

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Virtual Legislative Session 2021, Legislative Day No. 14
June 21, 2021 – 6:00 P.M.

The meeting was called to order by Chair 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 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 Terry Gibson. 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 written public testimony received for Invitation to Audience through the online testimony tool that was shared with the Council and posted on the County Council website.

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

ITEMS NOT ON THE AGENDA

Ms. Rodvien asked to be added as a co-sponsor to Resolution No. 32-21.

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 Ms. Rodvien, seconded by Ms. Pickard, the minutes of virtual budget and legislative meetings: June 2, 2021, June 7, 2021, June 8, 2021, and June 14, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 63-21 – AN ORDINANCE concerning: Zoning – Critical Area Overlay – FOR the purpose of adopting the “Anne Arundel County Critical Area Layer” as the critical area overlay for Anne Arundel County; grandfathering certain applications for development, variances, and special exceptions; and generally relating to zoning.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 64-21 – AN ORDINANCE concerning: Payment in Lieu of Taxes – The Housing Authority of the City of Annapolis – FOR the purpose of replacing a certain payment in lieu of taxes agreement for exemptions from County real property taxes for properties owned by the Housing Authority of the City of Annapolis; authorizing the County Executive to enter into a payment in lieu of taxes agreement with the Housing Authority of the City of Annapolis; and providing for the time and terms under which the payment in lieu of taxes and tax exemptions will take effect.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 65-21 – AN ORDINANCE concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – FOR the purpose of clarifying that the test for adequate road facilities for redevelopment, the adequate public facilities mitigation provisions, and the development requirements and zoning provisions for redevelopment in the Glen Burnie Sustainable Community Overlay Area only apply if the developer redevelops under certain provisions of Article 18; providing that the submission of a revised concept plan for redevelopment in the Glen Burnie Sustainable Community Overlay Area may be optional; and generally relating to subdivision and development and zoning.

By Ms. Pickard

BILL NO. 66-21 – AN ORDINANCE concerning: Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs – FOR the purpose of amending the definition of “sign”; allowing wind signs and signs painted on the roof of a structure; repealing the limitation on temporary real estate and construction signs; allowing temporary signs for particular uses to exceed the normal size; limiting the number of temporary signs allowed on a private property; allowing temporary signs to be displayed for a certain period of time; making technical changes; and generally relating to zoning.

By Ms. Haire

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 34-21 – RESOLUTION approving the declaration of certain unimproved County-owned property located in Glen Burnie, Maryland as surplus property
By Ms. Lacey, Chair
(by request of the County Executive)

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

BILL NO. 48-21 (As Amended)

The Chair called for the public hearing on Bill No. 48-21, as amended, An ordinance concerning: Zoning – Alcoholic Beverage Uses as Accessory to Other Uses – For the purpose of repealing a requirement for a certain distance between restaurants with an off-sale alcoholic beverage license and other businesses with the same license; ~~repealing certain floor area restrictions and ownership requirements~~ amending certain floor area restrictions for a restaurant or package goods store with an off-sale alcoholic beverage license; making a technical change; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Rodvien, Sponsor, explained the bill as a code correction and clarification on floor space.

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

Mr. Baron thanked the sponsor.

The Chair opened the public hearing on Bill No. 48-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 48-21, as amended.

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

The Chair called Bill No. 48-21, as amended, An Ordinance concerning: Zoning – Alcoholic Beverage Uses as Accessory to Other Uses; and the Administrative Officer read a portion of the title.

Bill No. 48-21, as amended, 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

BILL NO. 49-21 (As Amended)

The Chair called for Bill No. 49-21, as amended, An Ordinance concerning: Zoning – Requirements for Special Exception Uses – Assisted Living Facilities – For the purpose of amending the special exception use requirements for an assisted living facility to require the developer to have unified control of the entire facility; allowing assisted care units to be provided in certain additional types of dwelling units whether or not allowed in the applicable zoning district; providing that the bulk regulations for an assisted living facility are the only applicable bulk regulations; amending the bulk regulations applicable to an assisted living facility; and generally relating to zoning; and the Administration Office read the title.

Ms. Pickard, Co-Sponsor, explained the general reason for the bill, and shared a diagram.

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

The Chair opened the public hearing on Bill No. 49-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 49-21, as amended.

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

The Chair called Bill No. 49-21, as amended, An Ordinance concerning: Zoning – Requirements for Special Exception Uses – Assisted Living Facilities; and the Administrative Officer read a portion of the title.

