



AGENDA
COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
County Council Meeting
Legislative Session 2021, Legislative Day No. 17
September 7, 2021 – 7:00 P.M.

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

July 19, 2021 – Legislative Day No. 16
July 29, 2021 – Special Meeting

- H. Introduction of Bills

BILL NO. 72-21 AN ORDINANCE concerning: Purchasing – Capital Improvement Contracts – Prevailing Wage and Local Hiring – FOR the purpose of establishing prevailing wage and local hiring provisions applicable to specific types of capital improvement contracts; defining certain terms; adding the types of capital improvement contracts to which prevailing wage provisions apply; allowing wage deductions in specific instances; requiring capital improvement contracts to include specific terms; adding worksite notice requirements; requiring maintenance of certain records relating to prevailing wage requirements; allowing audits investigations of complaints of violations of prevailing wage requirements; adding local hiring requirements; adding reporting requirements for prevailing wage and local hiring data; establishing penalties for violations of prevailing wage and local hiring provisions; providing for the applicability of this Ordinance; providing for a delayed effective date; and generally relating to purchasing.

By Ms. Lacey, Chair

(by request of the County Executive)

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

BILL NO. 73-21 AN ORDINANCE concerning: Approval of Lease Agreement for Coppermine Tennis Facility – FOR the purpose of approving an agreement to lease County-owned property located at 1580 Millersville Road, Millersville, MD 21108, to Coppermine Racquet and Fitness LLC.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 74-21 AN ORDINANCE concerning: Subdivision and Development – Site Development – Exemptions – FOR the purpose of exempting agricultural buildings and accessory uses to farming from the requirements for site development; exempting temporary uses from the requirements for site development; and generally relating to subdivision and development.
By Ms. Haire

BILL NO. 75-21 AN ORDINANCE concerning: Subdivision and Development – Community Meetings – Exemption for In-Kind Replacements – FOR the purpose of exempting in-kind replacement of a deck or accessory structure to residential development from the requirement to hold a community meeting; and generally relating to subdivision and development.
By Ms. Fiedler

BILL NO. 76-21 AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Taxes – Credits – Business Entities Affected by a State of Emergency – FOR the purpose of establishing a real property tax credit for business entities affected by a declared state of emergency; establishing eligibility criteria for the credit; providing for the calculation and duration of the credit; establishing a deadline for filing for the credit and the form of application for the credit; and generally relating to finance, taxation, and budget.
By Mr. Volke

I. Introduction of Resolutions

RESOLUTION NO. 41-21 – RESOLUTION approving the terms and conditions of the acquisition of real property consisting of between approximately 0.62 +/- acres and 0.765 +/- acres, known as 443 Crain Highway, Glen Burnie, Maryland 21061, from HB, Incorporated, utilizing funds from the Advance Land Acquisition Capital Project
By Ms. Lacey, Chair
(by request of the County Executive)

RESOLUTION NO. 42-21 – RESOLUTION nominating a member to serve on the Anne Arundel County Ethics Commission
By Ms. Fiedler

RESOLUTION NO. 43-21 – RESOLUTION appointing members of the Salary Standard Commission
By Ms. Lacey, Chair, and by Mr. Volke and Mr. Pruski

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

BILL NO. 66-21 (As Amended) (Amendments Proposed) – AN ORDINANCE concerning: Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs – FOR the purpose of amending the definition of “sign”; allowing wind signs and animated signs and signs painted on the roof of a structure; repealing the limitation on temporary real estate and construction signs; allowing temporary signs for

particular uses to exceed the normal size; limiting the number of temporary signs allowed on a private property; allowing temporary signs to be displayed for a certain period of time; making technical changes; and generally relating to zoning.

By Ms. Haire

BILL NO. 67-21 (Amendment Proposed) – AN ORDINANCE concerning: Public Ethics – Financial Disclosure – Legislative Counsel to the County Council – FOR the purpose of adding financial disclosure requirements applicable to the position of Legislative Counsel to the County Council; and generally relating to public ethics.

By Ms. Lacey, Chair

(by request of the Ethics Commission)

BILL NO. 68-21 – AN ORDINANCE concerning: Public Safety – Animal Care and Control – Authority to Impound – Tethering of Dogs – FOR the purpose of amending the circumstances under which an animal may be impounded; amending the circumstances under which a dog may be tethered outdoors; and generally relating to animal care and control.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 69-21 – AN ORDINANCE concerning: Current Expense Budget – Capital Budget and Program – Supplementary Appropriations and Fund Transfer – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions, or other agencies in the general fund of the County for the current fiscal year; amending the Capital Budget for the current fiscal year by making a supplementary appropriation of funds from unanticipated general fund revenues to the Beverly Triton Nature Park capital project; amending the Capital Budget for the current fiscal year by transferring certain appropriations of funds between the Beverly Triton Nature Park, Eisenhower Golf Course, and Jug Bay Environmental Ed Ctr capital projects; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to making supplementary appropriations to the Current Expense Band the Capital Budget and transferring funds between projects in the Capital Budget for the fiscal year ending June 30, 2022.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 70-21 – AN ORDINANCE concerning: Snug Harbor Waterways Improvement District – Modification – FOR the purpose of modifying the limits of the Snug Harbor Waterways Improvement District.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 71-21 (Amendment Proposed) – AN ORDINANCE concerning: Licenses and Registrations – Swimming Pools – Pool Operator and Lifeguard Licenses – FOR the purpose of repealing the requirement for a lifeguard license; increasing the fee for a pool operator license; increasing the term of a pool operator license; making technical changes; and generally relating to licenses and registrations.

By Ms. Fiedler

RESOLUTION NO. 36-21 (Hearing Concluded) (Eligible for Vote) (Amendment Proposed) –

RESOLUTION in support of the County Executive of Anne Arundel County promptly entering into an agreement with Robert A. Pascal Youth and Family Services, Inc. to lease and make fully available County owned property located at 41 Community Place in Crownsville, Maryland
By Ms. Fiedler and Ms. Haire

K. Other Business

L. Adjournment

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2021, Legislative Day No. 16

July 19, 2021 - 7:00 P.M.

The meeting was called to order by Chairman Lacey at 7:00 P.M. and opened with the Invocation and the Pledge of Allegiance given by Mr. Volke. The meeting was held in the County Council Chambers, Arundel Center, Annapolis, Maryland. There were approximately 35 persons in the audience.

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

The County Auditor's Office was represented by the County Auditor, Michelle Bohlayer. Linda Schuett, Legislative Counsel, was also present.

ETHICS STATEMENT

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

INVITATION TO AUDIENCE

The Administrative Officer stated there was one submission of written public testimony received for Invitation to Audience through the online testimony tool.

The following person spoke on Invitation to Audience:

Steven Waddy, Annapolis

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

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. Rodvien, seconded by Mr. Volke, the minutes of the meeting of July 6, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 68-21 – AN ORDINANCE concerning: concerning: Public Safety – Animal Care and Control – Authority to Impound – Tethering of Dogs – FOR the purpose of amending the circumstances under which an animal may be impounded; amending the circumstances under which a dog may be tethered outdoors; and generally relating to animal care and control.

By Ms. Lacey, Chair

(By request of the County Executive)

BILL NO. 69-21 – AN ORDINANCE concerning: Current Expense Budget – Capital Budget and Program –Supplementary Appropriations and Fund Transfer - FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions, or other agencies in the general fund of the County for the current fiscal year; amending the Capital Budget for the current fiscal year by making a supplementary appropriation of funds from unanticipated general fund revenues to the Beverly Triton Nature Park capital project; amending the Capital Budget for the current fiscal year by transferring certain appropriations of funds between the Beverly Triton Nature Park, Eisenhower Golf Course, and Jug Bay Environmental Ed Ctr capital projects; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to making supplementary appropriations to the Current Expense Band the Capital Budget and transferring funds between projects in the Capital Budget for the fiscal year ending June 30, 2022.

By Ms. Lacey, Chair

(By request of the County Executive)

BILL NO. 70-21 – AN ORDINANCE concerning: Snug Harbor Waterways Improvement District – Modification – FOR the purpose modifying the limits of the Snug Harbor Waterways Improvement District.

By Ms. Lacey, Chair

(By request of the County Executive)

BILL NO. 71-21 – AN ORDINANCE concerning: Licenses and Registrations – Swimming Pools – Pool Operator and Lifeguard Licenses – FOR the purpose of repealing the requirement for a lifeguard license; increasing the fee for a pool operator license; increasing the term of a pool operator license; making technical changes; and generally relating to licenses and registrations.

By Ms. Fiedler

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 37-21 – RESOLUTION approving the nomination of a member to the Anne Arundel County Human Relations Commission

By Ms. Lacey, Chair

(By request of the County Executive)

RESOLUTION NO. 38-21 – RESOLUTION expressing the County Council’s sympathies and condolences to the family of Candace C.W. Antwine and to her colleagues on the Board of Education

By The Entire Council

RESOLUTION NO. 39-21 – RESOLUTION expressing condolences and sympathies on the death of Richard B. “Dick” Ladd
By the Entire Council

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

RESOLUTION NO. 38-21

The Chair called Resolution No. 38-21, Resolution expressing the County Council’s sympathies and condolences to the family of Candace C.W. Antwine and to her colleagues on the Board of Education; and the Administrative Officer read the title.

Ms. Lacey, Co-Sponsor, read the resolution.

Pete Baron, Director, Government Affairs, shared the County Executive’s sentiments.

Ms. Rodvien expressed her condolences to Ms. Antwine’s family.

Resolution No. 38-21 was adopted by the following roll call vote:

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

Ms. Lacey

Nay – None

RESOLUTION NO. 39-21

The Chair called Resolution No. 39-21, Resolution expressing condolences and sympathies on the death of Richard B. “Dick” Ladd; and the Administrative Officer read the title.

Ms. Fiedler, Co-Sponsor, read the resolution.

Pete Baron, Director, Government Affairs, read the County Executive’s condolences.

Linda Schuett, Legislative Counsel, Ms. Fiedler, and Mr. Volke shared stories about Mr. Ladd.

Resolution No. 39-21 was adopted by the following roll call vote:

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

Ms. Lacey

Nay – None

BILL NO. 57-21(As Amended)

The Chair called Bill No. 57-21, as amended, An Ordinance concerning: The issuance, sale and delivery of Anne Arundel County, Maryland general obligation bonds and bond anticipation

notes – For the purpose of authorizing the issuance by Anne Arundel County, Maryland (the “County”) of bond anticipation notes in an amount to be outstanding at any time not in excess of Five Hundred Million Dollars (\$500,000,000) and bonds in an amount not exceeding ~~One Billion Thirty Million Four Hundred Seven Thousand Nine Hundred Eight Dollars (\$1,030,407,908)~~ One Billion Twenty Five Million Five Hundred Fifty Three Thousand Three Hundred Eighty Two Dollars (\$1,025, 553,382 in order to finance in whole or in part the construction of capital projects set forth in the capital budget of the County for the fiscal year ending June 30, 2022, or in such capital budgets for prior fiscal years, or usable portions thereof; authorizing the issuance by the County of refunding bonds to refund some or all of the outstanding bond issues of the County listed on Exhibit II attached hereto and incorporated herein in an aggregate principal amount not to exceed 120% of the aggregate principal amount of the outstanding bonds to be refunded, subject to the requirement that debt service savings shall be achieved in connection with any such refunding; authorizing the County to borrow money and incur indebtedness otherwise authorized to be borrowed and incurred hereunder in the form of bonds or bond anticipation notes by obtaining a loan or loans from the Maryland Water Quality Financing Administration pursuant to and in accordance with Sections 9-1601 through 9-1622, inclusive, of the Environment Article of the Annotated Code of Maryland (2014 Replacement Volume and 2020 Supplement) for the public purpose of financing a portion of the costs of acquiring, constructing and equipping certain wastewater facilities and water supply systems; providing for the execution and delivery by the County of a loan agreement and bond to evidence any such loan; etc.; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Steven Theroux, Budget Office, Carolyn McVay, Office of Finance, Karin McQuade, Controller, Office of Finance, David Gregory, Bond Counsel, William Henn, Bond Counsel, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron reminded the Council that the numbers were amended at the last meeting to reflect the final numbers approved by the FY21 Budget.

The Chair opened the public hearing on Bill No. 57-21, as amended.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 57-21, as amended.

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

The Chair called Bill No. 57-21, as amended, An Ordinance concerning: The issuance, sale and delivery of Anne Arundel County, Maryland general obligation bonds and bond anticipation notes; and the Administrative Officer read a portion of the title.

Amendment No. 2

The Chair called for Amendment No. 2, and the Administrative Officer read the description:

This technical amendment corrects a calculation error on page 1 of Exhibit I-A.

Mr. Baron stated the numbers in the bill are correct.

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

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

Bill No. 57-21 was passed by the following roll call vote:

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

BILL NO. 59-21 (As Amended)

The Chair called Bill No 59-21, as amended, An Ordinance concerning: Public Safety – Traffic – Vehicles on Public Sidewalks – For the purpose of defining “bicycle”; allowing the riding of bicycles, play vehicles, or unicycles on public sidewalks and sidewalk areas; adding exceptions and conditions to riding on sidewalks; and generally relating to public safety; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Alex Baquie, Assistant Chief, Bureau of Highways, Major Michelle Simpson, Police Department, Nicole Liening, Central Services/Risk Management, Tanya Asman, Office of Transportation, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron stated bicycles cannot be operated safely along roads in all areas of the County.

The Chair opened the public hearing on Bill No. 59-21, as amended.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 59-21, as amended, which was posted to the website and is part of the official record.

The following individual spoke on Bill No. 59-21, as amended:

Jon Korin, Severna Park

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

The Chair called Bill No. 59-21, as amended, An Ordinance concerning: Public Safety – Traffic – Vehicles on Public Sidewalks; and the Administrative Officer read a portion of the title.

Ms. Fiedler and Ms. Rodvien each acknowledged the benefits of the bill.

Mr. Volke asked for confirmation that dirt bikes would not be allowed on sidewalks.

Mr. Baron confirmed this.

Bill No. 59-21, as amended, was passed by the following roll call vote:

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

Nay – None

BILL NO. 63-21

The Chair called bill No. 63-21, An Ordinance concerning: Zoning – Critical Area Overlay – For the purpose of adopting the “Anne Arundel County Critical Area Layer” as the critical area overlay for Anne Arundel County; grandfathering certain applications for development, variances, and special exceptions; and generally relating to zoning; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Land Use, Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, Office of Planning and Zoning, Kelly Krinetz, Office of Planning and Zoning, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron explained the reason for the bill.

Ms. Haire questioned the grandfathering clause in the bill.

Ms. Krinetz explained the the reason for it.

Mr. Baron stated property owners were notified in 2019 about the changes being made.

Ms. Fiedler asked if technology changed the boundary line.

Ms. Krinetz explained how technology gave an accurate boundary.

Mr. Volke asked about a specific spot in his district.

Ms. Krinetz explained the changes in that area.

