

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2023, Legislative Day No. 19

November 6, 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 Pastor Valdez Snipes, Mt. Zion AME Church, and was followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers in Annapolis, Maryland. There were approximately 80 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 County Auditor 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:

Kurt Svendsen, Arnold
David Dull, Curtis Bay
Ariel Mayberry, Severn
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 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 Ms. Pickard, seconded by Ms. Hummer, the minutes for October 16, 2023, Legislative Day No. 18 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 84-23 – AN ORDINANCE concerning: Subdivision and Development – Zoning – Boards, Commissions, and Similar Bodies – Finance, Taxation, and Budget – Public Works – Odenton Town Center – Odenton Town Center Master Plan – FOR the purpose of repealing the 2016 Odenton Town Center Master Plan; renaming the “Odenton Growth Management Area” to the “Odenton Town Center”; establishing provisions related to the Odenton Town Center Advisory Committee; adding grandfathering provisions applicable to certain development applications; revising certain provisions related to the testing and duration of approval of adequate public facilities; establishing standards for testing for adequate public facilities in the Odenton Town Center; setting forth certain criteria for mitigation in the Odenton Town Center; establishing certain development requirements in the Odenton Town Center; adding certain definitions; providing for the scope and applicability of certain provisions; providing for certain standards for transportation improvements, trails and pedestrian facilities and reservation of land for public facilities; requiring certain green areas and activity spaces; creating historic preservation requirements for certain properties; providing for flexibility for certain redevelopment sites; creating an incentive program for certain development; adding the process for applying for and approving an incentive program request; renaming the zoning districts within the Odenton Town Center; creating a certain historic overlay; establishing the permitted, conditional, and special exceptions uses in the Odenton Town Center zoning districts; establishing certain bulk regulations; establishing conditions for certain uses; requiring a mix of uses for properties of a certain size in certain districts; establishing certain vehicle and bicycle parking requirements; regulating signage in the Odenton Town Center; adopting the 2023 Odenton Town Center Master Plan; and generally relating to subdivision and development, zoning, boards, commissions, and similar bodies, finance, taxation, and budget, public works, and the County’s Odenton Town Center Master Plan.
Introduced by Mr. Smith, Chair
(by request of the County Executive)

BILL NO. 85-23 – AN EMERGENCY ORDINANCE concerning: Zoning – General Provisions – Uses and Structures – Temporary Uses – FOR the purpose of repealing termination dates established by Bill No. 55-21, as amended by Bill Nos. 83-21 and 1-23, for the temporary use authorization for outdoor seating at restaurants; and making this Ordinance an emergency measure.
Introduced by Mr. Smith, Chair
(by request of the County Executive)

BILL NO. 86-23 – AN ORDINANCE concerning: Subdivision and Development – Zoning – Development Requirements for Particular Types of Development – Redevelopment – FOR the purpose of adding development requirements for redevelopment; establishing the applicability of new development requirements for redevelopment under certain circumstances to specified policy areas; defining certain terms; setting forth requirements for a concept plan, an application, community meetings, and notice of community meetings for redevelopment; providing that certain applications for development may proceed to final plan or site development plan; providing for certain modifications and exemptions from modifications for redevelopment under certain circumstances; specifying open space, landscape, and natural features requirements for redevelopment; requiring redevelopment in the critical area to comply with applicable law; establishing requirements for redevelopment to pass adequate public facilities testing; reducing certain fees for redevelopment; modifying conditional use requirements for multifamily dwellings in redevelopment; and generally relating to subdivision and development, and zoning.
Introduced by Mr. Smith, Chair
(by request of the County Executive)

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 48-23 – RESOLUTION approving the determination of certain improved County-owned property known as a portion of Magothy Bridge Road (adjacent to the Earleigh Heights Volunteer Fire Company) in Severna Park, Maryland as surplus property
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 49-23 – RESOLUTION urging the United States Congress to renew and extend the Affordable Connectivity Program
Introduced by Mr. Smith and Ms. Rodvien

MOTION TO SUSPEND THE RULES

On motion by Ms. Pickard, seconded by Ms. Hummer, the motion to suspend the rules to change the order to hear and vote on Resolution No. 40-23, Resolution No. 45-23, and Resolution 47-23 first was passed by the following roll call:

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

PUBLIC HEARINGS AND CALL OF RESOLUTIONS FOR FINAL READING AND VOTE

RESOLUTION NO. 40-23

The Chair called for Resolution No. 40-23, A Resolution approving the application to the United States Department of Justice, Office of Justice Programs, for a grant under the Edward

Byrne Memorial Justice Assistance Grant Program federal FY 2023 Local Solicitation and recognizing the County Executive's authority to act in connection with the grant; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Grace Tydings, Health Department, 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. 40-23.

