

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2023, Legislative Day No. 6

March 20, 2023 – 7:00 P.M.

The County Council meeting was called to order by Chair Smith at 7:00 P.M. It was opened with the Invocation, given Ms. Leadbetter, and was followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers in Annapolis, Maryland. There were approximately 60 persons in the audience.

The following members of the County Council were present:

Pete Smith	First District
Allison Pickard	Second District
Nathan Volke	Third District
Julie K. Hummer	Fourth District
Amanda Fiedler	Fifth District
Lisa D.B. Rodvien	Sixth District
Shannon Leadbetter	Seventh District

The County Auditor's Office was represented by Michelle Bohlayer. Matthew Bennett, Legislative Counsel, was also present.

ETHICS STATEMENT

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

INVITATION TO AUDIENCE

The Chair opened Invitation to Audience.

The Administrative Officer stated there were three submissions of written testimony received through the online testimony tool for Invitation to Audience, which were shared with the Council and posted on the County Council website.

The following persons spoke at Invitation to Audience:

Henry Meuller, Deale
Kurt Svendsen, Arnold
Mohan Grover, Shady Side
Cedric Tolson, Crofton
Matt Minahan, Edgewater
David Morseberger, Davidsonville

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

ITEMS NOT APPEARING

Ms. Rodvien withdrew Bill No. 14-23.

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Mr. Volke, 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. Volke, seconded by Ms. Fiedler, the minutes of the meeting of March 6, 2023 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 20-23 – AN ORDINANCE concerning: Pedestrian and Bicycle Master Plan – Walk & Roll Anne Arundel! – Adoption – FOR the purpose of repealing the 2003 Pedestrian and Bicycle Master Plan and the 2013 update to that Plan; adopting the County’s 2023 Pedestrian and Bicycle Master Plan, entitled “Walk & Roll Anne Arundel!”; and generally relating to the pedestrian and bicycle master plan.

Introduced by Mr. Smith, Chair
(by request of the County Executive)

BILL NO. 21-23 – AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Housing for the Elderly of Moderate Means – FOR the purpose of requiring a covenant enforceable by the County for housing for the elderly of moderate means; adding certain government-funded developments with at least one resident that is 62 years of age or older as a type of “housing for the elderly of moderate means”; and generally relating to zoning.

Introduced by Mr. Smith, Chair
(by request of the County Executive)

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 5-23 – RESOLUTION approving the determination of certain improved County-owned property, known as 100 Summit Avenue in Glen Burnie, Maryland, as surplus property

Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 6-23 – RESOLUTION supporting the Anne Arundel County Board of Education’s revised Fiscal Year 2024 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction

Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 7-23 – RESOLUTION urging the Maryland General Assembly to oppose House Bill 119 and any amendments to conform Senate Bill 199 to State House Bill 119
Introduced by Ms. Leadbetter, Mr. Smith, and Ms. Fiedler

MOTION TO SUSPEND RULE

On motion by Ms. Rodvien, seconded by Ms. Leadbetter, the motion to suspend the rules to vote on Resolution No. 7-23 at the end of the meeting was defeated by the following roll call:

Aye – Ms. Leadbetter, Ms. Fiedler, Ms. Rodvien, Mr. Smith

Nay – Ms. Pickard, Mr. Volke, Ms. Hummer

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

BILL NO. 6-23 (As Amended)

The Chair called for Bill No. 6-23, as amended, An Ordinance concerning: Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units – For the purpose of exempting certain accessory dwelling units from capital facility connection charges and impact fees; amending the definitions of “density” and “dwelling unit, accessory”; repealing certain parking requirements for accessory dwelling units; amending the conditional use requirements for accessory dwelling units; allowing accessory dwelling units in use as of a certain date to be exempt from certain conditional use requirements; and generally relating to public works, subdivision and development, and zoning; and the Administrative Officer read a portion of the title.

Ms. Rodvien, Co-Sponsor, explained the background and purpose of the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, Claudia O’Keeffe, Inspections and Permits, Karen Henry, Department of Public Works, and Kelly Kenney, Office of Law.

The Administration stated its support.

The Chair called for the public hearing on Bill No. 6-23, as amended.

The Administrative Officer stated there were twelve submissions of written testimony received through the online testimony tool for Bill No. 6-23, as amended, along with an email and letter, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 6-23, as amended:

Kurt Svendsen, Arnold

Patsy Early, Annapolis

Jane McWilliams, Annapolis

Claire Corchoran, Annapolis

Matt Minahan, Edgewater

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

The Chair called Bill No. 6-23, as amended, An Ordinance concerning: Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units; and the Administrative Officer read a portion of the title.

Ms. Rodvien addressed comments from the public hearing.

