

AGENDA
COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Virtual County Council Meeting
Legislative Session 2021, Legislative Day No. 4
February 16, 2021 - 6:00 P.M.

- A. Invocation (Pickard)
- B. Pledge of Allegiance
- C. Open Meetings Act Statement
- D. Ethics Statement
- E. Invitation to Audience
- F. Announcement of Items not Appearing on Agenda
- G. Preliminary Motion
- H. Approval of Minutes

February 1, 2021 – Legislative Day No. 3

- I. Introduction of Bills

BILL NO. 16-21 – AN ORDINANCE concerning: Personnel – Positions in the Exempt Service – Police Department – FOR the purpose of increasing certain exempt positions in the Police Department; and generally relating to personnel.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 17-21 – AN ORDINANCE concerning: Personnel – Positions in the Classified Service – Job Classifications – Position Control – Fire Department – FOR the purpose of adding certain fire communications operator positions to the classified service; providing for the pay and minimum qualifications applicable to the job classifications being added to the classified service; decreasing certain positions in the classified service; increasing certain positions in the classified service; and generally relating to personnel.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 18-21 – AN ORDINANCE concerning: Budget – Departmental Personnel Summaries – Reclassification of Positions – FOR the purpose of modifying contents of departmental personnel summaries in the proposed current expense budget to allow reclassification of job classifications in the current expense budget under certain circumstances; and generally relating to the budget.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 19-21 – AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Crimes – Littering – FOR the purpose of adding a definition of “litter”; prohibiting littering; establishing sanctions for violations; and generally relating to crimes, civil offenses, and fines.
by Mr. Volke and Ms. Fiedler

BILL NO. 20-21 – AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Forest Conservation – FOR the purpose of amending the definition of “standard grading plan”; requiring approval to clear a specific number of trees or area of forest if the clearing includes certain sensitive areas, plants, shrubs, or trees, or habitats; requiring replanting or payment of a fee-in-lieu of replanting when an approved standard grading plan allows for the clearing of certain trees; establishing civil fines for certain clearing violations; adding penalties for violations of erosion and sediment control and stormwater management provisions; adding penalties for clearing violations that occur during development; and generally relating to floodplain management, erosion and sediment control, and stormwater management and subdivision and development.
by Ms. Rodvien

BILL NO. 21-21 – AN ORDINANCE concerning: Zoning – Landscaping and Tree Contracting with Accessory Recycling of Logs into Firewood – FOR the purpose of allowing “landscaping and tree contracting with accessory recycling of logs into firewood” as a special exception use in RA residential districts; adding the special exception use requirements for “landscaping and tree contracting with accessory recycling of logs into firewood”; and generally relating to zoning.
by Ms. Haire

J. Introduction of Resolution

RESOLUTION NO. 16-21 – RESOLUTION approving the use of CliftonLarsonAllen LLP, an independent firm of certified public accountants, to perform the financial audit for Fiscal Year 2020
by Ms. Lacey, Chair

K. Public Hearings and Call of Bills and Resolutions for Final Reading and/or Vote

BILL NO. 5-21 – AN ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation and Transfer of Funds – FOR the purpose of transferring appropriations of funds between major categories in the Local Education Fund for the current fiscal year; making supplementary appropriations from unanticipated revenues to the Local Education Fund for the current fiscal year; and generally relating to transferring appropriations of funds and making supplementary appropriations to the current expense budget for the fiscal year ending June 30, 2021.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 6-21 – AN ORDINANCE concerning: Mil-Bur Special Community Benefit District – Approval of Loan and Assignment Agreement – FOR the purpose of obligating the County to levy the special tax known as the special community benefit assessment on the Mil-Bur Special Community Benefit District in an amount sufficient to repay a loan from Sandy Spring Bank to the Mil-Bur Club, Inc., in each of five (5) fiscal years during the term of the loan.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 7-21 – AN ORDINANCE concerning: Zoning – Housing for the Elderly of Moderate Means – Live-in Caretakers – FOR the purpose of allowing housing for the elderly of moderate means to include a live-in caretaker who is under the age of 62 for a resident with a disability; and generally relating to zoning.
by Ms. Pickard and Mr. Pruski

BILL NO. 8-21 (Amendment Proposed) – AN ORDINANCE concerning: Construction and Property Maintenance Codes Supplement – Permits – Residential Piers and Riparian Rights – FOR the purpose of requiring an application for construction of a residential pier to include a certain certification of ownership of riparian rights; and generally relating to construction and property maintenance codes.
by Ms. Fiedler

BILL NO. 9-21 (Amendment Proposed) – AN ORDINANCE concerning: Civil Emergencies – Duration – FOR the purpose of authorizing extensions of the seven-day duration of a proclamation of a civil emergency or an executive order by up to 45 days; providing that any additional extensions may not exceed a duration of 45 days; and generally relating to civil emergencies.
by Ms. Fiedler

L. Other Business

M. Adjourn

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You may listen only to the February 16, 2021 meeting by dialing any one of the following telephone numbers and entering the appropriate ID and passcode when prompted:

Dial any one of the following telephone numbers:

+1 301 715 8592
+1 470 381 2552
+1 470 250 9358
+1 669 900 6833
+1 669 219 2599
888 475 4499 (Toll Free)
833 548 0276 (Toll Free)

ID and passcode for the meeting:

ID: 850 3346 7039
Passcode: 65041038



**ANNE ARUNDEL COUNTY
OFFICE OF THE COUNTY AUDITOR**

To: Members of the County Council

From: Susan L. Smith, County Auditor

Date: February 10, 2021

Subject: Legislation to be heard on February 16, 2021: Bill Nos. 5-21, 6-21, 7-21, 8-21, and 9-21.

Bill No. 5-21: Current Expense Budget – Board of Education – Supplementary Appropriation and Transfer of Funds

This bill appropriates an additional \$7,359,900 in the Board of Education's (BOE) fiscal year 2021 (FY2021) Current Expense Budget in its Grants Fund. Of these additional appropriations, \$4,539,700 represents carryover funding from fiscal year 2020 (FY2020) appropriated grants that could not be spent due to the shutdown of schools on March 13, 2020, and the remaining \$2,820,200 represents FY2021 grant award increases and new grants. Additionally, this bill also transfers appropriations within State categories in the Grant Fund for multiple grants. The combination of new and increased grants and the transfers within State categories results in a net decrease in the State category of Special Education totaling \$1,277,300 as shown in Section 2 of the bill, and net increases in the other State categories totaling \$8,637,200 as shown in Section 3 of the bill.

The primary reason for the decrease in the Special Education category is due to a transfer of \$1,043,000 from the Special Education category to other categories for the Individuals with Disabilities Act Special Education grant from the U. S. Department of Education (DOE). This grant requires funds to be used to prevent children from entering Special Education and these expenses fall into other State categories. The remaining decrease of \$234,200 is the result of a transfer in the Coronavirus Relief Fund Grant funds for tutoring due to less than anticipated expenditures in the Special Education category of the grant. The specific grants with additional appropriations either from new grants or appropriations of funding that was appropriated in the FY2020 Approved Budget but not spent, are as follows:

- \$213,300 is for the Vocational Education Basic Grant from the U.S. DOE under the Strengthening Career and Technical Education for the 21st Century Act for improving career and technical educational programs.
- \$3,527,600 is for the Local Educational Agencies Title I formula grant from the U.S. DOE for improving the academic achievement of the disadvantaged.
- \$2,134,600 is for the Individuals with Disabilities Education Act Special Education Entitlement Grant from the U.S. DOE Office of Special Education Program to ensure eligible students with disabilities receive a free and appropriate public education that includes special education and related services designed to meet their individual needs in the least restrictive environment.
- \$30,000 is for the Science, Technology, Engineering, and Mathematics (STEM) Department of Defense Education Activity Grant from the U.S. Department of Defense to enhance student achievements in STEM fields for military-dependent students.

- \$144,900 is for the Title III formula grant to help ensure English learners attain English language proficiency and meet State academic standards.
- \$160,000 is for the Judy Center Grant from the Maryland State Department of Education (MSDE) for early care and education enhancements. Additionally, \$250,000 in Judy Center Grants were shifted from federal funding to state funding.
- \$134,100 is for the Striving Readers Grant from the U.S. DOE to create a comprehensive literacy program to advance literacy skills.
- \$200,000 for a new Elementary and Secondary School Education Relief Fund Reopening Schools Grant from MSDE. Anne Arundel County Public Schools was awarded additional CARES Act funding from MSDE to help facilitate the transition to hybrid learning.
- \$399,800 for a new Prekindergarten Expansion Grant from MSDE. This is a competitive grant award and was not included in the FY2021 Approved Budget.
- \$116,000 for a new State Career and Technical Education Grant. This is a new competitive grant and was not included in the FY2021 Approved Budget.
- \$242,600 is for carryover funding from a FY2020 appropriated Local Development Council (LDC) grant for the Meade Cyber Lab.
- \$57,000 is for carryover funding from a FY2020 appropriated LDC grant for a Trauma Sensitive Schools Grant.

The following table shows the appropriations by fund and State categories:

	Total Grant Fund
Additional Revenue:	
Federal Grant Funds	\$ 6,134,500
State Grant Funds	\$925,800
Local Grant Funds	\$299,600
Total:	\$ 7,359,900
Net Appropriation Decreases:	
Special Education	(\$ 1,277,300)
Net Appropriation Increases:	
Administration	102,800
Mid-Level Administration	199,200
Instructional Salaries & Wages	559,600
Textbooks & Classroom Supplies	3,393,900
Other Instructional Costs	2,617,700
Pupil Transportation	144,500
Operation of Plant	1,171,400
Fixed Charges	288,100
Community Services	160,000
Total:	\$ 7,359,900

Bill No. 6-21: Mil-Bur Special Community Benefit District – Approval of Loan and Assignment Agreement

This bill obligates the County to levy a special tax on the property owners in the Mil-Bur Special Community Benefit District (Mil-Bur SCBD) to cover the repayment of a loan in the amount of \$117,000 to be obtained by The Mil-Bur Club, Inc. (Association) from Sandy Spring Bank for a term of five years. The bill also authorizes the County Executive to enter into agreements with the Association and the Sandy Spring Bank as necessary to disburse Mil-Bur SCBD assessments sufficient to cover the loan payments. The Association has not yet entered into a loan agreement. However, the Association has signed a loan commitment letter provided by Sandy Spring Bank that will expire unless the loan is closed on or before March 12, 2021.

The loan commitment states the interest rate is 4.38% over a five-year term, the loan amount is \$117,000, plus the Association will be responsible for closing costs. The loan commitment requires the Mil-Bur SCBD special assessments to be pledged as collateral, the loan payments to be paid annually by the County with proceeds from the Mil-Bur SCBD and states that the loan payments will consist of annual principal and interest payments totaling \$26,137.04, until the maturity of the loan, at which time the entire remaining principal balance and accrued but unpaid interest shall be due and payable. The loan commitment also states that if the Association defaults on any other loans, this loan will be deemed in default. According to the Association, they do not have any other loans at this time.

The Association intends to use the proceeds to assist in the funding of the replacement of the bulkhead and pier on community property. The purposes of this SCBD include acquiring, operating, maintaining, and improving community real and personal property and facilities, including the repayment of loans. The total cost of the project based on a contractor's quote is estimated at \$181,400, and the Association intends to use non-SCBD Association funds to pay the remaining cost.

Any costs associated with administering the collection and distribution of special tax will be offset by the administrative fee charged by the County at a rate of 5% of all collected assessments. This bill has no fiscal impact to the County. The County does not commit its full faith and credit to the repayment of the loan.

Bill No. 7-21: Zoning – Housing for the Elderly of Moderate Means – Live-in Caretakers

This bill allows housing for the elderly of moderate means to include a live-in caretaker who is under the age of 62 for a resident with a disability. Currently, housing for the elderly of moderate means consists of rental dwelling units only and requires the property to be encumbered by a recorded deed restriction that requires the units to be occupied by individuals who are 62 years of age or older with 60% of the units occupied by individuals with income that does not exceed 60%, with the remaining not exceeding 80%, of the median income adjusted for household size for the Baltimore Primary Metropolitan Statistical Area, as published by the U.S. Housing and Urban Development.

