

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Virtual Legislative Session 2021, Legislative Day No. 3
February 1, 2021 – 6:00 P.M.

The meeting was called to order by Chairman Sarah Lacey at 6:00 P.M., Ms. Lacey 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

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

The Maryland Open Meetings Act is a state law that 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 Procedure the County Council require meetings to be open to the public and held in Annapolis as the County seat.

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 issued by the Governor and the County Executive that limit 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 comments from the public be filed with the clerk and considered by the Council, and allowing the public to call in via Zoom and testify live. The public access provided by this technology makes this virtual meeting reasonably accessible to the public, as required by the Open Meetings Act.

In addition, and for all the of same reasons, it is not necessary to suspend the Rules of Procedure of the County Council that apply to public participation and reasonable seating for the public or media or the location of Council meetings. These rules have been deemed satisfied and do not need to be waived in order for this virtual meeting to be held.

ETHICS STATEMENT

Laura Corby, 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.

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

ITEMS NOT ON THE AGENDA

Mr. Volke withdrew Resolution No. 6-21, Resolution No. 9-21, Resolution No. 11-21, Resolution No. 12-21, and Resolution No. 15-21.

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Mr. Pruski, 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. Pickard, the minutes of January 19, 2021, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 10-21 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – Grants Special Revenue Fund – CAO Contingency Fund – Capital Budget – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies and in certain special funds of the County for the current fiscal year; making a supplementary appropriation to the capital budget; and generally relating to making supplementary appropriations of funds to the current expense and capital budgets for the fiscal year ending June 30, 2021.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 11-21 – AN ORDINANCE concerning: Planning and Zoning – General Development Plan – Plan2040 – FOR the purpose of repealing the 2009 General Development

Plan and amendments; adopting “Plan2040”, the County’s General Development Plan, consisting of Volume I, which includes visions, themes, goals, policies, strategies, planned land use maps, and implementation plan, and Volume II, which includes supporting background information; making certain findings of fact and stating the legislative intent relative to the General Development Plan; amending a reference to a certain enhancement area; and generally relating to “Plan2040”, the County’s General Development Plan.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 12-21 – AN ORDINANCE concerning: Approval of Ground Lease between Anne Arundel County and Glenn Burnie Landfill Solar LLC – FOR the purpose of approving an agreement to lease County-owned property consisting of approximately 19.77 acres that is part of the Glen Burnie Landfill to Glenn Burnie Landfill Solar LLC, a Delaware limited liability company, for the installation and operation of a solar photovoltaic system; and generally related to a lease of County-owned property.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 13-21 – AN ORDINANCE concerning: Rules of Practice and Procedure of the Board of Appeals – Amendments – FOR the purpose of amending the attendance requirements for participating in decisions; amending provisions that allow for withdrawal of an appeal; allowing the costs of a stenographer to be assessed in certain postponements; allowing remote or virtual meetings; establishing procedures for remote or virtual meetings; making this Ordinance an emergency measure; and generally relating to the Rules of Practice and Procedure of the Board of Appeals.

by Ms. Lacey, Chair, and Ms. Pickard

BILL NO. 14-21 – AN ORDINANCE concerning: Zoning and Construction Code – Setbacks and Permits for Certain Accessory Structures – FOR the purpose of decreasing the minimum setback from front lot lines for accessory structures other than certain sized sheds in R5 residential districts; increasing the allowable size of one-story detached accessory structures used as tool and storage sheds, playhouses, or similar uses that are exempt from the permit requirements of the Construction Code; and generally relating to zoning and construction and property maintenance codes.

by Mr. Pruski and Ms. Pickard

BILL NO. 15-21 – AN ORDINANCE concerning: Licenses and Registration – Registration or Renewal of Short-Term Residential Rentals – Fee – FOR the purpose of reducing the fee to register or renew a short-term residential rental; and generally relating to licenses and registrations.

by Ms. Haire, Ms. Rodvien, Mr. Volke, and Ms. Fiedler

SUSPENSION OF RULES

On motion of Ms. Fiedler, seconded by Ms. Pickard, the motion to vote on Resolution No. 4-21 out of order was adopted by the following roll call vote:

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

On motion of Mr. Volke, seconded by Ms. Haire, the motion to vote on Bill No. 4-21 out of order, was defeated by the following roll call vote:

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

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

RESOLUTION NO. 4-21

The Chairman called for the public hearing on Resolution No. 4-21, Resolution approving Anne Arundel County's 2021 Financial Assurance Plan for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Erik Michelsen, Deputy Director, DPW, Mike Hrubciak, DPW, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron explained that State Law requires each permit holder to submit a Financial Assurance Plan by February 12, 2021, and shall demonstrate that the County has sufficient funding in the current fiscal year budgets to meet its estimated cost for the two year period following the file date of the Financial Assurance Plan. He stated the County may not file a Financial Assurance Plan until the local governing body of the County holds a public hearing and approves the plan. The plan indicates that Anne Arundel County can demonstrate financial capability to meet its MS4 requirements.