Ms. Kenney answered questions from the public hearing presented by Ms. Rodvien.

Amendment No. 12

The Administrative Officer read a brief summary of the amendment:

This amendment prohibits a variance for an accessory dwelling unit constructed on or after the effective date of Bill No. 6-23 to reduce the minimum setback requirements to an adjacent lot located in a residential district.

Ms. Fiedler, Sponsor, motioned for the amendment and Mr. Volke seconded.

After discussion among the Council, Ms. Fiedler and Mr. Volke withdrew their motions and Ms. Fielder withdrew the amendment.

Amendment No. 13

The Administrative Officer read a brief summary of the amendment:

This amendment allows a variance to reduce the minimum setback requirements to an adjacent lot located in a residential district if the variance is for a structure that was in existence before the effective date of Bill No. 6-23 and the structure is being converted to an accessory dwelling unit.

Ms. Pickard, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

On motion of Ms. Pickard, seconded by Ms. Rodvien, Amendment No. 13 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith

Nay – None

The Chair stated that Bill No. 6-23, as amended, will be heard on April 3, 2023.

BILL NO. 10-23(As Amended)

The Chair called for Bill No. 10-23, as amended, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects – For the purpose of defining “water quality improvement project”; exempting certain water quality improvement projects from the prohibition against development in natural feature areas; exempting certain water quality improvement projects from the site development plan process; and generally relating to floodplain management, erosion and sediment control, and stormwater management, and subdivision and development; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Erik Michelsen, Department of Public Works, Environment, Lynn Miller, Office of Planning and Zoning, Raghu Badami, Inspections and Permits, and Kelly Kenney, Office of Law.

Mr. Baron explained the background and purpose of the bill.

The Chair called for the public hearing on Bill No. 10-23, as amended.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 10-23, as amended, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 10-23, as amended, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects; and the Administrative Officer read a portion of the title.

Bill No. 10-23, as amended, was passed by the following roll call:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith

Nay – None

BILL NO. 12-23

The Chair called for Bill No. 12-23, An Ordinance concerning: Conveyance of Surplus Property – Improved County-Owned Property – Part of the Dorsey Run Road Right-of-Way in Annapolis Junction, Maryland – For the purpose of approving the conveyance of certain County-owned property comprised of approximately 2.9245 acres of land, being part of the Dorsey Run Road right-of-way, in Annapolis Junction, Maryland; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Christopher Daniels, Real Estate, and Christine Neiderer, Office of Law.

Mr. Baron explained the background and purpose of the bill.

The Chair called for the public hearing on Bill No. 12-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 12-23.

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

The Chair called Bill No. 12-23, An Ordinance concerning: Conveyance of Surplus Property – Improved County-Owned Property – Part of the Dorsey Run Road Right-of-Way in Annapolis Junction, Maryland; and the Administrative Officer read a portion of the title.

Bill No. 12-23 was passed by the following roll call:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith

Nay – None

BILL NO. 13-23

The Chair called for Bill No. 13-23, An Ordinance concerning: Licenses and Registrations – Special Events – Permitting – For the purpose of establishing a uniform permitting process for special events; defining certain terms; requiring certain persons to obtain a permit to hold special events; requiring the permit application to contain certain information; establishing the basis for granting or denying the permit application; establishing fees and fee waivers for special event permit applications; requiring reimbursement of costs incurred by the County and allowing for the waiver of such reimbursement; requiring certain inspections be performed; allowing for the termination of permits in certain circumstances; and generally relating to licenses and registrations; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Preeti Emrick, Office of Emergency Management, Assistant Fire Chief Lawrence Schultz, Fire Department, Captain Daniel Rodriguez, Police Department, Holly Velez, Inspections and Permits, and Ethan Hunt, Office of Law.

Mr. Baron explained the background and purpose of the bill.

Ms. Emrick spoke on the bill.

Mr. Volke asked about definitions in the bill.

Mr. Baron responded.

Mr. Smith asked how long the County worked on the legislation and if the public engaged in it.

Ms. Emrick answered.

Ms. Rodvien expressed the need to balance public safety and vendor safety.

There was continued discussion on the bill.

The Chair called for the public hearing on Bill No. 13-23.

The Administrative Officer stated there were sixty-six submissions of written testimony received through the online testimony tool for Bill No. 13-23, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 13-23:

Bruce Bereano, Annapolis
Martial Hardy, Harwood
John Faber, Churchton
Jules Smith, Davidsonville
Julia Howes, Churchton
Henry Mueller, Deale
John May, Davidsonville
Susangrace DuBose, Annapolis
Dana Schulze, Millersville
Peggy Williams, Severna Park
Alan Lang, Pasadena
Joe Larson, Hanover
Clifton Odenhall, Glen Burnie
David Morsberger, Davidsonville
Heather Bagnall, Annapolis
Cedric Tolson, Crofton
Kinley Bray, Annapolis
Chris Ronk, Severna Park
Bruce Ballantyne,

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

The Chair called Bill No. 13-23, An Ordinance concerning: Licenses and Registrations – Special Events – Permitting; and the Administrative Officer read a portion of the title.

