating Budget – May 10, 2019, the Work Session Operating Budget – May 13, 2019, the Monthly Meeting – May 13, 2019, the Legislative Public Hearing – May 13, 2019, the Work Session, Operating Budget – May 15, 2019, the Legislative Public Hearing – May 20, 2019 and the Work Session, Budget Amendments – May 24, 2019. The motion was seconded by Mr. 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 90-2019 – A RESOLUTION recommending to the Governor of Maryland that James Caldwell be appointed to the Patuxent River Commission. *(No expiration date)*

Council Resolution 91-2019 – A RESOLUTION confirming the appointment of Julie Cleveland to the Local Behavioral Health Advisory Board. *(No expiration date)*

Council Resolution 92-2019 – A RESOLUTION confirming the appointment of Phillip Dodge to the Board of Library Trustees. *(No expiration date)*

Council Resolution 93-2019 – A RESOLUTION confirming the appointment of Emily Greenberger to the Board of Health. *(No expiration date)*

Council Resolution 94-2019 – A RESOLUTION confirming the appointment of Abbie Diane Martin to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 95-2019 – A RESOLUTION confirming the appointment of John Way to the Local Behavioral Health Advisory Board. *(No expiration date)*

### **General**

Council Resolution 96-2019 – A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Enterprise Community Homes Housing, LLC, a limited liability corporation of the State of Maryland, for rental housing properties to be known as Community Homes. *(No expiration date)*

Council Resolution 97-2019 – A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Robinson Overlook Limited Partnership, a limited partnership of the State of Maryland, for a rental housing development to be known as Robinson Overlook, and finding that the Development meets the requirements of certain Special Affordable Housing Opportunities. *(No expiration date)*

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

Council Resolution 99-2019 – A RESOLUTION adopting the School Capacity Chart, pursuant to the Adequate Public Facilities Act of Howard County, to designate the elementary school regions, elementary schools, middle schools, and high 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 Resolution 100-2019 – Introduced by: Christiana Mercer Rigby - A RESOLUTION amending the Howard County Council Rules of Procedure to alter the time to sign up to testify at a public hearing. *(No expiration date)*

Council Bill 30-2019 (ZRA186) – Introduced by: The Chairperson at the request of Jay Zomnath, LLC - AN ACT altering the maximum floor area requirements for a hotel in a CAC (Corridor Activity Center) District in developments on parcels less than 20 acres in size; and generally relating to Howard County Zoning Regulations. *(Expires 8/12/19; 9/16/19 if extended; or 10/21/19 if extended twice.)*

Council Bill 31-2019 (ZRA187) – Introduced by: The Chairperson at the request of Paul Goldenberg - AN ACT amending the Howard County Zoning Regulations to require AgeRestricted Adult Housing Conditional Uses with densities that exceed the base zoning district to have frontage on and direct access to a collector or arterial road; and generally relating to Age-Restricted Adult Housing Conditional Uses. *(Expires 8/12/19; 9/16/19 if extended; or 10/21/19 if extended twice.)*

Council Bill 32-2019 – Introduced by: Deb Jung - AN ACT requiring that Department of Planning and Zoning designees appear at quasi-judicial Planning Board hearings under oath, under certain circumstances; and generally relating to the Department of Planning and Zoning. *(Expires 8/12/19; 9/16/19 if extended; or 10/21/19 if extended twice.)*

Council Bill 33-2019 – Introduced by: Deb Jung - AN ACT amending the Howard County Code by specifying who may appeal Planning Board decisions; and generally relating to Planning Board decisions. *(Expires 8/12/19; 9/16/19 if extended; or 10/21/19 if extended twice.)*

### **FINAL CONSIDERATION**

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

### **Consent Agenda**

Council Resolution 58-2019 - A RESOLUTION confirming the reappointment of Anna M. Boyd to the Recreation and Parks Board. *(No expiration date)*

Council Resolution 59-2019 - A RESOLUTION confirming the reappointment of Dr. Carlessia Hussein to the Board of Health. *(No expiration date)*

Council Resolution 60-2019 - A RESOLUTION confirming the reappointment of Michelle Melotti-Merdon to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 61-2019 - A RESOLUTION confirming the reappointment of Denny Patrick to the Howard County Agricultural Preservation Board. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 58-, 59-, 60- and 61-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 58-, 59-, 60- and 61-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 58-, 59-, 60- and 61-2019 passed.