Ms. Haire asked how the projects are collected.

Mr. Michelsen explained that the capital projects are selected from the watershed assessments done over the last six or seven years. He stated there are a number of mechanisms used to identify sites.

Ms. Haire asked what maintenance is done after the project is completed.

Mr. Michelsen explained there is a one year performance period, then normal maintenance depending on the site.

Ms. Haire stated that there are structural issues and inaccurate discharge credits in the Holly Hills Community on the Mayo Peninsula. She explained that the County does not claim the responsibility of maintenance for the area.

Mr. Michelsen stated that project was installed using grant funding from the Chesapeake Bay Trust, not County dollars. He stated the discharge is set to be worked on by Arundel Rivers Federation and the County with combined expenses.

There was further discussion between Mr. Michelsen and the Council regarding the funding and designs of Stormwater Management Projects.

The Administrative Officer stated there were no submissions of written public testimony received on Resolution No. 4-21.

The following person spoke on Resolution No. 4-21:

Arthur Mayer, Edgewater

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

The Chairman called Resolution No. 4-21, Resolution approving Anne Arundel County's 2021 Financial Assurance Plan for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit; and the Administrative Officer read a portion of the title.

Ms. Haire explained that there has been a lack of follow up in the County. She expressed her concern on the upkeep of the areas.

Ms. Pickard thanked Mr. Michelsen for his work.

Resolution No. 4-21, was adopted by the following roll call vote:

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

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

BILL NO. 1-21

The Chairman called for the public hearing on Bill No. 1-21, An Ordinance Concerning: Purchasing – Value of Purchases Requiring Full Competitive Procurement Process – For the purpose of increasing the value of capital and non-capital purchases and contracts requiring a full competitive procurement process from \$50,000 to \$100,000; increasing the minimum value of an expedited procurement from \$50,000 to \$100,000; and generally relating to purchasing; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Christine Romans, Director, Central Services, Andrew Hime, Purchasing Agent, Central Services, and Lori Blair Klasmeier, Legislative Deputy County Attorney, Office of Law.

Mr. Baron stated that Resolution No. 18-20 was passed on July 6, 2020, then it was approved in the General Election, and this bill will increase the threshold for small procurements from \$50,000 to \$100,000. He stated the consultant review in 2016 identified the benefits of reducing the time to procure goods and services by allowing agencies to obtain three bids for their needs and allowing staff to focus efforts on higher valued procurements.

Ms. Rodvien asked what checks are in place to insure there is no fraud.

Ms. Romans stated three quotes will be needed, and a purchase order must be created and reviewed by multiple agencies.

Mr. Hime stated the quotes are reviewed by multiple departments.

Ms. Haire asked if the contract is able to be sole sourced.

Ms. Romans stated sole sourcing is not part of this bill.

Ms. Haire asked how often contract audits are done on the procurement department.

Mr. Hime stated reviews are done regularly along with an internal review process, which is done every two years for internal staff, and a random review done by an independent auditor.

Ms. Haire asked if there were any irregularities found by the audits.

Mr. Hime stated there have been some found in the past, which were corrected.

There was further discussion between Central Services and the Council on the potential fraud and ethical issues that may come from raising the procurement level.

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

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

The Chairman called for Bill No. 1-21, An Ordinance Concerning: Purchasing – Value of Purchases Requiring Full Competitive Procurement Process; and generally relating to purchasing; and the Administrative Officer read a portion of the title.

