

AGENDA
COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Virtual County Council Meeting
Legislative Session 2021, Legislative Day No. 6
March 15, 2021 - 6:00 P.M.

- A. Invocation (Pruski)
- 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

March 1, 2021 – Legislative Day No. 5

- I. Introduction of Bills

BILL NO. 27-21 – AN ORDINANCE concerning: Public Works – Permits for Use of County Rights-of-Way – Maintenance Permit and Inspection Fees – FOR the purpose of requiring that a utility be invoiced quarterly for right-of-way maintenance permit and inspection fees; providing that a utility be assessed a penalty on maintenance permit and inspection fees unpaid after 30 days; and generally relating to public works.
by Ms. Lacey, Chair
(by request of the County Executive)

BILL NO. 28-21 – AN ORDINANCE concerning: Subdivision and Development – Community Meetings – FOR the purpose of requiring a developer to record the proceedings of a community meeting; requiring a developer to provide the a copy of recording to the Office of Planning and Zoning; requiring the Office of Planning and Zoning to post the recording on the County website for a certain time period; and generally relating to subdivision and development.
by Mr. Volke and Ms. Haire

- J. Introduction of Resolutions

RESOLUTION NO. 20-21 – RESOLUTION confirming the reappointment of an Anne Arundel County resident to serve on the Spending Affordability Committee
by Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 21-21 – RESOLUTION expressing the need for land located in Severn, Maryland and owned by the Anne Arundel County Board of Education for the Severn Intergenerational Center

Ms. Lacey, Chair, and by Ms. Pickard, Ms. Lacey, Mr. Pruski, and Ms. Rodvien

RESOLUTION NO. 22-21 – RESOLUTION appointing Michelle E. Bohlayer as County Auditor

by Ms. Lacey, Ms. Pickard, Mr. Pruski, Ms. Rodvien, and Ms. Fiedler

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

BILL NO. 11-21 (Amendments Proposed) (Hearing Concluded) (Eligible for Vote) – 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. 14-21 (As Amended) – 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 residential 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. 16-21 (Amendment Proposed) – 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 (Amendment Proposed) – 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 (Amendment(s) Proposed) – 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 (Amendment Proposed) – 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

RESOLUTION NO. 17-21 – RESOLUTION endorsing financial assistance from the Maryland Economic Development Assistance Fund to L3 Technologies, Inc.

by Ms. Lacey, Chair

(by request of the County Executive)

RESOLUTION NO. 18-21 – RESOLUTION supporting the goals and recommendations of the Joint Initiative to Eliminate the Opportunity Gap Committee

by Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Ms. Lacey

RESOLUTION NO. 19-21 – RESOLUTION supporting the development of a statewide comprehensive plan to divert food residuals from landfills by Mr. Pruski, Ms. Rodvien, Ms. Lacey, and Ms. Pickard

L. Other Business

M. Adjourn

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WAYS TO FOLLOW THE COUNTY COUNCIL

Members of the public can watch the County Council on local cable channels or via Arundel TV Live. To find a list of channels or to access Arundel TV Live, visit www.aacounty.org/services-and-programs/government-television.

You may call and listen to the March 15, 2021 Council 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
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+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: 882 8702 7143
Passcode: 44370410

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COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Virtual Legislative Session 2021, Legislative Day No. 5

March 1, 2021 – 6:00 P.M.

The meeting was called to order by Chair Sarah Lacey at 6:00 P.M. Chris Beatty, Lead Pastor, Hope Springs Church, gave the Invocation, and Mr. Volke 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 Chair 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 three submissions of written public testimony received for Invitation to Audience, which were shared with the Council and posted on the County Council website.

The following registered speakers addressed the Council:

Jikaela Call, Lothian
Lawrence Diggs, Bel Air
Antonio Palmer, Odenton

Cynthia Carter was called to speak but was not present. There was no one else registered to speak and the hearing was concluded.

ITEMS NOT ON THE AGENDA

Mr. Pruski stated that he wished to be added as a co-sponsor on Bill No. 13-21 and Bill No. 15-21.

PRELIMINARY MOTION

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted that the partial reading of any bill, resolution, minutes, or amendment constitutes the reading of the whole.

APPROVAL OF MINUTES

On motion of Ms. Pickard, seconded by Mr. Pruski the minutes of February 16, 2021, were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 22-21 – AN ORDINANCE concerning: Current Expense Budget – Fund Transfer and Supplementary Appropriations – FOR the purpose of transferring appropriations of funds between certain offices, departments, institutions, boards, commissions or other agencies in the general fund; making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies in the general fund and to certain special funds of the County government for the current fiscal year; and generally relating to transferring appropriations of funds and making supplementary appropriations of funds 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. 23-21 – AN ORDINANCE concerning: Approval of Second Amendment of Lease Agreement of certain County-owned property to Robert A. Pascal Youth and Family Services, Inc. – FOR the purpose of approving a second amendment to the lease of County-owned property to Robert A. Pascal Youth and Family Services, Inc. to extend the lease term for an additional fifteen years.

by Ms. Lacey, Chair

(by request of the County Executive)

and by Ms. Pickard and Ms. Rodvien

BILL NO. 24-21 – AN ORDINANCE concerning: Timbers Special Community Benefit District – FOR the purpose of establishing the Timbers Special Community Benefit District; establishing the purposes of the District and the manner of assessment for the District; and designating a civic or community association to administer the expenditures of the District.

by Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 25-21 – AN ORDINANCE concerning: Finance, Taxation, and Budget – Revenue Reserve Fund – FOR the purpose of increasing the allowable amount of money in the Revenue Reserve Fund to 6% of the estimated General Fund revenues for the upcoming fiscal year; and generally relating to the Revenue Reserve Fund.

by the Entire Council

BILL NO. 26-21 – AN ORDINANCE concerning: Crimes, Civil Offenses, and Fines – Crimes – Noise Disturbances – FOR the purpose of amending the prohibition against the use of certain audio producing devices at an unreasonably loud volume in residential districts; amending the time during which certain devices with sound at an unreasonably loud volume are prohibited in residential districts; creating a rebuttable presumption that noise heard within a certain distance is a violation; establishing the amount of a civil fine for noise violations; making certain technical changes; and generally relating to crimes, civil offenses, and fines.

by Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 17-21 – RESOLUTION endorsing financial assistance from the Maryland Economic Development Assistance Fund to L3 Technologies, Inc.

by Ms. Lacey, Chair

(by request of the County Executive)

RESOLUTION NO. 18-21 – RESOLUTION supporting the goals and recommendations of the Joint Initiative to Eliminate the Opportunity Gap Committee
by Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Ms. Lacey

RESOLUTION NO. 19-21 – RESOLUTION supporting the development of a statewide comprehensive plan to divert food residuals from landfills
by Mr. Pruski, Ms. Rodvien, Ms. Lacey, and Ms. Pickard

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

BILL NO. 8-21 (As Amended)

The Chair called for the public hearing on Bill No. 8-21, as amended, 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; requiring that notice of the application be sent to certain interested parties; and generally relating to construction and property maintenance codes; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, stated that this bill will add a certification check box on the application and would require that an e-mail or mail notification be sent to an HOA, any property owner, or adjacent property owner, informing them of any riparian rights in advance of construction of a residential pier. She asked for the Councilmembers' support.

Pete Baron, Director, Government Affairs, was accompanied by Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, and Kelly Krinetz, Office of Planning & Zoning, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits, and Greg Swain, County Attorney.

Mr. Baron stated that the Administration supports Bill No. 8-21, as amended.

The Chair opened the public hearing on Bill No. 8-21, as amended.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 8-21, as amended.

Robert Welsh was called to speak but was not present. There was no one else registered to speak and the hearing was concluded.

The Chair called Bill No. 8-21, as amended, An Ordinance concerning: Construction and Property Maintenance Codes Supplement – Permits – Residential Piers and Riparian Rights; and the Administrative Officer read a portion of the title.

Ms. Fiedler stated for the record that the Office of Planning & Zoning is willing to issue a blue supplement notice on clarifying what the certification box is on the application.

Kelly Krinetz, Office of Planning & Zoning stated that they indicated they would work with Inspections & Permits to come out with something that provides clarification regarding the certification box to make it less complicated. She stated that they would also work with Mr. Welsh, a constituent, regarding his concerns.

Mr. Volke asked Ms. Krinetz to explain what Mr. Welsh's concerns are, since he was unable to attend the meeting.

Ms. Krinetz stated that one of his concerns is the language in the bill which states they would have to be certified. She said that this is not intended to mean that someone has to hire a title attorney. It is simply a box that you check that says you are certified and have riparian rights.

There was further discussion between Mr. Volke and Ms. Krinetz, and Mr. Africa concerning the application and what it would mean if the applicant misled the county by stating that they were certified and had riparian rights, when they actually didn't.

Bill No. 8-21, as amended, was passed by the following roll call vote:

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

BILL NO. 9-21 (As Amended)

The Chair called for the public hearing on Bill No. 9-21, as amended, An Ordinance concerning: Civil Emergencies – Duration – For the purpose of authorizing extensions the seven-day duration of a proclamation of a civil emergency or an executive order by up to 45 days; providing for the application of this Ordinance; providing that any additional extensions may not exceed a duration of 45 days; and generally relating to civil emergencies; and the Administrative Officer read the title.

Ms. Fiedler stated that Bill No. 9-21 sets a time limit that the Council may approve an extension of civil emergency declared by a County Executive. Ms. Fiedler stated that before last year, to her knowledge, there were no civil emergencies in Anne Arundel County that went beyond seven days. She stated that the current civil emergency has been in place for a year and this bill will not change the current civil emergency.

Pete Baron, Director, Government Affairs, was accompanied by Greg Swain, County Attorney. Mr. Baron stated that the Council has always had the power to add parameters and the Council could have added those parameters in Bill No. 24-20, but they did not. He said that the Administration has provided regular updates to the Council during this pandemic and feels this bill is not necessary.

There was further discussion among the Councilmembers regarding Bill No. 9-21.

The Chair opened the public hearing on Bill No. 9-21, as amended.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. 9-21, as amended, which were shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 9-21, as amended, An Ordinance concerning: Civil Emergencies – Duration; and the Administrative Officer read a portion of the title.

Bill No. 9-21, as amended, was defeated by the following roll call vote:

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

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

BILL NO. 10-21

The Chair called for the public hearing on 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; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Steve Theroux, Budget Office, Billie Penley, Chief Financial Officer, Health Department, Crystal McGill, Office of Transportation, Kathleen Koch, Arundel Community Development Services, Preeti Emrick, Director, Emergency Management, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated that Bill No. 10-21, is a budget transfer bill. He highlighted some of the sections in the auditor's letter and explained the grants and needed transfers.

The Chair opened the public hearing on Bill No. 10-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. 10-21.

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

The Chair call Bill No. 10-21, An Ordinance concerning: Current Expense Budget – Supplementary Appropriations – Grants Special Revenue Fund – CAO Contingency Fund – Capital Budget; and the Administrative Officer read a portion of the title.

Bill No. 10-21 was passed by the following roll call vote:

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

BILL NO. 11-21

The Chair called for the public hearing on 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; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Steuart Pittman, County Executive, Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, and Kelly Krinetz, Office of Planning & Zoning, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits, and Greg Swain, County Attorney.

Steuart Pittman, County Executive, opened the discussion on Bill No. 11-21 and expressed his support for Plan2040.

There was a lengthy discussion between the Council and Mr. Kaii-Ziegler regarding the basis for general development plans as well as the background and goals of Plan2040.

The Chair opened the public hearing on Bill No. 11-21.

The Administrative Officer stated there were eight submissions of written public testimony received on Bill No. 11-21 which were shared with the Council and posted on the County Council website.

The following registered speakers addressed Bill No. 11-21:

Deborah Weller, Millersville
Russell Stevenson, Severna Park
Ana Henry, Annapolis
Philip Dales, Annapolis
Timothy Madden, Severna Park
Kevin Plessner, Linthicum Heights
Tom Ballentine, Baltimore

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

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council voted to hold the vote on Bill No. 11-21 until March 15, 2021, by the following roll call vote:

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

RECESS

On motion of Mr. Pruski, seconded by Ms. Pickard, the Council vote to recess at 7:31 P.M.

RECONVENE

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

BILL NO. 12-21

The Chair called for the public hearing on 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; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Matt Johnston, Environmental Policy Director, Christine Romans, Central Services Officer, Andrew Hime, Purchasing Agent, Central Services, Christopher Phipps, Director, Department of Public Works, Rhody Holthaus, Deputy Director, Bureau of Waste Management Services, Lori Blair Klasmier, Deputy County Attorney, Office of Law, and Jason Fetterman, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that Bill No. 12-21 was discussed at the work session. He thanked everyone in the County government who worked hard on this legislation to bring it to fruition and the point that it is now. This bill will allow almost twenty acres of a retired portion of the Glenn Burnie Landfill to generate revenue to the County and clean energy to our residents. It is a twenty five year lease agreement with Glenn Burnie Landfill Solar LLC. Their plan is to build a four megawatt solar unit on the site. Mr. Baron stated that this is the type of development that Anne Arundel County should be looking for as it generates money and clean energy for the County.

The Chair opened the public hearing on Bill No. 12-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 12-21.

The following registered speaker addressed Bill No. 12-21:

Michael Lofton, Harwood

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

The Chair called for Bill No. 12-21, An Ordinance concerning: Approval of Ground Lease between Anne Arundel County and Glenn Burnie Landfill Solar LLC; and the Administrative Officer read a portion of the title.

Bill No. 12-21 was passed by the following roll call vote:

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

BILL NO. 13-21

The Chair called for the public hearing on Bill No. 13-21, An Emergency 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; and the Administrative Officer read the title.

Ms. Lacey, Sponsor, stated that Bill No. 13-21 was discussed at the work session and that she had nothing further to add. She referred to Anthony Lamartina from the Board of Appeals.

Mr. Lamartina from the Board of Appeals explained the need for Bill No. 13-21 and asked the Council to support the bill.

Pete Baron, Director, Government Affairs, stated that the Administration supports Bill No. 13-21.

Ms. Pickard thanked the Board of Appeals for being present.

The Chair opened the public hearing on Bill No. 13-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 13-21.

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

The Chair called for Bill No. 13-21, An Emergency Ordinance concerning: Rules of Practice and Procedure of the Board of Appeals – Amendments; and the Administrative Officer read a portion of the title.

Bill No. 13-21 was passed by the following roll call vote:

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

BILL NO. 14-21

The Chair called for the public hearing on 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; and the Administrative Officer read the title.

Mr. Pruski, Sponsor, stated that this bill puts into focus what is currently happening in the County in terms of what is needed and what is available at stores. This bill will change the minimum setback from lot lines for accessory structures other than certain sized sheds in residential districts so there will not be a need for a permit. He stated that there is an amendment from the Administration which he intends to support.

