

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Virtual Legislative Session 2021, Legislative Day No. 5

March 1, 2021 – 6:00 P.M.

The meeting was called to order by Chair Sarah Lacey at 6:00 P.M. Chris Beatty, Lead Pastor, Hope Springs Church, gave the Invocation, and Mr. Volke 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 Chair 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 three submissions of written public testimony received for Invitation to Audience, which were shared with the Council and posted on the County Council website.

The following registered speakers addressed the Council:

Jikaela Call, Lothian
Lawrence Diggs, Bel Air
Antonio Palmer, Odenton

Cynthia Carter was called to speak but was not present. There was no one else registered to speak and the hearing was concluded.

ITEMS NOT ON THE AGENDA

Mr. Pruski stated that he wished to be added as a co-sponsor on Bill No. 13-21 and Bill No. 15-21.

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 Ms. Pickard, seconded by Mr. Pruski the minutes of February 16, 2021, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 22-21 – AN ORDINANCE concerning: Current Expense Budget – Fund Transfer and Supplementary Appropriations – FOR the purpose of transferring appropriations of funds between certain offices, departments, institutions, boards, commissions or other agencies in the general fund; making supplementary appropriations from unanticipated revenues to certain

offices, departments, institutions, boards, commissions or other agencies in the general fund and to certain special funds of the County government for the current fiscal year; and generally relating to transferring appropriations of funds and making supplementary appropriations of funds 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. 23-21 – AN ORDINANCE concerning: Approval of Second Amendment of Lease Agreement of certain County-owned property to Robert A. Pascal Youth and Family Services, Inc. – FOR the purpose of approving a second amendment to the lease of County-owned property to Robert A. Pascal Youth and Family Services, Inc. to extend the lease term for an additional fifteen years.

by Ms. Lacey, Chair

(by request of the County Executive)

and by Ms. Pickard and Ms. Rodvien

BILL NO. 24-21 – AN ORDINANCE concerning: Timbers Special Community Benefit District – FOR the purpose of establishing the Timbers Special Community Benefit District; establishing the purposes of the District and the manner of assessment for the District; and designating a civic or community association to administer the expenditures of the District.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 25-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Revenue Reserve Fund – FOR the purpose of increasing the allowable amount of money in the Revenue Reserve Fund to 6% of the estimated General Fund revenues for the upcoming fiscal year; and generally relating to the Revenue Reserve Fund.

by the Entire Council

BILL NO. 26-21 – AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Crimes – Noise Disturbances – FOR the purpose of amending the prohibition against the use of certain audio producing devices at an unreasonably loud volume in residential districts; amending the time during which certain devices with sound at an unreasonably loud volume are prohibited in residential districts; creating a rebuttable presumption that noise heard within a certain distance is a violation; establishing the amount of a civil fine for noise violations; making certain technical changes; and generally relating to crimes, civil offenses, and fines.

by Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 17-21 – RESOLUTION endorsing financial assistance from the Maryland Economic Development Assistance Fund to L3 Technologies, Inc.

by Ms. Lacey, Chair

(by request of the County Executive)

RESOLUTION NO. 18-21 – RESOLUTION supporting the goals and recommendations of the Joint Initiative to Eliminate the Opportunity Gap Committee

by Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Ms. Lacey

RESOLUTION NO. 19-21 – RESOLUTION supporting the development of a statewide comprehensive plan to divert food residuals from landfills
by Mr. Pruski, Ms. Rodvien, Ms. Lacey, and Ms. Pickard

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

BILL NO. 8-21 (As Amended)

The Chair called for the public hearing on Bill No. 8-21, as amended, 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; requiring that notice of the application be sent to certain interested parties; and generally relating to construction and property maintenance codes; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, stated that this bill will add a certification check box on the application and would require that an e-mail or mail notification be sent to an HOA, any property owner, or adjacent property owner, informing them of any riparian rights in advance of construction of a residential pier. She asked for the Councilmembers' support.

Pete Baron, Director, Government Affairs, was accompanied by Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, and Kelly Krinetz, Office of Planning & Zoning, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits, and Greg Swain, County Attorney.

Mr. Baron stated that the Administration supports Bill No. 8-21, as amended.

The Chair opened the public hearing on Bill No. 8-21, as amended.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 8-21, as amended.

Robert Welsh was called to speak but was not present. There was no one else registered to speak and the hearing was concluded.

The Chair called Bill No. 8-21, as amended, An Ordinance concerning: Construction and Property Maintenance Codes Supplement – Permits – Residential Piers and Riparian Rights; and the Administrative Officer read a portion of the title.

Ms. Fiedler stated for the record that the Office of Planning & Zoning is willing to issue a blue supplement notice on clarifying what the certification box is on the application.

