

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2021 Legislative Session

Legislative Day No. 17
November 1, 2021

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:05** 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; Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs; Theodore Wimberly, 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 Session October 4, 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 Legislative Public Hearing – October 18, 2021 and Legislative Work Session – October 25, 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.

LATE FILING

Dr. Jones moved to approve amending the agenda to allow for the introduction of legislation which was not prefiled, (CB90-2021). The motion was seconded by Ms. Rigby.

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

The motion to amend the agenda passed.

Dr. Jones moved to approve amending the agenda to allow for the introduction of legislation which was not prefiled, (CR167-2021). The motion was seconded by Ms. Rigby.

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 amending the agenda passed.

INTRODUCTION OF LEGISLATION

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

Council Resolution 157-2021 - A RESOLUTION confirming the appointment of Bert J. Nash, Jr. to the Housing Commission. *(No expiration date)*

Council Resolution 158-2021 - A RESOLUTION confirming the appointment of Gregory Schuckman to the Commission on Disabilities. *(No expiration date)*

Council Resolution 159-2021 - A RESOLUTION confirming the appointment of Steven L. Towne to the Commission on Disabilities. *(No expiration date)*

Council Resolution 160-2021 - A RESOLUTION amending a Resolution previously adopted by the County Council to correct the term of an appointment to the Howard County Housing Commission. *(No expiration date)*

Council Resolution 161-2021 - A RESOLUTION approving a list of Howard County residents to be sent to the Governor, in accordance with State law, so that the Governor may choose one of the residents from the list to fill a vacancy on the Property Tax Assessment Appeal Board and amending the term of a previously adopted Resolution confirming appointments to the Property Tax Assessment Appeal Board. *(No expiration date)*

Re-Appointments

Council Resolution 162-2021 - A RESOLUTION confirming the reappointment of Elizabeth Oyebode to the Commission for Women. *(No expiration date)*

Financial

Council Resolution 163-2021 - A RESOLUTION approving supplemental appropriation of unassigned fund balance to the Howard County Board of Education's Operating Budget for Fiscal Year 2023, per request of the Board of Education; to increase the Board of Education's General Fund appropriation by \$15 million through adding \$15 million in use of the School System's Fund Balance; and generally relating to the Fiscal Year 2022 Operating Budget of the Board of Education. *(No expiration date)*

General

Council Bill 83-2021 - AN ACT to establish a Police Accountability Board; setting forth the qualifications for members and method of appointment; setting forth the process for selection of the board chairperson; providing for a process to receive certain complaints alleging police misconduct; setting forth the duties of the Board; defining certain terms; providing for the requirement to submit financial disclosure statements; providing for the staggering of initial appointments to the Board; providing for the application of this Act; and generally relating to police accountability in Howard County. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 84-2021 - AN ACT amending provisions of the Police and Fire Employees' Retirement Plan in order to remove certain distinctions between management firefighters and firefighters with regard to unused sick leave; and generally relating to the Howard County Pension for Police and Fire Employees. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 85-2021 - AN ACT to update County housing discrimination law to comply with Subtitle 7 of Title 20 of the State Government Article of the Annotated Code of Maryland by amending the definition of source of income, amending provisions related to unlawful discrimination in the sale and rental of housing, amending provisions related to unlawful discrimination based on source of income, amending certain exemptions related to age-restricted housing, owner-occupied dwellings and source of income, all to align with State Law; prohibiting discrimination in commercial leases; amending provisions related to nonexclusive remedies; and generally related to Human Rights provisions of the County Code. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 86-2021 - AN ACT providing that the Fee-in-Lieu for Moderate Income Housing Units and the Building Excise Tax shall be paid at the time of building permit issuance in order to align with the timing of payment of the School Facilities Surcharge; and generally related to fees collected by the Department of Inspections, Licenses and Permits. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Resolution 164-2021 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that 10.18 acres of land owned by Howard County, Maryland located on Resort Road, Ellicott City, is no longer needed by the County for public purposes; authorizing the County Executive to convey the property to the Board of Education of Howard County; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the property; and providing that the County Executive is not bound to convey the property if he finds that it may have a further public use. *(No expiration date)*

Council Resolution 165-2021 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that portions of a Sewer and Utility Easement, containing approximately 1,189 square feet is no longer needed by the County for public purposes; authorizing the County Executive to convey the easement interest in the property to the fee simple owner, PS Atlantic Coast 2021 B LLC; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code in order to convey the easement interests to PS Atlantic Coast 2021 B LLC; and providing that the County Executive is not bound to terminate the easement interests if he finds that the easements may have a public use. *(No expiration date)*

