

**COUNTY COUNCIL  
OF  
HOWARD COUNTY, MARYLAND**

**2023 Legislative Session**

**Legislative Day No. 3  
March 6, 2023**

**HOWARD COUNTY TO WIT:**

The Chairperson called the legislative session to order at **7:06** p.m.

Chairperson Christiana Rigby; Vice Chairperson Deb Jung; Council Member Opel Jones; 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; Owen Kahn, Senior Admin Analyst; Margery Sayers, Executive Assistant and Rozonna Hightower, Administrative Support were also present.

**APPROVE JOURNAL AND MINUTES**

The Chairperson moved to approve the To Approve the Journal of: Legislative Session – February 6, 2023. The motion was seconded by Mr. Jones.

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

The motion to approve the Journal passed.

The Chairperson moved to approve the minutes of:  
Special Meeting to hold a Closed Session – February 6, 2023  
Legislative Public Hearing – February 21, 2023  
Special Meeting to hold a Closed Session – March 1, 2023  
The motion was seconded by Mr. Jones.

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

The motion to approve the minutes passed.

The Chairperson moved to approve adding Council Bill 11-2023 to the agenda for Introduction as late filed legislation. The motion was seconded by Mr. Jones.

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

The motion to approve adding Council Bill 11-2023 to the agenda for Introduction as late filed legislation passed.

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## **INTRODUCTION OF LEGISLATION**

### **Appointments**

**CR38-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Ben S. Barlow to the Historic Preservation Commission.

**CR40-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Shahriar Etemadi to the Howard County Design Advisory Panel.

**CR41-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Kellie L. Hollenbeck to the Howard County Design Advisory Panel.

**CR42-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Beth Ann Johnson to the Alcoholic Beverage Hearing Board.

**CR43-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Lily Peng to the Asian American and Pacific Islander Commission.

**CR44-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Robyn C. Scates, Esq. to the Howard County Board of Education.

**CR45-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the reappointment of Gary W. Kuc as County Solicitor.

**CR46-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the reappointment of Elizabeth Larney to the Cemetery Preservation Advisory Board.

**CR47-2023** - Introduced by the Chairperson at the request of the County Executive A

RESOLUTION confirming the reappointment of Ethan Marchant to the Howard County Design Advisory Panel.

**CR48-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the reappointment of Fred Marino to the Howard County Design Advisory Panel.

## **Financial**

**CB8-2023** - Introduced by the Chairperson at the request of the County Executive AN ACT providing for an extension of the property tax credit for high performance buildings and generally relating to the property tax credit for high performance buildings.

**SAO1-FY2023** - Introduced by the Chairperson at the request of the County Executive AN ACT transferring \$47,737 from the General Fund, Orphan's Court to the Circuit Court, due to the elimination of the Orphan's Court.  
General

**CB9-2023** - Introduced by the Chair at the request of BFEA-Curtis Farm, LLC AN ACT amending the Howard County Zoning Regulations to allow certain historic venues to be used as a Conditional Use Historic Building Uses, under certain conditions; and generally relating to Historic Building Uses.

**CB10-2023** - Introduced by Liz Walsh AN ACT to clarify the role of the hearing examiner to hear certain matters in the jurisdiction of the Zoning Board; specifying the powers and duties of, and the procedures used by, the hearing examiner, including in an evidentiary hearing; removing certain mediation procedures; specifying the rights and duties of persons of record in matters heard by the hearing examiner; providing for the process of petition applications for piecemeal map amendments and development plans; allowing for certain conditional approvals; defining certain terms and rules of construction; and generally relating to Piecemeal map amendments and development plan approvals.

**CR49-2023** - Introduced by Liz Walsh at the request of the Zoning Board A. RESOLUTION approving Rules of Procedure of the Hearing Examiner that set out the procedures by which hearings will be conducted by a Hearing Examiner.

**CR50-2023** - Introduced by the Chairperson A RESOLUTION calling the County Council of Howard County, Maryland into legislative session on specified dates.

**CB11-2023** – Introduced by Open Jones and Christiana Rigby - AN ACT amending the Howard County Code to establish certain processes for certain audits by the Howard County Auditor's Office; and generally relating to the Howard County Auditor's Office.

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## **FINAL CONSIDERATION**

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

## **Appointments**

**CR7-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Phyllis S. Zolotorow to the Housing and Community Development Board

**CR11-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Koko Aiolupotea to the Asian American and Pacific Islander Commission.

**CR12-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Sameer C. Ahirrao to the Asian American and Pacific Islander Commission

**CR13-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Misako Aoki to the Asian American and Pacific Islander Commission.

**CR14-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Victoria I. Benitez to the La Alianza Latina Commission.

**CR15-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Jin "JC" Chung to the Asian American and Pacific Islander Commission.

**CR16-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Naresh C. Das, Ph.D., to the Asian American and Pacific Islander Commission.

**CR17-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Kimberly Eggborn to the Asian American and Pacific Islander Commission.

