

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2021 Legislative Session**

**Legislative Day No. 3**

February 3, 2021

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **1:05** p.m. through Virtual *via Webex*.

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

Theo Wimberly, Acting Administrator to the County Council, Lynne Rosen, Senior Legislative Analyst to the County Council; Margery Sayers, County Council; Jennifer Sager, Administration; Maureen Arthurs, Administration; Craig Glendenning, County Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Attorney; and Trish Hammond, Administrative Support was also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 2, January 19, 2020, the minutes for the Monthly Meeting – January 6, 2021, the Joint Meeting with the Board of Education – January 19, 2021, the Legislative Public Hearing – January 19, 2021, the Emergency Public Hearing – January 19, 2021, 2020 and the Legislative Work Session – January 22, 2021. The motion was seconded by Dr. Jones.

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 and the minutes passed.

## **LATE INTRODUCTION**

The Chairperson moved to approve the late introduction of approve the late introduction of Council Resolution 36 – 2021 calling the Council into a Special Legislative Session on February 16, 2021 to consider Emergency Legislation. (requires 4 votes)

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 late introduction of Council Resolution 36-2021 passed.

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## **FINAL CONSIDERATION**

The Chairperson asked if there were objections to reading appointments together. After hearing no objections, the Administrator read Council Resolutions 1, 2, 3, 5, 7,8,9,14, and 165-2021 together for a single combined roll call vote.

Council Resolution 1-2021 - A RESOLUTION confirming the appointment of Nailah Brock, Ph.D. to the Board of Social Services. (*No expiration date*)

Council Resolution 2-2021 - A RESOLUTION confirming the appointment of Maurice C. Frazier to the Martin Luther King, Jr. Holiday Commission. (*No expiration date*)

Council Resolution 3-2021 - A RESOLUTION confirming the appointment of Ralph C. Glover, Jr. to the Board of Social Services. (*No expiration date*)

Council Resolution 5-2021 - A RESOLUTION confirming the appointment of Shoshanah Hornum to the Martin Luther King, Jr. Holiday Commission. (*No expiration date*)

Council Resolution 7-2021 - A RESOLUTION confirming the appointment of Chalise Cassandra Latimer to the Martin Luther King, Jr. Holiday Commission. (*No expiration date*)

Council Resolution 8-2021 - A RESOLUTION confirming the appointment of Ivette Lopez to the Board of Social Services. (*No expiration date*)

The motion to approve Council Resolutions 1, 2, 3, 5, 7, 8, 9, 14 and 165-2020 passed.

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Council Resolution 6-2021 - A RESOLUTION confirming the appointment of Elizabeth Kromm to the Commission on Aging. *(No expiration date)*

The Chairperson moved to withdraw Council Resolution 6-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to withdraw Council Resolution 6-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to withdraw Council Resolution 6-2021 passed.

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Council Resolution 4-2021 - A RESOLUTION confirming the appointment of Ayesha Holmes to the Local Behavioral Health Advisory Board. *(No expiration date)*

The Chairperson moved to table Council Resolution 4-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to table Council Resolution 4-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Resolution 4-2021 passed.

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Council Resolution 15-2021 – Introduced by the Chairperson - A RESOLUTION appointing David Marker, Everlene Cunningham, McNeal Brown, Mahesh S. Kukata, Chris Oxenham, Ray Serrano, and Donna Hill Staton to the Councilmanic Redistricting Commission and naming Donna Hill Staton as the Chairperson of the Commission; and generally relating to Councilmanic Redistricting. *(No expiration date)*

The Chairperson moved to approve Council Resolution 15-2021. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1 to Council Resolution 15-2021. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(Specifies the names of the alternate members of the Councilmanic Redistricting Commission and provides additional background information regarding the alternate members of the Commission.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 15-2021 was: Yea: Council Member Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Resolution 15-2021 passed.

The Chairperson moved to approve Council Resolution 15-2021 as amended. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 15-2021 as amended was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to approve to Council Resolution 15-2021 as amended passed.