Council Resolution 166-2021 - A RESOLUTION finding that the Greenfields development located at 8120 Hicks Road, which will create three new, single-family, detached rental housing units to serve nine disabled adults, meets the requirements of certain Special Affordable Housing Opportunities pursuant to the Adequate Public Facilities Act and that the Director of the Department of Planning and Zoning shall authorize the Development to 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 Bill 82-2021 – Introduced by Opel Jones and Christiana Rigby - AN ACT establishing a local minimum wage for employees working in Howard County; and generally relating to Howard County minimum wage requirements. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 87-2021 ZRA198 – Introduced by the Chair at the request of Dunteachin Estates Homeowners Association, Inc. - An Act amending the Howard County Zoning Regulations pertaining to Age-Restricted Adult Housing conditional uses by reducing the maximum number of dwelling units allowed per net acre in Residential: Environmental Development (R-ED) and Residential: Single (R-20) zoning districts; limiting the square-footage of a certain number of Age-Restricted units; increasing the square-footage of required community buildings in certain circumstances; and generally relating to Age-Restricted Adult Housings. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 88-2021 – Introduced by Liz Walsh - AN ACT to prohibit the willful failure to do specified maintenance and repair of certain historic structures thus prohibiting certain demolition by neglect of those structures; allowing the Historic District Commission to waive compliance in certain cases of financial hardship; providing for a hearing and an opportunity to cure specified violations; and generally relating to historic structures, historic sites, and historic districts in the County. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Bill 89-2021 – Introduced by David Yungmann - AN ACT establishing a “lookback” provision for the disturbance of certain trees; 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. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

LATE FILE

Council Bill 90-2021 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Quote between Howard County, Maryland and Axon Enterprises, Inc. and between the Howard County Office of the Sheriff and Axon Enterprises, Inc., for the acquisition of equipment and software and technical services and support related to the County’s Body Worn Camera Program, authorizing the County Executive or the Sheriff to make changes to their Quotes respectively, under certain conditions; authorizing the County Executive or the Sheriff to execute the Quote pertaining to their respective entities; and declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property. *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 if extended twice.)*

Council Resolution 167-2021 - A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on a specified date. *(No expiration date)*

FINAL CONSIDERATION

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

Appointments

Council Resolution 149-2021 - A RESOLUTION confirming the appointment of Elizabeth Benevides to the Commission on Disabilities. *(No expiration date)*

Council Resolution 150-2021 - A RESOLUTION confirming the appointment of Cassandra Buffington-Bates to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 151-2021 - A RESOLUTION confirming the appointment of Ihuoma G. Emenuga, MD, MPH, MBA, to the Commission for Transitioning Students with Disabilities. *(No expiration date)*

Council Resolution 152-2021 - A RESOLUTION confirming the appointment of Sherine Hargrove to the Commission for Women. *(No expiration date)*

Council Resolution 153-2021 - A RESOLUTION confirming the reappointment of Jennifer Broderick to the Board to Promote Self-Sufficiency. *(No expiration date)*

The Chairperson moved to approve CR149-2021; 150-2021; 151-2021; 152-2021; and 153-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CR149-2021; 150-2021; 151-2021; 152-2021; and 153-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR149-2021; 150-2021; 151-2021; 152-2021; and 153-2021 passed.

Financial

Council Bill 68-2021 - 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 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*

The Chairperson moved to approve CB68-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB68-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB68-2021 passed

Council Bill 69-2021 - AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 23.974 acres of agricultural land located on west side of Jennings Chapel Road, Brookeville, Howard

County, Maryland, from C. Alan Sharp or any other owner thereof for a maximum purchase price of \$842,000 or, if less, not more than \$35,120 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to approve CB69-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB69-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB69-2021 passed.

Council Bill 70-2021 - AN ACT approving and providing for a multi-year Installment Purchase Agreement by Howard County, Maryland to acquire development rights in approximately 127.71 acres of agricultural land located on west side of Jennings Chapel Road, Brookeville, Howard County, Maryland, currently owned by the Jean R. Dickey Inter Vivos Trust, under contract to be owned by AFS Farm LLC and Sharp's Wild Horse Meadow LLC, or any other owner thereof for a maximum purchase price of \$4,827,500 or, if less, not more than \$37,800 per acre or portion thereof, rounded to the next highest \$100, plus interest on the deferred portion of such purchase price; providing that the County's obligation to pay such purchase price and interest on the deferred portion of such purchase price shall be a full faith and credit general obligation of the County; providing for the levying of taxes for such payments; authorizing the County Executive to modify such Agreement; and providing for and determining various matters in connection therewith.

The Chairperson moved to approve CB70-2021. The motion was seconded by Dr. Jones.