According to the Department of Aging and Disabilities, the 2019 Genworth Cost of Care Study determined the median cost of an assisted living or a semi-private room in a skilled nursing facility can range from \$50,000 to \$100,000, while privately funded home care averages more than \$48,000 per year. An individual of moderate means could not sustain this cost. The Department of Aging and Disabilities stated that according to the American Association of Retired Persons (AARP) unpaid assistance provided by family caregivers in Maryland averages \$9.3 billion dollars per year of in-kind contribution, and that this bill provides the ability to "age in place" and reduce the burden on federal dollars to supplement this care in an institutional setting.

The Office of Planning and Zoning does not anticipate any additional workload due to this change. This bill has no fiscal impact to the County.

Bill No. 8-21: Construction and Property Maintenance Codes Supplement – Permits – Residential Piers and Riparian Rights

This bill amends the Construction and Property Maintenance Codes Supplement to require an application for construction of a residential pier to include certification related to the ownership of riparian rights and copies of any recorded instruments supporting the certification. Specifically, the certification must state that the applicant owns riparian rights and that the community in which the property is located does not own riparian rights for the subject lot, or any land, lots, or parcels abutting the subject lot.

Md. Code Ann. Environmental Article § 16-201 states a person who is the owner of land bounding on navigable water is entitled to any natural accretion to the person's land, to reclaim fast land lost by erosion or avulsion during the person's ownership to the extent of provable existing boundaries. It further provides that the person may make improvements into the water in front of the land to preserve access to navigable waters or improvements to protect a person's property against erosion. Riparian rights are a type of water rights awarded to landowners whose property is located along certain bodies of water and are dependent on where the shoreline is located, which can change due to sea-level rise, erosion, and other changes over time. As such, riparian rights are often the subject of litigation.

This bill is in response to a situation that occurred between two property owners and an Association. The Association owned a strip of waterfront property and a portion of that strip was eroded entirely in front of two property owners' parcels. As a result, the two property owners' parcels abutted the water and thus they were able to assert they had riparian rights and applied for and were approved for permits to construct piers in front of their properties. The Association was in the process of obtaining a permit for a living shore erosion project to restore their strip of waterfront property. According to the Department of Inspections and Permits (I&P), had the lot owner been required to provide certification of their riparian rights and that the Association did not own riparian rights on the land next to them (for the portion of the parcel that had not eroded), then I&P could have pulled or denied the building permits allowing the parties to first resolve the riparian rights issue before either of them moved forward on their projects.

Maryland House Bill 160 (HB 160), which pertains to the riparian rights of a community association, was recently introduced. HB 160 states that riparian rights of a community association or entity that possesses riparian rights, including through an express reservation of rights to control access to the water in a recorded instrument, may not be terminated or impaired as a result of erosion or sea-level rise, or the issuance of an approval by the Maryland Department of the Environment (MDE), a County, or the Board to a waterfront property owner, including the issuance of wetlands and waterways or a building permit, license, or other approval. It further requires MDE to establish and maintain a publicly accessible repository on their website of existing community associations and other entities that possess riparian rights. If passed, HB 160 will take effect on October 1, 2021.

This bill has no fiscal impact to the County.

Bill No. 9-21: Civil Emergencies – Duration

Currently, the County Executive can proclaim a civil emergency and issue executive orders, but the proclamation and the executive orders may not be effective for more than seven days unless

authorized by ordinance enacted by the County Council. This bill limits the duration of the initial extension of the civil emergency by ordinance to a maximum of 45 days and allows for additional extensions at a periods not to exceed 45 days.

Limiting the length of any one extension while providing for multiple extensions, in itself, has no fiscal impact. The fiscal impact, if any, of not extending a civil emergency is not readily determined and would depend on the civil emergency proclamation and the related executive orders issued.


Susan L. Smith, CPA, CFE
County Auditor

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Virtual Legislative Session 2021, Legislative Day No. 3

February 1, 2021 – 6:00 P.M.

The meeting was called to order by Chairman Sarah Lacey at 6:00 P.M., Ms. Lacey gave the Invocation and led the Pledge of Allegiance. The meeting was held remotely via Zoom Webinar, beginning with roll call of all present. The Auditor's Office was represented by the County Auditor, Susan Smith.

The following members of the County Council were present:

Sarah F. Lacey	First District
Allison Pickard	Second District
Nathan Volke	Third District
Andrew C. Pruski	Fourth District
Amanda Fiedler	Fifth District
Lisa D.B. Rodvien	Sixth District
Jessica Haire	Seventh District

OPEN MEETINGS ACT

Laura Corby, Administrative Officer, read aloud a statement from the County Attorney regarding the Open Meetings Act:

The Maryland Open Meetings Act is a state law that requires public meetings to be open to the public and to be "held in places reasonably accessible to individuals who would like to attend these meetings." In addition, provisions of the County Charter and the Rules of Procedure the County Council require meetings to be open to the public and held in Annapolis as the County seat.

The virtual format of this meeting of the County Council is due to the COVID-19 emergency and is necessary in light of the serious health risks associated with public gatherings, as well as the various Executive Orders issued by the Governor and the County Executive that limit public gatherings. While a virtual meeting of this type was not envisioned by the Open Meetings Act, steps have been taken to ensure that this virtual meeting includes alternate accessibility features that the Open Meetings Act Compliance Board and the Courts have reviewed and approved, such as having a call-in phone number that allows anyone with a telephone to call and listen to the meeting, broadcasting the meeting with video and audio on cable TV and on the Web, allowing written comments from the public be filed with the clerk and considered by the Council, and allowing the public to call in via Zoom and testify live. The public access provided by this technology makes this virtual meeting reasonably accessible to the public, as required by the Open Meetings Act.

In addition, and for all the of same reasons, it is not necessary to suspend the Rules of Procedure of the County Council that apply to public participation and reasonable seating for the public or media or the location of Council meetings. These rules have been deemed satisfied and do not need to be waived in order for this virtual meeting to be held.

ETHICS STATEMENT

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

The Ethics Commission has asked that I advise you that under certain circumstances, members of the public may qualify as lobbyists when they testify before the County Council. If so, the law requires that certain information be filed with the Ethics Commission. The Chairman of the Ethics Commission has asked that those who wish to testify in any form review the General Information on Lobbying sheet located on the Ethics Web Site under Forms and Publications. If there are any questions about lobbying requirements, please contact the Ethics Commission at 410-222-4413.

INVITATION TO AUDIENCE

The Administrative Officer stated there were no submissions of written public testimony received on Invitation to Audience.

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

ITEMS NOT ON THE AGENDA

Mr. Volke withdrew Resolution No. 6-21, Resolution No. 9-21, Resolution No. 11-21, Resolution No. 12-21, and Resolution No. 15-21.

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Mr. Pruski, 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. Pruski, seconded by Ms. Pickard, the minutes of January 19, 2021, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 10-21 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – Grants Special Revenue Fund – CAO Contingency Fund – Capital Budget – 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; making a supplementary appropriation to the capital budget; and generally relating to making supplementary appropriations of funds to the current expense and capital budgets for the fiscal year ending June 30, 2021.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 11-21 – AN ORDINANCE concerning: Planning and Zoning – General Development Plan – Plan2040 – FOR the purpose of repealing the 2009 General Development

Plan and amendments; adopting “Plan2040”, the County’s General Development Plan, consisting of Volume I, which includes visions, themes, goals, policies, strategies, planned land use maps, and implementation plan, and Volume II, which includes supporting background information; making certain findings of fact and stating the legislative intent relative to the General Development Plan; amending a reference to a certain enhancement area; and generally relating to “Plan2040”, the County’s General Development Plan.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 12-21 – AN ORDINANCE concerning: Approval of Ground Lease between Anne Arundel County and Glenn Burnie Landfill Solar LLC – FOR the purpose of approving an agreement to lease County-owned property consisting of approximately 19.77 acres that is part of the Glen Burnie Landfill to Glenn Burnie Landfill Solar LLC, a Delaware limited liability company, for the installation and operation of a solar photovoltaic system; and generally related to a lease of County-owned property.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 13-21 – AN ORDINANCE concerning: Rules of Practice and Procedure of the Board of Appeals – Amendments – FOR the purpose of amending the attendance requirements for participating in decisions; amending provisions that allow for withdrawal of an appeal; allowing the costs of a stenographer to be assessed in certain postponements; allowing remote or virtual meetings; establishing procedures for remote or virtual meetings; making this Ordinance an emergency measure; and generally relating to the Rules of Practice and Procedure of the Board of Appeals.

by Ms. Lacey, Chair, and Ms. Pickard

BILL NO. 14-21 – AN ORDINANCE concerning: Zoning and Construction Code – Setbacks and Permits for Certain Accessory Structures – FOR the purpose of decreasing the minimum setback from front lot lines for accessory structures other than certain sized sheds in R5 residential districts; increasing the allowable size of one-story detached accessory structures used as tool and storage sheds, playhouses, or similar uses that are exempt from the permit requirements of the Construction Code; and generally relating to zoning and construction and property maintenance codes.

by Mr. Pruski and Ms. Pickard

BILL NO. 15-21 – AN ORDINANCE concerning: Licenses and Registration – Registration or Renewal of Short-Term Residential Rentals – Fee – FOR the purpose of reducing the fee to register or renew a short-term residential rental; and generally relating to licenses and registrations.

by Ms. Haire, Ms. Rodvien, Mr. Volke, and Ms. Fiedler

SUSPENSION OF RULES

On motion of Ms. Fiedler, seconded by Ms. Pickard, the motion to vote on Resolution No. 4-21 out of order was adopted by the following roll call vote:

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

On motion of Mr. Volke, seconded by Ms. Haire, the motion to vote on Bill No. 4-21 out of order was defeated by the following roll call vote:

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

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

RESOLUTION NO. 4-21

The Chairman called for the public hearing on Resolution No. 4-21, Resolution approving Anne Arundel County's 2021 Financial Assurance Plan for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Erik Michelsen, Deputy Director, DPW, Mike Hrubciak, DPW, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron explained that State Law requires each permit holder to submit a Financial Assurance Plan by February 12, 2021, and shall demonstrate that the County has sufficient funding in the current fiscal year budgets to meet its estimated cost for the two year period following the file date of the Financial Assurance Plan. He stated the County may not file a Financial Assurance Plan until the local governing body of the County holds a public hearing and approves the plan. The plan indicates that Anne Arundel County can demonstrate financial capability to meet its MS4 requirements.

Ms. Haire asked how the projects are collected.

Mr. Michelsen explained that the capital projects are selected from the watershed assessments done over the last six or seven years. He stated there are a number of mechanisms used to identify sites.

Ms. Haire asked what maintenance is done after the project is completed.

Mr. Michelsen explained there is a one year performance period, then normal maintenance depending on the site.

Ms. Haire stated that there are structural issues and inaccurate discharge credits in the Holly Hills Community on the Mayo Peninsula. She explained that the County does not claim the responsibility of maintenance for the area.

Mr. Michelsen stated that project was installed using grant funding from the Chesapeake Bay Trust, not County dollars. He stated the discharge is set to be worked on by Arundel Rivers Federation and the County with combined expenses.

There was further discussion between Mr. Michelsen and the Council regarding the funding and designs of Stormwater Management Projects.

The Administrative Officer stated there were no submissions of written public testimony received on Resolution No. 4-21.

The following person spoke on Resolution No. 4-21:

Arthur Mayer, Edgewater

There was no one else registered and present to speak, and the hearing was concluded.

The Chairman called Resolution No. 4-21, Resolution approving Anne Arundel County's 2021 Financial Assurance Plan for compliance with the National Pollutant Discharge Elimination Phase I Municipal Separate Storm Sewer System Permit; and the Administrative Officer read a portion of the title.

Ms. Haire explained that there has been a lack of follow up in the County. She expressed her concern on the upkeep of the areas.

Ms. Pickard thanked Mr. Michelsen for his work.

Resolution No. 4-21, was adopted by the following roll call vote:

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

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

BILL NO. 1-21

The Chairman called for the public hearing on Bill No. 1-21, An Ordinance Concerning: Purchasing – Value of Purchases Requiring Full Competitive Procurement Process – For the purpose of increasing the value of capital and non-capital purchases and contracts requiring a full competitive procurement process from \$50,000 to \$100,000; increasing the minimum value of an expedited procurement from \$50,000 to \$100,000; and generally relating to purchasing; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Christine Romans, Director, Central Services, Andrew Hime, Purchasing Agent, Central Services, and Lori Blair Klasmeier, Legislative Deputy County Attorney, Office of Law.

