

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2021, Legislative Day No. 23

December 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 given by Mr. Pruski followed by the Pledge of Allegiance led by Cub Scout Troop 209. The meeting was held in the County Council Chambers, Arundel Center, Annapolis, Maryland. There were approximately 30 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 Terry Gibson. Linda Schuett, Legislative Counsel, was also present.

ETHICS STATEMENT

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

SUSPENSION OF RULES

On motion of Ms. Pickard, seconded by Mr. Pruski, the motion to vote to suspend the rules to change the order and vote on Resolution No. 60-21 was adopted by the following roll call vote:

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

CALL OF RESOLUTION FOR INTRODUCTION AND VOTE

RESOLUTION NO. 60-21

The Chair called for Resolution No. 60-21, Resolution electing a Chair and Vice Chair of the County Council; and the Administrative Officer read the resolution.

Ms. Pickard, Sponsor, thanked Ms. Lacey for her leadership during the past year.

Resolution No. 60-21 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

Ms. Rodvien was duly elected Chair and Mr. Pruski was duly elected Vice Chair.

Ms. Rodvien presented Ms. Lacey with a plaque thanking her for her service as Chair of the County Council.

Mr. Pruski thanked Ms. Lacey and Ms. Rodvien for their service as Chair and Vice Chair during the past year.

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, which was shared with the Council and posted on the County Council website.

The following person spoke on Invitation to Audience:

Kurt Svendsen, Arnold
David Dull, Chairman, Anne Arundel Libertarians, Severna Park
Julie Johnson, Annapolis

Mr. Volke asked for clarification on the information provided from Mr. Svendsen. Lori Blair Klasmeier explained the 10 percent deviation and that it has to do with redistricting. She further explained that the late Census information and appointment of the commission added to the problem. She discussed the case law which applies and stated she didn't think there would be a problem with the 2022 election proceeding.

There was no one else present who wished to speak, and the Invitation to Audience was concluded.

SUSPENSION OF RULES

On motion of Mr. Volke, seconded by Ms. Haire, the motion to vote to suspend the rules to hear and vote on Bill No. 99-21 out of order was adopted by the following roll call vote:

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

PRELIMINARY MOTION

On motion of Ms. Lacey, 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. Lacey, seconded by Mr. Pruski, the minutes of the meeting of November 15, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 105-21 – AN ORDINANCE concerning: Personnel – Employee Relations – Rights of Classified Employees – Limitation on Number of Appropriate Representation Units – FOR the purpose of modifying the maximum number of appropriate representation units for collective negotiations; providing for the application of the Ordinance; and generally relating to personnel.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 106-21 – AN ORDINANCE concerning: Zoning – Critical Area Overlay – Resource Conservation Area – Farm Alcohol Production Facility – FOR the purpose of allowing farm alcohol production facilities as a use in the critical area Resource Conservation Area (“RCA”); making this Ordinance subject to approval of the Maryland Critical Area Commission; and generally relating to zoning.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 107-21 – AN ORDINANCE concerning: Capital Budget and Program – OPS Compl Solar Panels-Sewer and OPS Compl Solar Panels Water capital projects – Reduced and Supplementary Appropriations – FOR the purpose of amending the Capital Budget for the current fiscal year by reducing an appropriation to the OPS Compl Solar Panels-Sewer and the OPS Compl Solar Panels Water capital projects; making a supplementary appropriation of funds to the OPS Compl Solar Panels-Sewer and the OPS Compl Solar Panels Water capital projects; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to appropriations of funds in projects in the Capital Budget for the fiscal year ending June 30, 2022.
By Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 108-21 – AN ORDINANCE concerning: Public Safety – Distribution of Literature to Purchasers of Guns or Ammunition – FOR the purpose of requiring the Health Department to prepare and distribute certain literature to establishments that sell guns or ammunition; adding certain display and distribution requirements for sellers; authorizing enforcement by the Health Department; making a violation a Class C civil offense; providing for an abnormal effective date; and generally relating to public safety.
By Ms. Rodvien

BILL NO. 109-21 – AN ORDINANCE concerning: Public Safety – Security Measures for the Sale of Firearms – FOR the purpose of defining certain terms; prohibiting a gun dealer or a person promoting or sponsoring a gun show from conducting business without Police Department approval of security measures; specifying the required security measures;

requiring gun dealers who transport firearms to have a certain inventory list in their possession; setting forth enforcement measures; making a violation a Class C civil offense; providing for the application of this Ordinance; and generally relating to public safety.

