

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2020 Legislative Session

Legislative Day No. 2
February 3, 2020

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:01** p.m.

Chairperson Deb Jung, Vice Chairperson Liz Walsh, Council Member Opel Jones, Council Member Christiana Rigby, 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; Jennifer Sager, Legislative Coordinator; Jeff Meyers, 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. 1, January 6, 2020. The motion was seconded by Ms. Walsh.

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

The motion to approve the journal passed.

The Chairperson moved to approve the minutes for the Joint Meeting with the Board of Education – January 13, 2020, the Monthly Meeting – January 13, 2020, the Legislative Public Hearing – January 21, 2020, the Legislative Work Session – January 27, 2020 and the Closed Session – January 27, 2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, 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 15-2020 - A RESOLUTION confirming the appointment of Brooke Abercrombie to the Environmental Sustainability Board. *(No expiration date)*

Council Resolution 16-2020 - A RESOLUTION confirming the appointment of Mae Beale to the Commission for Women. *(No expiration date)*

Council Resolution 17-2020 - A RESOLUTION confirming the appointment of Brianna Hughes to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 18-2020 - A RESOLUTION confirming the appointment of Barbara Kellner to the Board of Directors of the Downtown Columbia Partnership. *(No expiration date)*

Council Resolution 19-2020 - A RESOLUTION confirming the appointment of Patricia Warr Marshall to the Housing Commission. *(No expiration date)*

Council Resolution 20-2020 - A RESOLUTION confirming the appointment of Michael McLellan to the Public Works Board. *(No expiration date)*

Council Resolution 21-2020 - A RESOLUTION confirming the appointment of Kirk Thompson to the Personnel Board. *(No expiration date)*

Council Resolution 22-2020 - A RESOLUTION confirming the reappointment of ChuenChin Bianca Chang to the Human Rights Commission. *(No expiration date)*

Council Resolution 23-2020 - A RESOLUTION confirming the reappointment of Nicole Czarnecki to the Commission on Disabilities. *(No expiration date)*

Council Resolution 24-2020 - A RESOLUTION confirming the reappointment of Joshua Kaufman to the Human Rights Commission. *(No expiration date)*

Council Resolution 25-2020 - A RESOLUTION confirming the reappointment of Lawrence E. Quarrick to the Howard County Design Advisory Panel. *(No expiration date)*

Council Resolution 26-2020 – A RESOLUTION confirming the reappointment of Karen Wood to the Commission on Disabilities. *(No expiration date)*

Council Resolution 27-2020 - A RESOLUTION confirming the reappointment of Kui Zhao to the Human Rights Commission. *(No expiration date)*

General

Council Bill 6-2020 - AN ACT correcting references to the publication year of certain Codes adopted as part of the Howard County Building Code; and generally relating to the regulation of building and construction in Howard County. *(Expires 4/13/20; 5/18/20 if extended; or 6/22/20 if extended twice.)*

Council Bill 7-2020 - Introduced by Christiana Rigby; Co-sponsored by: Opel Jones, Deb Jung, and Liz Walsh - AN ACT allowing employees of Howard County to make specified disclosures to specified officials; prohibiting a person from retaliating for or limiting certain disclosures; authorizing certain complaints relating to disclosures; providing for confidentiality of certain disclosures; setting certain penalties; providing for the application of this act to certain other measures; and generally relating to whistleblower protection. *(Expires 4/13/20; 5/18/20 if extended; or 6/22/20 if extended twice.)*

Council Bill 8-2020 - Introduced by Opel Jones; Co-sponsored by: Christiana Rigby and David Yungmann - AN ACT requiring a fiscal analysis for each Bill; specifying that the County Auditor must submit the statement; setting a deadline; specifying the contents of the analysis; providing for public availability; and generally relating to the enactment of legislation. *(Expires 4/13/20; 5/18/20 if extended; or 6/22/20 if extended twice.)*

Council Bill 9-2020 (ZRA188) - Introduced by the Chairperson at the request of Glenelg Country School - AN ACT amending the Howard County Zoning Regulations pertaining to conditional uses to allow the Hearing Authority to grant variances to certain setbacks for a child day care center that is an accessory use to a private academic school conditional use under specified conditions; and generally relating to Howard County Zoning Regulations. *(Expires 4/13/20; 5/18/20 if extended; or 6/22/20 if extended twice.)*

FINAL CONSIDERATION

Consent Agenda

Council Resolution 8-2020 - A RESOLUTION confirming the reappointment of Alice S. Giles to the Multimodal Transportation Board. *(No expiration date)*

Council Resolution 10-2020 - A RESOLUTION confirming the reappointment of Stanley Levi to the Board of Social Services. *(No expiration date)*

Council Resolution 11-2020 - A RESOLUTION confirming the reappointment of Marilyn Weeks to the Plumbing Advisory Board. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 8-, 10- and 11-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 8-, 10- and 11-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 8-, 10- and 11-2020 passed.

