



AGENDA

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Legislative Session 2021, Legislative Day No. 22
November 15, 2021 – 7:00 P.M.
County Council Chambers

- A. Invocation – Pastor Maurice Cornwell, Grace Baptist Church, Pasadena
- 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

November 1, 2021 – Legislative Day No. 21

- H. Introduction of Bills

BILL NO. 100-21 – AN ORDINANCE concerning: Pensions – Reemployment – Reduction of Benefits – FOR the purpose of limiting the exemption from pension benefit reduction to the first 1,500 hours worked for certain reemployment situations; and generally relating to pensions.

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

BILL NO. 101-21 – AN ORDINANCE concerning: Approval of private disposition of County-owned property located in Millersville, Maryland – FOR the purpose of approving the terms and conditions under which the County may convey certain County-owned property to the Board of Education of Anne Arundel County (“BOE”).

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

BILL NO. 102-21 – AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Adult Independent Dwelling Units – Setbacks – FOR the purpose of clarifying that structures in an adult independent dwelling facility be located a certain distance from all lot lines; requiring that parking areas for adult independent dwelling units be located a certain distance from residential lot lines; and generally relating to zoning.

Introduced by Mr. Volke

BILL NO. 103-21 – AN ORDINANCE concerning: Zoning – Commercial Districts – Gunsmiths and Ammunition Sales Facilities – FOR the purpose of allowing gunsmiths and ammunition sales facilities as a permitted use in C3 zoning districts; and generally relating to zoning.

Introduced by Ms. Fiedler and Mr. Volke

BILL NO. 104-21 – AN ORDINANCE concerning: Zoning – School Bus Facilities – FOR the purpose of adding a definition of “school bus facility”; allowing school bus facilities as a permitted use in certain commercial and industrial zoning districts; allowing school bus facilities as a conditional use in certain commercial and small business zoning districts; adding the conditional use requirements for school bus facilities; and generally relating to zoning.

Introduced by Ms. Fiedler

I. Introduction of Resolution

RESOLUTION NO. 59-21 – RESOLUTION appointing a member to the Anne Arundel

Ethics Commission

By Ms. Lacey, Chair

(by request of the County Executive)

and Mr. Volke

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

BILL NO. 85-21 (As Amended) (Amendment Proposed) – AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities – Public Schools – FOR the purpose of modifying the provisions for an exemption from requirements for adequate public facilities for schools; restoring provisions relating to the school utilization chart as they existed before the sunset of Bill No. 15-18; adding the option of donating land to the Board of Education for future construction of school facilities to pass the test for adequate school facilities; making certain technical changes; providing for the termination of this Ordinance; and generally relating to subdivision and development.

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 88-21 (To Be Withdrawn) – AN EMERGENCY ORDINANCE concerning:

Current Expense Budget – Board of Education – Supplementary Appropriation – FOR the purpose of making supplementary appropriations from unanticipated revenues to the Board of Education for the current fiscal year; making this Ordinance and emergency ordinance

By Ms. Lacey, Chair

(by request of the County Executive)

BILL NO. 89-21 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies in the general fund and to certain special funds of the County government for the current fiscal year; and generally relating to making supplementary

appropriations of funds to the current expense budget for the fiscal year ending June 30, 2022.

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

BILL NO. 90-21 – AN ORDINANCE concerning: Personnel – Positions in the Classified Service – Department of Public Works and Police Department – Position Control – Office of Central Services and Department of Public Works – FOR the purpose of modifying minimum qualifications for certain positions in the classified service; adding certain positions in the classified service; providing for the pay grade, work week, and minimum qualifications applicable to positions added to the classified service; decreasing certain positions in the classified service; increasing certain positions in the classified service; and generally relating to personnel.

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

BILL NO. 91-21 – AN ORDINANCE concerning: Approval of private disposition of County-owned property consisting of approximately 37.50 +/- acres, known as 1127 Bragers Road in Odenton, Maryland – FOR the purpose of approving the terms and conditions under which the County may convey certain County-owned property to the Board of Education of Anne Arundel County (“BOE”).

