

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2020 Legislative Session

Legislative Day No. 12

September 8, 2020

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:06** p.m. through Virtual *via Webex*.

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

Theodore Wimberly, Acting Administrator to the County Council; Craig Glendenning, County Auditor; Gary Kuc, County Solicitor; and Trish Hammond, Administrative Support were also present.

JOURNALS AND MINUTES

The Chairperson move to approve the Journal of:

July 29, 2020

The motion was seconded by Ms. Walsh.

The roll call vote called by the Acting Administrator on the motion to approve the Journal of July 29, 2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council the Journal of July 29, 2020 passed.

The Chairperson move to approve the Minutes of:

Closed Meeting – May 19, 2020

The motion was seconded by Ms. Walsh.

The roll call vote called by the Acting Administrator on the motion to approve the Minutes of

Closed Meeting – May 19, 2020

was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve the above minutes passed.

SUSPENSION OF RULES

To suspend the rules to allow for introduction of Council Resolution 144-2020 (Wilde Lake Early Voting Center), which was not prefiled. (This motion requires 4 votes to pass)

The Chairperson moved to suspend the rules to allow for introduction of Council Resolution 144-2020 (Wilde Lake Early Voting Center). The motion was seconded by Ms. Walsh.

The roll call vote called by the Acting Administrator on the motion to suspend the rules to allow for introduction of Council Resolution 144-2020 (Wilde Lake Early Voting Center) was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to suspend the rules to allow for introduction of Council Resolution 144-2020 (Wilde Lake Early Voting Center) passed.

To suspend the rules to allow for introduction of Council Resolution 145-2020 (Special Legislative Session), which was not prefiled. (This motion requires 4 votes to pass)

The Chairperson moved to suspend the rules to allow for introduction of Council Resolution 145-2020 (Special Legislative Session). The motion was seconded by Ms. Walsh.

The roll call vote called by the Acting Administrator on the motion to suspend the rules to allow for introduction of Council Resolution 145-2020 (Special Legislative Session) was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to suspend the rules to allow for introduction of Council Resolution 145-2020 (Special Legislative Session) 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 110-2020 - A RESOLUTION appointing members to the Planning Advisory Committee to assist in the development of HoCo By Design, Howard County's next General Plan. *(No expiration date)*

Council Resolution 111-2020 - A RESOLUTION confirming the appointment of Hunter Craig to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 112-2020 - A RESOLUTION confirming the appointment of Teresa Garcia to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 113-2020 - A RESOLUTION confirming the appointment of Larry Scott Henschel to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 114-2020 - A RESOLUTION confirming the appointment of Kevin Hill to the Board of Electrical Examiners. *(No expiration date)*

Council Resolution 115-2020 - A RESOLUTION confirming the appointment of Lawrence Lewis III to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 116-2020 - A RESOLUTION confirming the appointment of Eduardo Marin to the Recreation and Parks Board. *(No expiration date)*

Council Resolution 117-2020 - A RESOLUTION confirming the appointment of Kimberly McCauley to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 118-2020 - A RESOLUTION confirming the appointment of Mike Mitchell to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 119-2020 - A RESOLUTION confirming the appointment of Daniel Thomas Nairn to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 120-2020 - A RESOLUTION confirming the appointment of Kelly Shalcosky-Proctor to the Local Behavioral Health Advisory Board. *(No expiration date)*

Council Resolution 121-2020 - A RESOLUTION confirming the appointment of Kelly L. Smith to the Board of Library Trustees. *(No expiration date)*

Council Resolution 122-2020 - A RESOLUTION confirming the appointment of Bonnie Sorak to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 123-2020 - A RESOLUTION confirming the reappointment of James W. Brown to the Howard County Agricultural Land Preservation Board. *(No expiration date)*

Council Resolution 124-2020 - A RESOLUTION confirming the reappointment of Katie Collins-Ihrke to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 125-2020 - A RESOLUTION confirming the reappointment of Shahriar Etemadi to the Multimodal Transportation Board. *(No expiration date)*

Council Resolution 126-2020 - A RESOLUTION confirming the reappointment of Cynthia Gula to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 127-2020 - A RESOLUTION confirming the reappointment of Wei Guo to the Commission on Aging. *(No expiration date)*

Council Resolution 128-2020 - A RESOLUTION confirming the reappointment of Patricia Warr Marshall to the Housing Commission. *(No expiration date)*

