

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2019 Legislative Session

Legislative Day No. 10

July 29, 2019

HOWARD COUNTY TO WIT:

The Administrator called the legislative session to order at **10:02** a.m.

Chairperson Christiana Mercer Rigby, Council Member Deb Jung, Council Member Liz Walsh, and Council Member David Yungmann were present. Vice Chairperson Jones was absent.

Jessica Feldmark, Administrator to the County Council; Craig Glendenning, County Auditor; Jeff Meyers, Legislative Analyst; Lynne Rosen, 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 July 1, 2019. The motion was seconded by Council Member Jung.

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

The motion to approve the journal passed.

The Chairperson moved to approve the minutes for the Monthly Meeting – July 8, 2019; Special Public Hearing – July 8, 2019; Special Meeting to Hold a Closed Meeting – July 10, 2019; Closed Meeting – July 10, 2019; and Legislative Work Session – July 22, 2019. The motion was seconded by Council Member Jung.

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

The motion to approve the minutes passed.

The Chairperson moved to approve the minutes for the Special Public Hearing – July 15, 2019.

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

The motion to approve the minutes passed.

FINAL CONSIDERATION

Consent Agenda

Council Resolution 103-2019 - A RESOLUTION confirming the reappointment of Michael Blum to the Howard County Commission for Veterans and Military Families. *(No expiration date)*

Council Resolution 104-2019 - A RESOLUTION confirming the reappointment of Athena A. Verghis to the Environmental Sustainability Board. *(No expiration date)*

Council 106-2019 - A RESOLUTION confirming the reappointment of Judy Zhou to the Commission for Women. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 103-, 104-, and 106-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 103-, 104-, and 106-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 103-, 104-, and 106-2019 passed.

Appointments

Council Resolution 101-2019 - A RESOLUTION confirming the appointment of Jennifer Anthony to the Howard County Commission for Veterans and Military Families. *(No expiration date)*

The Chairperson moved to approve Council Resolution 101-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 101-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 101-2019 passed.

Council Resolution 102-2019 - A RESOLUTION confirming the appointment of Candace Ball to the Adult Public Guardianship Review Board. *(No expiration date)*

The Chairperson moved to approve Council Resolution 102-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 102-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 102-2019 passed.

Council Resolution 105-2019 - A RESOLUTION confirming the reappointment of Maurice Zeitler to the Housing Commission. *(No expiration date)*

The Chairperson moved to approve Council Resolution 105-2019. The motion was seconded by Council Member Jung.

The Chairperson moved to approve Amendment 1 to Council Resolution 105-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(This amendment corrects the Board. The appointee is being reappointed to the Housing and Community Development Board, not the Housing Commission.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 105-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Resolution 105-2019 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 105-2019 as amended was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 105-2019 as amended passed.

General

Council Bill 34-2019 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Capital Equipment Lease Agreement for financing the acquisition of smart water meters; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to approve Council Bill 34-2019. The motion was seconded by Council Member Jung.

The Chairperson moved to approve Amendment 1 to Council Bill 34-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(This amendment inserts the selected bidder and the interest rate.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 34-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Bill 34-2019 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 34-2019 as amended was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 34-2019 as amended passed.

SAO1-FY2020 - AN ACT transferring \$150,240 from the Grant Fund, Contingency Reserve to the Department of Community Resources and Services for a grant to conduct the Federal Decennial Census. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to approve SAO1-FY2020. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve SAO1-FY2020 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve SAO1-FY2020 passed.

SAO2-FY2020 - AN ACT transferring \$750,000 from the Grant Fund, Contingency Reserve to the Department of Public Works for a Clean Water Commerce Act Grant. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to approve SAO2-FY2020. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve SAO2-FY2020 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve SAO2-FY2020 passed.

