

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2021 Legislative Session**

**Legislative Day No. 15**

September 8, 2021

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7: 04** p.m.

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

Michelle Harrod, Administrator to the County Council; Ed Shoulder, Deputy County Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs; Lynne Rosen, Senior Legislative Analyst; Margery Sayers, Executive Assistant and Rozonna Hightower, Administrative Support were also present.

**APPROVE JOURNAL AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 14, July 28, 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 passed.

The Chairperson moved to approve the minutes for the Special Legislative Public Hearing – July 28, 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 minutes passed.

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## **INTRODUCTION OF LEGISLATION**

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

### **Appointments**

Council Resolution 123-2021 - A RESOLUTION confirming the appointment of Adeniyi Michael Adekoya to the Commission on Disabilities. *(No expiration date)*

Council Resolution 124-2021 - A RESOLUTION confirming the appointment of James Cecil to the Planning Board. *(No expiration date)*

Council Resolution 125-2021 - A RESOLUTION confirming the appointment of Julianne Danna to the Historic Preservation Commission. *(No expiration date)*

Council Resolution 126-2021 - A RESOLUTION confirming the appointment of Theresa Forgét, SPHR, SHRM-SCP, to the Board to Promote Self-Sufficiency. *(No expiration date)*

Council Resolution 127-2021 - A RESOLUTION confirming the appointment of Ellen Flynn Giles to the Historic Preservation Commission. *(No expiration date)*

Council Resolution 128-2021 - A RESOLUTION confirming the appointment of Brandon Kostinsky to the Historic Preservation Commission. *(No expiration date)*

Council Resolution 129-2021 - A RESOLUTION confirming the appointment of Aida M. Lebbos, J.D., CCEP, to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 130-2021 - A RESOLUTION confirming the appointment of Sekou “Koe” Murphy to the Housing and Community Development Board. *(No expiration date)*

Council Resolution 131-2021 - A RESOLUTION confirming the appointment of Alesia Richter to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 132-2021 - A RESOLUTION confirming the appointment of Dustin Thacker to the Historic Preservation Commission. *(No expiration date)*

Council Resolution 133-2021 - A RESOLUTION confirming the reappointment of Edward Coleman to the Planning Board. *(No expiration date)*

Council Resolution 134-2021 - A RESOLUTION confirming the reappointment of Elizabeth Homan to the Housing Commission. *(No expiration date)*

Council Resolution 135-2021 - A RESOLUTION confirming the reappointment of Erica Roberts to the Planning Board. *(No expiration date)*

Council Resolution 136-2021 - A RESOLUTION confirming the appointment of Kellie Rowden-Racette, to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 137-2021 - A RESOLUTION confirming the appointment of Sierra Sewchand to the Martin Luther King, Jr. Holiday Commission. *(No expiration date)*

Council Resolution 138-2021 - A RESOLUTION confirming the reappointment of Mary Weeks as a member of the Cable Advisory Committee. *(No expiration date)*

Council Resolution 139-2021 - A RESOLUTION confirming the reappointment of Erica Zoren to the Historic Preservation Commission. *(No expiration date)*

### **Financial**

SAO1-FY2022 - AN ACT transferring \$476,969 from the General Fund, Contingency Reserve to the Department of Police, Office of the State's Attorney and Sherriff's Office for the Body Worn Camera Program. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

SAO2-FY2022 - AN ACT transferring \$273,540 from the Grant Fund, Contingency Reserve to the Department of Finance to reflect increased grant funding received from the State Department of Commerce for a grant that aids businesses who set up online sales and telework opportunities. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 59-2021 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and Hurricane Electric, LLC for certain internet services used by the County, authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Resolution 140-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and SunEast Friendship Solar LLC and MHGH&S, LLC for the generation of electricity on property located at 13300 Frederick Road, West Friendship. *(No expiration date)*

Council Resolution 141-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and SunEast Friendship ANEM Solar LLC and MHGH&S, LLC for the generation of electricity on property located at 13300 Frederick Road in West Friendship, Maryland. *(No expiration date)*

Council Resolution 142-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Terrapin Branch Solar, LLC, and 2800 Nixon's Farm Lane, LLC, for the generation of electricity on property owned by 2800 Nixon's Farm Lane, LLC located at 2800 Nixon's Farm Lane, West Friendship, Maryland. *(No expiration date)*

Council Resolution 143-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Community Power Group, LLC and Jack Coogan Fyock Jr. for the generation of electricity on property located on Ten Oaks Road, Glenelg, Maryland. *(No expiration date)*

Council Resolution 144-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Roslyn Rise Four, LLC for property located at 10351 Twin Rivers Road, which will comprise a mixed-income, rental housing development to be known as one-half of Roslyn Rise Apartments, and finding that the Development meets the requirements of certain Special Affordable Housing Opportunities pursuant to the Adequate Public Facilities Act and may proceed subject to all other provisions of the Act despite being located in an area that is closed for development due to the projected enrollment in the school capacity chart. *(No expiration date)*

