

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2022 Legislative Session**

**Legislative Day No. 1**

January 5, 2022

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:01** p.m.

Chairperson Opel Jones, Vice Chairperson Christiana Rigby, Council Member Deb Jung, Council Member Liz Walsh, 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; Charity Respass and Trish Hammond, Administrative Support were also present.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Day No. 1, December 6, 2021 (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 journal passed.

The Chairperson moved to approve the minutes for the Council's Closed Session on Amendment 1 to CB82-2021 – December 6, 2021, the Joint Meeting with Board of Education – December 13, 2021 and the Redistricting Public Hearing – December 6, 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**

### **Appointments**

Council Resolution 1-2022 - A RESOLUTION confirming the appointment of Ralph O. Frith to the Citizens' Election Fund Commission. *(No expiration)*

Council Resolution 2-2022 - A RESOLUTION confirming the appointment of Stephanie Lyon to the Commission on Aging. *(No expiration)*

Council Resolution 3-2022 - A RESOLUTION confirming the appointment of George Stephens to the Commission on Disabilities. *(No expiration)*

Council Resolution 4-2022 – Introduced by David Yungmann - A RESOLUTION appointing Keith Ohlinger to the Citizens' Election Fund Commission of Howard County, Maryland, to fill a term ending on May 1, 2025. *(No expiration)*

### **Reappointments**

Council Resolution 5-2022 - A RESOLUTION confirming the reappointment of Jessica Epps to the Commission for Women. *(No expiration)*

Council Resolution 6-2022 - A RESOLUTION confirming the reappointment of Nafrettifi Griffin to the Howard County Commission for Veterans and Military Families. *(No expiration)*

Council Resolution 7-2022 - A RESOLUTION confirming the reappointment of Cynthia Gula to the Equal Business Opportunity Commission. *(No expiration)*

Council Resolution 8-2022 - A RESOLUTION confirming the reappointment of Greg Jolissant to the Howard County Commission for Veterans and Military Families. *(No expiration)*

Council Resolution 9-2022 - A RESOLUTION confirming the reappointment of Robert Lowell to the Howard County Commission for Veterans and Military Families. *(No expiration)*

Council Resolution 10-2022 - A RESOLUTION confirming the reappointment of Robert McLaughlin to the Plumbing Advisory Board. *(No expiration)*

Council Resolution 11-2022 - A RESOLUTION confirming the reappointment of Jessica Nichols to the Commission for Women. *(No expiration)*

Council Resolution 12-2022 - A RESOLUTION confirming the reappointment of Jason Peay to the Equal Business Opportunity Commission. *(No expiration)*

Council Resolution 13-2022 - A RESOLUTION confirming the reappointment of Marian Vessels to the Commission on Disabilities. *(No expiration)*

Council Resolution 14-2022 - A RESOLUTION confirming the reappointment of Terry Winegar to the Plumbing Advisory Board. *(No expiration)*

### **Financial**

Council Resolution 15-2022 - A RESOLUTION amending a schedule of fees for utility construction permits and generally relating to fees charged by the Department of Public Works. *(No expiration)*

### **General**

Council Bill 1-2022 - AN ACT amending the Pay Plan for Howard County to revise the pay scales for Recreational Licensed Child Care providers and contingent employees; and generally relating to the Pay Plan for Howard County. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 2-2022 - AN ACT prohibiting discrimination based on citizen or immigration status in the areas of employment, law enforcement practices, public accommodations, and financing; clarifying prohibited discrimination based on citizenship or immigration status in the area of housing; and generally related to Human Rights provisions of the County Code. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Resolution 16-2022 - A RESOLUTION pursuant to Section 4.201 of the Howard County Code declaring that a portion of land containing a total of 1,669 square feet or 0.0383 acres owned by Howard County, Maryland located on Main Street in Ellicott City is no longer needed by the County for public purposes; authorizing the County Executive to convey, upon certain consideration, fee simple title to 8308 Main Street, LLC while retaining easement interests; waiving the advertising and bidding requirements of Section 4.201 of the Howard County Code; and providing that the County Executive is not bound to convey the Property if he finds that the County may have a use for the property. *(No expiration)*

Council Resolution 17-2022 - A RESOLUTION adopting a comprehensive revision to the Howard County Design Manual Volume III (Roads and Bridges) that includes content changes; renaming the Howard County Design Manual Volume III to be "Complete Streets and Bridges"; amending the Howard County Design Manual Volume IV (Standard Specifications and Details for

Construction) to include updated sections and details reflecting Complete Streets concepts and policy in Howard County; repealing current Howard County Design Manual Volume III (Roads and Bridges); and generally related to Volume III and IV of the Design Manual. *(No expiration)*