The Chair opened the public hearing on Bill No. 63-21.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 63-21, which was posted to the website and are part of the official record.

The following individuals spoke on Bill No. 63-21:

Theophilus Britt Griswold, Annapolis
William Marshall, Annapolis
Paul Burdett, Annapolis

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

The Chair called Bill No. 63-21, An Ordinance concerning: Zoning – Critical Area Overlay; and the Administrative Officer read a portion of the title.

Ms. Haire asked questions about the new map and land use.

Mr. Baron and Ms. Krinetz explained the meaning behind the new map..

Ms. Fiedler asked about the .

Mr. Johnston answered.

Ms. Rodvien clarified that the Council had the final decision on any proposed changes of the underlying zoning.

Bill No. 63-21 was passed by the following roll call vote:

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

Ms. Lacey

Nay – None

BILL NO. 64-21

The Chair called Bill No. 64-21, An Ordinance concerning: Payment in Lieu of Taxes – The Housing Authority of the City of Annapolis – For the purpose of replacing a certain payment in lieu of taxes agreement for exemptions from County real property taxes for properties owned by the Housing Authority of the City of Annapolis; authorizing the County Executive to enter into a payment in lieu of taxes agreement with the Housing Authority of the City of Annapolis; and providing for the time and terms under which the payment in lieu of taxes and tax exemptions will take effect; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Karin McQuade, Controller, Office of Finance, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron stated the bill approves a new pilot agreement and is needed to cover new housing projects. He explained the new agreement.

Ms. Haire asked for clarification on the RAD program.

Ms. Kenney explained the RAD program.

There was clarification on the financial changes the program offers.

Ms. Rodvien asked for the Council to support the bill and expressed the need for affordable housing.

The Chair opened the public hearing on Bill No. 64-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 64-21.

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

The Chair called Bill No. 64-21, An Ordinance concerning: Payment in Lieu of Taxes – The Housing Authority of the City of Annapolis; and the Administrative Officer read a portion of the title.

Ms. Haire clarified the pilot agreement was limited to a few projects.

Ms. Kenney agreed.

Ms. Haire asked if any new projects would be included in the agreement.

Ms. Kenney stated this applied to any currently owned property and any future property.

Ms. Rodvien gave her opinion on the acquirement of new property.

Bill No. 64-21 was passed by the following roll call vote:

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

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

BILL NO. 65-21

The Chair called Bill No. 65-21, An Ordinance concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – For the purpose of clarifying that the test for adequate road facilities for redevelopment, the adequate public facilities mitigation provisions, and the development requirements and zoning provisions for redevelopment in the Glen Burnie Sustainable Community Overlay Area only apply if the developer redevelops under certain provisions of Article 18; providing that the submission of a revised concept plan for redevelopment in the Glen Burnie Sustainable Community Overlay Area may be optional; and generally relating to subdivision and zoning; and the Administrative Officer read the title.

Ms. Pickard, Sponsor, explained the bill and the fixes it makes to a previous bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Land Use, Matt Johnston, Environmental Policy Director, Steven Kaii-Ziegler, Director, Office of Planning and Zoning, Lynn Miller, Assistant Planning and Zoning Officer, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Volke questioned what the bill is changing.

Ms. Miller clarified the revised concept plan and explained that the use of the overlay was optional, not mandatory.

Ms. Pickard explained the reason for the Glen Burnie Overlay.

The Chair opened the public hearing on Bill No. 65-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 65-21.

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

The Chair called Bill No. 65-21, An Ordinance concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area; and the Administrative Officer read a portion of the title.

Bill No. 65-21 was passed by the following roll call vote:

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

BILL NO. 66-21

The Chair called Bill No. 66-21, An Ordinance concerning: Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs – For the purpose of amending the definition of “sign”; allowing wind signs and signs painted on the roof of a structure; repealing the limitation on temporary real estate and construction signs; allowing temporary signs for particular uses to exceed the normal size; limiting the number of temporary signs allowed on a private property; allowing temporary signs to be displayed for a certain period of time; making technical changes; and generally relating to zoning; and the Administrative Officer read the title.

Ms. Haire, Sponsor, stated that the bill deals primarily with wind signs. She gave an example and explained the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lori Rhodes, Deputy Chief Administrative Officer, Planning and Zoning, Land Use, Steven Kaii-Ziegler, Director, Office of Planning and Zoning, Lynn Miller, Office of Planning and Zoning, and Kelly Kenney, Senior Assistant County Attorney, Office of Law.

Mr. Baron provided background on the bill..

The Chair opened the public hearing on Bill No. 66-21.

The Administrative Officer stated there were two submissions of public testimony received for Bill No. 66-21, which were posted to the website and are part of the official record.

The following individual spoke on Bill No. 66-21:

Sarah Price, Annapolis

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

The Chair called Bill No. 66-21, An Ordinance concerning: Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs; and the Administrative Officer read a portion of the title.

Amendment No. 1

The Chair called for Amendment No. 1, and the Administrative Officer read the description:

This technical amendment rearranges the words used in the definition of “temporary sign”.

Ms. Haire, Sponsor, confirmed the purpose of the amendment.

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

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

Amendment No. 2

The Chair called for Amendment No. 2, and the Administrative Officer read the description:

This amendment allows animated signs in the County.

Mr. Volke, Sponsor, confirmed the purpose of the amendment.

Ms. Pickard asked for an example of an animated sign.

Mr. Volke and Ms. Schuett responded.

Mr. Baron expressed concern regarding the definition.

Ms. Haire stated there was still a lot of work to do on sign law.

Ms. Fiedler asked if school signs qualified as animated signs.

Ms. Miller defined animated sign.

Ms. Kenney talked about electronic message boards.

Mr. Volke agreed there needed to be more work on the definition of animated sign.

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

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

Nay – Ms. Fiedler, Ms. Rodvien, Ms. Pickard

Amendment No. 3

The Chair called for Amendment No. 3, and the Administrative Officer read the description:

This amendment removes the limit on the number of temporary signs allowed on a private property.

Mr. Volke, Co-Sponsor, explained the amendment.

Ms. Lacey stated the language was too broad in the bill.

The Administration opposed. Mr. Baron stated there was a concern about the overabundance of signs.

Ms. Haire explained different limits on signs and her position on the amount of signs throughout the year.

Ms. Fiedler spoke about a conversation with the Office of Planning and Zoning on similar legislation.

Ms. Miller stated there had been calls regarding excess signs on properties, causing frustration with addressing the problem.

Ms. Pickard asked if there was state law regarding election signage.

Ms. Kenney stated these signs were included in the County Code.

Ms. Pickard asked if flutter flags were considered temporary signs.

Ms. Kenney stated there would be a limit placed on the time the flag could be displayed, not on what the flags say.

On motion of Mr. Volke, seconded by Ms. Pickard, Amendment No. 3 was defeated by the following roll call vote:

Aye – Mr. Volke, Ms. Lacey

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

Amendment No. 4

The Chair called for Amendment No. 4, and the Administrative Officer read the description:

This amendment removes the time limit on how long a temporary sign may be displayed.

Mr. Volke, Sponsor, explained the amendment.

Mr. Baron stated there needs to be a reasonable limit on the time frame.

Ms. Haire shared her view on the amendment.

Ms. Lacey stated the bill did not state what type of property the sign would be on, either commercial or private.

Ms. Haire asked if there was distinctions of signs from zone to zone.

Ms. Miller stated the Code distinguishes between residential and commercial properties.

Ms. Haire asked if Planning and Zoning would have an issue with changing the requirements for temporary signs.

Ms. Miller did not oppose.

Ms. Haire asked about HOA rules.

Ms. Miller answered.

Ms. Rodvien asked if the decision could be made by the quality of the sign not the zone it was in.

Ms. Kenney stated the content of the sign could not be regulated.

Ms. Rodvien asked if commercial versus free speech would be regulation by content.

Ms. Kenney stated some regulations could be placed.

On motion of Ms. Lacey, seconded by Mr. Volke, Amendment No. 4 was defeated by the following roll call vote:

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

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

Amendment No. 5

The Chair called for Amendment No. 5, and the Administrative Officer read the description:

This amendment removes the general time limit on how long a temporary sign may be displayed and instead adds a limit on when a business sign may be displayed.

Ms. Fiedler, Sponsor, explained the amendment.

Mr. Baron expressed concern on how it would be enforced and explained to the businesses.

Mr. Volke clarified the amendment.

Ms. Haire asked what the business hours would be.

Ms. Fiedler answered.

On motion of Ms. Fiedler, seconded by Ms. Haire, Amendment No. 5 was defeated by the following roll call vote:

Aye – Ms. Fiedler

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

Amendment No. 6

The Chair called for Amendment No. 6, and the Administrative Officer read the description:

This amendment continues the prohibition on signs painted on the roof of a structure.

Ms. Lacey, Sponsor, explained the amendment.

Mr. Baron stated the Administration supports the amendment.

Ms. Haire stated this amendment does not impact the bill.

Mr. Volke asked about the concern with the roof signs.

Mr. Baron stated the Administration had not done any research on this subject so could not support or oppose the roof signs.

Ms. Rodvien expressed her view of roof signs.

Ms. Pickard stated the sign code needed an upgrade.

On motion of Ms. Pickard, seconded by Ms. Lacey, Amendment No. 6 was adopted by the following roll call vote:

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

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

The Chair stated Bill No. 66-21, as amended, would be heard on September 7, 2021.

RESOLUTION NO. 34-21

The Chair called Resolution No. 34-21, Resolution approving the declaration of certain unimproved County-owned property located in Glen Burnie, Maryland as surplus property; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Nancy Noonan, Deputy Central Services Officer, Clifton Martin, Housing Commission of Anne Arundel County, and Christine Neiderer, Assistant County Attorney, Office of Law.

Mr. Baron explained the purpose of the resolution.

Ms. Pickard commended the County for putting the property to good use.

The Chair opened the public hearing on Resolution No. 34-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 34-21.

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

The Chair called Resolution No. 34-21, Resolution approving the declaration of certain unimproved County-owned property located in Glen Burnie, Maryland as surplus property; and the Administrative Officer read a portion of the title.

Resolution No. 34-21 was adopted by the following roll call vote:

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

RESOLUTION NO. 35-21

The Chair called Resolution No. 35-21, Resolution approving estimates of the annual costs of providing health insurance benefits and the employer subsidies used to determine the rates for certain participants under the County Employee and Retiree Health Benefits Program; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, was accompanied by Anne Budowski, Personnel Officer, Steven Theroux, Budget Office, Karin McQuade, Controller, Office of Finance, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron explained the purpose of the resolution.

The Chair opened the public hearing on Resolution No. 35-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 35-21.

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

The Chair called Resolution No. 35-21, Resolution approving estimates of the annual costs of providing health insurance benefits and the employer subsidies used to determine the rates for certain participants under the County Employee and Retiree Health Benefits Program; and the Administrative Officer read a portion of the title.

Amendment No. 1

The Chair called for Amendment No. 1, and the Administrative Officer read the description:

This amendment adds a statement as to Medicare Advantage Rates for calendar year 2022.

Mr. Baron explained the amendment.

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

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

Nay – None

Resolution No. 35-21 was adopted by the following roll call vote:

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

Nay – None

RESOLUTION NO. 36-21

The Chair called Resolution No. 36-21, Resolution in support of the County Executive of Anne Arundel County promptly entering into an agreement with Robert A. Pascal Youth and Family Services, Inc. to lease and make fully available County owned property located at 41 Community Place in Crownsville, Maryland; and the Administrative Officer read the title.

Ms. Fiedler, Sponsor, held comments until after public hearing.

Pete Baron, Director, Government Affairs, was accompanied by Dr. Nilesh Kalyanaraman, Health Officer, Nancy Noonan, Deputy Director, Central Services, Adrienne Mickler, Mental Health, Catherine Gray, Mental Health, and Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron held comments until after public hearing.

The Chair opened the public hearing on Resolution No. 36-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 36-21.

The following individuals spoke on Resolution No. 36-21:

Bruce Bereano, Annapolis
Katherine Bonincontri, Crofton
Patrick Mattix, Orville
Melissa August, Annapolis
Brianna Deshaies, Annapolis
Anthony Anderson, Faulkner
Patrick Kennedy, Deale
Daryl Diggs, Baltimore
Tyler Stewart, Owings Mills

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

Ms. Haire and Mr. Volke questioned Ms. Bonincontri and Mr. Bereano.

The Chair called Resolution No. 36-21, Resolution in support of the County Executive of Anne Arundel County promptly entering into an agreement with Robert A. Pascal Youth and Family Services, Inc. to lease and make fully available County owned property located at 41 Community Place in Crownsville, Maryland; and the Administrative Officer read a portion of the title.

Ms. Fiedler explained why she held her comments until after the public hearing.

Mr. Baron shared the same concern as Ms. Fielder. He explained the Administration's responsibility to the tax payers and residents of the County and the reasons why it opposed the resolution. He shared that the County was doing a study to ensure the assets were being used correctly.

Mr. Volke asked when the study started and what the planning looked like.

Mr. Baron stated the property was being used for furniture storage.

Ms. Noonan explained the process of finding the use of buildings.

Ms. Haire asked about the process for deciding the use of the building next to this property, and if there was a written evaluation for it.

Ms. Noonan answered.

Ms. Fiedler asked for clarification on how the property was acquired.

Ms. Mickler explained how the previous administration took charge of the property.

Mr. Kalyanaraman explained how many beds were available in the County, and how many were occupied at the moment.

Ms. Pickard explained her reasons why she was not comfortable with the resolution.

Ms. Rodvien asked about the legal perspective for the use of the building.

Ms. Blair Klasmeier explained the Code process for leasing County properties.

Mr. Pruski shared his thoughts on the resolution and asked what the timeline of moving the furniture out of the building was.

There was continued discussion regarding the best use of the building.

On motion of Ms. Fiedler, seconded by Mr. Volke, the vote for Resolution No. 36-21 was held until September 7, 2021 by the following roll call vote:

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

Nay – Ms. Pickard

The Chair stated Resolution No. 36-21 would be heard on September 7, 2021.

RESOLUTION NO. 37-21

The Chair called Resolution No. 37-21, Resolution approving the nomination of a member to the Anne Arundel County Human Relations Commission; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs was accompanied by Lori Blair Klasmeier, Deputy County Attorney, Office of Law.

Mr. Baron explained the resolution.

Ms. Rodvien vouched for the nominee.

Resolution No. 37-21 was adopted by the following roll call vote:

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

Ms. Lacey

Nay – None

OTHER BUSINESS

There was no further business.

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Pickard, the meeting adjourned at 10:15 P.M.

Respectfully submitted,

By Anna Macaulay

For Laura Corby
Administrative Officer

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of
Special Virtual Meeting 2021
July 29, 2021 – 6:00 P.M.

The meeting was called to order by Chair Sarah Lacey at 6:00 P.M. The meeting was held remotely via Zoom Webinar, beginning with roll call of all present.

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

The Office of Law was represented by Lori Blair Klasmeier. Linda Schuett, Legislative Counsel, was also present.

