

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2020 Legislative Session

Legislative Day No. 3
March 2, 2020

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:04** 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, Deputy County Auditor; Gary Kuc, County Solicitor; Jennifer Sager, Legislative Coordinator; Lynn Rosen, Legislative Analyst; and Rozonna Hightower, Administrative Support were also present.

APPROVE JOURNAL AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 2, February 3, 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 of the Monthly Meeting – February 10, 2020. The motion was seconded by Ms. Rigby.

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

The motion to approve the minutes of the Monthly Meeting – February 10, 2020 passed.

The Chairperson moved to approve the minutes of the Legislative Public Hearing – February 18, 2020 and the Legislative Work Session – February 24, 2020. The motion was seconded by Ms. Walsh.

The motion to approve the minutes of the Legislative Public Hearing – February 18, 2020

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and the Legislative Work Session – February 24, 2020 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 29-2020 - A RESOLUTION confirming the appointment of Chuck Bubeck to the Board of Directors of the Downtown Columbia Partnership. *(No expiration date)*

Council Resolution 30-2020 - A RESOLUTION confirming the appointment of Paul Casey to the Housing Commission. *(No expiration date)*

Council Resolution 31-2020 - A RESOLUTION confirming the appointment of Lawrence R. Liebesman to the Environmental Sustainability Board. *(No expiration date)*

Council Resolution 32-2020 - A RESOLUTION confirming the appointment of Daniel Lovette to the Howard County Design Advisory Panel. *(No expiration date)*

Council Resolution 33-2020 - A RESOLUTION confirming the appointment of Mia C. Williams to the Commission on Disabilities. *(No expiration date)*

Financial

Council Resolution 34-2020 - A RESOLUTION amending the Howard County Board of Education Operating Budget for Fiscal Year 2020 to appropriate \$7,200,000 from its Fiscal Year 2019 unassigned General Fund Balance to its Fiscal Year 2020 Operating Budget Fixed Charges category to reduce its Health Fund Deficit; and generally relating to the Board of Education Operating Budget for Fiscal Year 2020. *(No expiration date)*

Council Bill 10-2020 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multiyear Renewable Energy Power Purchase Agreement between Howard County, Maryland and KDC Solar Maryland, LLC or an affiliate entity for the purchase of electric power for a term of twenty-five years, with the option for renewals; authorizing the County Executive to take certain actions in connection with the Agreement. *(Expires 5/11/20; 6/15/20 if extended; or 7/20/20 if extended twice.)*

Council Resolution 35-2020 - A RESOLUTION amending the Reimbursement rates applicable to one-time reimbursements for an investment in an on-site stormwater best management practice that reduces the impact on the public stormwater management system; providing that certain previously adopted rates shall remain in effect; and generally relating to schedules of rates adopted as part of the Watershed Protection and Restoration Fee. *(No expiration date)*

Council Resolution 36-2020 - Introduced by: Chairperson at the request of the County Executive and cosponsored by David Yungmann - A RESOLUTION amending the purchase price formula used to determine the price that Howard County pays when purchasing development rights under the Agricultural Land Preservation Program; and specifying that the purchase price formula shall be effective upon passage of the Resolution and shall remain in effect until changed or repealed by Resolution of the County Council. *(No expiration date)*

Council Resolution 37-2020 - A RESOLUTION endorsing and authorizing the Howard County Executive to file an application with the Maryland Transit Administration of the Maryland Department of Transportation for certain grants under the Federal Transit Act; indicating certain endorsement by the County Executive; and requiring certain copies be sent to the Maryland Department of Transportation. *(No expiration date)*

General

Council Resolution 38-2020 - A RESOLUTION adding certain sites to the Cemeteries and Grave Sites Inventory. *(No expiration date)*

Council Resolution 39-2020 - A RESOLUTION supplementing and amending the Historic Sites Inventory for Howard County by adding two properties to the Inventory and by amending address information related to properties already on the Inventory. *(No expiration date)*

