



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Christiana Mercer Rigby, Chairperson
District 3

Opel Jones, Vice Chairperson
District 2

Deb Jung
District 4

Liz Walsh
District 1

David Yungmann
District 5

Agenda

Legislative Session
Monday, November 4, 2019
Banneker Room
George Howard Building, 3430 Court House Drive, Ellicott City, MD
7:00 p.m.

Legislative Session

Day # 13

Approve Journal

October 7, 2019

Approve Minutes

Monthly Meeting – October 15, 2019

Legislative Public Hearing – October 21, 2019

Work Session – October 28, 2019

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

Introduction

Appointments

Council Resolution 135-2019 - A RESOLUTION confirming the reappointment of Charles L. Fuller to the Public Ethics Commission. (*No expiration date*)

Council Resolution 136-2019 - A RESOLUTION confirming the appointment of Brook Hubbard to the Local Behavioral Health Advisory Board. (*No expiration date*)

Council Resolution 137-2019 - A RESOLUTION confirming the appointment of Kelly Kesler to the Howard County Commission for Veterans and Military Families.
(No expiration date)

Council Resolution 138-2019 - A RESOLUTION confirming the appointment of Keith McGuire to the Howard County Commission for Veterans and Military Families.
(No expiration date)

Council Resolution 139-2019 - A RESOLUTION confirming the appointment of Paul Rivers to the Howard County Commission for Veterans and Military Families.
(No expiration date)

Council Resolution 140-2019 - A RESOLUTION confirming the appointment of Michael Griggs to the Howard County Commission for Veterans and Military Families.
(No expiration date)

Council Resolution 141-2019 – Introduced by the Chairperson - A RESOLUTION appointing Gene Thomas Ryan to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2025. (No expiration date)

General

Council Resolution 142-2019 - A RESOLUTION increasing Forest Conservation fees-in-lieu. (No expiration date)

Council Bill 56-2019 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a Third Amendment for the lease of space; and authorizing the County Executive to take certain actions in connection with the Agreement. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council Bill 57-2019 - AN ACT amending the definition tobacco product to be consistent with State law; related to the distribution of tobacco products, prohibiting the distribution of tobacco products, including electronic smoking devices, to individuals under the age of 21 years; amending the enforcement provisions for unlawful distribution of tobacco products to an individual under the age of 21 years; providing for certain exceptions for individuals in the active military in accordance with State law; amending what constitutes acceptable proof of age; and generally related to the placement and distribution of tobacco products in Howard County. (Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council 58-2019 - AN ACT amending the Classification Plan for Howard County to add a description for the position of Office of Emergency Management Administrator; and generally relating to amendments to the Howard County Classification Plan.
(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council 59-2019 - AN ACT amending the Pay Plan for Howard County to add certain positions into the list of Executive Exempt positions; and generally relating to the Pay Plan for Howard County. *(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)*

Council Bill 60-2019 - AN ACT specifying the appointing authority for the Administrator of the Office of Emergency Management; and generally relating to executive exempt provisions in the Howard County Code.
(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council Bill 61-2019 - AN ACT amending the criteria for granting waivers from the requirements of the Howard County Subdivision and Land Development Regulations; requiring survey bearings and distances on plans to delineate wetlands and required wetland and stream buffers; prohibiting the impact on certain steep slopes established by the prior development of the property; requiring that the Office of Community Sustainability and the Department of Public Works review certain requests for necessary disturbances; establishing criteria for alternative compliance from the provisions of the Subdivision and Land Development Regulations; providing that the Office of Transportation will also review requests to eliminate sidewalk requirements; and generally relating to alternative compliance, waiver and variances of the Subdivision and Land Development Regulations.
(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council Bill 62-2019 - Introduced by The Chairperson at the request of the County Executive and Cosponsored by Opel Jones, Deb Jung, Christiana Mercer Rigby, and Liz Walsh - AN ACT repealing and reenacting the Forest Conservation Act of Howard County; providing the purpose of the Act; defining certain terms to be used throughout the Act; requiring a Forest Conservation Plan for any person, or unit of local government, developing land 40,000 square feet or greater, subject to certain exceptions; requiring a Declaration of Intent for certain exemptions; setting forth the requirements of a Forest Conservation Plan; providing for the review process of a Forest Conservation Plan; requiring a Forest Conservation Manual to be prepared and adopted; requiring that the Manual include specific standards and guidelines; setting forth certain Forest Retention Priorities; requiring certain reforestation requirements and providing that reforestation shall be based on certain calculations; requiring certain afforestation and providing that afforestation shall be based on certain calculations; setting forth certain afforestation and reforestation location priorities and preferred methods; requiring certain site design; requiring certain financial security for afforestation and reforestation; authorizing a fee-in-lieu of afforestation and reforestation under certain conditions; providing for Forest Conservation Fund to keep the fee-in-lieu of afforestation and reforestation and providing for the use of monies contained in the fund; providing for certain enforcement and penalties; requiring mitigation by the County when land is developed in violation of the Act; providing for certain appeals; allowing for the grant of variances of the provisions of the Act, under certain circumstances; allowing the abandonment of Forest Conservation Easements under certain conditions; providing for the opportunity to create a Forest Mitigation Bank under certain conditions; and generally related to forest conservation in Howard County. *(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)*