OPEN MEETINGS ACT

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

INTRODUCTION OF RESOLUTION

RESOLUTION NO. 40-21 – RESOLUTION to determine a process for selecting a qualified individual to fill the vacancy in the office of the elected member from District 1 on the Board of Education for Anne Arundel County
By Ms. Lacey, Ms. Pickard, Ms. Rodvien, Mr. Pruski, and Mr. Volke

CALL OF RESOLUTION FOR FINAL READING AND VOTE

RESOLUTION NO. 40-21

The Chairman called for Resolution No. 40-21, Resolution to determine a process for selecting a qualified individual to fill the vacancy in the office of the elected member from District 1 on the Board of Education for Anne Arundel County; and the Administrative Officer read the resolution.

On motion of Ms. Lacey, seconded by Ms. Pickard, Resolution No. 40-21 was adopted by the following roll call vote:

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

ADJOURNMENT

There being no further business, on motion of Ms. Pickard, seconded by Mr. Pruski, the meeting adjourned at 6:07 P.M.

Respectfully submitted,

by Anna Macaulay

for Laura Corby
Administrative Officer



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: September 1, 2021
Subject: Auditor Review of Legislation for the September 7, 2021 Council Meeting

**Bill 66-21:
Zoning – Parking,
Nonresidential Outdoor
Lighting, and Signage –
Prohibited Signs and
Temporary Signs (As
Amended)**

Summary of Legislation

This bill revises the definition of temporary sign by adding language to further clarify its definition. This bill also removes wind signs from the types of prohibited signs. In addition, this bill makes changes to requirements for temporary signs, including limiting the total number of temporary signs on private property to four signs and adding time limits that allow a temporary sign to be displayed for no more than two periods of 60-consecutive days per 12-month period.

We commented on this bill in our letter dated July 14, 2021. At the July 19, 2021 Council meeting, this bill was amended to allow animated signs and to continue the prohibition on signs painted on the roof of a structure. A technical amendment was passed to rearrange the words used in the definition of temporary sign. We have no further comments on this bill.

**Bill 67-21:
Public Ethics – Financial
Disclosure – Legislative
Counsel to the County
Council**

Summary of Legislation

This bill adds financial disclosure requirements applicable to the position of Legislative Counsel to the County Council.

Review of Fiscal Impact

This bill has no fiscal impact.

**Bill 68-21:
Public Safety – Animal
Care and Control –
Authority to Impound –
Tethering of Dogs**

Summary of Legislation

This bill amends the circumstances under which an animal may be impounded and a dog may be tethered outdoors.

Review of Fiscal Impact

The Police Department does not expect a change in workload from this bill. This bill does not have a direct fiscal impact.

**Bill 69-21:
Current Expense Budget –
Capital Budget and
Program – Supplementary
Appropriations and Fund
Transfer**

Summary of Legislation

This bill makes supplementary appropriations from unanticipated revenues and amends the Fiscal Year 2022 Approved Budget (FY22 Budget) by transferring appropriations of funds between three capital projects.

These changes to the FY22 Budget have been reviewed by the Planning Advisory Board, and they have offered an advisory recommendation of approval.

Review of Fiscal Impact

This bill transfers \$1,165,000 in unappropriated fund balance to the Office of Finance (Non-Departmental) for Pay-As-You-Go funding for the Beverly Triton Nature Park capital project due to an increase in the cost of materials.

On June 30, 2021, the estimated unappropriated General Fund balance was \$114,225,000. Of this amount, \$110,790,000 was used in the FY22 Budget so that as of July 1, 2021, the available unappropriated fund balance was \$3,435,000.

The lowest bid for the Beverly Triton Nature Park project of \$4,620,000 came in higher than the construction budget of \$3,401,000. This increase is related to costs that were higher than expected in the initial estimate. The difference was offset by a reduction in miscellaneous costs for a total request of \$1,165,000.

This bill also transfers appropriations in the total amount of \$2,600,000 between the Beverly Triton Nature Park, Eisenhower Golf Course, and Jug Bay Environmental Ed Ctr capital projects as follows:

- Beverly Triton Nature Park (Project #P570300) – decreases \$1,300,000 in general County bonds and increases \$1,300,000 in other state grants;
 - Eisenhower Golf Course (Project #P570200) – decreases \$500,000 in other state grants and increases \$500,000 in general County bonds; and
 - Jug Bay Environmental Ed Ctr (Project #P584500) – decreases \$800,000 in other state grants and increases \$800,000 in general County bonds.
-

Bill 69-21 (continued)

These transfers are to utilize grant funding through the Local Parks and Playgrounds Infrastructure (LPPI) state grant. LPPI funds must be used for projects that are accessible to the general public and the FY22 Budget included these LPPI funds for parks that are not accessible to the general public. As a result, a revised submission replaced Beverly Triton Nature Park with the existing projects. These transfers result in no net change to the amount of general County bonds or other state grants appropriated in the FY22 Budget.

The Controller certified that these funds are available for appropriation.

**Bill 70-21:
Snug Harbor Waterways
Improvement District -
Modification****Summary of Legislation**

This bill modifies the limits of the Snug Harbor Waterways Improvement District (WID) by removing 1705 Snug Harbor Road from the WID and adding 4914 Whipple Way to the WID to assign a boat slip. A signed petition in favor of the change is required by the owners of at least 75% of the properties in the existing WID, as well as owners of at least 75% of the properties being added to the WID.

We have reviewed the supporting documents and determined the petition meets the requirements for modifying an existing WID. There were 35 qualified “Yes” votes out of 44 eligible properties (80%), which satisfies the requirement that at least 75% of the property owners approve the changes. The property owner being added to the WID also was a qualified “Yes” vote (100%), which satisfies the requirement that at least 75% of the property owners being added to the WID also approve the changes.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 71-21:
Licenses and Registrations
– Swimming Pools – Pool
Operator and Lifeguard
Licenses**

Summary of Legislation

This bill repeals the requirement for a lifeguard license. It also increases the application fee to obtain a pool operator license from \$20 to \$60 and extends the term of the license from one year to three years.

Code of Maryland Regulations (COMAR) 10.17.01.05 defines lifeguard as an individual who is 15 years old or older and who has a valid lifeguard certificate from:

- The American Red Cross;
- The Boy Scouts of America, not including a lifeguard merit badge;
- The Young Men's Christian Association;
- Ellis and Associates' National Pool and Waterpark Lifeguard Training; or
- An organization with a lifesaving training program equivalent to that of the American Red Cross.

The COMAR definition of lifeguard requiring a valid lifeguard certificate will still be in place.

Review of Fiscal Impact

This bill removes the requirement for lifeguards to be licensed by the County. County lifeguard licenses are managed by the Health Department. Per the Health Department, there are currently 826 lifeguard licenses issued in the County. The application fee for a lifeguard license is \$20, and lifeguard licenses resulted in revenues as follows: \$46,330 in fiscal year 2019, \$23,054 in fiscal year 2020, and \$29,470 in fiscal year 2021. Removing the license requirement will remove the related license revenue and will also decrease the clerical workload, including paperwork, data entry, and issuing licenses.

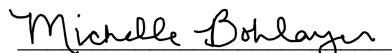
**Resolution 36-21:
Support of the County
Executive Entering into an
Agreement with Robert A.
Pascal Youth and Family
Services, Inc.**

Summary of Legislation

This resolution urges the County Executive to promptly enter into an agreement to lease the building known as 41 Community Place in Crownsville to the Pascal Crisis Stabilization Center.

We commented on this resolution in our letter dated July 14, 2021. At the July 19, 2021 Council meeting, this resolution was held until the September 7, 2021 meeting. We have no further comments on this resolution.

Sincerely,


Michelle Bohlayer
County Auditor

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Bill No. 72-21

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

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

By the County Council, September 7, 2021

Introduced and first read on September 7, 2021

Public Hearing set for October 4, 2021

Bill Expires December 11, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Purchasing – Capital Improvement Contracts – Prevailing
2 Wage and Local Hiring
3

4 FOR the purpose of establishing prevailing wage and local hiring provisions applicable to
5 specific types of capital improvement contracts; defining certain terms; adding the
6 types of capital improvement contracts to which prevailing wage provisions apply;
7 allowing wage deductions in specific instances; requiring capital improvement
8 contracts to include specific terms; adding worksite notice requirements; requiring
9 maintenance of certain records relating to prevailing wage requirements; allowing
10 audits and investigations of complaints of violations of prevailing wage requirements;
11 adding local hiring requirements; adding reporting requirements for prevailing wage
12 and local hiring data; establishing penalties for violations of prevailing wage and local
13 hiring provisions; providing for the applicability of this Ordinance; providing for a
14 delayed effective date; and generally relating to purchasing.
15

16 BY renumbering: §§ 8-2-115 through 8-2-120, respectively, to be §§ 8-2-117 through 8-2-
17 122, respectively
18 Anne Arundel County Code (2005, as amended)
19

20 BY adding: §§ 8-2-115; and 8-2-116
21 Anne Arundel County Code (2005, as amended)

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

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §§ 8-2-115 through 8-2-120, respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 8-2-117 through 8-2-122, respectively.

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

ARTICLE 8. PURCHASING

TITLE 2. PROCUREMENT

8-2-115. Prevailing wage.

(A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(1) “APPRENTICE” MEANS AN INDIVIDUAL WHO:

(I) IS AT LEAST 16 YEARS OLD;

(II) HAS SIGNED AN AGREEMENT WITH AN EMPLOYER OR EMPLOYER’S AGENT, AN ASSOCIATION OF EMPLOYERS, AN ORGANIZATION OF EMPLOYEES, OR A JOINT COMMITTEE WITH MEMBERS FROM TWO OR MORE DIFFERENT ORGANIZATIONS, THAT INCLUDES A STATEMENT OF:

1. THE TRADE, CRAFT, OR OCCUPATION THAT THE INDIVIDUAL IS LEARNING; AND

2. THE BEGINNING AND ENDING DATES OF THE APPRENTICESHIP; AND

(III) IS REGISTERED IN A PROGRAM OF A COUNCIL OR BUREAU OF APPRENTICESHIP AND TRAINING OF THE UNITED STATES DEPARTMENT OF LABOR OR A FEDERALLY APPROVED STATE EQUIVALENT.

(2) “CAPITAL PROJECT” HAS THE MEANING STATED IN § 702(B) OF THE COUNTY CHARTER.

(3) (I) “CAPITAL IMPROVEMENT CONTRACT” MEANS A CONTRACT RELATED TO:

1. A COUNTY CAPITAL PROJECT WITH A VALUE OVER \$250,000; OR

2. A CAPITAL PROJECT TO WHICH THE COUNTY CONTRIBUTES FUNDING WITH A VALUE OVER \$5,000,000.

(II) “CAPITAL IMPROVEMENT CONTRACT” DOES NOT INCLUDE A BLANKET CONTRACT OR OPEN-END AGREEMENT IN WHICH THE INDIVIDUAL PURCHASE ORDER ISSUED DOES NOT HAVE A VALUE OVER \$250,000.

(4) “CONTRACTOR” INCLUDES ALL SUBCONTRACTORS TO A CONTRACTOR ON A CAPITAL IMPROVEMENT CONTRACT.

(5) “DEPARTMENT” MEANS THE DEPARTMENT DESIGNATED BY THE COUNTY EXECUTIVE TO ADMINISTER AND ENFORCE THE COUNTY PREVAILING WAGE REQUIREMENTS UNDER THIS TITLE.

(6) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT THAT ADMINISTERS AND ENFORCES THE COUNTY PREVAILING WAGE REQUIREMENTS OR THE DIRECTOR'S DESIGNEE.

(7) (I) "EMPLOYEE" MEANS AN APPRENTICE, LABORER, OR MECHANIC EMPLOYED BY A CONTRACTOR ON A CAPITAL IMPROVEMENT CONTRACT.

(II) "EMPLOYEE" DOES NOT INCLUDE AN INDIVIDUAL EMPLOYED BY THE COUNTY.

(8) "OVERTIME RATE" MEANS THE RATE A CONTRACTOR SHALL PAY AN EMPLOYEE AT A RATE EQUAL TO OR MORE THAN THE REGULAR PREVAILING WAGE RATE FOR OVERTIME FOR THE TYPE OF WORK PERFORMED FOR EACH HOUR THAT THE EMPLOYEE PERFORMS DIRECT AND MEASURABLE WORK:

(I) MORE THAN EIGHT HOURS IN ANY SINGLE CALENDAR DAY;

(II) MORE THAN 40 HOURS IN A WORK WEEK; OR

(III) ON A SUNDAY OR A LEGAL HOLIDAY.

(9) "PREVAILING WAGE" MEANS THE BASIC HOURLY RATE AND FRINGE BENEFIT RATE ESTABLISHED ANNUALLY BY THE STATE COMMISSIONER OF LABOR AND INDUSTRY FOR STATE-FUNDED CONSTRUCTION CONTRACTS IN THE COUNTY AT THE TIME OF THE AWARD OF THE CAPITAL IMPROVEMENT CONTRACT.

(B) Applicability.

(1) THIS SECTION APPLIES TO CAPITAL IMPROVEMENT CONTRACTS.

(2) THIS SECTION DOES NOT APPLY TO A CAPITAL IMPROVEMENT CONTRACT:

(I) SUBJECT TO A FEDERAL OR STATE PREVAILING WAGE LAW;

(II) AWARDED WITHOUT COMPETITION;

(III) WITH ANOTHER GOVERNMENTAL ENTITY;

(IV) TO THE EXTENT THAT THE CONTRACTOR IS EXPRESSLY PRECLUDED FROM COMPLYING WITH THIS SECTION BY THE TERMS OF ANY FEDERAL OR STATE LAW, CONTRACT, OR GRANT;

(V) ENTERED INTO PURSUANT TO § 8-1-107(B);

(VI) ENTERED INTO AS A JOINT OR COOPERATIVE PURCHASE; OR

(VII) ENTERED INTO AS AN EMERGENCY PURCHASE.

(C) Prevailing wage required. A CONTRACTOR THAT PERFORMS DIRECT AND MEASURABLE CONSTRUCTION WORK ON A CAPITAL IMPROVEMENT CONTRACT SHALL PAY EACH:

(1) EMPLOYEE AT A RATE EQUAL TO OR MORE THAN THE PREVAILING WAGE RATE CURRENTLY IN EFFECT FOR THE TYPE OF WORK PERFORMED; AND

(2) APPRENTICE AT LEAST THE RATE THAT THE STATE'S APPRENTICESHIP AND TRAINING COUNCIL SETS FOR AN APPRENTICE IN THE TRADE INVOLVED, BASED ON A PERCENTAGE OF THE PREVAILING WAGE RATE IN THAT TRADE.

