

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2019 Legislative Session

Legislative Day No. 14

December 2, 2019

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:11** 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.

Diane Schwartz Jones, Administrator to the County Council; Craig Glendenning, Senior Legislative Analyst; Michelle Harrod, Deputy County Auditor; Gary Kuc, County Solicitor; John Gwynn, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs, Theo Wimberly, Legislative Analyst; Lynne Rosen, Senior Legislative Analyst; and Kel Berg, Administrative Support were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 13, November 4, 2019. The motion was seconded by Dr. 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 Work Session – October 28, 2019, the Monthly Meeting – November 15, 2019, the Closed Session – November 15, 2019, the Legislative Public Hearing – November 18, 2019, the Work Session – November 22, 2019 and the Closed Session – November 25, 2019. The motion was seconded by Dr. 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.

FINAL CONSIDERATION

Consent Agenda

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

The Chairperson moved to approve Council Resolution 135-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 135-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 135-2019 passed.

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)*

The Chairperson moved to approve Council Resolutions 136-, 137-, 138-, 139- and 140-2019. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 136-, 137-, 138-, 139- and 140-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 136-, 137-, 138-, 139- and 140-2019 passed.

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)*

The Chairperson moved to approve Council Resolution 141-2019. The motion was seconded by Dr. Jones.

The Chairperson moved to allow the introduction of Amendment 1, which was not prefiled. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to allow the introduction of Amendment 1 which was not prefiled was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to allow the introduction of Amendment 1 which was not prefiled passed.

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

Amendment No. 1

(This amendment clarifies the appointment term.)

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 141-2019 as amended was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 141-2019 as amended passed.

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

The Chairperson moved to approve Council Resolution 142-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to approve Amendment 1. The motion was seconded by Ms. Jung.

Amendment No. 1

(This Amendment alters the fees-in-lieu for afforestation or reforestation.)

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

The motion to approve Amendment 1 failed.

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

Amendment No. 2

(This Amendment alters the fee for non-compliance.)

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

The motion to approve Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 142-2019 as amended was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 142-2019 as amended passed.

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.)*

The Chairperson moved to approve Council Bill 56-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This amendment corrects a reference.)

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

The motion to approve Amendment 1 passed.

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

The motion to approve Council Bill 56-2019 as amended passed.

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.)*

The Chairperson moved to approve Council Bill 57-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This amendment corrects a penalty provision to be consistent with State law that only allows penalties to be assessed against a store owner.)

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

The motion to approve Amendment 1 passed.

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

The motion to approve Council Bill 57-2019 as amended passed.

Council Bill 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.*)

The Chairperson moved to approve Council Bill 58-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to table Council Bill 58-2019. The motion was seconded by Ms. Jung.

Council Member Walsh withdrew her motion to table Council Bill 58-2019. The motion was seconded by Ms. Jung.

The Chairperson withdrew her motion to approve Council Bill 58-2019. The motion was seconded by Dr. Jones.

The Chairperson moved to extend the life of Council Bill 58-2019. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 58-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend the life of Council Bill 58-2019 passed.

The Chairperson moved to approve Council Bill 58-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to table Council Bill 58-2019. The motion was seconded by Ms. Jung.

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

The motion to table Council Bill 58-2019 passed.

Council Bill 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.)*

The Chairperson moved to extend the life of Council Bill 59-2019. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 59-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend the life of Council Bill 59-2019 passed.

The Chairperson moved to approve Council Bill 59-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to table Council Bill 59-2019. The motion was seconded by Ms. Mercer Rigby.

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

The motion to table Council Bill 59-2019 passed.

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.)*

The Chairperson moved to extend the life of Council Bill 60-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 60-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to extend the life of Council Bill 60-2019 passed.

The Chairperson moved to approve Council Bill 60-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to table Council Bill 60-2019. The motion was seconded by Ms. Jung.

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

The motion to table Council Bill 60-2019 passed.

