

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2021, Legislative Day No. 15

July 6, 2021 – 7:00 P.M.

The meeting was called to order by Chair Lacey at 7:00 P.M. and opened with the Invocation and the Pledge of Allegiance given by Ms. Pickard. The meeting was held in the County Council Chambers in the Arundel Center in Annapolis, Maryland. There were approximately 20 persons in the audience.

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

ETHICS STATEMENT

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

CITATION PRESENTATION

Ms. Pickard presented a County Council Citation of Recognition to William Shorter.

INVITATION TO AUDIENCE

The Administrative Officer stated there were no submissions of written public testimony received for Invitation to Audience through the online testimony tool.

Kevin F. Curran, Millersville, spoke on the Compass Pointe Golf Center.

There was no one else registered to speak and no one came forward to speak, and the Invitation to Audience was concluded.

ITEMS NOT ON THE AGENDA

Ms. Haire asked to be added as a Co-Sponsor to Resolution No. 36-21.

Ms. Pickard asked to be added as a Co-Sponsor to Bill No. 61-21.

Ms. Fiedler asked to be added as a Co-Sponsor to Bill No. 59-21.

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. Pruski, seconded by Ms. Pickard, the minutes of the meeting of June 21, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 67-21 – AN ORDINANCE concerning: Public Ethics – Financial Disclosure – Legislative Counsel to the County Council – FOR the purpose of adding financial disclosure requirements applicable to the position of Legislative Counsel to the County Council; and generally relating to public ethics.

By Ms. Lacey, Chair

(By request of the Ethics Commission)

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 35-21 – RESOLUTION approving estimates of the annual costs of providing health insurance benefits and the employer subsidies used to determine the rates for certain participants under the County Employee and Retiree Health Benefits Program

By Ms. Lacey, Chair

(by request of the County Executive)

RESOLUTION NO. 36-21 - RESOLUTION in support of the County Executive of Anne Arundel County promptly entering into an agreement with Robert A. Pascal Youth and Family Services, Inc. to lease and make fully available County owned property located at 41 Community Place in Crownsville, Maryland

By Ms. Fiedler

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

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted to suspend the Rules and take Bill No. 57-21 out of order 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. 57-21

The Chair called for Bill No. 57-21, An Ordinance concerning: The issuance, sale and delivery of Anne Arundel County, Maryland general obligation bonds and bond anticipation notes – For the purpose of authorizing the issuance by Anne Arundel County, Maryland (the “County”) of bond anticipation notes in an amount to be outstanding at any time not in excess of Five Hundred

Million Dollars (\$500,000,000) and bonds in an amount not exceeding One Billion Thirty Million Four Hundred Seven Thousand Nine Hundred Eight Dollars (\$1,030,407,908) in order to finance in whole or in part the construction of capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2022, or in such capital budgets for prior fiscal years, or usable portions thereof; authorizing the issuance by the County of refunding bonds to refund some or all of the outstanding bond issues of the County listed on Exhibit II attached hereto and incorporated herein in an aggregate principal amount not to exceed 120% of the aggregate principal amount of the outstanding bonds to be refunded, subject to the requirement that debt service savings shall be achieved in connection with any such refunding; authorizing the County to borrow money and incur indebtedness otherwise authorized to be borrowed and incurred hereunder in the form of bonds or bond anticipation notes by obtaining a loan or loans from the Maryland Water Quality Financing Administration pursuant to and in accordance with Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (2014 Replacement Volume and 2020 Supplement) for the public purpose of financing a portion of the costs of acquiring, constructing and equipping certain wastewater facilities and water supply systems; providing for the execution and delivery by the County of a loan agreement and bond to evidence any such loan; etc.; and the Administrative Officer read the title.

Chris Trumbauer, Budget Officer, accompanied by Karin McQuade, Controller, and William Henn, Bond Counsel, stated an amendment would be introduced at the appropriate time. Mr. Henn provided background on the bond ordinance.

Mr. Pruski asked for more information on the bond market and inflation.

Mr. Henn explained that he could not give a response.

The Chair opened the public hearing on Bill No. 57-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 57-21.

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

The Chair called for Bill No. 57-21, An Ordinance concerning: The issuance, sale and delivery of Anne Arundel County, Maryland general obligation bonds and bond anticipation notes; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed bill, in lines 7 through 8, and on page 8, in lines 28 through 29, in each instance, strike “One Billion Thirty Million Four Hundred Seven Thousand Nine Hundred Eight Dollars (\$1,030,407,908)” and substitute “One Billion Twenty Five Million Five Hundred Fifty Three Thousand Three Hundred Eighty Two Dollars (\$1,025,553,382)”.