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

BILL NO. 92-21 (Amendments Proposed) – AN EMERGENCY ORDINANCE concerning: Budget – Grants Special Revenue Fund – Limitation on Conditional Appropriation – FOR the purpose of limiting a conditional appropriation to the Grants Special Revenue Fund; making this an emergency ordinance; and generally relating to finance, taxation, and budget.

Introduced by Ms. Fiedler

BILL NO. 93-21 – AN ORDINANCE concerning: Subdivision and Development – Adequate School Facilities – Residential Development in Transit-Oriented Overlay Development Policy Areas – FOR the purpose of exempting residential development located in transit-oriented overlay development policy areas from the adequate school facilities test under certain conditions; adding the conditions for the exemption from the test for adequate school facilities; and generally relating to subdivision and development.

Introduced by Ms. Lacey

BILL NO. 94-21 (Amendment Proposed) – AN ORDINANCE concerning: Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay Area – Transit-Oriented Overlay Development Policy Areas – FOR the purpose of amending the conditions for an exemption from the test for adequate school facilities for residential redevelopment projects within the Glen Burnie Sustainable Community Overlay Area; amending the definition of “redevelopment” to include lots located in transit-oriented overlay development policy areas; and generally relating to subdivision and development and zoning.

Introduced by Ms. Pickard

BILL NO. 95-21(Amendment Proposed) – AN ORDINANCE concerning: Construction and Property Maintenance Codes Supplement – International Building Codes Supplement – Exterior Wall Glass and Glazing – Nonresidential Construction – FOR the purpose of defining “threat factor”; requiring that glass installed on the exterior walls of nonresidential construction comply with certain bird threat factors; providing for the application of this ordinance; and generally relating to the construction and property maintenance codes.
Introduced by Ms. Rodvien

RESOLUTION NO. 58-21 – RESOLUTION supporting the Anne Arundel County Board of Education’s Fiscal Year 2023 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction
By Ms. Lacey, Chair
(by request of the County Executive)

K. Other Business

L. Adjournment

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Anyone with a disability who requires a reasonable accommodation to fully participate in a Council meeting should contact the Administrative Officer at least 72 hours before the meeting to discuss your accessibility needs. The Administrative Officer may be reached by email at CouncilAdmin@aacounty.org or by telephone at 410-222-1401. TTY users, please use Maryland Relay, 7-1-1.

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WAYS TO FOLLOW THE COUNTY COUNCIL

Members of the public can watch the November 15, 2021 Council meeting on Arundel TV. To find a list of channels or to access Arundel TV Live, visit www.aacounty.org/services-and-programs/government-television.

For more details on all the ways to participate and testify please visit www.aacounty.org/services-and-programs/county-council-meeting-participation



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: November 10, 2021
Subject: Auditor Review of Legislation for the November 15, 2021 Council Meeting

**Bill 85-21:
Subdivision and
Development – Adequate
Public Facilities – Public
Schools (As Amended)**

Summary of Legislation

This bill modifies the provisions for an exemption from requirements for adequate public facilities for schools and restores provisions relating to the school utilization chart as they existed before the sunset of Bill 15-18. This bill provides that a developer may obtain an exemption from the requirements for adequate public facilities for schools for five or less lots in a subdivision of single family dwellings or for five or less dwelling units on a site development plan if the developer has owned the property for at least three years. In addition, the bill provides that an agreement related to the exemption reflect that the developer acknowledges that the exemption is limited to five lots or dwelling units.

We commented on this bill in our letter dated October 27, 2021. At the November 1, 2021 Council meeting, this bill was amended to add a condition for passing the test for adequacy of school facilities that the number of students projected to be generated by the development does not exceed 85% of the available capacity of each open school and to provide for an additional mitigation option when schools are over 95% state-rated capacity but less than 100% and allow donations of land to mitigate capacity deficiencies. This bill, with those amendments, will restore provisions relating to the school utilization chart in its entirety as they existed before the sunset of Bills 92-17 and 15-18. This bill was also amended to clarify that the application referred to is the initial application for subdivision or a site development plan and provide that the provisions of this bill will terminate on May 1, 2023. We have no further comments on this bill.

