

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2020 Legislative Session

Legislative Day No. 15

November 2, 2020

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:07** 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.

Diane Jones, Administrator to the County Council, Jeff Meyers, Senior Administrative Analyst to the County Council; Margery Sayers, County Council; Jennifer Sagar, Administration; Maureen Arthurs, Administration; Craig Glendenning, County Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Attorney; Kate Hetherington, Howard Community College; Felicia Carter, Howard Community College; and Brenda Smith, Administrative Support was also present.

Chairperson reads Howard Community College Honorary Resolution and Small Business Honorary Resolution.

The Pledge of Allegiance is recited.

JOURNALS AND MINUTES

The Chairperson move to approve the Journal of:

October 5, 2020

The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve the Journal of October 5, 2020 were: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve the Journal of October 5, 2020 passed.

The Chairperson move to approve the Minutes of:

Closed Meeting – August 3, 2020
Closed Meeting – October 5, 2020
Joint Meeting with the Board of Education – October 13, 2020
Monthly Meeting – October 13, 2020
Legislative Public Hearing – October 19, 2020
Legislative Work Session – October 26, 2020

The motion was seconded by Ms. Walsh.

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

Closed Meeting – August 3, 2020
Closed Meeting – October 5, 2020
Joint Meeting with the Board of Education – October 13, 2020
Monthly Meeting – October 13, 2020
Legislative Public Hearing – October 19, 2020
Legislative Work Session – October 26, 2020

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

The motion to approve the above minutes passed.

The Chairperson move to amend the agenda to add SA05-FY2021 and Council Resolution 175-2020 to specially set an emergency legislative session to act on the SAO following the November 16 legislative public hearing.

The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to amend agenda to add SA05-FY2021 and Council Resolution 175-2020 to specially set an emergency legislative session to act on the SAO following the November 16 legislative public hearing were: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to amend the agenda to add SA05-FY2021 and Council Resolution 175-2020 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 152-2020 - A RESOLUTION confirming the appointment of Stacey A. Bisnette, to the Board of Health. *(No expiration date)*

Council Resolution 153-2020 - A RESOLUTION confirming the appointment of Patricia C. Branch to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 154-2020 - A RESOLUTION confirming the appointment of Jennifer Broderick to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 155-2020 - A RESOLUTION confirming the appointment of Walter L. Davis to the Housing and Community Development Board. *(No expiration date)*

Council Resolution 156-2020 - A RESOLUTION confirming the appointment of Clarita Galindo Frazier Dawson, M.D. to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 157-2020 - A RESOLUTION confirming the appointment of Michael Garzon to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 158-2020 - A RESOLUTION confirming the appointment of Pam Lanman Guzzone to the Commission for Women. *(No expiration date)*

Council Resolution 159-2020 - A RESOLUTION confirming the appointment of Victoria Burton Hathaway to the Commission on Aging. *(No expiration date)*

Council Resolution 160-2020 - A RESOLUTION confirming the appointment of David C. Jordan, SPHR, SHRM-SCP, to the Pension Oversight Commission. *(No expiration date)*

Council Resolution 161-2020 - A RESOLUTION confirming the appointment of Melinda E. Kantsiper, M.D., to the Board of Health. *(No expiration date)*

Council Resolution 162-2020 - A RESOLUTION confirming the appointment of Andrea LeWinter to the Board of Directors of the Economic Development Authority. *(No expiration date)*

Council Resolution 163-2020 - A RESOLUTION confirming the appointment of Judi McCormick to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 164-2020 - A RESOLUTION confirming the appointment of Jessica I. Nichols to the Commission for Women. *(No expiration date)*

Council Resolution 165-2020 - A RESOLUTION confirming the appointment of Jerome Rollerson to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 166-2020 - A RESOLUTION confirming the appointment of David B. Vess to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 167-2020 - A RESOLUTION confirming the appointment of Dr. Richard Weisenhoff to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 168-2020 - A RESOLUTION confirming the appointment of Adelina Yoon to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 169-2020 - A RESOLUTION confirming the reappointment of Angela M. Boyter to the Commission on Aging. *(No expiration date)*

