

**COUNTY COUNCIL
OF
HOWARD COUNTY, MARYLAND**

2021 Legislative Session

Legislative Day No. 19

December 6, 2021

HOWARD COUNTY TO WIT:

The Chairperson called the legislative session to order at **7:10** 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; Craig Glendenning, County Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs; Theo Wimberly, Administrative Manager; Margery Sayers, Executive Assistant and Kel Berg, Administrative Support were also present.

ELECTION OF COUNCIL OFFICERS AND APPOINTMENTS

Ms. Walsh nominated Dr. Jones for Council Chairperson. The motion was seconded by Ms. Jung. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Dr. Jones was elected Chairperson.

Dr. Jones nominated Ms. Rigby for Council Vice Chairperson. The motion was seconded by Ms. Jung. The roll call vote called by the Administrator on the motion was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Ms. Rigby was elected Vice Chairperson.

Ms. Rigby nominated Ms. Jung for Chairperson of the Zoning Board. 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. Ms. Jung was elected Chairperson of the Zoning Board.

Ms. Jung nominated Ms. Walsh for Vice Chairperson of the Zoning Board. 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. Ms. Walsh was elected Vice Chairperson of the Zoning Board.

Ms. Jung nominated Mr. Yungmann for Chairperson of the Board of License Commissioners. 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. Mr. Yungmann was elected Chairperson of the Board of License Commissioners.

Ms. Walsh nominated Ms. Rigby for Vice Chairperson of the Board of License Commissioners. 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. Ms. Rigby was elected Vice Chairperson of the Board of License Commissioners.

COUNCIL APPOINTMENTS

The Chairperson announced the following County Council appointments, effective December 2021 to December 2022:

Maryland Association of Counties Legislative Committee – Liz Walsh
Alternate – Deb Jung

National Association of Counties liaison – Liz Walsh
Alternate – Deb Jung

APPROVE JOURNALS AND MINUTES

The Chairperson moved to approve the Journal for Legislative Day No. 17, November 1, 2021 (Legislative Session) and the Journal for Legislative Day No. 18, November 17, 2021 (Special Legislative Session). 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 the journals passed.

The Chairperson moved to approve the minutes for the Monthly Meeting – November 3, 2021, the Legislative Public Hearing – November 15, 2021, the Legislative Public Hearing – November 17, 2021 and the Legislative Work Session – November 17, 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 the minutes passed.

INTRODUCTION OF LEGISLATION

Pending Introduction

Council Bill 91-2021 – Introduced by David Yungmann based on the recommendation of the Redistricting Commission - AN ACT repealing and reenacting Subtitle 3 “Councilmanic Districts” of Title 5 “County Council” of the Howard County Code to adopt redistricting maps and council district descriptions which will establish new council districts for Howard County in accordance with Howard County Charter Section 202(f) “Redistricting”; and generally relating to Councilmanic Redistricting.

Council Member Yungmann moved to approve suspending the rules to allow for introduction of legislation in the month of December (Council Bill 91-2021). The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to approve suspending the rules to allow for introduction of legislation in the month of December (Council Bill 91-2021) was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Rigby.

The motion to approve suspending the rules to allow for introduction of legislation in the month of December (Council Bill 91-2021) failed. (Must have 4 votes to allow introduction).

FINAL CONSIDERATION

Appointments

After hearing no objections, the Administrator read Council Resolutions 158-, 159-, 160-, 161- and 162-2021 together for a single combined roll call vote.

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)*

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

The Chairperson moved to approve Council Resolutions 158-, 159-, 160-, 161- and 162-2021 The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 158-, 159-, 160-, 161- and 162-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 158-, 159-, 160-, 161- and 162-2021 passed.

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

The Chairperson moved to approve Council Resolution 157-2021. The motion was seconded by Ms. Rigby.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(This corrects the appointees name.)

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 157-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 157-2021 as amended passed.

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)*

The Chairperson moved to approve Council Resolution 163-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Resolution 163-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 163-2021 passed.

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.)*

The Chairperson moved to table Council Bill 83-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to table Council Bill 83-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Bill 83-2021 passed.

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.)*

The Chairperson moved to approve Council Bill 84-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Bill 84-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 84-2021 passed.

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.)*

The Chairperson moved to approve Council Bill 85-2021. The motion was seconded by Ms. Rigby.

Council Member Walsh moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(Creates “Citizenship or Immigration Status” as a protected class from discrimination.)

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

The motion to approve Amendment 1 passed.

The Chairperson moved to approve Amendment 2. The motion was seconded by Ms. Rigby.