Council Resolution 143-2019 - A RESOLUTION approving the 2019 Interim Amendment to the Howard County Master Plan for Water and Sewerage, consisting of text, tables, and maps incorporating various revisions based on and including:

1. Changes to capital projects related to the capital budget, the ten-year capital improvement program, or completed engineering studies;
2. The entry of properties into the County's Metropolitan District;
3. Changes in service area priorities for individual property parcels, subdivisions and developer projects based upon the review of capital and developer project progress; and
4. Changes to the water and sewer Planned Service Area. *(No expiration date)*

Council Resolution 144-2019 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that portions of parcels of land owned by Howard County totaling approximately 2.63 acres are no longer needed by the County for public purposes; authorizing the County Executive to convey fee simple title to such portions of the parcels to the adjacent property owner, the State of Maryland as part of the widening of Maryland Route 32 from Linden Church Road to Interstate-70; 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 such property if he finds that the land may have a further public use. *(No expiration date)*

Council Resolution 145-2019 - Introduced by The Chairperson at the request of the County Executive at the request of the Board of Education of Howard County - A RESOLUTION pursuant to Sections 16.301 of the Howard County Code, granting variances for government uses from the use setbacks and height requirements for the 13th high school and ancillary roads, parking, sports fields, fences, and bleachers to be constructed on Property located along Mission Road in Jessup, Howard County, Maryland. *(No expiration date)*

Council Bill 63-2019 – Introduced by Liz Walsh, Deb Jung and Christiana Mercer Rigby - AN ACT amending the Howard County Code by altering the requirements for a certain buffer between a road and a new major subdivision that is located along a Scenic Road; altering a certain approval process for a major subdivision that abuts or adjoins a scenic road; and generally relating to Scenic Roads. *(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)*

Council Bill 64-2019 - Introduced by: Opel Jones and Christiana Mercer Rigby - AN ACT to require a specified fee on certain disposable bags; providing for the collection of the fee and the administration of the subtitle; specifying the duties of certain stores; creating a Disposable Plastics Reduction Fund; providing for the administration and uses of the Fund; providing for penalties for certain violations; requiring certain studies and reports; and generally relating to disposable bags in the County. *(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)*

Council Bill 65-2019 (ZRA 189) – Introduced by David Yungmann - AN ACT amending the Howard County Zoning Regulations to authorize the hearing authority to reduce the setback for buildings and parking uses associated with Commercial Athletic Facilities to no

less than 25 feet if the petition includes detailed plans for screening that presents an attractive and effective visual barrier for neighboring properties; and generally relating to Commercial Athletic Facilities Conditional Uses.

(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Council Bill 66-2019 – Introduced by the Chairperson - AN ACT to legalize the 2019 Edition of the Howard County Code, as approved by Gary W. Kuc, County Solicitor, and published by Municipal Code Corporation; to provide for the Code's periodic supplement; and to declare that the Code shall be the evidence of the public local laws of Howard County; and to make technical, non-substantive corrections to the Code.

(Expires 1/13/20; 2/17/20 if extended; or 3/23/20 if extended twice.)

Final Consideration

Appointments

Council Resolution 124-2019 - A RESOLUTION confirming the appointment of Alexandra Berry to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 125-2019 - A RESOLUTION confirming the appointment of Richard Butler to the Charter Review Commission. *(No expiration date)*

Council Resolution 126-2019 - A RESOLUTION confirming the appointment of Shanika M. Cooper to the Board of Social Services. *(No expiration date)*

Council Resolution 127-2019 - A RESOLUTION confirming the appointment of Alaina Elam to the Board of Social Services. *(No expiration date)*

Council Resolution 128-2019 - A RESOLUTION confirming the appointment of Shahriar Etemadi to the Multimodal Transportation Board. *(No expiration date)*

Council Resolution 129-2019 - A RESOLUTION confirming the appointment of Wei Guo to the Commission on Aging. *(No expiration date)*

Council Resolution 130-2019 - A RESOLUTION confirming the appointment of Roberta Kelly to the Cemetery Preservation Advisory Board. *(No expiration date)*

Council Resolution 131-2019 - A RESOLUTION confirming the appointment of Georgea Lee Moore to the Board of Social Services. *(No expiration date)*

Financial

SAO3-FY2020 - AN ACT transferring \$250,000 from the General Fund, Contingency Reserve to Non-Departmental Expenses for the costs of an audit of the Howard County Public School System. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