Council Resolution 107-2019 - A RESOLUTION amending the Howard County Board of Education Operating Budget for Fiscal Year 2020, as adopted by Council Resolution No. 68-2019, to add an additional \$2,000,000 appropriation in the General Fund through use of an additional \$2,000,000 in school fund balance under Other Funding; to make a technical amendment of reallocating \$5,106,703 in State funding based on Senate Bill 1030 (Kirwan funding) from Grants under Restricted Funds to the General Fund; and to make categorical transfers to align with anticipated funding and expenses; and generally relating to the Board of Education Operating Budget for Fiscal Year 2020. (No expiration date)

The Chairperson moved to approve Council Resolution 107-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 107-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 107-2019 passed.

Council Resolution 108-2019 - 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. (*No expiration date*)

The Chairperson moved to approve Council Resolution 108-2019. The motion was seconded by Council Member Jung.

The Chairperson moved to approve Amendment 1 to Council Resolution 108-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(This amendment alters the issues included as part of the audit, adds a maximum cost for the audit, and provides that certain items will be included in a Memorandum of Understanding.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 108-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 Council Resolution 108-2019 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 108-2019 as amended was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 108-2019 as amended passed.

Council Bill 35-2019 - AN ACT adopting the National Fire Protection Association 1, Fire Code, 2018 Edition as the Howard County Fire Prevention Code, which sets certain fire safety requirements for structures in order to protect life and property; making certain local amendments to the Fire Code; amending certain definitions in the Fire Code; and generally relating to fire safety requirements and fire prevention in Howard County. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

Council Member Yungmann moved to extend life of Council Bill 35-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to extend life of Council Bill 35-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend life of Council Bill 35-2019 passed.

Council Member Yungmann moved to table Council Bill 35-2019. The motion was seconded by Council Member Mercer Rigby.

The roll call vote called by the Administrator on the motion to table Council Bill 35-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to table Council Bill 35-2019 passed.

Council Bill 36-2019 - AN ACT providing that the optional lot size method for computing open space requirements applicable to R-20, infill subdivisions, or resubdivisions creating fewer than ten lots applies only if certain sufficient open space can provide stormwater management and flood control protection within the Tiber Hudson Branch and the Plumtree Branch Watersheds; and generally relating to the Subdivision and Land Development Regulations. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to table Council Bill 36-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to table Council Bill 36-2019 was: Yea: Council Members Jung, Mercer Rigby and Yungmann; Nay: Council Member Walsh

The motion to table Council Bill 36-2019 passed.

Council Resolution 109-2019 - A RESOLUTION authorizing the County Purchasing Agent to waive the formal competitive bidding requirements of Title 4, Subtitle 1 of the Howard County Code so that the County may enter into an agreement with 20006 Delaware Inc., a Delaware corporation, successor in interest to TSG Developments (Maryland) LLC, a Delaware limited liability company, formerly known as MI Developments (Maryland) Inc., to construct certain stormwater improvements along Davis Avenue. *(No expiration date)*

The Chairperson moved to approve Council Resolution 109-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 109-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 109-2019 passed.

Council Resolution 110-2019 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of land containing 0.031 acres owned by Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to convey the property to the adjacent property owner, the State of 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 convey the property if he finds that the land may have a further public use. *(No expiration date)*

The Chairperson moved to approve Council Resolution 110-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 110-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 110-2019 passed.

Council Bill 37-2019 - Introduced by Christiana Mercer Rigby and Co-sponsored by Opel Jones - AN ACT amending the Howard County Code to clarify that in calculating the number of required communal spaces for Electric Vehicle Charging Stations, that the final calculated number shall be rounded up to the nearest even number; and generally relating to Electric Vehicle Charging Stations. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to approve Council Bill 37-2019. The motion was seconded by Council Member Jung.

The Chairperson moved to approve Amendment 1 to Council Bill 37-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(This amendment specifies what standards are to be used to label the electric vehicle charging stations.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 37-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Bill 37-2019 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 37-2019 as amended was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 37-2019 as amended passed.