Amendment No. 2

(This amendment makes a technical correction to add “gender identity or expression” as included in the list of prohibited discriminatory practices into new language proposed to be added by this Act and into currently existing language where it should have been added when that category was added to the Code.

This also makes a technical correction to remove language within brackets that is being shown as new law and to add a “the”.)

The Chairperson moved to approve Amendment 1 to Amendment 2. The motion was seconded by Ms. Rigby.

Amendment No. 1 to Amendment 2

(Related to discrimination in commercial leases, this amendment:

- 1. Adds that prohibited discrimination shall also apply to discrimination against entities; and*
- 2. Removes source of income and occupation as a basis upon which discrimination may not occur.)*

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

The motion to approve Amendment 1 to Amendment 2 passed.

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

The motion to approve Amendment 2 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 85-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 85-2021 as amended passed.

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.)*

The Chairperson moved to approve Council Bill 86-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Bill 86-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 86-2021 passed.

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)*

The Chairperson moved to approve Council Resolution 164-2021. The motion was seconded by Ms. Rigby.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(This corrects the amount spent to acquire the County Property.)

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

The motion to approve Amendment 1 passed.

The roll call vote called by the Administrator on the motion to approve Council Resolution 164-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 164-2021 as amended passed.

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)*

The Chairperson moved to approve Council Resolution 165-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Resolution 165-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 165-2021 passed.

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)*

The Chairperson moved to approve Council Resolution 166-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Resolution 166-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 166-2021 passed.

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.)*

The Chairperson moved to approve Council Bill 82-2021. The motion was seconded by Ms. Rigby.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(This amendment clarifies that the Howard County Public School System is considered an “Employer”.)

Council Member Rigby moved to close the meeting in accordance with Section 3-305(b) (7) and (8), General Provisions Article, Annotated Code of Maryland. The motion was seconded by Ms. Jung.

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

The motion to close the meeting passed.

The Council adjourned to closed session at 7:45 p.m.

Statement of Closed Meeting

The County Council met in closed session at 7:45 p.m. on December 6, 2021, in the Council’s C. Vernon Gray conference room.

Council Members Opel Jones, Deb Jung, Christiana Rigby, Liz Walsh and David Yungmann returned to open session at 8:01 p.m.

Amendment 1 to CB82-2021 was discussed. No action taken by Council.

Members Present: Christiana Rigby; Opel Jones; Deb Jung; Liz Walsh; and David Yungmann

Staff Present: Michelle Harrod, Council Administrator; Gary Kuc, County Solicitor; and Amanda Mihill, Assistant County Solicitor

Continuation of Legislative Session

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

The motion to approve Amendment 1 passed.

Council Member Yungmann moved to approve Amendment 2. The motion was seconded by Ms. Jung.

Amendment No. 2

(This amendment changes the new wage dates to try to align closer to the State's new wage dates and removes the separate schedule for Howard County employees.)

Council Member Yungmann moved to table Council Bill 82-2021 as amended. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to table Council Bill 82-2021 as amended was: Yea: Council Member Yungmann. Nay: Council Member Jones, Jung, Rigby and Walsh.

The motion to table Council Bill 82-2021 as amended failed.

The Chairperson moved to introduce and approve Amendment 1 to Amendment 2, which was drafted from the dais.

The Chairperson moved to recess for 15 minutes until 9:00 p.m. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to recess for 15 minutes until 9:00 p.m. was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to recess for 15 minutes until 9:00 p.m. passed.

The Chairperson moved to introduce and approve Amendment 1 to Amendment 2, which was drafted from the dais. The motion was seconded by Ms. Rigby.

Amendment No. 1 to Amendment 2

(This amendment changes the phase in for small employees.)

The roll call vote called by the Administrator on the motion to introduce and approve Amendment 1 to Amendment 2, which was drafted from the dais was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to introduce and approve Amendment 1 to Amendment 2, which was drafted from the dais passed.

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

The motion to approve Amendment 2 as amended passed.

Council Member Yungmann moved to approve Amendment 3. The motion was seconded by Ms. Jung.

Amendment No. 3

(This amendment caps the CPI.)

The roll call vote called by the Administrator on the motion to approve Amendment 3 was: Yea: Council Members Jung and Yungmann. Nay: Council Members Jones, Rigby and Walsh.

The motion to approve Amendment 3 failed.

The Chairperson moved to approve Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 4

(Creates an exception for employees that allows employers to pay employees under the age of 18 85% of the minimum wage and allows certain employees under the age of 16 to be paid the Federal Minimum wage.)

The Chairperson moved to approve Amendment 1 to Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 1 to Amendment 4

(This Amendment substitutes a reference to an existing CPI index for reference to a defunct index.)