Mr. Baron stated that Resolution No. 18-20 was passed on July 6, 2020, then it was approved in the General Election, and this bill will increase the threshold for small procurements from \$50,000 to \$100,000. He stated the consultant review in 2016 identified the benefits of reducing the time to procure goods and services by allowing agencies to obtain three bids for their needs and allowing staff to focus efforts on higher valued procurements.

Ms. Rodvien asked what checks are in place to insure there is no fraud.

Ms. Romans stated three quotes will be needed, and a purchase order must be created and reviewed by multiple agencies.

Mr. Hime stated the quotes are reviewed by multiple departments.

Ms. Haire asked if the contract is able to be sole sourced.

Ms. Romans stated sole sourcing is not part of this bill.

Ms. Haire asked how often contract audits are done on the procurement department.

Mr. Hime stated reviews are done regularly along with an internal review process, which is done every two years for internal staff, and a random review done by an independent auditor.

Ms. Haire asked if there were any irregularities found by the audits.

Mr. Hime stated there have been some found in the past, which were corrected.

There was further discussion between Central Services and the Council on the potential fraud and ethical issues that may come from raising the procurement level.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. 1-21.

There was no one registered and present to speak, and the hearing was concluded.

The Chairman called for Bill No. 1-21, An Ordinance Concerning: Purchasing – Value of Purchases Requiring Full Competitive Procurement Process; and generally relating to purchasing; and the Administrative Officer read a portion of the title.

Bill No. 1-21, was passed by the following roll call vote:

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

Ms. Lacey

Nay – None

BILL NO. 2-21

The Chairman called for the public hearing on Bill No. 2-21, An Ordinance Concerning Zoning – Bird Sanctuaries – For the purpose of defining “bird sanctuary”; allowing bird

sanctuaries as a conditional use in RA and RLD residential zoning districts; adding the conditional use requirements for bird sanctuaries; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Haire, Sponsor, stated there is a nationally accredited parrot sanctuary that wanted to be located in Anne Arundel County, where there is no zoning district available. She explained the restrictions and conditions needed for the sanctuary.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Assistant Planning and Zoning Officer, Robin Catlett, Animal Care and Control, Captain Jeffrey Adams, Police Department, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that the Administration supports the bill.

The Administrative Officer stated there was one submission of written public testimony received on Bill No. 2-21, which was shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 2-21:

Christine Richter, Annapolis
David Plott, Annapolis

Steve Richter was called but did not respond. There was no one else registered and present to speak, and the hearing was concluded.

The Chairman called Bill No. 2-21, An Ordinance Concerning Zoning – Bird Sanctuaries; and the Administrative Officer read a portion of the title.

Bill No. 2-21, was passed by the following roll call vote:

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

BILL NO. 3-21

The Chairman called for the public hearing on Bill No. 3-21, An Ordinance Concerning: General Provisions – Civil Emergencies – For the purpose of prohibiting the County from enforcing conditions imposed in connection with the proclamation of an emergency that are more restrictive than conditions imposed by the State in connection with a proclamation of emergency unless authorized by ordinance adopted by the affirmative vote of five members of the County Council; and generally relating to civil emergencies; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, explained her reasoning behind Bill No. 3-21 and her desire to update this section of the Code.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated this bill will limit the County Executive's ability to respond to an ongoing public health crisis. He noted Governor Hogan's request that each County make decisions based on the needs of that jurisdiction. Mr. Baron stated that the Administration does not support this bill.

Mr. Volke asked if there were any fiscal notes for this bill.

Mr. Trumbauer stated there was not a direct fiscal impact for this bill.

Ms. Fiedler asked if all jurisdictions are operating under an extended civil emergency and what jurisdictions are taking restrictive measures for a vote before their Council.

Mr. Swain stated Montgomery County has not declared a state of emergency, but is having its County Executive make decisions, which are then approved by the Council.

Ms. Haire asked what the hindrance of this bill would be.

Mr. Baron stated every County has different charters, and it can take up to a week for an emergency bill to be put into place.

Ms. Pickard expressed her objections for the Council to be given a supermajority vote above the executive branch.

The Administrative Officer stated there were two submissions of written public testimony received on Bill No. 3-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Bill No. 3-21:

Sarah Rovnak, Annapolis

There was no one else registered and present to speak, and the hearing was concluded.

The Chairman called Bill No. 3-21, An Ordinance Concerning: General Provisions – Civil Emergencies; and the Administrative Officer read a portion of the title.

Bill No. 3-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

BILL NO. 4-21

The Chairman called for the public hearing on Bill No. 4-21, An EMERGENCY Ordinance Concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination – For the

purpose of terminating the extension of the proclamation of a civil emergency established by Bill No. 24-20; and making this Ordinance an emergency measure; and the Administrative Officer read the title.

Mr. Volke, Sponsor, explained his process for the writing of this bill, stating it was appropriate for the County Council to have a role in the decision making during emergencies.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, Dr. Nalesh Kalyanaraman, Health Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated the County Executive has based all his decisions on putting public health first.

Ms. Pickard expressed her view for backing the Governor and the County Executive, and the need for shared COVID statistics.

Mr. Pruski reiterated the need for masks and vaccinations.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. 4-21, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 4-21:

Mary Cavanaugh, Annapolis
John Jasen, Pasadena

There was no one else registered and present to speak, and the hearing was concluded.

RECESS

On motion of Ms. Pickard, seconded by Ms. Rodvien, the Council voted to recess at 7:33 P.M.

RECONVENE

The Council reconvened at 7:45 P.M. with all Councilmembers present.

The Chairman called Bill No. 4-21, An EMERGENCY Ordinance Concerning: Proclamation of Civil Emergency in Anne Arundel County – Termination; and the Administrative Officer read a portion of the title.

Mr. Volke clarified that the bill is for the County Executive regarding emergency powers, not executive powers.

Ms. Rodvien asked for the number of fatalities in January.

Mr. Kalyanaraman stated there were 80 deaths.

Ms. Rodvien asked if this amount defines a public health emergency.

Mr. Kalyanaraman agreed.

There was discussion between the Council and Dr. Kalyanaraman regarding health decisions and the need for the County Executive to have emergency powers.

Ms. Rodvien thanked Dr. Kalyanaraman for his work.

Ms. Lacey expressed her opinion on the bill.

Bill No. 4-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

RESOLUTION NO. 5-21

The Chairman called for the public hearing on Resolution No. 5-21, Resolution condemning the insurrection at the U.S. Capitol Building on January 6, 2021, and urging the peaceful transition of power on Inauguration Day; and the Administrative Officer read the title.

Ms. Pickard, Co-Sponsor, shared her thoughts on the insurrection.

Mr. Pruski, Co-Sponsor, shared his thoughts about the officers living in his district who were called to deal with the insurrection.

Ms. Rodvien, Co-Sponsor, shared her thoughts on the resolution in light of the Constitution and democracy.

Pete Baron, Director, Government Affairs, was accompanied by Greg Swain, County Attorney, Office of Law.

Mr. Baron stated that the Administration supports the resolution.

The Administrative Officer stated there were five submissions of written public testimony received on Resolution No. 5-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Resolution No. 5-21:

John Jasen, Pasadena

Kristine Mase, Crownsville

Debi Jasen, Pasadena

There was no one else registered and present to speak, and the hearing was concluded.

The Chairman called Resolution No. 5-21, Resolution condemning the insurrection at the U.S. Capitol Building on January 6, 2021, and urging the peaceful transition of power on Inauguration Day; and the Administrative Officer read a portion of the title.

Mr. Volke asked the County Attorney if the Charter gives the Council the authority to determine who is eligible to run as the President of the United States, to tell members of Congress how to vote on impeachment hearings, or to correct misinformation regarding elections.

Mr. Swain stated he was not aware of any provisions in the County Charter.

Ms. Lacey clarified the resolution does not mention impeachment.

There was a lengthy discussion involving Councilmembers, Ms. Schuett, and Mr. Swain regarding the resolution.

Amendment No. 1

On page 1 of the proposed resolution, in line 2, strike “peaceful transition of power on Inauguration Day” and substitute “disqualification of Donald J. Trump from holding office”; in line 4, before “President” insert “then-”; in line 11 after “criminal” insert “and/or unconstitutional”; in line 13 after “officials” insert “at all levels of government, including this Council,”; strike in their entirety lines 16 through 20, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it offers its deepest condolences to the families of Capitol Police Officer Brian Sicknick, who gave his life defending the Capitol, and those of Officers Howard Liebengood and Jeffrey Smith, who took their own lives in the aftermath of the insurrection; and be it further

Resolved, That this Council applauds the other members of the U.S. Capitol Police who faithfully carried out their duty to protect those who were lawfully inside the Capitol Building from the rioters and insurrectionists on January 6, including but not limited to Officer Eugene Goodman, a U.S. Army veteran whose quick thinking and brave actions that day have since been hailed for preventing untold bloodshed and defending American Democracy; and be it further”;

in lines 22, 25, and 30, in each instance, strike “it” and substitute “this Council”; in line 26 after “by” insert “former”; in line 27 after “those” insert “which were”; in line 35, strike “the President’s” and substitute “his”; and in line 36 after “insurrection” insert “against the U.S. Congress and his own vice president”.

On page 2, strike in their entirety lines 1 through 4, inclusive.

Ms. Lacey, Sponsor, stated this amendment brings the resolution up to date.

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

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

Amendment No. 2

On page 1 of the amended resolution, in line 2, strike “, and urging”; and in lines 2 through 3, strike “disqualification of Donald J. Trump from holding office”.

On page 2, strike in their entirety lines 12 through 16, inclusive, and substitute:

“Resolved, that the Council condemns any acts of violence, riots, or insurrections as means for intimidating, threatening or harassing individuals, law enforcement or governing bodies, in an attempt to force decisions of any branch of government by mob rule; and be it further”

Ms. Fiedler, Sponsor, stated this amendment condemns a broader scale of violence to all government.

Mr. Baron deferred to the Council on the wording of the resolution.

Ms. Pickard stated this resolution is for the violence on January 6th, and not for all acts of violence.

Ms. Haire expressed her view of the amendment.

Ms. Rodvien shared her concern that the amendment removes the consequence of violent acts.

On motion of Mr. Volke, seconded by Ms. Haire, Amendment No. 2 was defeated by the following roll call:

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

Ms. Fiedler, Ms. Pickard, Mr. Volke, Ms. Rodvien, and Ms. Haire shared their views on the resolution.

Resolution No. 5-21 was adopted by the following roll call:

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

JOINT PUBLIC HEARING ON RESOLUTION NO. 6-21 THROUGH RESOLUTION NO. 15-21

The Chairman called for the joint public hearing on Resolution No. 7-21, Resolution urging the Anne Arundel County Executive to permit alternative facial coverings while inside Fitness

Centers; Resolution No. 8-21, Resolution urging the Anne Arundel County Executive to increase capacity for Fitness Centers to 50%; Resolution No. 10-21, Resolution urging the Anne Arundel County Executive to reopen Indoor Theaters; Resolution No. 13-21, Resolution urging the Anne Arundel County Executive to increase Retail Establishment capacity to 50%; and Resolution No. 14-21, Resolution urging the Anne Arundel County Executive to increase Indoor Recreation Establishments capacity to 50%; and the Administrative Officer read the titles of each one.

Mr. Volke, Sponsor, stated the County Executive removed some restrictions, causing certain resolutions to be withdrawn. He spoke on Resolution No. 7-21, explaining how some citizens were not able to wear masks while exercising due to health issues. He explained that Resolution Nos. 8-21, 10-21, 13-21, and 14-21, if amended, will bring the County in line with the Governor's executive order.

Pete Baron, Director, Government Affairs, was accompanied by Chris Trumbauer, Budget Officer, Dr. Nalesh Kalyanaraman, Health Officer, and Gregory Swain, County Attorney, Office of Law.

Mr. Baron stated that the Administration opposes the resolutions.

Ms. Pickard asked if the Council could vote on the resolutions as a block.

RECESS

On motion of Ms. Rodvien, seconded by Ms. Pickard, the Council voted to recess at 9:10 P.M.