On page 5, in line 34, strike “\$942,269,765” and substitute “\$938,615,238”; in line 46, strike “\$17,530,062” and substitute “\$16,557,632”; and in line 47, strike “\$163,406,296” and substitute “\$163,176,296”.

On page 6, in line 38, strike “\$532,378,638” and substitute “\$531,178,639”.

On page 7, in lines 33, 46, and 47, on page 8, in line 25, on page 9, in line 49, on page 10, in line 16, on page 17, in line 43, and on page 33, in lines 5, and 21, in each instance, strike “Exhibit I” and substitute “Exhibit I-A”.

Strike Exhibit I and replace with attached Exhibit I-A.

In Exhibit V, in the line beginning with “\$69,045,000”, strike “2020” and substitute “2021”.

Mr. Trumbauer explained the need for the amendment.

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

The Chair stated Bill No. 57-21, as amended, would be heard on July 19, 2021.

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 allowing assisted living facilities as a special exception use to be located on a reduced lot size under certain circumstances; allowing mixed ownership of an assisted living facility operated in conjunction with a nursing home or adult independent dwelling units; 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; requiring that all assisted care units be located on the same lot; 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, stated there had been discussion of this bill in prior meetings. She explained the opportunities the bill offers and urged her colleagues’ support.

Mr. Volke, Co-Sponsor, thanked the Office of Planning and Zoning and the Office of Law for their help in drafting the bill and asked for his colleagues support.

Chris Trumbauer, Budget Officer, was accompanied by Lori Rhodes, Deputy CAO for Land Use, 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. He stated the Administration supports the bill but still has some concerns about some of the provisions. They do, however, commit to working with the Council to address any issues that arise and updating the Code to reflect changes required for housing issues related to the County's aging population.

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 no one came forward to speak, and the hearing was concluded.

The Chair called for 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.

Bill No. 49-21, as amended, 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. 54-21

The Chair called for 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, stated he had not received any additional feedback on the bill and gave a history of the reasons for the bill.

Chris Trumbauer, Budget Officer, stated that the Administration does not strongly support the bill but they will do their best to support it if the bill is passed. He reminded the Council of the community grants program included in the recently passed budget.

Ms. Lacey, Chair, reminded the Council that this bill was heard at the last Council meeting and the vote was held.

Ms. Pickard explained her concerns with the bill and why she would ultimately vote against it.

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.

Bill No. 54-21 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. 58-21

The Chair called for Bill No. 58-31, An Ordinance concerning: Payment in Lieu of Taxes – Park View at Furnace Branch, Glen Burnie, Maryland – For the purpose of approving exemptions from County real property taxes for a certain property located in Glen Burnie, Anne Arundel County; authorizing the County Executive to enter into a certain agreement for an exemption and a payment of a negotiated amount in lieu of County real property taxes; and providing for the time and terms under which the tax exemptions will take effect; and the Administrative Officer read the title.

Chris Trumbauer, Budget Officer, accompanied by Kathy Koch, Director, ACDS, and Karin McQuade, Controller, explained the purpose of the bill and the history of the PILOT at issue.

Ms. Koch explained what the bill would do if passed and requested the support of the Council.

Ms. Haire expressed her concerns about the bill and questioned the new agreement.

Ms. Koch explained how changes in financing required an updated agreement and approval by the County Council.

Ms. Volke questioned how many PILOT programs were approved by prior Councils.

Ms. Koch stated there are approximately 16 PILOT programs currently in existence in the County but did not know when were approved.

Ms. Pickard explained how the program provides housing for some of the County's most vulnerable population and stated that it is an asset to the County. She urged her colleagues' support of the bill.

The Chair opened the public hearing on Bill No. 58-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 58-21.

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

The Chair called for No. 58-21, An Ordinance concerning: Payment in Lieu of Taxes – Park View at Furnace Branch, Glen Burnie, Maryland; and the Administrative Officer read a portion of the title.

Bill No. 58-21 was passed by the following roll call vote:

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

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

BILL NO. 59-21

The Chair called for Bill No 59-21, An Ordinance concerning: Public Safety – Traffic – Vehicles on Public Sidewalks – For the purpose of defining “bicycle”; allowing the riding of bicycles, play vehicles, or unicycles on public sidewalks and sidewalk areas; adding exceptions and conditions to riding on sidewalks; and generally relating to public safety; and the Administrative Officer read the title.