Pete Baron, Director, Government Affairs, was accompanied by Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Assistant Planning & Zoning Officer, Kelly Kenney, Senior Assistant County Attorney, Office of Law, Greg Africa, Director, and Nabeel Waseem, Inspection & Permits.

Mr. Baron stated that the Administration supports Bill No. 14-21, and acknowledged that an amendment will be offered.

Mr. Pruski clarified that if a homeowner's association has additional restrictions or requirements that bill will not interfere.

The Chair opened the public hearing on Bill No. 14-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 14-21.

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

The Chair called for Bill No. 14-21, An Ordinance concerning: Zoning and Construction Code – Setbacks and Permits for Certain Accessory Structures; and the Administrative Officer read a portion of the title.

Amendment No. 1

On page 1 of the proposed bill, in line 6, after “of” insert “residential”.

On page 2 of the bill, in line 32, after the closing brackets insert “IF ACCESSORY TO A RESIDENTIAL STRUCTURE, OR 64 SQUARE FEET IF ACCESSORY TO A NONRESIDENTIAL STRUCTURE”.

Mr. Baron explained that the amendment is intended to resolve a concern that the bill could lead to commercial areas where a shed could become more of a workshop. The bill does not change the current rules around commercial or industrial structures.

Mr. Volke questioned why this is just being limited to residential.

Nabeel Waseem of Inspection & Permits stated that currently, a permit is required for residential sheds. There will be no requirement for a permit as long as there is 150 square foot setback. A permit is required for commercial based on what the international codes or the national codes require.

There was further discussion between Mr. Volke and Mr. Waseem regarding the requirements for international residential codes and commercial requirement codes.

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

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

Nay – Mr. Volke

Bill No. 14-21, as amended, will be heard of March 15, 2021.

BILL NO. 15-21

The Chair called for the public hearing on 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; and the Administrative Officer read the title.

Ms. Haire, Sponsor, explained the background for permanently lowering the fee to register a short-term residential rental fee.

Ms. Rodvien, Co-Sponsor, clarified that the fee will cover a two year period and thanked Ms. Haire for giving a perfect summary.

Pete Baron, Director, was accompanied by Greg Africa, Director, Inspection & Permits, Helen Shomberg, Assistant Controller, Finance, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated that the Administration is comfortable with this reduced fee, with the caveat that it requires continued monitoring.

The Chair opened the public hearing on Bill No. 15-21.

The Administrative Officer stated there were no submissions of written public testimony received on Bill No. No. 15-21.

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

The Chair called for Bill No. 15-21, An Ordinance concerning: Licenses and Registration – Registration or Renewal of Short-Term Residential Rentals – Fee; and the Administrative Officer read a portion of the title.

Bill No. 15-21, was passed by the following roll call vote.

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

OTHER BUSINESS

Mr. Pruski asked to be added as a co-sponsor on Bill No. 25-21.

Ms. Rodvien asked to be added as a co-sponsor on Bill No. 23-21 and Bill No. 25-21.

Ms. Pickard asked to be added as a co-sponsor on Bill No. 23-21.

ADJOURNMENT

There being no further business, on motion of Mr. Pruski, seconded by Ms. Pickard, the meeting adjourned at 7:22 P.M.

The Chair stated that the next Council meeting will be held on Monday, March 15, 2021.

Respectfully submitted,

by Lee Longo

for Laura Corby
Administrative Officer



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

To: Members of the County Council

From: Susan L. Smith, County Auditor

Date: March 10, 2021

Subject: Legislation to be heard or eligible to vote on March 15, 2021: Bill Nos. 11-21, 14-21, 16-21, 17-21, 18-21, 19-21, 20-21, and 21-21; and Resolution Nos. 17-21, 18-21, and 19-21.

Bill No. 11-21: Planning and Zoning – General Development Plan – Plan2040 (Previously Held)

This bill repeals the 2009 General Development Plan (GDP) and related amendments and adopts the GDP set forth in “Plan2040,” an official policy document intended to guide future growth, development, resource management and protection, and provision of County services. This bill also eliminates a reference to the Glen Burnie Small Area Plan.

We commented on the bill in our letter dated February 24, 2021. At the March 1, 2021 Council meeting, the County Council voted to hold the vote on this bill. We have no additional comments.

Bill No. 14-21: Zoning and Construction Code – Setbacks and Permits for Certain Accessory Structures (As Amended)

This bill reduces the minimum front lot line setback in an R5 district for accessory structures other than sheds that do not exceed 64 square feet in area and 8 feet in height from 50 to 40 feet. Additionally, the bill increases the maximum floor area square footage of one-story detached accessory structures exempt from permit from 64 to 150 square feet.

We commented on this bill in our letter dated February 24, 2021. At the March 1, 2021 Council meeting, this bill was amended to only increase the maximum floor area square footage of one-story detached accessory structures to 150 square feet if it is an accessory to a residential structure. Thus, leaving the maximum floor area square footage of one-story detached accessory structures at 64 square feet for those that are accessory to a nonresidential structure.

This amendment has no fiscal impact to the County.

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

This bill adds one additional Police Major exempt service position and one Police Chief of Staff exempt service position in the Police Department’s fiscal year 2021 (FY2021) Approved Operating Budget. There are currently three Police Major exempt service positions and no Police Chief of Staff positions in the FY2021 Approved Operating Budget. The additional Police Major position will

command a new bureau created by the department that will focus on community relations, juvenile intervention, crisis intervention, youth diversion programs, adult re-entry programs, and other community-related missions. These initiatives are currently handled in the Patrol Services Bureau. The Police Chief of Staff position will be responsible for assisting the Police Chief with the daily operations by assisting with department programs, managing the department's media relations, and other duties as assigned by the Chief. The FY2015 Approved Operating Budget was the last budget the Police Chief of Staff position was budgeted.

According to the Police Department, the plan is to fill these positions before the end of the current fiscal year, and if so, there will be a FY2021 fiscal impact for the partial salaries and benefits. According to the Police Department and the Office of the Budget, if the positions are filled in FY2021, they will most likely request additional appropriations and the amount needed will be determined at that time.

Fiscal Impact: The Police Major position is in the E6 pay grade with an annual salary range of \$93,539 to \$171,184. The total annual fiscal cost for the Police Major position including FICA and benefits would range from \$114,500 to \$277,300. The FY2021 fiscal impact for two month's salary and benefits for this Police Major position would range from \$17,700 to \$33,700.

The Police Chief of Staff position is in the E5 pay grade with an annual salary range of \$84,739 to \$151,302. The total annual fiscal cost for the Police Chief of Staff position including FICA and benefits would range from \$104,400 to \$218,000. The FY2021 fiscal impact for two month's salary and benefits for the Police Chief of Staff position would range from \$16,100 to \$30,400.

This bill only requests the positions and does not increase the Police Department's FY2021 Approved Operating Budget. If the positions are filled in FY2021, a request for additional funding will be requested in a separate bill.

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

This bill changes the title of the Fire Communications Operator position to Fire Communications Operator I with the same LM10 paygrade, adds a Fire Communications Operator II at a LM11 paygrade to provide an additional level in a proficiency series for advancement, and a Fire Communications Operator III to provide a competitive promotion position at a NR14 paygrade. This bill also deletes 29 Fire Communications Operator positions and adds 29 Fire Communications Operator I positions in the Fire Department's FY2021 Approved Operating Budget. Further, this bill deletes one Secretary II position at an OS4 paygrade, and adds one Office Support Assistant II position at an OS4 paygrade in the Police Department's FY2021 Approved Operating Budget.

According to the Fire Department, there is a need for a proficiency advancement in the Fire Communication Operator position as currently employees in this position have no path for advancement, which has resulted in continuous turnover. The new Fire Communications Operator II position will have added administrative support functions and serve as trainers and mentors for newly hired entry level employees, and will require a communications training officer certification and a public safety telecommunicator II certification. The new Fire Communications Operator III position will be responsible for direct supervision of staff and act as a shift supervisor for one of the four shifts, lead training officer, or quality assurance and improvement officer. This will allow uniformed Fire Department personnel currently serving in this supervisory role to be reassigned to other fire and emergency medical service delivery roles.

Our review disclosed that there is currently one recently vacated position and 27 employees filling Fire Communications Operator positions. Of the filled positions, 8 have been in the position for under two years, 14 have been in the position at least two years but less than five years, and 5 have been in the position for more than five years. According to the Fire Department, none of them have met the certification requirements for advancement at this time, and the Fire Department does not expect to request any advancements during FY2021. However, the Fire Department does plan to request advancements in the FY2022 budget.

The annual fiscal cost of the Fire Communications Operator positions are as follows:

Title	Pay Grade	Salary Range	Salary, FICA & Benefits
Fire Communications Operator I	LM10D	\$41,974 - \$65,998	\$54,914 - \$107,671
Fire Communications Operator II	LM11D	\$44,096 - \$69,368	\$57,368 - \$112,061
Fire Communications Operator III	NR14D	\$48,020 - \$81,603	\$61,906 - \$128,003

This bill also deletes one vacant Secretary II (represented) position in an OS4 paygrade, and adds one Office Support Assistant II (represented) position in an OS4 paygrade in the Police Department's FY2021 Approved Operating Budget. According to the Police Department, it was determined that the Secretary II position was no longer needed in the unit for which it was previously filled, and that this position could provide support to another unit of the Police Department, and the Office Support Assistant II job description aligns more with the functional work that will be assigned in the new role. Since the paygrade is the same for both positions, there is no fiscal impact for this change.

Item to Note: During our review, we noted that the number of Fire Communications Operator positions in the Fire Department's FY2021 Approved Operating Budget is 28, not 29. We brought this to the attention of the Administration, and they agreed and will be requesting an amendment to change the number of positions being changed from Fire Communications Operator to Fire Communications Operator I from 29 to 28, on page 2, lines 6 and 8.

Bill No. 18-21: Budget – Department Personnel Summaries – Reclassifications of Positions

The bill allows the number of positions requested by position title and classification in the upcoming fiscal year's budget to include reclassifications of employee occupied positions in the current year's fiscal budget. Under this bill, these employees will remain in their current position title and classification and will be considered to be underfilling the reclassified position until the employee is reclassified or hired into the reclassified position title and classification in accordance with the Anne Arundel County Code and the *Employee Relations Manual*. Further, the bill requires the current expense budget to identify the positions that are occupied and that are being reclassified and considered underfilled. Underfilled means employment of a person in a classification lower than the level of the position allocated in the budget.

Anne Arundel County Code §§ 6-1-110(a) and 6-2-103 states that the number and classification of positions approved in the annual budget and appropriation ordinance (ABAO) cannot be changed except as approved by ordinance of the County Council. Anne Arundel County Code § 6-110(b) lists exceptions to this law to include reclassifying an occupied position 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. Currently, according to Anne Arundel County Charter § 810, if an employee's current position is abolished, that employee would be suspended and placed on an eligibility list for the position for which the employee is qualified. Thus, if the department wanted to reclassify a filled position and avoid suspension of an employee, the budget must list the employee's current position, and then after the Personnel Officer completes their review and determines the employee should be reclassified, then that position is reclassified during the year and shown in the next budget.

Anne Arundel County Code § 6-110(b) refers to reclassifying a position based on an employee evaluation by the Personnel Officer. Currently, the employee's actual position would be in the approved budget at the start of the year, and this evaluation allows for the position to be reclassified in the budget during the year without Council approval. The new reclassified position would then show as an adjustment in the next proposed budget. Under this bill, the position will be reclassified in the budget and at the start of the fiscal year, and the employee is being reclassified or hired into the position during the year and until then is underfilling the position. Although Anne Arundel County Code § 6-110(b) refers to reclassifying a position, according to the Office of Law, the portion of this bill that states employee reclassifications under this bill will be required "to comply with the Code and *Employee Relations Manual*" requires employee reclassifications during the year to comply with the Anne Arundel County Code § 6-110(b) requirement that the reclassification be based on an evaluation by the Personnel Officer, even if the *Employee Relations Manual* is changed at a later date to eliminate that requirement.

According to the Office of the Budget, its intent is to only show those positions that are employee occupied that it is newly reclassifying as part of the proposed fiscal year budget, not positions that were reclassified in a prior budget that are still underfilled or otherwise underfilled positions. The Office of the County Auditor's Office currently obtains a list from the Office of Personnel of all employees that are currently underfilling positions as part of the review of the proposed budget and will continue to do so to identify existing underfilled positions.

Item of Note: We recommend amending line 17 after the first "the" to add "proposed and adopted." The current language could be misinterpreted to only identify these positions once the budget is approved and not in the proposed budget. Further, while the Office of the Budget has agreed to provide us with a list of the employee names, employee identification number, current position and job classification, and reclassified position and job classification, the County Council might want to amend the bill to codify as a requirement that this list be provided to the Office of the County Auditor.

Bill No. 19-21: Crimes, Civil Offenses, and Fines – Crimes – Littering

This bill provides that littering in violation of the law is subject to a Class D civil offense, which according to Anne Arundel County Code § 9-2-101, is \$125 for the first violation, \$500 for the second violation, and \$1,000 for the third or any subsequent violation. This bill defines litter and prohibits littering in accordance with Md. Code Ann., Criminal Law § 10-110, which prohibits littering on County roads, violation of State vehicle laws regarding littering, and littering on public or private property unless: (1) the property is designated by the State or political subdivision for the disposal of litter, and the person

is authorized to use the property; or (2) litter is placed into a garbage or solid waste container. These fines would be issued on citations and collected by the Police Department as County revenue.

Md. Code Ann., Criminal Law § 10-110(f) provides that a person who disposes of litter in violation of the State law is guilty of a misdemeanor and is subject to: (1) imprisonment not exceeding 30 days, a fine not exceeding \$1,500, or both, if the amount does not exceed 100 pounds or 27 cubic feet, and it is not for commercial gain; (2) imprisonment not exceeding one year, a fine not exceeding \$12,500, or both, if it exceeds 100 pounds or 27 cubic feet but does not exceed 500 pounds or 216 cubic feet and is not for commercial gain; or (3) subject to imprisonment not exceeding five years or a fine not exceeding \$30,000, if it exceeds 500 pounds or 216 cubic feet or was for commercial gain. Md. Code Ann., Criminal Law § 10-110(f) was recently amended to allow Anne Arundel County to adopt an ordinance itself prohibiting littering and establishing criminal and civil penalties.

The Police Department does not anticipate an increase workload as the result of this bill since it does not expect an increase in enforcement. Enforcement will continue to occur upon witnessing by an officer or, to a lesser extent, in response to complaint calls. This bill will provide the Police Department with more flexibility in the penalty assessed. These penalty options will result in County revenue. The Police Department expects minimal increases in County revenue as a result of these fines assessed.