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Council Resolution 6-2021 - A RESOLUTION confirming the appointment of Elizabeth Kromm to the Commission on Aging. *(No expiration date)*

The Chairperson moved to approve Council Resolution 6-2021. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1 to Council Resolution 6-2021. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This amendment corrects the appointee's name.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Council Resolution 6-2021 was: Yea: Council Member Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Council Resolution 6-2021 passed.

The Chairperson moved to approve Council Resolution 6-2021 as amended. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 6-2021 as amended was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to approve to Council Resolution 6-2021 as amended passed.

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Council Bill 2-2021 – AN ORDINANCE approving the execution and delivery by Howard County, Maryland (the “County”) of a conditional purchase agreement or funding agreement (the “Conditional Purchase Agreement”) in an amount not to exceed \$25,000,000 in order to refinance one or more lease agreements of the County and to pay the costs of such refinancing; providing that the County’s obligation to make purchase installment payments under the Conditional Purchase Agreement shall be subject to annual appropriation by the County Council of Howard County, Maryland and shall not constitute indebtedness of the County; providing that the refinancing hereby approved is being undertaken for the purposes of realizing lease payment savings for the County; and generally providing for other matters related to the execution and delivery of the Conditional Purchase Agreement by the County. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

The Chairperson moved to approve Council Bill 2-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 2-2021 was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to approve Council Bill 2-2021 passed.

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Council Bill 4-2021 - AN ACT amending the timing for Fiscal Analysis provided by the County Auditor; providing that certain exceptions apply to Fiscal Analysis provided by the County

Executive; and generally relating to the enactment of legislation. (*Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.*)

The Chairperson moved to approve Council Bill 4-2021. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1 to Council Bill 4-2021. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This Amendment*

- 1. Clarifies that the deadline of upon introduction is for Fiscal Analysis performed by the County Executive of Executive-sponsored legislation and performed by the County Auditor of Council-sponsored legislation;*
- 2. Allows for certain exemptions if the County Auditor is unable to obtain information to perform the Fiscal Analysis;*
- 3. Clarifies that there is a different deadline for the Fiscal Analysis performed by the County Auditor of Executive-sponsored legislation;*
- 4. Clarifies that the exception to provide a Fiscal Analysis by the required deadline only applies to legislation submitted under Section 209(d) of the Howard County Charter; and*
- 5. Requires posting of the Fiscal Analysis within a certain time after submission.)*

The Chairperson moved to approve to approve Amendment 1 to Amendment No. 1 to CB4-2021. The motion was seconded by Dr. Jones.

**Amendment 1 to Amendment No. 1**

*(The Am to Am moves the time extension if the Auditor doesn't receive information from the CE to the delay that is vetted through the Council Chair.)*

The roll call vote called by the Administrator to approve Amendment 1 to Amendment No. 1 to CB4-2021 was: Yea: Council Member Jones and Yungmann; Nay: Council Members Jung, Rigby and Walsh.

The motion to approve Amendment 1 to Amendment 1 Council Bill 4-2021 failed.

The Chairperson moved to approve Amendment 2 to Amendment 1 Council Bill 4-2021. The motion was seconded by Dr. Jones.

**Amendment No. 2 to Amendment No. 1**

*(The Am to Am corrects grammar.)*

The roll call vote called by the Administrator to approve Amendment 2 to Amendment 1 CB4-2021 was: Yea: Council Member Jones, Rigby and Yungmann; Nay: Council Members Jung and Walsh.

The motion to approve Amendment 2 to Amendment 1 Council Bill 4-2021 passed.

The roll call vote called by the Administrator to approve Amendment 1 to CB4-2021 as amended was: Yea: Council Member Jones, Rigby and Yungmann; Nay: Council Members Jung and Walsh.

The motion to approve Amendment 1 Council Bill 4-2021 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 4-2021 as amended was: Yea: Council Member Jones and Rigby; Nay: Council Members Jung and Walsh and Yungmann.