Amendment No. 3

The Chair called for Amendment No. 3, and the Administrative Officer read the description:

This amendment allows the minimum lot size for an assisted living facility as a special exception use to be reduced by 50% when the facility abuts a nursing home or adult independent dwelling units, whether or not owned by the same entity; and allows the facility to be operated in conjunction with a nursing home and adult independent dwelling units, whether or not owned by the same entity.

Mr. Volke, Sponsor, explained the purpose of the amendment.

Mr. Baron stated the Administration had concerns about the amendments.

Ms. Miller and Mr. Kaii-Ziegler explained the concerns.

Ms. Kenney gave a legal explanation for the concerns.

Ms. Schuett shared her interpretation of the Code.

Ms. Kenney provided the Office of Law's interpretation of the Code.

Ms. Haire and Ms. Pickard made statements about the amendment.

On motion of Mr. Volke, seconded by Ms. Pickard, Amendment No. 3 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

Amendment No. 4

The Chair called for Amendment No. 4, and the Administrative Officer read the description:

This amendment provides that all assisted care units be located on the same lot.

Mr. Volke, Co-Sponsor, explained the amendment.

Mr. Baron stated the Administration supported the amendment.

On motion of Mr. Volke, seconded by Ms. Pickard, Amendment No. 4 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

The Chair stated Bill No. 49-21, as amended, would be heard on July 6, 2021.

BILL NO. 53-21

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

Mr. Pruski and Ms. Rodvien disclosed they have family or are personally working for the school district and have filed a statement with the Ethics Commission.

Pete Baron, Director, Government Affairs, was accompanied by Steven Theroux, Budget Office, Alex Szachnowicz, Chief Operating Officer, Anne Arundel County Public Schools,

Matthew Stanski, AACPS Director of Financial Operations, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Szachnowicz explained the bill.

Ms. Fiedler questioned past transfers.

Mr. Volke questioned an increase in the budget.

There was other discussion between the Council and Mr. Szachnowicz regarding the need for the transfer.

The Chair stated the public hearing for Bill No. 53-21 was concluded.

Amendment No. 1

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

This amendment decreases the transfer from Federal and State Grants, increases the transfer from Mid-Level Administration, Pupil Transportation and Community Services; decreases transfer from Instructional Salaries & Wages and Pupil Services, adds transfers from Special Education, Health Services and Fixed Charges; and decreases the appropriations to Administration and Other Instructional Costs, increases the appropriations to Textbooks and Classroom Supplies, Operation of Plant, Maintenance of Plant, and Capital Outlay; removes appropriations for Special Education and Fixed Charges, and adds appropriations for Food Service.

Mr. Baron gave a statement about the amendment.

Ms. Haire asked for more details about the amendment.

Mr. Szachnowicz answered.

Ms. Fiedler asked if the Board reviews the transfers that come before the Council.

Mr. Szachnowicz explained the process of approval for a transfer.

Mr. Volke asked about the consequences of not completing the transfer.

Mr. Szachnowicz responded.

Ms. Rodvien asked for clarification on the fund balance.

Mr. Theroux explained budget turnover.

Mr. Pruski asked for the result of the vote for the submission of the fourth quarter transfer.

Ms. Pickard spoke on how accounting works.

There was other discussion regarding clarification on Amendment No. 1.

On motion of Ms. Pickard, seconded by Ms. Rodvien, Amendment No. 1 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

Bill No. 53-21, as amended, was passed by the following roll call vote:

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

Nay – Mr. Volke

BILL NO. 54-21

The Chair called for the public hearing on Bill No. 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; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained the purpose of the bill.

Pete Baron, Director, Government Affairs, was accompanied by Steven Theroux, Budget Office, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated the Administration had concerns about the bill.

Ms. Pickard explained some concerns.

Ms. Schuett provided her interpretation of the current Code.

Ms. Klasmeier provided the Office of Law’s interpretation of the Code.

Ms. Haire clarified that this was adding money to the budget.

There was other discussion regarding Bill No. 54-21.

The Chair opened the public hearing on Bill No. 54-21.

The Administrative Officer stated there were no submissions of written public testimony received for Bill No. 54-21.

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

The Chair called for Bill No. 54-21, An Ordinance concerning: Finance, Taxation, and Budget – Community Benefit Program – Grants for Councilmanic Districts; and the Administrative Officer read a portion of the title.

On motion of Ms. Fiedler, seconded by Ms. Rodvien, Bill No. 54-21 was held until July 6, 2021 by the following vote:

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

RECESS

On motion of Ms. Pickard, seconded by Mr. Pruski, the Council voted to recess at 7:36 P.M.