Council Resolution 40-2020 - Introduced by: Chairperson at the request of the County Executive and cosponsored by Liz Walsh - A RESOLUTION endorsing an application by the Patapsco Heritage Greenway, Inc. to the Maryland Heritage Area Authority for approval of amendments to the Patapsco Valley Heritage Area boundaries. *(No expiration date)*

Council Bill 11-2020 - Introduced by: Deb Jung; Cosponsored by: Christiana Rigby and Liz Walsh - AN ACT to require certain projects to document that the project meets specified bird-friendly design standards; providing for a delay in enforcement of this Act; and generally relating to environmental design. *(Expires 5/11/20; 6/15/20 if extended; or 7/20/20 if extended twice.)*

Council Bill 12-2020 - Introduced by: David Yungmann – AN ACT to allow a landlord to show a model or similar unit to a prospective tenant if the unit to be leased is not vacant

under specified circumstances; to repeal the authority of a tenant to terminate a lease without penalty if certain violations are not abated within a certain time; to allow a lease to provide that a tenant will pay specified costs under specified circumstances; to alter the lease payment grace period; to allow for the collection of specified charges; to repeal the prohibition against a lease stating that it is a contract under seal; making a technical correction; and generally relating to landlord-tenant relations. *(Expires 5/11/20; 6/15/20 if extended; or 7/20/20 if extended twice.)*

Council Bill 13-2020 - Introduced by: Christiana Rigby; Co-sponsored by: Opel Jones and Liz Walsh - AN ACT amending the Howard County Code to establish a Notice and a Requirement to provide an offer to the County and Housing Commission to Purchase Rental Housing offered for sale in the County; and generally relating to the sale of Rental Housing. *(Expires 5/11/20; 6/15/20 if extended; or 7/20/20 if extended twice.)*

Council Bill 14-2020 - Introduced by: Liz Walsh; Co-sponsored by: Deb Jung and Christiana Rigby - AN ACT amending the Howard County Code to adjust, beginning on July 1, 2020, the use of the Housing Unit Allocation Rolling Average provision as defined in the Adequate Public Facilities Ordinance; and generally relating to the Housing Unit Allocation Rolling Average provision. *(Expires 5/11/20; 6/15/20 if extended; or 7/20/20 if extended twice.)*

FINAL CONSIDERATION

The Administrator read the following legislation for final consideration, beginning with appointments on the consent agenda.

Consent Agenda

Council Resolution 22-2020 - A RESOLUTION confirming the reappointment of Chuen-Chin 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)*

The Chairperson moved to approve Council Resolutions 22-, 23-, 24- , 25-, 26-and 27-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 22-, 23-, 24- , 25-, 26-and 27-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 22-, 23-, 24- , 25-, 26- and 27-2020 passed.

The Chairperson moved to remove Council Resolution 1-2020 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 1-2020 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Resolution 1-2020 from the table passed.

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 approve Council Resolution 1-2020. The motion was seconded by Ms. Walsh.

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

AMENDMENT NO. 1

(This amendment corrects the appointee's councilmanic district.)

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

The motion to approve Amendment #1 to Council Resolution 1-2020 passed.

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

The motion to approve Council Resolution 1-2020 as amended passed.

The Administrator read the rest of the appointments together for final consideration. There was no objection, and there was a single combined roll call vote for the remaining pending appointments.

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)*

The Chairperson moved to approve Council Resolutions 15-, 16-, 17-, 18-, 19-, 20- and 21-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 15-, 16-, 17-, 18-, 19-, 20- and 21-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 15-, 16-, 17-, 18-, 19-, 20- and 21-2020 passed.

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.*)

The Chairperson moved to approve Council Bill 6-2020. The motion was seconded by Ms. Walsh.

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

The motion to approve Council Bill 6-2020 passed.

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.*)

The Chairperson moved to approve Council Bill 7-2020. The motion was seconded by Ms. Walsh.

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

The motion to approve Council Bill 7-2020 passed.

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.*)

The Chairperson moved to approve Council Bill 8-2020. The motion was seconded by Ms. Walsh.

Mr. Jones moved to approve Amendment #1 to Council Bill 8-2020. The motion was seconded by Ms. Rigby.