Council Member Walsh moved to approve Amendment 2 to Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 2 to Amendment 4

(This amendment changes the definition of restaurants to food service facility.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 4 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 4 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 4 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to Amendment 4 passed.

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

The motion to approve Amendment 4 as amended passed.

Council Member Yungmann moved to approve Amendment 5. The motion was seconded by Ms. Jung.

Amendment No. 5

(Creates an exception for employees who exempted from the minimum wage by the State and Federal Acts.)

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

The motion to approve Amendment 5 failed.

Council Member Yungmann moved to approve Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 6

(Creates an exception for employees that allows employers to pay employees under the age of 18 85% of the minimum wage.)

Council Member Yungmann moved to approve Amendment 1 to Amendment 6.

Council Member Yungmann moved to table Council Bill 82-2021 as amended. The motion failed for lack of a second.

Council Member Yungmann moved to approve Amendment 1 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 1 to Amendment 6

(This amendment creates an exemption for an individual who engages in the activities of a charitable, educational, nonprofit, or religious organization if the service is provided gratuitously.)

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

The motion to approve Amendment 1 to Amendment 6 passed.

Council Member Yungmann moved to approve Amendment 2 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 2 to Amendment 6

(This amendment creates an exemption for an individual who is employed in a non-administrative capacity at an organized camp, including a resident or day camp.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 6 was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Rigby.

The motion to approve Amendment 2 to Amendment 6 passed.

Council Member Yungmann moved to approve Amendment 3 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 3 to Amendment 6

(This amendment creates an exemption for an individual who is a child, parent, spouse, or other member of the immediate family of the employer.)

The roll call vote called by the Administrator on the motion to approve Amendment 3 to Amendment 6 was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Rigby.

The motion to approve Amendment 3 to Amendment 6 passed.

Council Member Yungmann moved to approve Amendment 4 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 4 to Amendment 6

(This amendment creates an exemption for an individual who is employed in agriculture under specified circumstances.)

The roll call vote called by the Administrator on the motion to approve Amendment 4 to Amendment 6 was: Yea: Council Members Jones, Jung and Yungmann. Nay: Council Members Rigby and Walsh.

The motion to approve Amendment 4 to Amendment 6 passed.

Council Member Yungmann moved to approve Amendment 5 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 5 to Amendment 6

(This amendment creates an exemption for an individual who is employed as a hand-harvest laborer under specified circumstances.)

The roll call vote called by the Administrator on the motion to approve Amendment 5 to Amendment 6 was: Yea: Council Members Jones, Jung and Yungmann. Nay: Council Members Rigby and Walsh.

The motion to approve Amendment 5 to Amendment 6 passed.

Council Member Yungmann moved to approve Amendment 6 to Amendment 6.

Amendment No. 6 to Amendment 6

(This amendment creates an exemption for an individual who is employed by an employer who is engaged in canning, freezing, packing, or first processing of specified items.)

The motion to approve Amendment 6 to Amendment 6 failed for lack of a second.

The Chairperson moved to recess for 15 minutes until 11:15 p.m. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to recess for 15 minutes until 11:15 p.m. was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to recess for 15 minutes until 11:15 p.m. passed.

Council Member Walsh moved to approve Amendment 7 to Amendment 6. The motion was seconded by Ms. Jung.

Amendment No. 7 to Amendment 6

(This amendment creates an exemption for an individual who is employed as part of the training in a special education program.)

The roll call vote called by the Administrator on the motion to approve Amendment 7 to Amendment 6 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 7 to Amendment 6 passed.

Council Member Walsh moved to introduce and approve Amendment 8 to Amendment 6, which was drafted from the dais.

The motion to approve Amendment 8 to Amendment 6 failed for lack of a second.

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

The motion to approve Amendment 6 as amended passed.

Council Member Rigby moved to approve Amendment 8. The motion was seconded by Dr. Jones.

Amendment No. 8

(This amendment establishes a schedule for the tip credit amount.)

Council Member Yungmann moved to approve Amendment 1 to Amendment 8. The motion was seconded by Ms. Walsh.

Amendment No. 1 to Amendment 8

(This amendment changes the tip credit amount to \$3.63.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 8 was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Rigby.

The motion to approve Amendment 1 to Amendment 8 passed.

The roll call vote called by the Administrator on the motion to approve Amendment 8 as amended was: Yea: Council Members Jung, Walsh and Yungmann. Nay: Council Members Jones and Rigby.

The motion to approve Amendment 8 as amended passed.

Council Member Yungmann moved to approve Amendment 9. The motion was seconded by Ms. Jung.