Council Resolution 170-2020 - A RESOLUTION confirming the reappointment of Brad Closs to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 171-2020 - A RESOLUTION confirming the reappointment of Stan Levi to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 172-2020 - A RESOLUTION confirming the reappointment of Joseph Markwordt to the Public Ethics Commission. *(No expiration date)*

Financial

SAO2-FY2021 - AN ACT transferring \$644,475 from the Grant Fund, Contingency Reserve for a grant to the County to be used to replace older, non-emissions equipped dump trucks currently being used by the Department of Public Works. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

SAO3-FY2021 - AN ACT transferring \$502,264 from the Grant Fund, Contingency Reserve to the Department of Police for a grant to assist with Human Trafficking Prevention activities. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

SAO4-FY2021 - AN ACT transferring \$688,226 from the Grant Fund, Contingency Reserve to the Board of Elections for a COVID-19 Response Grant from the Center for Tech and Civil Life to ensure a safe and secure election during the COVID 19 health emergency. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

SAO5-FY2021 - AN ACT transferring \$2,506,018 from the Grant Fund, Contingency Reserve to the Department of Finance in order to receive a grant for COVID-related relief from the State of Maryland and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

General

Council Bill 59-2020 - AN ACT requiring that all multiple-line telephone systems allow for the direct dial of 9-1-1; defining certain terms; authorizing certain inspections; providing for certain civil penalties; and generally relating to Telephone Access to the County's 9-1-1 Emergency Telephone System. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

Council Bill 60-2020 - AN ACT amending and updating the duties of the Office on Aging and Independence and the Commission on Aging; updating terminology; and generally relating to the Older Howard Countians Act. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

Council Bill 61-2020 - AN ACT amending PlanHoward 2030, the general plan for Howard County, to include The Ellicott City Watershed Master Plan and recognizing that the Plan is a comprehensive, long-range document created by a community-driven vision for historic Ellicott City and the Tiber Branch Watershed; and generally relating to planning, zoning and land use in Howard County. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

Council Bill 62-2020 - AN ACT amending the Howard County Code in order to change the name of the Office of Purchasing to be the Office of Procurement and Contract Administration; amending the name of the Administrator accordingly; and generally related to the Office of Purchasing. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

Council Resolution 173-2020 - A RESOLUTION pursuant to Section 4.104 of the Howard County Code, amending the Purchasing Manual in order to change the name of the Office of Purchasing to be the Office of Procurement and Contract Administration; to change the name of the Office Administrator accordingly; to make technical corrections; to update the Office's Mission statement; and generally relating to the Howard County Purchasing Manual. *(No expiration date)*

Council Resolution 174-2020 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive's sale of real property known as the "Flier Building" owned by Howard County, Maryland, containing approximately 2.159 acres, and located at 10750 Little Patuxent Parkway, Maryland; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code so that the property can be listed with Chartwell Enterprises; and providing that the County Executive is not bound to sell the property if he finds that it may have a further public use. *(No expiration date)*

Council Resolution 175-2020 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date.

Council Bill 63-2020 – Introduced by: Opel Jones - AN ACT providing that County employees shall take, or refrain from taking, specified actions with respect to the immigration status of specified individuals; prohibiting certain discrimination based on immigration status; requiring that certain information related to citizenship status be kept confidential; providing a procedure whenever specified provisions may be preempted by other law; requiring specified officials to take actions under certain circumstances; and generally relating to human rights in Howard County. *(Expires 1/11/21; 2/5/21 if extended; or 3/12/21 if extended twice.)*

FINAL CONSIDERATION

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

Appointments

Appointments were read together and then voted on.