By Mr. Pruski

BILL NO. 110-21 – AN ORDINANCE concerning: Subdivision and Development – Critical Area Overlay – Marina Development in Buffer Modification Areas – FOR the purpose of exempting from certain reconfiguration requirements marinas that relocate legal lot coverage in a buffer modification area to an area outside the buffer modification area without creating additional lot coverage; exempting from certain reconfiguration requirements certified Clean Marinas that construct improvements over existing legal lot coverage outside the buffer modification area; making technical changes; making this Ordinance subject to approval of the Maryland Critical Area Commission; and generally relating to subdivision and development.

By Ms. Haire

BILL NO. 111-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Budget – Grants Special Revenue Fund – Coronavirus State and Local Fiscal Recovery Funds – FOR the purpose of requiring that certain appropriations to the Grants Special Revenue Fund funded by Coronavirus State and Local Fiscal Recovery Funds be approved by resolution of the County Council; requiring reports to the County Council concerning the use of Coronavirus State and Local Fiscal Recovery Funds; providing for the termination of certain provisions of this Ordinance; and generally relating to finance, taxation, and budget.

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

BILL NO. 112-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Budget – Grants Special Revenue Fund – Coronavirus State and Local Fiscal Recovery Funds – FOR the purpose of requiring that certain appropriations to the Grants Special Revenue Fund funded by Coronavirus State and Local Fiscal Recovery Funds be approved by resolution of the County Council; requiring that a hearing to act on the resolution be requested by at least three Councilmembers; requiring reports to the County Council concerning the use of Coronavirus State and Local Fiscal Recovery Funds; providing for the termination of certain provisions of this Ordinance; and generally relating to finance, taxation, and budget.

By Ms. Fiedler

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 61-21 – RESOLUTION approving the nomination for reappointment of a member to the Anne Arundel County Human Relations Commission

By Ms. Lacey, Chair

(by request of the County Executive)

RESOLUTION NO. 62-21 – RESOLUTION ENTITLED: Charter Amendment – Executive Branch – Appointment and Confirmation of the Planning and Zoning Officer

By Mr. Volke

RESOLUTION NO. 63-21 – RESOLUTION amending certain reporting deadlines required of the Charter Revision Commission
By Mr. Volke

The Chair stated Resolution No. 61-21 would be voted on after the bills that evening.

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

BILL NO. 99-21

The Chair called Bill No. 99-21 - An Ordinance concerning: Subdivision and Development – Site Development – Exemptions – For the purpose of exempting improvements to an existing nonresidential structure outside the critical area or bog protection area from the site development plan process under certain conditions; repealing an exemption relating to certain grading permits; and generally relating to subdivision and development; and the Administrative Officer read the title.

Mr. Volke, Sponsor, stated that there have been a lot of questions about the bill and he intends to ask that the bill be held until the next Council meeting.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, DCAO, Land Use, Steven Kaii-Ziegler, Planning and Zoning Officer, Lynn Miller, Planning and Zoning, Kelly Kenny, Office of Law, Reghavenderrao Badami, Inspections and Permits, stated the Administration supports the motion to hold the bill until the next Council meeting.

The Chair called for the public hearing on Bill No. 99-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 99-21.

The following individual spoke on Bill No. 99-21:

Julie Johnson, Annapolis

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

The Chair called Bill No. 99-21, An Ordinance concerning: Subdivision and Development – Site Development – Exemptions; and the Administrative Officer read a portion of the title.

Mr. Volke made a motion, seconded by Ms. Pickard, to hold the vote on Bill No. 99-21 until December 20, 2021.

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

Nay – None

The Chair stated Bill No. 99-21 would be able to be voted on on December 20, 2021.

BILL NO. 85-21 (As Amended)

The Chair called Bill No. 85-21 (As Amended) – An Ordinance concerning: Subdivision and Development – Adequate Public Facilities – Public Schools – For the purpose of modifying the provisions for an exemption from requirements for adequate public facilities for schools; restoring provisions relating to the school utilization chart as they existed before the sunset of Bill No. 15-18; adding the option of donating land to the Board of Education for future construction of school facilities to pass the test for adequate school facilities; making certain technical changes; providing for the termination of this Ordinance; and generally relating to subdivision and development; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, DCAO, Land Use, Steven Kaii-Ziegler, Planning and Zoning Officer, Lynn Miller, Planning and Zoning, and Lori Blair Klasmeier, Legislative Deputy County Attorney, stated this bill was previously heard and amended. The purpose is to reinstate the provisions under Bill No. 92-17 and Bill No. 15-18 that sunset with the adoption of the General Development Plan. The bill is to maintain the status quo until the work group is complete.

The Chair called for the public hearing on Bill No. 85-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 85-21, as amended.