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.*)

The Chairperson moved to approve Council Bill 61-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This amendment clarifies when economic conditions impact alternative compliance requests.)

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

The motion to approve Amendment 1 passed.

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

Amendment No. 2

(This amendment proposes to add the word “unreasonably” to detrimental.)

Council Member Jones moved to approve Amendment 1 to Amendment 2. The motion was seconded by Mr. Yungmann.

Amendment No. 1 to Amendment 2

(This amendment removes the prefix “un” from the word unreasonably.)

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

The motion to approve Amendment 1 to Amendment 2 passed.

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

The motion to approve Amendment 2 as amended failed.

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

Amendment No. 3

(This amendment proposes to remove the consideration of man-made slopes.)

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

The motion to approve Amendment 3 passed.

Council Member Walsh moved to approve Amendment 4. The motion was seconded by Ms. Jung.

Amendment No. 4

(This amendment proposes to require that the “Waiver Panel” review public projects and DPW recuse itself from Capital projects.)

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

The motion to approve Amendment 4 passed.

Council Member Yungmann moved to approve Amendment 5. The motion was seconded by Ms. Mercer Rigby.

Amendment No. 5

(This amendment proposes to require that the “Waiver Panel” review public projects also.)

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

The motion to approve Amendment 5 failed.

Council Member Yungmann moved to approve Amendment 6. The motion was seconded by Ms. Walsh.

Amendment No. 6

(This amendment proposes to exclude development projects which are being developed using the provisions of a DRRA.)

The roll call vote called by the Administrator on the motion to approve Amendment 6 was:
Yea: Council Members Jones and Yungmann. Nay: Council Members Jung, Mercer Rigby and Walsh.

The motion to approve Amendment 6 failed.

Council Member Jung moved to allow the introduction of Amendment 7, which was not prefiled. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to allow the introduction of Amendment 7 which was not prefiled was: Yea: Council Members Jung, Mercer Rigby, Walsh and Yungmann. Nay: Council Member Jones.

The motion to allow the introduction of Amendment 7 which was not prefiled passed.

Council Member Jung moved to approve Amendment 7. The motion was seconded by Ms. Walsh.

Amendment No. 7

(This amendment adds a reporting requirement.)

The roll call vote called by the Administrator on the motion to approve Amendment 7 was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 7 passed.

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

The motion to approve Council Bill 61-2019 as amended passed.

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.)*

The Chairperson moved to approve Council Bill 62-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This amendment:

- 1. Changes the definition of forest to distinguish between an existing forest and a replanted forest;*
- 2. Strengthens language related to site design requirements;*
- 3. Removes a reference to alternative compliance;*
- 4. Corrects a cross reference; and*
- 5. Writes out a term to avoid using an acronym.)*

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

Amendment No. 1 to Amendment 1

(This amendment corrects a cite.)

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

The motion to approve Amendment 1 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

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

Amendment No. 2

(This amendment proposes to reduce the size of a forest from 50 feet to 35 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.

The Chairperson moved to approve Amendment 3. The motion was seconded by Ms. Jung.

Amendment No. 3

(This amendment proposes to replace other qualified professionals with a certified arborist.)

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

The motion to approve Amendment 3 passed.

Council Member Walsh moved to approve Amendment 4. The motion was seconded by Ms. Jung.

Amendment No. 4

(This amendment proposes to change the threshold percentages in for most land uses.)

The Chairperson moved to approve Amendment 1 to Amendment 4. The motion was seconded by Dr. Jones.

Amendment No. 1 to Amendment 4

(This amendment changes the threshold ratio for mixed use development, only.)

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

The motion to approve Amendment 1 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 Jones, Jung, Mercer Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 4 as amended passed.

Council Member Walsh moved to approve Amendment 5. The motion was seconded by Ms. Jung.

Amendment No. 5

(This amendment proposes to change the reforestation calculation ratios and minimum acreage.)

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

The motion to approve Amendment 5 failed.

