



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
Opel Jones
District 2
Liz Walsh
District 1
David Yungmann
District 5

Work Session Minutes – Approved

Hybrid Meeting (Virtual and In-Person Meeting)
Video Streamed on <https://cc.howardcountymd.gov/watch-us>
Monday, June 26, 2023
9:30 a.m.

Vice Chair Jung opened the meeting at 9:35 a.m.

Councilmembers present: Vice-chair Deb Jung; Liz Walsh; Opel Jones; and David Yungmann

Staff Present:

Michelle Harrod, Council Administrator; Roz Hightower, Administrative Support; Theo Wimberly, Administrative Manager; Lynne Blume Rosen, Legislative Analyst; Owen Kahn, Legislative Analyst; Craig Glendenning, County Auditor; Owen Clark, Deputy County Auditor; Gary Kuc, County Solicitor; and Amanda Mihill, Assistant County Solicitor.

Agenda

1. Facilities Presentation

- a. Sharon Walsh - Facilities
- b. Robert Hollenbeck - Facilities

Ms. Walsh presented an overview of proposed plans for the Council Offices and the Bancker Room and responded to Council Members' questions regarding the plans.

2. CB30-2023 - Introduced by Liz Walsh

AN ACT amending the purpose of the Forest Conservation Act of Howard County; altering the definition of a forest; increasing certain reforestation calculations; amending qualification for the use of certain forest mitigation banks; and generally related to the Forest Conservation Act of Howard County.

- a. John Canoles – espijc@aol.com – 410.683.7840
- b. Jason Thompson – DRP
- c. Mary Kendall – DPZ
- d. Brenda Lubber - DPZ
- e. Anthony Cataldo – DPZ

Councilmember Walsh gave an overview of changes in State law and how the proposed legislation is an initial implementation of those changes. Councilmember Walsh discussed how the bill relates to the draft Howard County By Design General Plan.

Councilmember Walsh discussed amendments, including the definition of a forest and the ratio of reforestation. Mr. Cataldo responded to questions from Councilmember Walsh about the policy intent of thresholds in the Forest Conservation Act and what effect eliminating those thresholds would have, including on site design. Councilmember Walsh discussed what other changes are going to be needed to the Forest Conservation Act in the longer term.

Ms. Kendall confirmed for Councilmember Jung that DPZ tracks forest conservation data and discusses the General Plan.

Councilmember Yungmann and Mr. Canoles discussed how the bill may limit the developable land on a site, particularly the cap on forest mitigation banks. Mr. Yungmann asked if the proposed bill was the same or more stringent than the new State law. Councilmember Yungmann expressed concern about making the County less competitive with neighboring jurisdictions and limits to a property owner's rights.

Councilmembers Walsh and Yungmann discussed the intent of the Forest Conservation Act and how the County needs to implement the law. Mr. Canoles discussed his experience working with the law and why more stringent requirements could be detrimental to costs and availability of land. Councilmember Walsh discussed the benefits of protecting forest canopy and gave an example of how deforested land in the County has harmed the community.

There was a general discussion amongst the members of how the Forest Conservation Act has moved trees from the developed portions of the County to undeveloped areas in the west, and when the bill will be implemented. Mr. Cataldo and Councilmember Walsh discussed amending the bill to revert to the existing definition of a forest.

3. CR101-2023

A RESOLUTION pursuant to Section 4.201 of the Howard County Code, authorizing the County Executive to grant easements to Baltimore Gas and Electric Company so that it may replace and relocate poles and other equipment maintained by Baltimore Gas and Electric Company on property owned by Howard County, Maryland in Ellicott City; 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 grant the easements if he finds that the property may have a further public use.

- a. Emily Iacchei - DPW
- b. Taylor Templeton, Marche (BGE)
- c. Gabriel Ganser, (BGE)

- d. Rick Hunt (BGE)
- e. Michelle Gardner (BGE)
- f. Tyler Ebaugh (BGE)

Ms. Jung read out the title of the Resolution.

Council Member Walsh indicated her concerns about the Resolution are:

- (1) Why is this particular site chosen for a new easement for BGE?
- (2) How will the work affect trees on a historic site, which is a problem for her because the site is one of our very few historic properties dedicated to the history and culture of our black families that lived here -- the site of the colored school in Ellicott City, which she thinks is one of the first integrated schools in the County.
- (3) What is so important about the BGE easement that it requires BGE to intrude upon this site?
- (4) What will be the efforts to avoid damage to the existing tree canopy? And will trees that are in the vicinity be affected by a continuing maintenance? She notes that this is a question she has asked over and over again particularly in old Ellicott City.
- (5) Why aren't some of these lines underground?