Ms. Walsh moved to approve Amendment 1 to CB70-2021. The motion was seconded by Dr. Jones.

Amendment 1 to CB70-2021

(This amendment corrects the address of the property.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB70-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB70-2021 passed.

The roll call vote called by the Administrator on the motion to approve CB70-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB70-2021 as amended passed.

Council Resolution 154-2021 - 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 2023 and Capital Improvement Program Request for Fiscal Years 2024-2028 for the purpose of submission to the Interagency Commission on School Construction. *(No expiration date)*

The Chairperson moved to approve CR154-2021. The motion was seconded by Dr. Jones.

Ms. Walsh moved to approve Amendment 1 to CR154-2021. The motion was seconded by Dr. Jones.

Amendment 1 to CR154-2021

(This amendment substitutes revised FY23 Capital Budget Requests and Capital Improvement Program Requests for FY24-28.

After prefile, the Board of Education amended the Superintendent's proposed request to adjust the timeline for Oakland Mills Middle School renovation/additions and to add Oakland Mills High School Renovation, Patapsco Middle School Renovation/Addition, and Jeffers Hill Elementary School Renovation. This amendment updates the FY2024-2028 Capital Improvement Program and the Long Range Master Plan accordingly.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CR154-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann

The motion to approve Amendment 1 to CR154-2021 passed.

The roll call vote called by the Administrator on the motion to approve CR154-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CR154-2021 as amended passed.

Council Bill 71-2021 - AN ACT adopting the International Building Code, 2021, the International Residential Code, 2021, the International Mechanical Code, 2021, and the International Energy Conservation Code, 2021; providing that such codes collectively comprise the Howard County Building Code; regulating the design, construction, alteration, improvement, or modification of a building, structure, or other related equipment; adopting certain local amendments to the Building Code; adopting penalties for the violation of the Building Code; making certain technical

corrections; and generally relating to the regulation of building and construction in Howard County. *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*

The Chairperson moved to approve CB71-2021. The motion was seconded by Dr. Jones.

Ms. Walsh moved to approve Amendment 1 to CB71-2021. The motion was not seconded

Amendment 1 to CB71-2021

(This amendment requires that a new residential building for which a building permit is applied for on or after November 1, 2022 must be an all-electric building.)

PLEASE NOTE: There was no second motion on Amendment 1 to CB71-2021, therefore the Amendment 1 to CB71-2021 failed.

The roll call vote called by the Administrator on the motion to approve CB71-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB71-2021 passed.

Council Bill 72-2021 - AN ACT adopting the 2021 International Plumbing Code and the National Fuel Gas Code (NFPA 54-2021), as the Plumbing and Gasfitting Code for Howard County in order to protect the public health and safety by setting forth criteria for the design and installation of plumbing and gasfitting systems; adopting local amendments to the Plumbing and Gasfitting code; making certain technical corrections; and generally relating to the Plumbing and Gasfitting Code for Howard County. *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*

The Chairperson moved to approve CB72-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB72-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB72-2021 passed.

Council Bill 73-2021 - AN ACT adopting certain national codes as the Howard County Property Maintenance Code for Rental Housing; adopting local amendments; making certain technical corrections; and generally relating to the Howard County Property Maintenance Code for Rental Housing. *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*

The Chairperson moved to approve CB73-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB73-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB73-2021 passed.

Council Bill 74-2021 - AN ACT changing references to electrical licenses to be registrations in accordance with State Law; correcting certain cross references; making certain technical corrections; providing for the application of this Act; and generally relating to licensing provisions for electricians in Howard County. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to approve CB74-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB74-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB74-2021 passed.

Council Bill 75-2021 - AN ACT adopting the National Fire Protection Association 1, Fire Code, 2021 Edition as the Howard County Fire Prevention Code, which sets certain fire safety requirements for structures in order to protect life and property; making certain local amendments to the Fire Code which shall include, among other things, the incorporation of certain duties and responsibilities in plan review and inspection; revising and reorganizing certain provisions governing open fires; addressing unit number assignments in certain multi-family residential buildings; requiring certain notice of special events that do not require police permits; amending certain provisions related to the contractor portal; clarifying road widths for fire access roads that access solar facilities; and generally relating to fire safety requirements and fire prevention in Howard County. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to approve CB75-2021. The motion was seconded by Dr. Jones.

Ms. Walsh moved to approve Amendment 1 to CB75-2021. The motion was seconded by Dr. Jones.

Amendment 1 to CB75-2021

(This amendment clarifies that references to model rocketry are to “illegal” model rocketry.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB75-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB75-2021 passed.