Council Member Yungmann moved to approve Amendment 6. The motion was seconded by Ms. Mercer Rigby.

Amendment No. 6

(This amendment proposes to change the reforestation calculation ratios.)

The roll call vote called by the Administrator on the motion to approve Amendment 6 was: Yea: Council Member Yungmann. Nay: Council Members Jones, Jung, Mercer Rigby and Walsh.

The motion to approve Amendment 6 failed.

Council Member Walsh moved to approve Amendment 7. The motion was seconded by Ms. Mercer Rigby.

Amendment No. 7

(This amendment proposes to remove the one acre minimum requirements for residential sites.)

Council Member Walsh moved to approve Amendment 1 to Amendment 7. The motion was seconded by Mr. Yungmann.

Amendment No. 1 to Amendment 7

(This amendment removes the exemption for developments with 10 or fewer lots.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 7 was: Yea: Council Members Jung and Walsh. Nay: Council Members Jones, Mercer Rigby and Yungmann.

The motion to approve Amendment 1 to Amendment 7 failed.

The roll call vote called by the Administrator on the motion to approve Amendment 7 was: Yea: Council Members Jung and Walsh. Nay: Council Members Jones, Mercer Rigby and Yungmann.

The motion to approve Amendment 7 failed.

The Chairperson moved to approve Amendment 9. The motion was seconded by Dr. Jones.

Amendment No. 9

(This amendment alters the variance section to remove a definition of unwarranted hardship.)

The roll call vote called by the Administrator on the motion to approve Amendment 9 was: Yea: Council Members Jones, Jung and Yungmann. Nay: Council Members Mercer Rigby and Walsh.

The motion to approve Amendment 9 passed.

Council Member Yungmann moved to approve Amendment 10. The motion was seconded by Ms. Mercer Rigby.

Amendment No. 10

(This amendment proposes to change Specimen Tree requirements.)

The roll call vote called by the Administrator on the motion to approve Amendment 10 was:
Nay: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 10 failed.

Council Member Jung moved to approve Amendment 11. The motion was seconded by Ms. Walsh.

Amendment No. 11

(This amendment proposes to remove the Planning Board from the variance process.)

The roll call vote called by the Administrator on the motion to approve Amendment 11 was:
Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 11 passed.

Council Member Jung moved to approve Amendment 12. The motion was seconded by Ms. Walsh.

Amendment No. 12

(This amendment proposes to require only nursery stock plants be planted in forest mitigation banks.)

The roll call vote called by the Administrator on the motion to approve Amendment 12 was:
Yea: Council Members Jung and Walsh. Nay: Council Members Jones, Mercer Rigby and Yungmann.

The motion to approve Amendment 12 failed.

Council Member Walsh moved to approve Amendment 13. The motion was seconded by Ms. Jung.

Amendment No. 13

(This amendment proposes to remove the “Grandfathering” clause.)

The roll call vote called by the Administrator on the motion to approve Amendment 13 was:
Yea: Council Members Jones, Jung, Mercer Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Amendment 13 passed.

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

The motion to approve Council Bill 62-2019 as amended passed.

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)*

The Chairperson moved to approve Council Resolution 143-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This amendment substitutes a new Table 10B, Existing & Proposed Shared Septic Systems, to reflect the removal of the Foxleigh (formerly Hyman Property) shared septic system.)

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

The motion to approve Amendment 1 passed.

Council Member Jung moved to table Council Resolution 143-2019. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Resolution 143-2019 was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Mercer Rigby.

The motion to table Council Resolution 143-2019 passed.

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)*

The Chairperson moved to approve Council Resolution 144-2019. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 144-2019 was: Yea: Council Members Jones, Jung and Yungmann. Nay: Council Members Mercer Rigby and Walsh.

The motion to approve Council Resolution 144-2019 passed.

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)*

The Chairperson moved to approve Council Resolution 145-2019. The motion was seconded by Dr. Jones.

Council Member Walsh moved to table Council Resolution 145-2019. The motion to table failed for lack of a second.