The motion to approve Council Bill 4-2021 as amended failed.

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Council Bill 5-2021 - AN ACT amending the Howard County Retirement Plan in order to create a Deferred Retirement Option Program for Participating Corrections Employees (Corrections DROP); defining certain terms; establishing certain deadlines; setting forth the eligibility for Corrections DROP to include certain employees of the Department of Corrections; providing for the term of Corrections DROP participation; providing for the termination of participation in Corrections DROP; requiring that certain accounts be established and maintained; setting forth

provisions related to the disability, death, or retirement of Corrections DROP participants; and generally relating to the Howard County Retirement Plan. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

The Chairperson moved to approve Council Bill 5-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Bill 5-2021 was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to approve Council Bill 2-2021 passed.

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Council Bill 1-2021 - AN ACT requiring a license for private animal shelters; defining certain terms; authorizing the adoption of certain regulations; providing for certain exemptions; requiring that a license application contain certain information; requiring an application fee; requiring that certain fees be adopted by Resolution of the County Council; providing for inspections; providing that a denied application can be resubmitted under certain conditions; providing for a license term; providing the conditions under which the license can be suspended or revoked; providing for appeals and license renewals; requiring certain records; providing standards of care for private animal shelters; providing for certain penalties; adding to the duties of the Animal Matters Hearing Board; and generally relating to private animal shelters in Howard County. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

The Chairperson moved to table Council Bill 1-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to table Council Bill 1-2021 was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to table Council Bill 1-2021 passed.

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Council Resolution 11-2021 - A RESOLUTION approving a nonrefundable application fee and a license fee for an annual Private Animal Shelter License. *(No expiration date)*

The Chairperson moved to table Council Resolution 11-2021. The motion was seconded by Dr. Jones.



The roll call vote called by the Administrator on the motion to table Council Resolution 11-2021 was: Yea: Council Members Walsh, Jones, Jung, Rigby and Yungmann.

The motion to table Council Resolution 11-2021 passed.

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Council Resolution 12-2021 - A RESOLUTION pursuant to Section 16.1203 of the Howard County Code, adopting a new Forest Conservation Manual; and generally relating to Howard County Forest Conservation. *(No expiration date)*

The Chairperson moved to approve Council Resolution 12-2021. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 2 to Council Resolution 12-2021. The motion was seconded by Dr. Jones.

**Amendment No. 2**

*(This amendment adds language indicating a preference for site design techniques that minimize clearing and grading and lists those techniques.)*

The roll call vote called by the Administrator to approve Amendment 2 to CR12-2021 was: Yea: Council Member Jones, Jung, Rigby Walsh and Yungmann.

The motion to approve Amendment 2 Council Resolution 12-2021 passed.

Council Member Jung moved to consider late Amendment 3 to Council Resolution 12-2021, amendment was not prefiled and requires 4 votes to be considered. The motion was seconded by Council Member Walsh.

The roll call vote called by the Administrator to consider late Amendment 3 to Council Resolution 12-2021 was: Yea: Council Member Jung and Walsh; Nay: Council Members Jones, Rigby and Yungmann.

The motion to consider Amendment 3 to Council Resolution 12-2021 failed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 12-2021 as amended was: Yea: Council Member Jones, Jung, Rigby and Walsh; Nay: Council Member Yungmann.

The motion to approve Council Resolution 12-2021 as amended passed.

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Council Bill 7-2021 (ZRA192) - Introduced by the Chair at the request of Annapolis Junction Town Center, LLC - AN ACT amending the Howard County Zoning Regulations to allow structures within 750 feet of a MARC station platform to exceed 100 feet in height up to a maximum of 180 feet in height under certain circumstances; and generally relating to the Transit Oriented Development (TOD) Zoning District. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

The Chairperson moved to approve Council Bill 7-2021. The motion was seconded by Dr. Jones.