The roll call vote called by the Administrator on the motion to approve CB75-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB75-2021 as amended passed.

Council Resolution 155-2021 - A RESOLUTION supplementing and amending the Historic Sites Inventory for Howard County by adding the Treakle Farm and the Duvall Family Farm to the Inventory and by amending address information related to properties already on the Inventory.

The Chairperson moved to approve CR155-2021. The motion was seconded by Dr. Jones.

Ms. Walsh moved to approve Amendment 1 to CR155-2021. The motion was seconded by Dr. Jones.

Amendment 1 to CR155-2021

(This amendment corrects the address of the Treakle Farm.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CR155-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CR155-2021 passed.

The roll call vote called by the Administrator on the motion to approve CR155-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR155-2021 as amended passed.

Council Bill 76-2021 – Introduced by Deb Jung - AN ACT deleting a certain exception for a contract for supplies and services awarded without competition from a requirement that a County contract for procurement of contractual services require a contractor or any subcontractor to comply with certain wage requirements; and generally relating to the compliance of a contractor or subcontractor with wage requirements. *(No expiration date)*

The Chairperson moved to approve CB76-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CB76-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB76-2021 passed.

Council Bill 77-2021 Introduced by Deb Jung and Christiana Rigby - AN ACT to provide for a hearing examiner to hear certain matters in the jurisdiction of the Zoning Board; specifying the powers and duties of, and the procedures to be used by, the hearing examiner, including the requirement to issue a certain report; specifying the contents of the report; specifying the duties of the Zoning Board with respect to the actions of the hearing examiner; clarifying when certain mediation occurs; providing for the rights of the parties, including the right to file

exceptions, in matters heard by the hearing examiner; and generally relating to Piecemeal map amendments and development plan approvals. (Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)

The Chairperson moved to Table CB77-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to Table CB77-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to Table CB77-2021 passed.

Council Bill 78-2021 – 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. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to Table CB78-2021. The motion was seconded by Deb Jung

The roll call vote called by the Administrator on the motion to Table CB78-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to Table CB78-2021 passed.

Council Bill 79-2021 – 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. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to Table CB79-2021. The motion was seconded by Deb Jung

The roll call vote called by the Administrator on the motion to Table CB79-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to Table CB79-2021 passed.

Council Bill 80-2021 – Introduced by Liz Walsh - AN ACT prohibiting the physical harassment of Department of Public Works employees; prohibiting a person from addressing certain words or statements to certain employees or persons; authorizing a certain temporary ban of an individual from certain property under certain circumstances; and generally relating to the regulation of conduct on County property managed by the Department of Public Works and on park property managed by the Department of Recreation and Parks. (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

The Chairperson moved to approve CB80-2021. The motion was seconded by Dr. Jones.

Ms. Rigby moved to approve Amendment 1 to CB80-2021. The motion was seconded by Ms. Walsh.

Amendment 1 to CB80-2021

(This amendment requires the Director of Public Works or the Director of Recreation and Parks, except under a certain circumstance, to conduct a meeting to discuss any reasons why the recipient of an order to temporarily ban the individual for 120 hours from County property or park property should not be restricted access to the property.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB80-2021 was: Yea: Council Members Jones, Jung, Rigby, and Yungmann. Nay: Council Member Walsh

The motion to approve Amendment 1 to CB80-2021 passed.

Ms. Rigby moved to approve Amendment 2 to CB80-2021. The motion was seconded by Ms. Walsh.

Amendment 2 to CB80-2021

(This amendment removes criminal penalties.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to CB80-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to CB80-2021 passed.

The roll call vote called by the Administrator on the motion to approve CB80-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB80-2021 as amended passed.

Council Resolution 123-2021 - A RESOLUTION confirming the appointment of Adeniyi Michael Adekoya to the Commission on Disabilities. (No expiration date) TABLED 10/4/21.

Chairperson moves to remove CR123-2021 from the Table. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to remove CR123-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CR123-2021 from the Table passed.

Chairperson moves to approve CR123-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve CR123-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR123-2021 passed.

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) TABLED 10/4/21

Chairperson moves to remove CR144-2021 from the Table. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to remove CR144-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CR144-2021 from the Table passed.

Chairperson Announced: As a reminder, at the last legislative session, Amendment 1 to CR144-2021 Passed; the Motion to Divide the Resolution so as to consider separately the question of approval of the PILOT Agreement and the APFO Waiver contained in CR144-2021 Passed, and the motion to approve the PILOT Agreement Passed.

Chairperson moves to approve the APFO Waiver in CR144-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve the APFO Waiver in CR144-2021 was: Yea: Council Members Jones, Jung, and Rigby; Nays: Council Members, Walsh and Yungmann.

