

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2022 Legislative Session**

**Legislative Day No. 6**

April 4, 2022

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:06** 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; Auditor; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Jennifer Sager, Legislative Coordinator; Maureen Arthurs, Director of Government Affairs; Lynne Rosen, Legislative Analyst; Margery Sayers, Executive Assistant and Brenda Smith, Administrative Support were also present.

**HONORARY RESOLUTIONS**

Honorary Resolution was presented in recognition for Fair Housing Month.

Honorary Resolution was presented to Taadie Robinson in recognition of her leadership provided to the Boy Scouts of America.

Honorary Resolution was presented in recognition of Education and Sharing day.

**APPROVE JOURNALS AND MINUTES**

The Chairperson moved to approve the Journal for Legislative Session March 7, 2022. 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 minutes for the Monthly Meeting – March 9, 2022, the ACS Conversation with the Council – March 16, 2022, the Legislative Public Hearing – March 21, 2022 and the Legislative Work Session – March 28, 2022. 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.

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## **INTRODUCTION OF LEGISLATION**

### **Appointments**

Council Resolution 31-2022 - A RESOLUTION confirming the appointment of Aida Abdallah to the Public Works Board *(No expiration)*

Council Resolution 32-2022 - A RESOLUTION confirming the appointment of Randy M. Bell to the Public Works Board. *(No expiration)*

Council Resolution 33-2022 - A RESOLUTION confirming the appointment of Kimberly T. Davis to the Environmental Sustainability Board. *(No expiration)*

Council Resolution 34-2022 - A RESOLUTION confirming the appointment of Kimberlee Drake to the Environmental Sustainability Board. *(No expiration)*

Council Resolution 35-2022 - A RESOLUTION confirming the appointment of Melisha Harris to the Adult Public Guardianship Review Board. *(No expiration)*

Council Resolution 36-2022 - A RESOLUTION confirming the appointment of Trent Williams to the Advisory Board on Consumer Protection. *(No expiration)*

### **Reappointments**

Council Resolution 37-2022 - A RESOLUTION confirming the reappointment of David Grabowski to the Recreation and Parks Board. *(No expiration)*

Council Resolution 38-2022 - A RESOLUTION confirming the reappointment of Mike Mitchell to the Howard County Local Children's Board. *(No expiration)*

Council Resolution 39-2022 - A RESOLUTION confirming the reappointment of Jerome Rollerson to the Advisory Board on Consumer Protection. *(No expiration)*

Council Resolution 40-2022 - A RESOLUTION confirming the reappointment of Melissa Rosenberg to the Howard County Local Children's Board. *(No expiration)*

Council Resolution 41-2022 - A RESOLUTION confirming the reappointment of Gabriel Terrasa, Esquire, to the Human Rights Commission. *(No expiration)*

### **Financial**

Council Resolution 42-2022 - A RESOLUTION adopting Howard County's Annual Action Plan for housing and community services to qualify for the receipt of federal Community Development Block Grant and Home Investment Partnership Program funds. *(No expiration)*

Council Resolution 43-2022 - A RESOLUTION endorsing and authorizing the Howard County Executive to file an application with the Maryland Transit Administration of the Maryland Department of Transportation for grants under the Federal Transit Act and certain State transportation grants; indicating certain endorsement by the County Executive; and requiring certain copies be sent to the Maryland Department of Transportation. *(No expiration)*

Council Bill 28-2022 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and ePlus Technology, Inc. for certain Voice Over IP (VOIP) and Webex services used by the County, authorizing the County Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. *(Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice)*

Council Bill 20-2022 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and ePlus Technology, Inc. for certain network architecture services used by the County, authorizing the County Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. *(No expiration)*

Council Bill 21-2022 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Agreement between Howard County, Maryland and ePlus Technology, Inc. for certain security used by the County, authorizing the County Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. *(Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice)*