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

This bill expands the definition of a standard grading plan used for minor grading in lieu of a grading permit to also authorize a clearing, grading, or disturbance of less than 5,000 square feet even if that grading is not associated with minor commercial and residential construction. This bill requires replanting at a ratio of one to one (unless another provision has a stricter requirement) or the payment of a set fee-in-lieu of planting for a standard grading plan approving a clearing. This bill also prohibits a person from clearing more than three trees or 1,000 square feet of forest, whichever is less, in five of the seven priority retention areas listed in Anne Arundel County Code §17-6-303(b) without a standard grading plan, grading permit, or approved forest management plan and establishes that a violation of this requirement is a Class A offense carrying a fine at \$4.50 per square foot of trees cleared not to exceed \$10,000. Further, this bill requires replanting at a ratio of three to one for all forest conservation violations and violations of Article 16, not just clearing violations, allows for a payment of a set fee-in-lieu of replanting, and requires the payment of a civil fine for violation of the critical area law at a rate of \$1.50 per square foot of mitigation in addition to the civil fines established for clearing in violation.

Currently, clearing or grading over 5,000 square feet without approval is a violation. Under current law, violations for clearing or grading more than 5,000 square feet outside of the critical area buffer without approval would be cited as grading without a permit and would be a Class C civil offense, which carries a fine of \$500 for the first violation and \$1,000 for the second or any subsequent violations. Clearing in the critical area violations are currently already a Class A civil offense. Currently, if the tree removal or clearing does not require a grading permit (less than 5,000 square feet of disturbance), there is currently no violation of the County Code. This bill creates a new class of fine (Forest Clearing Violations) for all clearing of three or more trees or 1,000 square feet in a forest within one of five priority retention areas as a Class A civil offense of \$4.50 per square feet, not to exceed \$10,000 per violation. The \$4.50 per square feet was chosen to align with the amount approved in Bill No. 68-19 for clearing in violation of the forest conservation statutes in Article 17. Maryland Annotated Code Environment Article § 4-116(c) allows a civil action against a person who violates any provision of the

Sediment Control Subtitle to include a civil penalty up to \$10,000 for each violation in addition to other sanctions allowed.

The primary purpose for this new class of fines for forest clearing violations is to close an unintended loophole in the forest conservation statutes that currently only apply after a developer has submitted a development application with the County. Thus, developers could cut down large numbers of trees on properties and then file their applications and would only be subject to a small grading fine of \$500, which was not sufficient to deter their behavior.

This bill also provides clarity and reflects the existing practice to require replanting at a ratio of three to one for all Article 16 violations, not just clearing violations, and clarifies that for any replanting that cannot be achieved in accordance with the Code, a person shall be required to pay a fee-in-lieu as set forth in Anne Arundel County Code § 17-11-101. This bill also requires that in addition to any civil fines or the fee-in-lieu, a person shall pay the fee for the 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. This bill also revises Anne Arundel County Code § 17-6-309 to be consistent and require replanting at a ratio of three to one for forest conservation violations versus the current ratio of two to one, continues the fee-in-lieu of replanting requirement, and clarifies that in addition to any civil fines and fees in-lieu of replanting, the person in violation of the forest conservation law shall also pay the clearing in violation of the forest conservation law of \$4.50 per square foot of area cleared.

This bill prohibits the clearing of more than three trees or 1,000 square feet of forest, whichever is less, from the following five priority retention areas listed in Anne Arundel County Code § 17-6-303(b):

- 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 Maryland Annotated Code Natural Resources Article § 5-1601;
- 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 Maryland Annotated Code Natural Resources Article §§ 10-2A-01 et seq. and Code of Maryland Regulations Title 8;
- Trees that are champion trees, part of a historic site, or associated with a historic structure;
- 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
- 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.

The other two priority retention areas in Anne Arundel County Code § 17-6-303 that are not included in the proposed bill are: (1) contiguous forest that connects the largest undeveloped or most vegetated tracts of land within and adjacent to the site, and (2) forested areas at least 35 feet wide with a total area of 10,000 square feet. They were not included because they describe forest in general, rather than the specific priority retention areas this bill seeks to protect.

Fiscal impact: The Department of Inspections and Permits (I&P) estimates that this change will result in an additional 40 to 50 additional applications for projects per year. I&P expects the increase in

workload to be minimal and does not expect a fiscal impact from this bill. In FY2020, I&P processed 432 Grading Permit applications, 275 Single Grading Plan applications, and 1,164 Vegetative Management Plan applications. For FY2021 to date, I&P has processed 268 Grading Permit applications, 136 Single Grading Plan applications, and 939 Vegetative Management Plan applications.

There have been multiple Class C violations over the recent years for clearing in excess of 5,000 square feet (outside of the critical area buffer) with a fine of \$500. During FY2020 and FY2021 to date, there were 10 and 29 Class C civil violations issued for grading violations, respectively. In one example case from FY2020, the Department of Inspections and Permits found 14 trees outside of the Critical Area and outside of the Priority Funding Area, totaling 16,351 square feet that were cleared without a grading permit, and the property owner replanted onsite at a ratio of three to one. If the trees could not have been replanted onsite, the property owner would have been required to pay a fee-in-lieu of \$1.50 per square foot, or \$24,527. Under Bill No. 20-21, this property owner would have been subject to a Class A civil fine capped at \$10,000, instead of \$500. The replanting requirements and fee-in-lieu of replanting would not have changed. Also, under Bill No. 20-21, the Class A violation, replanting, or fee-in-lieu of replanting would also apply to clearing in one of the specified five priority areas when it involved three or more trees or at least 1,000 square feet.

This bill will result in additional civil fines and fees-in-lieu of replanting, however, the amount will be dependent on the number of violations and the area covered.

Bill No. 21-21: Zoning – Landscaping and Tree Contracting with Accessory Recycling of Logs into Firewood

This bill allows landscaping and tree contracting with the recycling of logs into firewood as a special exception use in Rural Agricultural (RA) zones. The conditions for the special exception use are spelled out on p. 2, line 16 through p. 3, line 16 of the proposed bill.

Landscaping and tree contracting, without recycling of logs into firewood, is already a special exception use in RA and Residential Low Density (RLD) zones and the special exception requirements are listed in Anne Arundel County Code § 18-11-131.

The Office of Planning and Zoning does not expect a significant change in workload from this bill. This bill has no fiscal impact to the County.

Resolution No. 17-21: Endorsing Loan from the Maryland Economic Development Assistance Authority and Fund (MEDAFF) to L3 Technologies, Inc.

This resolution endorses a \$300,000 loan from Advantage Maryland (MEDAFF) to L3 Technologies, Inc. (a wholly owned subsidiary of L3Harris Technologies). The loan is being used to expand L3 Technologies, Inc.'s maritime sensor division in the County. The County is not responsible for the repayment of the loan, however, Anne Arundel Economic Development Corporation (AAEDC) must provide a 10% match as a requirement of the loan program. AAEDC will provide this match through a grant to L3 Technologies, Inc. for job training. AAEDC has sufficient funding in its FY2021 Approved Operating Budget to provide this match. The loan program requires County Council endorsement of this loan.

Item of Note: The bill has the parent company listed incorrectly with a space between L3 and Harris. The Office of Law has agreed that the correct parent name is L3Harris Technologies, Inc.

Resolution No. 18-21: Joint Initiative to Eliminate the Opportunity Gap Committee Report

This resolution provides Council support for the goals, strategies, and recommendations in the November 30, 2020 Joint Initiative to Eliminate the Opportunity Gap Committee Report (Report). This resolution also requests that the Joint Initiative to Eliminate the Opportunity Gap Committee provide the Council, at intervals of no less than six months, reports on the implementation of their recommendations and any progress made on reaching its goals.

The Report recommends that the following four priority recommendations be adopted and implemented by June 30, 2021:

1. Establish an independent coalition comprising of equal representation from all stakeholder communities to recommend changes to address equity issues in academics and discipline, and to define and track metrics with the County and the Anne Arundel County Public Schools (AACPS). The Committee also recommends that the coalition's mission and authority be codified and that, in the interim, a memorandum of agreement be entered into by the stakeholder committee, the County, and AACPS.
2. Engage government agencies and community partners to mitigate the effects of social determinants of education in low-income communities to increase readiness for school and achievements in school. This will include inventorying programs for children ages 0-5, identifying gaps, increasing proactive support services when needed, improving access to library and child development support programs, addressing transportation issues, addressing trauma related to poverty and systemic racism, and examine where disparity occurs in the implementation of discipline inside and outside of school.
3. Increasing transparency and accountability by improving the public's ability to locate, read and interpret available reports on progress toward opportunity gap goals. The coalition will be responsible for defining and tracking metrics disaggregated by race and ethnicity on a scheduled time schedule. The County and AACPS would increase communication and make the gap metrics easily accessible, including putting them on the Open Arundel website.
4. Establish a practice of preparing a documented equity analysis to accompany all proposed policies and decisions that includes the Board of Education, AACPS, the County, and the County Council. Further, it states that equity analysis should be weighted equally with legal and financial analyses when making decisions.

Additionally, this Report provides a number of more detailed subcommittee goals and strategies. This resolution in itself has no fiscal impact, as it is a statement of support. Many of the recommendations, goals, and strategies could have a significant fiscal impact either at the County or AACPS level. However, neither the Administration nor AACPS has had the opportunity to determine the fiscal impact at this time.

According to AACPS, the Report was only recently introduced to the Board of Education. The budget request for FY2022 has already been submitted and does not include funding specifically for these recommendations. AACPS intends to start the review of these recommendations with existing resources and determine what recommendations can be implemented with existing resources and possible grant funding.

According to the Administration, there will be no fiscal impacts for FY2022, but it will be requesting funds in FY2023. The Administration anticipates that the first priority recommendation will be completed by June 30, 2021. The Administration is in the process of looking at many variables,

including fiscal impact, and the coalition will be helping the Administration to determine the prioritization of the other recommendations and subcommittee goals and strategies.

Resolution No. 19-21: Statewide Comprehensive Plan to Divert Food Residuals from Landfills

This resolution provides Council support for the development of a comprehensive, statewide plan to divert food residuals from landfills within the County and across the State.

According to the Administration, the County's assistance in the development of a comprehensive, statewide plan to divert food residuals from landfills within the County and across the State will be done with existing personnel and does not have a fiscal impact, however, any legislative, regulatory, or programmatic changes arising from the implementation of the plan's recommendations may have a fiscal impact that will be addressed at that time.

A handwritten signature in cursive script, reading "Susan L. Smith", written in dark ink.

Susan L. Smith, CPA, CFE
County Auditor

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 6

Bill No. 27-21

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

By the County Council, March 15, 2021

Introduced and first read on March 15, 2021
Public Hearing set for April 19, 2021
Bill Expires June 18, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Permits for Use of County Rights-of-Way
2 – Maintenance Permit and Inspection Fees
3

4 FOR the purpose of requiring that a utility be invoiced quarterly for right-of-way
5 maintenance permit and inspection fees; providing that a utility be assessed a penalty
6 on maintenance permit and inspection fees unpaid after 30 days; and generally relating
7 to public works.
8

9 BY repealing and reenacting, with amendments: § 13-3-205(e)
10 Anne Arundel County Code (2005, as amended)
11

12 BY adding: § 13-3-306
13 Anne Arundel County Code (2005, as amended)
14

15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
17

ARTICLE 13. PUBLIC WORKS

TITLE 3. PERMITS FOR USE OF COUNTY RIGHTS-OF-WAY

13-3-205. Maintenance permits.

23
24 (e) **Fees.** When a utility seeks the issuance of a maintenance permit, it shall pay the
25 permit and inspection fees required by §§ 13-3-302 and 13-3-303 **[[in advance through the**

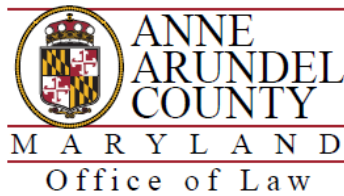
EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter repealed from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 posting of a deposit in an amount estimated by the Director to be sufficient to cover the
2 required fees. The utility shall replenish the deposit, as required by the Director. Upon
3 notification of activity taken under the maintenance permit, the Director shall deduct from
4 the deposit the permit and inspection fees required by §§ 13-3-302 and 13-3-303.]] WHEN
5 BILLED IN ACCORDANCE WITH § 13-3-306.

6
7 **13-3-306. Maintenance permit and inspection fee due dates; penalties.**

8
9 A UTILITY SHALL BE BILLED QUARTERLY FOR MAINTENANCE PERMIT AND
10 INSPECTION FEES, AND PAYMENT SHALL BE MADE WITHIN 30 DAYS OF THE DATE OF THE
11 INVOICE. THE OFFICE OF FINANCE SHALL ASSESS A PENALTY CHARGE OF 10% ON
12 MAINTENANCE PERMIT AND INSPECTION FEES THAT ARE NOT PAID WITHIN 30 DAYS OF
13 THE DATE OF THE INVOICE.

14
15 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
16 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/

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

Date: March 15, 2021

Subject: Bill No. 27-21 – Public Works – Permits for Use of County Rights-of-Way – Maintenance Permit and Inspection Fees

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. 27-21. The summary is intended to explain the purposes and legal effects of the bill.

Purpose. The primary purpose of Bill No. 27-21 is to require that a utility be invoiced quarterly for right-of-way maintenance permit and inspection fees and to provide for a penalty on charges unpaid after 30 days.

Background. In § 13-3-101(6) of the County Code, “utility” is defined “as an owner whose facilities in a right-of-way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers.” Under § 13-3-201, a permit is required for any activity in a right-of-way, and § 13-3-205 allows the Director of the Department of Public Works (“DPW”) to issue a maintenance permit on an annual basis to a utility instead of issuing individual right-of-way permits.

Under § 13-3-205, a utility is required to pay the permit and inspection fees required by §§ 13-3-302 and 13-3-303 in advance through the posting of a deposit in an amount estimated by the Director to be sufficient to cover the required fees. According to DPW, the utilities are failing to pay their maintenance permit and inspection fees on time. This Bill does away with the deposit account, requires quarterly billing, and allows the County to assess a penalty on late payments of maintenance permit and inspection fees.

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

Bill provisions.

Subection **13-3-205(e)** is revised to remove the language pertaining to the deposit account mentioned above to provide that the maintenance permit and inspection fees shall be paid when billed in accordance with § 13-3-306.

Section **13-3-306** is new and requires that a utility be billed quarterly for maintenance permit and inspection fees. Payment shall be made with 30 days of the date of the invoice. If timely payment is not made, a penalty of 10% of the outstanding maintenance permit and inspection fees shall be assessed.

Section 2 provides that the Bill is effective 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.

cc: Honorable Steuart Pittman, County Executive
Matt Power, Chief Administrative Officer
Lori Rhodes, Deputy Chief Administrative Officer for Land Use
Dr. Kai Boggess-de Bruin, PhD, Chief of Staff
Peter Baron, Legislative Liaison
Christopher J. Phipps, Director, DPW
Karen Henry, Assistant Director, DPW
Alex Baquie, Deputy Director, DPW
Karin McQuade, Controller
Chris Trumbauer, Budget Officer

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

BILL NUMBER: 27-21

INTRO. DATE: March 15, 2021

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: PUBLIC WORKS—PERMITS FOR
USE OF COUNTY RIGHTS-OF-WAY—MAINTENANCE PERMIT AND
INSPECTION FEES**

SUMMARY OF LEGISLATION

The purpose of this legislation is to require that a utility be invoiced quarterly for right-of-way maintenance permit and inspection fees, and require that a utility be assessed a penalty on maintenance permit and inspection fees unpaid after 30 days.