RECONVENE

The Council reconvened at 9:20 P.M. with all Councilmembers present.

The Administrative Officer stated there were two submissions of written public testimony received for the Joint Public Hearing for Resolution No. 6-21 through 15-21, which were shared with the Council and posted on the County Council website.

The following person spoke on Resolution No. 6-21 through 15-21:

Jennifer Abney, Pasadena
Jason Baker, Arnold
Joseph Masher, Ridgefield, CT
John Jasen, Pasadena

Susan Scanlon, Andrew Landestoy, and Ira Miller were called but did not respond. There was no one else registered and present to speak, and the hearing was concluded.

Linda Schuett, Legislative Counsel, stated that Rule 5-106 of the County Council Rules requires that each resolution be named in order and voted on singularly. In order to vote in a block, there would need to be a motion to suspend the rules.

RESOLUTION NO. 7-21

The Chairman called Resolution No. 7-21, Resolution urging the Anne Arundel County Executive to permit alternative facial coverings while inside Fitness Centers; and the Administrative Officer read a portion of the title.

Resolution No. 7-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

RESOLUTION NO. 8-21

The Chairman called Resolution No. 8-21, Resolution urging the Anne Arundel County Executive to increase capacity for Fitness Centers to 50%; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike “increase capacity for Fitness Centers to 50%” and substitute “allow Fitness Centers to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 29, strike “13” and substitute “29”; in line 30, strike “41” and substitute “42”; in line 33, strike “150” and substitute “100”; and in line 35, strike “25%” and substitute “50%”.

On pages 1 and 2, strike in their entirety the lines beginning with line 37 on page 1 through line 3 on page 2, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that requires 100 square feet per participant and allow Fitness Centers to operate with the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01; and be it further”.

Mr. Volke stated this amendment brings the County to the level proposed in the Governor’s Executive Order.

Mr. Baron stated the County Executive bases his decision on public health and opposes the resolution.

Mr. Trumbauer stated there is a provision requiring 100 square feet per participant, which would not allow a large group gathering in one small room, causing the whole capacity of the gym to be at 50% with one class.

Mr. Volke stated the possibility of a large group that gathers in a small room could happen in any establishment, not just a gym.

Mr. Trumbauer explained that people in gyms tend to exert themselves more.

Mr. Pruski asked for information regarding the loans for economic development.

Mr. Volke asked for clarification on the math behind the 100 square feet.

Mr. Trumbauer stated the calculations in the spring contained margins of safety, and the calculations now are based off of the learned COVID information.

Mr. Volke asked if there was a concern for people exerting themselves at retail stores as well as gyms.

Mr. Trumbauer stated there have been consultations with the business community to help define the limits.

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

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire, Ms. Lacey

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien

Ms. Pickard stated the resolution is nonbinding.

Resolution No. 8-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

RESOLUTION NO. 10-21

The Chairman called Resolution No. 10-21, Resolution urging the Anne Arundel County Executive to reopen Indoor Theaters; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in line 1, strike “reopen Indoor Theaters” and substitute “allow Indoor Theaters to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 30, strike “13” and substitute “29”; in line 31, strike “41” and substitute “42”; strike in their entirety lines 34 through 39, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits the Indoor Theater capacity to 25% and to operate with the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01; and be it further”.

Mr. Volke stated this amendment updates the resolution to bring indoor theaters in line with the Governor’s Executive Order.

Mr. Baron stated that the Administration opposes the resolution.

Ms. Pickard confirmed that restrictions are in line with case rates in respected counties.

Mr. Baron agreed.

Ms. Fiedler spoke on Howard County renting out theaters to groups of people.

Ms. Pickard stated Anne Arundel County does the same.

Ms. Fiedler expressed her concern regarding movie theaters not reopening.

Mr. Baron stated there have been County programs for businesses to take advantage of regarding the loans.

Ms. Pickard explained her position regarding the suffering of economic sectors.

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

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

Nay – Mr. Pruski

Resolution No. 10-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

RESOLUTION NO. 13-21

The Chairman called Resolution No. 13-21, Resolution urging the Anne Arundel County Executive to increase Retail Establishment capacity to 50%; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike “increase Retail Establishment capacity to 50%” and substitute “allow Retail Establishments to operate at the capacity limits set forth in the Governor’s Executive Order No. 20-11-17-01”; in line 29, strike “13” and substitute “29”; in line 30, strike “41” and substitute “42”; in line 32, strike “25%” and substitute “50%”; and in line 34, strike “150” and substitute “100”.

On pages 1 and 2, strike in their entirety the lines beginning with line 36 on page 1 through line 4 on page 2, inclusive, and substitute:

“Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits the total number of persons permitted in a Retail Establishment without a posted Maximum Occupancy to 100 square feet of public space per person and allow Retail Establishments to

operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01; and be it further".

Mr. Volke stated this amendment brings the capacity to the limit in the Governor's Executive Order.

Mr. Trumbauer stated the Executive Order sets the retail capacity at 50%.

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

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

Nay – Ms. Pickard, Mr. Pruski

Resolution No. 13-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

RESOLUTION NO. 14-21

Amendment No. 1

On page 1 of the proposed resolution, in lines 1 through 2, strike "increase Indoor Recreation Establishments capacity to 50%" and substitute "allow Live Call Bingo and Pool Halls and Billiard Halls to operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01".

On pages 1 and 2, strike in their entirety the lines beginning with line 30 on page 1 through line 11 on page 2, inclusive, and substitute:

"WHEREAS, on January 29, 2021, the County Executive issued Executive Order No. 42 that, among other things, Live Call Bingo is permitted, provided it is held in a space that provides at least 150 square feet per occupant, and provided the total number of persons permitted in any such facility at any one time shall not exceed 25% of that facility's Maximum Occupancy; Pool halls and billiard halls may open, provided the total number of persons permitted in a pool or billiard hall at any one time shall not exceed 25% of that facility's Maximum Occupancy; and be it hereby

Resolved by the County Council of Anne Arundel County, Maryland, That it urges the County Executive to immediately rescind the portion of Executive Order No. 42 that limits Live Call Bingo and Pool Halls and Billiard Halls to not exceed 25% of that facility's Maximum Occupancy and allow Live Call Bingo and Pool Halls and Billiard Halls to operate with the capacity limits set forth in the Governor's Executive Order No. 20-11-17-01; and be it further".

Mr. Volke stated this amendment brings live call bingo, pool halls, and billiard halls to the capacity in the Governor's Executive Order.

Mr. Baron stated that the Administration opposes the resolution.

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

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

Nay – Ms. Pickard, Mr. Pruski

Mr. Pruski expressed his concern on the counties lack of mask use and the need to accept the vaccine.

Ms. Fiedler asked if the Administration would support opening these facilities with other certain restrictions.

Mr. Baron stated the citizens are in close proximity with others in these facilities, which causes the need for stricter restrictions.

Resolution No. 14-21, was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Fiedler, Ms. Haire

Nay – Ms. Pickard, Mr. Pruski, Ms. Rodvien, Ms. Lacey

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Volke, the meeting adjourned at 10:17 P.M.

The Chairman stated that the next Council meeting will be on Tuesday, February 16, 2021.

Respectfully submitted,

by Anna Macaulay

for Laura Corby
Administrative Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 16-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires May 22, 2021

By Order: Laura Corby, Administrative Officer

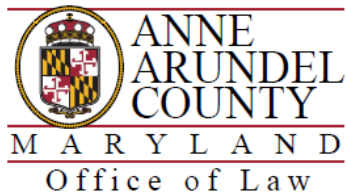
A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Positions in the Exempt Service – Police
2 Department

3
4 FOR the purpose of increasing certain exempt positions in the Police Department; and
5 generally relating to personnel.
6

7 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
8 That, in accordance with § 6-2-103(a) of the Anne Arundel County Code (2005, as
9 amended), this Ordinance shall approve an increase of one Police Major (Exempt) position
10 and one Police Chief of Staff position to the positions approved in the Police Department
11 as part of the Annual Budget and Appropriation Ordinance.
12

13 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
14 from the date it becomes law.



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 16, 2021

Subject: Bill No. 16-21: Personnel – Positions in the Exempt Service – Police Department

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 16-21, which modifies position control for the Police Department.

Background. Section 6-2-103(a) of the County Code lists certain positions in the exempt service and provides that “the number and classification of positions under each [position] title . . . shall be approved as part of the annual budget and appropriation ordinance and may not be changed during a fiscal year as part of the annual budget and appropriation ordinance and may not be changed during a fiscal year except as approved by ordinance of the County Council.” Police Majors and Police Chief of Staff are on the list of positions in the exempt service.

Purpose. The purpose of this Bill is to modify the personnel summary for the Police Department approved in the FY21 budget.

Summary. Section 1 increases one Police Major (Exempt) position and one Police Chief of Staff in the Police Department.

Section 2 of the Bill provides that it will take effect 45 days from the date it becomes law.

If there are any questions, please let me know.

cc: Honorable Steuart Pittman, County Executive

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Legislative Liaison
Luke Graves, Legislative Liaison
Anne Budowski, Acting Personnel Officer
Chris Trumbauer, Budget Officer
Amal Awad, Police Chief

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 16-21

INTRO. DATE: Feb. 16, 2021

FISCAL NOTE

BILL: AN ORDINANCE CONCERNING: PERSONNEL – POSITIONS IN THE EXEMPT SERVICE

SUMMARY OF LEGISLATION

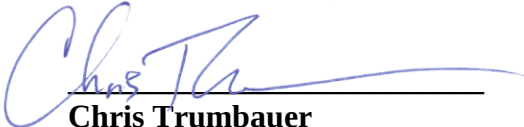
The purpose of this legislation is to add one Police Major (Exempt) position and one Police Chief of Staff position to the positions approved for the Police Department as part of the Annual Budget and Appropriation Ordinance.

FISCAL IMPACT

Police Major (Exempt) positions and Police Chief of Staff positions are classified as grade E-06 and E-05, respectively. The fiscal 2021 cost of adding these positions will depend on the hiring date, negotiated salary, and associated benefits. The range of the estimated annual salary and benefit cost of each position is show in Exhibit 1.

Exhibit 1						
Annualized Fiscal Impact of Exempt Service Positions						
	Salary		Benefits*		Total	
	Minimum	Maximum	Minimum	Maximum	Minimum	Maximum
Grade E-05	\$84,739	\$151,302	\$29,659	\$52,956	\$114,398	\$204,258
Grade E-06	\$93,539	\$171,184	\$32,739	\$59,914	\$126,278	\$231,098

*Benefit costs average 35% of salary cost in the payscale for exempt service classifications.


Chris Trumbauer
Budget Officer

2/11/2021
Date

Prepared by: Hannah Dier
Reviewed by: Steven Theroux

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 17-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires May 22, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Positions in the Classified Service – Job
2 Classifications – Position Control – Fire Department
3

4 FOR the purpose of adding certain fire communications operator positions to the classified
5 service; providing for the pay and minimum qualifications applicable to the job
6 classifications being added to the classified service; decreasing certain positions in the
7 classified service; increasing certain positions in the classified service; and generally
8 relating to personnel.
9

10 BY repealing and reenacting, with amendments: § 6-1-201(d)(8)
11 Anne Arundel County Code (2005, as amended)
12

13 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
14 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
15

ARTICLE 6. PERSONNEL

TITLE 1. CLASSIFIED SERVICE

16
17
18
19
20 **6-1-201. Titles; pay grades; work weeks; minimum qualifications.**
21

22 (d) **Title, pay grades, work week, and minimum qualifications.** The title, minimum
23 standards, pay grade, and the work week designation that an employee is required to follow
24 for each class within the classified service are as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 (8) Public Safety and Criminal Justice (PS).