---

### **Appointments**

Council Resolution 52-2019 - A RESOLUTION confirming the appointment of Christine “Tina” Horn to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

The Chairperson moved to approve Council Resolution 52-2019. The motion was seconded by Mr. Jones.

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

The motion to approve Council Resolution 52-2019 passed.

---

Council Resolution 53-2019 - A RESOLUTION confirming the appointment of Aisha Masood to the Board to Promote Self-Sufficiency. *(No expiration date)*

The Chairperson moved to approve Council Resolution 53-2019. The motion was seconded by Mr. Jones.

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

The motion to approve Council Resolution 53-2019 passed.

---

Council Resolution 54-2019 - A RESOLUTION confirming the appointment of Audra Nixon to the Board of Health. *(No expiration date)*

The Chairperson moved to table Council Resolution 54-2019. The motion was seconded by Mr. Jones.

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

The motion to table Council Resolution 54-2019 passed.

---

Council Resolution 55-2019 - A RESOLUTION confirming the appointment of Michael McPherson to the Commission on Aging. *(No expiration date)*

The Chairperson moved to approve Council Resolution 55-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 55-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 55-2019 passed.

---

Council Resolution 56-2019 - A RESOLUTION confirming the appointment of William Cyril Rovito to the Board of Directors of the Economic Development Authority. *(No expiration date)*

The Chairperson moved to approve Council Resolution 56-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 56-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 56-2019 passed.

---

Council Resolution 57-2019 - A RESOLUTION confirming the appointment of Dr. Andre'a Watkins to the Local Behavioral Health Advisory Board. *(No expiration date)*

The Chairperson moved to approve Council Resolution 57-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 57-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 57-2019 passed.

---

### **General**

Council Resolution 62-2019 - A RESOLUTION approving certain transfers between major categories of the Howard County Board of Education Operating Budget for Fiscal Year 2019; transferring \$2,000,000 to the Fixed Charges category, \$700,000 to the Special Education category, \$200,000 to the Student Transportation category, and \$230,000 to the Operation of Plant category; and generally relating to the Fiscal Year 2019 Operating Budget of the Board of Education. *(No expiration date)*

The Chairperson moved to approve Council Resolution 62-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 62-2019 was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Mercer Rigby.

The motion to approve Council Resolution 62-2019 passed.

---

Council Bill 18-2019 - Introduced by the Chairperson at the request of the County Executive and Christiana Mercer Rigby; Co-Sponsored by Opel Jones, Deb Jung and Liz Walsh - AN ACT to authorize the use of school bus monitoring cameras on school buses in the County; to authorize certain enforcement and to provide that certain violations are a civil penalty; to provide for the use of fines; and generally relating to enforcement of traffic laws in Howard County. *(Expires 7/15/19; 8/19/19 if extended; or 9/23/19 if extended twice.)*

The Chairperson moved to approve Council Bill 18-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 18-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 18-2019 passed.

---

Council Bill 19-2019 - 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 7/15/19; 8/19/19 if extended; or 9/23/19 if extended twice.*)

The Chairperson moved to approve Council Bill 19-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 19-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 19-2019 passed.

---

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

The Chairperson moved to table Council Resolution 89-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to table Council Resolution 89-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to table Council Resolution 89-2019 passed.

---

Council Resolution 64-2019 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a water and utility easement conveyed to Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to terminate

the County's easement interest, provided the fee simple owner, Kellogg-CCP, LLC relocates the currently-existing water main and grants the County a new easement for the relocated water main, and providing that the County Executive is not bound to terminate the easement interest if he finds that the easement may have a further public use. *(No expiration date)*

The Chairperson moved to approve Council Resolution 64-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 64-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 64-2019 passed.