Council Bill 3-2022 – Introduced by The Chairperson at the request of the Compensation Review Commission - AN ACT to set the annual compensation of the members of the Howard County Council for the term beginning in December 2022. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 4-2022 - Introduced by The Chairperson at the request of the Compensation Review Commission - AN ACT to set the annual compensation of the Howard County Executive for the term beginning in December 2022. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 5-2022 - Introduced by The Chairperson at the request of the Compensation Review Commission - AN ACT to set the compensation for members of the Howard County Zoning Board. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 6-2022 – Introduced by David Yungmann - AN ACT repealing a certain provision of law relating to the determination of whether an election is contested for the distribution of a public contribution from the Citizens' Election Fund; confirming that a certified candidate may receive a matching public contribution for any qualifying contributions that were collected prior to the effective date of this Act; making a technical correction in order to remove an ambiguity in the Citizens' Election Fund law to facilitate orderly administration of the program; and generally relating to the Citizens' Election Fund. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 7-2022 (ZRA199) – Introduced by Liz Walsh - AN ACT amending the Howard County Zoning Regulations to require that Moderate Income Housing Units (MIHUs) be developed in the Planned Golf Course Community (PGCC) zoning district; and generally relating to Moderate Income Housing Units. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 8-2022 – Introduced by Liz Walsh - AN ACT amending the Howard County Code to require that Moderate Income Housing Units (MIHUs) be developed in the Planned Golf Course Community (PGCC) zoning district; and generally relating to Moderate Income Housing Units. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 9-2022 – Introduced by Deb Jung - AN ACT to alter a duty of the Department of Planning and Zoning related to the Adequate Public Facilities Ordinance; requiring certain developers to meet with the School System about school capacity solutions; and generally relating to the Adequate Public Facilities Ordinance. *(Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.)*

Council Bill 10-2022 – Introduced by Liz Walsh - AN ACT requiring certain employers to recall certain employees who have been laid-off after the imposition of the COVID-19 state of emergency; specifying the procedures by which the recall would operate; establishing certain procedures for filing, investigating, and adjudicating a complaint; prohibiting retaliation against employees for filing a certain complaint or participating in certain proceedings; declaring that this Act is an Emergency Bill necessary to meet a public emergency affecting life, health or property; providing for a certain termination date; and generally relating to a right of recall for Covid-19 laid-off employees. (*Expires 3/14/22; 4/18/22 if extended; or 5/23/22 if extended twice.*)

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### **FINAL CONSIDERATION**

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.*) **Requires 4 votes to pass CB78-2021 notwithstanding the objections of the Executive.**

Council Member Liz Walsh moved to pass CB78-2021 notwithstanding the objections of the Executive. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to to pass CB78-2021 notwithstanding the objections of the Executive: Yea: Council Members Jung and Walsh; Nay: Council Members Jones, Rigby, and Yungmann

The motion to notwithstanding the objections of the Executive failed.

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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.*) TABLED 12/6/21

The Chairperson moved to remove Council Bill 83-2021 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 83-2021 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Bill 83-2021 from the table passed.

Council Member Jung moved to extend the life of Council Bill 83-2021. The motion was seconded by Ms. Walsh.

The roll call vote called by the Administrator on the motion to extend the life of Council Bill 83-2021 was: Yea: Council Members Jung, Rigby, Walsh and Yungmann; Nay: Council Member Jones

The motion to extend the life of Council Bill 83-2021 passed.

Council Member Jung moved to table Council Bill 83-2021. The motion was seconded by Ms. Walsh.

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

The motion to table Council Bill 83-2021 failed.

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

The Chairperson moved to approve Amendment 1 to Council Bill 83-2021. The motion was seconded by Ms. Rigby.

Council Member Jung moved to table Council Bill 83-2021. The motion was seconded by Ms. Walsh.

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

The motion to table Council Bill 83-2021 passed.

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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.*) TABLED 12/6/21

Council Member Walsh moved to remove Council Bill 87-2021 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 87-2021 from the table was: Yea: Council Members Jung, and Walsh; Nay: Council Members Jones, Rigby and Yungmann.

The motion to remove Council Bill 87-2021 from the table failed.

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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 remove Council Bill 88-2021 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 88-2021 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Bill 88-2021 from the table passed.

Council Member Walsh moved to extend the life of Council Bill 88-2021. The motion was seconded by Ms. Jung.

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

The motion to extend the life of Council Bill 88-2021 passed.

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.

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Adjourned: **8:01** p.m.

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### **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, extended and tabled 1/04/22) *(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, extended and tabled 1/04/22) *(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** 12/13/2021 (tabled 11/1/2021) *(Expires 12/13/21; 01/17/22 if extended; or 02/21/22 if extended twice.)*