2

Title	Grade and Work Week	Minimum Qualifications

Fire Communications Operator I	LM10D	Graduation from high school; experience in an emergency services environment or progressively responsible multi-faceted clerical work; and skill in data entry keyboard functions
FIRE COMMUNICATIONS OPERATOR II	LM11D	GRADUATION FROM HIGH SCHOOL; CONSIDERABLE EXPERIENCE IN AN EMERGENCY SERVICES ENVIRONMENT OR PROGRESSIVELY RESPONSIBLE MULTI-FACETED CLERICAL WORK; SKILL IN DATA ENTRY KEYBOARD FUNCTIONS; TWO YEARS EXPERIENCE AS AN FCO I; AND CERTIFICATION AS A COMMUNICATION TRAINING OFFICER (CTO) AND PUBLIC SAFETY TELECOMMUNICATOR II
FIRE COMMUNICATIONS OPERATOR III	NR14D	GRADUATION FROM HIGH SCHOOL; FIVE YEARS OF EXPERIENCE AS AN EMERGENCY SERVICES COMMUNICATIONS OPERATOR IN A FIRE OR POLICE 911 DISPATCH CENTER; CERTIFIED IN EFD, EMD OR EPD; SERVED AS AN FCO WITH THE ANNE ARUNDEL COUNTY FIRE DEPARTMENT FOR THE PAST TWO YEARS WITH ONE YEAR AT THE FCO II LEVEL OR EQUIVALENT

3

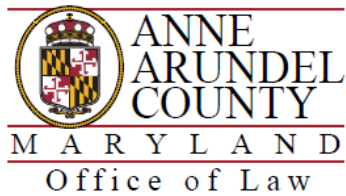
4 SECTION 2. *And be it further enacted*, That, in accordance with § 6-1-110 of the Anne
5 Arundel County Code (2005, as amended), this Ordinance shall approve a decrease of
6 twenty-nine Fire Communications Operator positions in the Fire Department from the
7 number of positions approved in this classification in the Fire Department as part of the
8 Annual Budget and Appropriation Ordinance, and an increase of twenty-nine Fire
9 Communications Operator I positions to the positions approved in the Fire Department as
10 part of the Annual Budget and Appropriation Ordinance.

11

12 SECTION 3. *And be it further enacted*, That, in accordance with § 6-1-110 of the Anne
13 Arundel County Code (2005, as amended), this Ordinance shall approve a decrease of one
14 Secretary II position in the Police Department from the number of positions approved in
15 this classification in the Police Department as part of the Annual Budget and Appropriation
16 Ordinance, and an increase of one Office Support Assistant II position to the positions
17 approved in the Police Department as part of the Annual Budget and Appropriation
18 Ordinance.

19

20 SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days
21 from the date it becomes law.



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 16, 2021

Subject: Bill No. 17-21: Personnel – Positions in the Classified Service – Job Classifications
– Position Control – Fire Department – Police Department

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 17-21, which modifies a job classification in the Fire Department, adds job classifications in the Fire Department, and modifies position control for the Fire Department and the Police Department.

Background. Subsection 6-1-201(d) of the County Code sets forth the titles, pay grades, minimum qualifications, and work week for each position in the classified service. As defined in § 6-1-201(b), a “B” work week means 40 hours; a “C” work week means hours as required; and a “D” work week means hours as scheduled.

Section 6-1-110(a) of the County Code provides that “the number and classification of positions, including the number of positions in each classification, in an office or department of County government that are approved as part of the annual budget and appropriation ordinance, shall not be changed during a fiscal year except as approved by ordinance of the County Council.” There are exceptions, which are not applicable here.

Purpose. The purpose of this Bill is to: (1) change the job classification of Fire Communications Operator to Fire Communications Operator I; (2) add job classifications of Fire Communications Operator II and Fire Communications Operator III; (3) modify the personnel summary approved as part of the FY21 budget for the Fire Department to decrease the 29 positions under Fire Communications Operator and to add those 29 positions under the new job classification of Fire Communications Operator I; and (4) to modify the personnel summary

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

approved as part of the FY21 budget for the Police Department by decreasing one Secretary II position, and increasing one Office Support Assistant II position.

Summary. Section 1 modifies § 6-2-101(d)(8) to change the job classification of Fire Communications Operator to Fire Communications Operator I, and to add job classifications Fire Communications Operator II and Fire Communications Operator III.

Section 2 modifies the personnel summary approved as part of the FY21 budget for the Fire Department to decrease the 29 positions listed under Fire Communications Operator and to add those 29 positions under the new job classification of Fire Communications Operator I.

Section 3 modifies the personnel summary approved as part of the FY21 budget for the Police Department by decreasing one Secretary II position, and increasing one Office Support Assistant II position.

Section 4 of the bill provides that it will take effect 45 days from the date it becomes law.

If there are any questions, please let me know.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Legislative Liaison
Luke Graves, Legislative Liaison
Anne Budowski, Acting Personnel Officer
Chris Trumbauer, Budget Officer
Trisha Wolford, Fire Chief
Amal Awad, Chief of Police

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 17-21

INTRO. DATE: Feb. 16, 2021

FISCAL NOTE

BILL: AN ORDINANCE CONCERNING: PERSONNEL – POSITIONS IN THE CLASSIFIED SERVICE – JOB CLASSIFICATIONS – POSITION CONTROL

SUMMARY OF LEGISLATION

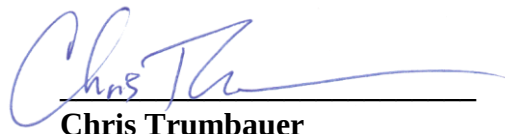
The purpose of this legislation is to add certain job classifications in the classified service and modify the positions approved as part of the Annual Budget and Appropriation Ordinance. The approved positions for the Fire Department are decreased by 29 Fire Communications Operator positions and increased by 29 Fire Communications Operator I positions. The approved positions for the Police Department are decreased by one Secretary II position and increased by one Office Support Assistant II position.

FISCAL IMPACT

The reclassifications in this bill maintain the same pay grades of the existing positions, and therefore will not have a fiscal impact. The existing classification of Fire Communications Operator and the new classification of Fire Communications Operator I both are classified as LM-10. The existing classification of Secretary II and the new classification of Office Support Assistant II both are classified as OS-04.

The addition of the Fire Communications Operator II and III classifications may increase personnel costs as employees become eligible for promotions. Exhibit 1 summarizes the grade and salary ranges for the job classifications added under this bill.

Exhibit 1			
Fire Communications Operator Classifications			
Position	Grade	Salary Range	
		Minimum	Maximum
Fire Communications Operator I	LM-10	\$41,974	\$65,998
Fire Communications Operator II	LM-11	\$44,086	\$69,368
Fire Communications Operator III	NR-14	\$48,020	\$81,603



Chris Trumbauer
Budget Officer

2/11/2021

Date

Prepared by: Hannah Dier
Reviewed by: Steven Theroux

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 18-21

Introduced by Ms. Lacey, Chair
(by request of the County Executive)

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires May 22, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Budget – Departmental Personnel Summaries –
2 Reclassification of Positions
3

4 FOR the purpose of modifying contents of departmental personnel summaries in the
5 proposed current expense budget to allow reclassification of job classifications in the
6 current expense budget under certain circumstances; and generally relating to the
7 budget.
8

9 BY repealing and reenacting, with amendments: § 4-11-101(b)
10 Anne Arundel County Code (2005, as amended)
11

12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
14

15 ARTICLE 4. FINANCE, TAXATION, AND BUDGET

16 TITLE 11. BUDGET

17
18
19 **4-11-101. Current expense budget – Long-term contracts and personnel summaries.**
20

21 **(b) Departmental personnel summaries.**
22

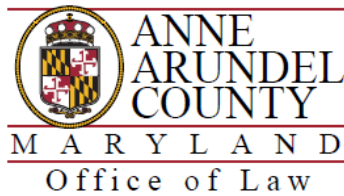
23 (1) In addition to other material and information required by the Charter or other
24 law, the proposed current expense budget for each fiscal year shall list detailed

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 departmental personnel summaries that include the number of employees by position title
2 and classification; the pay grade for each position; the number of positions requested in the
3 current fiscal year's budget by position title and classification; the number of positions
4 approved in the current fiscal year's budget by position title and classification; and the
5 number of positions requested in the upcoming fiscal year's budget by position title and
6 classification. Once the proposed County budget for the upcoming fiscal year has been
7 submitted by the County Executive to the County Council as required by § 706 of the
8 Charter, a departmental personnel summary shall be revised only by an amendment to the
9 budget that is presented to and adopted by the County Council.

10
11 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CODE, THE NUMBER OF
12 POSITIONS REQUESTED IN THE UPCOMING FISCAL YEAR'S BUDGET BY POSITION TITLE
13 AND CLASSIFICATION MAY INCLUDE RECLASSIFICATIONS OF POSITIONS APPROVED IN
14 THE CURRENT FISCAL YEAR'S BUDGET THAT ARE CURRENTLY OCCUPIED BY EMPLOYEES
15 WHO WILL REMAIN IN THEIR CURRENT POSITION TITLE AND CLASSIFICATION AND WILL
16 BE CONSIDERED AS UNDERFILLING THE RECLASSIFIED POSITIONS. IN THESE INSTANCES,
17 THE CURRENT EXPENSE BUDGET SHALL IDENTIFY THE POSITIONS THAT ARE OCCUPIED
18 AND THAT ARE BEING RECLASSIFIED AND CONSIDERED UNDERFILLED. THE EMPLOYEE
19 UNDERFILLING A RECLASSIFIED POSITION CANNOT BE RECLASSIFIED INTO THE
20 RECLASSIFIED JOB CLASSIFICATION THAT THE EMPLOYEE IS UNDERFILLING UNLESS THE
21 EMPLOYEE IS DEEMED TO BE RECLASSIFIED OR HIRED INTO THE RECLASSIFIED POSITION
22 IN ACCORDANCE WITH THE PROVISIONS OF THIS CODE AND THE EMPLOYEE RELATIONS
23 MANUAL.

24
25 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
26 from the date it becomes law.



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Lori L. Blair Klasmeier, Deputy County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: February 16, 2021

Subject: Bill No. 18-21 – Budget – Departmental Personnel Summaries – Reclassification of Positions

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of the attached bill, which will allow reclassification of job classifications in the current expense budget under certain circumstances.

Background.

Section 4-11-101 discusses the contents of the current expense budget. Subsection (b) provides that:

the proposed current expense budget for each fiscal year shall list detailed departmental personnel summaries that include the number of employees by position title and classification; the pay grade for each position; the number of positions requested in the current fiscal year's budget by position title and classification; the number of positions approved in the current fiscal year's budget by position title and classification; and the number of positions requested in the upcoming fiscal year's budget by position title and classification. Once the proposed County budget for the upcoming fiscal year has been submitted by the County Executive to the County Council as required by § 706 of the Charter, a departmental personnel summary shall be revised only by an amendment to the budget that is presented to and adopted by the County Council.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Similarly, with respect to the classified service, § 6-1-110(a) provides that, with certain exceptions, “the number and classification of positions, including the number of positions in each classification, in an office or department of County government that are approved as part of the annual budget and appropriation ordinance [“ABAO”], shall not be changed during a fiscal year except as approved by ordinance of the County Council. Subsection 6-2-103(a) contains virtually the same provision with respect to certain enumerated positions in the exempt service.

One exception to the requirement in § 6-1-110(a) that changes to the number and classification of positions approved in the ABAO cannot be changed except as approved by ordinance of the County Council is a change that results from “reclassifying an occupied position pursuant to § 6-1-108 based on an evaluation by the Personnel Officer of the duties, tasks, and responsibilities performed by the employee in the position or based on a proficiency advancement within a proficiency class series”. Sections G-02 through G-04 of the Employee Relations Manual describe the reclassification process in various scenarios, including “based on an evaluation by the Personnel Officer of the duties, tasks, and responsibilities performed by the employee in the position”. The Employee Relations Manual sets dates for these reclassifications that, theoretically, allows them to occur such that the determination may be made in time to be included in the proposed budget for the next fiscal year.

When the Budget Office formulates the proposed current expense budget, department heads will advise that they plan to seek reclassifications of occupied positions in the upcoming fiscal year. The Budget Office would like to be able to reflect those reclassifications in the proposed budget, both to be able to include any changes in the dollar amounts needed to finance those reclassifications and to show the plan for filling personnel needs moving forward into the next fiscal year. There is no clear mechanism to reflect these planned reclassifications in the personnel summaries that are included in the proposed budget. Reclassifications of employees or hiring persons into those positions is a function of the Office of Personnel. As a matter of fact, Section 810 of the Charter provides that:

A permanent employee in a classified position . . . whose position has been abolished shall be suspended but placed upon an eligibility list for a position for which he is qualified under such procedures and conditions as the Personnel Board shall specify.