---

Council Bill 20-2019 - Introduced by: Liz Walsh; Co-sponsored by: Chairperson at the request of the County Executive, Christiana Mercer Rigby, Opel Jones, and Deb Jung - AN ACT extending the Effective Period of the temporary prohibition on the issuance of certain permits and certain approvals of development plans and zoning changes for property that drains wholly or partly to the Tiber Branch Watershed or the Plumtree Branch Watershed in Howard County that was imposed by Council Bill 56-2018; and declaring this to be an emergency bill. *(Expires 7/15/19; 8/19/19 if extended; or 9/23/19 if extended twice.)*

Council Member Walsh moved to approve Council Bill 20-2019. The motion was seconded by Ms. Mercer Rigby.

Council Member Yungmann moved to approve Amendment 1. The motion was seconded by Ms. Mercer Rigby.

**Amendment No. 1**

*(This amendment provides for the termination of the Effective Period if the County Council adopts certain changes to the County's Stormwater management law.)*

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

The motion to approve Amendment 1 failed.

Council Member Yungmann moved to approve Amendment 2. The motion was seconded by Ms. Jung.



**Amendment No. 2**

*(This amendment provides an exemption for improved properties on which the net increase in impervious surface is less than 1,500 square feet.)*

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

The motion to approve Amendment 2 failed.

Council Member Yungmann moved to approve Amendment 3. The motion was seconded by Ms. Mercer Rigby.

**Amendment No. 3**

*(This amendment allows authorities to schedule and hear cases while retaining the prohibition on actions or decisions on projects.)*

Council Member Yungmann moved to approve Amendment 1 to Amendment 3. The motion was seconded by Mr. Jones.

**Amendment No. 1 to Amendment 3**

*(This amendment removes the option of the Hearing Authority to conduct hearings during the effective date of the Watershed Safety Act.)*

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

The motion to approve Amendment 1 to Amendment 3 passed.

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

The motion to approve Amendment 3 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 20-2019 as amended was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 20-2019 as amended passed.

---

Council Member Walsh moved to remove Council Bill 17-2019 from the table. The motion was seconded by Ms. Mercer Rigby.

The roll call vote called by the Administrator on the motion to remove Council Bill 17-2019 from the table was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to remove Council Bill 17-2019 from the table passed.

---

Council Bill 17-2019 – Introduced by: Liz Walsh - AN ACT altering the number of consecutive years a project or phase of a project must be retested each time the County Council adopts new annual housing unit allocations and school capacity charts under the school capacity test of the Adequate Public Facilities Act of Howard County; and generally relating to the testing of residential subdivisions and site development plans for adequate public school facilities. (*Expires 6/10/19; 7/15/19 if extended; or 8/19/19 if extended twice.*)

Council Member Walsh moved to extend the life of Council Bill 17-2019. The motion was seconded by Ms. Mercer Rigby.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 17-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend the life of Council Bill 17-2019 passed.

Council Member Walsh moved to table Council Bill 17-2019. The motion was seconded by Ms. Mercer Rigby.

The roll call vote called by the Administrator on the motion to table Council Bill 17-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to table Council Bill 17-2019 passed.

Adjourned: 7:52 p.m.

---

**Tabled**

Council Bill 17-2019 – Introduced by: Liz Walsh - AN ACT altering the number of consecutive years a project or phase of a project must be retested each time the County Council adopts new annual housing unit allocations and school capacity charts under the school capacity test of the Adequate Public Facilities Act of Howard County; and generally relating to the testing of residential subdivisions and site development plans for adequate public school facilities. (tabled 5/6/19) (*Expires 6/10/19; 7/15/19 if extended; or 8/19/19 if extended twice.*)

Council Resolution 54-2019 - A RESOLUTION confirming the appointment of Audra Nixon to the Board of Health. (tabled 6/3/19) (*No expiration date*)

Council Resolution 89-2019 - Introduced by: The Chairperson at the request of the County Executive at the request of Dorsey Overlook, LLLP. - AN ACT declaring that a portion of Old Maryland Route 108, containing approximately 1.087 acres, is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the County's property interest to the developer of the adjacent property, Dorsey Overlook, LLLP. (tabled 6/3/19) (*No expiration date*)