**Bill 88-21:
Current Expense Budget –
Board of Education –
Supplementary
Appropriation (To Be
Withdrawn)**

Summary of Legislation

This bill makes supplementary appropriations from unanticipated revenues to the Board of Education of Anne Arundel County (BOE), however, the Administration plans to withdraw this bill. Subsequent to introducing this bill at the October 18, 2021 meeting, the Administration has decided to use \$4,232,917 in federal American Rescue Plan Act of 2021 (ARPA) funding to provide a \$5,000 retention and hiring bonus for existing and new contractual drivers and a \$2,000 bonus for existing and new contractual bus attendants/aides.

**Bill 89-21:
Current Expense Budget –
Supplementary
Appropriations**

Summary of Legislation

This bill provides a supplementary appropriation of \$5,416,564 to the Grants Special Revenue Fund and \$218,000 to the Office of Planning and Zoning (OPZ) to the General Fund.

Review of Fiscal Impact

The \$5,416,564 in additional appropriations for the Grants Special Revenue Fund provide for the following:

- \$3,140,010 from the Maryland Department of Health (MDH) – Prevention and Health Promotion Administration (PHPA) to the Anne Arundel County Department of Health (Health Department) for the Immunization and Vaccines for Children grant to strengthen critical planning and COVID-19 vaccination implementation activities, with a focus on reaching high-risk and underserved populations. The award period is from July 1, 2021 through June 30, 2022. This grant was not included in the fiscal year 2022 (FY22) Budget and does not require a matching contribution.
- \$1,733,655 from MDH – Office of Preparedness and Response to the Health Department for the Centers for Disease Control Crisis Cooperative Agreement grant to provide additional relief to address the continued impact of the COVID-19 pandemic by supporting COVID-19 prevention, preparedness, response, and recovery initiatives, including school-based health programs. The award period is from July 1, 2021 through June 30, 2023. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$159,539 from MDH – Behavioral Health Administration (BHA) to the Health Department for the Federal Funds State Opioid Response – Crisis Services grant for an opioid treatment program (referred to as a Hub), an office-based, community prescriber of opioid treatment medication (referred to as a Spoke), and a care coordinator that assists with the transfer of patient care between Hubs and Spokes. The award period is from July 1, 2021 through September 29, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.

Bill 89-21 (continued)

- \$122,346 from MDH – BHA to the Health Department for the State Opioid Response – NCE-SUPP grant for the expansion of two adolescent clubhouse services in Annapolis and Brooklyn Park for eligible County residents to support and improve the quality of work that impact the lives of the community and individuals served. The award period is from July 1, 2021 through September 29, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$131,014 from MDH – Office of Population Health Improvement (OPHI) to the Health Department for the Substance Abuse Prevention and Treatment Block grant for prevention services to address social and environmental factors that contribute to substance-use problems, prevent initiation and inappropriate substance use, and identify and address the needs of individuals at high-risk for developing substance use disorders by using funds made available by federal Covid-19 Emergency Relief Supplement funding. The award period is from July 1, 2021 through June 30, 2022. This grant was not included in the FY22 Budget and does not require a matching contribution.
- \$100,000 from MDH – OPHI to the Health Department for the Supplement to Core Local Health Funding grant for core public health services by using funds made available by federal ARPA funding. The seven service areas of core public health services are infectious disease control services, environmental health services, family planning services, maternal and child health services, wellness promotion services, adult health and geriatric services, and administration and communication services associated with the above services. The award period is from July 1, 2021 through June 30, 2022. This grant was included in the FY22 Budget but has increased due to the state's decision to increase the appropriation to match the higher award. This does not require a matching contribution.
- \$30,000 from the Maryland Family Network to the Department of Social Services for the Community-Based Child Abuse Prevention grant to provide prevention-oriented, community-based, voluntary programs that help parents and their children, primarily infants and toddlers, in order to prevent child abuse and neglect and other adverse outcomes for families. The award period is from July 1, 2021 through September 30, 2021. This grant was not included in the FY22 Budget and does not require a matching contribution.

A contract was entered into by OPZ for a fiscal impact analysis and impact fee study for a total cost of \$418,000, of which \$200,000 was already included in the FY22 Budget. The additional appropriation of \$218,000 will fund the remaining amount of this existing contract using unappropriated fund balance.