Thus, under the Charter, a position count under a job classification that does not include a sufficient number of positions to include all employees currently in those job classifications would result in employees’ positions being abolished and the employees being suspended. Under the current Charter and Code provisions, the employees cannot be considered to be filling positions that are under other or “reclassified” job classifications because they have not been moved into those job classifications through the hiring or reclassification process.

Purpose.

The purpose of the Bill is to provide a mechanism to reflect planned reclassifications of occupied positions in the personnel summaries that are included in the proposed budget without affecting employees who are currently in positions under the job classifications that are planned

for reclassification. Those employees will be considered to be underfilling the modified or reclassified job classifications.

Summary.

SECTION 1 of the Bill adds § 4-11-101(b)(2), which permits the proposed current expense budget to include reclassifications of positions approved in the current fiscal year's budget that are occupied by employees, who will remain in the current position title and classification and will be considered as underfilling the reclassified job classification for the position. The added paragraph also provides that the proposed budget shall identify these positions and that the employee cannot be reclassified into the job classification unless reclassified or hired into the job classification and position as permitted by the Code and Employee Relations Manual.

SECTION 2 provides that the Bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.
Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Legislative Liaison
Chris Trumbauer, Budget Officer
Anne Budowski, Acting Personnel Officer

**ANNE ARUNDEL COUNTY, MARYLAND
OFFICE OF THE BUDGET**

BILL NUMBER: 18-21

INTRO. DATE: Feb. 16, 2021

FISCAL NOTE

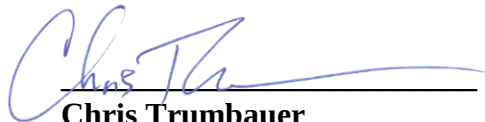
**BILL: AN ORDINANCE CONCERNING: BUDGET – CURRENT EXPENSE
BUDGET – RECLASSIFICATION OF POSITIONS**

SUMMARY OF LEGISLATION

The purpose of this legislation is to clarify that reclassification of occupied positions is allowed in the budget process.

FISCAL IMPACT

This legislation is not anticipated to have a fiscal impact.



Chris Trumbauer
Budget Officer

2/11/2021
Date

Prepared by: Steven Theroux

Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 19-21

Introduced by Mr. Volke and Ms. Fiedler

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires May 22, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Crimes – Littering
2
3 FOR the purpose of adding a definition of “litter”; prohibiting littering; establishing
4 sanctions for violations; and generally relating to crimes, civil offenses, and fines.
5
6 BY renumbering: §§ 9-1-703 through 9-1-711, respectively, to be §§ 9-1-704 through 9-1-
7 712, respectively
8 Anne Arundel County Code (2005, as amended)
9
10 BY adding: § 9-1-703
11 Anne Arundel County Code (2005, as amended)
12
13 WHEREAS, trash is one of the most pervasive and visible pollutants in Anne
14 Arundel County; and
15
16 WHEREAS, litter causes a range of economic and environmental problems, from
17 reducing property values to killing wildlife and releasing a number of harmful
18 chemicals and byproducts into our environment and waterways; and
19
20 WHEREAS, in 2020 the Maryland General Assembly passed House Bill 77 and
21 Senate Bill 60 authorizing the governing body of Anne Arundel County to adopt an
22 ordinance to prohibit littering and impose criminal and civil penalties for violations;
23 and

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

WHEREAS, giving Anne Arundel County the power to combat littering would be a significant step towards protecting Anne Arundel County and making it the best place; now, therefore

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §§ 9-1-703 through 9-1-711, respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 9-1-704 through 9-1-712, respectively.

SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 9. CRIMES, CIVIL OFFENSES, AND FINES

TITLE 1. CRIMES

9-1-703. Littering.

(A) **Definition.** IN THIS SECTION, "LITTER" HAS THE MEANING STATED IN § 10-110 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE.

(B) **Prohibitions.** A PERSON MAY NOT:

(1) DISPOSE OF LITTER ON A COUNTY ROAD OR VIOLATE STATE VEHICLE LAWS REGARDING THE DISPOSAL OF LITTER, GLASS, OR OTHER PROHIBITED SUBSTANCES ON ROADS; OR

(2) DISPOSE OF OR CAUSE TO ALLOW THE DISPOSAL OF LITTER ON PUBLIC OR PRIVATE PROPERTY UNLESS:

(I) THE PROPERTY IS DESIGNATED BY THE STATE, A UNIT OF THE STATE, OR A POLITICAL SUBDIVISION OF THE STATE FOR THE DISPOSAL OF LITTER AND THE PERSON IS AUTHORIZED BY THE PROPER PUBLIC AUTHORITY TO USE THE PROPERTY; OR

(II) THE LITTER IS PLACED INTO A GARBAGE OR SOLID WASTE RECEPTACLE OR CONTAINER ON THE PROPERTY.

(C) **Violations.** A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS SUBJECT TO:

(1) A CIVIL FINE FOR A CLASS D CIVIL OFFENSE; OR

(2) THE PENALTIES SET FORTH IN § 10-110 OF THE CRIMINAL LAW ARTICLE OF THE STATE CODE.

SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days from the date it becomes law.

COUNTY COUNCIL OF

ANNE
ARUNDEL
COUNTY

M A R Y L A N D

LEGISLATIVE SUMMARY*

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: February 16, 2021

Subject: Bill No. 19-21

Until October 1, 2020, State law authorized Prince George's County, Calvert County, and Montgomery County to adopt local ordinances to prohibit littering. In 2020, House Bill 77 and Senate Bill 60 added Anne Arundel County to the list. The State bills became effective on October 1, 2020.

Bill No. 19-21 incorporates the State's definition of "litter". Under § 10-110(4) of the Criminal Law Article of the State Code, "litter" means "all rubbish, waste matter, refuse, garbage, trash, debris, dead animals, or other discarded materials of every kind and description."

The Bill prohibits littering on County roads and provides that a person may not violate State vehicle laws regarding the disposal of litter on roads. The Bill also prohibits littering on public or private property unless (1) the property is designated by the State or a political subdivision of the State for the disposal of litter and the person is authorized to use the property, or (2) the litter is placed into a garbage or solid waste container on the property.

A person who litters in violation of the law is subject to a civil fine for a Class D civil offense, which is \$125 for the first violation, \$500 for the second violation, and \$1,000 for the third or any subsequent violation. See § 9-2-101 of the Code.

In the alternative, the person is subject to the penalties set forth in § 10-110(f) of the Criminal Law Article of the State Code. The penalties are as follows:

* This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

(f) Penalty. –

...

(2)

(i) A person who disposes of litter in violation of this section in an amount not exceeding 100 pounds or 27 cubic feet and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 30 days or a fine not exceeding \$ 1,500 or both.

(ii) A person who disposes of litter in violation of this section in an amount exceeding 100 pounds or 27 cubic feet, but not exceeding 500 pounds or 216 cubic feet, and not for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 1 year or a fine not exceeding \$ 12,500 or both.

(iii) A person who disposes of litter in violation of this section in an amount exceeding 500 pounds or 216 cubic feet or in any amount for commercial gain is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 5 years or a fine not exceeding \$ 30,000 or both.

(3) In addition to the penalties provided under paragraph (2) of this subsection, a court may order the violator to:

(i) remove or render harmless the litter disposed of in violation of this section;

(ii) repair or restore any property damaged by, or pay damages for, the disposal of the litter in violation of this section;

(iii) perform public service relating to the removal of litter disposed of in violation of this section or to the restoration of an area polluted by litter disposed of in violation of this section; or

(iv) reimburse the State, county, municipal corporation, or bi-county unit for its costs incurred in removing the litter disposed of in violation of this section.

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 20-21

Introduced by Ms. Rodvien

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires May 22, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management – Subdivision and Development – Forest Conservation
3

4 FOR the purpose of amending the definition of “standard grading plan”; requiring approval
5 to clear a specific number of trees or area of forest if the clearing includes certain
6 sensitive areas, plants, shrubs, or trees, or habitats; requiring replanting or payment of
7 a fee-in-lieu of replanting when an approved standard grading plan allows for the
8 clearing of certain trees; establishing civil fines for certain clearing violations; adding
9 penalties for violations of erosion and sediment control and stormwater management
10 provisions; adding penalties for clearing violations that occur during development; and
11 generally relating to floodplain management, erosion and sediment control, and
12 stormwater management and subdivision and development.
13

14 BY repealing: § 16-5-106
15 Anne Arundel County Code (2005, as amended)
16

17 BY repealing and reenacting, with amendments: §§ 16-1-101(86); 16-3-201(a) and (b)(5);
18 16-3-202(a)(2); and 17-6-309
19 Anne Arundel County Code (2005, as amended)
20

21 BY renumbering: § 16-5-105(d) to be 16-5-105(e)
22 Anne Arundel County Code (2005, as amended)
23

24 BY adding: §§ 16-3-202(d); 16-5-105(d); and 16-5-106
25 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That § 16-5-106 of the Anne Arundel County Code (2005, as amended) be repealed.

SECTION 2. *And be it further enacted,* That § 16-5-105(d) of the Anne Arundel County Code (2005, as amended) is hereby renumbered to be § 16-5-105(e).

SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 16. FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT

TITLE 1. DEFINITIONS AND GENERAL PROVISIONS

16-1-101. Definitions.

In this article, the following words have the meanings indicated.

(86) “Standard grading plan” means a plan that may be used in lieu of a grading permit only for certain minor grading and earth disturbance associated with minor commercial and residential construction OR CLEARING, GRADING, OR DISTURBANCE OF LESS THAN 5,000 SQUARE FEET, and, if necessary, may include soil and erosion control plans.

TITLE 3. EROSION AND SEDIMENT CONTROL

16-3-201. Approval required; exceptions.

(a) **Approval required.** Except as provided in subsection (b), a person may not:

(1) grade without a grading permit issued by the Department;

(2) clear or grade in the critical area buffer, expanded buffer, or buffer modification area described in § 18-13-104 of this Code without a standard grading plan, a grading permit, or an approved vegetation management plan, buffer management plan or forest management plan; **[[or]]**

(3) do logging without a grading permit issued by the Department; OR

(4) CLEAR MORE THAN THREE TREES OR 1,000 SQUARE FEET, WHICHEVER IS LESS, OF FOREST WITHOUT A STANDARD GRADING PLAN OR A GRADING PERMIT ISSUED BY THE DEPARTMENT, OR AN APPROVED FOREST MANAGEMENT PLAN, IF THE CLEARING INCLUDES:

(I) TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS, INCLUDING THE 100-YEAR FLOODPLAIN, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, STEEP SLOPES, NON-TIDAL WETLANDS, AND ALL ASSOCIATED BUFFERS; AND CRITICAL HABITAT AREAS, AS DEFINED IN § 5-1601 OF THE NATURAL RESOURCES ARTICLE OF THE STATE CODE;

(II) TREES, SHRUBS, OR PLANTS DETERMINED TO BE RARE, THREATENED, OR ENDANGERED UNDER THE FEDERAL ENDANGERED SPECIES ACT OF 1973 SET FORTH IN 16 U.S.C. §§ 1531 - 1544 AND IN 50 CFR PART 17; THE MARYLAND NONGAME AND ENDANGERED SPECIES CONSERVATION ACT SET FORTH IN §§ 10-2A-01 ET SEQ. OF THE NATURAL RESOURCES ARTICLE, OF THE STATE CODE; AND COMAR, TITLE 08;

(III) TREES THAT ARE CHAMPION TREES, PART OF A HISTORIC SITE, OR ASSOCIATED WITH A HISTORIC STRUCTURE;

(IV) A TREE THAT HAS A DIAMETER MEASURED AT 4.5 FEET ABOVE THE GROUND OF 30 INCHES OR MORE OR THAT IS 75% OR MORE OF THE DIAMETER OF THE CURRENT STATE CHAMPION TREE OF THAT SPECIES; OR

(V) HABITATS OR POTENTIAL HABITATS FOR FOREST INTERIOR DWELLING BIRDS AND OTHER WILDLIFE SPECIES THAT CONSIST OF A MINIMUM OF 75 ACRES OF CONTIGUOUS FOREST WITH 10 OR MORE ACRES OF CONTIGUOUS FOREST LOCATED MORE THAN 300 FEET FROM THE NEAREST FOREST EDGE, OR A MINIMUM OF 75 ACRES OF CONTIGUOUS RIPARIAN FORESTS ALONG A PERENNIAL STREAM WITH AN AVERAGE WIDTH OF AT LEAST 300 FEET.