Council Resolution 129-2020 - A RESOLUTION confirming the reappointment of Judi Olinger to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 130-2020 - A RESOLUTION confirming the reappointment of Cynthia Parr to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 131-2020 - A RESOLUTION confirming the reappointment of Charles A. Phillips, Jr. to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 132-2020 - A RESOLUTION confirming the reappointment of Steven J. Plakitsis to the Adult Public Guardianship Review Board. *(No expiration date)*

Council Resolution 133-2020 - A RESOLUTION confirming the reappointment of Paul Rivers, to the Howard County Commission for Veterans and Military Families. *(No expiration date)*

Council Resolution 134-2020 - A RESOLUTION confirming the reappointment of Linda Skelton to the Housing and Community Development Board. *(No expiration date)*

Council Resolution 135-2020 - Introduced by: Christiana Rigby - A RESOLUTION confirming the appointment of Jennifer Bevan-Dangel to the Citizens' Election Fund Commission. *(No expiration date)*

Financial

Council Bill 43-2020 - AN ORDINANCE authorizing the issuance, sale and delivery of up to \$150,000,000 consolidated public improvement bonds and up to \$50,000,000 metropolitan district bonds, pursuant to various bond enabling laws; providing that such bonds shall be general obligations of the County; authorizing the County Executive to specify, prescribe, determine, provide for or approve the final principal amounts, maturity schedules, interest rates and redemption provisions for such bonds, and other matters, details, forms, documents or procedures and to determine the method of sale of such bonds; providing for the disbursement of the proceeds of such bonds and for the levying of taxes to pay debt service on such bonds; and providing for and determining various matters in connection therewith. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Bill 44-2020 - AN ACT making emergency appropriations pursuant to Section 610(b) of the Howard County Charter and amending the Annual Budget and Appropriation for Fiscal Year 2021 in order to receive approximately \$9,733,000 of additional State funding in the Board of Education's Capital budget for Fiscal Year 2021; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Resolution 136-2020 - A RESOLUTION approving the inclusion of approximately \$9,733,000 of additional State funding in the Board of Education's Capital budget for Fiscal Year 2021; and generally relating to the Fiscal Year 2021 budget of the Board of Education. *(No expiration date)*

Council Resolution 137-2020 - A RESOLUTION approving an application to the State of Maryland for funding under the Maryland Community Development Block Grant Program for funds awarded through the federal CARES Act; and authorizing certain actions necessary to carry out the intent of this Resolution. *(No expiration date)*

General

Council Bill 45-2020 (ZRA191) - AN ACT revising the definition of Housing Commission Housing Development to include the Howard County Government so that the Department of Housing and Community Development can facilitate the construction of affordable housing on non-residentially zoned land; allowing the Planning Board to approve up to a maximum of 12 acres of housing developments on non-residentially zoned land owned by the Howard County

Government or for housing developments owned by a business entity in which Howard County Government is a general partner or managing member; and generally relating to the Howard County Zoning Regulations. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Bill 46-2020 - AN ACT authorizing the County Executive to award points under the Length of Service Awards Program for active service by Executive Order based on a declared state of emergency; and generally relating to the Length Of Service Award Program for volunteer firefighting/EMS personnel. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Bill 47-2020 - AN ACT amending the Pay Plan for Howard County in order to add pay scales for Emergency Communications Supervisors, members of Local 3085 and members of Lodge 131; amending specialty pays applicable to Emergency Communication Supervisors and Police Lieutenants; providing for the application of certain pay schedules; and generally relating to the Pay Plan for Howard County. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Bill 48-2020 - AN ACT amending the Howard County Code in order to change the name of the Office of Human Rights to be the Office of Human Rights and Equity; and generally related to the Office of Human Rights. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Bill 49-2020 - AN ACT prohibiting parking in a bike lane; defining certain terms; and generally related to parking control in Howard County. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Resolution 138-2020 - A RESOLUTION approving a fine for parking in a bike lane. *(No expiration date)*

Council Resolution 139-2020 - A RESOLUTION authorizing the sale, for nominal consideration, of a Gas Chromatograph/Mass Spectrometer owned by Howard County to the Maryland State Police, Forensic Sciences Division. *(No expiration date)*

Council Resolution 140-2020 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant easements to Baltimore Gas and Electric Company so that BGE may place equipment on poles owned by the County in three locations in Ellicott City; 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 grant the easements if he finds that the property may have a further public use. *(No expiration date)*

Council Resolution 141-2020 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that land containing 0.188 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)*

Council Bill 50-2020 - Introduced by: Deb Jung - AN ACT to update a reference in the LEED green building rating system related to bird-friendly buildings; and generally relating to environmental design. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

