



Howard County Board of Appeals

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

MINUTES April 10, 2025 WORK SESSION Hybrid Hearing (CVG Room and Webex)

Board Members Present:

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

Staff:

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

Call to order at: 7:38 p.m.

Administrative Matters

Approval of Minutes – April 3, 2025
Motion – Lynn Foehrkolb, 2nd – 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 proposed rule additions and continued to review proposed changes/questions from Office of Law.

Proposed Rule Additions

Add to Applicability Rule - Page 2, line 19 – Unless otherwise specified, the term 'Board of Appeals' shall be deemed to include the Board of Appeals Hearing Examiner

Decision: Accept

Amend Introduction Rule – Page 2, line 5 – The Board of Appeals shall regularly review the Rules to ensure ~~currency~~ **currentness**, accuracy

Decision: Accept

Amend Rule 5.0 Meetings and Hearings – Page 26, line 3 – 5) Any person wishing to testify in opposition to a docketed petition must **sign up to** do so before the end of the Appellant's case, after which public testimony registration will be closed [OOL #20]

Decision: Accept

Amend Rule 5.0 Meetings and Hearings – Page 28, line 1 – The ~~correspondence shall not become part of the record, and the~~ Board shall not consider the communication [OOL #21]

Decision: Accept

Amend Rule 6.0 Cases – Page 29, lines 19-20 – 2. A final decision and order of the Board of Appeals may be appealed to a court of law ~~in accordance with these rules.~~ **pursuant to Section 501(d) of the Howard County Charter** [OOL #23]

Decision: Accept

Amend Rule 22.0 Electronic Submission – Page 56, line 5 – 2) The Board Administrator shall ~~maintain the online currency for each docketed matter~~ **ensure that all docketed matters are kept current and up to date in the online system** [OOL #33]

Decision: Accept

Amend Rule 6.0 Cases – Page 28, line 20 – Move paragraph (c) and (d) up to follow first sentence

Decision: Accept

Continuation of Review of Office of Law Feedback

Line Item #14 – Page 17, lines 15-16 – Should update Title 16 necessitated by the final Board rules

Decision: Strike item 5

Line Item #19 – Page 25, line 21 & Page 26, line 2 – The reason for the timing element is not clear

Decision: Strike item 3 and item 4

Line Item #25 – Page 32, lines 8-9 – This rule might break down if all members sit the first night, then a vacancy occurs during the case, and the matter is heard over multiple nights

Decision: Reject (not changing language)

Line Item #26 – Page 33, lines 4-7 – Don't understand how the chair or clerk would know whether a member fails to fully comply with the County Public Ethics Law

Decision: Strike section E

Line Item #27 – Page 33, lines 8-14 – The matter of Board member qualifications is currently prescribed by Charter Section 501(a) and the power to establish them is vested solely in the County by Section 10-305 of the Express Powers Act, recommend removal and communicating the desire of the Board for such qualifications in another manner

Decision: Reject (not changing language)

Line Item #28 – Page 33, lines 15-21 – Recommend using same language that is in Charter Section 501(d), qualifications don't fall within "rules of practice and procedure"

Decision: Strike section H and section I

Line Item #29 – Page 41, lines 5-7 – The Board is not a quasi-judicial body, may want to use an encompassing term rather than a list

Decision: After "Board of Appeals" change to "is an administrative agency that performs quasi-judicial functions" and after "governed by" add "all applicable law, including"

Line Item #31 – Page 48, lines 7-9 – Timing issue of receiving and signing Decision and Order

Decision: Add "the fully signed" between "mail" and "final"

Line Item #32 – Page 49, lines 21-23 – This requirement is within the purview of the Council to impose on members of the Board, do not believe it falls within the "rules of practice" of the Board

Decision: Reject (not changing language)

Motion and Vote

Pursuant to Section 501(c) of the Howard County Charter, Ms. Phillips moved that the Board of Appeals adopt the proposed Rules of Procedure as amended, and be transmitted to the

County Council for approval, and further moves that the rules shall take effect 61 days after enactment. 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 and Ryan.

The motion to approve passed.

The Board adjourned 10:01 p.m.

MINUTES APPROVED

Kel Berg 5/1/2025