

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of:

Virtual Legislative Session 2021, Legislative Day No. 11

May 17, 2021 – 6:00 P.M.

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

The Auditor's Office was represented by the County Auditor, Michelle Bohlayer. Linda Schuett, Legislative Counsel, was also present.

OPEN MEETINGS ACT

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

ETHICS STATEMENT

Laura Corby, Administrative Officer, read aloud the Ethics Statement.

INVITATION TO AUDIENCE

The Administrative Officer stated there was one submission of public testimony received for Invitation to Audience, but it appeared to be budget related so it will be forwarded to the Council with Budget sign ups.

There was one person registered to speak, but they were not present when called and the hearing was concluded.

ITEMS NOT ON THE AGENDA

Mr. Pruski asked to be added a co-sponsor to Bill No. 51-21.

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 Mr. Rodvien, seconded by Ms. Fiedler, the minutes of April 19, 2021, and May 3, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 51-21 – AN ORDINANCE concerning: Crofton 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 Crofton Special Community Benefit District in an amount sufficient to repay a loan from Severn Bank to the Crofton Civic Association, Inc., in each of fifteen (15) fiscal years during the term of the loan.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 52-21– AN EMERGENCY ORDINANCE concerning: Current Expense Budget – Fourth Quarter 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; making this Ordinance an emergency measure; 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. 53-21– AN EMERGENCY ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation and Transfers of Funds – 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 the Local Education Fund for the current fiscal year; making this Ordinance an emergency measure; and generally relating to transferring appropriations of funds and 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 54-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Community Benefit Program – Grants for Councilmanic Districts – FOR the purpose of adding all Councilmanic districts as eligible for grants under the community benefit program; establishing grants to be approved by individual Councilmembers and funded by the County Executive's budget under certain circumstances; and generally relating to finance, taxation, and budget.

by Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 27-21 – RESOLUTION confirming the appointment of a member to serve on the Personnel Board for Anne Arundel County
by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 28-21 – RESOLUTION approving the appointment of a Severn River Commission member
by Ms. Lacey, Chair
(by request of the County Executive)

The Chair stated Resolution Nos. 27-21 and 28-21 would be voted on at the end of the agenda at this meeting.

CONSTANT YIELD TAX RATE

Chris Trumbauer, Budget Officer, gave the Constant Yield Tax Rate presentation. A copy of the presentation is attached to these minutes.

The Administrative Officer stated there were no submissions of public testimony received for this topic.

The Chairman stated there were no signups for public testimony for this topic, the hearing was concluded.

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

BILL NO. 28-21 (As amended)

The Chairman called for the public hearing on Bill No. 28-21 (As Amended) – An Ordinance concerning: Subdivision and Development – Community Meetings – For the purpose of requiring a developer to record the proceedings of a community meeting; requiring a developer to provide the a copy of recording to the Office of Planning and Zoning; requiring the Office of Planning and Zoning to post the recording on the County website for a certain time period; and generally relating to subdivision and development; and the Administrative Officer read the title.

Mr. Volke, Sponsor, stated this bill codifies the current practice of the Office of Planning and Zoning to require developers to record community meetings. It also clarifies that the recording can be either audio or video. This will do away with the opportunity for the developer to be the only one recording the proceedings of a meeting.

Pete Baron, Director, Government Affairs, was accompanied by Steven Kaii-Ziegler, Director, Office of Planning and Zoning, and Greg Swain, County Attorney, stated the Administration supports the bill.

Ms. Pickard asked if there was any requirement to have meeting attendees sign any document agreeing to be recorded at these meetings.

Mr. Swain stated the meeting structure is in the County Code which is available to anyone. By virtue of that they will be aware they are being recorded.

The Administrative Officer stated there were no submissions of public testimony received for this bill.

The Chairman stated there were no signups for public testimony for this bill, the hearing was concluded.

The Chair called Bill No. 28-21, as amended, An Ordinance concerning: Subdivision and Development – Community Meetings; and the Administrative Officer read a portion of the title.