Council Resolution 145-2021 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between the Howard County, Maryland and Roslyn Rise Nine, LLC for property located at 10401 Twin Rivers Road, which will comprise a mixed-income, rental housing development to be known as one-half of Roslyn Rise Apartments, and finding that the Development meets the requirements of certain Special Affordable Housing Opportunities pursuant to the Adequate Public Facilities Act and may proceed subject to all other provisions of the Act despite being located in an area that is closed for development due to the projected enrollment in the school capacity chart. *(No expiration date)*

### **General**

Council Bill 60-2021 - AN ACT amending the authority to impose civil citations for violations of animal control provisions; amending certain appeal procedures; providing that Title 24, Civil Penalty, provisions apply to violations of animal control provisions; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 61-2021 - AN ACT amending the Pay Plan for Howard County to amend the classification and paygrade for the position of Workforce Development Administrator; and generally relating to the Pay Plan for Howard County. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 62-2021 - AN ACT amending a certain position that is appointed by the Chief Administrative Officer; and generally relating to the listing of position classifications in the Howard County Code. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 63-2021 - AN ACT confirming and ratifying the authority of boards and commissions to hold their meetings in person, by telephone, video conferencing, or other electronic means, or any combination thereof; and generally relating to board and commission meetings. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 64-2021 - AN ACT prohibiting the cutting or clearing of certain specimen trees; providing that a property owner may proceed under certain conditions and upon the submission and approval of certain applications; providing for the contents of certain applications; providing for the criteria to use in the review of certain applications; providing for certain exemptions; requiring certain compliance; providing certain penalties for noncompliance; requiring surety for forest retention; defining certain terms; and generally related to forest conservation and the preservation of natural cover in Howard County. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Resolution 146-2021 - A RESOLUTION endorsing the Howard County Executive's intent to apply for membership with the Government Alliance on Race and Equity (GARE). *(No expiration date)*

Council Resolution 147-2021 - A RESOLUTION declaring that a total of approximately 0.1431 acres of real property owned by Howard County and identified as a portion of Roxbury Road 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 property to the owner of the adjacent property upon the payment of certain consideration; and providing that the County Executive is not bound to convey the property if he finds that the land may have a further public use. *(No expiration date)*

Council Resolution 148-2021 - A RESOLUTION declaring that it is in the interest of public health, safety, and welfare of the citizens of Howard County to accept the dedication of a Right of Way for Rose Lane as shown on the plat titled "Nordau Subdivision" and recorded among the Land Records of Howard County at Plat Book 3, Page 51. *(No expiration date)*

Council Bill 65-2021 – Introduced by: Deb Jung - AN ACT requiring the posting of an information sign on certain parcels of land that are affected by a petition for a Zoning Regulation Amendment; specifying the content of the sign; prohibiting the Department of Planning and Zoning from submitting its Technical Staff Report under certain circumstances; adding a penalty for a violation of a certain provision of law; and generally relating to Zoning Regulation Text Amendment petitions. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 66-2021 – Introduced by Liz Walsh - AN ACT removing exemptions from the Forest Conservation Plan requirements for certain Planned Unit Developments and Planned Business Parks; and generally relating to forest conservation in the County. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

Council Bill 67-2021 – Introduced by Christiana Rigby and Opel Jones - AN ACT altering the date by which a store must remit the fees collected for disposable bags to the Director of Finance; and generally relating to disposable bag fees in the County. *(Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.)*

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### **FINAL CONSIDERATION**

*Ms. Harrod read all of the appointment and reappointment resolutions together and they were voted on together.*

#### **Appointments**

Council Resolution 111-2021 - A RESOLUTION confirming the appointment of Reverend Regina M. Clay to the Howard County Local Children’s Board. *(No expiration date)*

Council Resolution 112-2021 - A RESOLUTION confirming the appointment of Rosa Angelica Maymi to the Advisory Board on Consumer Protection. *(No expiration date)*

Council Resolution 113-2021 - A RESOLUTION confirming the appointment of Chloe McGeehan to the Recreation and Parks Board. *(No expiration date)*

Council Resolution 114-2021 - A RESOLUTION confirming the appointment of Tiffany Murray Releford, Esquire, to the Human Rights Commission. *(No expiration date)*

Council Resolution 115-2021 - A RESOLUTION confirming the appointment of Michelle Rhodes-Brown, CFA, to the Pension Oversight Commission. *(No expiration date)*

Council Resolution 116-2021 - A RESOLUTION confirming the appointment of Charles Schuster to the Soil Conservation District. *(No expiration date)*

Council Resolution 117-2021 - A RESOLUTION confirming the appointment of Sabina Taj to the Board of Library Trustees. *(No expiration date)*

