

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2023, Legislative Day No. 18

October 16, 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 by Mr. Volke, and was followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers in Annapolis, Maryland. There were approximately 20 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 Deputy County Auditor Terry Gibson. Matthew Bennett, Legislative Counsel, was also present.

ETHICS STATEMENT

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

MOMENT OF SILENCE

Ms. Fiedler requested a moment of silence in honor of Corporal Jerome Stanford, a fallen member of the Police Department.

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:

Tison Graves, Prince Frederick
David Buie, Glen Burnie
Kate Fox, Davidsonville
Julie Johnson, Annapolis

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

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Ms. Rodvien, 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. Hummer, seconded by Ms. Leadbetter, the minutes for October 2, 2023, Legislative Day No. 17 and October 10, 2023, Work Session, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 79-23 – AN ORDINANCE concerning: Purchasing – Disposition of County-Owned Real Property – FOR the purpose of repealing certain procedures and requirements for declaring County-owned real property surplus and disposing of County-owned real property; establishing new procedures and requirements for declaring County-owned real property surplus and disposing of County-owned real property; and generally relating to purchasing.

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

BILL NO. 80-23 – AN ORDINANCE concerning: Anne Arundel County 10-Year Solid Waste Management Plan 2024-2033 – FOR the purpose of repealing the Anne Arundel County Solid Waste Management Plan 2013, as amended; adopting the Anne Arundel County 10-Year Solid Waste Management Plan 2024-2033; and generally relating to Anne Arundel County Solid Waste Management Plan.

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

BILL NO. 81-23 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – Grants Special Revenue Fund – Opioid Abatement Special Revenue Fund – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies and in certain special funds of the County for the current fiscal year; and generally relating to making supplementary appropriations of funds to the current expense budget and for the fiscal year ending June 30, 2024.

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

BILL NO. 82-23 – AN ORDINANCE concerning: Personnel – Classified Service – Disability Leave – FOR the purpose of repealing a limitation on the number of hours of accumulated disability leave that may be used during a calendar year for the care or treatment of an employee's non-dependent family member; and generally relating to personnel.

Introduced by Ms. Pickard

BILL NO. 83-23 – AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Housing for the Elderly of Moderate Means and Workforce Housing – FOR the purpose of amending the conditional use requirements related to road access and maximum lot coverage for housing for the elderly of moderate means and workforce housing; requiring workforce housing to be served by public water and sewer; and generally relating to zoning. Introduced by Ms. Pickard

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 47-23 – RESOLUTION appointing a member to the Anne Arundel County Ethics Commission
Introduced by Mr. Smith, Chair
(by request of the County Executive)

MOTION TO SUSPEND THE RULES

On motion by Ms. Rodvien, seconded by Ms. Fiedler, the motion to suspend the rules to change the order to hear and vote on Resolution No. 44-23 and Resolution 46-23 first was passed by the following roll call:

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

PUBLIC HEARINGS AND CALL OF RESOLUTIONS FOR FINAL READING AND VOTE

RESOLUTION NO. 44-23

The Chair called for Resolution No. 44-23, A Resolution supporting the Anne Arundel County Board of Education’s Fiscal Year 2025 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Kyle Ruef, AACPS, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt explained the purpose of the resolution.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Resolution No. 44-23.

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

Mr. Smith spoke on the resolution

The Chair called for Resolution No. 44-23, A Resolution supporting the Anne Arundel County Board of Education's Fiscal Year 2025 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction; and the Administrative Officer read a portion of the title.

Resolution No. 44-23 was adopted by the following roll call:

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

Nay – None

RESOLUTION NO. 46-23

The Chair called for Resolution No. 46-23, A Resolution approving a conditional appropriation of Coronavirus State and Local Fiscal Recovery Funds in excess of \$500,000 to the Grants Special Revenue Fund; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Chris Trumbauer, Budget, Tonii Gedin, Health Department, Shawn Cain, Health Department, Grace Tydings, Health Department, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt explained the purpose of the resolution.

Ms. Fiedler asked about ineligible allocations.

Ms. Gedin and Mr. Trumbauer answered.

There was further discussion on the resolution.

The Chair called for the public hearing on Resolution No. 46-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Resolution No. 46-23.

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

The Chair called Resolution No. 46-23, A Resolution approving a conditional appropriation of Coronavirus State and Local Fiscal Recovery Funds in excess of \$500,000 to the Grants Special Revenue Fund; and the Administrative Officer read a portion of the title.