The Controller certified that these funds are available for appropriation.

**Bill 90-21:
Personnel – Positions in
the Classified Service –
Department of Public
Works and Police
Department – Position
Control – Office of Central
Services and Department
of Public Works**

Summary of Legislation

This bill amends the minimum qualifications of six positions (Senior Forensic Chemist, Assistant Chief-Surveys, Chief-Surveys, Survey Crew Chief I, Survey Field Technician I, and Survey Technician I) and adds three new positions to the classified service (Survey Crew Chief II, Survey Field Technician II, and Survey Technician II) including pay grade, work week, and minimum qualifications. The bill removes four Survey Crew Chief positions, three Survey Field Technician positions, and one Survey Technician position in the Department of Public Works (DPW) that were included in the FY22 Budget; and approves the addition of four Survey Crew Chief I positions, three Survey Field Technician I positions, and one Survey Technician I position. The bill also removes one Welder position in the Office of Central Services (Central Services) that was included in the FY22 Budget and approves the increase of one Management Assistant I.

The change to the minimum qualifications for the Senior Forensic Chemist position is due to a Code of Maryland Regulations requirement that forensic services are now licensed by the MDH, and the County is following their requirements for all Senior Forensic Chemist positions. The change to the minimum qualifications for the survey positions is to bring the requirements in line with how surveys are currently conducted.

The new classified positions are being added so that DPW can create a proficiency advancement program for the survey positions by adding a Level 1 and Level 2 for each position. All employees in the original classifications will automatically be converted to the new Level 1 position and the original titles would be removed. The new Level 1 positions have the same salary and benefits as the original positions. By creating three Level 2 positions, the Level 1 positions will have a position to promote into. In order to advance, the employee must pass the corresponding national certification test. Per DPW, the department does not currently have any vacancies in these positions, so at this time, only existing employees in a Level 1 position would be eligible to be promoted into one of the new corresponding Level 2 positions.

The Welder position is currently vacant, and Central Services has determined that it is no longer a useful classification as most repairs to the current type of vehicles do not involve welding and the department already has three certified Welders. Per Central Services, the Management Assistant I position will administer and oversee all safety and training for Fleet Administration, enabling the team to perform more shop audits and enhance safety programs. In addition, this position will maintain and renew all IT-related shop maintenance applications. The Fleet Administration was recently approved as a Certified Ford Warranty Claims division. This position will manage the new program and process all warranty claims which will increase funds returned to the County. Some responsibilities for this position were transferred from the existing Management Assistant II position to create

Bill 90-21 (continued)

efficiencies, address workload imbalance, and ensure more prompt and timely responses to issues.

Review of Fiscal Impact

We agree with the fiscal note that the additional increase in expenditure as a result of this bill should be minimal. Per DPW, the additional expenditure in FY22 related to the new proficiency advancement program, if any, would be nominal given the small number of employees and the conditions required to advance. The additional expenditure in FY22 expected by Central Services would be approximately \$4,000 since funds were budgeted for the Welder position as part of the FY22 Budget, and the department intends to fill this higher level position in January 2022. Both DPW and Central Services advised that they will be able to absorb the additional costs within their existing appropriations for FY22.

**Bill 91-21:
Approval of Private
Disposition of County-
Owned Property Known
as 1127 Bragers Road in
Odenton****Summary of Legislation**

This bill approves the private disposition of County-owned property, known as 1127 Bragers Road in Odenton, to the BOE. This property was acquired in March 2020 pursuant to Resolution 3-20 for \$1,092,500 to provide for the construction of the West County Elementary School by the BOE.

Review of Fiscal Impact

We agree with the information presented in the fiscal note that there is no estimated fiscal impact associated with this legislation, the County will convey this property to the BOE for a sale price of \$0, and the capital budget includes an appropriation for the West County Elementary School project (#E809200). The total appropriation in the capital budget and program for this project is \$43,977,000, with \$2,500,000 in prior approved funding and \$13,588,000 in FY22 funding.

**Bill 92-21:
Budget – Grants Special
Revenue Fund –
Limitation on Conditional
Appropriation**

Summary of Legislation

This bill is an emergency ordinance that limits a conditional appropriation to the Grants Special Revenue fund. This bill limits the conditional appropriation of unanticipated grant revenues so that the amount of the grant, including the conditional appropriation, may not exceed \$300,000.

