

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Virtual Legislative Session 2021, Legislative Day No. 2

January 19, 2021 – 6:00 P.M.

The meeting was called to order by Chairman Sarah Lacey at 6:00 P.M., Ms. Haire gave the Invocation and led the Pledge of Allegiance. The meeting was held remotely via Zoom Webinar, beginning with roll call of all present. The Auditor's Office was represented by the County Auditor, Susan Smith.

The following members of the County Council were present:

Sarah F. Lacey	First District
Allison Pickard	Second District
Nathan Volke	Third District
Andrew C. Pruski	Fourth District
Amanda Fiedler	Fifth District
Lisa D.B. Rodvien	Sixth District
Jessica Haire	Seventh District

OPEN MEETINGS ACT

JoAnne Gray, Administrative Officer, read aloud a statement from the County Attorney regarding the Open Meetings Act:

The Md. Open Meetings Act, a state law, requires public meetings to be open to the public and to be "held in places reasonably accessible to individuals who would like to attend these meetings." In addition, provisions of the County Charter and the rules of the County Council require meetings to be open to the public and held at the County seat, meaning Annapolis.

The virtual format of this meeting of the County Council is due to the COVID-19 emergency and is necessary in light of the serious health risks associated with public gatherings, as well as the various Executive Orders from the Governor and the County Executive limiting public gatherings. While a virtual meeting of this type was not envisioned by the Open Meetings Act, steps have been taken to ensure that this virtual meeting includes alternate accessibility features that the Open Meetings Act Compliance Board and the Courts have reviewed and approved, such as having a call-in phone number that allows anyone with a telephone to call and listen to the meeting, broadcasting the meeting with video and audio on cable TV and on the Web, allowing written public comments to the legislation be filed with the Clerk and considered by the Council, and now allowing the public to call in or appear via zoom and testify live. The County Office of Law has opined that the public access provided by this technology makes this virtual meeting reasonably accessible to the public, as required by the OMA.

The Office of Law has also reviewed whether, with these technological features in place, it is still necessary to suspend Council Rules 3-105 and 3-106 that require public participation and reasonable seating for the public and the media. The conclusion is that it is not necessary to suspend these rules, for the same reason they have concluded that the measures implemented by the Council for virtual meetings satisfy the reasonable accessibility requirement under the OMA.

The virtual format of the meetings allows public participation and media access, as required by the Rules, and also allows unlimited participation that is not subject to seat capacity limits in the chambers or in the building. For these reasons, they have concluded that the requirements of Rules 3-105 and 3-106 are being satisfied and therefore it is not necessary to waive these rules.

Council has also asked whether it is necessary to suspend Rule 3-102 and 3-103, which require the meeting to be held at the County seat. In 2013, at the request of the Council, the OOL opined that a councilmember who was appearing at a meeting via a live video monitor would satisfy the venue requirement through virtual presence. It is noted that the Administrative Officer to the Council controls the hearing and is present in the Arundel Center during meetings, and the virtual meeting is hosted by the Assistant Admin Officer from a location in Annapolis. Those factors support the OOL's conclusion that the meetings are being held at the County seat and therefore it is not necessary to suspend Rules 3-102 and 3-103.

ETHICS STATEMENT

JoAnne Gray, Administrative Officer, read aloud the Ethics Statement:

The Ethics Commission has asked that I advise you that under certain circumstances, members of the public may qualify as lobbyists when they testify before the County Council. If so, the law requires that certain information be filed with the Ethics Commission. The Chairman of the Ethics Commission has asked that those who wish to testify in any form review the General Information on Lobbying sheet located on the Ethics Web Site under Forms and Publications. If there are any questions about lobbying requirements, please contact the Ethics Commission at 410-222-4413.

INVITATION TO AUDIENCE

The Administrative Officer stated there were no submissions of written public testimony received on Invitation to Audience.

The following persons spoke:

Anna Chaney, Lothian, spoke about fortifying our County with respect to human health and well-being.

Joseph Masher, Ridgefield Ct., CEO, Bow Tie Cinemas, spoke about the safe reopening of movie theaters in Anne Arundel County.