Chris Trumbauer, Budget Officer, accompanied by Major Michelle Simpson, Anne Arundel County Police, Nicole Liening, Risk Management, Central Services, Lori Blair Klasmeier, Deputy Legislative County Attorney, and Ramon Robinson, Director, Office of Transportation, stated this legislation came as a recommendation from the Bike Commission. He stated this bill will allow riding of bikes on sidewalks except where it is prohibited.

The Chair opened the public hearing on Bill No. 59-21.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 59-21 which was posted to the website and is part of the official record.

The following individual spoke on Bill No. 59-21:

Jon Korin, Severna Park

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

The Chair called for Bill No. 59-21, An Ordinance concerning: Public Safety – Traffic – Vehicles on Public Sidewalks; and the Administrative Officer read a portion of the title.

Mr. Volke asked if citations have ever been issued by County police for riding bikes on sidewalks and if any claims for injuries from bikes on County sidewalks have ever been made.

Ms. Liening stated Risk Management has not received any claims and explained why.

Major Simpson indicated there have not been any citations issued by police.

Ms. Rodvien expressed her support for the bill and explained how the new law would make cyclists feel more comfortable using sidewalks when necessary.

Amendment No. 1

On page 2 of the proposed bill, in line 9, in each instance, strike “public” and substitute “PUBLIC”.

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

Amendment No. 2

On page 2 of the proposed bill, in line 13, strike “THE COUNTY EXECUTIVE” and substitute “THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS”.

Ms. Fiedler, Sponsor, explained why she was offering the amendment.

Mr. Trumbauer stated the Administration had no opposition to the amendment.

Ms. Pickard asked if there was an issue with naming a specific department head instead of more general position to approve the signage.

Mr. Trumbauer stated there would not be an issue.

On motion of Ms. Haire, seconded by Ms. Fiedler, Amendment No. 2 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

The Chair stated Bill No. 59-21, as amended, would be heard on July 19, 2021.

BILL NO. 60-21

The Chair called for Bill No. 60-21, An Ordinance concerning: General Provisions – Miscellaneous Provisions – Public-Private Partnerships – For the purpose of defining “public-private partnership”; requiring public-private partnerships when it is in the best interest of the County; and generally relating to general provisions; and the Administrative Officer read the title.

Ms. Haire, Sponsor, explained the purpose of the bill and how it sought to codify a practice already in use in the County.

Chris Trumbauer, Budget Officer, stated the Administration had no opposition to the bill and agreed it codifies a practice already in practice.

Ms. Rodvien asked how the term “in the best interests of the County” would be interpreted by the County.

Lori Blair Klasmeier explained how the term would be applied.

Ms. Lacey asked if the language would be considered mandatory or discretionary.

Ms. Klasmeier stated it would be discretionary on behalf of the County.

Mr. Volke asked if the term could create any legal liability for the County.

Ms. Klasmeier explained how it could.

Mr. Trumbauer elaborated on Ms. Klasmeier’s response.

Ms. Pickard commented on the bill.

The Chair opened the public hearing on Bill No. 60-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 60-21.

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

The Chair called for Bill No. 60-21, An Ordinance concerning: General Provisions – Miscellaneous Provisions – Public-Private Partnerships; and the Administrative Officer read a portion of the title.

Ms. Lacey commented further on the purpose of the bill.

Ms. Haire responded to the comments made on the bill.

Bill No. 60-21 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. 61-21

The Chair called Bill for No. 61-21, An Ordinance concerning: Zoning – Outdoor Lighting in Nonresidential and Residential Zoning Districts – For the purpose of providing for the applicability of outdoor lighting provisions; adding the conditions for the installation of outdoor light fixtures on residentially zoned lots; making conforming changes; and generally relating to zoning; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained the purpose of the bill and how the issue was brought to his attention by a constituent.

Chris Trumbauer, Budget Officer, accompanied by Lynn Miller, Office of Planning and Zoning, Kelly Kenny, Office of Law and Steve Kaii-Ziegler, Director, Office of Planning and Zoning, stated the Administration supports to bill.

The Chair opened the public hearing on Bill No. 61-21.

The Administrative Officer stated there were two submissions of public testimony received for Bill No. 61-21 which were posted to the website and are part of the official record.

The following individual spoke on Bill No. 61-21:

Jacob Frohnapple, Pasadena

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

Ms. Fiedler, Co-sponsor, expressed her support for the bill and explained how it helps constituents in her district.