(b) **Exceptions.** Approval is not required for clearing or grading associated with:

(5) disturbing less than 5,000 square feet of land or unless prohibited by subsection (a)(2) OR (A)(4) of this section or other applicable State or federal law.

16-3-202. Standard grading plan.

(a) **Generally.** A standard grading plan may be used in lieu of a grading permit if:

(2) the applicant certifies that construction OR CLEARING will meet the conditions and limitations established on the standard grading plan and will be carried out in compliance with this title; and

(D) **Requirements for forest clearing.** UNLESS ANOTHER PROVISION OF LAW PROVIDES FOR A STRICTER REQUIREMENT, FOR A STANDARD GRADING PLAN APPROVING CLEARING UNDER § 16-3-201(A)(4), THE APPLICANT SHALL BE REQUIRED TO REPLANT ONSITE OR OFFSITE OR PAY A FEE-IN-LIEU OF PLANTING AS SET FORTH IN § 17-11-101 OF THIS CODE AT A RATIO OF 1 TO 1.

TITLE 5. VIOLATIONS, ENFORCEMENT, AND PENALTIES

16-5-105. Civil fines.

(D) **Forest clearing violations.** IT IS A CLASS A CIVIL OFFENSE TO CLEAR IN VIOLATION OF § 16-3-201(A)(4). THE CIVIL FINE SHALL BE \$4.50 PER SQUARE FOOT OF TREES OR AREA CLEARED, NOT TO EXCEED \$10,000 PER VIOLATION.

[[16-5-106.]] 16-5-106. Violation requirements.

[[A person who clears in violation of the law shall plant at a ratio of three times the area cleared. Any fee-in-lieu of planting shall be as set forth in § 17-11-101 for clearing in violation of either the forest conservation or the critical area provisions of Article 17, and the fee shall be paid on demand.]]

IN ADDITION TO ANY OTHER PENALTIES SET FORTH IN THIS ARTICLE, A PERSON WHO VIOLATES THE PROVISIONS OF TITLE 3 OR 4 OF THIS ARTICLE SHALL, AT A MINIMUM:

(1) REPLANT AT THREE TIMES THE AREA CLEARED, GRADED, OR DISTURBED WITH TREES AND VEGETATIVE COVER APPROVED BY THE DEPARTMENT;

(2) FOR ANY REPLANTING THAT CANNOT BE ACHIEVED IN ACCORDANCE WITH THIS CODE, PAY A FEE-IN-LIEU OF PLANTING AS SET FORTH IN § 17-11-101; AND

(3) IN ADDITION TO ANY CIVIL FINES OR THE FEE-IN-LIEU REQUIRED UNDER PARAGRAPH (2), PAY THE FEE FOR CLEARING IN VIOLATION OF THE CRITICAL AREA LAW AS SET FORTH IN § 17-11-101 FOR THE ENTIRE AREA CLEARED, GRADED, OR DISTURBED.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 6. GENERAL DEVELOPMENT PROVISIONS

17-6-309. Violations.

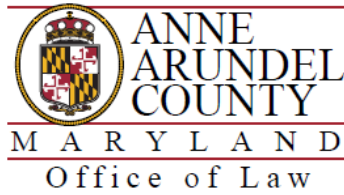
A person who clears in violation of this subtitle shall, at a minimum:

(1) replant at ~~[[two times]]~~ THREE TIMES the area cleared with trees and vegetative cover approved by the Office of Planning and Zoning; ~~[[or]]~~

(2) FOR ANY REPLANTING THAT CANNOT BE ACHIEVED IN ACCORDANCE WITH THIS CODE, pay a ~~[[fee]]~~ FEE-IN-LIEU OF PLANTING into the Forest Conservation Fund as ~~[[required by]]~~ SET FORTH IN § 17-11-101; AND

(3) IN ADDITION TO ANY CIVIL FINES OR THE FEE-IN-LIEU REQUIRED UNDER PARAGRAPH (2), PAY THE FEE FOR CLEARING IN VIOLATION OF THE FOREST CONSERVATION LAW AS SET FORTH IN § 17-11-101 FOR THE ENTIRE AREA CLEARED.

SECTION 4. *And be it further enacted*, That this Ordinance shall take effect 45 days from the date it becomes law.



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

Date: February 16, 2021

Subject: Bill No. 20-21 – An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management - Subdivision and Development - Forest Conservation

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law at the request of Councilman Lisa Rodvien for use by members of the Anne Arundel County Council during consideration of Bill No. 20-21. The summary is intended to explain the purposes and legal effects of the bill.

Purpose. The primary purpose of this Bill is to require property owners to obtain approval from the County for clearing more than three trees or more than 1,000 square feet in a forest, if the forest also includes an area considered a priority retention area.¹ The Bill also establishes fines

¹ “Forest” has the definition set forth in § 5-1601(k) of the Natural Resources Article of the Maryland Annotated Code, which “means a biological community dominated by trees and other woody plants covering a land area of 10,000 square feet or greater.”

(2) “Forest” includes:

- (i) Areas that have at least 100 trees per acre with at least 50% of those trees having a 2 inch or greater diameter at 4.5 feet above the ground; and
- (ii) Forest areas that have been cut but not cleared.

(3) “Forest” does not include orchards.

Five of the priority retention areas listed in § 17-6-303 (b) are included in this Bill::

- (1) trees, shrubs, and plants located in sensitive areas, including the 100-year floodplain, intermittent and perennial streams and their buffers, steep slopes, non-tidal wetlands, and all associated buffers; and critical habitat areas, as defined in § 5-1601 of the Natural Resources Article of the State Code; . . .

for any such clearing conducted without the required approvals and elaborates on existing provisions regarding violations of Article 16 and the Forest Conservation provisions of the Code.

Background. Under current law, approval is required for more than 5,000 square feet of clearing or grading² outside the critical area buffer.³ Currently, clearing or grading of more than 5,000 square feet without approval outside of the critical area is a Class C civil violation, which carries a fine of \$500 for the first violation and \$1,000 for the second or any subsequent violation, (See § 16-5-105(d); § 9-2-101 (f)(3)).

After the passage of the new Forest Conservation provisions in Bill 68-19, there was a misconception that clearing of any trees in a forest or from a priority retention area could be considered “clearing in violation of forest conservation law” and subject to a fee of \$4.50 per square foot cleared.

However, this is not the case. Article 17 applies to development activities. The types of plants that are required to be placed in priority retention areas in a forest conservation plan are not listed in the Code in such a way to make the removal of those items outside of the development context a “violation.” That section only comes into play if a property owner is going through the development process.⁴ Therefore, if the tree removal or clearing does not need a grading permit

(3) trees, shrubs, or plants determined to be rare, threatened, or endangered under the Federal Endangered Species Act of 1973 set forth in 16 U.S.C. §§ 1531 - 1544 and in 50 CFR Part 17; the Maryland Nongame and Endangered Species Conservation Act set forth in the Natural Resources Article, §§ 10-2A-01 et seq., of the State Code; and COMAR, Title 08;

(4) trees that are champion trees, part of a historic site, or associated with a historic structure;

(5) a tree that has a diameter measured at 4.5 feet above the ground of 30 inches or more or that is 75% or more of the diameter of the current State champion tree of that species; . . .

(7) habitats or potential habitats for forest interior dwelling birds and other wildlife species that consist of:

(i) a minimum of 75 acres of contiguous forest with 10 or more acres of contiguous forest located more than 300 feet from the nearest forest edge; or

(ii) a minimum of 75 acres of contiguous riparian forests along a perennial stream with an average width of at least 300 feet.

Two were excluded as they describe forest in general, rather than the specific priority retention areas this Bill seeks to protect.

² All clearing falls within the broader category of grading. Therefore, when the term grading is used, it also encompasses clearing. Clearing is defined as “a form of development that means the process of cutting or removing trees, woody vegetation, ground cover, stumps, or roots, and does not include gardening or maintenance of an existing grass lawn or removal of hazardous trees as defined in COMAR, Title 27.” § 17-1-101 (15).

Grading means “to cause the disturbance of the earth, and the term includes clearing, excavating, filling, including hydraulic fill, stockpiling of earth materials, grubbing, rootmat or top soil disturbance, or a combination of any of these operations, including logging and timber removal operations.” § 16-1-101 (50).

³ Approval is required for any amount of clearing in the critical area buffer, expanded buffer, or buffer modification area.

⁴ The scope of the forest conservation subtitle applies to “any public or private preliminary plan, site development plan, subdivision plan or application for a grading or sediment control permit by any person, including a unit of State

(i.e., less than 5,000 square feet of disturbance), there is currently no violation of the County Code. If the clearing is more than 5,000 square feet, the violation would be cited as grading without a permit, and would be a \$500 violation.

This Bill makes it a violation to clear more than three trees or between 1,000 and 4,999 square feet⁵ in a forest that also includes a priority retention area listed in the Bill without approval. Clearing or grading over 5,000 square feet anywhere remains a violation. The Bill is not intended to make the clearing of a few trees from most single residential lots a violation. This only applies to trees that are part of a forest and are located in a priority retention area. The Bill creates a new class of fine for all clearing above 1,000 square feet within a forest and priority retention area.

Bill provisions.

The definition of “standard grading plan” is revised in **§ 16-1-101(86)** to be one that can also authorize clearing or grading of less than 5,000 square feet. Right now, a standard grading plan only applies to grading associated with minor construction, so this expansion will allow a standard grading plan to be used for grading not associated with construction.

Section 16-3-201(a)(4) is new and is the provision discussed above that requires a standard grading plan, grading permit, or approved forest management plan for the clearing of three or more trees or 1,000 square feet of forest, if the clearing also includes any of the features listed in paragraphs **(i) through (v)**. These are five of the priority retention areas listed in § 17-6-303(b) of the Code. Subsection **(b)** is revised to add a reference to (a)(4).

In **§ 16-3-202**, subsection **(a)(2)** is revised to include a reference to clearing, as that type of activity would now be approved through a standard grading plan. Subsection **16-3-303(d)** is new and requires that, for a standard grading plan approving the clearing trees authorized by new § 16-3-201(a)(4), the applicant shall replant or pay a fee-in-lieu of replanting at a ratio of 1 to 1.

Subsection 16-5-105(d) is new and makes clearing in violation of new § 16-3-201(a)(4) a Class A civil offense. The section further provides that the fine shall be \$4.50 per square foot of trees or area cleared, not to exceed \$10,000 per violation. The maximum fine for a Class A civil offense is \$10,000 (§ 9-2-101(f)(1)).⁶ The \$4.50 per square feet was chosen because that is the amount approved by the Council in Bill 68-19 for clearing in violation of the forest conservation law.

government and the County, on areas 40,000 square feet or greater.” § 17-6-301. The priority retention areas set forth in § 17-6-303(b) to be left undisturbed applies only when there is a development application and is a requirement for what is required to be retained in a forest conservation plan submitted with any of these development applications.

⁵ A removed tree is converted to square footage by using the canopy coverage for the area of disturbance. While field verification for enforcement cases is always needed, a typical mature tree’s canopy is estimated to cover 400 square feet of area.

⁶ In accordance with State law, the maximum fine that can be imposed for each sediment control violation is \$10,000. Md. Code Ann., Envir., § 4-116 (c).

Section 16-5-106 has been completely rewritten. Existing § 16-5-106 is not a model of clarity, as it refers to a “fee-in-lieu” of planting for “clearing in violation”, when those are actually two different fees. The section also appears to have been intended to apply to all violations of Article 16, but only refers to “clearing in violation” of the law.

The section is rewritten to reflect the longstanding practice to require replanting at a ratio of three-to-one for all violations of Article 16, not just “clearing” violations. Paragraph (2) makes it clear that, for any replanting that cannot be achieved in accordance with the Code (either onsite or offsite), a person shall pay a fee-in-lieu of planting as set forth in § 17-11-101. Lastly, paragraph (3) requires that, in addition to any civil fines or the fee-in-lieu, a person shall pay the fee for clearing in violation of the critical area law as set forth in § 17-11-101 (\$1.50 per square foot of mitigation required) for the entire area cleared, graded, or disturbed.