FISCAL IMPACT

This legislation is intended to facilitate timely collection of right-of-way permit fees. If payments are submitted late, the penalty charge in this legislation will increase revenue.

This legislation does not significantly change the administration of utility billing. Any additional effort will be minimal and can be absorbed with existing staff. No additional expenses are anticipated for implementation of this legislation.



Chris Trumbauer
Budget Officer

3/12/2021
Date

Prepared by: Samantha Chiriaco
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 6

Bill No. 28-21

Introduced by Mr. Volke and Ms. Haire

By the County Council, March 15, 2021

Introduced and first read on March 15, 2021
Public Hearing set for April 19, 2021
Bill Expires June 18, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Community Meetings –
2 Recordings

3
4 FOR the purpose of requiring a developer to record the proceedings of a community
5 meeting; requiring a developer to provide the a copy of recording to the Office of
6 Planning and Zoning; requiring the Office of Planning and Zoning to post the recording
7 on the County website for a certain time period; and generally relating to subdivision
8 and development.

9
10 BY repealing and reenacting, with amendments: §§ 17-2-107(c); and 17-2-110(a)
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 16 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

17 18 TITLE 2. GENERAL PROVISIONS

19 20 17-2-107. Community meetings.

21
22 (c) **Meetings required.** In the six-month period before the initial submission of a
23 subdivision or preliminary plan that falls within the scope of this section, the developer
24 shall hold a community meeting for the purpose of presenting information regarding the
25 development, including proposed stormwater management design and any requested

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 modifications, and allowing the community to ask questions and provide comments.
2 Additionally, within 45 days after the submission of a final plan or site development plan
3 that falls within the scope of this section, the developer shall hold a community meeting
4 for the purpose of presenting information regarding changes made to the information
5 presented at the initial submission meeting and allowing the community to ask questions
6 and provide comments. THE DEVELOPER SHALL RECORD OR CAUSE TO BE RECORDED THE
7 PROCEEDINGS OF EACH COMMUNITY MEETING AND, PROMPTLY AFTER THE MEETING,
8 SHALL PROVIDE A COPY OF THE RECORDING TO THE OFFICE OF PLANNING AND ZONING.
9 The meeting shall be held in the County, Monday through Thursday, beginning between
10 the hours of 6:00 p.m. and 8:00 p.m., at an ADA accessible facility located within five
11 miles of the development site. However, if, in the opinion of the Planning and Zoning
12 Officer, the five-mile restriction is impracticable, then the meeting shall be held at a
13 location as may be authorized by the Planning and Zoning Officer in writing.
14

15 **17-2-110. County webpage notices.**
16

17 (a) **Requirements for posting.** The Office of Planning and Zoning regularly shall
18 cause the following to be posted on the County's webpage:
19

- 20 (1) notice of applications for subdivision or modification;
21
22 (2) notice of the approval or denial of modifications;
23
24 (3) notice of the approval or denial of sketch plans;
25
26 (4) notice of the approval or denial of final plans;
27
28 (5) a list of all scheduled community meetings required by this article;
29
30 (6) A RECORDING OF A COMMUNITY MEETING, AS REQUIRED UNDER § 17-2-107, FOR
31 AT LEAST 90 DAYS;
32
33 ~~[(6)]~~ (7) a list of submitted site development plans provided to the County
34 Executive in accordance with § 17-4-208; and
35
36 ~~[(7)]~~ (8) the County Landscape Manual.
37

38 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
39 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: March 15, 2021

Subject: Bill No. 28-21

Section 17-2-107 of the County Code addresses community meetings. Bill No. 28-21 requires a developer to record the proceedings and provide the recording to the Office of Planning and Zoning.

Section 17-2-110 of the County Code requires the Office of Planning and Zoning to post certain notices on the County's webpage. Bill No. 28-21 requires that the recordings of community webpages be posted on the County's webpage for at least 90 days.

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

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 6

Resolution No. 20-21

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

By the County Council, March 15, 2021

1 RESOLUTION confirming the reappointment of an Anne Arundel County resident to
2 serve on the Spending Affordability Committee

3
4 WHEREAS, Section 610(a) of the Charter of Anne Arundel County, Maryland,
5 provides that there is a Spending Affordability Committee that is appointed by the
6 County Executive and confirmed by resolution of the County Council; and

7
8 WHEREAS, Section 610(c) of the Charter provides that the Spending Affordability
9 Committee shall consist of one resident from each councilmanic district who is
10 knowledgeable in the field of economics, finance, fiscal planning, or a related field;
11 and

12
13 WHEREAS, Section 610(d) of the Charter provides that each member of the
14 Spending Affordability Committee shall be appointed for a term of four years not
15 to exceed two successive terms; and

16
17 WHEREAS, Section 610(d) of the Charter further provides that, at the end of a
18 term, a member shall continue to serve until a successor has been appointed and
19 qualified; and

20
21 WHEREAS, the initial term of Ejaz Younas, a resident of District 2, expired on
22 December 1, 2020; and

23
24 WHEREAS, the County Executive, subject to confirmation by the County Council,
25 has reappointed Ejaz Younas to serve on the Spending Affordability Committee for
26 a second term ending on December 1, 2024; and

27
28 WHEREAS, the County Council, after public hearing, finds that Ejaz Younas meets
29 the eligibility requirements under Section 610 of the Charter to serve on the
30 Spending Affordability Committee; now, therefore, be it

31
32 *Resolved by the County Council of Anne Arundel County, Maryland, That it hereby*
33 *approves the reappointment of Ejaz Younas, a resident of District 2, to serve on the*
34 *Spending Affordability Committee for a second term ending on December 1, 2024; and be*
35 *it further*

- 1 *Resolved*, That copies of this Resolution be sent to Stuart Pittman, County Executive;
- 2 Matthew J. Power, Chief Administrative Officer; Ejaz Younas, appointee; and Meghan
- 3 Brown, Boards and Commissions Coordinator.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 6

Resolution No. 21-21

Introduced by Ms. Lacey, Chair

and Ms. Pickard, Ms. Lacey, Mr. Pruski, and Ms. Rodvien

By the County Council, March 15, 2021

1 RESOLUTION expressing the need for land located in Severn, Maryland and owned
2 by the Anne Arundel County Board of Education for the Severn Intergenerational Center

3
4 WHEREAS, the Anne Arundel County Board of Education (the “Board”) owns
5 approximately 10.6 acres of land along Reece Road in Severn, Maryland, adjacent
6 to Van Bokkelen Elementary School; and

7
8 WHEREAS, the Board is authorized by § 4-115 of the Education Article of the
9 State Code to transfer real property owned by it only to the county in which such
10 property is located; and

11
12 WHEREAS, § 4-115 further provides, that, if the Board determines that certain real
13 property it owns is no longer required for school purposes, the Board must inform
14 the County Council; and

15
16 WHEREAS, the County Council is then required to notify the Board of the need to
17 transfer the property to the County because the property is an integral part of an
18 existing economic development plan that will, in the judgment of the County
19 Council, significantly benefit the County; and

20
21 WHEREAS, by a letter dated March 5, 2021, from George Arlotto, Ed.D.,
22 Superintendent of Anne Arundel County Public Schools, to the Chair and Members
23 of the County Council, a copy of which is attached as Exhibit A, the Council was
24 notified of the Board’s intent to declare the approximately 10.6 acres of land that it
25 owns, located along Reece Road in Severn, Maryland, and as shown in Exhibit A,
26 as no longer needed for school purposes; and

27
28 WHEREAS, Anne Arundel County (the “County”) has long planned for a facility in
29 Severn to serve the youth and older population in that area, to be known as the
30 “Severn Intergenerational Center” (the “Severn IGC”), and has provided funding
31 for the development and construction of the Severn IGC in the fiscal year 2021
32 Annual Budget and Appropriation Ordinance; and

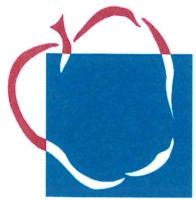
33
34 WHEREAS, on October 30, 2020, the County and the Board entered into an
35 agreement resolving certain concerns raised by the Board regarding future use of
36 other Board property in the area; and

1 WHEREAS, the County has existing economic development plans that will benefit
2 from the Property, namely, the Anne Arundel County Consolidated Plan for Fiscal
3 Years 2021-2025, approved by Bill 40-20, the 2009 General Development Plan,
4 approved by Bill 64-09, and the Severn IGC project; and
5

6 WHEREAS, the Property is an integral part of agreements related to and plans for
7 the Severn IGC project, and the County and the Board will benefit in various ways
8 from property acquisitions and transfers that are part of the project; now, therefore,
9 be it
10

11 *Resolved by the County Council of Anne Arundel County, Maryland,* That it finds
12 there is a need for the Property, described in Exhibit A attached hereto, to be transferred
13 to the County from the Board of Education because the Property is an integral part of
14 existing economic development plans that will significantly benefit Anne Arundel
15 County; and be it further
16

17 *Resolved,* That a copy of this Resolution be sent to Melissa K. Ellis, President of
18 the Anne Arundel County Board of Education; Dr. George Arlotto, Superintendent of
19 Schools; and County Executive Steuart Pittman.



March 5, 2021

The Honorable Sarah Lacey, Chairman
and Members of the Anne Arundel County Council
Arundel Center
44 Calvert Street
Annapolis, MD 21401

Dear Ms. Lacey, and Members of the Council:

This communiqué serves as the transmittal of documents supporting the Board of Education of Anne Arundel County's ("Board") intent and actions taken on March 3, 2021, to declare a specified property as no longer needed for school purposes and thereby declared as surplus. The disposition of real property is regulated under the Maryland Education Article §4-115.

As you are aware, Anne Arundel County Government ("County") is working to facilitate the planning, design, and construction of the Severn Intergenerational Center ("Center"). As contemplated, the Center would be constructed on approximately 10.6 acres of land owned by the Board. The land is located at 1140 Reece Road in Severn, Maryland, and is adjacent to the existing Van Bokkelen Elementary School.

The attached documents confirm the Board's unanimous action by recorded vote on March 3, 2021, approving the disposition of said real property and the transfer of same to Anne Arundel County for the stated purpose in support of the Severn Intergenerational Center Project. The Board Attorney and the County Attorney have reviewed the Deed and Reservation of Easements Agreement and other supporting materials and have approved them for form and legal sufficiency. In accordance with Maryland Education Article §4-115, Anne Arundel County Public Schools staff stands ready to work with the County and the State Superintendent of Schools to facilitate and finalize the declaration of surplus, formal acceptance and recordation of the Deed and Reservation of Easement Agreement, and the official transfer of the property.

We look forward to the successful completion of the long-awaited Severn Intergenerational Center Project and are happy that AACPS could partner with the County to help make it possible. Please continue to work collaboratively with the school system's Chief Operating Officer, Alex L. Szachnowicz, on any remaining logistics or technical matters.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "G. Arlotto", is written over the typed name.

George Arlotto, Ed.D.
Superintendent of Schools

Severn Intergenerational Center Property
March 5, 2021
Page 2

GA/ALS/kmc
Enclosure

cc: Steuart L. Pittman, Jr,
Matthew Power
Gregory J. Swain, Esq.
Chris Trumbauer
Board of Education Members
B. Darren Burns, Esq.
Alex L. Szachnowicz

Anne Arundel County Public Schools

Agenda for: March 3, 2021

Exhibit Attached ☒ N

AGENDA ITEM FOR THE BOARD OF EDUCATION

<u> </u>	Information	<u>March 3, 2021</u>
<u> X </u>	Action	(Preferred Date)
<u> </u>	Review	<u>March 17, 2021</u>
		(Absolute Date)

STAFF PRESENTATION: ☒ YES NO

FISCAL IMPACT: YES ☐ NO

BUDGETED: YES ☐ NO

DOLLAR AMOUNT: N/A

BUDGET SOURCE: N/A

SUBJECT:

Disposition of Real Property- Transfer to Anne Arundel County for Severn Intergenerational Center Project

BACKGROUND:

Anne Arundel County Government is planning for the construction of the Severn Intergenerational Center. The proposed project consists of approximately 27,000 square foot structure that will include a 13,500 square foot Senior Center. As contemplated, the Center would be constructed on 10.6 AC of land owned by the Board of Education of Anne Arundel County located at 1140 Reece Road in Severn, Maryland, and is adjacent to the Van Bokkelen Elementary School. The Board had a presentation on this project on September 16, 2020 and an Agreement was approved on October 21, 2020.

DISCUSSION:

The disposition of real property is regulated under the Maryland Education Article 4-115. The Board attorney and the County attorney have reviewed the proposed Deed and Reservation of Easements Agreement between the parties (“Deed”) and have approved it for form and legal sufficiency. The property is no longer needed for school purposes and is hereby declared surplus. The Deed and supporting exhibits will be forwarded to the State Superintendent for final approval.

SUPERINTENDENT’S RECOMMENDATION:

The Superintendent of Schools recommends that the Board of Education approve the conveyance to Anne Arundel County Government and the associated Deed and Reservation of Easements Agreement to promote the construction of the Severn Intergenerational Center.

DEED AND RESERVATION OF EASEMENTS AGREEMENT

THIS DEED AND RESERVATION OF EASEMENTS AGREEMENT (this “Deed”) is made this ____ day of _____, 2021, by and between the BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY, a body corporate and politic of the State of Maryland (the “Board” or “Grantor”) and ANNE ARUNDEL COUNTY, MARYLAND, a body corporate and politic of the State of Maryland (the “County” or “Grantee”)

WHEREAS, the Board has determined that it desires to dispose of certain property located in the Fourth Assessment District of Anne Arundel County, Maryland, and more particularly described on Exhibit A hereto, attached hereto and incorporated herein (the “Property”); and

WHEREAS, the Board has reserved certain easements in the Property; and

WHEREAS, the County has agreed to acquire the Property, subject to such reserved easements and the terms herein; and

WHEREAS, the Maryland State Superintendent of Schools has approved the conveyance of the Property from the Board to the County.

NOW, THEREFORE, WTINESSETH, that for and in consideration of the sum of One and 00/100 Dollar (\$1.00), and other good and valuable considerations, the value, sufficiency, and receipt of which are hereby acknowledged, the Board does hereby grant and convey the Property to the County, its successors, legal representatives, and assigns, in fee simple, subject to any easements, encumbrances, or other rights reserved herein

BEING part of the same property conveyed to the Board by deed dated December 29, 1972 and recorded among the Land Records of Anne Arundel County in Liber 2551, folio 258.