Bill No. 28-21, as amended, was passed by the following roll call vote:

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

Nay – Ms. Lacey

BILL NO. 31-21

The Chairman called for the public hearing on Bill No. 31-21 – An Ordinance concerning: Boards, Commissions, and Similar Bodies – For the purpose of establishing the “Resilience Authority of Annapolis and Anne Arundel County”; defining certain terms; providing for articles of incorporation and amendment of articles of incorporation for the Resilience Authority; reserving certain authority of the County and the City with respect to the Resilience Authority; providing for the composition, term, and removal of members, meeting standards, and reimbursement of expenses of members; providing the qualifications, duties, compensation, and appointment of the Resilience Authority Director and Chief Financial Officer; establishing the powers of the Resilience Authority; providing for the issuance of bonds by the Resilience Authority; requiring annual reports by the Resilience Authority; approving proposed Articles of Incorporation for the Resilience Authority of Annapolis and Anne Arundel County; providing for a delayed effective date; making this Ordinance subject to a certain contingency; and generally relating to Boards, Commissions, and Similar Bodies; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Matt Johnston, Environmental Policy Director, Lori Rhodes, Deputy CAO, Land Use, Chris Trumbauer, Budget Officer, Chris Phipps, Director, Public Works, Erik Michelsen, Deputy Director, Watershed Protection and Restoration Department of Public Works, and Lori Blair Klasmeier, Deputy Legislative County Attorney, explained the purpose of the bill and its effects on communities in Anne Arundel County. He stated that this bill will not obligate the County for future expenditures. The bill will set up the structure for the authority.

There was a discussion regarding why the new authority is required and how this resiliency structure is formed. Additional discussions included how projects are categorized and solutions proposed and how to access funding from outside sources including State and Federal funding.

There was a discussion of the differences between our law as proposed and the new law in Charles County. Mr. Johnston stated that the vast majority of our county's bill is taken from the State enabling legislation.

There was a discussion of the types of projects that would be funded and how the expertise of the resilience authority would be critical in assistance of funding for these projects.

The Administrative Officer stated there were no submissions of public testimony received for this bill.

The Chairman stated there were no signups for public testimony for this bill, the hearing was concluded.

The Chairman called Bill No. 31-21 – An Ordinance concerning: Boards, Commissions, and Similar Bodies; and the Administrative Officer read a portion of the title.

The Chair called for Amendment No. 1, and the Administrative Officer read the description:

Amendment No. 1

This amendment adds that a grandchild of a member, of the Director, or of the Chief Financial Officer of the Resilience Authority may not have a financial interest in any project over which the Resilience Authority has jurisdiction or any power or authorization to act.

Mr. Baron stated this was an inadvertent omission and is intended to protect the integrity of the authority.

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

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

The Chair called for Amendment No. 2, and the Administrative Officer read the description:

Amendment No. 2

This amendment adds a requirement for the Resilience Authority to submit audited financials annually; and allows the Resilience Authority's books, accounts, and records to be examined by certain County and City officials.

Mr. Baron stated this amendment is to clarify and make clear that the books of the Authority are open to the County Auditor.

On motion of Ms. Pickard, seconded by Ms. Rodvien, Amendment No. 2 was adopted by the following roll call vote:

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

Ms. Haire stated that due to the discussions which took place previously, she was withdrawing Amendments 3 – 8.

The Chair called for Amendment No. 9, and the Administrative Officer read the description:

Amendment No. 9

This amendment adds that the County Council must approve the Resilience Authority's charging and collection of fees to support bond issuances.

Ms. Haire, Sponsor, stated she had addressed her concerns about fees being charged and since the Council is the final fiscal authority, she wanted this to be considered in the legislation.

Mr. Baron stated the bill as drafted will operate in this way, so the Administration does not believe the amendment is necessary. However, if it offers reassurance to the Council that the approval will require Council action, they support the amendment.

On motion of Mr. Pruski, seconded by Ms. Fiedler, Amendment No. 9 was adopted by the following roll call vote:

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

The Chair called for Amendment No. 10, and the Administrative Officer read the description:

Amendment No. 10

This amendment requires the County Council to approve the issuance and sale of bonds by the Resilience Authority and Resilience Authority's corporate resolution describing each bond transactions.

Ms. Haire, Sponsor, stated this amendment is to ensure that the Council has the opportunity to see any issuance and sale of bonds by the Resilience Authority.

Mr. Baron stated the Administration does not support this amendment but is willing to work with the Sponsor to achieve the amendment's goal.

On motion of Ms. Fiedler, seconded by Ms. Haire, Amendment No. 10 was defeated by the following roll call vote:

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

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

The Chair called for Amendment No. 11, and the Administrative Officer read the description:

Amendment No. 11

This amendment removes the ability of the Resilience Authority to create security for bonds.

Ms. Haire, Sponsor, stated that the intention of the amendment is to ensure that the Authority would have to come before the Council to create security for bonds.

Mr. Baron stated the Administration does not support the amendment but also does not wish to close the door on discussions. They would also like the opportunity to discuss the amendment with Bond Counsel.