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

The Chair called for Resolution No. 40-23, A Resolution approving the application to the United States Department of Justice, Office of Justice Programs, for a grant under the Edward Byrne Memorial Justice Assistance Grant Program federal FY 2023 Local Solicitation and recognizing the County Executive's authority to act in connection with the grant; and the Administrative Officer read a portion of the title.

Resolution No. 40-23 was adopted by the following roll call:

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

RESOLUTION NO. 45-23

The Chair called for Resolution No. 45-23, A Resolution approving the application of Land Preserve, LLC, to sell an agricultural land preservation easement to the Maryland Agricultural Land Preservation Foundation on 126.235 acres in Davidsonville, Maryland; and the Administrative Officer read a portion of the title.

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 explained the purpose of the resolution.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Resolution No. 45-23.

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

The Chair called for Resolution No. 45-23, A Resolution approving the application of Land Preserve, LLC, to sell an agricultural land preservation easement to the Maryland Agricultural Land Preservation Foundation on 126.235 acres in Davidsonville, Maryland; and the Administrative Officer read a portion of the title.

Resolution No. 45-23 was adopted by the following roll call:

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

Nay – None

RESOLUTION NO. 47-23

The Chair called for Resolution No. 47-23, A Resolution appointing a member to the Anne Arundel County Ethics Commission; and the Administrative Officer read a portion of the title.

Kaley Schultze, Administration, explained the purpose of the resolution.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Resolution No. 47-23.

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

The Chair called for Resolution No. 47-23, A Resolution appointing a member to the Anne Arundel County Ethics Commission; and the Administrative Officer read a portion of the title.

Resolution No. 45-23 was adopted by the following roll call:

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

Nay – None

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

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.

Mr. Smith spoke on the bill.

Ms. Pompa summarized comprehensive zoning.

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

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 69-23, as amended.

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

Matt Minahan, Edgewater

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.

Bill No. 69-23, as amended, was passed by the following roll call:

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

Nay – None

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;~~ requiring that a certain 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.

Ms. Fiedler asked clarifying questions.

Ms. Pickard and Mr. Michelsen responded.

Ms. Rodvien shared her support of 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.

The following person spoke on Bill No. 73-23, as amended:

Julie Johnson, Annapolis

There was no one else 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.

Bill No. 73-23, as amended, was passed by the following roll call:

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

Amendment No. 1

The Administrative Officer read a brief summary of the amendment:

This amendment requires a permit if the structure is on property located in the critical area.

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

Mr. Hunt spoke on the amendment.

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

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

The Chair stated that Bill No. 76-23, as amended, would be heard on November 20, 2023.

BILL NO. 77-23 (As Amended)

The Chair called for Bill No. 77-23, as amended, 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.

The Administration does not support.

Ms. Miller spoke on the bill.

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

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

The following persons spoke on Bill No. 77-23, as amended:

Kate Fox, Davidsonville
David Dull, Curtis Bay

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

The Chair called Bill No. 77-23, as amended, 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.

Mr. Smith asked a clarifying question.

Ms. Miller and Mr. Volke responded.

Bill No. 77-23, as amended, was passed by the following roll call:

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

Nay – Ms. Rodvien

BILL NO. 78-23

The Chair called for Bill No. 78-23, An Ordinance concerning: Finance, Taxation, and Budget – Subdivision and Development – Zoning – Essential Worker Housing Access Act of 2023 – For the purpose of modifying fees paid into the Housing Trust Special Revenue Fund; exempting moderately priced dwelling units by a certain percentage from capital facility connection charges; modifying the requirements for a sketch plan application, final plan application, and site development plan; exempting moderately priced dwelling units from development impact fees; adopting new Title 12, entitled “Moderately Priced Dwelling Units” in the Subdivision and Development Article of the Code; defining certain terms; providing for the applicability of the new Title; requiring the establishment of moderately priced dwelling units in certain residential developments; allowing for payment of a fee in lieu of providing moderately priced dwelling units under certain circumstances; requiring an application and agreement with specified terms for a residential development required to include moderately priced dwelling units; establishing eligibility requirements for purchase or rental of moderately priced dwelling units; providing a method for establishing sale and rental prices for moderately priced dwelling units; providing the method of initial and subsequent sale and rental of moderately priced dwelling units; requiring income review and information for continued eligibility to rent moderately priced dwelling units; providing for notice and disposition of proceeds from foreclosure proceedings related to moderately priced dwelling units; requiring covenants for moderately priced dwelling units; permitting bulk transfers of moderately priced dwelling units under certain circumstances; providing for the conversion of rental moderately priced dwelling unit to condominiums or cooperatives; permitting the program administrator to waive certain requirements of the new Title under certain conditions; providing a right of appeal; providing for a density bonus for developments containing moderately priced dwelling units under certain circumstances; exempting certain residential development started before a certain date from the provisions of this Ordinance; providing for a delayed effective date; and generally relating to finance, taxation, and budget, subdivision and development, and zoning; and the Administrative Officer read a portion of the title.