The Chairperson moved to approve Amendment 1 to Council Bill 7-2021. The motion was seconded by Dr. Jones.

**Amendment No. 1**

*(This amendment requires that Moderate Income Housing Units be developed on the site of a TOD development and prohibits a developer from providing Moderate Income Housing Units at a different location or paying fees-in-lieu of Moderate Income Housing Units.)*

The Chairperson moved to approve Amendment 1 to Amendment 1 Council Bill 7-2021. The motion was seconded by Dr. Jones.

**Amendment No. 1 to Amendment No. 1**

*(This amendment changes the Department of Planning and Zoning to the Department of Housing and Community Development as the Department that receives fees-in-lieu of for moderate income housing units on the title page.)*

The roll call vote called by the Administrator to approve Amendment 1 to Amendment 1 CB 7-2021 was: Yea: Council Member Jones, Jung, Rigby Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 1 Council Bill 7-2021 passed.

The roll call vote called by the Administrator to approve Amendment 1 CB 7-2021 as amended was: Yea: Council Member Jones, Jung, Rigby Walsh and Yungmann.

The motion to approve Amendment 1 Council Bill 7-2021 as amended passed.

Council Member Jung moved to approve Amendment 2 Council Bill 7-2021. The motion was seconded by Council Member Walsh.

**Amendment No. 2**

*(This amendment prohibits any structure with a height in excess of 100 feet within 750 feet of a residential zoning district, excluding certain residential areas.)*

The roll call vote called by the Administrator to approve Amendment 2 to CB 7-2021 as amended was: Yea: Council Member Jones, Jung, Rigby and Yungmann; Nay: Council Member Walsh

The motion to approve Amendment 2 Council Bill 7-2021 passed.

The roll call vote called by the Administrator to approve CB 7-2021 as amended was: Yea: Council Member Jones, Rigby, and Yungmann; Nay Council Member Jung and Walsh.

The motion to approve Council Bill 7-2021 as amended passed.

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Council Bill 8-2021 (ZRA193) - Introduced by: The Chair at the request of Blue Stream, LLC - AN ACT amending the Howard County Zoning Regulations to allow all CAC (Corridor Activity Center) zoned properties to reduce the required commercial square footage below 20 square feet per dwelling unit if the Department of Planning and Zoning finds based on a market study submitted by the developer that the reduction is necessary for the financial viability of the project;

and generally relating to the CAC zoning district. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

The Chairperson moved to table Council Bill 8-2021. The motion was seconded by Council Member Rigby.

The roll call vote called by the Administrator on the motion to table Council Bill 8-2021 was: Yea: Council Members Jung, Rigby, Walsh and Yungmann; Nay: Council Member Jones.

The motion to table Council Bill 8-2021 passed.

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Council Bill 9-2021 – Introduced by: David Yungmann - AN ACT to repeal a prohibition against the installation of certain multiuse sewerage systems; and generally relating to private sewer systems. *(Expires 3/15/21; 4/19/21 if extended; or 5/24/21 if extended twice.)*

Council Member Jung moved to approve Council Bill 9-2021. The motion was seconded by Council Member Walsh.

Council Member Jung moved to approve Amendment 1 to Council Bill 9-2021. The motion was seconded by Council Member Walsh.

**Amendment No. 1**

*(This Amendment adds text to clarify the intent of eliminating the prohibition on residential uses on multi-use residential sewerage systems and retains a definition and standard.)*

The roll call vote called by the Administrator to approve Amendment 1 to CB 9-2021 was: Yea: Council Member Jones, Jung, Rigby Walsh and Yungmann.

The motion to approve Amendment 1 Council Bill 9-2021 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 9-2021 as amended was: Yea: Council Member Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 92021as amended passed.

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Council Resolution 36-2021 – Introduced by The Chairperson – A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date.

The Chairperson moved to approve Council Resolution 36-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolution 36-2021 was: Yea: Council Members Jones Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 36-2021 passed.

Adjourned: **2:31** p.m.

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