Amendment No. 9

(This amendment removes the Council Meetings requirement.)

The roll call vote called by the Administrator on the motion to approve Amendment 9 was: Yea: Council Member Yungmann. Nay: Council Members Jones, Jung, Rigby and Walsh.

The motion to approve Amendment 9 failed.

Council Member Yungmann moved to approve Amendment 10. The motion was seconded by Ms. Jung.

Amendment No. 10

(This amendment adds the State's Suspension of Minimum Wage provision to the County bill.)

The roll call vote called by the Administrator on the motion to approve Amendment 10 was: Yea: Council Members Jung and Yungmann. Nay: Council Members Jones, Rigby and Walsh.

The motion to approve Amendment 10 failed.

The roll call vote called by the Administrator on the motion to approve Council Bill 82-2021 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 82-2021 as amended passed.

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 (RED) 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.)*

The Chairperson moved to table Council Bill 87-2021. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to table Council Bill 87-2021 was: Yea: Council Members Jones, Rigby and Yungmann. Nay: Council Members Jung and Walsh.

The motion to table Council Bill 87-2021 passed.

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 Member Walsh moved to table Council Bill 88-2021. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to table Council Bill 88-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table Council Bill 88-2021 passed.

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.)*

Council Member Yungmann moved to approve Council Bill 89-2021. The motion was seconded by Ms. Jung.

Council Member Yungmann moved to approve Amendment 1. The motion was seconded by Ms. Walsh.

Amendment No. 1

(This Amendment changes the required contents of a forest stand delineation.)

Council Member Yungmann moved to approve Amendment 1 to Amendment 1. The motion was seconded by Ms. Walsh.

Amendment No. 1 to Amendment 1

(This Amendment clarifies the penalty for disturbance of certain trees and clarifies that necessary disturbance is not applicable to the Forest Conservation Act.)

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

The motion to approve Amendment 1 to Amendment 1 passed.

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

The motion to approve Amendment 1 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 89-2021 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 89-2021 as amended passed.

The Chairperson moved to remove Council Bill 64-2021 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Bill 64-2021 from the table was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to remove Council Bill 64-2021 from the table 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. (tabled 10/4/2021, extended and tabled 11/1/2021) (*Expires 11/17/21; 12/22/21 if extended; or 1/26/22 if extended twice.*)

The Chairperson moved to approve Council Bill 64-2021. The motion was seconded by Ms. Rigby.

The Chairperson moved to approve Amendment 1. The motion was seconded by Ms. Rigby.

Amendment No. 1

(This amendment:

- (1) Clarifies certain exemptions that relate to the Forest Conservation Act; and*
- (2) Clarifies penalties for noncompliance.)*

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

The motion to approve Amendment 1 failed.

Council Member Yungmann moved to approve Amendment 2.

Amendment No. 2

(This Amendment replaces the definition of “specimen tree”; requires a certain statement related to forest conservation; alters a criterion for a certain tree removal; and alters references to cutting or clearing.)

The motion to approve Amendment 2 failed for lack of a second.

The Chairperson moved to approve Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 4

(This amendment:

- (1) Clarifies that prohibitions against the cutting and clearing of Specimen Trees also apply to Invasive Species Specimen Trees; and*
- (2) Allows for certain exceptions to apply on Open Space owned by Homeowners Association.)*

The Chairperson moved to approve Amendment 2 to Amendment 4. The motion was seconded by Ms. Rigby.

Amendment No. 2 to Amendment 4

(This amendment clarifies that the exemption applicable for cutting or clearing associated with the repair, maintenance or modification of public infrastructure and utilities shall apply to a

Homeowners Association that has a Forest Stewardship Plan drafted by the Maryland Department of Natural Resources.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 4 was: Yea: Council Members Jones, Jung, Rigby and Yungmann. Nay: Council Member Walsh.

The motion to approve Amendment 2 to Amendment 4 passed.

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

The motion to approve Amendment 4 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 64-2021 as amended was: Yea: Council Members Jones and Rigby. Nay: Council Members Jung, Walsh and Yungmann.

The motion to approve Council Bill 64-2021 as amended failed.

Council Member Rigby moved to remove Council Bill 77-2021 from the table. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to remove Council Bill 77-2021 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Bill 77-2021 from the table 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. (tabled 11/1/2021) (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

Council Member Rigby moved to approve Council Bill 77-2021. The motion was seconded by Mr. Yungmann.

Council Member Rigby moved to approve Amendment 1. The motion was seconded by Ms. Jung.

Amendment No. 1

(This Amendment requires the Zoning Board to adopt Rules of Procedure for the Hearing Examiner in Zoning Board cases.)