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

The Chair called Bill No. 85-21, as amended, An Ordinance concerning: Subdivision and Development – Adequate Public Facilities – Public Schools; and the Administrative Officer read a portion of the title.

Bill No. 85-21, as amended, was passed by the following roll call vote:

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

BILL NO. 94-21 (As Amended)

The Chair called for the public hearing on Bill No. 94-21, As amended - An Ordinance concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – Transit-Oriented Overlay Development Policy Areas – For the purpose of amending the conditions for an exemption from the test for adequate school facilities for residential redevelopment projects within the Glen Burnie Sustainable Community Overlay Area; amending the definition of “redevelopment” to include lots located in transit-oriented overlay development policy areas; and generally relating to subdivision and development and zoning; and the Administrative Officer read the title.

Ms. Pickard, Sponsor, stated this bill is an amended to Bill No. 64-20, which established the Glen Burnie overlay area. Ms. Pickard stated the purpose of this bill. She asked for the Council's support.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, DCAO, Land Use, Steven Kaii-Ziegler, Planning and Zoning Officer, Lynn Miller, Planning and Zoning, Raghavenderrao Badami, Inspections and Permits, and Kelly Kenney, Office of Law, stated the Administration thanked the Sponsor for working with them on this bill. They support the bill.

Mr. Volke stated he had been contacted by constituents about the possibility of a large affordable housing complex being put into this area and asked if this was in the plan.

Mr. Baron stated they have gotten no applications for this type of development.

Ms. Pickard stated the shopping center is privately owned and is approximately 50 percent occupied. Any type of redevelopment would need to be initiated by the owner, and she is not aware of any type of redevelopment plan.

Ms. Lacey stated the shopping center area is in her district, and there have been rumors for many years about the affordable housing redevelopment. She does not think the area is as continuous as the map suggests.

Ms. Fiedler asked about the comparison to the Parole Towne Center development and how it compared with the number and type of units and students expected.

Ms. Pickard stated the number and units are the same. There is an apartment complex in that area that have three bedroom units and there are six students that are from that complex. She stated that type of unit is not where families are residing.

The Chair called for the public hearing on Bill No. 94-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 94-21, as amended.

The following persons spoke on Bill No. 94-21, as amended:

David Dull, Chairman, Anne Arundel Libertarians, Severna Park

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

Ms. Pickard urged her Council colleagues to vote for the bill.

Ms. Lacey explained she was unable to support the bill.

Ms. Fiedler stated the concerns she had regarding the school exemption included with the bill and the challenges faced by redevelopment.

Mr. Kaii-Ziegler explained the redevelopment issues with tearing down existing structures. He stated that the areas where redevelopment is proposed is often proposed have varying challenges.

Ms. Pickard stated she thinks that the community involvement in early stages of the redevelopment process are important. Additionally, a developer would be allowed to provide renderings of proposed development rather than engineered plans, which will save them time and money. She stated that other projects in her district have benefitted from early community involvement.

Mr. Volke stated that Ms. Lacey is correct in that a large part of the overlay is in her district.

The Chair called Bill No. 94-21, as amended, An Ordinance concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – Transit-Oriented Overlay Development Policy Areas; and the Administrative Officer read a portion of the title.

Bill No. 94-21, as amended, was passed by the following roll call vote:

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

BILL NO. 96-21

The Chair called for the public hearing on Bill No. 96-21, An Ordinance concerning: Cedarhurst-on-the-Bay Shore Erosion Control District – Approval of Loan and Assignment Agreement – For the purpose of obligating the County to levy the special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay a loan from Severn Savings Bank to the Cedarhurst Citizens Association, Inc., in each of up to six (6) fiscal years during the term of the loan; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Chris Trumbauer, Budget Officer and Lori Blair Klasmeier, Legislative County Attorney, stated this will allow Cedarhurst to refinance the loan approved by Bill No. 90-17, used for the shore erosion bulkhead in their community. It would also allow for a lower interest rate for the six year term of the loan.

The Chair called for the public hearing on Bill No. 96-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 96-21.

The following persons spoke on Bill No. 96-21:

Skip Miano, President, Cedarhurst on the Bay Citizen's Association, Shady Side
Julie Johnson, Annapolis

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

The Chair called Bill No. 96-21, An Ordinance concerning: Cedarhurst-on-the-Bay Shore Erosion Control District – Approval of Loan and Assignment Agreement; and the Administrative Officer read a portion of the title.

Mr. Volke clarified that the bill will come back at the next meeting because of an upcoming amendment to the bill.