(D) Wage deductions permitted. A CONTRACTOR MAY ONLY MAKE FAIR AND REASONABLE DEDUCTIONS THAT ARE:

(1) REQUIRED BY LAW;

(2) AUTHORIZED IN A WRITTEN AGREEMENT BETWEEN THE EMPLOYEE AND THE CONTRACTOR SIGNED AT THE BEGINNING OF EMPLOYMENT THAT:

(I) CONCERNS FOOD, SLEEPING QUARTERS, OR SIMILAR ITEMS; AND

(II) IS SUBMITTED BY THE CONTRACTOR TO THE DIRECTOR; OR

(3) REQUIRED OR ALLOWED BY A COLLECTIVE BARGAINING AGREEMENT BETWEEN A BONA FIDE LABOR ORGANIZATION AND A CONTRACTOR.

(E) Contract requirements. A CAPITAL IMPROVEMENT CONTRACT:

(1) SHALL REQUIRE THE CONTRACTOR TO COMPLY WITH THIS SECTION;

(2) SHALL SPECIFY THAT AN AGGRIEVED EMPLOYEE OR APPRENTICE, AS A THIRD-PARTY BENEFICIARY, MAY BY A CIVIL ACTION AGAINST THE CONTRACTOR, RECOVER THE DIFFERENCE BETWEEN THE PREVAILING WAGE FOR THE TYPE OF WORK PERFORMED AND THE AMOUNT ACTUALLY RECEIVED, WITH INTEREST AND REASONABLE ATTORNEY'S FEES, AS APPLICABLE; AND

(3) MAY SPECIFY THE PAYMENT OF LIQUIDATED DAMAGES OWED TO THE COUNTY BY THE CONTRACTOR FOR NONCOMPLIANCE WITH THIS SECTION OF NOT MORE THAN THREE TIMES THE AMOUNT OF WAGES OWED TO AN EMPLOYEE OR APPRENTICE.

(F) Prohibitions. A CONTRACTOR MAY NOT:

(1) SPLIT OR SUBDIVIDE A CAPITAL IMPROVEMENT CONTRACT OR A SUBCONTRACT AWARDED PURSUANT TO THE CAPITAL IMPROVEMENT CONTRACT, PAY AN EMPLOYEE THROUGH A THIRD-PARTY, OR TREAT AN EMPLOYEE AS A SUBCONTRACTOR OR INDEPENDENT CONTRACTOR TO AVOID ANY REQUIREMENT OF THIS SECTION; OR

(2) EMPLOY AN INDIVIDUAL CLASSIFIED AS A HELPER OR TRAINEE TO PERFORM DIRECT AND MEASURABLE WORK UNDER A CAPITAL IMPROVEMENT CONTRACT.

(G) Notice required. A CONTRACTOR SHALL PROMINENTLY POST AT THE WORKSITE A CLEARLY LEGIBLE STATEMENT IN ENGLISH AND ANY OTHER LANGUAGE THAT IS PRIMARILY SPOKEN BY THE EMPLOYEES AT THE WORKSITE THAT STATES EACH PREVAILING WAGE RATE.

(H) Records.

(1) A CONTRACTOR SHALL SUBMIT A CERTIFIED COMPLETE COPY OF ITS PAYROLL RECORDS FOR A CAPITAL IMPROVEMENT CONTRACT COVERED BY THIS SECTION TO THE DIRECTOR WITHIN 14 DAYS AFTER THE END OF EACH PAYROLL PERIOD.

(2) THE PAYROLL RECORDS SHALL CONTAIN A STATEMENT SIGNED BY THE CONTRACTOR CERTIFYING THAT:

(I) THE PAYROLL RECORDS ARE COMPLETE AND CORRECT;

(II) THE WAGE RATES PAID ARE NOT LESS THAN THOSE REQUIRED BY THIS SECTION; AND

(III) THE RATE OF PAY AND CLASSIFICATION FOR EACH EMPLOYEE ACCURATELY REFLECTS THE WORK THE EMPLOYEE PERFORMED.

(3) PAYROLL RECORDS SHALL INCLUDE:

(I) THE NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL OF THE CONTRACTOR;

(II) THE NAME AND LOCATION OF THE JOB; AND

(III) EACH EMPLOYEE'S:

1. NAME;

2. CURRENT ADDRESS, UNLESS PREVIOUSLY REPORTED;

3. SPECIFIC WORK CLASSIFICATION;

4. DAILY BASIC TIME AND OVERTIME HOURS;

5. TOTAL BASIC TIME AND OVERTIME HOURS FOR THE PAYROLL PERIOD;

6. RATE OF PAY;

7. FRINGE BENEFITS BY TYPE AND AMOUNT; AND

8. GROSS WAGES.

(4) A CONTRACTOR SHALL:

(I) MAINTAIN PAYROLL RECORDS COVERING A CAPITAL IMPROVEMENT CONTRACT COVERED BY THIS SECTION FOR NOT LESS THAN FIVE YEARS AFTER THE WORK IS COMPLETED; AND

(II) SUBJECT TO REASONABLE NOTICE, PERMIT THE DIRECTOR TO INSPECT THE PAYROLL RECORDS AT A REASONABLE TIME AND AS OFTEN AS NECESSARY.

(5) THE DIRECTOR SHALL:

(I) MAINTAIN PAYROLL RECORDS COVERING A CAPITAL IMPROVEMENT CONTRACT COVERED BY THIS SECTION FOR NOT LESS THAN FIVE YEARS AFTER THE WORK IS COMPLETED; AND,

(II) SUBJECT TO ANY REQUIRED EXEMPTIONS OR DENIALS UNDER THE MARYLAND PUBLIC INFORMATION ACT OR ANY OTHER APPLICABLE OPEN PUBLIC RECORDS LAWS, SHALL MAKE THE RECORDS AVAILABLE FOR PUBLIC INSPECTION DURING REGULAR BUSINESS HOURS.

(I) **Audits.** THE DIRECTOR MAY PERFORM RANDOM OR REGULAR AUDITS AND INVESTIGATE ANY COMPLAINT OF A VIOLATION OF THIS SECTION.

1 **(J) Violations.**

2
3 (1) IF THE DIRECTOR DETERMINES THAT A PROVISION OF THIS SECTION HAS BEEN
4 VIOLATED, THE DIRECTOR:

5
6 (I) SHALL ISSUE A WRITTEN DECISION, INCLUDING APPROPRIATE SANCTIONS;
7 AND

8
9 (II) MAY WITHHOLD FROM PAYMENT DUE THE CONTRACTOR, PENDING A FINAL
10 DECISION, AN AMOUNT SUFFICIENT TO:

11
12 1. PAY EACH EMPLOYEE OF THE CONTRACTOR THE FULL AMOUNT OF
13 WAGES DUE UNDER THIS SECTION; AND

14
15 2. SATISFY A LIABILITY OF A CONTRACTOR FOR LIQUIDATED DAMAGES AS
16 PERMITTED IN THIS SECTION.

17
18 (2) (I) A CONTRACTOR MAY APPEAL A WRITTEN DECISION OF THE DIRECTOR THAT
19 THE CONTRACTOR VIOLATED A PROVISION OF THIS SECTION TO THE PURCHASING AGENT
20 WITHIN 10 WORKING DAYS AFTER RECEIVING A COPY OF THE DECISION.

21
22 (II) WITHIN A REASONABLE TIME OF RECEIPT OF A TIMELY APPEAL, THE
23 PURCHASING AGENT MAY INVESTIGATE, REQUEST WRITTEN TESTIMONY, OR CONDUCT A
24 HEARING, AS THE PURCHASING AGENT DEEMS NECESSARY FOR THE REVIEW OF THE
25 APPEAL. THE DECISION OF THE PURCHASING AGENT ON THE APPEAL IS FINAL AND NOT
26 SUBJECT TO APPEAL.

27
28 (III) IF THE CONTRACTOR DOES NOT APPEAL THE DIRECTOR'S DECISION WITHIN
29 10 WORKING DAYS AFTER RECEIPT, THE DECISION OF THE DIRECTOR IS DEEMED FINAL
30 AND NOT APPEALABLE.

31
32 (3) IF THE FINAL DECISION OF THE DIRECTOR OR, AFTER APPEAL, THE PURCHASING
33 AGENT, IS THAT THE CONTRACTOR HAS VIOLATED THE PROVISIONS OF THIS SECTION AND
34 THAT THE VIOLATION WAS INTENTIONAL, AT THE DISCRETION OF THE DIRECTOR, THE
35 CONTRACTOR, ANY OF ITS PRINCIPALS, OR ANY FIRM, CORPORATION, PARTNERSHIP, OR
36 OTHER BUSINESS ENTITY IN WHICH THAT CONTRACTOR HAS AN INTEREST, MAY NOT BE
37 AWARDED A COUNTY CONTRACT AND MAY NOT PERFORM ANY WORK ON ANY COUNTY
38 CONTRACT FOR ONE YEAR FROM THE DATE OF THE FINAL DECISION.

39
40 (4) A CONTRACTOR MAY NOT DISCHARGE OR OTHERWISE RETALIATE AGAINST AN
41 EMPLOYEE FOR ASSERTING ANY RIGHT UNDER THIS SECTION OR FOR FILING A
42 COMPLAINT OF A VIOLATION.

43
44 (5) A CONTRACTOR IS JOINTLY AND SEVERALLY LIABLE FOR A SUBCONTRACTOR'S
45 NONCOMPLIANCE WITH THIS SECTION.

46
47 (6) IF A CONTRACTOR IS LATE IN SUBMITTING COPIES OF PAYROLL RECORDS
48 REQUIRED TO BE SUBMITTED UNDER THIS SECTION, THE COUNTY MAY DEEM THE
49 INVOICES DEFICIENT UNTIL THE CONTRACTOR PROVIDES THE REQUIRED RECORDS AND
50 MAY POSTPONE PROCESSING PAYMENTS DUE UNDER THE CONTRACT.

51
52 **(K) Report.** THE DIRECTOR SHALL ANNUALLY PUBLISH AND POST ON THE COUNTY'S
53 WEBSITE A REPORT ON THE OPERATION OF AND COMPLIANCE WITH THIS SECTION.

54
55 **(L) Policies and guidelines.** THE DIRECTOR MAY PROMULGATE DRAFT POLICIES AND
56 GUIDELINES FOR THE PROPER IMPLEMENTATION AND ENFORCEMENT OF THIS SECTION.
57 THE DRAFT POLICIES AND GUIDELINES SHALL BE POSTED FOR PUBLIC COMMENT ON THE

COUNTY'S WEBSITE FOR A PERIOD OF AT LEAST 30 DAYS. IF THERE ARE NO COMMENTS, THE POLICIES AND GUIDELINES BECOME EFFECTIVE NO EARLIER THAN THE EXPIRATION OF THE 30-DAY COMMENT PERIOD. IF THERE ARE COMMENTS AND THE DIRECTOR MAKES REVISION. THE REVISED POLICIES AND GUIDELINES BECOME EFFECTIVE NO EARLIER THAN THE DATE UPON WHICH THEY ARE POSTED ON THE COUNTY'S WEBSITE.

8-2-116. Local hiring.

(A) **Definitions.** IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

(1) "CONTRACTOR" MEANS A CONTRACTOR WHO:

(I) HAS A CAPITAL IMPROVEMENT CONTRACT WITH THE COUNTY FOR MORE THAN \$1,000,000; OR

(II) HAS A CONTRACT FOR A CAPITAL PROJECT TO WHICH THE COUNTY CONTRIBUTES FUNDING WITH A VALUE OVER \$5,000,000.

(2) "CAPITAL IMPROVEMENT CONTRACT" AND "CAPITAL PROJECT" HAVE THE MEANINGS STATED IN § 8-2-115.

(3) "DEPARTMENT" MEANS THE DEPARTMENT THAT THE COUNTY EXECUTIVE DESIGNATES TO ADMINISTER AND ENFORCE THE COUNTY LOCAL HIRING REQUIREMENTS UNDER THIS TITLE.

(4) "DIRECTOR" MEANS THE DIRECTOR OF THE DEPARTMENT THAT ADMINISTERS AND ENFORCES THE COUNTY LOCAL HIRING REQUIREMENTS OR THE DIRECTOR'S DESIGNEE.

(B) **Local hiring.** A CONTRACTOR SHALL MAKE BEST EFFORTS TO FILL AT LEAST 51% OF NEW JOBS REQUIRED TO COMPLETE THE CAPITAL IMPROVEMENT CONTRACT OR CAPITAL PROJECT WITH ANNE ARUNDEL COUNTY RESIDENTS.

(C) **Reporting.** THE CONTRACTOR SHALL SUBMIT QUARTERLY REPORTS TO THE DEPARTMENT, ON THE FORM DESIGNATED BY THE DIRECTOR, WHICH INCLUDES THE FOLLOWING WITH RESPECT TO THE CAPITAL IMPROVEMENT CONTRACT OR CAPITAL PROJECT:

(1) THE NUMBER OF NEW HIRES NEEDED FOR THE CONTRACT DURING THE REPORTING PERIOD;

(2) THE TOTAL NUMBER OF ANNE ARUNDEL COUNTY RESIDENTS HIRED DURING THE REPORTING PERIOD;

(3) THE TOTAL NUMBER OF ALL EMPLOYEES HIRED DURING THE REPORTING PERIOD;

(4) DESCRIBE EFFORTS MADE TO FILL THE OPEN POSITIONS WITH LOCAL COUNTY RESIDENTS; AND

(5) FOR A NEW HIRE DURING THE REPORTING PERIOD, THE NEW HIRE'S:

(I) NAME;

(II) LAST FOUR NUMBERS OF THEIR SOCIAL SECURITY NUMBER;

(III) JOB TITLE;

(IV) HIRE DATE;

(V) ADDRESS; AND

(VI) REFERRAL SOURCE.

(D) Violations.

(1) IF THE DIRECTOR DETERMINES THAT A CONTRACTOR HAS NOT MADE BEST EFFORTS OR REPORTED AS REQUIRED UNDER THIS SECTION, THE DIRECTOR SHALL ISSUE A WRITTEN DECISION DETAILING THE BASIS FOR THE DETERMINATION.

(2) (I) A CONTRACTOR MAY APPEAL A WRITTEN DECISION OF THE DIRECTOR THAT THE CONTRACTOR VIOLATED A PROVISION OF THIS SECTION TO THE PURCHASING AGENT WITHIN 10 WORKING DAYS AFTER RECEIVING A COPY OF THE DECISION.

(II) WITHIN A REASONABLE TIME OF RECEIPT OF A TIMELY APPEAL, THE PURCHASING AGENT MAY INVESTIGATE, REQUEST WRITTEN TESTIMONY, OR CONDUCT A HEARING, AS THE PURCHASING AGENT DEEMS NECESSARY FOR THE REVIEW OF THE APPEAL. THE PURCHASING AGENT'S DECISION ON THE APPEAL IS NOT SUBJECT TO APPEAL.

(III) IF THE CONTRACTOR DOES NOT APPEAL THE DIRECTOR'S DECISION WITHIN 10 WORKING DAYS AFTER RECEIPT, THE DECISION OF THE DIRECTOR IS DEEMED FINAL AND NOT APPEALABLE.