MOTION TO SUSPEND RULE 5-106(e)

Mr. Volke asked what the outcome would be if the motion was defeated.

Mr. Trumbauer and Ms. Gedin answered.

On motion by Ms. Fiedler, seconded by Ms. Rodvien, the motion to hear and vote on Resolution No. 46-23 was defeated by the following roll call:

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

There was discussion concerning the voting timeline.

RECESS

The Council took a recess at 7:47 P.M.

RECONVENE

The Council reconvened at 7:52 P.M.

MOTION TO RECONSIDER

On motion by Ms. Fiedler, seconded by Ms. Rodvien, the motion to reconsider the motion to suspend the rules to vote on Resolution No. 46-23 was passed by the following roll call:

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

MOTION TO SUSPEND RULE 5-106(e)

On motion by Ms. Rodvien, seconded by Ms. Pickard, the motion to vote on Resolution No. 46-23 was passed by the following roll call:

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

The Chair called Resolution No. 46-23, A Resolution approving a conditional appropriation of Coronavirus State and Local Fiscal Recovery Funds in excess of \$500,000 to the Grants Special Revenue Fund; and the Administrative Officer read a portion of the title.

Ms. Hummer and Ms. Fiedler expressed their concern of the State's position.

Resolution No. 46-23 was adopted by the following roll call:

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

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

BILL NO. 64-23 (As Amended)

The Chair called for Bill No. 64-23, as amended, An Ordinance concerning: Subdivision and Development – Zoning – Boards, Commissions, and Similar Bodies – Parole Town Center – Parole Town Center Master Plan – For the purpose of repealing the 1994 Parole Urban Design Concept Plan; renaming the “Parole Town Center Growth Management Area” to the “Parole Town Center”; removing certain restrictions to granting a variance by the Administrative Hearing Office and Board of Appeals in the Parole Town Center Growth Management Area; adding certain definitions; modifying certain development requirements in the Parole Town Center; adding grandfathering provisions applicable to certain development applications; providing for the scope and applicability of certain provisions; establishing certain bulk regulations; establishing certain allowed uses and conditions and certain prohibited uses; requiring a certain percentage of inclusionary housing units on certain sites; adding certain standards for reservation of land for public facilities, parking, electric vehicle charging stations, bicycle, and pedestrian and facilities; creating an incentive program for certain development; adding the process for applying for and approving an incentive program request; establishing subareas within the Parole Town Center; adopting the 2023 Parole Town Center Master Plan with amendments; and generally relating to subdivision and development, zoning, boards, commissions, and similar bodies, and the County’s Parole Town Center Master Plan; and the Administrative Officer read a portion of the title.

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

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

The Chair called for the public hearing on Bill No. 64-23, as amended.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 64-23, as amended.

The following persons spoke on Bill No. 64-23:

Leslie Ann Wallop, Annapolis
Kate Fox, Davidsonville
Julie Johnson, Annapolis

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

The Chair called Bill No. 64-23, as amended, An Ordinance concerning: Subdivision and Development – Zoning – Boards, Commissions, and Similar Bodies – Parole Town Center – Parole Town Center Master Plan; and the Administrative Officer read a portion of the title.

Amendment No. 30

The Administrative Officer read a brief summary of the amendment:

This technical amendment corrects rogue punctuation and other irregularities.

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

On motion of Mr. Volke, seconded by Ms. Rodvien, Amendment No. 30 was adopted by the following roll call vote:

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

Nay – None

Bill No. 64-23, as amended, was passed by the following roll call:

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

Nay – None

BILL NO. 66-23 (As Amended)

The Chair called for Bill No. 66-23, as amended, An Ordinance concerning: Zoning – Outdoor Lighting on Piers – For the purpose of requiring that outdoor lighting installed on a pier to be a full cutoff fixture mounted horizontally to the ground; defining “full cutoff fixture”; exempting outdoor lighting that illuminates the United States flag; and generally relating to zoning; and the Administrative Officer read a portion of the title.

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

Ethan Hunt, Director of Government Affairs, was accompanied by Andrew McCarra, Inspections and Permits, Lynn Miller, Office of Planning and Zoning, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt explained the Administration’s position.

Amendment No. 3

The Administrative Officer read a brief summary of the amendment:

This amendment provides that the requirement that outdoor lighting installed on a pier be installed in a certain manner does not apply to a pedestal light fixture.

Ms. Fiedler explained the background and purpose of the amendment.

The Administration supports.