Bill No. 1-21, was passed by the following roll call vote:

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

Ms. Lacey

Nay – None

BILL NO. 2-21

The Chairman called for the public hearing on Bill No. 2-21, An Ordinance Concerning Zoning – Bird Sanctuaries – For the purpose of defining “bird sanctuary”; allowing bird

sanctuaries as a conditional use in RA and RLD residential zoning districts; adding the conditional use requirements for bird sanctuaries; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Haire, Sponsor, stated there is a nationally accredited parrot sanctuary that wanted to be located in Anne Arundel County, where there is no zoning district available. She explained the restrictions and conditions needed for the sanctuary.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Assistant Planning and Zoning Officer, Robin Catlett, Animal Care and Control, Captain Jeffrey Adams, Police Department, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that the Administration supports the bill.

The Administrative Officer stated there was one submission of written public testimony received on Bill No. 2-21, which was shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 2-21:

Christine Richter, Annapolis
David Plott, Annapolis

Steve Richter was called but did not respond. There was no one else registered and present to speak, and the hearing was concluded.

The Chairman called Bill No. 2-21, An Ordinance Concerning Zoning – Bird Sanctuaries; and the Administrative Officer read a portion of the title.

Bill No. 2-21, was passed by the following roll call vote:

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

BILL NO. 3-21

The Chairman called for the public hearing on Bill No. 3-21, An Ordinance Concerning: General Provisions – Civil Emergencies – For the purpose of prohibiting the County from enforcing conditions imposed in connection with the proclamation of an emergency that are more restrictive than conditions imposed by the State in connection with a proclamation of emergency unless authorized by ordinance adopted by the affirmative vote of five members of the County Council; and generally relating to civil emergencies; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, explained her reasoning behind Bill No. 3-21 and her desire to update this section of the Code.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated this bill will limit the County Executive's ability to respond to an ongoing public health crisis. He noted Governor Hogan's request that each County make decisions based on the needs of that jurisdiction. Mr. Baron stated that the Administration does not support this bill.

Mr. Volke asked if there were any fiscal notes for this bill.

Mr. Trumbauer stated there was not a direct fiscal impact for this bill.

Ms. Fiedler asked if all jurisdictions are operating under an extended civil emergency and what jurisdictions are taking restrictive measures for a vote before their Council.

Mr. Swain stated Montgomery County has not declared a state of emergency, but is having its County Executive make decisions, which are then approved by the Council.

Ms. Haire asked what the hindrance of this bill would be.

Mr. Baron stated every County has different charters, and it can take up to a week for an emergency bill to be put into place.

Ms. Pickard expressed her objections for the Council to be given a supermajority vote above the executive branch.

The Administrative Officer stated there were two submissions of written public testimony received on Bill No. 3-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Bill No. 3-21:

Sarah Rovnak, Annapolis

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

The Chairman called Bill No. 3-21, An Ordinance Concerning: General Provisions – Civil Emergencies; and the Administrative Officer read a portion of the title.

Bill No. 3-21, was defeated by the following roll call vote:

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

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

BILL NO. 4-21

The Chairman called for the public hearing on Bill No. 4-21, An EMERGENCY Ordinance Concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination – For the

purpose of terminating the extension of the proclamation of a civil emergency established by Bill No. 24-20; and making this Ordinance an emergency measure; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained his process for the writing of this bill, stating it was appropriate for the County Council to have a role in the decision making during emergencies.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, Dr. Nalesh Kalyanaraman, Health Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated the County Executive has based all his decisions on putting public health first.

Ms. Pickard expressed her view for backing the Governor and the County Executive, and the need for shared COVID statistics.

Mr. Pruski reiterated the need for masks and vaccinations.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. 4-21, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 4-21:

Mary Cavanaugh, Annapolis
John Jasen, Pasadena

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

RECESS

On motion of Ms. Pickard, seconded by Ms. Rodvien, the Council voted to recess at 7:33 P.M.

RECONVENE

The Council reconvened at 7:45 P.M. with all Councilmembers present.

The Chairman called Bill No. 4-21, An EMERGENCY Ordinance Concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination; and the Administrative Officer read a portion of the title.

Mr. Volke clarified that the bill is for the County Executive regarding emergency powers, not executive powers.

Ms. Rodvien asked for the number of fatalities in January.

Mr. Kalyanaraman stated there were 80 deaths.

Ms. Rodvien asked if this amount defines a public health emergency.

Mr. Kalyanaraman agreed.

There was discussion between the Council and Dr. Kalyanaraman regarding health decisions and the need for the County Executive to have emergency powers.

Ms. Rodvien thanked Dr. Kalyanaraman for his work.

Ms. Lacey expressed her opinion on the bill.

