

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Legislative Session 2023, Legislative Day No. 15
September 5, 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 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 30 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 no submissions of public testimony received ahead of time for Invitation to Audience.

The following persons spoke at Invitation to Audience:

Michael Brown, Glen Burnie
Julie Johnson, Annapolis

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

MOTION TO RECONSIDER VOTE ON BILL NO. 61-23

On motion by Ms. Rodvien, seconded by Ms. Pickard, a motion to reconsider the vote on Bill No. 61-23 was passed by the following roll call:

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

BILL NO. 61-23

The Chair called for Bill No. 61-23, An Ordinance concerning: Construction and Property Maintenance Codes – Fire Prevention Code – Codes and Supplements – Zoning – Recovery Residences – For the purpose of exempting single-family detached dwellings used as recovery residences from the Fire Prevention Code when certain conditions are met; adding a definition of “recovery residence”; adding parking requirements for recovery residences; allowing recovery residences as permitted uses in all residential districts; requiring that recovery residences comply with the 2018 International Residential Code; and generally relating to construction and property maintenance codes and zoning; and the Administrative Officer read a portion of the title.

Ms. Rodvien spoke on the reasoning for the reconsideration of vote.

Mr. Volke asked a clarifying question.

Mr. Smith responded.

There was further discussion on the bill.

Bill No. 61-23 was passed by the following roll call:

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

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Ms. Hummer, 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 July 17, 2023, Legislative Day No. 14, were approved as presented.

INTRODUCTION OF BILLS

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.

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

BILL NO. 68-23 – AN ORDINANCE concerning: Personnel – Retiree Health Benefits Trust – Agreements – Public Entities – FOR the purpose of allowing the County to agree to pool assets with public entities for purposes of investment of the Retiree Health Benefits Trust; and generally relating to personnel.

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

BILL NO. 69-23 – 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; and generally relating to zoning.

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

BILL NO. 70-23 – AN ORDINANCE concerning: Approval of the Lease between Anne Arundel County and Addiction Recovery, Inc. doing business as Hope House Treatment Center – FOR the purpose of approving an agreement to lease part of County-owned property located at 26 Marbury Drive in Crownsville, Maryland to Addiction Recovery, Inc.

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

BILL NO. 71-23 – AN ORDINANCE concerning: Public Safety – Fire Services – Emergency Management – FOR the purpose of repealing a provision of the Code that provides that the Fire Department is responsible for emergency management; and generally relating to public safety.

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

BILL NO. 72-23 – AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Weapons – Discharge of Firearms – FOR the purpose of amending a prohibition on the discharge of firearms to increase the distance a person must be from human occupied or used structures or camps by a certain yardage; establishing exceptions to the prohibition; and generally relating to crimes, civil offenses, and fines.

Introduced by Ms. Rodvien, Ms. Pickard, and Ms. Hummer

BILL NO. 73-23 – 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.
Introduced by Ms. Pickard

BILL NO. 74-23 – AN ORDINANCE concerning: Construction and Property Maintenance Codes – Codes and Supplements – Fire Prevention Code – Zoning – Group Homes, Community-Based Assisted Living Facilities, and Recovery Residences – FOR the purpose of establishing fire protection parameters for group homes, community-based assisted living facilities, or recovery residences to be classified as a single-family detached dwelling or change of occupancy; defining certain terms; amending parking space requirements to include recovery residences; allowing a recovery residence as a permitted use in all residential districts; amending the conditional use requirements for group homes II; requiring recovery residences that provide a certain square footage of space per resident comply with the 2018 International Residential Code; and generally relating to construction and property maintenance codes and zoning.
Introduced by Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 33-23 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 1
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 34-23 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 3
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 35-23 – RESOLUTION approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 9
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 36-23 – RESOLUTION confirming the appointments of Anne Arundel County residents to serve on the Spending Affordability Committee
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 37-23 – RESOLUTION confirming the appointment of a member to serve on the Personnel Board for Anne Arundel County
Introduced by Mr. Smith, Chair
(by request of the County Executive)

RESOLUTION NO. 38-23 – RESOLUTION approving the nomination of members to the Anne Arundel County Human Relations Commission
Introduced by Mr. Smith, Chair

(by request of the County Executive)

RESOLUTION NO. 39-23 – RESOLUTION nominating a member to serve on the Anne Arundel County Ethics Commission
Introduced by Mr. Volke and Ms. Fiedler

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

BILL NO. 53-23 (As Amended)