Appointments

Council Resolution 1-2020 - A RESOLUTION confirming the appointment of Xi Steven Chen to the Alcoholic Beverage Hearing Board. *(No expiration date)*

The Chairperson moved to table Council Resolution 1-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Resolution 1-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Resolution 1-2020 passed.

The Chair asked if there were objections to reading appointments together. After hearing no objections, the Administrator read Council Resolutions 2-, 3-, 4-, 5-, 6- and 7-2020 together for a single combined roll call vote.

Council Resolution 2-2020 - A RESOLUTION confirming the appointment of Naysha Conway to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 3-2020 - A RESOLUTION confirming the appointment of Margaret Dean to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 4-2020 - A RESOLUTION confirming the appointment of Co-Tu Doan to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 5-2020 - A RESOLUTION confirming the appointment of Nafrettifi D. Griffin, to the Howard County Commission for Veterans and Military Families. *(No expiration date)*

Council Resolution 6-2020 - A RESOLUTION confirming the appointment of Josh Hirsh to the Commission on Disabilities. *(No expiration date)*

Council Resolution 7-2020 - A RESOLUTION confirming the appointment of Monica Simon to the Multimodal Transportation Board. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 2-, 3-, 4-, 5-, 6- and 7-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 2-, 3-, 4-, 5-, 6- and 7-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 2-, 3-, 4-, 5-, 6- and 7-2020 passed.

Financial

TAO1-FY2020 – Introduced by the Chairperson at the Request of the Board of Education - AN ACT transferring a total of \$1,563,000 from various capital projects to capital project E1044, Systemic Renovations, in the Board of Education capital budget for Fiscal Year 2020. *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.)*

The Chairperson moved to approve TAO1-FY2020. The motion was seconded by Ms. Walsh.

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

Amendment No. 1

(This amendment corrects the form of the Bill.)

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

Amendment No. 1 to Amendment 1

(This amendment corrects a reference to a charter section)

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

The motion to approve Amendment 1 as amended passed.

The roll call vote called by the Administrator on the motion to approve TAO1-FY2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve TAO1-FY2020 as amended passed.

Council Bill 2-2020 - AN ACT for the purpose of authorizing and empowering Howard County, Maryland to borrow money in an aggregate principal amount of up to \$1,563,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of a capital project, more particularly described in the County's Fiscal Year 2020 Capital Budget, and to pay costs of issuance of such bonds; authorizing the County to issue bond and grant anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith. *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.)*

The Chairperson moved to approve Council Bill 2-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 2-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 2-2020 passed.

General

Council Bill 1-2020 – Introduced by Liz Walsh - AN ACT altering the number of consecutive years a project or phase of a project must be retested if a project fails one or more components of the school capacity test of the Adequate Public Facilities Act of Howard County. *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.)*

The Chairperson moved to approve Council Bill 1-2020. The motion was seconded by Ms. Walsh.

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

Amendment No. 1

(This amendment provides that if the projected enrollment of a school which will serve a proposed project exceeds by five or more percentage points the maximum enrollment defined as open, the project or phase shall be retested until it passes the school capacity test up until the seventh year at which time it shall be deemed to have passed the school capacity test.)

Council Member Yungmann moved to table Council Bill 1-2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to table Council Bill 1-2020 was: Yea: Council Members Jones, Rigby and Yungmann. Nay: Council Members Jung and Walsh.

The motion to table Council Bill 1-2020 passed.

Council Bill 3-2020 - AN ACT permitting a publicly accessible electric scooter sharing system for short-term electric scooter trips on certain County rights-of way; requiring certain information in support of an application for a permit; requiring permit fees as part of the permit; and generally related to electric scooters on public rights-of-way in Howard County. *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.)*

The Chairperson moved to table Council Bill 3-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Bill 3-2020 passed.

Council Bill 4-2020 - AN ACT pursuant to Section 612 of the Howard County Charter, approving the Lease Agreement between Howard County, Maryland and Micros Systems, Inc. a wholly owned subsidiary of Oracle America, Inc., a Delaware corporation for approximately 32,028 square feet of space at 7031 Columbia Gateway Drive; 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 Micros Systems, Inc. (*Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.*)

The Chairperson moved to table Council Bill 4-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 4-2020 was: Yea: Council Member Jung. Nay: Council Members Jones, Rigby, Walsh and Yungmann.

The motion to table Council Bill 4-2020 failed.