AMENDMENT NO. 1

(This Amendment clarifies the kinds of legislation that will have a fiscal analysis)

The roll call vote called by the Administrator to approve Amendment #1 to Council Bill 8-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #1 to Council Bill 8-2020 passed.

Mr. Jones moved to approve Amendment #2 to Council Bill 8-2020. The motion was seconded by Ms. Rigby.

AMENDMENT NO. 2

(This Amendment clarifies when the analyses are due.)

The roll call vote called by the Administrator to approve Amendment #2 to Council Bill 8-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #2 to Council Bill 8-2020 passed.

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

The motion to approve Council Bill 8-2020 as amended passed.

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.)*

The Chairperson moved to table Council Bill 9-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 9-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Bill 9-2020 passed.

The Chairperson moved to remove Council Bill 1-2020 from the table. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to remove Council Bill1-2020 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Bill1-2020 from the table passed.

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.*)

Ms. Walsh moved to withdraw Amendment #1 to Council Bill 1-2020. 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.)

Mr. Yungmann moved to extend the life of Council Bill 1-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill1-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to extend the life of Council Bill1-2020 passed.

Mr. Jones moved to table Council Bill1-2020. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to table Council Bill1-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Bill1-2020 passed.

The Chairperson moved to remove Council Bill 3-2020 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 3-2020 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

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.)*

AT THE REQUEST OF THE ADMINISTRATION, AMENDMENTS 1-7 (PREFILED IN JANUARY FOR FEB. ACTION) WILL NOT BE INTRODUCED FOR ACTION.

The Chairperson moved to approve Amendment #8 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 8

(This amendment clarifies that a scooter is a vehicle operated pursuant to a Publicly Accessible Electric Scooter Sharing System Permit and thus a transit activity permissible on County roads.)

The roll call vote called by the Administrator on Amendment #8 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #8 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #9 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 9

(This amendment clarifies that the area where scooters will be allowed is the Columbia Planning Area and that there may be two permits issued instead of four.)

The roll call vote called by the Administrator on Amendment #9 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #9 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #10 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 10

(This Amendment requires that applicants have appropriate capabilities.)

The roll call vote called by the Administrator on Amendment #10 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #10 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #11 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 11

(Related to requirements of the permit, this amendment requires approval from the Columbia Association or proof of approval from private property owners to operate on pathways. This amendment also requires that a permit include a requirement that a person under the age of 18 shall not have access to a scooter.)

The roll call vote called by the Administrator on Amendment #11 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #11 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #12 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 12

(This amendment: 1. Requires a permit holder to provide helmet incentives, ensure the condition of a scooter, and provide certain contact information; 2. Requires a permit holder to take certain actions with regards to the Americans with Disabilities Act; 3. Requires the Multimodal Transportation Board to review and make recommendations on the form of the permit.)

The roll call vote called by the Administrator on Amendment #12 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #12 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #13 to Council Bill 3-2020. The motion was seconded by Ms. Rigby.

AMENDMENT NO. 13

(This Amendment provides for the Permit fee and the Permit term.)

The roll call vote called by the Administrator on Amendment #13 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #13 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #14 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 14

(This Amendment provides for reports.)

The roll call vote called by the Administrator on Amendment #14 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #14 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #15 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 15

(This Amendment provides for duties of the Office of Transportation.)

The roll call vote called by the Administrator on Amendment #15 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #15 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #16 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 16

(This Amendment provides a short title that indicates that the subtitle is a pilot program.)

The roll call vote called by the Administrator on Amendment #16 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #16 to Council Bill 3-2020 passed.

The Chairperson moved to approve Amendment #17 to Council Bill 3-2020. The motion was seconded by Ms. Walsh.

AMENDMENT NO. 17

(This Amendment provides that the initial Permit Fee is \$10,000.)

The roll call vote called by the Administrator on Amendment #17 to Council Bill 3-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment #17 to Council Bill 3-2020 passed.

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

The motion to approve Council Bill 3-2020 as amended passed.

Adjourned: **7:53** p.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)*