Kelly Krinetz, Office of Planning & Zoning stated that they indicated they would work with Inspections & Permits to come out with something that provides clarification regarding the certification box to make it less complicated. She stated that they would also work with Mr. Welsh, a constituent, regarding his concerns.

Mr. Volke asked Ms. Krinetz to explain what Mr. Welsh's concerns are, since he was unable to attend the meeting.

Ms. Krinetz stated that one of his concerns is the language in the bill which states they would have to be certified. She said that this is not intended to mean that someone has to hire a title attorney. It is simply a box that you check that says you are certified and have riparian rights.

There was further discussion between Mr. Volke and Ms. Krinetz, and Mr. Africa concerning the application and what it would mean if the applicant misled the county by stating that they were certified and had riparian rights, when they actually didn't.

Bill No. 8-21, as amended, was passed by the following roll call vote:

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

BILL NO. 9-21 (As Amended)

The Chair called for the public hearing on Bill No. 9-21, as amended, 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 for the application of this Ordinance; providing that any additional extensions may not exceed a duration of 45 days; and generally relating to civil emergencies; and the Administrative Officer read the title.

Ms. Fiedler stated that Bill No. 9-21 sets a time limit that the Council may approve an extension of civil emergency declared by a County Executive. Ms. Fiedler stated that before last year, to her knowledge, there were no civil emergencies in Anne Arundel County that went beyond seven days. She stated that the current civil emergency has been in place for a year and this bill will not change the current civil emergency.

Pete Baron, Director, Government Affairs, was accompanied by Greg Swain, County Attorney. Mr. Baron stated that the Council has always had the power to add parameters and the Council could have added those parameters in Bill No. 24-20, but they did not. He said that the Administration has provided regular updates to the Council during this pandemic and feels this bill is not necessary.

There was further discussion among the Councilmembers regarding Bill No. 9-21.

The Chair opened the public hearing on Bill No. 9-21, as amended.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. No. 9-21, as amended, which were shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 9-21, as amended, An Ordinance concerning: Civil Emergencies – Duration; and the Administrative Officer read a portion of the title.

Bill No. 9-21, as amended, was defeated by the following roll call vote:

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

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

BILL NO. 10-21

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

Pete Baron, Director, Government Affairs, was accompanied by Steve Theroux, Budget Office, Billie Penley, Chief Financial Officer, Health Department, Crystal McGill, Office of Transportation, Kathleen Koch, Arundel Community Development Services, Preeti Emrick, Director, Emergency Management, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated that Bill No. 10-21, is a budget transfer bill. He highlighted some of the sections in the auditor's letter and explained the grants and needed transfers.

The Chair opened the public hearing on Bill No. 10-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. 10-21.

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

The Chair call Bill No. 10-21, An Ordinance concerning: Current Expense Budget – Supplementary Appropriations – Grants Special Revenue Fund – CAO Contingency Fund – Capital Budget; and the Administrative Officer read a portion of the title.

Bill No. 10-21 was passed by the following roll call vote:

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

Nay – None

BILL NO. 11-21

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

Pete Baron, Director, Government Affairs, was accompanied by Steuart Pittman, County Executive, Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, and Kelly Krinetz, Office of Planning & Zoning, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits, and Greg Swain, County Attorney.

Steuart Pittman, County Executive, opened the discussion on Bill No. 11-21 and expressed his support for Plan2040.

There was a lengthy discussion between the Council and Mr. Kaii-Ziegler the regarding the basis for general development plans as well as the background and goals of Plan2040.

The Chair opened the public hearing on Bill No. 11-21.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. 11-21 which were shared with the Council and posted on the County Council website.

The following registered speakers addressed Bill No. 11-21:

Deborah Weller, Millersville
Russell Stevenson, Severna Park
Ana Henry, Annapolis
Philip Dales, Annapolis
Timothy Madden, Severna Park
Kevin Plessner, Linthicum Heights
Tom Ballentine, Baltimore

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

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted to hold the vote on Bill No. 11-21 until March 15, 2021, by the following roll call vote:

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

RECESS

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council vote to recess at 7:31 P.M.

RECONVENE

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

BILL NO. 12-21

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

Pete Baron, Director, Government Affairs, was accompanied by Matt Johnston, Environmental Policy Director, Christine Romans, Central Services Officer, Andrew Hime, Purchasing Agent, Central Services, Christopher Phipps, Director, Department of Public Works, Rhody Holthaus, Deputy Director, Bureau of Waste Management Services, Lori Blair Klasmier, Deputy County Attorney, Office of Law, and Jason Fetterman, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that Bill No. 12-21 was discussed at the work session. He thanked everyone in the County government who worked hard on this legislation to bring it to fruition and the point that it is now. This bill will allow almost twenty acres of a retired portion of the Glenn Burnie Landfill to generate revenue to the County and clean energy to our residents. It is a twenty five year lease agreement with Glenn Burnie Landfill Solar LLC. Their plan is to build a four megawatt solar unit on the site. Mr. Baron stated that this is the type of development that Anne Arundel County should be looking for as it generates money and clean energy for the County.

