



Howard County Council

George Howard Building
3430 Court House Drive
Ellicott City, Maryland 21043-4392

COUNCILMEMBERS

Christiana Rigby, Chair
District 3

Deb Jung, Vice Chair
District 4

Liz Walsh
District 1

Opel Jones
District 2

David Yungmann
District 5

Work Session Minutes –approved

Monday, March 27, 2023

Hybrid – In Person and Virtually via Webex

Video Streamed on <https://cc.howardcountymd.gov/Online-Tools/Watch-Us>

9:30 a.m.

Chair Rigby opened the meeting at 9:36am.

Councilmembers present: Liz Walsh, Opel Jones (at 9:48am) Christiana Rigby, Deb Jung, and David Yungmann.

Staff Present: Theo Wimberly, Administrative Manager; Roz Hightower, Administrative Aide; Charity Respass, Administrative Assistant; Gary Kuc, County Solicitor; Amanda Mihill, Assistant County Solicitor; Craig Glendenning, County Auditor; Lori Buchmann, Fiscal Manager II; and Owen Kahn, Legislative Analyst.

Council Bill 9-2023 ZRA 202 – (45 minutes)

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.

Councilmember Walsh and Mr. Moore discussed if the Hearing Examiners could participate in the discussion of the bill. Councilmember Rigby asked the Hearing Examiners about the process for approving a conditional use. There was a discussion of how conditional uses are approved and what limitations can be set, such as the number of events and sound plans. Chair Rigby asked the Hearing Examiner about the process of approving a conditional use left the meeting.

Mr. Coale responded to questions from Councilmember Walsh about conditional uses for historic buildings and the intent at the Curtis Farm property.

Ms. Jenson responded to questions from Chair Rigby about the importance of historic structures and preservation easements, and what needs to be done to keep the property preserved.

Ms. Albizo responded to questions from the Council about the Curtis Farm property; its land use and zoning history; the Shipley's Grant community, Ms. Albizo's tour of the farm with the property owner; the 500 foot limit in the ZRA; and the affect of sound at outdoor events.

There was a general discussion of zoning history on the property.

Mr. Goins responded to questions from Councilmember Yungmann about neighborhood preservation easements.

Follow up requested:

- *Councilmember Jung asked Mr. Glendenning for a comparison of tax rates between for different uses on agriculture land.*
- *Councilmember Rigby asked Councilmember Jung if the sound auditor position was ever filled, and Councilmember Jung said she did not think so.*
- *Councilmember Yungmann asked DPZ for the specific timing of when the farm parcel changed zones/easements/etc. to know what the home buyers knew about how the farm was going to be used.*

Council Bill 10-2023 – (1 hour 15 minutes)

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.

Council Resolution 49-2023 - 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.

- David Moore, Office of Law
- Joseph Rutter
- Leonardo McClarty

CB 10 and CR 49 were discussed together. Chair Rigby and Mr. Kuc discussed what could be considered as the County Council versus as the Zoning Board. Councilmember Walsh recommended CB 10 be tabled and that conversations on the legislation continue at a future Zoning Board meeting.

CB11-2023 – (60 minutes)

Introduced by Opel 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.

Mr. Glendenning responded to questions from the Council about the GAO Yellow Book; the authorities in Sections 212 and 213 of the County Charter; the process of audits and investigations; how audits of outside organizations are conducted; and how CB 11 would affect the audit process.

Chair Rigby gave an overview of CB 11. There was a general discussion of the first proposed amendment; the Office of Law's guidance; how CB 11 would affect the scope and impartiality of future audits; how the bill would match GAO standards; the definition of an open meeting and whether or not provisions of CB 11 would be executed publicly or privately, as well as how PIA requests would be handled; how incoming complaints to the auditor's office are evaluated and acted upon; the specific actions taken by the auditor's office in a recent case involving County libraries, including the anonymous tip, the investigation, and the report; the nature of the County authorizing authority and how the County Council interacts with the auditor's work; the potential for creating an Inspector General and how they work in other jurisdictions; other jurisdictions and how they codify the auditor's authority; whistleblower complaints; penalties for breaching the County Charter; public input for the bill; and other potential amendments to the bill.

Follow up requested:

- *An amendment was discussed about clarifying some way for the Auditor to update the Council on changes to the list of witnesses.*
- *An amendment was discussed about email inquiry prior to a meeting. Initial records or some kind of baseline before the meeting. "written inquiry" following "credible", then "initial" before witness.*
- *Mr. Kuc was asked to look into how the meetings in CB 11 would be subject to PIA requests and any other effects of the Open Meetings Act.*
- *Mr. Kuc was asked to look into if Title 1 of the Charter could apply to an elected official.*
- *Councilmember Walsh offered to share Mr. Kuc's legal advice on confidentiality.*

Chair Rigby closed the meeting at 12:23pm.