Amendment No. 1

This amendment changes the name of the bank extending the loan because, on November 1, 2021, Severn Savings Bank was acquired by Shore United Bank.

Mr. Baron stated the bill was first brought to the Council on the first meeting in November.

Ms. Haire asked if this amendment was needed and if there is a document in the merger that states that if you are referring to one bank, it now refers to the new bank.

Ms. Blair Klasmeier stated she has not seen the merger documents but the bank is the one that notified them of the merger. She stated they have provided the commitment letter as Shore United Bank doing business as Severn Savings Bank.

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

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

The Chair stated that Bill No. 96-21, as amended, will be heard on December 20, 2021.

BILL NO. 97-21

The Chair called for the public hearing on Bill No. 97-21, An Ordinance concerning: Personnel – Benefits – Annual Leave – For the purpose of allowing annual leave accrued as of the end of pay period calendar year 2021 to be carried over and used during the first pay period of pay period calendar year 2022; increasing permitted carry over of accumulated annual leave accrued as of the end of pay period calendar year 2021; providing for the application of this Ordinance; and generally relating to personnel; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Anne Budowski, Personnel Officer, Chris Trumbauer, Budget Officer and Lori Blair Klasmeier, Legislative County Attorney, stated the purpose of this bill. The leave is leave that County employees have earned. He stated this is similar to what was done last year under the Emergency Powers.

Mr. Volke clarified that this is uncodified bill and will not extend beyond this year. Mr. Baron stated that was correct.

The Chair called for the public hearing on Bill No. 97-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 97-21.

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

The Chair called Bill No. 97-21, An Ordinance concerning: Personnel – Benefits – Annual Leave; and the Administrative Officer read a portion of the title.

Amendment No. 1

This amendment allows the carryover of personal leave days from pay period calendar year 2021 and use during the first pay period of pay period calendar year 2022.

Mr. Baron stated this amendment will also allow for the carryover of personal leave days and this was leave that employees have earned.

Mr. Volke verified that this was uncodified and would not carry over after the pay period stated. Mr. Baron verified that to be true.

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

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

The Chair stated that Bill No. 97-21, as amended, will be heard on December 20, 2021.

BILL NO. 98-21

The Chair called for the public hearing on Bill No. 98-21, An Ordinance concerning: Boards, Commissions, and Similar Bodies – Human Relations Commission – Student Member – For the purpose of making the student member of the Human Relations Commission a voting member; adding the Executive Director of Arundel Community Development Services as a voting member of the Commission; and generally relating to boards, commissions, and similar bodies; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Asha Smith, EEOC and Human Relations Officer and Lori Blair Klasmeier, Legislative County Attorney, stated this bill will make the student member of the Human Relations Commission a voting member of the Commission. The change comes at the request of the Commission. It will also add the Director of AACDS as a voting member to keep it at an odd number.

The Chair called for the public hearing on Bill No. 98-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 98-21.

The following person spoke on Bill No. 98-21:

Julie Johnson, Annapolis

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

The Chair called Bill No. 98-21, An Ordinance concerning: Boards, Commissions, and Similar Bodies – Human Relations Commission – Student Member; and the Administrative Officer read a portion of the title.

Amendment No. 1

This amendment allows the Executive Director of Arundel Community Development Services, Inc. to designate a person to act on their behalf for the Commission.

Mr. Baron stated this amendment considers the current Executive Director of AACDS is retiring and they haven't name a replacement yet. Because of the expertise at AACDS currently they felt it was wise to allow them to name someone to serve until the replacement is named.

Ms. Haire asked if they allowed other Commission's to designate their authority.

Ms. Blair Klasmeier stated it was not unusual to name a designee as an ex-officio position.

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

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

Nay – None

The Chair stated that Bill No. 98-21, as amended, will be heard on December 20, 2021.

CALL OF RESOLUTION NO. 61-21 FOR READING AND VOTE

RESOLUTION NO. 61-21

The Chair called for the public hearing on Resolution No. 61-21, Resolution approving the nomination for reappointment of a member to the Anne Arundel County Human Relations Commission; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Lori Blair Klasmeier, Legislative County Attorney, stated this was a reappointment to the Human Relations Commission. His resume is attached to the packet.

The Chair called Resolution No. 61-21, Resolution approving the nomination for reappointment of a member to the Anne Arundel County Human Relations Commission; and the Administrative Officer read the title.

Resolution No. 61-21 was adopted by the following roll call vote:

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

Nay – Mr. Volke

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Pickard, the meeting adjourned at 8:19 P.M.

Respectfully submitted,

/s/ Susan Cline

By Susan F. Cline

/s/ Laura Corby

For Laura Corby
Administrative Officer