(3) IF THE FINAL DECISION OF THE DIRECTOR OR, AFTER APPEAL, THE PURCHASING AGENT IS THAT THE CONTRACTOR HAS VIOLATED THE PROVISIONS OF THIS SECTION AND THAT THE VIOLATION WAS INTENTIONAL, AT THE DISCRETION OF THE DIRECTOR, THE CONTRACTOR, ANY OF ITS PRINCIPALS, OR ANY FIRM, CORPORATION, OR PARTNERSHIP IN WHICH THAT CONTRACTOR HAS AN INTEREST, MAY NOT BE AWARDED A COUNTY CONTRACT AND MAY NOT PERFORM ANY WORK ON ANY COUNTY CONTRACT FOR ONE YEAR FROM THE DATE OF THE FINAL DECISION.

(4) IF A CONTRACTOR IS LATE IN SUBMITTING REPORTS REQUIRED TO BE SUBMITTED UNDER THIS SECTION, THE COUNTY MAY POSTPONE PROCESSING PAYMENTS DUE UNDER THE CONTRACT UNTIL THE REQUIRED REPORTS ARE SUBMITTED.

SECTION 3. *And be it further enacted*, that this Ordinance shall apply to all capital improvement contracts initially solicited on or after July 1, 2022.

SECTION 4. *And be it further enacted*, that this Ordinance shall take effect on July 1, 2022.

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

BILL NUMBER: 72-21

INTRO. DATE: September 7, 2021

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: PURCHASING – CAPITAL
IMPROVEMENT CONTRACTS – PREVAILING WAGE AND LOCAL
HIRING**

SUMMARY OF LEGISLATION

The purpose of this proposed legislation is to add a provision for prevailing wages requiring that contractors and subcontractors pay the construction employees no less than the prevailing wage established by the State Commission of Labor & Industry for State-Funded contracts in the County. Capital improvement contracts that have either a value over \$250,000, or capital projects that have a County contribution of over \$5,000,000 would be subject to this provision. Additionally, this proposed legislation would require contractors to take certain measures to hire County residents with certain exceptions, to submit certified payroll records documenting compliance, and periodic audits. This legislation would authorize the County to adopt a prevailing wage set for projects in the County by the State of Maryland, and establish certain penalties.

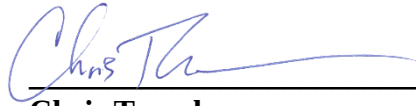
FISCAL IMPACT

The fiscal impact on local revenue is indeterminate as there is considerable uncertainty about the future effects on the County's employment, family income and other aspects. Prevailing wage laws have the potential to return local taxpayer dollars by directing public construction expenditures into the local economy. Conversely, higher prevailing wage could result in some contractors hiring fewer workers due to the higher wage. Under prevailing wage, by boosting the income of low-wage workers with jobs, a higher wage would lift some families' income.

The proposed legislation will undoubtedly impact general fund expenditures, but the exact impact cannot be determined. The driving factor of this uncertainty is related to project costs. There are several variables that determine project cost and some examples might include the size of a project, the duration, the complexity of a project, the number of bids received, timing, the proportion of labor and materials, etc. In turn, existing research suggests that the increase in total project costs could be anywhere between 2% and 15%.

Other factors relate to compliance. The Office of Central Services Purchasing division has requested two additional position to manage the program and oversee compliance of the proposed legislation. Adding a Management Assistant II and a Management Aid would have a recurring annual cost of approximately \$210,000, and a one-time cost of approximately \$6,300 for laptops,

furniture and fixtures. In future years, there may be technology component that would allow contractors submit information online, however that cost is indeterminate at this time.



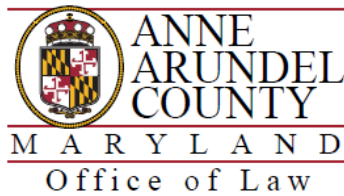
Chris Trumbauer
Budget Officer

9/2/2021

Date

Prepared by: Naomi Carrigan

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

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

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

Date: September 7, 2021

Subject: Bill No. 72-21 – Purchasing – Capital Improvement Contracts – Prevailing Wage and Local Hiring

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. 72-21, which establishes prevailing wage and local hiring requirements for certain capital improvement contracts.

Background.

Article 17, Title 2 of the State Finance and Procurement Article of the State code sets forth prevailing wage laws applicable to the construction of “public works”, as defined therein, with a value of \$500,000 or more undertaken by the State and not subject to federal prevailing wage laws. The Commissioner of Labor and Industry is required to set prevailing wage rates for different types of workers and apprentices engaged in the construction of public works. The rates required include hourly rates and fringe benefit rates based on localities in the State, and must be based on a number of enumerated factors. The current “Informational Wage Rates” for building construction and highway construction are attached hereto.

Purpose.

The purpose of this Bill is to enact a prevailing wage law similar to and based on the State law that will apply to certain capital improvement contracts. The prevailing wage provisions are similar to those enacted by Baltimore County. The Bill also includes provisions requiring best efforts to meet enumerated local hiring goals under certain capital improvement contracts.

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

Summary.

SECTION 1 of the Bill rennumbers certain provisions of Article 8, Title 2 of the County Code to accommodate the addition of the two new provisions added by Section 2.

SECTION 2 adds new § 8-2-115 relating to prevailing wage and new § 8-2-116 relating to local hiring.

Subsection 8-2-115(a) defines terms used in the section for the purposes of the section, including “apprentice,” “capital project,” “capital improvement contract,” “contractor,” “department,” “director,” “employee,” “overtime rate,” and “prevailing wage.” For purposes of prevailing wage applicability, a “capital improvement project” is a contract related to a County capital project with a value over \$250,000, or a non-County capital project to which the County contributes more than \$5,000,000. In addition, as stated in **subsection (b)**, the section is not applicable to certain capital improvement contracts, including those subject to a federal or state prevailing wage law, those awarded without competition, if the contractor is precluded from complying by federal or state law, and emergency purchases.

Subsection (c) requires contractors who do measurable work on a capital improvement contract to pay employees at the applicable prevailing wage rate. It also requires that apprentices be paid at the rates set by Maryland’s Apprenticeship and Training Council, which is based on a percentage of the prevailing wage rate.

Subsection (d) limits deductions to pay to those required by law, authorized in writing by the employee, and required by a collective bargaining agreement.

Subsection (e) sets forth provisions to be included in a capital improvement contract subject to prevailing wage, including requiring compliance with the section, and specifying that an aggrieved employee or apprentice may file a civil action to recover the difference between prevailing wage and actual pay plus interest and attorney’s fees. The contract may also include a provision for liquidated damages up to three times the amount of wages owed to the employee or apprentice.

Subsection (f) prohibits a contractor from splitting a capital improvement contract or subcontract and from treating an employee as a subcontractor to avoid the applicability of the section. Contractors are also prohibited from employing helpers or trainees to perform measurable work on a capital improvement contract to which the section applies.

Subsection (g) requires that notice of prevailing wage rates be posted at a worksite.

Subsection (h) requires a contractor to submit a certified copy of its payroll to the director of the department chosen by the County Executive to administer the prevailing wage requirements within 14 days after the end of each payroll period. That subsection also sets forth the information that must be included in the payroll reporting, including classification of each employee, wage rates for each employee, hours worked by each employee, and the amount paid to each employee. Contractors are required to maintain payroll records for five years after the work is completed and

to allow the director to inspect the payroll records at reasonable times. If the contractor is late in submitting the records, the County may deem the contractor's invoices deficient and not make payments to the contractor until the contractor submits the required records. (§ 18-2-115(j)(6)).

The director is also required to maintain the payroll records submitted for five years after the work is completed, and, subject to exemptions or denials under the Maryland Public Information Act, make the records available for public inspection during regular business hours.

Subsection (i) provides that the director may perform random or regular audits relating to prevailing wage payment and may investigate complaints of violations of the section.

Subsection (j) addresses violations of the section. If the director determines that a violation has occurred, the director may withhold payment from the contractor in an amount sufficient to pay employees as required and to satisfy liquidated damage claims. The contractor may appeal a decision of the director to the Purchasing Agent, who may then investigate, request written testimony, or conduct a hearing. The decision of the Purchasing Agent is not subject to appeal. If the contractor does not appeal the director's decision within 10 working days of receipt, that decision is deemed final.

If the final decision is that the contractor has violated the section and that the violation was intentional, then, at the discretion of the director, the contractor may not be awarded a County contract or perform any work under a County contract for one year from the decision. A contractor may not discharge or otherwise retaliate against an employee for asserting rights under the section or for filing a complaint.

Subsection (k) requires the director to publish a report on the County's website in compliance with the section.

Subsection (l) allows the director to promulgate policies and guidelines for the implementation and enforcement of the section.

Subsection 8-2-116(a) defines terms used in the section for the purposes of the section addressing local hiring, including "capital improvement contract," "capital project," "contractor," "department," and "director." The definitions of "capital improvement contract" and "capital project" are the same as those set forth in § 8-2-115.

Subsection (b) requires a contractor to make best efforts to fill at least 51% of new jobs required for a capital improvement contract or capital project with County residents. **Subsection (c)** requires a contractor to submit quarterly reports that include for the reporting period, among other information, the number of new hires needed, the number of County residents hired, and the total number of employees hired. If the reporting is late, the County may postpone payments to the contractor until the contractor submits the required records. (§ 18-2-116(d)(4)).

Subsection (d) relates to violations and provides that, if the director of the department that the County Executive has designated to administer the section determines that best efforts have not been made, the director shall issue a written determination. The contractor may appeal the

decision to the Purchasing Agent, who may then investigate, request written testimony, or conduct a hearing. The decision of the Purchasing Agent is not appealable. If not appealed, the decision of the director is deemed final. If the final decision is that the contractor has violated the section and that the violation was intentional, then, at the discretion of the director, the contractor may not be awarded a County contract or perform any work under a County contract for one year from the decision.

SECTION 3 provides that the ordinance will apply to all capital improvement contracts initially solicited on or after July 1, 2022.

SECTION 4 provides that the ordinance shall take effect on July 1, 2022.

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

cc: Honorable Steuart Pittman, County Executive
 Kai Boggess-deBruin, Chief of Staff
 Matthew Power, Chief Administrative Officer
 Peter Baron, Legislative Liaison
 Chris Trumbauer, Budget Officer
 Chris Phipps, Director, Department of Public Works
 Christine Anderson, Central Services Officer
 Andrew Hime, Purchasing Agent

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Bill No. 73-21

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

By the County Council, September 7, 2021

Introduced and first read on September 7, 2021
Public Hearing set for October 4, 2021
Bill Expires December 11, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Approval of Lease Agreement for Coppermine Tennis
2 Facility

3
4 FOR the purpose of approving an agreement to lease County-owned property located at
5 1580 Millersville Road, Millersville, MD 21108, to Coppermine Racquet and Fitness
6 LLC.

7
8 WHEREAS, the County owns real property identified as 1580 Millersville Road,
9 Millersville, MD 21108 (the “Leased Property”); and

10
11 WHEREAS, the County desires to lease the Leased Property to Coppermine
12 Racquet and Fitness LLC for a term of 25 years, as set forth in a Lease Agreement,
13 incorporated herein by reference as if fully set forth; and

14
15 WHEREAS, § 8-3-301 of the County Code requires that certain leases of County-
16 owned property that specify a term, including renewal options, of three years or
17 more, be approved by ordinance of the County Council; now, therefore,

18
19 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
20 That the Lease Agreement, incorporated herein by reference as if fully set forth, which
21 leases the Leased Property to Coppermine Racquet and Fitness LLC, is hereby approved.

22
23 SECTION 2. *And be it further enacted,* That the Lease Agreement is incorporated
24 herein by reference as if fully set forth. A certified copy of the Lease Agreement shall be
25 permanently kept on file with the Administrative Officer to the County Council and the
26 Office of Central Services.

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

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

BILL NUMBER: 73-21

INTRO. DATE: September 7, 2021

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: APPROVAL OF LEASE AGREEMENT
FOR COPPERMINE TENNIS FACILITY**

SUMMARY OF LEGISLATION

The purpose of this legislation is to approve an agreement to lease County-owned property at 1580 Millersville Road for an initial 25-year term to Coppermine Racquet & Fitness, LLC.

FISCAL IMPACT

As required under the initial term of the lease, this legislation will increase County revenue by \$2.6 million over 25 years as shown in **Exhibit 1**.

Exhibit 1		
Initial Term of Lease for Coppermine Tennis Facility		
<u>Term</u>	<u>Monthly Rental Payment</u>	<u>Total Rental Payment</u>
Years 1 and 2	\$0	\$0
Years 3 – 5	6,000	216,000
Years 6 – 10	8,000	480,000
Years 11 – 20	10,000	1,200,000
Years 21 – 25	12,000	720,000
	Total	\$2,616,000

The agreement includes an option to renew the lease for a second 25-year term. The renewal term would increase County revenue by an additional \$4.7 million. Although not directly related to this lease, the County has prior approved capital funding for outdoor tennis courts, parking, stormwater management, and other related facilities for this property.



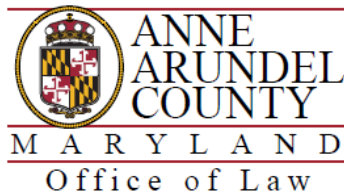
Chris Trumbauer
Budget Officer

9/2/2021

Date

Prepared by: Beth V. McCoy
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Members, Anne Arundel County Council

From: Christine B. Neiderer, Assistant County Attorney /s/

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

Date: September 7, 2021

Subject: Bill No. 73-21 - Approval of the Lease Agreement of County-owned property to Coppermine Racquet and Fitness LLC.

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of the attached Bill, which approves a lease agreement between the County and Coppermine Racquet and Fitness LLC ("Coppermine").

Purpose.

The purpose of this Bill is to approve a lease agreement between the County and Coppermine for County-owned property located at 1580 Millersville Road, Millersville, MD 21108 ("Leased Premises").

Background.

In August 2020, the County issued a Request for Proposal No. 21000040 for the design, construction, management, and operation of a tennis facility to be located on the Leased Premises. Coppermine submitted a proposal and Letter of Intent in response to the RFP, and upon evaluation, the County decided to lease the Premises to Coppermine pursuant to a Lease Agreement dated June 15, 2021 ("Lease"). The Lease is for an initial lease term of twenty-five (25) years, as set forth in the proposed Lease Agreement, a copy of which is attached hereto for reference. The initial term commences upon a formal notice to proceed issued by the County indicating the start of the Lease and approval to commence construction which shall be issued as an amendment to the Lease.

Section 8-3-301 of the Anne Arundel County Code requires that any contract for lease of County-owned property that specifies a term, including renewal options, of three years or more, must be approved by ordinance of the County Council.

Note that Council is provided an unredacted version of the Lease and Exhibits. The Lessee has requested that certain financial information of Coppermine in the exhibits be redacted from the public version, which is mandatory in accordance with § 4-336 of the *General Provisions* Article of the State Code (the MPIA). The version of the Lease that will be published reflects these mandatory redactions, none of which are in the Lease document (except a redaction of certain live signatures of individuals signing on behalf of the Lessee).

SECTION 1 (uncodified) approves the Lease Agreement between the County and Coppermine.

