



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

- Liz Walsh, Chair
District 1
- Opel Jones, Vice Chair
District 2
- Deb Jung
District 4
- Christiana Rigby
District 3
- David Yungmann
District 5

Work Session Minutes - Approved

Monday, September 27, 2021

Hybrid – In Person and Virtually via Webex

Video Streamed on <https://cc.howardcountymd.gov/Online-Tools/Watch-Us>

1:00 p.m.

Chair Walsh called the meeting to order at 1:03pm

Attendees:

Councilmembers – Chair Liz Walsh; Vice-chair Opel Jones; Deb Jung; Christiana Rigby; and David Yungmann

Staff Present: Michelle Harrod, Council Administrator; Theo Wimberly, Administrative Manager; Margery Sayers, Executive Assistant; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Craig Glendenning, County Auditor

SOLAR PAYMENT IN LIEU OF TAXES AGREEMENTS

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)*

Mr. Glendenning provided the Council with a status of outstanding documentation from the Administration including details on the economic feasibility of the PILOT; required Pro-forma financial statements from Nixon Farm; and expected kilo-watt output. Chair Walsh indicated these items will be added to a future Work Session once the information is received from the Administration.

APFO - PAYMENT IN LIEU OF TAXES AGREEMENTS

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)*

Howard County Public Schools and Howard County Board of Education members responded to various questions from the County Council about how the development of Roslyn Rise Apartments has on the needs of Title 1 schools; student enrollment; staff to student ratios; relocatable class rooms and condition of Bryant Woods ES.

Representatives from the developer, Enterprise, provided the Council with information about the decision to move forward with Roslyn Rise. In addition, there was general discussion about the impact of renovations on occupants; number and type of units to be developed; considerations when determining development; and Federal and State tax credits.

FOREST CONSERVATION

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 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.*)

Josh Feldmark and Amy Gowan responded to questions from the Council about the impact of this legislation on constituents who own small lots that are not sub-dividable. There was general discussion on the intent of the bill and forest conservation including removal of dead or dying trees; maintenance of trees on commercial property; identification of State champion trees; enforcement and penalties for violation.

Jessica Bellah from Columbia Association provided Council with the impact of this legislation on their organizations ability to manage public open areas; remove invasive species; and clear trees encroaching in public right of ways.

ZONING REGULATION AMENDMENT –

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.*)

The Council had general discussion about posting of signs for Council or County sponsored ZRA's. Ms. Jung indicated she is continuing research and will provide further information to Council members about posting of signs when the ZRA is County sponsored.

HISTORIC PRESERVATION COMMISSION –

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

Administration indicated Mr. Kostinsky has withdrawn his name for consideration, he will not be in attendance for the work session.

Chair Walsh adjourned the meeting at 3:47pm.

APFO - PAYMENT IN LIEU OF TAXES
CR144-2021 and CR145-2021

Kelly Cimino
Jackie Eng - Housing Affordability Coalition
Brian McLaughlin - Enterprise Community
Development
Theresa Ballinger- HC Autism Society
Daniel Kelliher - Community Homes Housing Inc
Tom Wall
Jess Neubelt - Enterprise
Mackenzie Kisiel (Enterprise)
Tom Coale, Enterprise Counsel
Kristin Shulder
Tracey Manning
Jeff Bronow
Dr. Wu - Board of Ed
Vicky Cutroneo - Board of Ed
Christina Delmont Smalls - Board of Ed
Antonia Watts - Board of Ed
Scott Washington - HCPSS
Daniel Lubeley - HCPSS
Herb Savje - HCPSS
Tim Rogers - HCPSS
Anissa Dennis - HCPSS
Patrick Saunderson - HCPSS
Justin Fitzgerald - HCPSS

SOLAR PAYMENT IN LIEU OF TAXES
CR140 to 143-2021

Josh Feldmark
John Miller - Chaberton Energy
Michael Borkowski - Community Power Group
Rob Wallace

FOREST CONSERVATION
CB64-2021 and CB66-2021

Josh Feldmark
Amy Gowan
Brian Shepter
Jessica Bellah - Columbia Association
Brenda Luber
Susan Overstreet

ZONING REGULATION AMENDMENT
CB65-2021

Amy Gowan

HISTORIC PRESERVATION COMMISSION
CR128-2021

Legislation to be withdrawn