



# Howard County Board of Appeals

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

## MINUTES March 27, 2025 WORK SESSION Hybrid Hearing (CVG Room and Webex)

### **Board Members Present:**

Gene Ryan, Chair  
Lynn Foehrkolb, Vice Chair  
Robbyn Harris  
Felita Phillips  
Jean Xu

### **Staff:**

Kel Berg  
Michelle Harrod  
Barry Sanders  
Gary Kuc  
Nick Rinehart  
Kiasten Miller

Call to order at: 6:34 p.m.

### **Administrative Matters**

Approval of Minutes – March 13, 2025  
Motion – Lynn Foehrkolb, 2<sup>nd</sup> Felita Phillips  
*Unanimously approved). The motion passed.*

## **Meeting Overview**

The Board of Appeals is convening to discuss the Board of Appeals administrative practices, procedures, and policies consistent with the Howard County Charter, Article V. The Board reviewed proposed changes/questions from Office of Law, and from citizens who attended the January 30, 2025 Public Hearing.

## **Review of Stuart Kohn's Public Feedback**

Line Item #1 – Page 2, line 3 – After “501” add “see Appendix A”

*Decision: Reject*

Line Item #2 – Page 2, line 4 – After “code” add “see Appendix B”

*Decision: Reject*

Line Item #3 – Page 3, line 6 – Add “Reference Appendix C for definitions relating to this document”

*Decision: Reject*

Line Item #4 – Page 9, line 22 – Add “for a period of 5 years” after the word “meetings”

*Decision: Reject*

Line Item #5 – Page 10, lines 1-22 – Question: what is the rationale for proposing “alternate” members”, why is it needed and what is the advantage of such members?

*Decision: Reject (not changing language)*

Line Item #6 – Page 11, lines 11-12 – Move 2.1.4 to separate line (corrected in 1.17.25 document)

*Decision: Accept*

Line Item #7 – Page 12, line 16 – Delete “at least”

*Decision: Reject*

Line Item #8 – Page 15, line 6 – Move 5.1 to a separate line

*Decision: Reject*

Line Item #10 – Page 16, line 8 – strike “contemplate when determining”, change to “determine”

*Decision: Reject*

Line Item #11 – Page 16, line 14 – Question: why is the Hearing Examiner mentioned?

*Decision: Reject (not changing language)*

Line Item #12 – Page 16 line 15 – add a period after the word “used”

*Decision: Accept*

Line Item #13 – Page 16, lines 18-19 – Question: Where is the “Board’s Rules of Procedure Appendix” found in this document?

*Decision: Board approved striking sentence and change to “form(s)”*

Line Item #14 – Page 17, line 9 – Delete the words “only during” and replace with “at least two weeks prior to any” after the word “hearing” and the words “posted to the Board of Appeals website.”

*Decision: Reject*

Line Item #15 – Page 19, line 3 – Question: why 37 days?

*Decision: Reject (not changing language)*

Line Item #16 – Page 19, line 17 – Question: what two newspapers would you advertise?

*Decision: Reject (not changing language)*

Line Item #17 – Page 20, line 6 – After the word “the” add the word “signage on the”

*Decision: Reject*

Line Item #18 – Page 21, lines 13-14 – Question: where is the “Board of Appeals Rules Appendix” found in this document?

*Decision: Reject (not changing language)*

Line Item #19 – Page 22, line 3 – Question: where is the “Board of Appeals Rules Appendix” found in this document?

*Decision: Reject (not changing language)*

Line Item #20 – Page 22, lines 19 and 21 – Change the word “may elect to” to “shall”

*Decision: Accept “shall” in line 19 and reject change to line 21*

Line Item #21 – Page 23, line 15 – delete “Hearing Examiner”

*Decision: Accept*

Line Item #22 – Page 23, line 21 – delete “24 hours” and change to “two weeks”

*Decision: Reject*

Line Item #23 – Page 25, lines 1-3 – Question: what is the penalty if the “Ex Parte Prohibition” is not followed?

*Decision: Reject (not changing language)*

Line Item #24 – Page 25, lines 9-10 – Don’t understand the meaning of “Quarterly meetings”

*Decision: Reject (not changing language)*

Line Item #25 – Page 25, line 20 – place a “,” after the word “Respondent”, delete the word “and”, and after the word “witness(es)” add “or any opposition”

*Decision: reject comma, remove “supporting” and change to “witness”*

## **Recess**

### **Review of Office of Law Feedback**

#### **Motion and Vote**

Mr. Ryan moved that this meeting be closed in accordance with Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland, to consult with counsel to obtain legal advice on a legal matter. The topic is legal sufficiency on the proposed Rules of Procedure. The motion was seconded by Ms. Foehrkolb.

The roll call vote called by the Administrator on the motion was: Yea: Board Members Foehrkolb, Harris, Phillips, Ryan and Xu.

The motion passed.

The Board of Appeals adjourned to closed session at 7:58 p.m.

#### **Statement of Closed Meeting**

As required by Section 3-306(c)(2) of the *General Provisions* Article of the Annotated Code of Maryland, the following is a report of the Board of Appeal's closed session of March 27, 2025. The Board of Appeals met in closed session at 7:58 p.m. on March 27, 2025 in the C. Vernon Gray Room of the George Howard Building, pursuant to Section 3-305(b)(7) of the *General Provisions* Article of the Annotated Code of Maryland, to consult with counsel to obtain legal advice on a legal matter. The topic was legal sufficiency on the proposed Rules of Procedure.

The topic discussed was legal sufficiency review of the proposed changes to the Rules of Procedure.

No action was taken by the Board of Appeals members.

The following persons were present at the closed session:

Board Members Present: Gene Ryan, Chairperson; Lynn Foehrkolb, Vice Chairperson; Robbyn Harris; Felita Phillips, and Jean Xu.

Staff Present: Kel Berg, Board Administrator; Gary Kuc, County Solicitor; Barry Sanders, Board Counsel; Nick Rinehart, Legislative Analyst and Michelle Harrod, Council Administrator.

The closed session ended at 9:08 p.m.

#### **Continuation of Review of Office of Law Feedback**

Line Item #2 – Page 2, Line 11 – Applicability of Employee Manual

*Decision: revise wording, table*

Line Item #3 – Page 3, line 22 – Definition of “Appellant”  
*Decision: strike “contested” from definition of Petitioner*

Line Item #6 – Page 6, line 7 – Sufficiency of term “Egregious Dilatory Tactics”  
*Decision: Remove “egregious”*

Line Item #8 – Page 9, lines 17-18 – Sufficiency issue  
*Decision: remove “councilmanic” references*

Line Item #9 – Page 10, lines 1-22 to Page 11, lines 1-12 – Sufficiency issue  
*Decision: Leave the language in*

Line Item #13 – Page 17, line 12 – Recommend adding text  
*Decision: change wording*

Line Item #15 – Page 19, line 5 – Text is missing  
*Decision: add “when” on line 5 between “administrator” and “the”*

Line Item #17 – Page 22, line 9 – Conflict with current rule  
*Decision: add “attempt”*

Line Item #18 – Page 25, lines 2-3 – Revise the word “motion”  
*Decision: add “unless otherwise noted” after “administrator”*

### **Next Steps**

The next Board of Appeals ROP Work Session will be continued on April 3, 2025 at 9:00 a.m. in the C. Vernon Gray Room.

**MINUTES APPROVED**

Idell Berg 4/3/24