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

The motion to approve Amendment 1 passed.

Council Member Jung moved to approve Amendment 2. The motion was seconded by Ms. Walsh.

Amendment No. 2

(This Amendment allows the Zoning Board by majority vote to decide to hear a case.)

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

The motion to approve Amendment 2 passed.

Council Member Rigby moved to approve Amendment 3. The motion was seconded by Ms. Jung.

Amendment No. 3

(This Amendment adds requirements to the contents of the Hearing Examiner's report and specifies contents of the case record.)

The roll call vote called by the Administrator on the motion to approve Amendment 3 was:
Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 3 passed.

Council Member Jung moved to approve Amendment 4. The motion was seconded by Ms. Walsh.

Amendment No. 4

(This Amendment reorganizes the criteria for a decision and final order; requires a certain presentation to the Zoning Board; specifies the time for a hearing of exceptions; and provides a limited exception to the requirement that the Zoning Board hold a certain public hearing.)

Council Member Walsh moved to approve Amendment 1 to Amendment 4. The motion was seconded by Ms. Jung.

Amendment No. 1 to Amendment 4

(This Amendment clarifies that when the hearing examiner presents the report, it must be at a meeting of the Zoning Board.)

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 4 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to Amendment 4 passed.

Council Member Walsh moved to approve Amendment 2 to Amendment 4. The motion was seconded by Ms. Jung.

Amendment No. 2 to Amendment 4

(This Amendment allows any member of the Zoning Board to remand a petition to the hearing examiner for additional testimony and hearing.)

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 4 was: Yea: Council Member Walsh. Nay: Council Members Jones, Jung, Rigby and Yungmann.

The motion to approve Amendment 2 to Amendment 4 failed.

The roll call vote called by the Administrator on the motion to approve Amendment 4 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 4 as amended passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 77-2021 as amended was: Yea: Council Members Jones, Jung, Rigby and Yungmann. Nay: Council Member Walsh.

The motion to approve Council Bill 77-2021 as amended passed.

Council Member Walsh moved to remove Council Bill 78-2021 from the table. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to remove Council Bill 78-2021 from the table was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to remove Council Bill 78-2021 from the table 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. (tabled 11/1/2021) (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)

Council Member Walsh moved to approve Council Bill 78-2021. The motion was seconded by Ms. Jung.

Council Member Walsh moved to approve Amendment 2. The motion was seconded by Ms. Jung.

Amendment No. 2

(This Amendment strikes the new definitions, the look-back provision, certain elements of on-site retention, a certain presumption, and certain on-site retention priorities.)

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

The motion to approve Amendment 2 passed.

The roll call vote called by the Administrator on the motion to approve Council Bill 78-2021 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 78-2021 as amended passed.

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. (tabled 10/4/2021) (*No expiration date*)

The Chairperson moved to remove Council Resolution 140-2021 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Resolution 140-2021 from the table was: Yea: Council Members Jones and Rigby. Nay: Council Members Jung, Walsh and Yungmann.

The motion to remove Council Resolution 140-2021 from the table failed.

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. (tabled 10/4/2021) (*No expiration date*)

The Chairperson moved to remove Council Resolution 141-2021 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Resolution 141-2021 from the table was: Yea: Council Members Jones and Rigby. Nay: Council Members Jung, Walsh and Yungmann.

The motion to remove Council Resolution 141-2021 from the table failed.

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. (tabled 10/4/2021) *(No expiration date)*

The Chairperson moved to remove Council Resolution 142-2021 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Resolution 142-2021 from the table was: Yea: Council Members Jones and Rigby. Nay: Council Members Jung, Walsh and Yungmann.

The motion to remove Council Resolution 142-2021 from the table failed.

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. (tabled 10/4/2021) *(No expiration date)*

The Chairperson moved to remove Council Resolution 143-2021 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove Council Resolution 143-2021 from the table was: Yea: Council Members Jones and Rigby. Nay: Council Members Jung, Walsh and Yungmann.

The motion to remove Council Resolution 143-2021 from the table failed.

Adjourned: **1:10** a.m.

Tabled

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. (tabled 12/6/2021) *(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 (RED) 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. (tabled 12/6/2021) *(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. (tabled 12/6/2021) *(Expires 1/10/22; 02/14/22 if extended; or 03/21/22 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. (tabled 10/4/2021) *(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. (tabled 10/4/2021) *(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. (tabled 10/4/2021) *(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. (tabled 10/4/2021) *(No expiration date)*

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. **EXPIRED** (tabled 11/1/2021) (*Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.*)