The Chair called for Bill No. 61-21, An Ordinance concerning: Zoning – Outdoor Lighting in Nonresidential and Residential Zoning Districts; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 2 of the proposed bill, in line 24, strike “FIXURE” and substitute “FIXTURE”.

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

Mr. Volke explained how the bill is intended to help resolve issues and is not intended to be punitive.

Ms. Pickard, Co-sponsor, expressed her support for the bill.

Bill No. 61-21, as amended, 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. 62-21

The Chair called for Bill No. 62-21, An Ordinance concerning: Subdivision and Development – Critical Area Overlay – Forest Conservation Easements – For the purpose of requiring the County to convey a forest conservation easement back to an owner upon a written request made by a certain date; providing for the applicability of this Ordinance; and generally relating to subdivision and development; and the Administrative Officer read the title.

Ms. Haire, Sponsor, explained the purpose of the bill and how it is intended to create a more streamlined procedure.

Chris Trumbauer, Budget Officer, accompanied by Lori Rhodes, Deputy CAO for Land Use, Kelly Kenney, Office of Law, Kelly Krinetz, OPZ and Steve Kai-Ziegler, Director, Office of Planning and Zoning, stated the Administration supports the bill.

Ms. Lacey asked about terminology used in the bill and how the Critical Area Commission plays a role.

Ms. Krinetz explained how the proposed language had been developed and some of the concerns of the Critical Area Commission.

Mr. Volke asked if the Quiet Waters Park agreement involved a similar type of agreement and how the County tracks when permits expires.

Ms. Krinetz explained that the Quiet Waters agreement was not the same kind of agreement and when the law being proposed might be used.

Ms. Rodvien asked about time limits for a property owner to recall an easement.

Ms. Krinetz explained how time limits could work and offered her viewpoint on the issue.

Ms. Lacey asked about the process for reconveyance and if there would be filing fees.

Ms. Kenney explained how the County is exempt from certain recording fees.

The Chair opened the public hearing on Bill No. 62-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 62-21.

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

The Chair called for Bill No. 62-21, An Ordinance concerning: Subdivision and Development – Critical Area Overlay – Forest Conservation Easements; and the Administrative Officer read a portion of the title.

Bill No. 62-21 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

RESOLUTION NO. 30-21

The Chair called for No. 30-21, Resolution approving the terms and conditions of the acquisition of real property consisting of approximately 14.693 +/- acres, known as 7180 Heritage Crossing in Glen Burnie, Maryland 21060 from U.S. Home Corporation, utilizing funds from the Advance Land Acquisition Capital Project; and the Administrative Officer read the title.

Chris Trumbauer, Budget Officer, accompanied by Alex Szachnowicz, CAO, Anne Arundel County Board of Education, Tom Burke, DPW, and Christine Neiderer, Office of Law, explained the purpose of and the need for the resolution. Mr. Trumbauer explained Jessica Ley's, Director of Recreation & Parks, absence.

Mr. Szachnowicz explained the Board of Education's collaborative work with Recreation and Parks for the project that is the subject of the resolution. He explained how the land could be used in the short-term and the long-term and how it would meet goals of master plans for both entities.

Mr. Trumbauer endorsed Mr. Szachnowicz's remarks.

Mr. Pruski expressed his support of the concept and commended all groups for their work on the project.

Ms. Pickard questioned the design and future use.

Mr. Szachnowicz further explained how the land would be used.

Ms. Pickard asked if any sketch designs existed.

Mr. Szachnowicz explained what existed and how prototypes are being used.

Mr. Trumbauer noted that several rough conceptual diagrams had been shared with the Council.

Mr. Volke questioned the price of the acquisition described in the resolution.

Mr. Burke explained how an independent appraisal was used to determine the purchase price.

The Chair opened the public hearing on Resolution No. 30-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 30-21.

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

The Chair called for Resolution No. 30-21, Resolution approving the terms and conditions of the acquisition of real property consisting of approximately 14.693 +/- acres, known as 7180 Heritage Crossing in Glen Burnie, Maryland 21060 from U.S. Home Corporation, utilizing funds from the Advance Land Acquisition Capital Project; and the Administrative Officer read a portion of the title.

Resolution No. 30-21 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

OTHER BUSINESS

There was no further business.

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Pruski the meeting adjourned at 8:36 P.M.

Respectfully submitted,

/s/ Susan F. Cline

By Susan F. Cline

/s/ Laura Corby

for Laura Corby
Administrative Officer