The motion to approve the APFO Waiver in CR144-2021 passed.

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) TABLED 10/4/21

Chairperson moves to remove CR145-2021 from the Table. The motion was seconded by Deb Jung

The roll call vote called by the Administrator on the motion to remove CR145-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CR145-2021 from the Table passed.

The Chairperson moved to DIVIDE the resolution so as to consider separately the question of approval of the PILOT Agreement and the APFO Waiver contained in CR145-2021. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to DIVIDE the resolution so as to consider separately the question of approval of the PILOT Agreement and the APFO Waiver contained in CR145-2021 was: Yea: Council Members Jung, Walsh and Yungmann; Nays: Council Members Jones and Rigby.

The motion to DIVIDE the resolution so as to consider separately the question of approval of the PILOT Agreement and the APFO Waiver contained in CR145-2021 passed.

Chairperson moved to approve the PILOT Agreement in CR145-2021. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion approve the PILOT Agreement in CR145-2021 was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nays: Council Member Yungmann

The motion to approve the PILOT Agreement in CR145-2021 passed.

The Chairperson moved to approve the APFO Waiver in CR145-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to approve the APFO Waiver in CR145-2021 was: Yea: Council Members Jones, Jung, and Rigby; Nays: Council Members Walsh and Yungmann.

The motion to approve the APFO Waiver in CR145-2021 passed.

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.) TABLED 10/4/21

Chairperson moves to remove CB64-2021 from the Table. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to remove CB64-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CB64-2021 from the Table passed.

Chairperson moves to extend the life of CB64-2021. The motion was seconded by Dr. Jones.

The roll call vote called by the Administrator on the motion to extend the life CB64-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to extend the life of CB64-2021 passed.

The Chairperson moved to Table CB64-2021. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to Table CB64-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to Table CB64-2021 passed.

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.) TABLED 10/4/21

The Chairperson moves to remove CB66-2021 from the Table. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to remove CB66-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CB66-2021 from the Table passed.

The Chairperson moves to approve CB66-2021. The motion was seconded by Ms. Jung.

Ms. Walsh moved to approve Amendment 1 to CB66-2021. The motion was seconded by Ms. Jung.

Amendment 1 to CB66-2021

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain HCPSS properties.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB66-2021 from the Table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB66-2021 passed.

Ms. Walsh moved to approve Amendment 2 to CB66-2021. The motion was seconded by Ms. Jung.

Ms. Walsh moved to approve Amendment 1 to Amendment 2 to CB66-2021. The motion was seconded by Ms. Jung.

Amendment 2 to CB66-2021

(This amendment preserves an existing exemption to the Forest Conservation Plan for certain Homeowner Association properties.)

Amendment 1 to Amendment 2 to CB66-2021

(This Amendment would change the status of the required Forest Stewardship Plan from “approved” to “drafted”.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 2 to CB66-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 2 to CB66-2021 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 2 to CB66-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to CB66-2021 as amended passed.

The roll call vote called by the Administrator on the motion to approve CB66-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CB66-2021 as amended passed.

Council Resolution 167-2021 - 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 CR167-2021. The motion was seconded by Dr. Jones.

Mr. Yungmann moved to approve amending the agenda to allow for the introduction of an amendment which was not prefiled, (Amendment 1 to CR167-2021). The motion was seconded by Ms. Walsh.

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

The motion to amend the agenda passed.

David Yungmann moved to approved to approve Amendment 1 to CR167-2021. The motion was seconded by Liz Walsh.

Amendment 1 to CR167-2021

(This Amendment changes the session date to November 17, 2021.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CR167-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CR167-2021 passed.

The roll call vote called by the Administrator on the motion to approve CR167-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR167-2021 as amended passed.

Adjourned at 8:26

.....
TABLED

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) TABLED 10/4/21

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) TABLED 10/4/21

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) TABLED 10/4/21

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) TABLED 10/4/21

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.) TABLED 10/4/21

Council Bill 77-2021 Introduced by Deb Jung and Christiana Rigby - AN ACT to provide for a hearing examiner to hear certain matters in the jurisdiction of the Zoning Board; specifying the powers and duties of, and the procedures to be used by, the hearing examiner, including the requirement to issue a certain report; specifying the contents of the report; specifying the duties of the Zoning Board with respect to the actions of the hearing examiner; clarifying when certain mediation occurs; providing for the rights of the parties, including the right to file exceptions, in matters heard by the hearing examiner; and generally relating to Piecemeal map amendments and development plan approvals. (Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)

Council Bill 78-2021 – 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. *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*

Council Bill 79-2021 – 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. *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*