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 146-2020 - A RESOLUTION confirming the appointment of Lou Hutt to the Pension Oversight Commission. *(No expiration date)*

Council Resolution 147-2020 - A RESOLUTION confirming the appointment of Wendell McKay to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 148-2020 - A RESOLUTION confirming the appointment of Dr. Orlando Wright to the Local Behavioral Health Advisory Board. *(No expiration date)*

Council Resolution 149-2020 - A RESOLUTION confirming the appointment of Lanlan Xu to the Howard County Local Children's Board. *(No expiration date)*

Council Resolution 150-2020 - A RESOLUTION confirming the reappointment of Syed Ahmad to the Board of Electrical Examiners. *(No expiration date)*

The Chairperson moved to approve Council Resolutions 115-2020, 146-2020, 147-2020, 148-2020, 149-2020 and 150-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolution 115-2020, 146-2020, 147-2020, 148-2020, 149-2020 and 150-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 115-2020, 146-2020, 147-2020, 148-2020, 149-2020 and 150-2020 passed.

Financial

TAO1-FY2021 - AN ACT transferring a total of \$54,652,000 from C0214, Category Contingency Fund, to capital project C0364, New Cultural Center, for Fiscal Year 2021. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to table TAO1-FY2021. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to table TAO1-FY2021 was: Yea: Council Members Jones, Jung, Walsh and Yungmann; Nay: Council Member Rigby.

The motion to table TAO1-FY2021 passed.

Council Bill 52-2020 - AN ACT reestablishing a tax credit against the County tax imposed on certain commercial or industrial real property located adjacent to Route 1 that is renovated, upgraded, or rehabilitated, under certain conditions; establishing the amount, terms, conditions, and duration of the credit; providing for an application procedure and administration of the credit; establishing a sunset provision; and generally relating to property tax credits. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to approve Council Bill 52-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 52-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 52-2020 passed.

Council Bill 53-2020 - AN ACT pursuant to Section 612 of the Howard County Charter and Section 4.201A of the Howard County Code, approving the execution by Howard County, Maryland of one or more installment purchase agreements to finance the acquisition of land for a new elementary school in the Turf Valley neighborhood of Ellicott City, Maryland and the

payment of any related costs in the aggregate maximum amount of \$6,000,000. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to table Council Bill 53-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 53-2020 was: Yea: Council Members, Jung and Walsh, Nay: Council Members, Jones, Rigby and Yungmann.

The motion to table Council Bill 53-2020 failed.

Council Member Jones moved to approve Council Bill 53-2020. The motion was seconded by Mr. Yungmann.

Council Member Rigby moved to approve Amendment 1 to Council Bill 53-2020. The motion was seconded by Mr. Yungmann.

Amendment No. 1

(This Amendment substitutes a new agreement in order to specify:

- 1. That the first payment may be subject to reduction for amounts received by the Seller;*
- 2. That the Seller shall have the right to take action under the Sale Agreement; and*
- 3. Language that directs which agreement shall control if there is a conflict between the Sale Agreement and the Installment Purchase Agreement.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 53-2020 was: Yea: Council Members Jones, Rigby, and Yungmann; Nay: Council Members Jung and Walsh.

The motion to approve Amendment 1 to Council Bill 53-2020 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 53-2020 as amended was: Yea: Council Members Jones, Rigby, and Yungmann; Nay: Council Members Jung, and Walsh.

The motion to approve Council Bill 53-2020 as amended passed.

General

Council Bill 54-2020 – AN ACT adopting the 2020 National Electrical Code as the Electrical Code for Howard County; regulating the design, construction, alteration, improvement or modification to electrical equipment; adopting certain local amendments to the Electrical Code; making certain technical corrections; and generally relating to the electrical code in Howard County. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to approve Council Bill 54-2020. The motion was seconded by Ms. Walsh.

The Chairperson moved to approve Amendment 1 to Council Bill 54-2020. The motion was seconded by Ms. Walsh.

Amendment No. 1

(Based on feedback from the Board of Electrical Examiners, this amendment clarifies when certain electrodes shall be used.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 54-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Bill 54-2020 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 54-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 54-2020 as amended passed.

Council Resolution 151-2020 - A RESOLUTION pursuant to Title 5, Subtitle 3 of the Education Article of the Annotated Code of Maryland, approving the Howard County Board of Education's Capital Budget Request for Fiscal Year 2022 and Capital Improvement Program Request for Fiscal Years 2023-2027 for the purpose of submission to the Interagency Commission on School Construction. (*No expiration date*)

The Chairperson moved to approve Council Resolution 151-2020. The motion was seconded by Ms. Walsh.