Jason Baker, Arnold, General Manager, Annapolis Bow Tie Cinemas, spoke about reopening movie theaters.

Brooks Schandelmeier, Annapolis, spoke about COVID closures and those who want to open things up too soon.

Jennifer Abney, Pasadena, Regional Vice President, Cinemark Theaters, spoke about COVID closures and movie theaters.

There was no one else present who wished to speak, and the hearing was concluded.

ITEMS NOT ON THE AGENDA

There were no items added to or removed from the agenda.

PRELIMINARY MOTION

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted that the partial reading of any bill, resolution, minutes, or amendment constitutes the reading of the whole.

APPROVAL OF MINUTES

On motion of Mr. Pruski, seconded by Ms. Rodvien, the minutes of January 4, 2021, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 5-21 – AN ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation and Transfer of Funds – FOR the purpose of transferring appropriations of funds between major categories in the Local Education Fund for the current fiscal year; making supplementary appropriations from unanticipated revenues to the Local Education Fund for the current fiscal year; and generally relating to transferring appropriations of funds and making supplementary appropriations to the current expense budget for the fiscal year ending June 30, 2021.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 6-21 – AN ORDINANCE concerning: Mil-Bur Special Community Benefit District – Approval of Loan and Assignment Agreement – FOR the purpose of obligating the County to levy the special tax known as the special community benefit assessment on the Mil-Bur Special Community Benefit District in an amount sufficient to repay a loan from Sandy Spring Bank to the Mil-Bur Club, Inc., in each of five (5) fiscal years during the term of the loan.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 7-21 – AN ORDINANCE concerning: Zoning – Housing for the Elderly of Moderate Means – Live-in Caretakers – FOR the purpose of allowing housing for the elderly of moderate means to include a live-in caretaker who is under the age of 62 for a resident with a disability; and generally relating to zoning.

by Ms. Pickard and Mr. Pruski

BILL NO. 8-21 – AN ORDINANCE concerning: Construction and Property Maintenance Codes Supplement – Permits – Residential Piers and Riparian Rights – FOR the purpose of requiring an application for construction of a residential pier to include a certain certification of ownership of riparian rights; and generally relating to construction and property maintenance codes.

by Ms. Fiedler

BILL NO. 9-21 – AN ORDINANCE concerning: Civil Emergencies – Duration – FOR the purpose of authorizing extensions the seven-day duration of a proclamation of a civil emergency or an executive order by up to 45 days; providing that any additional extensions may not exceed a duration of 45 days; and generally relating to civil emergencies.
by Ms. Fiedler

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 5-21 – RESOLUTION condemning the insurrection at the U.S. Capitol Building on January 6, 2021, and urging the peaceful transition of power on Inauguration Day
by Ms. Lacey, Mr. Pruski, Ms. Rodvien, and Ms. Pickard

RESOLUTION NO. 6-21 – RESOLUTION urging the Anne Arundel County Executive to increase capacity in Religious Facilities
by Mr. Volke

RESOLUTION NO. 7-21 – RESOLUTION urging the Anne Arundel County Executive to permit alternative facial coverings while inside Fitness Centers
by Mr. Volke

RESOLUTION NO. 8-21 – RESOLUTION urging the Anne Arundel County Executive to increase capacity for Fitness Centers to 50%
by Mr. Volke

RESOLUTION NO. 9-21 – RESOLUTION urging the Anne Arundel County Executive to increase capacity for Gaming Facilities to 50%
by Mr. Volke

RESOLUTION NO. 10-21 – RESOLUTION urging the Anne Arundel County Executive to reopen Indoor Theaters
by Mr. Volke

RESOLUTION NO. 11-21 – RESOLUTION urging the Anne Arundel County Executive to increase Personal Services Establishment capacity to 50%
by Mr. Volke

RESOLUTION NO. 12-21 – RESOLUTION urging the Anne Arundel County Executive to increase indoor restaurant capacity to 50%
by Mr. Volke