SECTION 2 (uncodified) provides that the Lease Agreement is incorporated herein by reference as if fully set forth, and further provides that a certified copy of the Lease Agreement shall be kept on file with the Administrative Officer to the County Council and the Office of Central Services.

SECTION 3 (uncodified) provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding the attached ordinance. Thank you.

cc: Honorable Steuart Pittman, County Executive
Kai Boggess-deBruin, Chief of Staff
Matthew Power, Chief Administrative Officer
Peter Baron, Director of Government Relations
Chris Trumbauer, Budget Officer
Christine Anderson, Central Services Officer
Christopher Daniels, Real Estate Manager

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Bill No. 74-21

Introduced by Ms. Haire

By the County Council, September 7, 2021

Introduced and first read on September 7, 2021
Public Hearing set for October 4, 2021
Bill Expires on December 11, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Site Development –
2 Exemptions

3
4 FOR the purpose of exempting agricultural buildings and accessory uses to farming from
5 the requirements for site development; exempting temporary uses from the
6 requirements for site development; and generally relating to subdivision and
7 development.
8

9 BY repealing and reenacting, with amendments: § 17-4-101
10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:
14

15 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

16 TITLE 4. SITE DEVELOPMENT

17 17-4-101. Scope.

18
19 This title applies to site development only and does not apply to:
20

21
22 (1) a tenant permit in a structure previously approved by the County[[],];
23

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 (2) permits relating to a final infrastructure construction plan and lot clearing shown
2 on an approved final plan previously approved under this article[[],];
3

4 (3) permits relating to improvements that do not result in leasable space, a test for
5 adequacy of public facilities, or, with the exception of property in the critical area or
6 designated bog area, an increase of impervious surface of no more than 1,000 square feet
7 [[and,]];
8

9 (4) at the discretion of the Planning and Zoning Officer, a grading permit that
10 contains or is accompanied by all information required by this article[[],];
11

12 (5) AN AGRICULTURAL BUILDING THAT DOES NOT REQUIRE A PERMIT UNDER
13 § 105.2.1.14 OF THE CONSTRUCTION CODE;
14

15 (6) ACCESSORY USES TO FARMING, SUCH AS FARM STORES OR STANDS THAT SELL
16 FARM PRODUCTS OR VALUE-ADDED FARM PRODUCTS DIRECTLY TO CONSUMERS, THAT:
17

18 (I) DO NOT EXCEED A CUMULATIVE 1,200 SQUARE FEET OF FLOOR AREA; AND
19

20 (II) HAVE A PROPOSED CUMULATIVE LIMIT OF DISTURBANCE OF LESS THAN
21 5,000 SQUARE FEET; OR
22

23 (7) A TEMPORARY USE AUTHORIZED UNDER § 18-2-203 OF THIS CODE.
24

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



LEGISLATIVE SUMMARY*

To: All Councilmembers of the Anne Arundel County Council

From: Linda M. Schuett, Legislative Counsel

Date: September 7, 2021

Subject: Bill No. 74-21

Section 17-4-101 of the Code, which sets forth the applicability of Title 4 relating to site development, provides that Title 4 does not apply to certain permits. Bill No. 74-21 adds three additional exemptions from the need to comply with Title 4.

First, the Bill exempts agricultural buildings that do not need a permit under § 105.2.1.14 of the Construction Code. Examples include livestock shelters or buildings, shade structures, barns, poultry shelters, and structures for the storage of farm equipment.

Second, the Bill exempts uses that are accessory to farming, such as a farm store as defined in the Bill, so long as, cumulatively, the uses consist of no more than 1,200 square feet of floor area and the limit of disturbance is less than 5,000 square feet.

Finally, the Bill exempts all temporary uses authorized under § 18-2-203 of the Code. Examples include farm or agricultural heritage site special events in the RA, RLD, or RL zoning districts if certain conditions are met.

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

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Bill No. 75-21

Introduced by Ms. Fiedler

By the County Council, September 7, 2021

Introduced and first read on September 7, 2021
Public Hearing set for October 4, 2021
Bill Expires on December 11, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Community Meetings –
2 Exemption for In-Kind Replacements

3
4 FOR the purpose of exempting in-kind replacement of a deck or accessory structure to
5 residential development from the requirement to hold a community meeting; and
6 generally relating to subdivision and development.

7
8 BY repealing and reenacting, with amendments: § 17-2-107(a)(2)
9 Anne Arundel County Code (2005, as amended)

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

13 ARTICLE 17. SUBDIVISION AND DEVELOPMENT

14 TITLE 2. GENERAL PROVISIONS

15 17-2-107. Community meetings.

16 (a) Scope.

17 ***

18 (2) This section does not apply to:

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

1 (I) an application for an amended record plat that does not impact the adequacy
2 of public facilities; [[or to]]

3
4 (II) development that the Planning and Zoning Officer determines will have no
5 impact on the use and enjoyment of adjoining property; OR

6
7 (III) IN-KIND REPLACEMENT OF A DECK OR A STRUCTURE THAT IS ACCESSORY
8 TO RESIDENTIAL DEVELOPMENT.

9
10 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
11 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: September 7, 2021

Subject: Bill No. 75-21

Bill No. 75-21 provides that the requirement for community meetings, as set forth in Section 17-2-107 of the Code, does not apply to in-kind replacement of decks or structures accessory to existing residential development. The term "in-kind replacement is defined in § 7-1-101 as "the removal of a permanent structure and the construction of another permanent structure in the same location that is smaller than or identical to the original structure in use, footprint, area, height, width and length."

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

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Bill No. 76-21

Introduced by Mr. Volke

By the County Council, September 7, 2021

Introduced and first read on September 7, 2021
Public Hearing set for October 4, 2021
Bill Expires December 11, 2021

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Real Property Taxes –
2 Credits – Business Entities Affected by a State of Emergency

3
4 FOR the purpose of establishing a real property tax credit for business entities affected by
5 a declared state of emergency; establishing eligibility criteria for the credit; providing
6 for the calculation and duration of the credit; establishing a deadline for filing for the
7 credit and the form of application for the credit; and generally relating to finance,
8 taxation, and budget.

9
10 BY renumbering: §§ 4-2-307 through 4-2-320, respectively, to be §§ 4-2-308 through 4-2-
11 321, respectively
12 Anne Arundel County Code (2005, as amended)

13
14 BY adding: § 4-2-307
15 Anne Arundel County Code (2005, as amended)

16
17 WHEREAS, in 2021 the Maryland General Assembly passed Senate Bill 887 that
18 authorizes County governments to grant a property tax credit for real or personal
19 property owned or leased by a business entity affected by a specified declared state
20 of emergency; and

21
22 WHEREAS, the County Council now wishes to provide, by law, for a property tax
23 credit to businesses that are affected by a declared state of emergency; now,
24 therefore

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.

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,* That §§ 4-2-307 through 4-2-320, respectively, of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 4-2-308 through 4-2-321, respectively.

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

ARTICLE 4. FINANCE, TAXATION, AND BUDGET

TITLE 2. REAL PROPERTY TAXES

4-2-307. Business entities affected by a state of emergency.

(A) **Definitions.** IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

(1) "BUSINESS ENTITY" MEANS A CORPORATION, GENERAL PARTNERSHIP, LIMITED PARTNERSHIP, LIMITED LIABILITY PARTNERSHIP, OR LIMITED LIABILITY COMPANY THAT:

(I) IS REGISTERED WITH THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION TO CONDUCT BUSINESS IN THIS STATE; AND

(II) PAYS COUNTY REAL PROPERTY TAXES IN CONNECTION WITH THE BUSINESS.

(2) "REVENUE" MEANS GROSS INCOME FROM WHATEVER SOURCE DERIVED, INCLUDING FEDERAL, STATE, AND COUNTY GRANTS.

(B) **Creation.** THERE IS A TAX CREDIT FROM COUNTY REAL PROPERTY TAXES IMPOSED ON PROPERTY THAT IS OWNED OR LEASED BY A BUSINESS ENTITY AFFECTED BY A STATE OF EMERGENCY DECLARED UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE.

(C) **Eligibility.** A BUSINESS ENTITY IS ELIGIBLE FOR A COUNTY REAL PROPERTY TAX CREDIT UNDER THIS SECTION IF IT DEMONSTRATES THAT:

(1) IT WAS CLOSED, IN WHOLE OR IN PART, OR RESTRICTED IN OPERATIONS DUE TO A STATE OF EMERGENCY DECLARED UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE OF THE STATE CODE;

(2) IT EXPERIENCED A REDUCTION IN REVENUE FROM CALENDAR YEAR 2019 TO CALENDAR YEAR 2020, A REDUCTION IN REVENUE FROM CALENDAR YEAR 2020 TO CALENDAR YEAR 2021, OR BOTH;

(3) IT PAID REAL PROPERTY TAXES IN CONNECTION WITH THE BUSINESS;

(4) THE BUSINESS CONTINUES TO BE OPERATED FROM THE LOCATION FOR WHICH THE TAX CREDIT IS SOUGHT; AND

(5) THE CREDIT IS NOT COMBINED WITH OTHER OPTIONAL PROPERTY TAX CREDITS AS PERMITTED UNDER TITLE 9, SUBTITLE 2 OF THE TAX-PROPERTY ARTICLE OF THE STATE CODE OR THIS TITLE.

(D) **Calculation.** THE TAX CREDIT SHALL BE CALCULATED AND CREDITED AGAINST THE TOTAL COUNTY REAL PROPERTY TAX DUE BASED ON THE ASSESSMENT MADE BY THE

1 COUNTY SUPERVISOR OF ASSESSMENTS, NOT TO EXCEED THE AMOUNT OF COUNTY REAL
2 PROPERTY TAXES OR THE REDUCTION IN REVENUE.
3

4 (E) **Duration.** THE TAX CREDIT SHALL BE AVAILABLE TO AN ELIGIBLE BUSINESS
5 ENTITY FOR ONE TAXABLE YEAR AND MAY BE RENEWED UPON APPLICATION OF THE
6 ELIGIBLE BUSINESS ENTITY FOR THE NUMBER OF TAXABLE YEARS NEEDED TO RECOUP
7 THE REVENUE REDUCTION OR FIVE ADDITIONAL YEARS, WHICHEVER IS LESS.
8

9 (F) **Time for filing of application or renewal.** AN APPLICATION FOR, OR RENEWAL OF,
10 THE TAX CREDIT SHALL BE FILED ON OR BEFORE APRIL 1 IMMEDIATELY BEFORE THE
11 TAXABLE YEAR FOR WHICH THE TAX CREDIT IS SOUGHT. IF THE APPLICATION OR
12 RENEWAL IS FILED AFTER APRIL 1, THE CREDIT SHALL BE DISALLOWED THAT YEAR BUT
13 SHALL BE TREATED AS AN APPLICATION OR RENEWAL FOR A TAX CREDIT FOR THE
14 FOLLOWING TAXABLE YEAR.
15

16 (G) **Form of application.** AN APPLICATION FOR, OR FOR THE RENEWAL OF, THE TAX
17 CREDIT SHALL BE MADE ON A FORM PROVIDED BY THE CONTROLLER'S OFFICE.
18

19 SECTION 3. And be it further enacted, That the provisions of this Ordinance shall
20 remain in effect until the sixth fiscal year after the date that this Ordinance becomes law,
21 after which it shall stand repealed and, with no further action required by the County
22 Council, be of no further force and effect.
23

24 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
25 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: September 7, 2021

Subject: Bill No. 76-21

Senate Bill 887, adopted in 2021, authorizes local governments to grant a property tax credit against the tax owed on real or personal property owned or leased by a business entity affected by a state of emergency declared under Title 14 of the Public Safety Article of the State Code. Bill No. 76-21 implements the tax credit against real property taxes by establishing the credit. *See* subsection (b). It does not include a tax credit against personal property taxes.

For purposes of this section, a "business entity" is defined as a corporation, general partnership, limited partnership, limited liability partnership, or limited liability company that is registered with the State Department of Assessments and Taxation and that pays real property taxes in connection with the business. The term "revenue" is defined as gross income, no matter how derived, including revenue received from federal, State, and County grants.

To obtain the tax credit, a business entity must demonstrate the following five factors:

- (1) It was wholly or partially closed or restricted in operations because of the emergency;
- (2) It had a reduction in revenue from calendar years 2019 to 2020 or from calendar years 2020 to 2021;
- (3) It paid real property taxes in connection with the business;
- (4) It continues to be operated from the location for which the tax credit is

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

sought; and

(5) The credit is not combined with other optional tax credits.

The credit is against the real property tax assessed by the Supervisor of Assessments. The credit may not exceed the amount of the tax owed or the amount of the reduction in revenue. The credit is initially available for one year, but it may be renewed for the number of taxable years needed to recoup the reduction in revenue or an additional five years, whichever is less.

The application for the tax credit is made on a form provided by the Controller's Office and must be filed by April 1 of the taxable year for which the credit is sought. A late application is treated as an application or renewal for the following taxable year.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Resolution No. 41-21

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

By the County Council, September 7, 2021

1 RESOLUTION approving the terms and conditions of the acquisition of real property
2 consisting of between approximately 0.62 +/- acres and 0.765 +/- acres, known as 443
3 Crain Highway, Glen Burnie, Maryland 21061, from HB, Incorporated, utilizing funds
4 from the Advance Land Acquisition Capital Project

5
6 WHEREAS, § 8-3-101 of the County Code empowers the County Executive to
7 accept a dedication of real property on behalf of and in the name of Anne Arundel
8 County, Maryland (the “County”) for the purposes set forth in Articles 16 and 17
9 of the County Code or to purchase real property by agreement or eminent domain
10 if an adequate appropriation has been made by the County Council; and

11
12 WHEREAS, § 8-3-101(d)(2) requires that each agreement for the purchase of real
13 property utilizing funds from the Advance Land Acquisition Capital Project,
14 Project No. C106700 (“Advance Land Acquisition Capital Project”), shall be
15 contingent upon approval of the purchase by resolution of the County Council; and

16
17 WHEREAS, § 8-3-101(d)(2) further provides that, prior to approval of the purchase
18 by resolution, the County Council shall require an independent appraisal, an
19 environmental study, and a feasibility study for the property being purchased; and

20
21 WHEREAS, the County Executive is utilizing funds from the Advance Land
22 Acquisition Capital Project to purchase real property consisting of between
23 approximately 0.62 +/- acres and 0.765 +/- acres, known as 443 Crain Highway,
24 Glen Burnie, Maryland 21061, and more particularly described as County Tax Map
25 9F, Parcel 6 (the “Property”) from HB, Incorporated (the “Seller”); and

26
27 WHEREAS, the County’s independent real estate appraisal prepared by Treffer
28 Appraisal Group, based on 0.62 +/- acres identified as the lot size by the State
29 Department of Assessments and Taxation, estimates the fair market value of the
30 leased fee interest of the Property to be One Million Five Hundred Twenty
31 Thousand Dollars (\$1,520,000.00); and

32
33 WHEREAS, the County’s independent real estate appraisal prepared by the
34 Winholt Group, Inc., based on 0.762 +/- acres, which is the square footage shown
35 on a plat of the property, estimates the fair market value of the leased fee interest
36 of the Property to be One Million Eight Hundred Twenty Five Thousand Dollars
37 (\$1,825,000) and the market value of the fee simple estate of the Property to be One
38 Million Nine Hundred Fifty Thousand Dollars (\$1,950,000); and

1 WHEREAS, in accordance with § 8-3-101(d)(2), the Department of Public Works
2 conducted an environmental assessment (which references 0.63 acres as the size of
3 the Property), a feasibility study (which references 0.762 acres as the size of the
4 Property), and a survey (which estimates the size of the Property as 0.765 acres) for
5 the Property; and

6
7 WHEREAS, the County and the seller, HB, Incorporated, are in agreement as to
8 the location and identification of the Property, despite the differing estimates of the
9 exact size of the Property; and

10
11 WHEREAS, the County Executive has determined that the Property is needed for
12 public use in that it shall be used by the County Department of Aging and
13 Disabilities and the County Office of Information Technology, as well as other
14 possible government uses, and that acquisition of the Property for the sum of Two
15 Million Dollars (\$2,000,000) to be paid from the Advance Land Acquisition Capital
16 Project pursuant to the terms and conditions of the Agreement of Sale (“Agreement
17 of Sale”), which is attached to this Resolution as Exhibit A, would be in the best
18 interests of the County; now, therefore, be it

19
20 *Resolved by the County Council of Anne Arundel County, Maryland,* That, in
21 accordance with § 8-3-101(d)(2), it approves the acquisition of the Property pursuant to the
22 terms and conditions as set forth in Exhibit A; and be it further

23
24 *Resolved,* That a copy of this Resolution be sent to County Executive Steuart Pittman.