Review of Fiscal Impact

This bill would require Council approval for all grants over \$300,000. Currently, the administration has the authority to increase grants that were already included in the approved budget (either with an estimated amount or a placeholder) if the Controller confirms that the grant funds are available for expenditure by the County and there are sufficient funds available for the payment of any required County matching funds. If in place, 15 non-Covid-19 related grants in FY20, 7 non-Covid-19 related grants in FY21, and 12 non-Covid-19 related grants in FY22 (year to date) would have required Council approval.

**Bill 93-21:
Subdivision and
Development – Adequate
School Facilities –
Residential Development
in Transit-Oriented
Overlay Development
Policy Areas**

Summary of Legislation

This bill exempts residential development in Transit-Oriented Overlay Development Policy Areas from the adequate school facilities test under certain conditions and adds those conditions for the exemption. All of the following conditions must be met for exemption:

- The development is in a Critical Economic Development Policy Area, also identified in the General Development Plan (GDP);
- The development is within one mile of an Amtrak Rail Station or Maryland Area Regional Commuter (MARC) Rail Station;
- All dwelling units have fewer than two bedrooms;
- The development includes enhancements for pedestrian and bicycle access to the rail station; and
- The provisions are not varied, modified, or reduced.

Review of Fiscal Impact

Per OPZ, this bill has no immediate fiscal impact, however, this bill may over time result in allowing qualifying development projects to be approved that otherwise might not have been approved or that might have been put on the school waiting list. Approval of additional development projects could generate additional impact fees, permit fees, and property tax revenues, however, this could also result in additional capacity constraints in impacted schools. OPZ does not expect a change in workload from the passing of this bill and no additional resources are anticipated.

Per OPZ, there are currently three Transit-Oriented Development (TOD) areas that would qualify under this bill: the Laurel Racetrack MARC station area, the Savage MARC station area, and the BWI

Bill 93-21 (continued)

Amtrak/MARC station area; however, there are no active project applications currently under review that would be impacted by this bill.

Four of the six schools for the area are currently closed in the school utilization chart. They are Maryland City Elementary School, Lindale Middle School, Meade Middle School, and North County High School. The remaining two schools currently have availability. They are Linthicum Elementary School (84% utilization of state-rated capacity) and Meade High School (86% utilization).

The provisions of this bill only allow this exemption for properties with dwelling units that are less than two bedrooms, which will limit the impact on school enrollment. Per the BOE, although dwelling units with fewer than two bedrooms are typically subject to the adequate school facilities test, when that test is performed, they result in zero new students, so there is no impact to providing an exemption to the adequate school facilities test for dwelling units with fewer than two bedrooms.

**Bill 94-21:
Subdivision and
Development and Zoning –
Glen Burnie Sustainable
Community Overlay Area
– Transit-Oriented
Overlay Development
Policy Areas****Summary of Legislation**

This bill revises the definition of redevelopment under the Glen Burnie Sustainable Community Overlay to include rehabilitation of an existing structure or new construction on a lot or lots located, in whole or in part, within a Transit-Oriented Overlay Development Policy Area identified in the GDP. This bill also exempts such properties from the adequate school facilities test under certain conditions. Bill 64-20 originally exempted properties from the adequate school facilities test under certain conditions, and this bill adds redevelopment, located in whole or in part, within a transit-oriented overlay development policy area as identified in the GDP to the exemption conditions.

Review of Fiscal Impact

Per OPZ, this bill has no immediate fiscal impact; however, this bill may over time result in allowing qualifying development projects to be approved that otherwise might not have been approved or that might have been put on the school waiting list. Approval of additional development projects could generate additional impact fees, permit fees, and property tax revenues, however, this could also result in additional capacity constraints in impacted schools. OPZ does not expect a change in workload from the passing of this bill and no additional resources are anticipated. Per OPZ, there are no project applications currently under review that would be impacted by this bill.