**CR18-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Sanjay G. George to the Asian American and Pacific Islander Commission.

**CR19-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Sanjeev Gholap to the Asian American and Pacific Islander Commission.

**CR20-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Tomoko Hoogenboom, Ph.D., to the Asian American and Pacific Islander Commission.

**CR21-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Saffiyah Gonzales Madraswala to the Asian American and Pacific Islander Commission.

**CR22-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Khin Rupa Waddy Maung, M.D. to the Asian American and Pacific Islander Commission.

**CR23-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Dhaval Shah to the Asian American and Pacific Islander Commission.

**CR24-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Young Ran Smith to the Asian American and Pacific Islander Commission.

**CR25-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of May-Fong Tsay to the Asian American and Pacific Islander Commission.

**CR26-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Jodie Wang to the Asian American and Pacific Islander Commission.

**CR27-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Helen Won to the Asian American and Pacific Islander Commission.

**CR28-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Lanlan Xu, Ph.D., to the Asian American and Pacific Islander Commission.

**CR29-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Kui Zhao, AICP, to the Asian American and Pacific Islander Commission.

**CR30-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Tia Metzger to the Environmental Sustainability Board.

## **Re-Appointments**

**CR31-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the reappointment of Robert F. Ford, Jr. to the Human Rights Commission.

**CR32-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the reappointment of Scott B. Markow to the Human Rights Commission.

The Chairperson moved to approve Council Resolutions 7; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 23; 24; 25; 26; 27; 28; 29; 30; 31; and 32-2023. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve Council Resolutions 7; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 23; 24; 25; 26; 27; 28; 29; 30; 31; and 32-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Council Resolutions 7; 11; 12; 13; 14; 15; 16; 17; 18; 19; 20; 21; 23; 24; 25; 26; 27; 28; 29; 30; 31; and 32-2023 passed.

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**CR22-2023** - Introduced by the Chairperson at the request of the County Executive A RESOLUTION confirming the appointment of Khin Rupa Waddy Maung, M.D. to the Asian American and Pacific Islander Commission.

The Chairperson moved to table CR22-2023. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to table CR22-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to table CR22-2023 passed.

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**CB7-2023** - Introduced by the Chairperson at the request of the County Executive 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 endpoint detection response systems used by the County known as CrowdStrike Falcon, CrowdStrike Falcon Complete and CrowdStrike ITP, 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.

The Chairperson moved to approve CB7-2023. The motion was seconded by Ms. Jung.

The Chairperson moved to approve amendment 1 to CB7-2023. The motion was seconded by Ms. Jung

**Amendment 1 to CB7-2023**

*(This amendment corrects the expiration date of the quote to be March 31, 2023.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB7-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB7-2023 passed.

The roll call vote called by the Administrator on the motion to approve CB7-2023 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CB7-2027 as amended passed.

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**CR33-2023** - Introduced by the Chairperson at the request of the County Executive

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County; Chaberton Solar Lime Kiln LLC; and Jo-Ann Middleton, Katherine Robinson and Janet Srock, for the construction and operation of a solar array located on property located at 11959 Lime Kiln Road, Fulton, Howard County, Maryland.

The Chairperson moved to approve CR33-2023. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to approve CR33-2023 was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CR33-2023 passed.

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**CR34-2023** - Introduced by the Chairperson at the request of the County Executive

A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Community Power Group, LLC, and Dale Haylett, Jr. for the construction and operation of a solar array located on property located on Roxbury Road, Glenelg, Howard County, Maryland.

The Chairperson moved to approve CB34-2023. The motion was seconded by Mr. Jones.

The Chairperson moved to approve amendment 1 to CB34-2023. The motion was seconded by Mr. Jones

**Amendment 1 to CB34-2023**

*(This amendment adds a provision stipulating varying abatement percentages contingent upon the amount of energy generated to County subscribers versus energy generated to non-County subscribers.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB34-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB34-2023 passed.

The roll call vote called by the Administrator on the motion to approve CB342023 as amended was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay, Council Member Yungmann.

The motion to approve CB34-2027 as amended passed.

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**CR35-2023** - Introduced by the Chairperson at the request of the County Executive  
A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Chaberton Solar Catherine LLC, and St. Mary Coptic Orthodox Church of Maryland, Inc, for the construction and operation of a solar array located on property located at 2000 St. Mary Drive, Cooksville, Howard County, Maryland.

The Chairperson moved to approve CR35-2023. The motion was seconded by Ms. Jung.

The roll call vote called by the Administrator on the motion to approve CR35-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR35-2023 passed.

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**CR36-2023** - Introduced by the Chairperson at the request of the County Executive  
A RESOLUTION approving the terms and conditions of a Payment in Lieu of Taxes Agreement by and between Howard County, Chaberton Solar Catherine ANEM LLC, and St. Mary Coptic Orthodox Church of Maryland, Inc, for the construction and operation of a solar array located on property located at 2000 St. Mary Drive, Cooksville, Howard County, Maryland.