Office of Central Services
Real Estate Division
2660 Riva Road
Annapolis, MD 21401

AGREEMENT OF SALE

THIS AGREEMENT OF SALE ("Agreement"), made this ____ day of _____, 2021, by and between **HB, INCORPORATED**, formerly Hein Brothers, Incorporated, (hereinafter collectively called "Seller") and **ANNE ARUNDEL COUNTY, MARYLAND**, a body corporate and politic of the State of Maryland (hereinafter called "Purchaser").

WHEREAS, the Seller is the owner of all that property identified under Anne Arundel County Tax Account No. 05-326-06960100, on Tax Map 009F, Parcel 0006, known as 443 Crain Highway, Glen Burnie, Maryland, 21061, located in the Second Assessment District of Anne Arundel County, and part of the property described in a Deed recorded in the Land Records of Anne Arundel County in Liber 3578, folio 00500, containing 0.622 acres, more and less, ("Property"), which Property is also described in attached as Exhibit "A", attached hereto; and

WHEREAS, the Purchaser intends to purchase the said property as part of terminating a current lease agreement and purchasing the property for County inventory; and

WHEREAS, the funds for this project will come from the Advanced Land Acquisition Capital Project No. C106700.

NOW THEREFORE WITNESSETH: That for and in consideration of mutual covenants and promises herein made by the parties, the above recitals which are incorporated herein by reference and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Purchaser hereby agree as follows:

1. Seller agrees to sell and convey to Purchaser and Purchaser agrees to buy and accept from Seller the Property under the terms and conditions set forth in this Agreement of Sale.

2. The total purchase price for the Property shall be \$2,000,000.00 (Two Million Dollars and Zero Cents) with settlement on or before July 31, 2021, contingent on the following occurring no later than one hundred twenty (120) days from the date hereof:

(a) Completion of tests and studies as provided under ¶9 of this Agreement; and

(b) Sufficient appropriation and authorization by Anne Arundel County, Maryland for the purchase price of the Property, including approval of the County Council (for funds from the Advanced Land Capital Acquisition Project) as may be required.

3. Seller shall execute this Agreement of Sale on or before March 15, 2021; after which time execution does not occur, this offer to purchase made by Purchaser to Seller shall be null, void, and of no effect; however, this Agreement of Sale may be extended by mutual agreement of both parties.

(a) Settlement shall be held at a location in Maryland designated by Purchaser. Purchaser shall give Seller at least fourteen (14) days written notice of the date and location of the settlement.

(b) Real estate taxes, general special taxes and rents, annual front foot benefit charges, special assessment tax or other annualized charges of a like nature are to be adjusted to the date of settlement and thereafter assumed by Purchaser.

(c) Settlement costs including any title examination, title insurance, tax certificates, recordation and transfer taxes, if any, are to be paid by Purchaser.

(d) The Purchaser's financial obligations under this Agreement are contingent upon sufficient appropriations and authorization being made by the Anne Arundel County Council for the performance of this Agreement.

4. At the time of settlement, the Seller shall convey a 100% interest in the Property to Purchaser by a fee simple deed with a special warranty. Title of the Property shall be good and merchantable, insurable at regular market rates with only such exceptions as expressly agreed to by Purchaser, and free and clear of all liens and encumbrances, except for recorded easements, including, publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the property.

In the event that Seller is unable to convey such title to Purchaser at settlement as required herein (hereinafter, called a "Title Defect"), Seller, at Seller's sole expense, shall forthwith, but in no longer than 180-days with extension of the settlement deadline, and

provided Purchaser agrees to a like extension of the settlement date, (the "Title Extension Period"), take such action as is required in order to cure Title Defect. In the event Seller is unable to do so within the 180-day period, Purchaser at Purchaser's sole option may purchase the Property at the consideration stated in ¶2 with the title defect, may extend for a reasonable period the necessary time to complete the action undertaken to clear the title as required by this paragraph, or may declare this contract null, void, and of no effect.

5. Time is of the essence as to this Agreement of Sale.

6. (a) Seller and Purchaser represent and warrant to each other that the person or persons executing this Agreement on behalf of each of them possess full legal power to do so and to carry out each and every obligation of this Agreement of Sale, and that Seller is capable of transferring good, merchantable, and insurable title.

(b) Seller further represents that there are no leases, licenses, agreements, tenants or occupants that may or will impair or affect Seller's title to this Property or in any way affect or impair Seller's ability to convey this Property as set forth herein or that will affect any right by Purchaser to use and possess the Property after settlement.

7. Until execution and delivery of the deed by Seller to Purchaser, the risk of loss or damage to the Property or any portion thereof shall be assumed by Seller.

8. The Seller makes no representations or warranties as to the condition of the real property or any improvements thereon, and the Purchaser will be receiving the real

property "as-is," with all defects which may exist, except as otherwise may be provided in this Agreement of Sale.

9. During the term of the Agreement, Purchaser, at its own expense, shall have the right to cause surveys, boring tests, environmental, and use feasibility studies to be made with respect to the Property. In connection with the performance of its surveys, tests and studies, if the surveys, tests, and studies conducted by Purchaser do not permit or warrant in the sole discretion of the Purchaser, or its engineers, architects or consultants, the acquisition and development of the Property, the Purchaser shall have the right, exercisable by written notice given to Seller within Ninety (90) days from the date of this Agreement ("Study Termination Date"), to terminate this Agreement. In that event, Purchaser shall be relieved from further liability hereunder for remainder of Property, at law or in equity, except that Purchaser's indemnification and restoration obligations set forth in this paragraph shall survive the termination. To the extent permitted by law and subject to appropriation and availability of funds, the Purchaser shall indemnify and hold Seller harmless against any damages, liabilities, and claims incurred by Seller as a result of Purchaser's activities upon or with respect to the Property. If the Purchaser terminates this Agreement pursuant to the provisions of this paragraph or any other provision of this Agreement, Purchaser, at its own expense, shall restore any damage to the Property caused by Purchaser making boring tests and other tests and studies, and immediately thereafter vacate. Nevertheless and notwithstanding the foregoing, Seller represents that it has no actual knowledge of any environmental physical

condition or dumping on or in the Property rendering the Property un-useable or materially lowering its market value. If dumping or environmental conditions are found by the tests and studies, Seller may, in its sole discretion, mitigate and perform the clean up at their sole cost and expense, the Purchaser and Seller may amend the purchase price to reflect this diminution of value based on the cost to cure or clean up costs, or the Purchaser may determine in its sole discretion that the site does not warrant use for its facility and this contract is null and void and of no effect.

10. It is understood and agreed that the Purchaser shall not have any obligation or liability for the payment of any real estate brokerage commission or the Sellers legal expenses. Should any claim for a commission be established by any broker, agent, consultant or attorney of the Seller, Seller expressly agrees to hold Purchaser harmless with respect thereto. Seller recognizes Hyatt Commercial as the sellers agent and MacKenzie Commercial Real Estate Services as the buyers agent, in this transaction, and has agreed to pay a brokers fee at closing according to separate agreement.

11. All notices under this Agreement shall be in writing and shall be deemed to be duly given if hand delivered or mailed by registered or certified mail, return receipt requested, as follows:

IF TO SELLER:

HB, Incorporated
223 Ambleside Drive
Severna Park, Maryland 21146

IF TO PURCHASER: Anne Arundel County
Real Estate Division
2660 Riva Road, 3rd Floor
Annapolis, Maryland 21401

WITH COPIES TO: Anne Arundel County
Office of Law
2660 Riva Road, 4th Floor
Annapolis, Maryland 21401

The parties shall be responsible for notifying each other of any change of address.

12. This Agreement contains the complete and entire agreement between the parties relating to the Property and no agreement or understanding whether written or oral, not herein contained shall be considered part of this Agreement of Sale unless set forth in writing between the parties.

13. The terms and provisions of this Agreement of Sale shall survive settlement and the execution and delivery of a deed from Seller to Purchaser and shall not merge therein.

15. If any term, condition or covenant of this Agreement shall be declared invalid or unenforceable the remainder of the Agreement shall not be affected.

16. This Agreement shall be governed by Maryland law, and any action arising out of or related thereto shall be brought exclusively in a court of competent jurisdiction located in Anne Arundel County, Maryland.

17. This Agreement shall inure to the benefit of the parties hereto, their heirs, personal representatives, legal representatives, successors and assigns as appropriate.

18. This Agreement may be executed in counterparts, each of which shall be an original, but all of which taken together shall constitute one and the same instrument. Electronic signatures hereon shall be deemed valid to the same extent as originals.

[Signature Page to Follow]

Witness:

Seller:
HB, Incorporated

By: Frank A. Hein
Frank A. Hein, Sr., Secretary

Date: 03/05/2021

By: Cynthia Hein Homoky
Cynthia Hein Homoky, Treasurer

Date: 03/04/2021

Attest:

Purchaser:
Anne Arundel County, Maryland

By: _____
Matthew J. Power,
Chief Administrative Officer for
Steuart Pittman, County Executive

REVIEWED AND APPROVED:

Christine A. Romans
Central Services Officer

Date

APPROVED AS TO SUFFICIENCY AND AVAILABILITY OF FUNDS:

Karin McQuade, Controller
Anne Arundel County

Date

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:
Gregory J. Swain, County Attorney:

By: _____
Christine B. Neiderer, Assistant County Attorney

Date

EXHIBIT A

BEGINNING FOR THE FIRST THEREOF at a cross cut in the concrete sidewalk on the southeast side of Light Street Road, as laid out 45 feet wide, the said cross cut being directly over a stone heretofore set at the northwestmost corner of Lot No. 5109, as shown on Plat No. 50 of the property of the Curtis Creek Mining, Furnace and Manufacturing Company prepared by S.J. Martenet and Company, December 12, 1922; thence running with the southeast side of Light Street Road South 31° 16' West 50 feet to a cross cut in the concrete sidewalk; thence leaving the said Light Street Road and running with the division line between Lot 5018 and Lot 5019, South 59° 37' East 214.5 feet to the northwest side of Drum Point Avenue as laid out 30 feet wide; thence running with the northwest side of the said Drum Point Avenue North 30° 55' East 50 feet to an iron pipe heretofore set at the southeast corner of Lot No. 5020; thence leaving the said Drum Point Avenue and running with the division line between Lot 5019 and Lot 5020 North 59° 37' West 214.25 feet to the point of beginning.

BEING the same lot of ground which by Deed dated July 8, 1943, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 289, Folio 71, was conveyed by The Realty Investment Company, a body corporate, unto Charles L. Hein and the within Grantor.

BEGINNING FOR THE SECOND THEREOF, being Lot No. 5020 at a stone planted on the southeast side of Light Street Road at the end of the first line of the parcel of land secondly described in a deed from Curtis Creek Mining, Furnace & Manufacturing Company to Annie C. Schohl, dated the 17th day of August 1920, and recorded among the Land Records of Anne Arundel County in Liber W.N.W. No. 22, folio 293 etc; and running thence along the southeast side of Light Street Road north 31 degrees 16 minutes east 50 feet to the beginning point of the land conveyed by the Curtis Creek Mining, Furnace & Manufacturing Company to Annie C. Schohl and Mollie A. Schohl, by deed dated the 24th day of September, 1923, and recorded among the Land Records aforesaid in Liber W.N.W. No. 68, folio 383 etc; thence with the fourth line of said land reversely south 59 degrees 37 minutes east 214 feet to the northwest side of Drum Point Avenue, as laid out on said plat 30 feet wide; thence along the northwest side of Drum Point Avenue south 30 degrees 55 minutes west 50 feet to the end of the second line of the land conveyed as aforesaid to Annie C. Schohl; and thence with said second line reversely north 59 degrees 37 minutes west 214 feet 3 inches to the place of beginning. Containing twenty-four one-hundredths of an acre of land, more or less.

BEGINNING FOR THE THIRD THEREOF, on the southeast side of Light Street Road at the distance of 200 feet northwesterly measured along the southeast side of said Road from a stone planted at the end of the second line of the land conveyed by the Curtis Creek Mining, Furnace & Manufacturing Company to William C.H. Ungerer, by deed dated the 15th day of December, 1921, and recorded among the Land Records of Anne Arundel County in Liber W.N.W. No. 54, folio 95 etc., which point of beginning is also north 31 degrees 16 minutes east 50 feet from the end of the first line of the parcel of land secondly described in a deed from the Curtis Creek Mining, Furnace & Manufacturing Company to Annie C. Schohl dated the 17th day of August, 1920, and recorded among the Land Records aforesaid in Liber W.N.W. No. 22, folio 293 etc.; and running thence along the southeast side of Light Street Road North 31 degrees 16 minutes east 55 feet; thence south 59 degrees 37 minutes east 213 feet 9 inches to the northwest side of Drum Point Avenue; thence along the northwest side of Drum Point Avenue south 30

degrees 55 minutes west 55 feet to a point north 30 degrees 55 minutes east 50 feet from the end of the second line of the parcel of land secondly described in the deed to Annie C. Schohl, hereinbefore referred to; and thence parallel with said second line north 59 degrees, 37 minutes west 214 feet to the place of beginning.

The last two lots being those lots which by Deed dated January 13, 1937, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 163, folio 166, were conveyed by Hein Brothers, Incorporated unto Charles L. Hein and the within Grantor.