TOGETHER with the buildings thereupon, and the rights, alleys, ways, waters, privileges, appurtenances and advantages belonging or anywise appertaining thereto.

RESERVING, HOWEVER, to the Board, its successors and assigns, a perpetual easement, described in Exhibit A as a 60’ wide Access Easement for the Board of Education of Anne Arundel County,” the boundaries of which are shown on Exhibit B, for use of the Board and its invitees to access the Board’s existing or remaining property, including without limitation ingress and egress by heavy construction vehicles and equipment, school transportation vehicles, and other Board invitees; and for the right to lay, construct and maintain sewers, drains, water pipes, water vaults, street lighting, and other public or private utilities, services and appurtenances, in and through said

easement, in connection with any future development of the Board's existing or remaining property.

RESERVING ALSO to the Board, its successors and assigns, a 15-foot pedestrian easement for ingress and egress, described in Exhibit A as "15'wide Board of Education of Anne Arundel County Sidewalk Easement," the boundaries of which are shown on Exhibit B.

RESERVING ALSO to the Board, its successors and assigns, the perpetual right to discharge storm water to any storm drain system (whether existing as of the date hereof, replacements thereof, or future such system) that conveys storm water over or beneath the surface of the Property and discharges to a storm water management pond or other acceptable outfall that will be constructed by the County on the Property and will serve the Board's property;

RESERVING ALSO to the Board, its successors and assigns, the perpetual right to discharge the flow of water from such necessary drainage facilities and appurtenances and to adequately drain the natural watershed and adjacent properties, including the Board's adjacent property, into existing waterways natural drainage courses and/or upon existing ground as indicated on Exhibit A.

TO HAVE AND TO HOLD the said described parcels of ground and premises, above described and mentioned, and hereby intended to be conveyed together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said County, in fee simple, subject, however, to the easements reserved herein and the following terms of agreement:

1. The Board shall use and maintain the easements, or perform any construction activities in the easements, in a manner that shall not unduly interfere with the operation of any County facility on the Property. The County shall use and maintain the Property, including the reserved easements, in a manner that shall not unduly interfere with the Board's easement rights or the Board's activities on its adjacent properties.

2. The parties agree that in the event of the Board's future development of any adjacent property, they will have shared responsibility for the use and maintenance of the easement consistent with their use in common and pursuant to mutually agreed terms.

3. These terms of agreement within this Deed may not be altered, changed or amended except by an instrument in writing, executed by the parties hereto.

4. These terms of agreement within this Deed shall be governed, construed and enforced according to the laws of the State of Maryland, without regard to principles of conflicts of law.

5. The parties agree that this Deed shall be recorded among the Land Records of Anne Arundel County at the County's expense.

6. If any one or more of the provisions in these terms of agreement within this Deed shall for any reason be held to be invalid, illegal or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, and the terms shall be construed as if such invalid, illegal or unenforceable provision had never been contained herein.

7. The covenants, conditions and agreement set forth herein shall run with the land and be binding on and benefit the parties hereto and their respective successors and assigns. Neither this Deed nor the terms of agreement herein, nor any grant or use and enjoyment of any easements hereunder shall be deemed in any way to create or confer on any member of the public any estate therein, or any right to use or enjoy the same.

AND the parties hereby covenant that no buildings or similar structures of any kind shall be erected in, on or over the said easements by any of the parties hereto, their successors or assigns, as applicable, and that these easements shall run with and bind the land of the County's Property in perpetuity.

AND the County hereby covenants to execute, acknowledge and deliver to or for the Board such further instruments and take such further actions as may be reasonably required to carry out and effectuate the intent and purpose of this Deed, or to confirm or perfect any rights created hereunder.

AND the Board hereby covenants that it has neither done, nor suffered to be done, anything to encumber the Property hereby conveyed, except as noted herein, and that it will execute such other and further assurances of the same as may be requisite.

WITNESS the hands and seals of the parties hereto.

BOARD OF EDUCATION OF
ANNE ARUNDEL COUNTY

George Arlotto, Superintendent of Schools

Melissa K. Ellis, President

(SEAL)

APPROVED FOR FORM AND
LEGAL SUFFICIENCY:

B. Darren Burns, Esq. Date
Attorney for Board of Education
of Anne Arundel County

STATE OF MARYLAND, COUNTY OF ANNE ARUNDEL, TO WIT:

I HEREBY CERTIFY that on this _____ day of _____ in the year 2021, before me, the subscriber, a Notary Public of the State of Maryland, in and for Anne Arundel County, personally appeared Melissa K. Ellis, President of the Board of Education of Anne Arundel County, a party to the within Deed, and she acknowledged the same to be the act of the Board.

WITNESS my Hand and Notary Seal

Notary Public
My Commission Expires:

NOTARY SEAL

EXHIBIT A

LEGAL DESCRIPTION
Portion of the Lands of
Board of Education of Anne Arundel County
1140 Reece Road
Tax Map 014, Grid 022, Parcel 631
Anne Arundel County, Maryland

BEGINNING at a Concrete Monument found at the beginning of a conveyance from Elva Boyer to the Board of Education of Anne Arundel County dated 24 December 1970 and recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2382, folio 501; thence leaving said point and crossing the Lands of said Board of Education of Anne Arundel County, referring the courses to the North American Datum (83)

1. North 65 degrees 07 minutes 47 seconds East a distance of 189.14 feet; thence
2. North 63 degrees 12 minutes 51 seconds East a distance of 295.15 feet; thence
3. South 25 degrees 18 minutes 43 seconds East a distance of 744.08 feet to the northerly right-of-way line of Maryland Route No. 554 as shown on State Roads Commission of Maryland Plats Nos. 11864 & 11865; thence running with and binding on the northerly side of said Maryland Route No. 554
4. by a curve to the right with a Radius of 2,824.81 feet, an Arc Length of 126.81' and being subtended by a Chord Bearing and Distance of South 69 degrees 27 minutes 39 seconds West 126.80 feet to a point of tangency; thence
5. South 70 degrees 44 minutes 49 seconds West a distance of 575.52 feet to a Pin & Cap found (LCS 149); thence leaving said Maryland Route No. 554 and running with and binding on the Lands of Marion Mathews as recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 30200, folio 490, the Lands of John & Dorothy Brothers as recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2256, folio 456, the Lands of John & Dorothy Brothers as recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2528, folio 468 and on the 100-year Flood Plain as shown on the Plat of Riviera Heights Addition the three following courses
6. North 24 degrees 17 minutes 28 seconds West a distance of 500.23 feet to a 1" pipe found; thence
7. North 41 degrees 02 minutes 12 seconds East a distance of 216.56 feet to a Pin & Cap found (LCS 149); thence

8. North 20 degrees 09 minutes 04 seconds West a distance of 79.94 feet to the place of beginning.

CONTAINING 463,691 square feet or 10.645 acres of land, more or less.

SUBJECT TO an Easement and Agreement as recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2379, folio 423.

SUBJECT ALSO TO a 60' wide Access Easement for the Board of Education of Anne Arundel County and is described as follows:

BEGINNING at the beginning of the third (3rd.) line of the above described lands and binding on a portion of said third line

1. South 25 degrees 18 minutes 43 seconds East a distance of 172.44 feet; thence leaving said third line and running over and across the Lands of the Board of Education of Anne Arundel County which is recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2551, folio 258 the nine (9) following courses
2. South 09 degrees 30 minutes 12 seconds West a distance of 383.86 feet; thence
3. by a curve to the left with a Radius of 984.50 feet, an Arc Length of 167.53 feet and being subtended by a Chord Bearing and Distance of South 14 degrees 22 minutes 42 seconds East 167.33 feet; thence
4. South 19 degrees 15 minutes 11 seconds East a distance of 26.26 feet to the northerly side of Reece Road, 80' public right-of-way, said point also being on the fifth (5th.) line of the above described lands 12.79' from the beginning of said fifth line; thence running with and binding on a portion of said fifth line and on the northerly right-of-way of said Reece Road
5. South 70 degrees 44 minutes 49 seconds West a distance of 60.00 feet; thence leaving said right-of-way and said fifth line
6. North 19 degrees 15 minutes 11 seconds West a distance of 26.26 feet; thence
7. by a curve to the right with a Radius of 1,044.50 feet, an Arc Length of 177.74 feet and being subtended by a Chord Bearing and Distance of North 14 degrees 22 minutes 42 seconds East 177.52 feet; thence
8. North 09 degrees 30 minutes 12 seconds West a distance of 236.69 feet; thence
9. by a curve to the left with a Radius of 1,000.00 feet, an Arc Length of 275.91 feet and being subtended by a Chord Bearing and Distance of North 17 degrees 24 minutes 28 seconds West 275.04 feet; thence
10. North 25 degrees 18 minutes 43 seconds West a distance of 23.72 feet to a point on the third (3rd.) line of the above described Lands; thence running with and binding on a portion of said third line

11. North 63 degrees 12 minutes 51 seconds East a distance of 60.02 feet to the place of beginning.

CONTAINING 45,647 square feet or 1.048 acres of land, more or less.

SUBJECT ALSO TO a 15 foot wide Board of Education of Anne Arundel County Sidewalk Easement and is described as follows:

BEGINNING at a point on the northerly right-of-way line of Reece Road, 80' wide public right-of-way said point being 95.91 feet from the beginning of the 4th. line of the above-described lands; thence running with and binding on a portion of said 4th. line and on the northerly side of said Reese Road

1. by a curve to the right with a Radius of 2,824.81 feet, an Arc Length of 19.68 feet and being subtended by a Chord Bearing and Distance of South 70 degrees 19 minutes 11 seconds West 19.68 feet; thence crossing over and across the said Lands of the Board of Education of Anne Arundel County the three (3) following courses
2. North 20 degrees 39 minutes 10 seconds East a distance of 160.24 feet to a point on the 3rd. line of the above described Lands; thence running with and binding on a portion of said 3rd. line
3. South 25 degrees 18 minutes 43 seconds a distance of 20.86 feet; thence leaving said 3rd. line and crossing over and across the said Lands of the Board of Education of Anne Arundel County
4. South 20 degrees 39 minutes 10 seconds West a distance of 133.00 feet to the place of beginning.

CONTAINING 2,199 square feet or 0.050 acres of land, more or less.

BEING a portion of the Lands of the Board of Education of Anne Arundel County as recorded among the Land Records of Anne Arundel County, Maryland in Deed Liber No. 2551, folio 258.

The above described lands and easements are as shown on a Plat of Survey entitled, Plan To Accompany Legal Description, Board of Education of Anne Arundel County, which Plat is intended to be recorded along with this description.

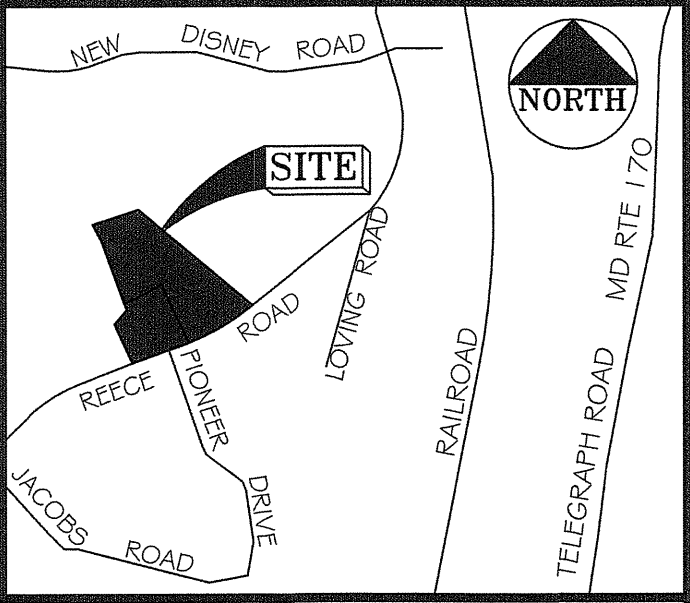
This description was prepared without the benefit of a Title Report.

This description was prepared by me or under my direct supervision.



Robert P. Grim
Reg. Property Line Surveyor
MD. Reg. No. 354





VICINITY MAP
1"=2,000'

SURVEYOR'S CERTIFICATION

ROBERT P. GRIM, A REGISTERED PROPERTY LINE SURVEYOR, No. 354, OF THE STATE OF MARYLAND, EITHER PERSONALLY PREPARED THIS PLAT OR WAS IN RESPONSIBLE CHARGE OVER ITS PREPARATION AND THE SURVEY WORK REFLECTED IN IT. THIS DRAWING WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.

Robert P. Grim 24 Feb. '01

ROBERT P. GRIM
REG. PROPERTY LINE SURVEY
MARYLAND REGISTRATION No. 354
LICENSE EXPIRATION / RENEWS 18 OCT. 2022



PREPARED BY

MAI, LLC
SURVEYORS

16951 YORK ROAD
MONKTON, MD 21111
P (410) 357-8839
F (410) 357-8727

EXHIBIT B

PLAT TO ACCOMPANY LEGAL DESCRIPTION
BOARD OF EDUCATION OF
ANNE ARUNDEL COUNTY

1140 REECE ROAD
TAX MAP 014, GRID 022, PARCEL 631
ANNE ARUNDEL COUNTY, MARYLAND
SCALE: 1" = 100' MAI JOB No. 20-023

SURVEYOR CONTROL

A.A. County Station: 396
Horizontal: N 531,391.88 E 1,394,166.241 (NAD 83)
Vertical: 169.15' (NAVD 88)

A.A. County Station: 457
Horizontal: N 530,061.965 E 1,395,463.525 (NAD 83)