The Chair opened the public hearing on Bill No. 12-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 12-21.

The following registered speaker addressed Bill No. 12-21:

Michael Lofton, Harwood

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

The Chair called for Bill No. 12-21, An Ordinance concerning: Approval of Ground Lease between Anne Arundel County and Glenn Burnie Landfill Solar LLC; and the Administrative Officer read a portion of the title.

Bill No. 12-21 was passed by the following roll call vote:

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

BILL NO. 13-21

The Chair called for the public hearing on Bill No. 13-21, An Emergency 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; and the Administrative Officer read the title.

Ms. Lacey, Sponsor, stated that Bill No. 13-21 was discussed at the work session and that she had nothing further to add. She referred to Anthony Lamartina from the Board of Appeals.

Mr. Lamartina from the Board of Appeals explained the need for Bill No. 13-21 and asked the Council to support the bill.

Pete Baron, Director, Government Affairs, stated that the Administration supports Bill No. 13-21.

Ms. Pickard thanked the Board of Appeals for being present.

The Chair opened the public hearing on Bill No. 13-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 13-21.

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

The Chair called for Bill No. 13-21, An Emergency Ordinance concerning: Rules of Practice and Procedure of the Board of Appeals – Amendments; and the Administrative Officer read a portion of the title.

Bill No. 13-21 was passed by the following roll call vote:

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

BILL NO. 14-21

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

Mr. Pruski, Sponsor, stated that this bill puts into focus what is currently happening in the County in terms of what is needed and what is available at stores. This bill will change the minimum setback from lot lines for accessory structures other than certain sized sheds in residential districts so there will not be a need for a permit. He stated that there is an amendment from the Administration which he intends to support.

Pete Baron, Director, Government Affairs, was accompanied by Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning & Zoning Officer, Kelly Kenney, Senior Assistant County Attorney, Office of Law, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits.

Mr. Baron stated that the Administration supports Bill No. 14-21, and acknowledged that an amendment will be offered.

Mr. Pruski clarified that if a homeowner's association has additional restrictions or requirements that bill will not interfere.

The Chair opened the public hearing on Bill No. 14-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 14-21.

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

The Chair called for Bill No. 14-21, An Ordinance concerning: Zoning and Construction Code – Setbacks and Permits for Certain Accessory Structures; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed bill, in line 6, after “of” insert “residential”.

On page 2 of the bill, in line 32, after the closing brackets insert “IF ACCESSORY TO A RESIDENTIAL STRUCTURE, OR 64 SQUARE FEET IF ACCESSORY TO A NONRESIDENTIAL STRUCTURE”.

Mr. Baron explained that the amendment is intended to resolve a concern that the bill could lead to commercial areas where a shed could become more of a workshop. The bill does not change the current rules around commercial or industrial structures.

Mr. Volke questioned why this is just being limited to residential.

Nabeel Waseem of Inspection & Permits stated that currently, a permit is required for residential sheds. There will be no requirement for a permit as long as there is 150 square foot setback. A permit is required for commercial based on what the international codes or the national codes require.

There was further discussion between Mr. Volke and Mr. Waseem regarding the requirements for international residential codes and commercial requirement codes.

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

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

Bill No. 14-21, as amended, will be heard of March 15, 2021.

BILL NO. 15-21

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

Ms. Haire, Sponsor, explained the background for permanently lowering the fee to register a short-term residential rental fee.

Ms. Rodvien, Co-Sponsor, clarified that the fee will cover a two year period and thanked Ms. Haire for giving a perfect summary.

Pete Baron, Director, was accompanied by Greg Africa, Director, Inspection & Permits, Helen Shomberg, Assistant Controller, Finance, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that the Administration is comfortable with this reduced fee, with the caveat that it requires continued monitoring.

The Chair opened the public hearing on Bill No. 15-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 15-21.

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

The Chair called for Bill No. 15-21, An Ordinance concerning: Licenses and Registration – Registration or Renewal of Short-Term Residential Rentals – Fee; and the Administrative Officer read a portion of the title.

Bill No. 15-21, was passed by the following roll call vote.

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

OTHER BUSINESS

Mr. Pruski asked to be added as a co-sponsor on Bill No. 25-21.

Ms. Rodvien asked to be added as a co-sponsor on Bill No. 23-21 and Bill No. 25-21.

Ms. Pickard asked to be added as a co-sponsor on Bill No. 23-21.

ADJOURNMENT

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

The Chair stated that the next Council meeting will be held on Monday, March 15, 2021.

Respectfully submitted,

/s/ Lee Longo

by Lee Longo

/s/ Laura Corby

for Laura Corby
Administrative Officer