Michelle Gardner from BGE indicated that poles have to be renewed for reliability. BGE is very mindful of the historic building and will relocate poles in the best spot. Also BGE is trying to do as minimal tree trimming as possible. BGE is willing to come back and do reforestation.

Gabe Ganser, a BGE design contractor who did the project planning, noted that the work is needed for reliability. The project is replacing the poles along the roadside and adding anchors to support the poles. No overhead wires are being relocated. Thus, tree trimming in the future should not be significantly different than what has been on-going. Mr. Ganser noted that the poles to be replaced were originally installed 1961 -- 60 years ago. The replacement poles must adhere to current standards for safety and reliability. The additional easement is also needed to accommodate the County's intent to expand the existing parking lot. The trees to be removed are only those that impede the project or those that will be harmed by the project, endangering future reliability and safety.

Council Member Walsh requested that the work plan be shared with the County Council. She wants the specifics in terms of how many new poles, where, and the extent of the forest resources that are going to be initially destroyed.

Mr. Ganser shared his screen showing a plan and promised to send it to Ms. Iacchei of DPW who will forward it to the Council.

Ms. Gardner believes that BGE is not now considering putting these lines underground because of the various requirements for spacing from existing underground water, sewer, and gas lines and because these particular lines serve an area broader than Old Ellicott City and thus would require significant new places on the surface for switching gear and transformers. Work of this sort in a historic district is particularly complicated, difficult, and expensive.

Ms. Marche Taylor Templeton of BGE indicated that if questions about these issues were sent to her, she would investigate with the appropriate units in BGE and respond.

4. CB32-2023 - Introduced by Opel Jones

AN ACT creating an Adult-Use Cannabis Advisory Panel; specificizing the duties and responsibilities of the Advisory Panel; providing for the membership and staffing of the Advisory Panel; establishing requirements for meetings and reports; and generally related to the Adult-Use Cannabis Advisory Panel.

5. CR104-2023 - Introduced by Opel Jones

A RESOLUTION creating a Cannabis Workgroup to study the effects of adult-use cannabis legalization in Howard County and recommend legislative actions to promote health, public safety, and equity in the local adult-use cannabis market; and generally relating to adult-use cannabis.

Councilmembers Jung and Jones discussed the differences in duties and responsibilities of the workgroup and the advisory panel.

Councilmember Jones discussed the potential impacts of cannabis legalization and why recommendations are needed. Councilmember Jung asked about membership. Councilmember Jones agreed to an amendment to CR 104 to clarify that members from Councilmanic districts are appointed by the members of the Council.

Councilmember Jung and Jones discussed what authorities the State and the County have over cannabis legalization, including zoning requirements for cannabis businesses.

Councilmembers Jones and Yungmann discussed the benefits of having the workgroup and advisory panel and there was a general discussion about what action the Council will take on the recommendations.

There was discussion about the licensing process for cannabis dispensaries and how the cannabis business will be regulated. Councilmember Jung asked Councilmember Jones about information tracking of the cannabis industry in the County. Councilmember Walsh asked if other counties have created similar workgroups. Councilmember Walsh asked about existing medical cannabis dispensaries and there was a discussion of how many dispensaries could come to Howard County.

There was a discussion about concerns that the workgroups will have very little authority over the cannabis industry. Councilmember Walsh and Councilmember Jones clarified that the existence of these workgroups will not affect the legality of cannabis in Maryland starting July 1, 2023.

6. Review of the Administrative Policies and Procedures Redline Draft

The Council Members discussed Policy Decisions for the following sections of the revised Administrative Policies and Procedures Redline Draft.

103.1 Public Relations, External Events

The Council Members approved the list of categories of external meetings and events.

The Council Members agreed:

- for a special invitation language approved as drafted; and
- strike the last paragraph for an event that limits attendance to individuals who have been invited to the event.