Bill No. 4-21, was defeated by the following roll call vote:

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

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

RESOLUTION NO. 5-21

The Chairman called for the public hearing on 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; and the Administrative Officer read the title.

Ms. Pickard, Co-Sponsor, shared her thoughts on the insurrection.

Mr. Pruski, Co-Sponsor, shared his thoughts about the officers living in his district who were called to deal with the insurrection.

Ms. Rodvien, Co-Sponsor, shared her thoughts on the resolution in light of the Constitution and democracy.

Pete Baron, Director, Government Affairs, was accompanied by Greg Swain, County Attorney, Office of Law.

Mr. Baron stated that the Administration supports the resolution.

The Administrative Officer stated there were five submissions of written public testimony received on Resolution No. 5-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Resolution No. 5-21:

John Jasen, Pasadena

Kristine Mase, Crownsville

Debi Jasen, Pasadena

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

The Chairman called 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; and the Administrative Officer read a portion of the title.

Mr. Volke asked the County Attorney if the Charter gives the Council the authority to determine who is eligible to run as the President of the United States, to tell members of Congress how to vote on impeachment hearings, or to correct misinformation regarding elections.

Mr. Swain stated he was not aware of any provisions in the County Charter.

Ms. Lacey clarified the resolution does not mention impeachment.

There was a lengthy discussion involving Councilmembers, Ms. Schuett, and Mr. Swain regarding the resolution.

Amendment No. 1

On page 1 of the proposed resolution, in line 2, strike “peaceful transition of power on Inauguration Day” and substitute “disqualification of Donald J. Trump from holding office”; in line 4, before “President” insert “then-”; in line 11 after “criminal” insert “and/or unconstitutional”; in line 13 after “officials” insert “at all levels of government, including this Council,”; strike in their entirety lines 16 through 20, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it offers its deepest condolences to the families of Capitol Police Officer Brian Sicknick, who gave his life defending the Capitol, and those of Officers Howard Liebengood and Jeffrey Smith, who took their own lives in the aftermath of the insurrection; and be it further

Resolved, That this Council applauds the other members of the U.S. Capitol Police who faithfully carried out their duty to protect those who were lawfully inside the Capitol Building from the rioters and insurrectionists on January 6, including but not limited to Officer Eugene Goodman, a U.S. Army veteran whose quick thinking and brave actions that day have since been hailed for preventing untold bloodshed and defending American Democracy; and be it further”;

in lines 22, 25, and 30, in each instance, strike “it” and substitute “this Council”; in line 26 after “by” insert “former”; in line 27 after “those” insert “which were”; in line 35, strike “the President’s” and substitute “his”; and in line 36 after “insurrection” insert “against the U.S. Congress and his own vice president”.

On page 2, strike in their entirety lines 1 through 4, inclusive.

Ms. Lacey, Sponsor, stated this amendment brings the resolution up to date.

On motion of Ms. Pickard, seconded by Ms. Rodvien, Amendment No. 1 was adopted by the following roll call:

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

Amendment No. 2

On page 1 of the amended resolution, in line 2, strike “, and urging”; and in lines 2 through 3, strike “disqualification of Donald J. Trump from holding office”.

On page 2, strike in their entirety lines 12 through 16, inclusive, and substitute:

“Resolved, that the Council condemns any acts of violence, riots, or insurrections as means for intimidating, threatening or harassing individuals, law enforcement or governing bodies, in an attempt to force decisions of any branch of government by mob rule; and be it further”

Ms. Fiedler, Sponsor, stated this amendment condemns a broader scale of violence to all government.

Mr. Baron deferred to the Council on the wording of the resolution.

Ms. Pickard stated this resolution is for the violence on January 6th, and not for all acts of violence.

Ms. Haire expressed her view of the amendment.

Ms. Rodvien shared her concern that the amendment removes the consequence of violent acts.

On motion of Mr. Volke, seconded by Ms. Haire, Amendment No. 2 was defeated by the following roll call:

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

Ms. Fiedler, Ms. Pickard, Mr. Volke, Ms. Rodvien, and Ms. Haire shared their views on the resolution.