TOGETHER with the buildings and improvements thereupon erected, made or being and all and every the rights, alleys, ways, waters, privileges, appurtenances and advantages, to the same belonging, or anywise appertaining.

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

RES. NUMBER: 41-21

INTRO. DATE: September 7, 2021

FISCAL NOTE

**RESOLUTION: APPROVING THE TERMS AND CONDITIONS OF THE
ACQUISITION OF REAL PROPERTY CONSISTING OF
BETWEEN APPROXIMATELY 0.62 +/- ACRES AND 0.765 +/-
ACRES, KNOWN AS 443 CRAIN HIGHWAY, GLEN BURNIE,
MARYLAND 21061, FROM HB, INCORPORATED, UTILIZING
FUNDS FROM THE ADVANCE LAND ACQUISITION CAPITAL
PROJECT**

SUMMARY OF LEGISLATION

The purpose of this legislation is to approve the acquisition of real property consisting of between approximately 0.62 +/- acres and 0.765 +/- acres, known as 443 Crain Highway. This acquisition utilizes the funds appropriated in the Advance Land Acquisition Capital Project (C106700).

FISCAL IMPACT

There is sufficient appropriation authority in the Advance Land Acquisition Capital Project (C106700) for this purchase, which totals \$2,000,000.

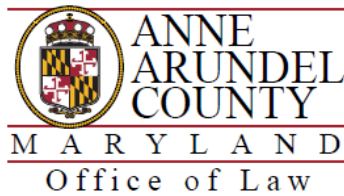
The County has leased space at this property for the Department of Aging and the Office of Information Technology, at an annual cost of approximately \$185,000. Although funding for the lease was not included in the FY22 budget in anticipation of the purchase of the property, the County is now expected to incur about \$40,000 in lease costs for the period of July through September based on the timing of the purchase. The Office of the Budget will continue to monitor departmental spending and address any potential need for additional appropriation in a future appropriation bill.


Chris Trumbauer
Budget Officer

9/2/2021
Date

Prepared by: Samantha Chiriaco
Reviewed by: Hannah Dier

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

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

Via: Christine B. Neiderer, Assistant County Attorney /s/

Date: September 7, 2021

Subject: Resolution No. 41-21, Approving the terms and conditions of the acquisition of real property identified as 443 Crain Highway in Glen Burnie, MD 21061

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 Resolution No. 41-21, a resolution that seeks approval for the use of Two Million Dollars (\$2,000,000) from the Advance Land Acquisition Capital Project to purchase real property identified as 443 Crain Highway in Glen Burnie, MD 21061 (the "Property").

Purpose. The Resolution seeks the approval of the County Council to purchase the Property for Two Million Dollars (\$2,000,000) from the Advance Land Acquisition Capital Project, on the terms and conditions set forth in the Agreement of Sale, which is attached to the Resolution as Exhibit A. Section 8-3-101(d)(2) of the County Code requires the County Council to approve any land purchase using funds from the Advance Land Acquisition Capital Project.

Background. HB, Incorporated (formerly Hein Bros., Incorporated) owns improved property consisting of between 0.62 +/- acres and 0.765 +/- acres, known as 443 Crain Highway in Glen Burnie, MD 21061. As the Property fronts both Crain Highway N and Ritchie Highway, it is also known as 7320 Ritchie Highway, Glen Burnie, MD 21061. The Property is described in a deed recorded in the Land Records of Anne Arundel County, Maryland in Book 3578, page 500, and is improved with an office and storage building.

The County leases the Property from HB, Incorporated pursuant to a Lease Agreement dated May 1, 2019 for a term of five (5) years commencing on May 1, 2019 and expiring on April

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

30, 2024 (“Lease”). The Property is currently utilized by the County Department of Aging and Disabilities and the County Office of Information Technology. The County currently pays rent at an annual rate of \$162,000 or \$9.64 per square foot of rentable building area on a triple net basis. The Lease provides the County with a right of first refusal to purchase the Property in the event the lessor receives a bonafide third-party offer to purchase the Property. The Lease further provides that the sales contract must contain the same purchase price as offered by the third party. The County was informed that the landlord received an offer in the amount of \$2,000,000.

The County seeks to purchase the Property to allow continued use by the County Department of Aging and Disabilities and OIT, as well for other possible government uses.

The County’s independent real estate appraisal prepared by Treffer Appraisal Group, based on 0.62 +/- acres identified as the lot size by the State Department of Assessments and Taxation, estimates the fair market value of the leased fee interest of the Property to be One Million Five Hundred Twenty Thousand Dollars (\$1,520,000.00). The County’s independent real estate appraisal prepared by the Wineholt Group, Inc., based on 0.762 +/- acres, which is the square footage shown on a plat of the Property, estimates the fair market value of the leased fee interest of the Property to be One Million Eight Hundred Twenty Five Thousand Dollars (\$1,825,000) and the market value of the fee simple estate of the Property to be One Million Nine Hundred Fifty Thousand Dollars (\$1,950,000). In accordance with § 8-3-101(d)(2) of the County Code, the Department of Public Works conducted an environmental assessment and a feasibility study for the Property.

The Office of Law is available to answer any additional questions regarding Resolution No. 41-21. Thank you.

cc: Honorable Steuart Pittman, County Executive
 Kai Boggess-deBruin, Chief of Staff
 Matthew Power, Chief Administrative Officer
 Peter Baron, Director of Government Relations
 Luke Graves, Legislative Liaison
 Chris Trumbauer, Budget Officer
 Christine Anderson, Central Services Officer
 Chris Phipps, Director of Public Works

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Resolution No. 42-21

Introduced by Ms. Fiedler

By the County Council, September 7, 2021

1 RESOLUTION nominating a member to serve on the Anne Arundel County Ethics
2 Commission

3
4 WHEREAS, Section 1001 of the County Charter establishes the Anne Arundel
5 County Ethics Commission to consist of seven members who are appointed by the
6 County Executive with the approval of the County Council; and

7
8 WHEREAS, Section 1001 states that, of the seven members of the Ethics
9 Commission, no more than four members shall be members of the same political
10 party; and

11
12 WHEREAS, Section 1001 further states that three members appointed by the
13 County Executive shall first be nominated by the County Council; and

14
15 WHEREAS, Section 1001 further states that the term of each member is four years
16 and that no member may serve more than two consecutive terms; and

17
18 WHEREAS, the second term of member Emerson C. Davis (Republican), who was
19 nominated by the County Council and appointed by the County Executive, expired
20 on April 30, 2021; now, therefore, be it

21
22 *Resolved by the County Council of Anne Arundel County, Maryland,* That it hereby
23 approves the nomination of Corinne M. Fitzgerald (Republican) to serve as a member of
24 the Anne Arundel County Ethics Commission for a first term expiring on April 30, 2025;
25 and be it further

26
27 *Resolved,* that the County Council requests that the County Executive appoint Corrine
28 M. Fitzgerald (Republican) to the Anne Arundel County Ethics Commission to serve a first
29 term that expires on April 30, 2025; and be it further

30
31 *Resolved,* That copies of this Resolution be sent to Steuart Pittman, County Executive;
32 Michael Botsaris, Executive Director, Ethics Commission; Corinne M. Fitzgerald,
33 nominee; and Meghan Brown, Coordinator of Boards and Commissions.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 17

Resolution No. 43-21

Introduced by Ms. Lacey, Chair

and by Mr. Volke and Mr. Pruski

By the County Council, September 7, 2021

1 RESOLUTION appointing members of the Salary Standard Commission

2
3 WHEREAS, pursuant to § 3-9-101 of the County Code there is a Salary Standard
4 Commission that shall report to the County Council in accordance with § 10-302
5 of the Local Government Article of the State Code; and

6
7 WHEREAS, the Commission is tasked with recommending compensation and
8 allowances to be paid to members of the County Council; and

9
10 WHEREAS, the Commission shall consist of seven members appointed by the
11 County Council; now, therefore, be it

12
13 *Resolved by the County Council of Anne Arundel County, Maryland,* That it hereby
14 appoints the following persons to serve as members of the Salary Standard Commission;

15
16 1. Phiona Bareebe

17
18 2. Idella Gregory

19
20 3. Brian Griffiths

21
22 4. O'Brien Atkinson

23
24 5. Douglas Nichols

25
26 6. Tyler Patton

27
28 7. William Kraus

29
30 and be it further

31
32 *Resolved,* That a copy of this Resolution be sent to the members of the Salary Standard
33 Commission.

AMENDMENT TO BILL NO. 66-21, AS AMENDED
(Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs)

September 7, 2021

Introduced by Ms. Haire

Amendment No. 7

On page 1 of the amended bill, in line 7, after “temporary” insert “wind”.

On page 3, in line 11, after “TEMPORARY” insert “WIND”.

(This amendment modifies the limitation on the number of temporary signs allowed on a private property to apply to wind signs only.)

AMENDMENT TO BILL NO. 66-21, AS AMENDED
(Zoning – Parking, Nonresidential Outdoor Lighting, and Signage – Prohibited Signs and Temporary Signs)

September 7, 2021

Introduced by Ms. Haire

Amendment No. 8

On page 1 of the amended bill, in line 8, after the second semi-colon insert “allowing temporary event signs to be displayed for a certain period of time;”.

On page 3, in line 14, after “SIGN” insert “THAT IS UNRELATED TO AN EVENT”; and after line 15, insert:

“(6) A TEMPORARY SIGN THAT IS RELATED TO AN EVENT MAY NOT BE DISPLAYED FOR MORE THAN 60 DAYS BEFORE THE START OF THE EVENT AND SHALL BE REMOVED WITHIN 7 DAYS AFTER THE CONCLUSION OF THE EVENT.”.

(This amendment adds limitations on the period of time of which a temporary sign related to an event may be displayed.)

AMENDMENT TO BILL NO. 67-21
(Public Ethics – Financial Disclosure – Legislative Counsel to the County Council)

September 7, 2021

Introduced by Mr. Volke

Amendment No. 1

On page 1 of the proposed bill, in lines 2 and 5, in each instance, after “Council” insert “and Attorneys in the Office of Law”; after line 12, insert:

“BY repealing and reenacting, with amendments: § 7-6-101(a)(21)
Anne Arundel County Code (2005, as amended)”;

On page 2, after line 11, insert:

“(21) each [[Deputy County Attorney]] ATTORNEY IN THE OFFICE OF LAW;”

(This amendment requires each attorney in the County Office of Law to file with the Ethics Commission a financial disclosure statement.)

AMENDMENTS TO BILL NO. 71-21
(Licenses and Registrations – Swimming Pools – Pool Operator and Lifeguard Licenses)

September 7, 2021

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

Amendment No. 1

On page 1 of the proposed bill, in line 14, after “11-14-202(b)(2)” insert “and (b)(3)”.

On page 2, after line 10, insert:

“(3) approval of the Health Officer based on a finding that the applicant has successfully completed a training course approved by the Health Officer qualifying the applicant to operate a public or semi-public pool, including training courses offered in high school, college, or by correspondence or demonstrated ability to operate a public or semi-public pool by passing an examination administered by the Health Officer, WHICH APPROVAL OF THE HEALTH OFFICER IS VALID FOR A PERIOD OF THREE YEARS FROM THE DATE AN APPLICANT SUCCESSFULLY COMPLETES THE TRAINING COURSE OR PASSES THE EXAMINATION.”;

and strike in their entirety lines 16 through 17, inclusive, and substitute:

“THE TERM OF A LICENSE ISSUED UNDER THIS TITLE IS AS FOLLOWS:

(1) A POOL license [[issued under this title]] expires on April 30 of each year.

(2) A POOL OPERATOR LICENSE SHALL BE VALID FOR UP TO THREE YEARS CONCURRENT WITH THE APPROVAL DESCRIBED IN § 11-14-202(B)(3).”.

(This amendment changes the term of a pool license from three years to one year and makes term of a pool operator license concurrent with the term of the pool operator’s training.)

AMENDMENT TO RESOLUTION NO. 36-21
(RESOLUTION in support of the County Executive of Anne Arundel County promptly
entering into an agreement with Robert A. Pascal Youth and Family Services, Inc. to lease
and make fully available County owned property located at 41 Community Place in
Crownsville, Maryland)

September 7, 2021

Introduced by Ms. Pickard and Ms. Lacey

Amendment No. 1

On page 1 of the proposed resolution, strike beginning with “promptly” in line 1 down through “and” in line 3 and substitute “to”; in line 4, after “Maryland” insert “for health and wellness treatment services”; strike in their entirety lines 6 through 13, inclusive; after line 13, insert:

“WHEREAS, the Community Foundation’s 2019 Poverty Amidst Plenty Report noted that overall there has been a 70 percent increase in Anne Arundel County residents seeking mental health services since 2012; and

WHEREAS, the Poverty Amidst Plenty Report noted that the two highest increases in residents served since 2016 are the early childhood population and those over age 65 and that the issues contributing to the increasing need are poverty, isolation, social media, increasing societal violence and hostility, the fast pace of a technological world, and the reduction of stigma regarding mental health services; and

WHEREAS, a 2019 Community Health Needs Assessment highlighted the need for the County to expand and diversify mental health resources to address an ongoing rise in demand; and

WHEREAS, Anne Arundel County has seen an increased demand for services such as crisis intervention and substance use disorder treatment throughout the COVID-19 pandemic and the ongoing mental and behavioral health crises facing the County; and

WHEREAS, the neighboring building, 43 Community Place, is currently occupied by Robert A. Pascal Youth and Family Services, Inc. (“Pascal”) which provides critical crisis stabilization services; and”;

strike in their entirety lines 20 through 29, inclusive; and in lines 35 and 36, strike “mostly vacant except for storage of county possessions” and substitute “identified as an appropriate location for Health and Wellness treatment services”;

On pages 1 through 3, strike in their entirety the lines beginning with line 38 on page 1 through line 3 on page 3, inclusive.

On page 3, after line 3, insert:

“WHEREAS, the 41 Community Place building has an elevator, which is critically important, and the building also has an extensive amount of square footage which would increase access to Anne Arundel County residents seeking Health and Wellness services; and”;

in line 6, strike “, as well as more SOR beds”; strike in their entirety lines 8 through 38, inclusive; after line 38, insert:

“WHEREAS, Anne Arundel County has approximately 1,800 501(c)3 non-profit organizations that operate in the County and these organizations provide health and wellness services, human services, veterans services, educational opportunities, reentry services, animal welfare services, and many other critical resources that benefit the health and wellness of our community; and

WHEREAS, many of the County’s non-profit organizations lack physical space and administrative support infrastructure; and”;

in line 42, strike “behavioral health”; and in line 43, strike “furthers” and substitute “serves as a model for Health and Wellness partnerships utilizing County surplus properties”.

On page 4, in line 1, strike “to the Pascal Crisis Stabilization Center the use of”; and in line 2, after “Maryland” insert “to address the health and wellness needs of County residents”.

(This amendment rewrites the resolution to recommend making the County owned property located at 41 Community Place in Crownsville, Maryland available for health and wellness treatment services in general.)