On motion of Ms. Fiedler, seconded by Ms. Rodvien, Amendment No. 3 was adopted by the following roll call vote:

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

Nay – None

The Chair stated that Bill No. 66-23, as amended, expires on October 20, 2023.

BILL NO. 67-23

The Chair called for Bill No. 67-23, An Ordinance concerning: Pensions – Personnel – Public Ethics – Positions in the Classified Service – Positions in the Exempt Service – For the purpose of modifying the pay grade for certain positions in the classified service; adding a certain position in the exempt service; providing for the pay grade, pension, and financial disclosure requirements applicable to the position added in the exempt service; decreasing and increasing certain positions in the classified and exempt service approved as part of the Annual Budget and Appropriation Ordinance; providing for the elimination of certain exempt positions approved as part of the Annual Budget and Appropriation Ordinance under certain circumstances; and generally relating to pensions, personnel, and public ethics; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Lori Blair Klasmeier, Office of Law.

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

The Chair called Bill No. 67-23, An Ordinance concerning: Pensions – Personnel – Public Ethics – Positions in the Classified Service – Positions in the Exempt Service; and the Administrative Officer read a portion of the title.

Mr. Smith asked a clarifying question.

Trisha Wolford, Fire Chief, answered.

Mr. Volke thanked the Fire Department for their work.

Ms. Leadbetter clarified the intent of the positions.

Chief Wolford responded.

Ms. Fiedler asked a clarifying question.

Chief Wolford answered.

Bill No. 67-23 was passed by the following roll call:

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

Nay – None

BILL NO. 69-23 (As Amended)

The Chair called for Bill No. 69-23, as amended, An Ordinance concerning: Zoning – General Provisions – Amendments to Comprehensive Zoning Ordinance – For the purpose of establishing a process for notice of a change of zoning by amendment to a comprehensive zoning ordinance; ~~requiring that certain signs be posted for certain time frames prior to introduction of an amendment to a comprehensive zoning ordinance;~~ requiring signs on a subject property and notice on the County website for a certain number of days prior to consideration of an amendment to a comprehensive zoning ordinance; adding requirements for the content and location of signs; and generally relating to zoning; and the Administrative Officer read a portion of the title.

Ethan Hunt, Administration, was accompanied by Christina Pompa, Office of Planning and Zoning, and Kelley Kenney, Office of Law.

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

The Chair called for the public hearing on Bill No. 69-23, as amended.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 69-23, as amended, which was shared with the Council and posted on the County Council website.

The following person spoke on Bill No. 69-23, as amended:

Kate Fox, Davidsonville
Julie Johnson, Annapolis

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

The Chair called Bill No. 69-23, as amended, An Ordinance concerning: Zoning – General Provisions – Amendments to Comprehensive Zoning Ordinance; and the Administrative Officer read a portion of the title.

Amendment No. 3

The Administrative Officer read a brief summary of the amendment:

This amendment provides that the requirement to post signs and notice on the County Council website of the proposed zoning change must occur at least 14 days before the amendment to the comprehensive zoning ordinance may be considered.

Ms. Fiedler explained the background and purpose of the amendment.

The Administration supports.

Ms. Pompa spoke on the amendment.

Ms. Leadbetter commented on the amendment.

There was further discussion on the amendment.

On motion of Ms. Fiedler, seconded by Ms. Leadbetter, Amendment No. 3 was adopted by the following roll call vote:

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

Nay – Ms. Rodvien, Ms. Pickard

The Chair stated that Bill No. 69-23, as amended, would be heard on November 6, 2023.

BILL NO. 73-23 (As Amended)

The Chair called for Bill No. 73-23, as amended, An Ordinance concerning: Subdivision and Development – Site Development – Exemptions – Improvements to Existing Structures – Cumulative Floor Area and Impervious Surface – For the purpose of amending an exemption of the site development plan process to increase the amount of additional cumulative floor area and impervious surface that results from improvements to existing structures outside the critical area or bog protection area; ~~requiring an increase in impervious surface to be managed and reviewed;~~ and generally relating to subdivision and development; and the Administrative Officer read a portion of the title.

Ms. Pickard explained the background and purpose of the bill.

Ethan Hunt, Director of Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, Erik Michelsen, Environmental, Raghu Badami, Inspections and Permits, and Kelley Kenney, Office of Law.

Mr. Hunt spoke on the bill.

The Chair called for the public hearing on Bill No. 73-23, as amended.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 73-23, as amended.