NOTE

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT

SYMBOLS

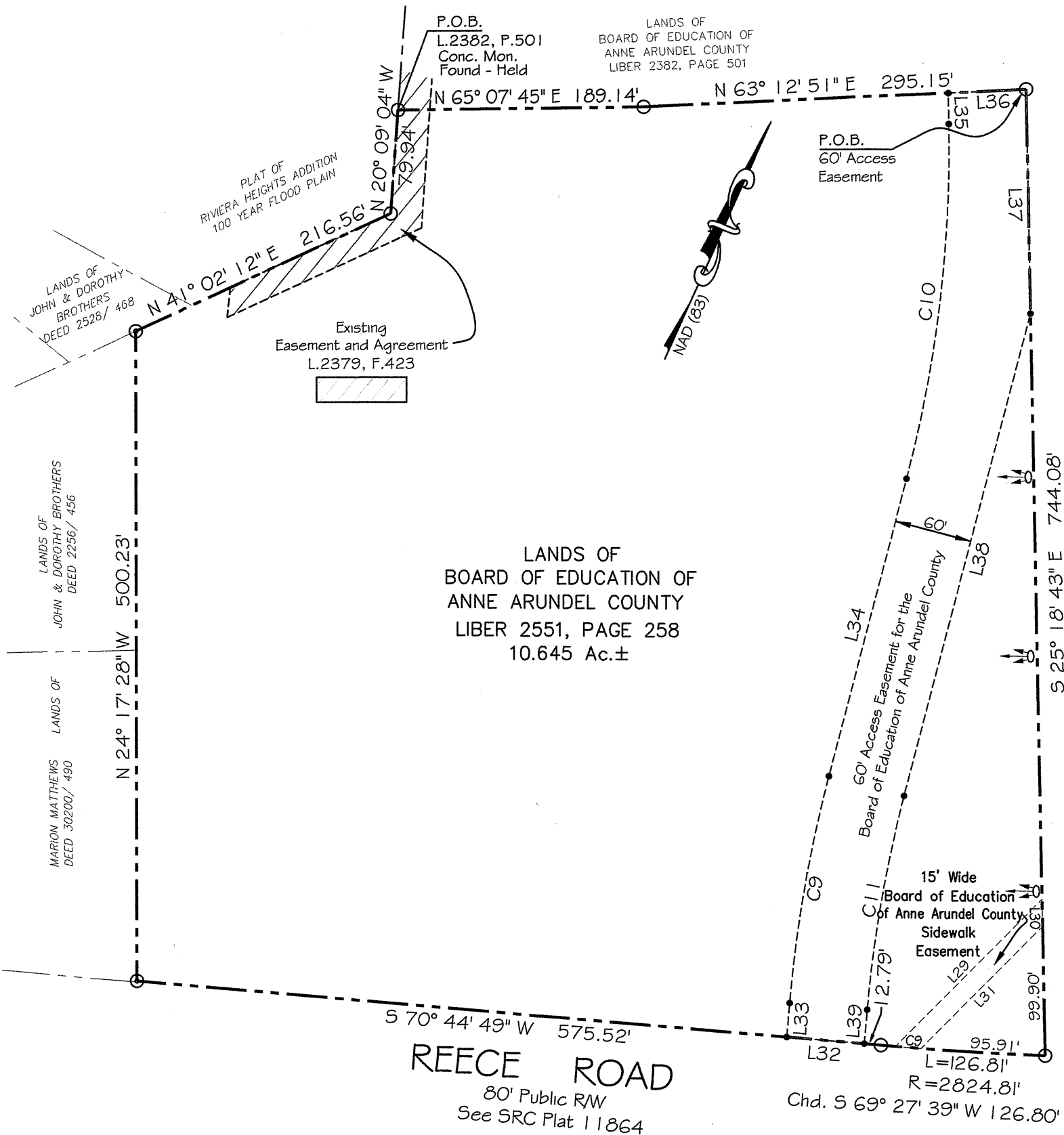
→ : RIGHT TO DISCHARGE

LANDS OF
BOARD OF EDUCATION OF
ANNE ARUNDEL COUNTY
LIBER 2382, PAGE 501

Access Easement Parcel Line and Curve Table					
Line/Curve	Bearing/Delta	Length	Radius	Chd Bearing	Chd Distance
L32	S70° 44' 49"W	60.00'			
L33	N19° 15' 11"W	26.26'			
C9	9° 44' 59"	177.74'	1044.50'	N14° 22' 42"W	177.52'
L34	N9° 30' 12"W	236.69'			
C10	15° 48' 31"	275.91'	1000.00'	N17° 24' 28"W	275.04'
L35	N25° 18' 43"W	23.72'			
L36	N63° 12' 51"E	60.02'			
L37	S25° 18' 43"E	172.44'			
L38	S9° 30' 12"E	383.86'			
C11	9° 44' 59"	167.53'	984.50'	S14° 22' 42"E	167.33'
L39	S19° 15' 11"E	26.26'			

Area = 45,647 Sq. Ft. or 1.048 Ac.±

15' Sidewalk Easement Board of Education of Anne Arundel County			
C9	S70° 19' 12"W	19.68	2824.81
Chord	S70° 19' 11"W	19.68	
L29	N20° 39' 10"E	160.24	
L30	S25° 18' 43"W	20.86	
L31	S20° 39' 10"W	133.00	
Area = 2,199 Sq. Ft. or 0.050 Ac.±			



BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY
MINUTES OF MARCH 3, 2021
UNAPPROVED

The Board of Education of Anne Arundel County met at 12:00 p.m. on the above date by teleconference and in person. This public meeting was preceded by a closed session meeting of the Board, a summary of which can be found at the end of these public meeting minutes.

Members present for the public meeting were, Melissa Ellis, Dana Schallheim Candace Antwine, Robert Silkworth, Corine Frank, Joanna Tobin, Michelle Corkadel, and Drake Smith. Also present was Dr. George Arlotto, Superintendent of Schools. Ms. Ellis opened the meeting with the Invocation, followed by the Pledge of Allegiance.

APPROVAL OF THE MINUTES: Ms. Corkadel moved to approve the minutes of February 16, 2021; Dr. Tobin seconded. The Board approved by consensus.

ESTABLISH AGENDA ORDER: Ms. Schallheim moved to amend the agenda and hear item 7.06, Disposition of Real Property – Transfer to Anne Arundel County for Severn Intergenerational Center Project after item 3.01, Presentation by Anne Arundel County Chief of Police Amal Awad; Dr. Tobin seconded. The Board approved by consensus. Ms. Schallheim moved to approve the agenda as amended; Dr. Tobin seconded. The Board approved by consensus.

RECOGNITIONS: The Board had no recognitions.

EDUCATOR OF THE MONTH: The Board awarded the Educator of the Month Sarah Down, Literacy Teacher, South Shore Elementary School.

EMPLOYEE OF THE MONTH: The Board awarded the Employee of the Month Annette Amos, Media Assistant, Hebron Harman Elementary School.

VOLUNTEER OF THE MONTH: The Board awarded the Volunteer of the Month Kari Benoit, Tyler Heights Elementary School.

Presentation

PRESENTATION FROM THE CHIEF OF POLICE AMAL AWAD: In this introductory presentation, Chief Amal Awad along with Capt. Fred Plitt, Cpl. Lee Williams, and Ms. Timmeka Perkins discussed her vision for the Police Department's ongoing relationship with Anne Arundel County Public Schools, inclusive of the School Resource Officer program.

DISPOSITION OF REAL PROPERTY – TRANSFER TO ANNE ARUNDEL COUNTY FOR SEVERN INTERGENERATIONAL CENTER PROJECT: The disposition of real property is regulated under the Maryland Education Article 4-115. The subject property, located

on Reece Road adjacent to Van Bokkelen Elementary School, is no longer needed for school purposes and is hereby declared surplus. The Board attorney and the County attorney have reviewed the proposed Deed and Reservation of Easements Agreement between the parties (“Deed”) and have approved it for form and legal sufficiency. The Deed and supporting exhibits will be forwarded to the State Superintendent for final approval.

Ms. Schallheim moved to approve the Superintendent’s recommendation to approve the Deed; Mr. Smith seconded. The Board voted to approve 8-0.

Public Comment

PUBLIC COMMENT: The Board received two written public comments for item 8.01. There was no public comment.

Departmental Reports

SAFETY AND SECURITY REPORT: provided during the presentation section.

BULLYING PREVENTION REPORT: Monique Jackson, Deputy Superintendent for Student and School Support updated the Board on Bullying Prevention.

DIVERSITY AND INCLUSION REPORT: Dr. Maisha Gillins, Executive Director of Equity and Accelerated Student Achievement, updated the Board on Diversity and Inclusion.

TRANSPORTATION REPORT: Alex Szachnowicz, Chief Operating Officer, updated the Board on Transportation.

Consent Items – Award of Contracts

Mr. Smith moved to bundle items 6.01 – 6.13; Ms. Frank seconded. The Board approved by consensus.

ELECTRICAL SUPPLIES: Award of Contract #21-228, Electrical Supplies and Associated Materials (Cooperative Agreement through Baltimore County Public Schools Contract #JME-506-21), to C.N. Robinson Lighting Supply Company, Inc., Graybar Electric Company, and Shepherd Electric, in the total amount of \$360,000.

ENERGY MANAGEMENT AND MAINTENANCE, AND CONTROL SYSTEM

PROGRAMMING: Award of Contract #21SC-089, Energy Management Maintenance and Control System Programming, to Electrical Automation Services and Johnson Controls, in the total amount of \$2,500,000.

MEADE HS MODERNIZATION - MECHANICAL: Award of Contract #21CN-110 15A, Mechanical, Plumbing, Fire Protection, and Kitchen Equipment for the Meade High School Modernization, to Fresh Air Concepts, LLC, in the total amount of \$23,973,603.

OLD MILL HS WEST - CONCRETE: Award of Contract # 21CN-164 3A, Concrete for the New Old Mill West High School, to Sody Concrete Construction, Inc., in the total amount of \$4,345,000.

OLD MILL HS WEST - FLOORING: Award of Contract # 21CN-171 9C, Flooring for the New Old Mill West High School, to Atlascopco Construction Company, Inc. DBA Atlasconco General, in the total amount of \$1,977,000.

OLD MILL HS WEST – GENERAL WORKS AND CASEWORK: Award of Contract # 21CN-167 6A, General Works and Casework for the New Old Mill West High School, to William F. Klingensmith, Inc., in the total amount of \$9,094,000.

OLD MILL HS WEST – GYPSUM WALLS, CEILING, AND PAINTING: Award of Contract # 21CN-170 9A, Gypsum Walls, Ceilings, and Painting for the New Old Mill West High School, to M3 Contracting, Inc., in the total amount of \$5,530,000.

OLD MILL HS WEST- MASONRY: Award of Contract # 21CN-165 4A, Masonry for the New Old Mill West High School, to KaRon Masonry of Maryland, Inc., in the total amount of \$9,283,000

OLD MILL HS WEST - MECHANICAL: Award of Contract # 21CN-172 15A, Mechanical, Plumbing, Fire Protection, and Kitchen for the New Old Mill West High School, to Denver-Elek, Inc., in the total amount of \$25,665,000.

OLD MILL HS WEST - ROOFING: Award of Contract # 21CN-168 7A, Roofing for the New Old Mill West High School, to Autumn Contracting, Inc., in the total amount of \$3,497,960.

OLD MILL HS WEST - SITEWORK: Award of Contract # 21CN-163 2A, Sitework for the New Old Mill West High School, to Urban N. Zink Contractor, Inc., in the total amount of \$15,347,699.

OLD MILL HS WEST - STEEL: Award of Contract # 21CN-166 5A, Steel for the New Old Mill West High School, to Kinsley Construction, Inc., in the total amount of \$9,572,000.

OLD MILL HS WEST - WINDOWS: Award of Contract # 21CN-169 8A, Windows, Storefront, and Curtainwall for the New Old Mill West High School, to Glass Industries, LLC, in the total amount of \$7,855,100.

Mr. Smith moved to approve the Superintendent's recommendation; Ms. Antwine seconded. The Board voted 7-0 to approve. Ms. Schallheim was not present for the vote.

Action Items

ADMINISTRATIVE PERSONNEL APPOINTMENTS: NO APPOINTMENTS

PERSONNEL: Mr. Smith moved to approve the Superintendent's recommendation; Ms. Corkadel seconded. The Board voted to approve 7-0. Ms. Schallheim was not present for the vote.

ITEMS OF LEGISLATION: Jeanette Ortiz, Policy and Legislative Counsel was on hand to discuss items of legislation.

Ms. Ellis moved that the Board of Education oppose House Bill 1014/Senate Bill 840; Ms. Schallheim seconded. The Board voted 6 (Schallheim, Tobin, Antwine, Silkworth, Smith, Ellis – in favor) – 2 (Frank, Corkadel – opposed), motion passes.

OLD MILL WEST HIGH SCHOOL – STORMWATER MANAGEMENT INSPECTION AND MAINTENANCE AGREEMENT: The agreement is for the inspection and maintenance of stormwater management facilities. It allows for access and inspection by Anne Arundel County to ensure that each facility is properly constructed and maintained. This agreement is based on the county standard form.

Mr. Smith moved to approve the Superintendent's recommendation; Ms. Schallheim seconded. The Board voted to approve.

REMEMBERANCE DAY: At its January 6, 2021 meeting Dr. Tobin made the following statement, "The occasion of considering and reflecting upon Mo's contributions and the life he lived presents us with the opportunity to consider and remember all those we've lost in the AACPS family. I would like to support the possible development of an annual "in memoriam" day with a request that the topic be reviewed and be advised by staff and be included on a further Board meeting agenda."

The Board discussed the development of an annual "in memoriam" day.

Dr. Tobin moved that an annual Day of Remembrance and Resilience be established to be observed in the spring of each year throughout AACPS in honor of all those whom AACPS has lost in the previous year, including students, teachers and staff, and in honor of those who continue to face significant struggles. This would be a day not only to remember those who are gone, but to celebrate strength and resilience individually and as a community, and to recognize that many are struggling with numerous challenges which can often be invisible to others; and that, in addition to a system-wide time of recognition and remembrance, each school have the opportunity, as appropriate, to create a program for their students, teachers and staff on that day specific to their needs and reflective of the experiences of their own community; Mr. Smith seconded. The Board voted 8-0 to approve.

RESCISSION OF DEED OF EASMENT AND AGREEMENT (FOREST CONSERVATION EASMENT) – SHADY SIDE ELEMENTARY SCHOOL:

The Board attorney reviewed the history of this matter. On May 20, 2020, the Board approved a deed of a forest conservation easement (FCE) to the County per state and county requirement associated with the grading permit approval process for Milestone’s cell tower project at Shady Side Elementary School. The County’s Office of Planning and Zoning subsequently withdrew the FCE requirement, instead requiring reforestation by Milestone, and the County returned the original deed to AACPS unrecorded. The Board attorney noted while the deed was never recorded, the FCE approval remains an action of record. Therefore, counsel advised that the Board’s prior action be formally rescinded, so the record is clear that no easement has been granted to the County in regard to the Board’s Shady Side property.

Mr. Smith moved to approve the recommendation of the Superintendent to approve the rescission; Dr. Tobin seconded. The Board voted 8-0 to approve.

Review Items

2020-2021 REOPENING UPDATE: Dr. Arlotto provided the board with an update on the 2020-2021 reopening plan.

ACADEMIC TESTING: Staff discussed the decision by the Maryland State Board of Education and the plan still being developed by Anne Arundel County Public Schools to meet the state mandate.

Ms. Frank moved that the Board of Education of Anne Arundel County adopt the following resolution addressing the decision of the Maryland State Board of Education to implement standardized testing for all Maryland Students; Mr. Smith seconded. The Board voted 7-0 to approve. Ms. Corkadel was absent for the vote.