Council Bill 22-2022 - AN ACT pursuant to Section 612 of the Howard County Charter, approving a multi-year Global Master Services Agreement between Howard County, Maryland and Automatic Data Processing, Inc. to process the County's payroll for a term of three years with seven one-year renewal terms; authorizing the Executive to make changes to the Agreement, under certain conditions; authorizing the County Executive to execute the Agreement; and generally relating to the Agreement. *(Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice)*

SAO4-FY2022 - AN ACT transferring \$700,000 from the General Fund, Contingency Reserve to

the Department of Public Works for unanticipated expenses related to snow removal. (*Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice*)

### **General**

Council Bill 24-2022 - AN ACT changing references to the “Maryland Emergency Management Assistance Compact” to be the “Maryland Intrastate Emergency Management Assistance Compact” in accordance with recent changes in State law; removing the Compact from the County Code in order to reference State law; and generally related to emergency management. (*Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice*)

Council Bill 25-2022 - AN ACT amending the designee of certain Ex Officio members of the Local Behavioral Health Advisory Board; and generally related to the Local Behavioral Health Advisory Board. (*Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice*)

Council Bill 26-2022 – Introduced by Liz Walsh - AN ACT amending the Howard County Code to include building development or other development in the process for reserving land for public facilities; and generally relating to reserving land for public facilities. (*Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice*)

Council Bill 27-2022 ZRA200 – Introduced by David Yungmann - AN ACT amending the Howard County Zoning Regulations to permit Age-Restricted Adult Housing conditional uses in the B-1 (Business: Local) District in certain circumstances; and generally relating to Age-Restricted Adult Housings. (*Expires 6/13/22; 7/18/2022 if extended; or 8/22/22 if extended twice*)

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## **FINAL CONSIDERATION**

### **Appointments**

After hearing no objections, the Administrator read Council Resolutions 23-, 24-, 25-, 26-, 27-, 28-2022 together for a single combined roll call vote.

Council Resolution 23-2022 – A RESOLUTION confirming the appointment of Barbara L. Allen to the Local Behavioral Health Advisory Board. (*No expiration*)

Council Resolution 24-2022 - A RESOLUTION confirming the appointment of Nina Basu to the Human Rights Commission. (*No expiration*)

Council Resolution 25-2022 - A RESOLUTION confirming the appointment of Paloma Isabel León to the Board of Health. (*No expiration*)

Council Resolution 26-2022 – Introduced by the Chairperson - A RESOLUTION appointing Felita Phillips to the Board of Appeals of Howard County, Maryland, to fill a term ending on December 31, 2025. *(No expiration)*

### **Reappointments**

Council Resolution 27-2022 - A RESOLUTION confirming the reappointment of Daniel Thomas Nairn to the Martin Luther King, Jr. Holiday Commission. *(No expiration)*

Council Resolution 28-2022 - A RESOLUTION confirming the reappointment of Jean Xu to the Public Ethics Commission. *(No expiration)*

The Chairperson moved to approve Council Resolutions 23-, 24-, 25-, 26-, 27- and 28-2022. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 23-, 24-, 25-, 26-, 27- and 28-2022 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolution 23-, 24-, 25-, 26-, 27- and 28-2022 passed.

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### **Financial**

Council Bill 16-2022 - AN ACT establishing an Opioid Abatement Special Revenue Fund as a special, nonlapsing revenue fund, also known as a Local Abatement Fund, as provided in the State-Subdivision Agreement between the State of Maryland and Local Governments on Proceeds relating to the Settlement of Opioids Litigation; specifying the purposes, permitted uses, and nature of the fund; and generally related to finance, taxation, and budget. *(Expires 5/16/22; 6/20/2022 if extended; or 7/25/22 if extended twice)*

The Chairperson moved to approve Council Bill 16-2022. 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 provides that the Opioid Abatement Settlement Fund may include funds received pursuant to any other opioid litigation settlement.)*

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 Bill 16-2022 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann

The motion to approve Council Bill 16 as amended passed.