The Chairperson moved to approve CR36-2023. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to approve CR36-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve CR36-2023 passed.

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**TABLED**

CB4-2023 - Introduced by Christiana Rigby AN ACT imposing an assessment on each trip generated by a Transportation Network Service company originating in the County; providing for collection of the assessment; creating a Transit Services Improvement Fund; specifying the components and uses of the Fund; requiring a certain Report; and generally relating to for-hire transportation network activities.



The Chairperson moved to remove CB4-2023 from the table. The motion was seconded by Mr. Yungmann.

The roll call vote called by the Administrator on the motion to remove CB4-2023 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CB4-2023 from the table passed.

Ms. Walsh moved to approve Amendment 1 to CB4-2023. The motion was seconded by Ms. Rigby.

**Amendment 1 to CB4-2023**

*(This amendment corrects an error in codification.)*

The roll call vote called by the Administrator on the motion to approve Amendment 1 to CB4-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 1 to CB4-2023 passed.

Ms. Walsh moved to approve Amendment 2 to CB4-2023. The motion was seconded by Ms. Rigby.

**Amendment 2 to CB4-2023**

*(This Amendment allows the fund to be used for demand response transit.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 to CB4-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 2 to CB4-2023 passed.

Ms. Walsh moved to approve Amendment 3 to CB4-2023. The motion was seconded by Ms. Rigby.

**Amendment 3 to CB4-2023**

*(This Amendment requires information on how the fund is used.)*

The roll call vote called by the Administrator on the motion to approve Amendment 3 to CB4-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 3 to CB4-2023 passed.

Ms. Jung moved to approve Amendment 4 to CB4-2023. The motion was seconded by Ms. Walsh.

**Amendment 4 to CB4-2023**

*(This Amendment provides for funding capital expenses.)*

Ms. Jung moved to approve Amendment 1 to Amendment 4 to CB4-2023. The motion was seconded by Ms. Rigby.

**Amendment 1 to Amendment 4 to CB4-2023**

*(This Amendment provides for funding transit service and repaying debt.)*

***Amendment 1 to Amendment 4 to CB4-2023 was withdrawn***

Ms. Walsh moved to approve Amendment 2 to Amendment 4 to CB4-2023. The motion was seconded by Ms. Jung.

**Amendment 2 to Amendment 4 to CB4-2023**

*(This Amendment provides for funding transit service and repaying debt.)*

The roll call vote called by the Administrator on the motion to approve Amendment 2 to Amendment 4 to CB4-2023 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 to CB4-2023 as amended was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 4 to CB4-2023 as amended passed.

The roll call vote called by the Administrator on the motion to approve CB4-2023 as amended was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CB4-2023 as amended passed.

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**CB5-2023** - Introduced by Christiana Rigby AN ACT requiring the Department of Inspections, Licenses, and Permits to report to the County Council with recommendations about changes to the Howard County Building Code that would be needed to require all-electric buildings, requiring the Department to consider specified exemptions and considerations; setting a certain deadline, and generally relating to the Howard County Building Code.

The Chairperson moved to remove CB5-2023 from the table. The motion was seconded by Mr. Jones.

The roll call vote called by the Administrator on the motion to remove CB5-2023 from the table was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to remove CB5-2023 from the table passed.

The Chairperson moved to approve Amendment 12 to CB5-2023. The motion was seconded by Ms. Walsh.

**Amendment 12 to CB5-2023**  
*(This amendment corrects typos in the Whereas clauses.)*

The roll call vote called by the Administrator on the motion to approve Amendment 12 to CB5-2023 was: Yea: Council Members Jones, Jung, Rigby, Walsh and Yungmann.

The motion to approve Amendment 12 to CB5-2023 passed.

Ms. Jung moved to approve Amendment 13 to CB5-2023. The motion was seconded by Ms. Walsh.

**Amendment 13 to CB5-2023**  
*(This amendment adds to the required report recommendations on using stretch codes to enhance all-electric buildings and recommendations on the use of electric heat pumps versus electric resistance heat in affordable housing projects.)*

The roll call vote called by the Administrator on the motion to approve Amendment 13 to CB5-2023 was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve Amendment 13 to CB5-2023 passed.

Ms. Walsh moved to approve Amendment 14 to CB5-2023. The motion was seconded by Ms. Rigby.

**Amendment 14 to CB5-2023**  
*(This Amendment abrogates the bill following the adoption of the 2024 Building Codes.)*

The roll call vote called by the Administrator on the motion to approve Amendment 14 to CB5-2023 was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve Amendment 14 to CB5-2023 passed.

The Chairperson moved to approve CB5-2023 as amended. The motion was seconded by Ms. Jung

The roll call vote called by the Administrator on the motion to approve CB5-2023 as amended was: Yea: Council Members Jones, Jung, Rigby, and Walsh; Nay: Council Member Yungmann.

The motion to approve CB5-2023 as amended passed.

**Adjourned at 7:43 PM**