Four of the six schools for the area are closed based on the current school utilization chart. They are Richard Henry Lee Elementary School, Lindale Middle School, Glen Burnie High School, and North County High School. The remaining two schools have availability. They are George Cromwell Elementary School (74% utilization of state-rated capacity) and Corkran Middle School (65% utilization).

Bill 94-21 (continued)

The provisions of this bill only allow this exemption for redevelopment, which will limit the number of eligible properties. Per the BOE, increases in enrollment from this bill could expedite the need for the County to procure new land for future school sites and to fund the additional teaching positions and instruction materials required to educate the students generated via the added development. Although the BOE has not estimated the expected fiscal impact of this bill, the County pays for approximately 57% of the operating budget cost of educating each new individual student, approximately 75% of the capital budget cost of constructing each seat for each new individual student, and 100% of the total cost of any new land acquisitions for each newly required school site.

**Bill 95-21:
Construction and Property
Maintenance Codes
Supplement –
International Building
Codes Supplement –
Exterior Wall Glass and
Glazing – Nonresidential
Construction****Summary of Legislation**

This bill defines threat factor and requires that glass installed on the exterior walls of nonresidential construction comply with certain bird threat factors. This bill also provides that an application for approval of a sketch plan, final plan, final infrastructure construction plan, preliminary plan, site development plan, building or grading permit, and revisions to these plans and permits filed on or before October 18, 2021, shall be governed by the law as it existed prior to the effective date of this bill.

Review of Fiscal Impact

The Department of Inspections and Permits has indicated that this bill does not have a direct fiscal impact on their department. DPW anticipates that this bill will result in an approximately 7% increase in the cost of glass. The impact to the County will vary based on the percentage of the glass cost to the overall project.

**Resolution 58-21:
Supporting the Anne
Arundel County Board of
Education's Fiscal Year
2023 Public School
Construction Capital
Improvement Program
Request**

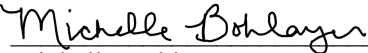
Summary of Legislation

This resolution confirms the County Executive's support and letter of support for the BOE's fiscal year 2023 (FY23) School Construction Capital Improvement Program (CIP) for submission to the Maryland State Department of Education's Interagency Committee on School Construction. We have reviewed the letter and the BOE's FY23 capital request. The BOE has increased their total FY23 CIP to \$193,009,000 from the \$151,976,000 included for FY23 in the FY22 CIP adopted by the County Council.

Review of Fiscal Impact

We agree with the fiscal note that any fiscal impact would be considered and determined in future budget deliberations.

Sincerely,


Michelle Bohlayer
County Auditor

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of

Legislative Session 2021, Legislative Day No. 21

November 1, 2021 - 7:00 P.M.

The meeting was called to order by Chair Lacey at 7:00 P.M. and opened with the Invocation given by Ms. Pickard followed by the Pledge of Allegiance. 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 were no submissions of written public testimony received for Invitation to Audience through the online testimony tool.

The following person spoke on Invitation to Audience:

Jill Brown, Millersville
Kurt Svendsen, Severna Park
David Morsberger, Davidsonville
Kathy Shields, Annapolis
Louise Thomas, Davidsonville
Julie Johnson, Annapolis
David Dull, Severna Park

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

PRELIMINARY MOTION

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

APPROVAL OF MINUTES

On motion of Mr. Pruski, seconded by Ms. Pickard, the minutes of the meeting of October 18, 2021 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 96-21 – AN ORDINANCE concerning: Cedarhurst-on-the-Bay Shore Erosion Control District – Approval of Loan and Assignment Agreement – FOR the purpose of obligating the County to levy the special tax known as the shore erosion control district assessment on the Cedarhurst-on-the-Bay Shore Erosion Control District in an amount sufficient to repay a loan from Severn Savings Bank to the Cedarhurst Citizens Association, Inc., in each of up to six (6) fiscal years during the term of the loan.

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

BILL NO. 97-21 – AN ORDINANCE concerning: Personnel – Benefits – Annual Leave – FOR the purpose of allowing annual leave accrued as of the end of pay period calendar year 2021 to be carried over and used during the first pay period of pay period calendar year 2022; increasing permitted carry over of accumulated annual leave accrued as of the end of pay period calendar year 2021; providing for the application of this Ordinance; and generally relating to personnel.