Council Bill 38-2019 – Introduced by Liz Walsh - AN ACT to prohibit certain waivers in the Patapsco Lower North Branch Watershed; to prohibit certain disturbance of land in the Ellicott City Floodplain; to prohibit specified activities in certain buffers; to provide certain open space requirements in the Patapsco Lower North Branch Watershed; to eliminate certain fees-in-lieu; to prohibit residential infill under specified circumstances; to prohibit the issuance of certain variances in the Patapsco Lower North Branch Watershed; adding certain requirements related to forest conservation plans; to limit forest cover clearing in the Patapsco Lower North Branch Watershed; to specify the afforestation level in certain cases; to alter requirements and procedures to control the adverse impacts associated with stormwater; and generally relating to subdivision and land development regulations. (*Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.*)

The Chairperson moved to extend life of Council Bill 38-2019. The motion was seconded by Council Member Walsh.

The roll call vote called by the Administrator on the motion to extend life of Council Bill 38-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend life of Council Bill 38-2019 passed.

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

The Chairperson moved to remove Council Resolution 95-2019 from the table. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to remove Council Resolution 95-2019 from table was: Yea: Council Members Jung, Mercer Rigby, Walsh, and Yungmann.

The motion to remove Council Resolution 95-2019 from table passed.

The Chairperson moved to approve Council Resolution 95-2019. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to approve Council Resolution 95-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 95-2019 passed.

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*)

The Chairperson moved to remove Council Resolution 97-2019 from the table. The motion was seconded by Council Member Jung.

The roll call vote called by the Administrator on the motion to remove Council Resolution 97-2019 from table was: Yea: Council Members Jung, Mercer Rigby, Walsh, and Yungmann.

The motion to remove Council Resolution 97-2019 from table passed.

The Chairperson moved to approve Council Resolution 97-2019. The motion was seconded by Council Member Jung.

The Chairperson moved to approve Amendment 1 to Council Resolution 97-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(This amendment corrects a whereas clause and corrects the following terms of the Agreement:

- 1. Clarifies that the Rental Housing Program Fund loan amount is approximate;*
- 2. Clarifies the definition of Distribution;*
- 3. Clarifies that Residual Receipts do not include distributions to certain partners;*
- 4. Clarifies the definition of Surplus Cash;*
- 5. Clarifies the penalties for late payment; and*
- 6. Substitutes a new legal description.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 97-2019 was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Resolution 97-2019 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 97-2019 as amended was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 97-2019 as amended 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 remove Council Bill 17-2019 from the table. The motion was seconded by Council Member Mercer Rigby.

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

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

Council Member Walsh moved to approve Council Bill 17-2019. The motion was seconded by Council Member Jung.

Council Member Walsh moved to approve Amendment 1 to Council Bill 17-2019. The motion was seconded by Council Member Jung.

Amendment No. 1

(Alters from six years to seven years the maximum combined waiting period for a project or phase of a project to receive housing unit allocations and pass the school capacity test for projects that have waited three years or fewer to receive housing allocations.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 17-2019 was: Yea: Council Members Jung, Walsh and Yungmann; Nay: Council Member Mercer Rigby

The motion to approve Amendment 1 to Council Bill 17-2019 passed

The roll call vote called by the Administrator on the motion to approve Council Bill 17-2019 as amended was: Yea: Council Members Jung and Walsh; Nay: Council Members Mercer Rigby and Yungmann.

The motion to approve Council Bill 17-2019 as amended failed.

Adjourned at 11:13 a.m.

Tabled Legislation

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 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)

Council Bill 36-2019 - AN ACT providing that the optional lot size method for computing open space requirements applicable to R-20, infill subdivisions, or resubdivisions creating fewer than ten lots applies only if certain sufficient open space can provide stormwater management and flood control protection within the Tiber Hudson Branch and the Plumtree Branch Watersheds; and generally relating to the Subdivision and Land Development Regulations. (Expires 9/09/19; 10/14/19 if extended; or 11/18/19 if extended twice.)