The Chairperson moved to approve Amendment 1 to Council Resolution 151-2020. The motion was seconded by Ms. Walsh.

Amendment No. 1

(This amendment substitutes revised FY22 Capital Budget Requests and Capital Improvement Program Requests for FY23-27. After profile, the Board of Education amended the Superintendent's proposed request to add New High School #14 and new Elementary School #44 into the FY 2022-2031 Long-Range Master Plan.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 151-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Resolution 151-2020 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 151-2020 as amended was: Yea: Council Members Jones, Rigby, and Yungmann; Nay: Jung, and Walsh.

The motion to approve Council Resolution 151-2020 as amended passed.

Council Bill 55-2020 – Introduced by: Deb Jung; Co-sponsored by: Liz Walsh and David Yungmann - AN ACT requiring the County Executive to submit fiscal analyses for specified legislative items; specifying when a fiscal analysis must be submitted; and generally relating to the enactment of legislation. *(Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.)*

The Chairperson moved to approve Council Bill 55-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 55-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 55-2020 passed.

Council Bill 56-2020 – Introduced by: Liz Walsh - AN ACT amending the Howard County Code to remove the Adequate Public Facilities Ordinance’s exemption for Conditionally Exempt Residential Subdivision Plans; and generally relating to Adequate Public Facilities Ordinance Exemptions. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to table Council Bill 56-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to table Council Bill 56-2020 was: Yea: Council Members Jung and Walsh; Nay: Council Members Jones, Rigby and Yungmann.

The motion to table Council Bill 56-2020 failed.

The Chairperson moved to approve Council Bill 56-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 56-2020 was: Yea: Council Members Jung and Walsh; Nay: Council Members Jones, Rigby and Yungmann.

The motion to approve Council Bill 56-2020 failed.

Council Bill 57-2020 - Introduced by: David Yungmann; Co-sponsored by: Deb Jung - AN ACT amending the Howard County Code to replace the recommendation requirement with an analysis requirement for the Department of Planning and Zoning’s Technical Staff Reports; and generally relating to Technical Staff Reports. (*Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.*)

The Chairperson moved to approve Council Bill 57-2020. The motion was seconded by Ms. Walsh.

The Chairperson moved to approve Amendment 1 to Council Bill 57-2020. The motion was seconded by Ms. Walsh.

Amendment No. 1

(Specifies that the Department of Planning and Zoning is not to file a Zoning Regulation Amendment on behalf of private entities and sets criteria for Technical Staff Report analyses.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Bill 57-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Bill 57-2020 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 57-2020 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 57-2020 as amended passed.

Council Bill 58-2020 (ZRA190) - Introduced by: The Chair at the request of John P. McDaniel - AN ACT amending the Howard County Zoning Regulations to allow the merger of adjoining preservation parcels under specific conditions; and generally relating to preservation parcels. *(Expires 12/14/20; 1/18/21 if extended; or 2/22/21 if extended twice.)*

The Chairperson moved to approve Council Bill 58-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Bill 58-2020 was: Yea: Council Members Jones, Jung, Rigby and Yungmann; Nay: Council Member Walsh.

The motion to approve Council Bill 58-2020 passed.

Council Resolution 175-2020 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date.

The Chairperson moved to approve Council Resolution 175-2020. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to approve Council Resolution 175-2020 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 175-2020 passed.

Vetoed

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.*)

Council Bill 51-2020 was passed by the County Council on October 5, 2020 and vetoed by the County Executive on October 7, 2020. Pursuant to Council Rules of Procedure Rule 1.007(e), the Council may, by a 2/3 rds vote, pass the bill over the County Executive's veto. Per Rule 1.007(e) Shall the bill pass notwithstanding the objections of the Executive?

Council Member Liz Walsh moved to pass Council Bill 51-2020 notwithstanding the objections of the County Executive. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to pass Council Bill 51-2020 was: Yea: Council Members, Jung and Walsh; Nay: Council Members Jones and Yungmann; Abstain: Council Member Rigby.

The motion to pass Council Bill 51-2020 failed.

Adjourned: **9:08** p.m.