103.2 Public Relations, Honorary Resolutions, Certificates

The Council Members agreed to:

- add language that the draft list of annual Honorary Resolutions in January would be for planning purposes and is not all inclusive;
- Council Administration will automatically prepare each annual Honorary Resolution without the necessity of a Council Member requesting the Resolution;
- Honorary Resolutions should be noted as “highest distinction” for number 8 on the list;
- further discuss which events should be limited to certificates;
- Certificates should be kept as “high distinction” for number 8 on the list;
- further discuss which events should be limited to certificates; and
- review the list and further discuss which occasions and accomplishments qualify for an Honorary Resolution, e.g. State championships, teacher of the year, principal of the year, and heritage months.

103.4 Public Relations, Council Letterhead

The Council Members agreed to the revised draft timeline for the release of communication on Council letterhead.

201.1. Legislation, Drafting

The Council Members discussed the process for handling similar or identical legislation or amendments, including using a template that notes the date and time of the request, establishing time limits for bill requests for each legislative cycle, informing both requestors when a similar or the same bill request is made so that co-sponsorship can be discussed, informing a requestor that a similar or the same bill has already been requested without identifying who the requestors are, whether or not the identify of each requestor should be shared, and leaving it up to the

requestor to check with the other Council Members regarding who made a similar or same request.

The Council Members agreed that if Council Members are requesting the same or similar legislation, the Council Administrator should notify each Council Member requesting similar legislation about the other requests while maintaining the anonymity of all requestors. It was also agreed that the Council Administrator could not refuse a request to draft legislation.

201.4: Legislation, Monthly Meetings, and Work Sessions

The Council Members discussed the purpose of Monthly meetings and Work sessions, the invitation of attendees, including experts, people with opinions, and people with competing opinions, the provision of the names of invitees, if a quorum is needed for a Monthly Meeting or Work Session, and how to place topics of discussion on the Monthly Meeting agenda.

The Council Members agreed:

- that the purpose of the Council Work Session is to discuss current legislative items;
- to remove “review of Annual Reports to the Council” from the purpose of the Council Monthly Meeting and add “topics that would enhance the knowledge of the Council”;
- to proceed with a Work Session or Monthly Meeting without a quorum;
- the requester of an agenda item must include the purpose of the item and a list of the invitees;
- the agenda should include the purpose of the item;
- the internal agenda should include who requested the agenda item, and a list of the invitees;
- the Council Administrator will maintain and distribute on a regular basis the list of suggested Monthly Meeting topics; and
- establish separate policies and procedures for Monthly Meetings and Work Sessions.

Note: There is an absence of a quorum for the remainder of the Work Session.

XXX.X. Financial Management Audits: Should procedures be added for financial and management audits and a policy requiring the County Auditor to provide the Council with an annual audit plan and associated procedures?

The Council Members agreed that the County Auditor will submit an annual plan and a report reviewing the annual audits every two years.

202. Legislation Budget

The Council Members discussed should there be a date by which the Council Members should receive the analysis of the budget, or should there be a requirement that the deadline for receipt of the analysis be provided before budget begins?

The Council Members agreed that the Council Administrator should add tentative dates to receive the analysis of the budget on the calendar for consideration of the budget and that this comment should be added to the procedure.

204. Civility

The Council Members discussed that the Policy is fine, but they believe the Procedures are superfluous. The Council Members agreed to delete the Procedures section.

301.1 Personnel

The Council Members agreed that the Administrative Aides should have the duties as described in the position descriptions in the Howard County Classification Plan as currently drafted.

303. Evaluations of personnel

The Council Members agreed that a written evaluation of the Council Administrator and the County Auditor is not necessary.

402.2 Financial Management, Council Office

The Council Members agreed that the policy should indicate that the Council will follow that same policy as noted in the County Employee Manual for mileage reimbursement.

504. Office Security

The Council Members agreed to discuss this issue in a Closed Session.

Additional Policy Proposals

The Council Members discussed the addition of town hall meetings.

The Council Members discussed the issue of censure and if rules for censure should be in the Council Rules of Procedure rather than the Council Administrative Policies and Procedures.

The Council Members agreed that discussion of compliance with the Maryland Public Information Act (Section 102 Public Information Request) should be on the agenda for the next time the Administrative Policies and Procedures are discussed. Ms. Harrod will further review and edit Section 102 for the Council's review.

Ms. Harrod discussed the need for additional conversation on the edits to sections when there was no longer a quorum.

Council Member Jung adjourned the meeting at 2:43 p.m.