Resolution No. 5-21 was adopted by the following roll call:

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

JOINT PUBLIC HEARING ON RESOLUTION NO. 6-21 THROUGH RESOLUTION NO. 15-21

The Chairman called for the joint public hearing on Resolution No. 7-21, Resolution urging the Anne Arundel County Executive to permit alternative facial coverings while inside Fitness

Centers; Resolution No. 8-21, Resolution urging the Anne Arundel County Executive to increase capacity for Fitness Centers to 50%; Resolution No. 10-21, Resolution urging the Anne Arundel County Executive to reopen Indoor Theaters; Resolution No. 13-21, Resolution urging the Anne Arundel County Executive to increase Retail Establishment capacity to 50%; and Resolution No. 14-21, Resolution urging the Anne Arundel County Executive to increase Indoor Recreation Establishments capacity to 50%; and the Administrative Officer read the titles of each one.

Mr. Volke, Sponsor, stated the County Executive removed some restrictions, causing certain resolutions to be withdrawn. He spoke on Resolution No. 7-21, explaining how some citizens were not able to wear masks while exercising due to health issues. He explained that Resolution Nos. 8-21, 10-21, 13-21, and 14-21, if amended, will bring the County in line with the Governor's executive order.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, Dr. Nalesh Kalyanaraman, Health Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated that the Administration opposes the resolutions.

Ms. Pickard asked if the Council could vote on the resolutions as a block.

RECESS

On motion of Ms. Rodvien, seconded by Ms. Pickard, the Council voted to recess at 9:10 P.M.

RECONVENE

The Council reconvened at 9:20 P.M. with all Councilmembers present.

The Administrative Officer stated there were two submissions of written public testimony received for the Joint Public Hearing for Resolution No. 6-21 through 15-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Resolution No. 6-21 through 15-21:

Jennifer Abney, Pasadena
Jason Baker, Arnold
Joseph Masher, Ridgefield, CT
John Jasen, Pasadena

Susan Scanlon, Andrew Landestoy, and Ira Miller were called but did not respond. There was no one else registered and present to speak, and the hearing was concluded.

Linda Schuett, Legislative Counsel, stated that Rule 5-106 of the County Council Rules requires that each resolution be named in order and voted on singularly. In order to vote in a block, there would need to be a motion to suspend the rules.

RESOLUTION NO. 7-21

The Chairman called Resolution No. 7-21, Resolution urging the Anne Arundel County Executive to permit alternative facial coverings while inside Fitness Centers; and the Administrative Officer read a portion of the title.

Resolution No. 7-21, was defeated by the following roll call vote:

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

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

RESOLUTION NO. 8-21

The Chairman called Resolution No. 8-21, Resolution urging the Anne Arundel County Executive to increase capacity for Fitness Centers to 50%; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike “increase capacity for Fitness Centers to 50%” and substitute “allow Fitness Centers to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 29, strike “13” and substitute “29”; in line 30, strike “41” and substitute “42”; in line 33, strike “150” and substitute “100”; and in line 35, strike “25%” and substitute “50%”.

On pages 1 and 2, strike in their entirety the lines beginning with line 37 on page 1 through line 3 on page 2, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that requires 100 square feet per participant and allow Fitness Centers to operate with the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01; and be it further”.

Mr. Volke stated this amendment brings the County to the level proposed in the Governor’s Executive Order.

Mr. Baron stated the County Executive bases his decision on public health and opposes the resolution.

Mr. Trumbauer stated there is a provision requiring 100 square feet per participant, which would not allow a large group gathering in one small room, causing the whole capacity of the gym to be at 50% with one class.

Mr. Volke stated the possibility of a large group that gathers in a small room could happen in any establishment, not just a gym.

Mr. Trumbauer explained that people in gyms tend to exert themselves more.

Mr. Pruski asked for information regarding the loans for economic development.

Mr. Volke asked for clarification on the math behind the 100 square feet.

Mr. Trumbauer stated the calculations in the spring contained margins of safety, and the calculations now are based off of the learned COVID information.

Mr. Volke asked if there was a concern for people exerting themselves at retail stores as well as gyms.

Mr. Trumbauer stated there have been consultations with the business community to help define the limits.

On motion of Mr. Volke, seconded by Ms. Haire, Amendment No. 1 was adopted by the following roll call:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire, Ms. Lacey

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien

Ms. Pickard stated the resolution is nonbinding.

Resolution No. 8-21, was defeated by the following roll call vote:

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

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

RESOLUTION NO. 10-21

The Chairman called Resolution No. 10-21, Resolution urging the Anne Arundel County Executive to reopen Indoor Theaters; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in line 1, strike “reopen Indoor Theaters” and substitute “allow Indoor Theaters to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 30, strike “13” and substitute “29”; in line 31, strike “41” and substitute “42”; strike in their entirety lines 34 through 39, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits the Indoor Theater capacity to 25% and to operate with the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01; and be it further”.