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Council Bill 17-2022 - AN ORDINANCE authorizing the issuance, sale and delivery of up to \$75,000,000 consolidated public improvement bonds, pursuant to a bond enabling law; 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 5/16/22; 6/20/2022 if extended; or 7/25/22 if extended twice)*

The Chairperson moved to approve Council Bill 17-2022. 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 bond anticipation note's facility balance of \$10 million has been paid off.)*

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 Bill 17-2022 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 17- 2022 as amended passed.

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## General

Council Bill 18-2022 - AN ACT amending the time in which any person may file a complaint claiming to be aggrieved by an alleged unlawful act in violation of provisions related to unfair employment practices; and generally related to filing complaints alleging violations of the Human Rights provisions of the County Code. *(Expires 5/16/22; 6/20/2022 if extended; or 7/25/22 if extended twice)*

The Chairperson moved to approve Council Bill 18-2022. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Bill 18-2022 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Bill 18-2022 passed.

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Council Resolution 29-2022 - A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Maryland and Patuxent LLC for property located at 6441 Freetown Road, 6333 Cedar Lane, and 6367 Cedar Lane in Columbia, Maryland, for purposes of Section 16.1103(e) of the Howard County Code. (No expiration)

The Chairperson moved to approve Council Resolution 29-2022. 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 corrects the minimum payment required under the PILOT Agreement.)*

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 29-2022 as amended was: Yea: Council Members Jones, Jung, Walsh and Yungmann.

The motion to approve Council Resolution 29-2022 as amended passed.

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Council Bill 19-2022 – Introduced by Christiana Rigby - AN ACT amending the Howard County Code to require that certain notice be given when residential infill construction occurs; and generally relating to notice of residential construction. (*Expires 5/16/22; 6/20/2022 if extended; or 7/25/22 if extended twice*)

Ms. Rigby moved to approve Council Bill 19-2022. The motion was seconded by The Chairperson.

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

**Amendment No. 1**

*(This amendment clarifies some of the language in the bill)*

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 Bill 19-2022 as amended was: Yea: Council Members Jones, Jung, Walsh and Yungmann.

The motion to approve Council Bill 19-2022 as amended passed.

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SAO3-FY2022 - AN ACT transferring \$6,560,000 from the General Fund, Contingency Reserve to the Department of Housing and Community Development in order to move priority affordable housing communities forward and to further affordable housing initiatives. (*Expires 4/18/22; 5/23/22 if extended; or 6/27/22 if extended twice.*) **TABLED 3/7/22**

The Chairperson moved to remove SAO3-FY2022 from the table. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to remove SAO3-FY2022 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove SAO3-FY2022 from the table passed.

The Chairperson moved to approve SAO3-FY2022. The motion was seconded by Ms. Rigby.

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



**Amendment No. 1**

*(This amendment retains the transfer of funds for Ranleigh Court and Patuxent Commons projects but removes the portion of the transfer totaling \$2.5 million that further funds the “community programs”.)*

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

The motion to approve Amendment 1 failed.

Ms. Walsh moved to approve Amendment 2. The motion was seconded by Mr. Yungmann.

**Amendment No. 2**

*(This amendment puts conditions on the \$2.5 million of gap financing for Ranleigh Court.)*

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

**Amendment No. 1 to Amendment No. 2**

*(This amendment adds a market rate cap and a disability unit requirement to the covenants.)*

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

The motion to approve Amendment 1 to Amendment 2 failed.

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

**Amendment No. 2 to Amendment No. 2**

*(This amendment alters the percentages of required affordable housing units in the covenants.)*

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

The motion to approve Amendment 2 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.

Ms. Walsh moved to approve Amendment 3. The motion was seconded by Ms. Jung.

**Amendment No. 3**

*(This amendment puts conditions on the \$1.2 million of gap financing for Patuxent Commons.)*

Ms. Walsh moved to approve Amendment 1 to Amendment 3. The motion was seconded by Ms. Jung.