There was a discussion of bond transactions and the security by the Resilience Authority. Mr. Baron and Ms. Blair Klasmeier stated Bond Counsel should be consulted. Mr. Baron stated that the Administration will ask for the Bond Counsel's input and will be in contact with him.

On motion of Ms. Haire, seconded by Ms. Fiedler, Amendment No. 11 was defeated by the following roll call vote:

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

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

The Chairman stated that Bill No. 31-21, as amended, will be heard on June 7, 2021.

RECESS

On motion of Ms. Pickard, seconded by Ms. Rodvien, the Council vote to recess at 7:45 P.M.

RECONVENE

The Council reconvened at 8:00 P.M. with all Councilmembers present.

BILL NO. 50-21

The Chairman called for the public hearing on Bill No. 50-21 – An Emergency Ordinance concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination – For the purpose of amending the termination date established by Bill No. 24-20 and making this Ordinance an emergency measure; and the Administrative Officer read the title.

Mr. Volke, Sponsor, stated he was working on drafting legislation to assist restaurants with outdoor dining permits which would terminate if this bill were to pass tonight. This legislation will also be heard at the next Council meeting, which will be June 7, 2021.

Mr. Baron stated the Administration was also working on legislation to assist with the outdoor dining permitting issue and is happy to work with Councilman Volke to ensure a runway for businesses to reopen. He stated they are comfortable with the holding of the bill.

The Administrative Officer stated there were no submissions of public testimony received for this bill.

The Chairman stated there were no signups for public testimony for this bill, the hearing was concluded.

The Chairman called Bill No. 50-21 – An Emergency Ordinance concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination; and the Administrative Officer read a portion of the title.

On motion of Mr. Volke, seconded by Ms. Pickard, Bill No. 50-21 was held until June 7, 2021 by the following roll call vote:

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

CALL OF RESOLUTIONS FOR READING AND VOTE

RESOLUTION NO. 24-21

The Chair called Resolution No. 24-21, Resolution opposing the Baltimore-Washington Superconducting Maglev Project; and the Administrative Officer read the title.

Ms. Lacey, Sponsor, stated her reasons for the resolution, and that her goal was to represent the constituents of her district who are opposed to the Maglev Project. The decision on the project is going to be made on the State and Federal level, but she wanted to bring to the attention of the Council the component of the environmental impact statement, which is being conducted under the authority of the Federal Railroad Administration. She discussed her opposition to the project.

Pete Baron, Director, Government Affairs, accompanied by Steven Kaii-Ziegler, Director, Office of Planning and Zoning, Ramond Robinson, Director, Transportation, Chris Phipps, Department of Public Works, and Lori Blair Klasmeier, Deputy Legislative County Attorney, stated the Administration is opposed to the resolution and discussed the reasons. Mr. Baron discussed the review of the environmental impact statement and stated the Administration was committed to a thorough review of the statement which are due by May 24. He stated they would share their comments with the Council after they are complete.

The Chairman called Resolution No. 24-21, Resolution opposing the Baltimore-Washington Superconducting Maglev Project; and the Administrative Officer read a portion of the title.

Resolution No. 24-21 was defeated by the following roll call vote:

Aye – Ms. Pickard, Ms. Lacey

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

RESOLUTION NO. 27-21

The Chair called for Resolution No. 27-21, Resolution confirming the appointment of a member to serve on the Personnel Board for Anne Arundel County; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Meghan Brown, Boards and Commissions Coordinator and Lori Blair Klasmeier, Deputy Legislative County Attorney, stated the resolution is for the appointment to the Personnel Board.

Resolution No. 27-21 was adopted by the following roll call vote:

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

RESOLUTION NO. 28-21

The Chair called for Resolution No. 28-21, Resolution approving the appointment of a Severn River Commission member; and the Administrative Officer read the title.

Pete Baron, Government Affairs, accompanied by Meghan Brown, Boards and Commissions Coordinator and Lori Blair Klasmeier, Deputy Legislative County Attorney, stated the resolution is for the appointment to the Severn River Commission.

Ms. Rodvien expressed her support of this appointment.

Resolution No. 28-21 was adopted by the following roll call vote:

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

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Volke, the meeting adjourned at 8:26 P.M.

The Chair stated that the next Council meeting will be held on Thursday, May 20, 2021, for the in-person Budget Hearing at North County High School.

Respectfully submitted,

/s/ Susan F. Cline

by Susan F. Cline

/s/ Laura Corby

for Laura Corby
Administrative Officer