RESOLUTION NO. 13-21 – RESOLUTION urging the Anne Arundel County Executive to increase Retail Establishment capacity to 50%
by Mr. Volke

RESOLUTION NO. 14-21 – RESOLUTION urging the Anne Arundel County Executive to increase Indoor Recreation Establishments capacity to 50%
by Mr. Volke

RESOLUTION NO. 15-21 – RESOLUTION urging the Anne Arundel County Executive to permit Youth Sports
by Mr. Volke

SUSPENSION OF RULES

On motion of Ms. Rodvien, seconded by Mr. Pruski, the motion to vote on Resolution No. 5-21 was defeated by the following roll call vote:

Aye – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

Nay – Ms. Haire, Mr. Volke, Ms. Fiedler

PUBLIC HEARINGS AND CALL OF BILLS FOR FINAL READING AND/OR VOTE

BILL NO. 109-20

The Chairman called for the public hearing on Bill No. 109-20, An Emergency Ordinance concerning: Licenses and Registration – Fees for the Registration or Renewal of Short-term Residential Rentals – For the purpose of reducing the fee for the registration or renewal of a short-term residential rental; providing for the termination of this Ordinance; making this Ordinance an emergency measure; and generally relating to licenses and registrations; and the Administrative Officer read the title.

Ms. Rodvien, Co-Sponsor, explained that Bill No. 109-20 is intended to provide some relief for short-term rental residential hosts who rent out their home, or a portion of it, using platforms like Airbnb. She explained that this bill reduces the fee to register or renew a short-term residential rental for a two-year term from \$400 to \$100 until all State and County proclamations of an emergency are terminated, repealed, or otherwise revoked. It also requires the County to refund \$300 to those hosts who paid the \$400 registration fee on or after April 9, 2020.

Mr. Pruski, Co-Sponsor, stated that this is a common sense bill and he is glad to be a co-sponsor.

Pete Baron, Director, Government Affairs, was accompanied by Karin McQuade, Comptroller Greg Africa, Inspections & Permits, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that the Administration supports Bill No. 109-20. He stated that under this legislation, the County would have to refund about Twenty Three Thousand Dollars (\$23,000).

The Administrative Officer stated there were nine submissions of written public testimony received on Bill No. 109-20, which were shared with the Council and posted on the County Council website.

The following person spoke on Bill No. 109-20:

Susan Margulies, Annapolis

There was no one else present who wished to speak, and the hearing was concluded.

The Chairman called Bill No. 109-20, An Ordinance concerning: An Emergency Ordinance concerning: Licenses and Registration – Fees for the Registration or Renewal of Short-term Residential Rentals; and the Administrative Officer read a portion of the title.

Ms. Haire stated that she supports lowering the fee with this bill. She said that she wonders if the Administration would be open to lowering this fee on a permanent basis, not just because of the pandemic. She stated that she would like to make a motion to hold the bill until the next Council meeting in order to work on an amendment that would make this lower fee permanent.

On motion of Ms. Haire, seconded by Ms. Rodvien, the Council voted to hold the vote on Bill No. 109-20, as amended, until February 1, 2021.

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey
Nay – None

Ms. Lacey reminded the Council that Bill No. 109-20 is an uncodified bill, and in order to do what Ms. Haire is suggesting, a separate bill would have to be introduced. She asked Ms. Schuett to confirm.

Ms. Schuett answered affirmatively.

Ms. Gray stated that as a matter of procedure, that a vote to reconsider the previous motion was needed.

There was a lengthy conversation between the Council, involving Ms. Schuett and Lori Blair Klasmeier, regarding how to proceed with voting on Bill No. 109-20 and introducing a new bill at the next meeting that might lower the registration and renewal fees permanently.

On motion of Ms. Lacey, seconded by Ms. Pickard, the Council voted to reconsider the vote of the motion to hold the vote until February 1, 2021, by the following roll call vote:

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey
Nay – None

The motion to hold the vote on Bill No. 109-20 was defeated by the following roll call vote:

Aye – None
Nay – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey

Bill No. 109-20 was passed by the following roll call vote:

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey
Nay – None

RESOLUTION NO. 1-21

The Chairman called for the public hearing on Resolution No. 1-21, Resolution approving the continued service of Anne Budowski as Acting Personnel Officer; and the Administrative Officer read the title.