The roll call vote called by the Administrator on the motion to approve Council Resolution 145-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby and Yungmann. Nay: Council Member Walsh.

The motion to approve Council Resolution 145-2019 passed.

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 Member Walsh moved to approve Council Bill 63-2019. The motion was seconded by Ms. Mercer Rigby.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Walsh.

Amendment No. 1

(This amendment clarifies that any new developments outside of the Planned Service Area located along scenic roads must continue to maintain a certain 35-foot buffer. The amendment requires for new major subdivisions a certain minimum continuous vegetated buffer to be maintained between the road and subdivision to preserve or enhance the visual character of the road.)

The Chairperson moved to approve Amendment 1 to Amendment 1. The motion was seconded by Mr. Yungmann.

Amendment No. 1 to Amendment 1

(This amendment clarifies that a requirement for a certain minimum 100-foot continuous vegetated buffer between the road and the subdivision applies to new major subdivisions inside the Planned Service Area.)

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

The motion to approve Amendment 1 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

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

Amendment No. 2

(This amendment defines the term “continuous vegetated”).

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

The motion to approve Amendment 2 failed.

The Chairperson moved to approve Amendment 3. The motion was seconded by Ms. Walsh.

Amendment No. 3

(This amendment requires the approval of the Planning Board of a certain minor subdivision that abuts or adjoins a scenic road prior to final approval by the Department of Planning and Zoning.)

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

The motion to approve Amendment 3 passed.

Council Member Yungmann moved to approve Amendment 4. The motion was seconded by Ms. Walsh.

Amendment No. 4

(This amendment exempts a certain subdivision that has received signature approval of an initial plan from the Department of Planning and Zoning prior to December 1, 2019 from a certain approval process for developments along scenic roads.)

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

The motion to approve Amendment 4 failed.

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

Amendment No. 5

(This amendment allows a certain multi-use pathway in a vegetated buffer under certain circumstances.)

The Chairperson moved to approve Amendment 1 to Amendment 5. The motion was seconded by Dr. Jones.

Amendment No. 1 to Amendment 5

(This amendment provides that a certain multi-use pathway in a vegetated buffer may not exceed 15 feet of disturbance.)

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

The motion to approve Amendment 1 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 Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Amendment 5 as amended passed.

The Chairperson moved to allow the introduction of Amendment 6, which was not prefiled. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to allow the introduction of Amendment 6 which was not prefiled was: Yea: Council Members Jones, Jung, Mercer Rigby, and Yungmann. Nay: Council Member Walsh.

The motion to allow the introduction of Amendment 6 which was not prefiled passed.

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

Amendment No. 6

(This amendment alters certain criteria relating to the permitted access along a scenic road that the Planning Board is required to use to evaluate a certain initial plan submittal.)

The roll call vote called by the Administrator on the motion to approve Amendment 6 was: Yea: Council Members Jones, Jung, Mercer Rigby Walsh and Yungmann.

The motion to approve Amendment 6 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 63-2019 as amended was: Yea: Council Members Jones, Jung, Mercer Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 63-2019 as amended passed.

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 Member Jones moved to approve Council Bill 64-2019. The motion was seconded by Ms. Mercer Rigby.

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

Amendment No. 1

(This Amendment alters the amount a store may retain for administrative expenses.)

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

The motion to approve Amendment 1 passed.

Council Member Jones moved to approve Amendment 2. The motion was seconded by Ms. Mercer Rigby.

Amendment No. 2

(This Amendment alters the date to begin enforcement of the Act.)

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

The motion to approve Amendment 2 passed.

Council Member Jung moved to approve Amendment 3. The motion was seconded by Ms. Walsh.

Amendment No. 3

(This Amendment bans disposable plastic bags beginning July 1, 2021.)

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

The motion to approve Amendment 3 failed.

Council Member Jung moved to allow the introduction of Amendment 4, which was not prefiled. The motion was seconded by Ms. Mercer Rigby.