The Chair called for Bill No. 53-23, as amended, An Ordinance concerning: Zoning – Solar Energy Generating Facilities – For the purpose of revising the definition of “solar energy generating facility – community”; allowing rooftop mounted solar energy generating facilities as a conditional use in certain commercial and industrial zoning districts; ~~removing certain solar energy generating facilities as a conditional use in certain industrial zoning districts~~; providing for the exemption of certain requirements for conditional use and special exception use of “solar energy generating facilities – community” that are “rooftop-mounted only facilities” or on properties owned or leased by the County, sanitary landfills, reclamation areas; removing certain distance requirements for certain solar energy generating facilities for a conditional special exception use; exempting facilities requiring a certificate of public convenience and necessity from the State Public Service Commission from requirements for conditional and special exception use; allowing the County to collect any expenses incurred for the removal of rooftop-mounted solar facilities; altering a special exception requirement to require that the developer of a solar facility avoid disturbing prime farmland; and generally relating to zoning; 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 background and purpose of the bill.

The Chair called for the public hearing on Bill No. 53-23, as amended.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 53-23.

The following persons spoke on Bill No. 53-23, as amended:

Joe Devlin, Esq., on behalf of Centennial Generating Co.
Adam Dubitsky, on behalf of The Land & Liberty Coalition, Maryland Chapter
Julie Johnson, Annapolis

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

The Chair called Bill No. 53-23, as amended, An Ordinance concerning: Zoning – Solar Energy Generating Facilities; and the Administrative Officer read a portion of the title.

Mr. Smith asked a clarifying question.

Mr. Hunt answered.

Ms. Rodvien expressed concerns about the bill.

Ms. Pickard spoke on the bill.

There was further discussion of the bill.

Bill No. 53-23 was passed by the following roll call:

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

Abstain – Mr. Volke, Ms. Fiedler

Nay – None

BILL NO. 62-23

The Chair called for Bill No. 62-23, An Ordinance concerning: Subdivision and Development – Zoning – Farm Dual Uses – For the purpose of exempting farm dual uses from site development plans; adding certain definitions of various agricultural practices and associated uses; adding certain criteria for a zoning certificate of use for a farm dual use; adding farm dual uses as a conditional use in certain residential zoning districts; adding the requirements for conditional use of farm dual uses; revising certain Code enforcement practices for agricultural uses; and generally relating to subdivision and development and zoning; 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 background and purpose of the bill.

The Chair called for the public hearing on Bill No. 62-23.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 62-23, 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. 62-23, An Ordinance concerning: Subdivision and Development – Zoning – Farm Dual Uses; 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 makes the effective date of the bill contingent upon approval of the Maryland Critical Area Commission.

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

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

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

Nay – None

The Chair stated that Bill No. 62-23, as amended, would be heard on September 18, 2023.

BILL NO. 63-23

The Chair called for Bill No. 63-23, An Ordinance concerning: Construction and Property Maintenance Code Supplement – Building Permit Exemptions – Agricultural Buildings – For the purpose of adding and modifying certain buildings exempt from certain permits under the Construction Code; adding and modifying certain non-agricultural buildings under the Construction Code; and generally relating to the construction and property maintenance code supplements; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Andrew McCarra, Inspection and Permits, and Lori Blair Klasmeier, Office of Law.

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

Mr. Smith asked a clarifying question.

Ms. Klasmeier responded.

The Chair called for the public hearing on Bill No. 63-23.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 63-23, 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. 63-23, An Ordinance concerning: Construction and Property Maintenance Code Supplement – Building Permit Exemptions – Agricultural Buildings; and the Administrative Officer read a portion of the title.

Bill No. 63-23 was passed by the following roll call:

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

BILL NO. 64-23

The Chair called for Bill No. 64-23, 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; 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 Planning and Zoning, and Christina Pompa, Office of Planning and Zoning, and Patrick Hughes, Office of Planning and Zoning.

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

Ms. Pompa shared a presentation with the Council.

Ms. Rodvien shared her position on the bill.

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

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

The following persons spoke on Bill No. 64-23:
David Plott, Esq. on behalf of Annapolis Mall
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, 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. 1

The Administrative Officer read a brief summary of the amendment:

This technical amendment corrects typographical errors in sentence structure.