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

BILL NO. 98-21 – AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Human Relations Commission – Student Member – FOR the purpose of making the student member of the Human Relations Commission a voting member; adding the Executive Director of Arundel Community Development Services as a voting member of the Commission; and generally relating to boards, commissions, and similar bodies.

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

BILL NO. 99-21 – AN ORDINANCE concerning: Subdivision and Development – Site Development – Exemptions – FOR the purpose of exempting improvements to an existing nonresidential structure outside the critical area or bog protection area from the site development plan process under certain conditions; repealing an exemption relating to certain grading permits; and generally relating to subdivision and development.

By Mr. Volke

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 58-21 – RESOLUTION supporting the Anne Arundel County Board of Education's Fiscal Year 2023 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction
By Ms. Lacey, Chair
(by request of the County Executive)

SUSPENSION OF RULES

On motion of Ms. Rodvien, seconded by Mr. Pruski, the motion to vote to suspend the rules to change the order and hear and vote on Resolution No. 48-21 first 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

PUBLIC HEARING AND CALL OF RESOLUTION FOR FINAL READING AND/OR VOTE

The Chair called Resolution No. 48-21, Resolution approving the application to the United States Department of Justice, Office of Justice Programs, for a grant under the Edward Byrne Memorial Justice Assistance Grant Program federal FY 2021 Local Solicitation and recognizing the County Executive's authority to act in connection with the grant; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Billie Penley, Health Department and Hamilton Tyler, Office of Law, stated this is the third Byrne resolution presented to this Council. The grant provides money for various programs and there is no County match to the funds. Mr. Baron described the positions which will be funded by the Resolutions.

The Chair opened the public hearing on Resolution No. 48-21.

The Administrative Officer stated there were no submissions of public testimony received for Resolution No. 48-21.

The following individual spoke on Resolution No. 48-21:

Julie Johnson

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

Mr. Baron stated that the Administration was not going to purchase military equipment with the grant. Mr. Tyler stated he did not recall that this was ever done with this grant.

The Chair called Resolution No. 48-21, Resolution approving the application to the United States Department of Justice, Office of Justice Programs, for a grant under the Edward Byrne

Memorial Justice Assistance Grant Program federal FY 2021 Local Solicitation and recognizing the County Executive's authority to act in connection with the grant; and the Administrative Officer read the title.

Resolution No. 48-21 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

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

BILL NO. 80-21 (As Amended)

The Chair called Bill No. 80-21, as amended, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management and Subdivision and Development – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size – FOR the purpose of making it a Class A civil offense to clear trees of significant size in violation of County erosion and sediment control law; amending the factors to be used when determining a fine for a Class A civil offense; amending the definition of “clearing”; adding a definition of “hazardous tree; and generally relating to floodplain management, erosion and sediment control, and stormwater management; and the Administrative Officer read the title.

Ms. Pickard, Sponsor, stated this bill was heard at the last meeting and was amended. Ms. Pickard stated she had worked on the bill with Ms. Rodvien and the Administration. She explained the purpose and intent of the bill and the fines that would be incurred.

Ms. Rodvien thanked the Administration and the Co-Sponsors of the bill.

Pete Baron, Director, Government Affairs, accompanied by Matt Johnston, Environment Policy Director, Mark Wedemeyer, Inspections and Permits and Kelly Kenney, Supervising County Attorney, stated they had discussed the bill at earlier meetings. He stated this bill will help to enforce the intent of the Forest Conservation law past previously.

Ms. Haire asked if general maintenance of a property owner's trees is included in this bill.

Ms. Kenney stated it is not.

Mr. Volke asked how this bill will help with enforcement and how many cases they have that this bill would help with.

Mr. Johnston stated this bill will give Inspections and Permits the authority to see if there are any large specimen trees that are cut down during clearing and if there are to impose fines. It also gives Inspections and Permits discretion in fining if there is an accidental clearing.

Mr. Johnston stated there are many instances of clearing without permits and there is a whole staff who go out to check on these instances every day. There has not been a law that enabled them to see how many specimen trees were included in unpermitted clearing.

Ms. Pickard described a situation in Annapolis where unpermitted clearing had occurred and the developer only got a \$500 fine.