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

The Chair called Bill No. 73-23, as amended, An Ordinance concerning: Subdivision and Development – Site Development – Exemptions – Improvements to Existing Structures –

Cumulative Floor Area and Impervious Surface; and the Administrative Officer read a portion of the title.

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

This amendment provides that the requirement to manage the impervious surface in a certain manner only applies if the increase in impervious surface is between 1,000 and 4,000 square feet and sets forth the order of priority.

Ms. Pickard explained the background and purpose of the amendment.

The Administration supports.

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

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

Nay – None

The Chair stated that Bill No. 73-23, as amended, would be heard on November 6, 2023.

BILL NO. 75-23

The Chair called for Bill No. 75-23, An Ordinance concerning: Approval of the Lease between Anne Arundel County and Gaudenzia, Inc. – For the purpose of approving an agreement to lease certain County-owned property, including the properties known and designated as the Phillips Building and Phillips Annex, located at 105 and 107 Circle Drive in Crownsville, Maryland to Gaudenzia, Inc.; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Christopher Daniels, Central Services, and Lori Blair Klasmeier, Office of Law.

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

Mr. Volke asked clarifying questions.

Mr. Daniels answered.

The Chair called for the public hearing on Bill No. 75-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 75-23.

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

The Chair called Bill No. 75-23, An Ordinance concerning: Approval of the Lease between Anne Arundel County and Gaudenzia, Inc; and the Administrative Officer read a portion of the title.

Bill No. 75-23 was passed by the following roll call:

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

Nay – None

BILL NO. 76-23

The Chair called for Bill No. 76-23, An Ordinance concerning: Construction and Property Maintenance Codes Supplement – Building Permit Exemptions – Detached Accessory Structures – For the purpose of exempting certain gazebos, pavilions, pergolas, and decks that are detached accessory structures from the permit requirements of the Construction Code; requiring permits for accessory structures located on waterfront properties; and generally relating to the construction and property maintenance codes supplement; and the Administrative Officer read a portion of the title.

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

Ethan Hunt, Director of Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, Andrew McCarra, Inspections and Permits, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt spoke on the bill.

The Chair called for the public hearing on Bill No. 76-23.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 76-23, which was shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 76-23:

Kate Charbonneau, Annapolis

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

The Chair called Bill No. 76-23, An Ordinance concerning: Construction and Property Maintenance Codes Supplement – Building Permit Exemptions – Detached Accessory Structures; and the Administrative Officer read a portion of the title.

Ms. Rodvien thanked the sponsor for his work.

MOTION TO HOLD THE VOTE ON BILL NO. 76-23

On motion by Mr. Volke, seconded by Ms. Fiedler, the motion to hold the vote on Bill No. 76-23 was passed by the following roll call:

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

BILL NO. 77-23

The Chair called for Bill No. 77-23, An Ordinance concerning: Zoning – Residential and Industrial Districts – Conditional and Special Exception Uses – Natural Wood Waste Recycling Facilities – For the purpose of allowing natural wood waste recycling facilities as a conditional use in R1 residential zoning districts; allowing the relocation or expansion of a natural wood waste recycling facility as a conditional use in a W2 industrial zoning district; establishing the conditional use requirements for natural wood waste recycling facilities; providing that certain natural wood waste recycling facilities partially located in a R1 residential zoning district and a W2 industrial zoning district do not require approval as a special exception; and generally relating to zoning; and the Administrative Officer read a portion of the title.

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

Ethan Hunt, Director of Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt spoke on the bill.

The Chair called for the public hearing on Bill No. 77-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 77-23.

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

The Chair called Bill No. 77-23, An Ordinance concerning: Zoning – Residential and Industrial Districts – Conditional and Special Exception Uses – Natural Wood Waste Recycling Facilities; and the Administrative Officer read a portion of the title.

Amendment No. 1

The Administrative Officer read a brief summary of the amendment:

This amendment adds a conditional use requirement that a natural wood waste recycling facility be operated by an entity that was operating a natural wood waste recycling facility on the effective date of the bill.

Mr. Volke explained the background and purpose of the amendment.

Mr. Hunt spoke on the amendment.

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

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

The Chair stated that Bill No. 77-23, as amended, would be heard on November 6, 2023.

OTHER BUSINESS

Mr. Smith stated that there will be a ceremony on November 20, 2023 at 6 P.M. to award seven citizens the Citizen Legislate Award from the Council.

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Fiedler, the meeting adjourned at 9:06 P.M.

Respectfully submitted,

By Anna Macaulay

For Laura Corby
Administrative Officer