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

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

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

Nay – None

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

This amendment adds four parcels into the Parole Town Center, in the Housley Road Village Subarea, which are known as Tax Map 45, Parcels 338, 351, 372, and 457, and are located on the west side of General's Highway, from the current Town Center boundary north to the southern property line of a County-owned parcel containing a water tank; and revises the applicable maps and figures accordingly.

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

Mr. Smith asked a clarifying question.

Ms. Kenney responded.

The Administration supports.

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

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

Absent – Mr. Volke

Nay – None

The Chair stated that Bill No. 64-23, as amended, would be heard on September 18, 2023.

BILL NO. 65-23

The Chair called for Bill No. 65-23, An Ordinance concerning: Zoning – Critical Area Growth Allocation for Property Located on Galesville Road in Galesville, Maryland – For the purpose of granting a portion of the County’s Critical Area growth allocation to property owned by Galesville Community Properties, Inc. by changing its designation on the County’s Critical Area maps from Limited Development Area to Intensely Developed Area; establishing requirements and limitations on the development of the property granted the growth allocation; and generally relating to the grant of growth allocation for the Galesville Community Properties, Inc. property; 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 background and purpose of the bill.

Ms. Leadbetter spoke on the bill.

Ms. Rodvien asked a question about the map showing the property.

Jim Chandler, President of Galesville Heritage Society, stood up and offered to explain the map. The Chair allowed Mr. Chandler to speak as an expert.

Mr. Smith asked clarifying questions.

Ms. Miller responded.

The Chair called for the public hearing on Bill No. 65-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 65-23.

The following person spoke on Bill No. 65-23:

Jim Chandler, Galesville

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

The Chair called Bill No. 65-23, An Ordinance concerning: Zoning – Critical Area Growth Allocation for Property Located on Galesville Road in Galesville, Maryland; 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 comports language in the bill to § 18-13-405(2) of the County Code.

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

Ms. Klasmeier spoke on the amendment.

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

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

Nay – None

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

This amendment makes the effective date of the bill contingent upon approval of the Maryland Critical Area Commission.

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

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

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

Nay – None

The Chair stated that Bill No. 65-23, as amended, would be heard on September 18, 2023.

BILL NO. 66-23

The Chair called for Bill No. 66-23, 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; and generally relating to zoning; and the Administrative Officer read a portion of the title.

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

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

Ms. Rodvien asked to be added as a sponsor and shared her view on the bill.

The Chair called for the public hearing on Bill No. 66-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 66-23.

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

The Chair called Bill No. 66-23, An Ordinance concerning: Zoning – Outdoor Lighting on Piers; 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 cross-reference to the Code section that applies to piers; and adds a definition of “full cutoff fixture”.

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

The Administration supports.

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

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

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

This amendment incorporates language added by Amendment No. 1; and provides that outdoor lighting used to illuminate the U.S. flag is excluded from the installation requirements for outdoor lighting on a pier.

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

The Administration supports.

Mr. Volke asked a clarifying question.

Ms. Fiedler responded.

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

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

The Chair stated that Bill No. 66-23, as amended, would be heard on September 18, 2023.

PUBLIC HEARINGS AND CALL OF RESOLUTIONS FOR FINAL READING AND VOTE

RESOLUTION NO. 29-23

The Chair called for Resolution No. 29-23, A Resolution approving the determination of certain improved County-owned property, being part of Brooklyn Heights Park in Baltimore, Maryland, as surplus property; and the Administrative Officer read a portion of the title.

Ethan Hunt, Director of Government Affairs, was accompanied by Bill Heiser, AACPS, Kyle Ruef, AACPS, Christopher Daniels, Real Estate, Marni Watson, Real Estate, Bruce Bruchey, Department of Recreation and Parks, and Lori Blair Klasmeier, Office of Law.

Mr. Hunt explained the purpose of the resolution.

Ms. Leadbetter asked a clarifying question.

Mr. Hunt answered.

The Chair called for the public hearing on Resolution No. 29-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Resolution No. 29-23.

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

The Chair called Resolution No. 29-23, A Resolution approving the determination of certain improved County-owned property, being part of Brooklyn Heights Park in Baltimore, Maryland, as surplus property; and the Administrative Officer read a portion of the title.

Mr. Smith clarified the resolution.

Mr. Hunt responded.

Resolution No. 29-23 was adopted by the following roll call:

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

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Ms. Leadbetter, the meeting adjourned at 8:45 P.M.

Respectfully submitted,

/s/ Anna Macaulay

By Anna Macaulay

/s/ Laura Corby

For Laura Corby
Administrative Officer