WHEREAS the COVID-19 pandemic has disrupted student education in Anne Arundel County Public Schools (hereinafter referred to as “AACPS”) for more than 11 months;

WHEREAS many parents have contacted the Board of Education and AACPS to report their child struggling as a result of a virtual learning environment, their change in family circumstances, or increased stressors as a result of isolation;

WHEREAS, even as the Board, the Superintendent, and our staff are fighting hard to bring back in-person learning, there are still obstacles ahead, as it is not an option for every family, and we anticipate that will take significant time, effort, and resources to make up for the learning loss that some children may have experienced;

WHEREAS, many teachers have categorized their current workload as nearing a breaking point, and testing will create additional responsibilities;

WHEREAS, in light of all of our challenges, this Board sent a letter to the Maryland State Department of Education imploring them to waive state testing requirements for the 2020-2021 school year;

WHEREAS the Maryland State Board of Education nevertheless voted to adopt the State Superintendent's recommendations to approve the revised spring 2021 Maryland State assessment schedule.

Now, therefore, be it RESOLVED:

THAT the Board of Education of Anne Arundel County disagrees with the decision of the State Board of Education to impose standardized testing on the local school systems for the 2020-2021 school year during a national pandemic and state of emergency; and

THAT we encourage the Maryland State Department of Education to consider local testing practices already implemented and that if AACPS is able to demonstrate that we are assessing students in Math and English sufficiently, we urge the State Board to permit these current practices be utilized to fulfill our obligations for the 2020-2021 school year; and

THAT we request the greatest flexibility allowable by law in implementing standardized tests for all local school districts if waivers are not granted, and that valuable in-person instruction not be disrupted; and

THAT we understand the State Board has been reported as having stated that "the results won't carry any consequences for students or schools" and we now affirm that we support this statement; and

THAT we request a statement from MSDE confirming the report is accurate; and

THAT the AACPS will post a copy of this resolution on the school system's website front page, and transmit a copy of this resolution to the State Superintendent, the State Board, the President of the Senate, the Speaker of the House of the General Assembly, the Anne Arundel County delegations and all Federal Senators and Congressmen;

AWARD OF CONTRACTS: In accordance with Board Policy DEA, all contracts valued at greater than \$25,000 to \$100,000, inclusive, and all contract modifications greater than \$100,000 will be approved by the Supervisor of Purchasing and reported to the Board for review. The contracts listed are in compliance with this policy and have been approved by the Supervisor of Purchasing.

Adjourned: Ms. Schallheim moved to adjourn; Ms. Frank seconded. The Board approved by consensus. The meeting adjourned at 7:11 PM on Wednesday, March 3, 2021.

Approved:

Attachment #1
March 3, 2021

EXECUTIVE CLOSED SESSION
BOARD OF EDUCATION
MARCH 3, 2021
MINUTES

The Board of Education met in executive session on the above date at 10:00 a.m. in the Board Room of the Parham building. While in public session a motion was made by Ms. Schallheim and seconded by Ms. Antwine to go into closed session pursuant to Section 3-305(b)(1)(7) & (9) of the General Provisions Article of the Open Meetings Act to:

- (1) To discuss public security, if the public body determines that public discussion would constitute a risk to the public to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans.
- (7) To consult with counsel to obtain legal advice on a legal matter.
- (9) To conduct collective bargaining negotiations or consider matters that relate to the negotiations.

Persons present to vote were Ms. Ellis, Ms. Antwine, Mr. Silkworth, Ms. Frank, Ms. Schallheim, Dr. Tobin, Ms. Corkadel and Mr. Smith. The vote was 8-0. Staff members present were Dr. George Arlotto, Superintendent; Darren Burns, Esq, Board Counsel; Alex Szachnowicz, Chief Operating Officer; Melisa Rawles, Chief Negotiator; Angie Auth, Employee Relations Specialist; and Diane Howell, Executive Assistant.

ITEMS CONSIDERED, ACTION TAKEN AND RECORDED VOTES:

- 1. President's Update
- 2. Legal Update – Burns
- 3. Dr. Arlotto update – Personnel/Substitute Administrators
- 4. Negotiations

Adjourn: 11:34AM

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 6

Resolution No. 22-21

Introduced by Ms. Lacey, Mr. Pruski, Ms. Pickard, Ms. Rodvien, and Ms. Fiedler

By the County Council, March 15, 2021

1 RESOLUTION appointing Michelle E. Bohlayer as County Auditor

2

3 WHEREAS, Section 310 of the Charter requires the County Council to appoint a
4 County Auditor who shall hold office for an indefinite term at the pleasure of the
5 Council; and

6

7 WHEREAS, the Council finds Michelle E. Bohlayer, a certified public accountant
8 licensed to practice under the laws of this State, qualified to serve as County
9 Auditor; therefore, be it

10

11 *Resolved by the County Council of Anne Arundel County, Maryland,* That it hereby
12 appoints Michelle E. Bohlayer to the position of County Auditor for an indefinite term
13 commencing on April 1, 2021.

Amendments

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Lacey, Mr. Pruski, and Ms. Pickard

Amendment No. 1

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 70 of Volume I of the Plan, under “Options for Region Plans Schedule”, in the chart, in the column entitled “Targeted Start Date”, strike “October 2022” and substitute “December 2022.”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance,”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment changes the “targeted start date” for the second set of Region Plans to December 2022.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Mr. Pruski, Ms. Pickard, and Ms. Lacey

Amendment No. 2

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 70 of Volume I of the Plan, under “Options for Region Plans Schedule”, in the chart, insert a fourth column as follows:

<u>County Council</u> <u>Approved Regions</u>
<u>2, 4, and 7</u>
<u>1, 3, and 9</u>
<u>5, 6, and 8”;</u>

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance.”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment sets the Region Plan schedule as follows: the first set will be Regions 2, 4, and 7, the second set will be Regions 1, 3, and 9, and the third set will be Regions 5, 6, and 8.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Haire

Amendment No. 3

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 116 of Volume II of the Plan, in “Table 17. Plan2040 Planned Land Use Designations”, in the header row, in the third column, strike “Permitted /”.”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance,”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment clarifies that the listed uses are anticipated uses for Plan2040 Planned Land Use Designations.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Haire

Amendment No. 4

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 125 of Volume I of the Plan, in the table entitled “Planning for Healthy Communities”, under “Policy HC8.1”, in the row that begins with “d.”, amend the implementation strategy as follows:

d. Develop a comprehensive Countywide Trails Plan that analyzes where there are deficiencies in the current existing and planned network with the intent of linking existing and future neighborhoods to community facilities, parks, points of interest, and major activity centers. This Plan shall include a comprehensive network of off-road bicycle, pedestrian, and recreation trails in the southern half of the County.”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance,”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adds language to Implementation Strategy “d.” for Goal HC8 and Policy HC8.1, under “Planning for Healthy Communities”, to include parks and points of interest; and adds language to require that certain types of trails in the southern half of the County be included in a comprehensive Countywide Trails Plan.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Haire

Amendment No. 5

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 288 of Volume II of the Plan, in the Appendix entitled “Land Use Changes”, in the row that begins with “PDR-3”, in the column entitled “Council Adopted”, insert “Adjust the designation of Maritime and Residential Low Density as shown in Exhibit A attached hereto”.

On page 42 of Volume 1 of the Plan, revise the chart entitled “Plan2040 Draft Planned Land Use” accordingly; and on page 43, revise the map entitled “Planned Land Use” accordingly.

On page 120 of Volume II of the Plan, revise “Figure 18: Land Use Plan” accordingly.”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance.”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adjusts the Land Use Classification for Application Number PDR-3 associated with a property located at 1024 Carrs Wharf Road; and revises the applicable land use charts and maps contained Plan2040 accordingly.)

**Bill No. 11-21
Exhibit A
Amendment # 5**

Amendment Area



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, County of Anne Arundel, VITA, BuildingFootprintUSA, Esri, HERE, Garmin, SafeGraph, INCREMENT P, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Pickard

Amendment No. 6

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 65 of Volume I of the Plan, on the map entitled “Commercial Revitalization & Sustainable Communities”, in the text box, under “Sustainable Communities”, after the first sentence insert “To facilitate redevelopment and allow greater flexibility of design, building types and densities, the County Council adopted the Glen Burnie Sustainable Community Overlay Area in 2020. The legislation also provides for a wide range of redevelopment alternatives; allows creative uses or mixes of uses; designed to achieve quality land use proposals through flexible and timely development approvals; addresses pedestrian connections and circulation; encourages community enhancements; and high quality site and building design; and encourages the assemblage of lots when appropriate.”

On page 131 of Volume II, under “Sustainable Communities”, after the second paragraph, insert:

“The Sustainable Community Action Plans detail a number of accomplishments and improvements since the designation was first granted to each of these areas. These include commercial revitalization and renovation, housing rehabilitation, stormwater management improvements and retrofits, expanded health services, greater affordable housing opportunities, additional public transit, expansion of arts and cultural programs, rodent abatement efforts, and participation in the Greater Baybrook Alliance. Additionally, the County passed a Fair Housing Ordinance in 2019 to provide protections against discrimination in the sale or rental of housing, and adopted the Glen Burnie Sustainable Community Overlay Area in 2020. The Glen Burnie Sustainable Community Overlay is designed to help facilitate redevelopment of underutilized, obsolete or deteriorated improved properties; allow flexibility of design, building types and densities to integrate the surrounding community; provide a wide range of redevelopment alternatives; allow creative uses or mixes of uses; achieve quality land use proposals through flexible and timely development approvals; address pedestrian connections and circulation; encourage community enhancements; encourage high quality site and building design; and encourage the assemblage of lots when appropriate.”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as

Amendment No. 6 (Continued)

amended by this Ordinance.”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adds a paragraph describing the “Sustainable Community Action Plans” to the Commercial Revitalization section of the Planning for the Built Environment chapter of Plan2040.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Pickard

Amendment No. 7

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 72 of Volume I of the Plan, under the section entitled “Implementation Plan”:

1. Strike the first sentence that reads: “The Goals and Policies of Plan2040 will be achieved through coordinated Implementation Strategies that will be completed by multiple departments of the County.”.

2. Before the second sentence insert:

“The successful implementation of Plan2040 depends on a coordinated and collaborative effort of multiple parties, including the County Administration and multiple departments, the County Council, various advisory boards or commissions, and the Plan2040 Implementation Action Committee. Plan2040 consists of a coordinated set of goals, policies, and strategies for decision-making that will guide future growth and development in the County.

- **Goals** represent the desired outcome of a future condition; the end state toward which the County aims. *These are represented by the dark gray rows in the matrix.*
- **Policies** are statements of intent upon which County decisions are evaluated. *These are represented by the light gray rows in the matrix.*
- **Strategies**, also called Implementing Strategies, are specific actions for further study and consideration by the County government to accomplish the Plan2040 goals and policies. *These are represented by the white rows in the matrix.*

Strategies are ideas for further consideration and study and not mandatory directives. Many of the strategies contained in the Plan will require changes to County Code prior to implementation. In each case, the responsible County departments will conduct a comprehensive analysis of the issue(s) to determine the best regulatory solution(s) prior to legislation being presented for consideration by the County Council.

Amendment No. 7 (Continued)

Roles and Responsibilities

The roles and responsibilities of the key players in the implementation of Plan2040 are described below.

The County Executive is responsible for recommending the priorities among the goals, policies, implementing strategies, and timeframes in Plan2040. The County Executive is also responsible for recommending the budget resources that are needed for implementation.

The County Council is responsible for establishing the priorities among the goals, policies, and implementing strategies, and the time frames for accomplishing them. It is also responsible for ensuring that the budget resources needed for implementation are available, including capital and/or operating funds, staffing resources, and other programmatic needs. As the County's legislative body, the County Council adopts Plan2040, as well as the annual operating budgets for County departments, the Capital Program and Budget, and any legislation needed to implement Plan2040 goals, policies, and strategies. All plans, maps, and rules and regulations adopted or amended by the Planning and Zoning Officer are approved by ordinance of the County Council prior to taking effect as law.

The Planning Advisory Board (PAB) is responsible for advisory recommendations to the County Executive, the Planning and Zoning Officer, and the County Council relating to the master plans (including Plan2040), the zoning maps, and the rules and regulations relating to zoning. In addition, the PAB makes recommendations regarding the proposed Capital Budget and Program, as well as amendments to the approved Capital Budget and Program. The PAB also reviews the annual report on development measures and indicators that is submitted to the Maryland Department of Planning.

Multiple County departments and offices will be involved in the implementation of Plan2040 through a variety of methods. These methods include conducting or coordinating analysis, planning studies, and inventories; conducting public outreach and education; developing new master plans and updating existing ones; developing new program initiatives; evaluating specific strategies for consideration of legislative changes; and coordinating with the State and local jurisdictions.

An Implementation Action Committee will be established to monitor the progress of Plan2040. The Committee will help ensure transparency and accountability and will provide guidance to the County Executive, County Council, and County staff on the implementation of the strategies. It is anticipated that the Implementation Action Committee will meet at least once annually with the County Council prior to the Council's adoption of the Capital Budget and Program and the Current Expense Budget to offer their guidance and recommendation on budget matters necessary to carry out implementation activities.

Stakeholders will be active participants in the implementation of Plan2040.”

Amendment No. 7 (Continued)

3. In the second sentence, strike “table” and substitute “Implementation Plan matrix”.

4. In the third sentence, strike “table” and substitute “matrix”.

On page 73 of Volume I of the Plan, strike in its entirety the section entitled “Implementation Action Committee”; and in the section entitled “Acronyms”, in the first sentence, strike “table” and substitute “matrix”.

On pages 74 through 140 of Volume I of the Plan, on each page, add the header “Implementation Plan Matrix”.

On page 2, in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance.”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment updates the description of the Implementation Plan for the Goals and Policies of Plan2040 to include an a more detailed explanation of how implementation will occur, including the role of the County Council; and makes several technical edits to clarify certain parts of the Implementation Plan of Plan2040.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Pickard

Amendment No. 8

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 135 of Volume I of the Plan, in the table entitled “Planning for a Healthy Economy”, in the first column, in strategy “a.” under Policy HE2.4, after “community” insert “, including the development of a comprehensive resource guide”;

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance,”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adds “the development of a comprehensive resource guide” to an implementation strategy for increasing opportunities for business innovation and entrepreneurship.)

AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Ms. Pickard

Amendment No. 9

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. *And be it further enacted*, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 39 of Volume I of the Plan, strike in its entirety the map entitled “Development Policy Area” and substitute the map attached hereto as Exhibit A, which includes additional Critical Corridors along certain areas of Veterans Highway and Hospital Drive.