Council Resolution 118-2021 – Introduced by the Chairperson - A RESOLUTION appointing the members of the Compensation Review Commission; providing that the Commission shall recommend the compensation and allowances of the County Council to be

elected in November 2022 by Resolution not later than December 21, 2021; providing that the Commission shall make a recommendation concerning compensation and allowances of the County Executive to be elected in November 2022; and providing that the Commission shall terminate on April 30, 2022. *(No expiration date)*

Council Resolution 119-2021 – Introduced by Liz Walsh - A RESOLUTION appointing Jean Xu to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2021. *(No expiration date)*

### **Reappointments**

Council Resolution 120-2021 - A RESOLUTION confirming the reappointment of Chuck Chandler to the Human Trafficking Prevention Coordination Council. *(No expiration date)*

Council Resolution 121-2021 - A RESOLUTION confirming the reappointment of Jon Steuernagle to the Human Trafficking Prevention Coordination Council. *(No expiration date)*

The Chairperson moved to approve CR 111-2021; 112-2021; 113-2021; 114-2021; 115-2021; 116-2021; 117-2021; 118-2021, 119-2021, 120-2021 and 121-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CR 111-2021; 112-2021; 113-2021; 114-2021; 115-2021; 116-2021; 117-2021; 118-2021, 119-2021, 120-2021 and 121-2021 was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CR 111-2021; 112-2021; 113-2021; 114-2021; 115-2021; 116-2021; 117-2021; 118-2021, 119-2021, 120-2021 and 121-2021 passed.

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### **TABLED**

Council Resolution 35-2021 – Introduced by: The Chairperson - A RESOLUTION setting a date by which the Councilmanic Redistricting Commission is required to prepare a plan of Councilmanic Districts and present the plan to the Howard County Council; setting a date following presentation of the plan of Councilmanic Districts to the County Council by which, if no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, the plan submitted by the Councilmanic Redistricting Commission becomes law; and generally relating to Councilmanic Redistricting. *(tabled 3/1/2021) (no expiration date)*

The Chairperson moved to remove Council Resolution 35-2021 from the table. 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 remove Council Resolution 35-2021 from the table passed.

The Chairperson moved to approve Council Resolution 35-2021 as amended. The motion was seconded by Dr. Jones.

Council Member Walsh moved to approve Amendment 1 to Council Resolution 35-2021. The motion was seconded by Dr. Jones.

### **Amendment 1 to CR35-2021**

*(This amendment alters from September 7, 2021 to November 22, 2021 the date by which the Councilmanic Redistricting Commission must prepare a plan of Councilmanic Districts and present the plan to the County Council. The amendment alters from January 7, 2022 to January 17, 2022 the date by which if no ordinance re-establishing the boundaries of the Councilmanic Districts has been enacted, the plan submitted by the Commission becomes law.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CR35-2021 was Yea: Council Members Jones, Jung, Rigby, Walsh; Nay Council Member Yungmann.

The motion to approve Amendment 1 to CR35-2021 passed.

The roll call by the Administrator on the motion to approve Council Resolution 35-2021 as amended was Yea: Council Members Jones, Jung, Rigby, Walsh; Nay Council Member Yungmann.

The motion to approve Council Resolution 35-2021 as amended passed.

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Council Bill 56-2021 – Introduced by Liz Walsh - AN ACT adding new definitions to the Forest Conservation ordinance; establishing a “look-back” provision for the disturbance of certain trees; reducing the diameter threshold to 24 inches for forest retention; and generally relating to forest conservation in the County. (tabled 7/8/2021) (*Expires 9/14/21; 10/19/21 if extended; or 11/23/21 if extended twice.*)

The Chairperson moved to remove Council Bill 56-2021 from the table. The motion was seconded by Ms. Jung.



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

The motion to remove Council Bill 56-2021 from the table passed.

The Chairperson moved to extend the life of Council Bill 56-2021. The motion was seconded by Ms. Jung.

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

The motion to extend the life of Council Bill 56-2021 failed.

The Chairperson moved to approve Council Bill 56-2021. The motion was seconded by Ms. Jung.

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

The motion to approve Council Bill 56-2021 failed.

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Council Bill 57-2021 – Introduced by Liz Walsh - AN ACT providing for enhanced enforcement measures and penalties for violations of the Forest Conservation Act of Howard County; and generally relating to forest conservation in the County. (tabled 7/28/2021) (*Expires 9/14/21; 10/19/21 if extended; or 11/23/21 if extended twice.*)

The Chairperson moved to remove Council Bill 57-2021 from the table. The motion was seconded by Ms. Jung.

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

The motion to remove Council Bill 57-2021 from the table passed.

The Chairperson moved to extend the life of Council Bill 57-2021. The motion was seconded by Ms. Jung.

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

The motion to extend the life of Council Bill 57-2021 failed.

The Chairperson moved to approve Council Bill 57-2021. The motion was seconded by Ms. Jung.

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

The motion to approve Council Bill 57-2021 failed.

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Adjourned at **8:17 p.m.**