There was discussion concerning the public testimony on Bill No. 13-23.

Amendment No. 1

The Administrative Officer read a brief summary of the amendment:

This amendment delays the application and collection of registration fees and special fees until January 1, 2024.

Mr. Baron explained the purpose of the amendment.

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

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith
Nay – None

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

The amendment excludes from the definition of “special events” an agritourism event held on private property that does not require the exclusive use of public streets or roads or the use of county services exceeding normal operations; and excludes agritourism and farm or agricultural heritage site special events authorized by the Planning and Zoning Officer.

Ms. Leadbetter, Sponsor, explained the purpose of the amendment.

Mr. Baron stated he received an incorrect version of the amendment and asked for clarification on the amendment.

Ms. Leadbetter responded.

On motion by Ms. Leadbetter, seconded by Ms. Rodvien, the amendment was held until the end of the amendments by the following roll call:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith
Nay – None

Amendment No. 3

The Administrative Officer read a brief summary of the amendment:

The amendment eliminates the \$50 application fee for a special event permit.

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

Mr. Baron shared the Administration's concern of the amendment.

Ms. Hummer asked for clarification on who would have the fee waived.

Ms. Pickard expressed her disagreement with the amendment.

Ms. Fiedler spoke on the Fiscal Note.

There was continued discussion on the amendment.

On motion of Mr. Smith, seconded by Mr. Volke, Amendment No. 3 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Mr. Volke, Ms. Fiedler, Mr. Smith

Nay – Ms. Pickard, Ms. Hummer, Ms. Rodvien

Amendment No. 4

The Administrative Officer read a brief summary of the amendment:

This amendment edits the vehicular component of the definition of “special event” to require compliance with normal and usual traffic rules.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

Mr. Volke pointed out a technical error and the error was corrected.

On motion of Mr. Volke, seconded by Ms. Rodvien, Amendment No. 4 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith

Nay – None

Amendment No. 5

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to change or waive certain filing deadlines for reasons such as a response to sudden or unexpected event.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

Mr. Volke shared his concern of the amendment.

Ms. Rodvien clarified waiving filing deadlines.

Mr. Hunt and Mr. Baron responded.

On motion of Ms. Leadbetter, seconded by Mr. Smith, Amendment No. 5 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith

Nay – None

Amendment No. 6

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to waive an application fee under certain enumerated circumstances.

There was discussion clarifying the need of the amendment.

Ms. Leadbetter, Co-Sponsor, withdrew the amendment.

Amendment No. 7

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to waive the special service charges when the County can provide needed resources to support the special event and a waiver is in the best interest of the County.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

Mr. Smith, Co-Sponsor, and Mr. Baron spoke on the intent of the amendment.

Mr. Volke spoke on his view of the amendment.

Ms. Leadbetter withdrew the amendment.

Amendment No. 8

Mr. Volke, Sponsor, withdrew the amendment.

The Chair stated amendment No. 2 will be held until the April 3, 2023 meeting.
The Chair stated that Bill No. 13-23, as amended, will be heard on April 3, 2023.

BILL NO. 15-23

The Chair called for Bill No. 15-23, An Ordinance concerning: Zoning – Residential Districts – Business Complexes as a Conditional Use – For the purpose of allowing business complexes as a conditional use in R1 residential zoning districts; adding the conditional use requirements for business complexes in a residential district; allowing a business complex in a residential district to include certain additional uses allowed in C1 or C3 commercial zoning districts; and the Administrative Officer read a portion of the title.

Ms. Fiedler, Sponsor, explained the background and purpose of the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, and Kelly Kenney, Office of Law.

The Administration stated its support.

Mr. Volke asked if the property was the only property affected by the bill.

Ms. Kenney confirmed.

The Chair called for the public hearing on Bill No. 15-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 15-23.

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

The Chair called Bill No. 15-23, An Ordinance concerning: Zoning – Residential Districts – Business Complexes as a Conditional Use; and the Administrative Officer read a portion of the title.

Bill No. 15-23 was passed by the following roll call:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien

Mr. Smith

Nay – None

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Pickard, the meeting adjourned at 9:37 P.M.

Respectfully submitted,

/s/ Anna Macaulay

By Anna Macaulay

/s/ Laura Corby

For Laura Corby
Administrative Officer