RECONVENE

The Council reconvened at 7:51 P.M. with all Councilmembers, Mr. Gibson, and Ms. Schuett present.

RESOLUTION NO. 31-21

The Chair called for Resolution approving the nomination of a member to the Anne Arundel County Human Relations Commission; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Meghan Brown, Boards and Commission, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron explained the purpose of Resolution No. 31-21.

Ms. Haire gave some additional background on the nominee.

The Chair opened the public meeting on Resolution No. 31-21.

The Administrative Officer stated there was one submission of written public testimony received on Resolution No. 31-21, through the online testimony tool that was shared with the Council and posted on the County Council website.

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

The Chair called for Resolution No. 31-21, approving the nomination of a member to the Anne Arundel County Human Relations Commission; and the Administrative Officer read a portion of the title.

Resolution No. 31-21 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. 32-21

The Chair called for Resolution in opposition to preparing a Final Environmental Impact Statement and Record of Decision for the third span of the Chesapeake Bay Bridge; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, explained the reasoning behind the resolution.

Pete Baron, Director, Government Affairs, was accompanied by Ramond Robinson, Office of Transportation, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated the Administration had some concerns about the resolution.

Ms. Haire shared her concerns about the engineering of the Chesapeake Bay Bridge.

Ms. Rodvien talked about the impact of traffic on roads further from the bridge and shared photos of this.

The Chair opened the public meeting on Resolution No. 32-21.

The Administrative Officer stated there were nine submissions of written public testimony received on Resolution No. 32-21, through the online testimony tool that were shared with the Council and posted on the County Council website.

The following person spoke on Resolution No. 32-21:

Britt Griswold, Annapolis

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

The Chair called for Resolution No. 32-21, in opposition to preparing a Final Environmental Impact Statement and Record of Decision for the third span of the Chesapeake Bay Bridge; and the Administrative Officer read a portion of the title.

Amendment No. 1

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

This amendment restates the process for Draft and Final Environmental Impact Statements and public involvement in both.

Ms. Fiedler, Sponsor, explained the amendment.

Mr. Baron stated the Administration supported the amendment.

On motion of Ms. Haire, seconded by Ms. Fiedler, Amendment No. 1 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

Ms. Lacey shared her reasoning for not supporting for the resolution.

Resolution No. 32-21 was adopted by the following roll call vote:

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

Nay – Ms. Lacey

RESOLUTION NO. 33-21

The Chair called for Resolution apologizing for civil rights violations that occurred under the administration of a former Anne Arundel County Executive; and the Administrative Officer read the title.

Ms. Rodvien, Sponsor, explained the resolution.

Pete Baron, Director, Government Affairs, was accompanied by Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated the Administration supported the resolution.

Mr. Pruski spoke on the need for recording structures and procedures.

Ms. Haire expressed her concern of the resolution.

Mr. Volke spoke on the changes that have already been made.

Ms. Fiedler expressed her view on the resolution.

Ms. Lacey spoke on decisions being made between attorneys and their clients.

There was other discussion on Resolution No. 33-21.

The Chair opened the public meeting on Resolution No. 33-21.

The Administrative Officer stated there were two submissions of written public testimony received on Resolution No. 33-21, through the online testimony tool that were shared with the Council and posted on the County Council website.

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

The Chair called for Resolution No. 33-21, apologizing for civil rights violations that occurred under the administration of a former Anne Arundel County Executive; and the Administrative Officer read a portion of the title.

Amendment No. 1

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

This amendment revises the resolution to remove specific language regarding certain events of 2012, add references to certain Circuit Court matters, and change terminology.

Ms. Rodvien expressed her opposition to the amendment.

Mr. Volke, Sponsor, explained the purpose of his amendment.

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

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

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

Ms. Fiedler made a statement on the resolution.

Ms. Haire stated there was not enough information the Council to make a statement like this.

Ms. Rodvien shared the intent of the resolution.

Mr. Volke shared his view on the resolution.

Resolution No. 33-21 was passed by the following roll call vote:

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

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

There being no further business, on motion of Mr. Pruski, seconded by Ms. Pickard, the meeting adjourned at 8:53 P.M.

The Chair stated that the next Council meeting will be held in-person on July 6, 2021 at 7:00 P.M.

Respectfully submitted,

/s/ Anna Macaulay

by Anna Macaulay

/s/ Laura Corby

for Laura Corby
Administrative Officer