On page 105 of Volume II of the Plan, strike in its entirety the map entitled “17. Development Policy Areas” and substitute the map attached hereto as Exhibit B, which includes additional Critical Corridors along certain areas of Veterans Highway and Hospital Drive.”;

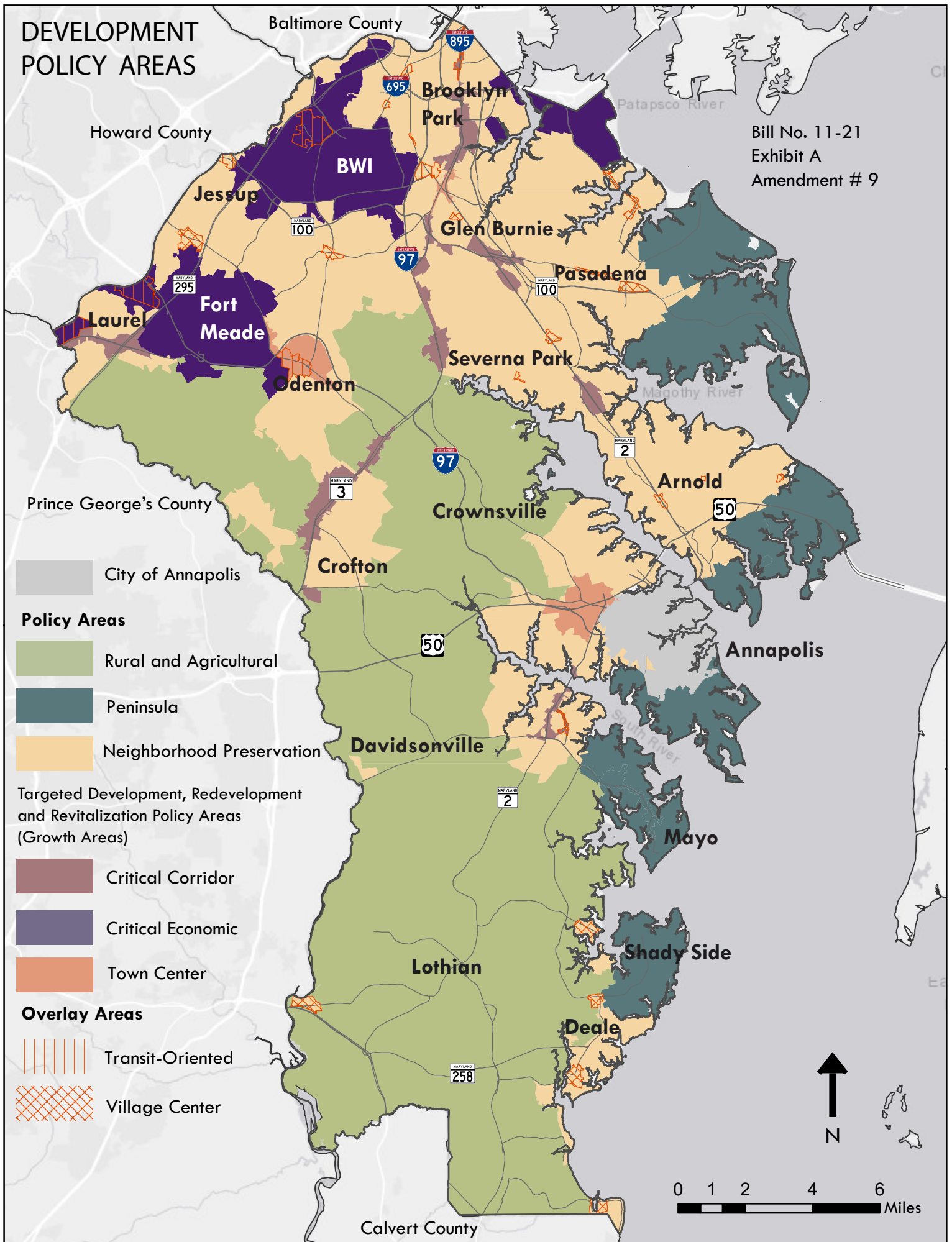
in lines 26, 29, and 35, and on page 3, in line 3, strike “2.”, “3.”, “4.”, and “5.”, respectively, and substitute “3.”, “4.”, “5.”, and “6.”, respectively; on page 2, in lines 26 and 30, in each instance, strike “County’s”, and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance.”.

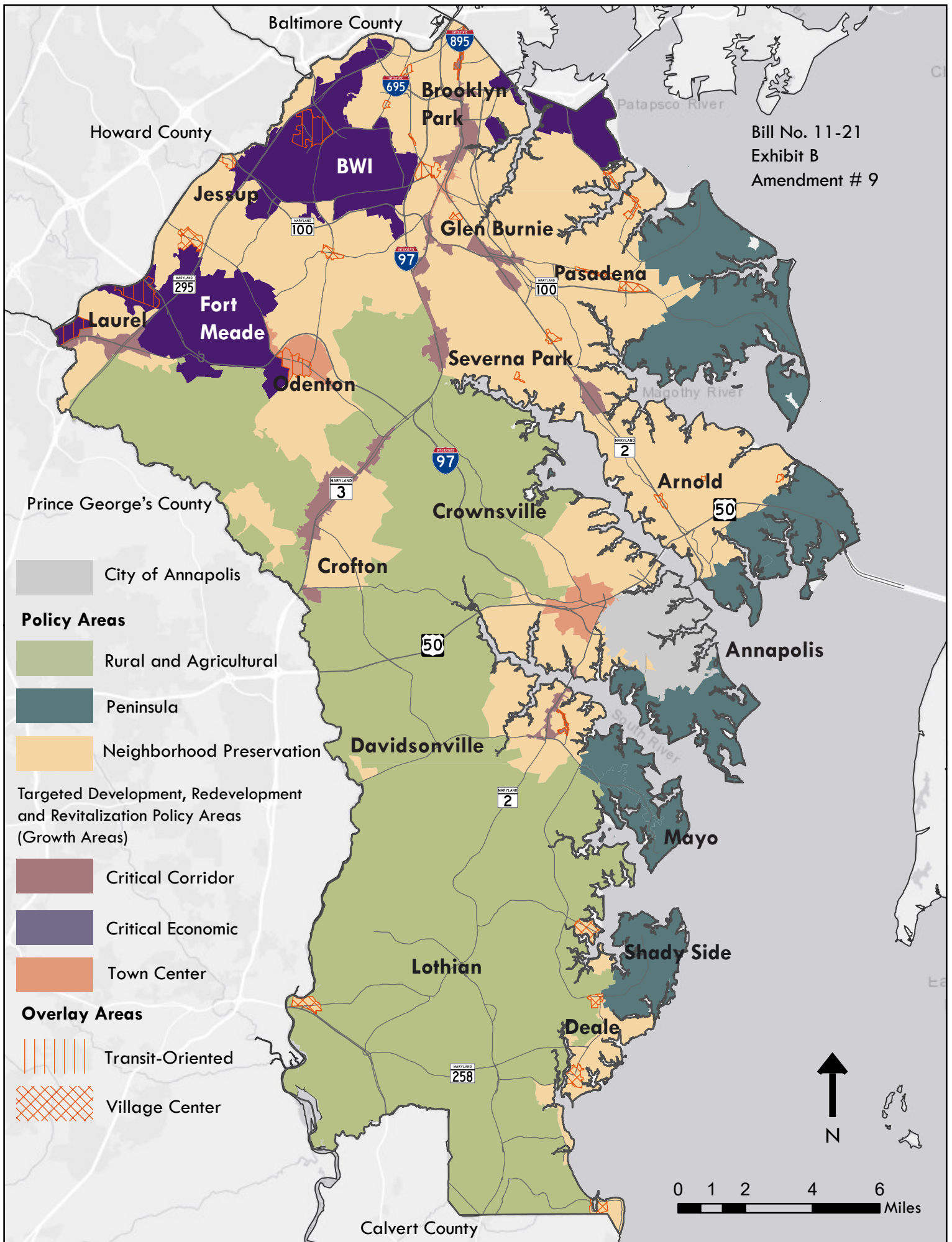
On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adds Critical Corridors along certain areas of Veterans Highway and Hospital Drive to “Development Policy Areas” maps in the Plan.)

DEVELOPMENT POLICY AREAS

Bill No. 11-21
Exhibit A
Amendment # 9





AMENDMENT TO BILL NO. 11-21
(Planning and Zoning – General Development Plan – Plan2040)

March 15, 2021

Introduced by Mr. Pruski

Amendment No. 10

On page 2 of the proposed bill, after line 24, insert:

“SECTION 2. And be it further enacted, That “Plan2040”, the 2021 General Development Plan for Anne Arundel County, is hereby amended as follows:

On page 71 of Volume I of the Plan, amend the chart as follows:

<u>Long-time resident</u> <u>(over 20 years)</u>	<u>Recent resident (less</u> <u>than 10 years)</u>	<u>HOA or Civic</u> <u>Association Board</u> <u>Member</u>
<u>Local business</u> <u>representative</u>	<u>Home builder/ real</u> <u>estate developer</u>	<u>Military, Department</u> <u>of Defense, or Other</u> <u>Relevant</u> <u>Government Agency</u> <u>or Contractor</u>
<u>Environmental</u> <u>organization</u>	<u>Community/ social</u> <u>organization</u>	<u>Affordable Housing</u> <u>Advocate</u>
<u>Renter</u>	<u>Real Estate broker</u>	<u>Member of a School</u> <u>Organization</u>
<u>Youth or young</u> <u>adult representative</u>	<u>Member of a Local</u> <u>Recreation Council</u> <u>or Group</u>	

in lines 26, 29, and 35, strike “2.”, “3.”, and “4.”, respectively, and substitute “3.”, “4.”, and “5.”, respectively; in lines 26 and 30, in each instance, strike “County’s” and substitute “2021”; and in line 27, after the second comma, and in line 31, after the comma, in each instance, insert “and as amended by this Ordinance.”.

On page 3, in line 3, strike “5.” and substitute “6.”.

(This amendment adds categories of representatives for potential membership on Stakeholder Advisory Committees.)

AMENDMENT TO BILL NO. 16-21
(Personnel – Positions in the Exempt Service – Police Department)

March 15, 2021

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

Amendment No. 1

On page 1 of the proposed bill, in line 4, strike “increasing certain exempt positions in the Police Department” and substitute “adding a certain position to the exempt service; providing for the pay applicable to the position added to the exempt service; modifying the numbers, titles, and positions in the exempt service in the Police Department approved as part of the annual budget and appropriation ordinance”; after line 6, insert:

“BY repealing and reenacting, with amendments: § 6-2-101(a)
Anne Arundel County Code (2005, as amended)

BY renumbering: § 6-2-103(a)(21) through (33), respectively, to be § 6-2-103(a)(22) through (34),
respectively
Anne Arundel County Code (2005, as amended)

BY adding: § 6-2-103(a)(21)
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That § 6-2-103(a)(21) through (33), respectively, of the Anne Arundel County Code (2005, as amended) is hereby renumbered to be § 6-2-103(a)(22) through (34), respectively.

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

ARTICLE 6. PERSONNEL

TITLE 2. EXEMPT SERVICE

6-2-101. Exempt pay and benefit plan.

(a) Pay grades. The following officers and employees in the exempt service of the County are entitled to compensation at the indicated pay grade:

Police Chief of Staff

E5

EXECUTIVE ASSISTANT TO THE CHIEF OF POLICE

E2

Amendment No. 1 (Continued)

6-2-103. Additional exempt positions.

(a) **Additional positions by title.** In accordance with § 802(b) of the Charter the positions described in this subsection are established as positions in the exempt service that are in addition to the positions established by § 802(a) of the Charter, with the compensation for the positions set forth in the exempt pay and benefit plan. Unless otherwise provided by this subsection, the number of positions under each title described in this subsection shall be approved 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. The positions are:

(21) EXECUTIVE ASSISTANT TO THE CHIEF OF POLICE;

***”;

in line 7, strike beginning with “SECTION” through “*Maryland*” and substitute “SECTION 3. And be it further enacted”; in line 9, after “approve” insert “a decrease of one Administrative Secretary to Department/Agency Head position in the Police Department from the number of positions approved in the Police Department as part of the Annual Budget and Appropriation Ordinance; and”; in the same line, after “position” insert a comma; in line 10, strike “and”; in the same line, after “position” insert “, and one Executive Assistant to the Chief of Police position”; and in line 13, strike “2.” and substitute “4.”.

(This amendment adds the position ‘Executive Assistant to the Chief of Police’ to the exempt pay and benefit plan and adds the title to the list of exempt positions; approves a decrease of one Administrative Secretary to Department/Agency Head position in the Police Department as part of the FY21 budget; and approves an increase of one Executive Assistant to the Chief of Police position as part of the FY21 budget.)

AMENDMENT TO BILL NO. 17-21
(Personnel – Positions in the Classified Service – Job Classifications – Position Control –
Fire Department)

March 15, 2021

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

Amendment No. 1

On page 2 of the proposed bill, in lines 6 and 8, in each instance, strike “twenty-nine” and substitute “twenty-eight”.

(This amendment correctly identifies the number of Fire Communications Operator positions approved as a part of the FY21 budget that are being decreased and the number of corresponding Fire Communications Operator I positions being increased.)

AMENDMENT TO BILL NO. 20-21
(Floodplain Management, Erosion and Sediment Control, and Stormwater Management –
Subdivision and Development – Forest Conservation)

March 15, 2021

Introduced by Ms. Rodvien

Amendment No. 1

On page 1 of the proposed bill, in line 6, strike “, plants, shrubs, or trees,”.

On page 2, in line 49, after the semi-colon insert “OR”.

On page 3, strike in their entirety lines 1 through 12, inclusive; and in line 14, strike “(V)” and substitute “(II)”

(This amendment removes certain types of plants, shrubs or trees from the list of areas that require approval for clearing.)

AMENDMENT TO BILL NO. 20-21
(Floodplain Management, Erosion and Sediment Control, and Stormwater Management –
Subdivision and Development – Forest Conservation)

March 15, 2021

Introduced by Ms. Rodvien

Amendment No. 2

On page 2 of the proposed bill, in line 40, strike “OR 1,000 SQUARE FEET, WHICHEVER IS LESS,” and substitute “WITH A CANOPY COVERAGE OF 2,500 SQUARE FEET OR MORE”.

(This amendment makes clearing three trees or more a violation if the canopy coverage of the trees is 2,500 square feet or more.)

AMENDMENT TO BILL NO. 20-21
(Floodplain Management, Erosion and Sediment Control, and Stormwater Management –
Subdivision and Development – Forest Conservation)

March 15, 2021

Introduced by Ms. Rodvien

Amendment No. 3

On page 3 of the proposed bill, in line 52, after the period, insert “THE FACTORS SET FORTH IN SUBSECTION (B)(4) SHALL BE CONSIDERED IN DETERMINING THE AMOUNT OF ANY FINE ASSESSED UNDER THIS SUBSECTION.”.

(This amendment requires that the factors to consider in assessing fines for critical area violations listed in § 16-5-105(b)(4) shall be considered in determining the amount of fines assessed for forest clearing violations.)

AMENDMENT TO BILL NO. 21-21
(Zoning – Landscaping and Tree Contracting with Accessory Recycling of Logs into Firewood)

March 15, 2021

Introduced by Ms. Haire

Amendment No. 1

On page 2 of the proposed bill, in line 15, after the second comma insert “(5)”.

(This amendment amends one of the requirements for “landscaping and tree contracting with accessory recycling of logs into firewood” as special exception use to require compliance with the hours of operation for “landscaping and tree contracting”).