Section 17-6-309 is revised to be consistent with § 16-5-106. The latter section requires planting at a ratio of three-to-one for forest conservation violations, whereas the former states a ratio of two-to-one. As revised, § 17-6-309 is made consistent with § 16-5-106 and also requires replanting at three-to-one for violations of the forest conservation title.⁷ For any replanting that cannot be achieved in accordance with the Code, a fee-in-lieu of replanting shall be paid in accordance with paragraph (2). Lastly, paragraph (3) requires that in addition to any civil fines or the fee-in-lieu, a person shall pay the fee for clearing in violation of the forest conservation law as set forth in § 17-11-101 (\$4.50 per square foot of mitigation required) for the entire area cleared. As the law is currently written, it is not clear that both the planting or fee-in-lieu *and* the clearing in violation fee should be paid.

Section 3 provides that the Ordinance shall take effect 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you very much.

⁷ These types of violations include violation of the terms of a forest conservation easement or covenant, violation of a forest conservation plan or maintenance agreement, or violations of other forest conservation regulations adopted under law. Natural Resources, § 5-1608; COMAR 08.19.03.01.15.1.

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Bill No. 21-21

Introduced by Ms. Haire

By the County Council, February 16, 2021

Introduced and first read on February 16, 2021
Public Hearing set for March 15, 2021
Bill Expires on May 22, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Landscaping and Tree Contracting with
2 Accessory Recycling of Logs into Firewood

3
4 FOR the purpose of allowing “landscaping and tree contracting with accessory recycling
5 of logs into firewood” as a special exception use in RA residential districts; adding the
6 special exception use requirements for “landscaping and tree contracting with
7 accessory recycling of logs into firewood”; and generally relating to zoning.

8
9 BY repealing and reenacting, with amendments: § 18-4-106
10 Anne Arundel County Code (2005, as amended)

11
12 BY renumbering: §§ 18-11-133 through 18-11-166, respectively, to be 18-11-134 through
13 18-11-167, respectively
14 Anne Arundel County Code (2005, as amended)

15
16 BY adding: § 18-11-133
17 Anne Arundel County Code (2005, as amended)

18
19 SECTION 1. *Be it further enacted by the County Council of Anne Arundel County,*
20 *Maryland,* That §§ 18-11-133 through 18-11-166, respectively, of the Anne Arundel
21 County Code (2005, as amended) are hereby renumbered to be §§ 18-11-134 through 18-
22 11-167, respectively.

23
24 SECTION 2. *And be it enacted,* That Section(s) of the Anne Arundel County Code
25 (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

ARTICLE 18**TITLE 4. RESIDENTIAL DISTRICTS****18-4-106. Permitted, conditional, and special exception uses.**

The permitted, conditional, and special exception uses allowed in each of the residential districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses also are allowed, except that guest houses as accessory structures are prohibited and outside storage as an accessory use is limited to the lesser of 10% of the allowed lot coverage or 500 square feet.

Permitted, Conditional, and Special Exception Uses	RA	RLD	R1	R2	R5	R10	R15	R22

Landscaping and tree contracting	SE	SE						
LANDSCAPING AND TREE CONTRACTING WITH ACCESSORY RECYCLING OF LOGS INTO FIREWOOD	SE							

TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES**18-11-133. Landscaping and tree contracting with accessory recycling of logs into firewood.**

LANDSCAPING AND TREE CONTRACTING WITH ACCESSORY RECYCLING OF LOGS INTO FIREWOOD SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

(1) THE FACILITY SHALL BE LOCATED ON A LOT OF AT LEAST FIVE ACRES.

(2) BUILDINGS AND OUTDOOR AREAS TO BE USED FOR PARKING, LOADING OR STORAGE OF VEHICLES, EQUIPMENT, TOOLS, AND SUPPLIES RELATED TO LANDSCAPING AND TREE CONTRACTING SHALL BE DELINEATED ON A SITE DEVELOPMENT PLAN AND LOCATED AT LEAST 50 FEET FROM ALL LOT LINES AND PUBLIC ROADS.

(3) THE PROCESSING AREAS, PARKING AND LOADING AREAS, AND AREAS FOR STORAGE OF MECHANICAL EQUIPMENT RELATED TO THE RECYCLING OF LOGS INTO FIREWOOD SHALL BE DELINEATED ON A SITE DEVELOPMENT PLAN AND LOCATED AT LEAST 200 FEET FROM LOT LINES.

(4) FIREWOOD SHALL BE STORED IN WINDROWS NOT MORE THAN 10 FEET HIGH AND 20 FEET WIDE, IN STATIC PILES NOT MORE THAN 20 FEET HIGH, OR IN BULK STORAGE BAGS AND SHALL BE LOCATED AT LEAST 50 FEET FROM LOT LINES.

1 (5) OUTDOOR STORAGE, INCLUDING STORAGE OF UNPROCESSED LOGS AND
2 PROCESSED FIREWOOD, MAY NOT OCCUPY MORE THAN 20% OF THE TOTAL LOT AREA, NOT
3 TO EXCEED FIVE ACRES.

4 (6) HOURS OF OPERATION FOR THE RECYCLING OF LOGS INTO FIREWOOD SHALL
5 BE LIMITED TO EITHER 9:00 A.M. TO 12:00 P.M. OR 1:00 P.M. TO 4:00 P.M. ON ANY ONE DAY,
6 MONDAY THROUGH FRIDAY.

7
8 (7) THE SOUND LEVEL AT ANY RESIDENTIALLY ZONED OR RESIDENTIALLY
9 DEVELOPED PROPERTY LINE MAY NOT EXCEED AN AVERAGE OF 55 DBA AND A PEAK OF
10 60 DBA BASED ON READINGS TAKEN DURING OPERATIONS.

11
12 (8) THE STORAGE AND PROCESSING OF LOGS THAT ARE NOT INCIDENTAL TO THE
13 LANDSCAPING AND TREE CONTRACTING BUSINESS IS PROHIBITED.

14
15 (9) THE FACILITY SHALL MEET THE REQUIREMENTS OF § 18-11-132(2), (4), (6), AND
16 (7).

17
18 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
19 from the date it becomes law.

COUNTY COUNCIL OF

ANNE
ARUNDEL
COUNTY

M A R Y L A N D

LEGISLATIVE SUMMARY*

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: February 16, 2021

Subject: Bill No. 21-21

Under existing County law, a landscaping and tree contracting business may, among other things, remove, cut, trim, and prune trees. *See* the definition of the use in §18-1-101. It may not, however, recycle any resulting logs into firewood. This sometimes means that the logs end up in the landfill.

Bill No. 21-21 allows a new use entitled “Landscaping and tree contracting, with accessory recycling of logs into firewood.” The use is a special exception use in RA zoning districts. The use must meet all of the following requirements:

1. It must be on a lot of least five acres.
2. A site development plan is required to delineate the buildings and outdoor areas to be used for parking, loading, or storage of vehicles, equipment, tools, and supplies relating to landscaping and tree contracting, all of which must be located at least 50 feet from lot lines.
3. The site development plan must also show the processing areas, parking and loading areas, and areas for the storage of equipment relating to the recycling of logs into firewood, all of which must be located at least 200 feet from lot lines.
4. Firewood must be stored in windrows not more than 10 feet high and 20 feet wide, in static piles not more than 20 feet high, or in bulk storage bags, and all storage must be located at least 50 feet from lot lines.

* This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

5. Outdoor storage may not exceed 20% of the total lot area, not to exceed five acres.
6. The recycling of the logs into firewood may occur in the morning (9 a.m. to 12 p.m.) or in the afternoon (1 p.m. to 4:00 p.m.), but not both. It may occur on weekdays only.
7. The sound level at the lot line of residentially zoned or developed properties may not exceed an average of 55 DBA and a peak of 60 DBA based on readings taken during operations.
8. Logs that are not incidental to the landscaping and tree contracting business may not be stored or processed on the property.
9. The facility must meet the access, nuisance, Landscape Manual, and vehicle or equipment repair requirements contained in §18-11-131(2), (4), (6), and (7).

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 4

Resolution No. 16-21

Introduced by Ms. Lacey, Chair

By the County Council, February 16, 2021

1 RESOLUTION approving the use of CliftonLarsonAllen LLP, an independent firm of
2 certified public accountants, to perform the financial audit for Fiscal Year 2020

3
4 WHEREAS, Section 311 of the Anne Arundel County Charter requires the County
5 Auditor to submit to the County Council and to the County Executive, not later than
6 six months after the close of each fiscal year, a complete financial audit for the
7 preceding fiscal year of all offices, departments, institutions, boards, commissions,
8 corporations, courts and other agencies of the County government; and

9
10 WHEREAS, Section 311 of the Charter provides that, subject to the availability of
11 funds in the budget, the required audit may be performed by an independent firm
12 of certified public accountants whose members are licensed for the practice of their
13 profession under the laws of this State; and

14
15 WHEREAS, Section 8-2-110(e) of the Anne Arundel County Code requires that
16 the independent firm of certified public accountants retained to perform the
17 financial audit under Section 311 of the Charter be selected by resolution of the
18 County Council after receiving the recommendation of an Evaluation Committee
19 appointed by the Chair of the County Council; and

20
21 WHEREAS, in 2020, the Chair of the County Council appointed Susan L. Smith,
22 County Auditor, Michelle Bohlayer, Assistant County Auditor, Terry Gibson,
23 Legislative Audit Manager, and Karin McQuade, County Controller, to serve on
24 the Evaluation Committee and recommend an independent firm of certified public
25 accountants retained to perform the financial audit under Section 311 of the Charter;
26 and

27
28 WHEREAS, the Evaluation Committee found that it was in the County's best
29 interest to engage the services of CliftonLarsonAllen LLP, an independent firm of
30 Certified Public Accountants licensed for practice in the State of Maryland, to
31 perform the financial audit for fiscal year 2020 under Section 311 of the Charter;
32 and

33
34 WHEREAS, CliftonLarsonAllen LLP performed the financial audit for fiscal year
35 2020 under Section 311 of the Charter; now, therefore, be it

36
37 *Resolved by the County Council of Anne Arundel County, Maryland, That it hereby*
38 *approves the use of CliftonLarsonAllen LLP to perform the financial audit of fiscal year*
39 *2020 under Section 311 of the County Charter.*

AMENDMENT TO BILL NO. 8-21
(Construction and Property Maintenance Codes Supplement – Residential Piers and Riparian Rights)

February 16, 2021

Introduced by Ms. Fiedler

Amendment No. 1

On page 1 of the proposed bill, in line 5, after the semi-colon, insert “requiring that notice of the application be sent to certain interested parties;”.

On page 2, after line 30, insert:

“105.3.1.7.1 SHALL CERTIFY THAT NOTICE WAS SENT, BY CERTIFIED OR ELECTRONIC MAIL, TO ANY HOMEOWNER’S ASSOCIATION THAT GOVERNS THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION, NOTIFYING THE ASSOCIATION THAT AN APPLICATION HAS BEEN FILED FOR A RESIDENTIAL PIER, OR, IF THE APPLICANT CERTIFIES THAT CONTACT INFORMATION FOR THE HOMEOWNER’S ASSOCIATION WAS NOT AVAILABLE, A CERTIFICATION THAT PROPERTY OWNERS OF ALL PROPERTY ABUTTING THE APPLICANT’S PROPERTY WERE SENT THE NOTICE; AND”.

(This amendment requires that an applicant notify a homeowner’s association when an application to construct a residential pier is filed, or alternately, any abutting property owners if no contact information for the homeowners association is available.)

**AMENDMENT TO BILL NO. 9-21
(Civil Emergencies – Duration)**

February 16, 2021

Introduced by Mr. Volke and Ms. Fiedler

Amendment No. 1

On page 1 of the proposed bill, in line 5 after the semi-colon, insert “providing for the application of this Ordinance;”.

On page 2, before line 1, insert:

“SECTION 2. And be it further enacted, That the provisions of this Ordinance shall apply to a proclamation of a civil emergency made by a County Executive, and any executive order entered pursuant to the aforementioned proclamation of a civil emergency, on or after the effective date of this Ordinance.”;

and in line 1, strike “2.” and substitute “3.”

(This amendment clarifies that Bill No. 9-21 will not apply to the current civil emergency authorized and extended by Bill No. 24-20 but will apply to all civil emergencies declared in the County in the future.)