**Amendment No. 1 to Amendment No. 3**

*(This amendment adds a market rate cap to the covenants.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to Amendment 3 was: Yea: Council Members Jones, Jung, Walsh and Yungmann. Nay: Council Member Rigby.

The motion to approve Amendment 1 to Amendment 3 passed.

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

The motion to approve Amendment 3 as amended passed.

The roll call vote called by the Administrator on the motion to approve SAO3- FY2022 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve SAO3-FY2022 as amended passed.

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.)*

The Chairperson moved to remove Council Bill 7-2022 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 7 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove Council Bill 7-2022 from the table passed.

The Chairperson moved to approve Council Bill 7-2022. The motion was seconded by Ms. Rigby.

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

**Amendment No. 2**

*(This Amendment lowers the 15% Moderate Income Housing Unit (MIHU) requirement to a 10% MIHU requirement.)*

Mr. Yungmann moved to rescind Amendment 4. The motion was seconded by Ms. Jung.

**Amendment No. 4**

*(This amendment establishes a 5-year cap on the amount of time that a development that is larger than 300 units and has had a site development plan processed on at least 50% of the overall site to be considered non-pending.)*

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

The motion to rescind Amendment 4 failed.

Ms. Walsh moved to approve Amendment 6. The motion was seconded by Ms. Rigby.

**Amendment No. 6**

*(This amendment establishes that a developer of a PGCC development shall indicate the number and location of moderate-income housing units to be provided in the Final Development Plan.)*

Ms. Walsh moved to approve Amendment No. 1 to Amendment No. 6. The motion was seconded by Ms. Jung.

**Amendment No. 1 to Amendment No. 6**

*(This Amendment clarifies that the requirements for site development plans applies to those submitted on or after March 1, 2022.)*

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

The motion to approve Amendment 1 to Amendment 6 passed.

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

The motion to approve Amendment 6 as amended passed.

Mr. Yungmann moved to approve Amendment 7. The motion failed for lack of a second.

**Amendment No. 7**

*(This amendment clarifies that the Moderate Income Housing Unit (MIHU) requirement does not apply to any site development plans submitted prior to March 1, 2022.)*

The roll call vote called by the Administrator on the motion to approve Council Bill 7-2022 as amended was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 7-2022 as amended passed.

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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 Member Walsh moved to remove Council Bill 8-2022 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 8-2022 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann. Yungmann.

The motion to remove Council Bill 8-2022 from the table passed.

Ms. Walsh moved to approve Council Bill 8-2022. The motion was seconded by Ms. Rigby.

The roll call vote called by the Administrator on the motion to approve Council Bill 8-2022 was: Yea: Council Members Jones, Jung, Rigby and Walsh. Nay: Council Member Yungmann.

The motion to approve Council Bill 8-2022 passed.

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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.*)

Ms. Jung moved to remove Council Bill 9-2022 from the table. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to remove Council Bill 9- 2022 from the table was: Yea: Council Members Jones, Jung, Rigby and Walsh and Yungmann.

The motion to remove Council Bill 9-2022 from the table passed.

Ms. Jung moved to approve Council Bill 9-2022. The motion was seconded by Mr. Yungmann.

Ms. Jung moved to approve Amendment 1. The motion was seconded by Mr. Yungmann.

**Amendment No. 1**

*(This Amendment alters who must meet to discuss projected impact of the development on the school system and strategies to address the impact; clarifies that the strategies are not binding; and requires the strategies to be reported to the County Council.)*

Ms. Rigby moved to approve Amendment No. 1 to Amendment No. 1. The motion was seconded by The Chairperson.

**Amendment No. 1 to Amendment No. 1**

*(This Amendment removes the Department of Housing and Community Development from the process.)*

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

The motion to approve Amendment 1 to Amendment 1 failed.

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 Bill 9-2022 as amended was: Yea: Council Members Jones, Jung, Walsh and Yungmann. Nay: Council Member Rigby.

The motion to approve Council Bill 9-2022 as amended passed.

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Adjourned: 09:30 p.m.