Mr. Volke stated this amendment updates the resolution to bring indoor theaters in line with the Governor’s Executive Order.

Mr. Baron stated that the Administration opposes the resolution.

Ms. Pickard confirmed that restrictions are in line with case rates in respected counties.

Mr. Baron agreed.

Ms. Fiedler spoke on Howard County renting out theaters to groups of people.

Ms. Pickard stated Anne Arundel County does the same.

Ms. Fiedler expressed her concern regarding movie theaters not reopening.

Mr. Baron stated there have been County programs for businesses to take advantage of regarding the loans.

Ms. Pickard explained her position regarding the suffering of economic sectors.

On motion of Mr. Volke, seconded by Ms. Fiedler, Amendment No. 1 was adopted by the following roll call:

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

Resolution No. 10-21, was defeated by the following roll call vote:

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

RESOLUTION NO. 13-21

The Chairman called Resolution No. 13-21, Resolution urging the Anne Arundel County Executive to increase Retail Establishment capacity to 50%; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike “increase Retail Establishment capacity to 50%” and substitute “allow Retail Establishments to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 29, strike “13” and substitute “29”; in line 30, strike “41” and substitute “42”; in line 32, strike “25%” and substitute “50%”; and in line 34, strike “150” and substitute “100”.

On pages 1 and 2, strike in their entirety the lines beginning with line 36 on page 1 through line 4 on page 2, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits the total number of persons permitted in a Retail Establishment without a posted Maximum Occupancy to 100 square feet of public space per person and allow Retail Establishments to

operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01; and be it further".

Mr. Volke stated this amendment brings the capacity to the limit in the Governor's Executive Order.

Mr. Trumbauer stated the Executive Order sets the retail capacity at 50%.

On motion of Mr. Volke, seconded by Ms. Haire, Amendment No. 1 was adopted by the following roll call:

Aye – Mr. Volke, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Lacey

Nay – Ms. Pickard, Mr. Pruski

Resolution No. 13-21, was defeated by the following roll call vote:

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

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

RESOLUTION NO. 14-21

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike "increase Indoor Recreation Establishments capacity to 50%" and substitute "allow Live Call Bingo and Pool Halls and Billiard Halls to operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01".

On pages 1 and 2, strike in their entirety the lines beginning with line 30 on page 1 through line 11 on page 2, inclusive, and substitute:

"WHEREAS, on January 29, 2021, the County Executive issued Executive Order No. 42 that, among other things, Live Call Bingo is permitted, provided it is held in a space that provides at least 150 square feet per occupant, and provided the total number of persons permitted in any such facility at any one time shall not exceed 25% of that facility's Maximum Occupancy; Pool halls and billiard halls may open, provided the total number of persons permitted in a pool or billiard hall at any one time shall not exceed 25% of that facility's Maximum Occupancy; and be it hereby

Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits Live Call Bingo and Pool Halls and Billiard Halls to not exceed 25% of that facility's Maximum Occupancy and allow Live Call Bingo and Pool Halls and Billiard Halls to operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01; and be it further".

Mr. Volke stated this amendment brings live call bingo, pool halls, and billiard halls to the capacity in the Governor's Executive Order.

Mr. Baron stated that the Administration opposes the resolution.

On motion of Mr. Volke, seconded by Ms. Fiedler, Amendment No. 1 was adopted by the following roll call:

Aye – Mr. Volke, Ms. Fiedler, Ms. Rodvien, Ms. Haire, Ms. Lacey

Nay – Ms. Pickard, Mr. Pruski

Mr. Pruski expressed his concern on the counties lack of mask use and the need to accept the vaccine.

Ms. Fiedler asked if the Administration would support opening these facilities with other certain restrictions.

Mr. Baron stated the citizens are in close proximity with others in these facilities, which causes the need for stricter restrictions.

Resolution No. 14-21, was defeated by the following roll call vote:

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

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

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Volke, the meeting adjourned at 10:17 P.M.

The Chairman stated that the next Council meeting will be on Tuesday, February 16, 2021.

Respectfully submitted,

/s/ Anna Macaulay

by Anna Macaulay

/s/ Laura Corby

for Laura Corby
Administrative Officer