General

Council Bill 50-2019 - AN ACT defining certain terms such as disability income, disability income housing unit, low income and low income housing unit; providing for Disability Income Housing Units as an optional method of providing moderate income housing units in certain instances; providing for certain numbers of units when Disability Income Housing Units are used; adding a unit type and size for studio units that are used as a Moderate Income Housing Unit offered for sale or rent; amending certain prohibited transfers to allow that certain types of entities that are formed to receive low income housing tax credits may use optional or alternative methods; amending the fee in lieu to clarify the basis for the computation of square footage used to determine the rate; clarifying when the fee in lieu will be paid; providing that the fee in lieu can be used for grants to the Housing Commission or local nonprofits; amending how many days the Department shall use when calculating the prevailing interest rate; providing that the Department shall establish rental rates for Disability Incoming Housing Units that shall be based on monthly income; clarifying that sales prices shall be based on certain square footage; establishing the pricing for the subsequent sale of previously occupied Moderate Income Housing Units, under certain conditions; providing for certain fines and penalties; adding certain qualifications to be eligible to purchase or rent; including employees of the Housing Commission as those who will receive certain priority; providing that purchasers who do not reside in their unit shall be subject to certain penalties; requiring that Regulations contain certain criteria; making certain technical corrections; and generally related to moderate income housing in Howard County. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Bill 51-2019 - AN ACT prohibiting the use of pesticides on any County controlled, managed, or owned buildings and grounds unless the use complies with County policy; and generally related to pesticide/herbicide use on County property. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Bill 52-2019 - AN ACT to establish a Human Trafficking Prevention Coordination Council; providing for the membership of the Council; providing for the purpose and responsibilities of the Council; providing the expiration dates of the terms of the initial members of the Council; and generally relating to the Human Trafficking Prevention Coordination Council. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Bill 53-2019 - AN ACT to amending the membership and responsibilities of the Board to Promote Self-Sufficiency; and generally relating to the Board to Promote Self-Sufficiency. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Bill 54-2019 - AN ACT pursuant to Section 612 of the Howard County Charter, approving the Lease Agreement between Howard County, Maryland and Delta-Greenwood, LLC, a Maryland limited liability company, for 28,511 square feet of space at 8869 Greenwood Place, Savage, Maryland, to be used by the Department of Public Works, Bureau of Utilities; authorizing the County Executive to enter into the Agreement and to make changes to the Agreement before executing it, under certain conditions; and generally relating to a multi-year lease of certain premises by Howard County from Delta-Greenwood, LLC. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Resolution 132-2019 - A RESOLUTION pursuant to Title 5, Subtitle 3 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2021 and Capital Improvement Program Request for Fiscal Years 2022-2026 for the purpose of submission to the Interagency Commission on School Construction. (*No expiration date*)

Council Bill 55-2019 - Introduced by David Yungmann - AN ACT establishing the temporary Commercial Solar Facility Conditional Use Interim Development Act; temporarily prohibiting certain Conditional Use petitions for proposed Conditional Use approvals for Commercial Solar Facility; finding that such petitions, if approved under the current Zoning Regulations, could lead to development incompatible with surrounding agricultural uses; finding that the potential incompatibility represents a threat to the sustainability of the agricultural industry and its impact on public health, safety and welfare; providing that the purposes of this Act are to provide the Commercial Solar Facilities Task Force with time to study the deficiencies in the Commercial Solar Facility Conditional Use, investigate alternatives and make recommendations for improvement and give the County Council time to act on the recommendations; providing that this Act shall be abrogated and of no further force and effect after a certain period; and generally relating to zoning and land use. (*Expires 12/16/19; 1/20/20 if extended; or 2/24/20 if extended twice.*)

Council Resolution 133-2019 – Introduced by David Yungmann - A RESOLUTION creating a Task Force to study commercial solar facilities on agricultural land preservation parcels. (*No expiration date*)

Council Resolution 134-2019 – Introduced by Opel Jones - A RESOLUTION calling on those offering homes for sale in Howard County to omit references to schools and school zones in certain advertising. (*No expiration date*)

Tabled

Council Bill 42-2019 - Introduced by Christiana Mercer Rigby and Deb Jung; Co-sponsored by Opel Jones and Liz Walsh - AN ACT to alter the school facilities surcharge in accordance with Chapter 744 of the Acts of the General Assembly of 2019;

and generally relating to the school facilities surcharge. (*Expires 11/12/19; 12/17/19 if extended; or 01/21/20 if extended twice.*)

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*)

Visit the Council's website (<http://cc.howardcountymd.gov>) to view legislation, send written testimony, and sign-up electronically to testify at public hearings.

Persons needing accommodations to fully participate in the meeting, please contact the Council Office, 410-313-2001.