



Howard County Board of Appeals

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

MINUTES September 26, 2024 WORK SESSION Hybrid Hearing (CVG Room and Webex)

Board Members Present:

Gene Ryan, Chair
Lynn Foehrkolb
Robbyn Harris
Jean Xu

Staff:

Michelle Harrod
Kiasten Miller
Barry Sanders
Theo Wimberly
Ervens Jean-Pierre

Call to order at: 6:36 p.m.

Administrative Matters

Approval of Hearing Minutes for Board of Appeals Work-Session September 19, 2024.
Motion – Lynn Foehrkolb, 2nd Jean Xu
Unanimously approved. The motion passed.

Meeting Overview

This Work Session is a continuation from the Board of Appeals Work Session held on September 19, 2024, at which time the Board convened to discuss the Board's administrative practices, procedures, and policies consistent with the Howard County Charter, Article V.

Discussion

Sec.2.204 (j) Meetings and Hearings – Cases Pending in Court (G.Ryan)

Decision: Board Approved

Sec.2.204 Meetings and Hearings – New Paragraphs- Clarity – Types of cases heard (G.Ryan)

Decision: Board Approved

Sec.2.204 Meetings and Hearings – New Paragraphs- Procedural - Quorum (G.Ryan)

Decision: Board Approved – further discussion needed on “compelling circumstances”

Sec.2.204 Meetings and Hearings – New Paragraphs- Procedural – Conflict of Interest (G.Ryan)

Decision: Board Approved

Sec.2.205 Recording of Hearings- In General- Discussion Question (J.Xu)

Board Discussed Issue

Sec.2.205(a) Recording of Hearings- Official Record (G.Ryan)

Decision: Board Approved

Sec.2.205(b) Recording of Hearings- Transcription of Testimony (G.Ryan & L.Foehrkolb)

Decision: Board Approved

Sec.2.206 Administrative Appeals- (1) Change in requirements for appealing decisions (G.Ryan & L.Foehrkolb)

Decision: Board Approved

Sec.2.206 Administrative Appeals- New Sections- Technical - Applicability (G.Ryan)

Decision: Board Approved

Sec.2.207Evidence and Motions (a) Pre-submission of Technical Reports(J.Xu)

Staff to respond to question.

Sec.2.207Evidence and Motions (a) Pre-submission of Technical Reports(G.Ryan)

Decision: Board Approved

Sec.2.207Evidence and Motions (b) Rules of Evidence (G.Ryan)

Decision: Board Approved

Sec.2.207 Evidence and Motions (b) Rules of Evidence (G.Ryan)

Decision: Board Approved

Sec.2.207 Evidence and Motions (c) Materials Received by Reference (J.Xu)

Decision: Board Rejected

Sec.2.207 Evidence and Motions (c) Materials Received by Reference (G.Ryan)

Decision: Board Approved

Sec.2.207 Evidence and Motions (d) Exhibits- Technical (J.Xu)

Decision: Upon request by Board members, Board Rejected

Sec.2.207 Evidence and Motions (d) Exhibits- Clarity (G.Ryan)

Decision: Board Approved

Sec.2.207 Evidence and Motions (e) Motions- Procedural (J.Xu)

Decision: Board Rejected

Sec.2.207 Evidence and Motions (e) Motions- Procedural (G.Ryan)

Decision: Chair will propose new language

Sec.2.207 Evidence and Motions New Paragraphs- Procedural – Motion and Memorandum (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (a) Parties (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (b) Parties to Administrative Appeals etc. (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (c) Parties to Administrative Appeals on the record (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (d) Who may appear (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (f) Representation on by Attorney at Law (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (g) Representation of Associates, etc (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – (h) Subpoenas (J.Xu)

Decision: Answered by OOF(Office of Law)

Sec.2.208 Appearances before the Board of Appeals – (h) Subpoenas (J.Xu)

Decision: Board Rejected

Sec.2.208 Appearances before the Board of Appeals – (h) Subpoenas (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – New Paragraphs- Procedural – Hearsay Evidence (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – New Paragraphs- Procedural – Board Questions (G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – New Paragraphs- Procedural – Proceedings (G.Ryan)

Decision: Board Approved

Sec.2.209 Conduct of Board of Appeals Hearings; Original Jurisdictions – New Paragraphs- De Novo Appeals (J.Xu)

Decision: Board Approved including in the definition language

Sec.2.208 Appearances before the Board of Appeals – New Paragraphs- Clarity –(G.Ryan)

Decision: Board Approved

Sec.2.208 Appearances before the Board of Appeals – New Paragraphs- Clarity –(L.Foehrkolb)

Decision: Board Approved

Sec.2.210 Conduct of Board of Administrative Appeal Hearing- (a) De Novo Appeals (G.Ryan)
Decision : Board Approved

Sec.2.211 Decision and Order (a) Time Period of Issuance of Decision and Order (G.Ryan)
Decision: Board Approved

Sec.2.211 Decision and Order (b) Decision and Order (G.Ryan)
Decision: Board Approved

Sec.2.211 Decision and Order (c) Minority Opinion (G.Ryan)
Decision: Board Approved

Sec.2.211 Decision and Order (d) Mail Copies to Parties; File Plats or Summaries (G.Ryan)
Decision: Board Approved

Sec.2.211 Decision and Order (e) Appeals from Decisions of the Board (G.Ryan)
Decision: Board Approved

Sec.2.211 Decision and Order- New Paragraph (G.Ryan)
Decision: Board Approved

Sec.2.212 Revisory Power of the Board (a) Request of a party (G.Ryan)
Decision: Board Approved

Sec.2.212 Revisory Power of the Board (b) Process (G.Ryan)
Decision: Board Approved

Sec.2.212 Revisory Power of the Board (c) Correcting Clerical Error (G.Ryan)
Decision: Board Approved

Sec.2.212 Revisory Power of the Board (d) for Appeal to Circuit Court (G.Ryan)
Decision: Board Approved

Sec.2.213 Severability (G.Ryan)
Decision: No proposed changes

Next Steps

The Board of Appeals meeting will be continued October 17, 2024 at 9:00 a.m. in the C. Vernon Gray Room.

The Board adjourned 8:39 p.m.

MINUTES APPROVED

KY/W 10/17/2024