Pete Baron, Pete Baron, Director, Government Affairs, was accompanied by Anne Budowski, Acting Personnel Officer, and Lori Blaire Klasmeier, Legislative Deputy County Attorney, Office of Law.

Mr. Baron stated that Resolution No. 1-21 approves the continued service of Anne Budowski as Acting Personnel Officer through July 22, 2021. He said that Ms. Budowski is doing a wonderful job in this acting role, until a permanent Personnel Officer is hired.

Mr. Volke questioned the vacancy rate within the County.

Ms. Budowski stated that she did not have that information, but would send it to him.

Mr. Volke asked further questions about vacancies and hiring procedures and freezes.

Mr. Baron interjected by offering an explanation of how hiring freezes may happen.

The Administrative Officer stated there were no submissions of written public testimony received on Resolution No. 1-21.

There was no one present who wished to speak, and the hearing was concluded.

The Chairman called for Resolution No. 1-21, Resolution approving the continued service of Anne Budowski as Acting Personnel Officer; and the Administrative Officer read a portion of the title.

Resolution No. 1-21, was adopted by the following roll call vote:

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,

Ms. Lacey

Nay – None

RESOLUTION NO. 2-21

The Chairman called for the public hearing on Resolution No. 2-21, Resolution appointing a member to the Anne Arundel County Ethics Commission; and the Administrative Officer read the title.

Kaley Schultze, Boards & Commissions Coordinator and Legislative Assistant, Office of CE, was accompanied by Christine Neiderer, Office of Law. Ms. Schultze stated Resolution No. 2-21 appoints Robert J. Mansfield, a Republican, to the Ethics Commission for an initial term expiring April 30, 2024. She explained Mr. Mansfield's background in security systems on the federal level.

The Administrative Officer stated there were no submissions of written public testimony received on Resolution No. 2-21.

There was no one present who wished to speak, and the hearing was concluded.

The Chairman called Resolution No. 2-21, Resolution appointing a member to the Anne Arundel County Ethics Commission; and the Administrative Officer read a portion of the title.

Resolution No. 2-21, was adopted by the following roll call vote:

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey
Nay – None

RESOLUTION NO. 3-21

The Chairman called for the public hearing on Resolution No. 3-21, Resolution approving the appointment of a Severn River Commission member; and the Administrative Officer read the title.

Kaley Schultze, Boards & Commissions Coordinator and Legislative Assistant, Office of CE, was accompanied by Christine Neiderer, Office of Law. Ms. Schultze stated that Resolution No. 3-21 appoints Matthew Liptak to fill a vacancy and serve on the Severn River Commission for a three year term expiring on January 19, 2024. She explained that Mr. Liptak is a passionate natural resources advocate who has the support of the Chair of the Severn River Commission.

The Administrative Officer stated there were no submissions of written public testimony received on Resolution No. 3-21.

There was no one present who wished to speak, and the hearing was concluded.

The Chairman called Resolution No. 3-21, Resolution approving the appointment of a Severn River Commission member and the Administrative Officer read a portion of the title.

Resolution No. 3-21, was adopted by the following roll call vote:

Aye – Ms. Haire, Ms. Pickard, Mr. Volke, Mr. Pruski, Ms. Fiedler, Ms. Rodvien,
Ms. Lacey
Nay – None

OTHER BUSINESS

On this last day as the County Council Administrative Officer, the Council presented JoAnne Gray with a Citation recognizing her 21 years of service in the County and wished her well in her retirement.

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Ms. Haire, the meeting adjourned at 7:22 P.M.

The Chairman stated that the next Council meeting will be on Monday, February 1, 2021.

Respectfully submitted,

/s/ Lee Longo

by Lee Longo

/s/ Laura Corby

for Laura Corby
Administrative Officer