The Chairperson moved to approve Council Bill 4-2020. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 4-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 4-2020 passed.

Council Bill 5-2020 - AN ACT pursuant to Section 612 of the Howard County Charter, approving an Eighth Amendment and Renewal of Lease between Howard County, Maryland and Symphony Woods, LLC, for the lease of approximately 1,653 square feet of space located at 5950 Symphony Woods Drive, Columbia, Maryland; authorizing the County Executive to make changes to the Amendment, under certain conditions; authorizing the County Executive to execute the Amendment; and generally relating to the Amendment. (*Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.*)

The Chairperson moved to approve Council Bill 5-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 5-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 5-2020 passed.

Council Resolution 12-2020 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of land containing 1.56 acres owned by Howard County, Maryland is no longer needed by the County for public purposes; authorizing the County Executive to convey, at no cost, fee simple title to the Property to 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 County may have a use for the Property. *(No expiration date)*

The Chairperson moved to approve Council Resolution 12-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolution 12-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 12-2020 passed.

Council Resolution 13-2020 - A RESOLUTION designating the area surrounding and including the Dorsey MARC Station as a Transit-oriented Development in accordance with the Governor's Executive Order 01.01.2009.12 and State law. *(No expiration date)*

The Chairperson moved to approve Council Resolution 13-2020. The motion was seconded by Ms. Walsh.

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

Amendment No. 1

(This amendment corrects the resolution to clarify that the designation applies to the property, versus a specific project. The amendment also substitutes a revised Exhibit.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Jones, Jung, 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 13-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 13-2020 as amended passed.

Council Resolution 14-2020 - A RESOLUTION adopting WalkHoward, the Howard County Pedestrian Master Plan and authorizing the Office of Transportation to publish WalkHoward. *(No expiration date)*

The Chairperson moved to approve Council Resolution 14-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolution 14-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 14-2020 passed.

The Chairperson moved to remove Council Resolution 143-2019 as amended from the table. The motion was seconded by Ms. Walsh.

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

The motion to remove Council Resolution 143-2019 as amended from the table 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 as amended. The motion was seconded by Ms. Walsh.

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

The motion to approve Council Resolution 143-2019 as amended passed.

The Chairperson moved to remove Council Bill 58-2019 from the table. The motion was seconded by Ms. Walsh.

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

The motion to remove Council Bill 58-2019 from the table 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 2/17/20 as extended; or 3/23/20 if extended twice.)*

The Chairperson moved to approve Council Bill 58-2019. The motion was seconded by Ms. Walsh.

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

Amendment No. 1

(This amendment clarifies that the OEM Administrator shall serve as the Director of Emergency Management as required by State Law and the County Code.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 was: Yea: Council Members Jones, Jung, 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 58-2019 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 58-2019 as amended passed.

The Chairperson moved to remove Council Bill 59-2019 from the table. The motion was seconded by Ms. Walsh.

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

The motion to remove Council Bill 59-2019 from the table 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 2/17/20 as extended; or 3/23/20 if extended twice.)*

The Chairperson moved to approve Council Bill 59-2019. The motion was seconded by Ms. Walsh.

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

The motion to approve Council Bill 59-2019 passed.

The Chairperson moved to remove Council Bill 60-2019 from the table. The motion was seconded by Ms. Walsh.

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

The motion to remove Council Bill 60-2019 from the table 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 2/17/20 as extended; or 3/23/20 if extended twice.)*

The Chairperson moved to approve Council Bill 60-2019. The motion was seconded by Ms. Walsh.

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

Amendment No. 1

(This amendment corrects the reflection of existing law.)

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

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Walsh.

Amendment No. 2

(This amendment corrects references to the Fire Chief.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 was:
Yea: Council Members Jones, Jung, 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 Bill 60-2019 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 60-2019 as amended passed.

Adjourned: **8:15** p.m.

Tabled

Council Resolution 1-2020 - A RESOLUTION confirming the appointment of Xi Steven Chen to the Alcoholic Beverage Hearing Board. (tabled 2/3/20) *(No expiration date)*

Council Bill 1-2020 – Introduced by Liz Walsh - AN ACT altering the number of consecutive years a project or phase of a project must be retested if a project fails one or more components of the school capacity test of the Adequate Public Facilities Act of Howard County. (tabled 2/3/20) *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 if extended twice.)*

Council Bill 3-2020 - AN ACT permitting a publicly accessible electric scooter sharing system for short-term electric scooter trips on certain County rights-of way; requiring certain information in support of an application for a permit; requiring permit fees as part of the permit; and generally related to electric scooters on public rights-of-way in Howard County. (tabled 2/3/20) *(Expires 3/16/20; 4/20/20 if extended; or 5/25/20 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. (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)*