The roll call vote called by the Administrator on the motion to allow the introduction of Amendment 4 which was not prefiled was: Yea: Council Members Jung, Mercer Rigby and Walsh. Nay: Council Members Jones and Yungmann.

The motion to allow the introduction of Amendment 4 which was not prefiled failed.

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

The motion to approve Council Bill 64-2019 as amended passed.

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.*)

The Chairperson moved to approve Council Bill 65-2019. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to approve Council Bill 65-2019 was: Yea: Council Members Jones, Jung, Mercer Rigby and Yungmann. Nay: Council Member Walsh.

The motion to approve Council Bill 65-2019 passed.

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.*)

The Chairperson moved to approve Council Bill 66-2019. The motion was seconded by Dr. Jones.

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

Amendment No. 1

(This Amendment makes additional technical corrections.)

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 66-2019 as amended was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann.

The motion to approve Council Bill 66-2019 as amended passed.

ELECTION OF COUNCIL OFFICERS AND APPOINTMENTS

Dr. Jones nominated Ms. Mercer Rigby for the Maryland Association of Counties Legislative Committee. The motion was seconded by Mr. Yungmann. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann. Ms. Mercer Rigby was elected for the Maryland Association of Counties Legislative Committee.

Ms. Mercer Rigby nominated Ms. Jung as the alternate for the Maryland Association of Counties Legislative Committee. The motion was seconded by Dr. Jones. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann. Ms. Jung was elected as the alternate for the Maryland Association of Counties Legislative Committee.

Dr. Jones nominated Ms. Mercer Rigby as the National Association of Counties liaison and Ms. Jung as the alternate. The motion was seconded by Ms. Mercer Rigby. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann. Ms. Mercer Rigby was elected as the National Association of Counties liaison and Ms. Jung as the alternate.

Ms. Mercer Rigby nominated Ms. Walsh for Chairperson of the Board of License Commissioners and Mr. Yungmann as the Vice Chairperson of the Board of License Commissioners. The motion was seconded by Dr. Jones. The roll call vote called by the

Administrator on the motion was: Yea: Council Members Jones and Mercer Rigby. Nay: Council Members Jung, Walsh and Yungmann. The nomination failed.

Ms. Mercer Rigby nominated Mr. Yungmann for Chairperson of the Board of License Commissioners. The motion was seconded by Dr. Jones. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby and Yungmann. Nay: Council Member Walsh. Mr. Yungmann was elected Chairperson of the Board of License Commissioners.

Dr. Jones nominated Ms. Mercer Rigby for Vice Chairperson of the Board of License Commissioners. The motion was seconded by Mr. Yungmann. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann. Ms. Mercer Rigby was elected Vice Chairperson of the Board of License Commissioners.

Ms. Mercer Rigby nominated Dr. Jones for Chairperson of the Zoning Board. The motion was seconded by Dr. Jones. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Mercer Rigby and Yungmann. Nay: Council Members Jung and Walsh. Dr. Jones was elected Chairperson of the Zoning Board.

Dr. Jones nominated Ms. Mercer Rigby for Vice Chairperson of the Zoning Board. Ms. Mercer Rigby declined.

Ms. Jung nominated Ms. Walsh for Vice Chairperson of the Zoning Board. Ms. Walsh declined.

Ms. Mercer Rigby nominated Mr. Yungmann for Vice Chairperson of the Zoning Board. The motion was seconded by Dr. Jones. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby and Yungmann. Nay: Council Member Walsh. Mr. Yungmann was elected Vice Chairperson of the Zoning Board.

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

Ms. Jung nominated Ms. Walsh for Council Vice Chairperson. The motion was seconded by Ms. Mercer Rigby. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Mercer Rigby, Walsh and Yungmann. Ms. Jung was elected Vice Chairperson.

Adjourned: **12:24** a.m.

Tabled

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. (tabled 7/1/19) *(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)*