Council Resolution 142-2020 - Introduced by: Opel Jones and Christiana Rigby - A RESOLUTION creating a Racial Equity Task Force to study racial inequities and disparities in Howard County and recommend legislative actions to close racial disparities in our community. *(No expiration date)*

Council Resolution 143-2020 - Introduced by: Liz Walsh - A Resolution declaring policy support by the Howard County Council for the “Fight For \$15” Coalition, which successfully advocated for the passage and eventual enactment of a phased-in \$15 per hour minimum wage for Marylanders, and for maintaining the first minimum wage phase-in as enacted, effective January 1, 2021. *(No expiration date)*

Council Resolution 144-2020 - A RESOLUTION establishing Wilde Lake High School as a fifth early voting center for the 2020 general election. *(No expiration date)*

Council Resolution 145-2020 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date. *(No expiration date)*

Council Bill 51-2020 - Introduced by: Liz Walsh - AN ACT prohibiting the Howard County Department of Corrections from accepting into its custody persons detained by federal immigration law enforcement agencies and housing those persons as they await disposition of exclusively immigration-related proceedings. *(Expires 11/17/20; 12/22/20 if extended; or 1/26/21 if extended twice.)*

FINAL CONSIDERATION

Council Resolution 107-2020 - A RESOLUTION authorizing the execution of a First Amendment to a Development Rights and Responsibilities Agreement by and between Camilla Carroll and Philip D. Carroll and Howard County, Maryland in accordance Title 16, Subtitle 17 of the Howard County Code. *(No expiration date)*

The Chairperson moved to approve Council Resolution 107-2020. 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 inserts the Planning Board Recommendation as Exhibit A to the First Amendment to Development Rights and Responsibilities Agreement.)

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.

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

Amendment No. 2

(Confirms the intent that certain obligations and covenants of Carrolls under the DRRA, including not to construct any roads that would connect the Site or any portion thereof to Burnside Drive, would survive the termination of the DRRA.)

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.

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

Amendment No. 3

(Requires that the County have a right of first refusal to purchase all or part of the 94 acres surrounding the home, or property otherwise, having cultural or historical significance.)

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, Rigby and Yungmann

The motion to approve Amendment 3 failed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 107-2020 as amended was: Yea: Council Members Jones, Rigby and Yungmann; Nay: Council Members Jung and Walsh

The motion to approve Council Resolution 107-2020 as amended passed.

Council Resolution 98-2019 – Introduced by: The Chairperson at the request of the County Executive – ARESOLUTION adopting the Housing Unit Allocation Chart for Fiscal Year 2020 pursuant to the Adequate Public Facilities Act of Howard County.

The Chairperson moved to remove Council Resolution 98-2019 from the table. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to remove Council Resolution 98-2019 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Resolution 98-2019 from the table passed.

The Chairperson moved to withdraw Council Resolution 98-2019. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to withdraw Council Resolution 98-2019 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to withdraw Council Resolution 98-2019 passed.

Council Resolution 89-2019 - Introduced by: The Chairperson at the request of the County Executive at the request of Dorsey Overlook, LLLP. - AN ACT declaring that a portion of Old Maryland Route 108, containing approximately 1.087 acres, is no longer needed for a public purpose and authorizing the County Executive to waive the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the County's property interest to the developer of the adjacent property, Dorsey Overlook, LLLP. (*No expiration date*)

Council Member Jones moved to remove Council Resolution 89-2019 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Resolution 89-2019 from the table was: Yea: Council Members Jones, Rigby, and Yungmann; Nay: Council Members Jung and Walsh

The motion to remove Council Resolution 89-2019 from the table passed.

Council Member Jones moved to approve Council Resolution 89-2019. The motion was seconded by Ms. Rigby.

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

Amendment No. 1

(This amendment clarifies that the interest that is being conveyed is an access and parking easement and amends the appraised value. This amendment also corrects a reference to a year.)

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

The motion to approve Amendment 1 passed.

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

Amendment No. 2

(This amendment adds conditions to the conveyance.)

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

The motion to approve Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 89-2019 as amended was: Yea: Council Members Jones, Rigby and Yungmann; Nay: Council Members Jung and Walsh

The motion to approve Council Resolution 89-2019 as amended passed.

Council Resolution 145-2020 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date. (*No expiration date*)

The Chairperson moved to approve Council Resolution 145-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolution 145-2020 was: Yea: Council Members Jones, Jung, Rigby and Walsh; Nay: Council Member Yungmann

The motion to approve Council Resolution 145-2020 passed.

Adjourned: **7:58** p.m.