Pete Baron, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, Mark Burt, Office of Planning and Zoning, Rick Fisher, Office of Planning and Zoning, Janssen Evelyn, Administration, Erin Karpewicz, ACDS, Chauncey Hall, ACDS, and Lori Blair Klasmeier, Office of Law.

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

Ms. Karpewicz, Mr. Evelyn, and Mr. Baron shared a presentation on the bill.

The Chair called for the public hearing on Bill No. 78-23.

The Administrative Officer stated there were forty-nine submissions of written testimony received through the online testimony tool for Bill No. 78-23, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 78-23:

Luisa Wayman, Annapolis
Marygrace Fitzhenry, Arnold
Leah Paley, Crownsville
Turdy McFall, Annapolis
Mark Mazer, Arnold
Aaron Greenfield, Owings Mills
Mary Groven, Odenton
Jenese Jones Oden, Glen Burnie
Ava Frederick, Crofton
Bonnie Henderson, Annapolis
Dr. Linda Hanifin Bonner, Annapolis
Kurt Svendsen, Arnold
Debra McGhee, Crownsville
Thomas Marston, Glen Burnie
Jen Roman, Odenton
Cierra Carter, Glen Burnie
Abby Root, Odenton
Isaac Ambruso, Fulton
Kevin Haines, Severna Park
Rebecca Tucker, Odenton
Lynda Davis, Linthicum
Delonya Akindoyo, Annapolis
Heather Cassity, Annapolis
Matt Minahan, Edgewater
David Dull, Curtis Bay
Kylin Mayberry, Severn
James Spearman, Annapolis
Pastor Stephen Tillet, Severn
Deborah Gundry, Annapolis

Jeff Hill, Severna Park
Kinley Bray, Annapolis
Julie Johnson, Annapolis

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

The Chair called Bill No. 78-23, An Ordinance concerning: Finance, Taxation, and Budget – Subdivision and Development – Zoning – Essential Worker Housing Access Act of 2023; 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 clarifies the 1% fee is assessed based on the purchase price of all units in the development and not solely the purchase price of each unit.

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

Mr. Smith asked a clarifying question.

Ms. Karpewicz answered.

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

Aye – Ms. Rodvien, Ms. Pickard, Ms. Hummer, Mr. Smith

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

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

This amendment clarifies that County Board of Education employees are eligible to purchase or rent moderately priced dwelling units; and the same are eligible for income requirement adjustments under certain circumstances.

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

Mr. Smith asked if library workers are considered county employees.

Ms. Klasmeier responded.

Ms. Pickard expressed her views of the amendment.

Ms. Hummer and Ms. Rodvien agreed.

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

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

Amendment No. 3

The Administrative Officer read a brief summary of the amendment:

This amendment modifies the provisions for continued eligibility for rental of moderately priced dwelling units.

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

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

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

Amendment No. 4

The Administrative Officer read a brief summary of the amendment:

This amendment provides that certain applications and permits filed before July 1, 2024 are governed by the law as it existed prior to July 1, 2024.

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

Mr. Baron spoke on the amendment.

Mr. Smith expressed his concern of the amendment.

Ms. Fiedler asked a clarifying question.

Mr. Baron answered.

On motion of Ms. Pickard, seconded by Ms. Hummer, Amendment No. 4 was defeated by the following roll call vote:

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

Amendment No. 5

The Administrative Officer read a brief summary of the amendment:

This amendment increases the number of moderately priced dwelling units that a regulated development must offer for sale from 10% to 15%; and increases the authorized density bonus from 10% to 15% above the maximum permitted density for sale units.

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

Mr. Baron spoke on the amendment.

Ms. Pickard asked about development practices.

Mr. Baron and Ms. Miller answered.

Ms. Pickard spoke on the amendment.

Ms. Rodvien responded.

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

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

Nay – Ms. Pickard, Ms. Hummer

Amendment No. 6

The Administrative Officer read a brief summary of the amendment:

This amendment increases the fee in lieu of offering a moderately priced dwelling unit that certain developers must pay from 1% to 3% of the purchase price of all units in the development.

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

Mr. Baron spoke on the amendment.

On motion of Ms. Rodvien, seconded by Mr. Volke, Amendment No. 6 was adopted by the following roll call vote:

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

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

Amendment No. 7

The Sponsor withdrew the amendment.

The Chair stated that Bill No. 78-23, as amended, would be heard on November 20, 2023.

OTHER BUSINESS

Ms. Rodvien thanked those who came to the meeting and encouraged them to return on November 20, 2023.

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Leadbetter, the meeting adjourned at 10:07 P.M.

Respectfully submitted,

/s/ Anna Macaulay

By Anna Macaulay

/s/ Laura Corby

For Laura Corby
Administrative Officer