Ms. Haire asked how many fines has been issued in the last three years.

Mr. Wedemeyer stated he did not have that number available.

Mr. Volke asked if the fine was per tree cut.

Mr. Johnston stated it was a fine for the entire clearing activity up to \$10,000.

The Chair opened the public hearing on Bill No. 80-21, as amended.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 80-21, as amended, which were posted to the website and are part of the official record.

The following individual spoke on Bill No. 80-21, as amended:

Julie Johnson, Annapolis

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

Ms. Haire asked if there was potential to have a homeowner caught up in this and would be facing a \$10,000 fine.

Mr. Baron stated they would have to clear 5,000 square feet of trees and would have to already be doing a significant amount of clearing. He stated there is also discretion built into the bill.

The Chair called Bill No. 80-21, as amended, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management and Subdivision and Development – Violation, Enforcement, and Penalties – Civil Fines – Clearing Trees of Significant Size; and the Administrative Officer read a portion of the title.

Bill No. 80-21, as amended, was passed by the following roll call vote:

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

BILL NO. 83-21

The Chair called for the public hearing on Bill No. 83-21, An Emergency Ordinance concerning: Zoning – General Provisions – Uses and Structures – Temporary Uses – For the purpose of amending certain termination dates established by Bill No. 55-21 to extend the temporary use authorization for outdoor seating at restaurants; and making this Ordinance an emergency measure; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, Deputy CAO for Land Use, Steven Kaii-Ziegler, Director, Planning and Zoning, and Lori Blair Klasmeier, Legislative County Attorney, stated this bill amends the sunset date of Bill No. 55-21, which extended the authorization for outdoor seating at restaurants. The new sunset date will be January, 2023. He stated that this would give restaurants time to recover from the impact of the pandemic.

Mr. Baron stated that the Administration recognizes that many people are not yet comfortable dining inside of restaurants yet. He stated the Administration would request a brief recess if the bill is passed to electronically transmit the bill to the County Executive for his signature.

Mr. Volke asked if this bill has anything to do with a state of emergency in the County at this time.

Ms. Blair Klasmeier stated it does not.

Mr. Volke asked if the emergency nature of the bill is because the Council and Administration want the bill to take effect immediately after the County Executive signs it instead of the normal 45 day wait period. He asked for verification that it has no intent to reinstate the State of Emergency in the County.

Ms. Blair Klasmeier stated that was correct.

Mr. Pruski stated the bill is so that restaurants can keep their tents up or take them down, at their discretion.

The Chair called for the public hearing on Bill No. 83-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 83-21.

The following persons spoke on Bill No. 83-21:

David Morsberger, Davidsonville
David Dull, Severna Park
Julie Johnson, Annapolis

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

Mr. Baron stated the bill clarified what areas could be used for outdoor dining.

Mr. Volke asked to be added as a Co-Sponsor to the bill. He stated that a constituent had contacted him about handicapped accessible spaces and verified that this bill does not allow outdoor dining in handicapped accessible spaces.

Ms. Rodvien spoke about the determination of what an emergency is.

Ms. Fiedler stated this legislation is important to businesses in her district.

Ms. Haire asked to be added as a Co-Sponsor.

Ms. Lacey stated she thought that the January 2023 date was further than she would have gone.

Ms. Pickard stated this bill was to try to save legislative time so it isn't required to come back every six months for another extension.

Ms. Rodvien stated there also seems to be thoughts to make some parts of this bill permanent which also could be considered with further legislation.

Mr. Volke, Ms. Fiedler and Ms. Haire asked to be added as Co-Sponsors of Bill No. 83-21.

The Chair called Bill No. 83-21, An Emergency Ordinance concerning: Zoning – General Provisions – Uses and Structures – Temporary Uses; and the Administrative Officer read a portion of the title.

Bill No. 83-21 was passed by the following roll call vote:

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

RECESS

The Chair called for a motion for a five minute recess for the Administration to acquire the County Executive's signature on Bill No. 83-21.

Mr. Volke made a motion, Mr. Pruski seconded, to recess for five minutes for the County Executive to sign Bill 83-21. All Councilmembers voted aye.

The Council reconvened at 7:03 p.m. with all Council present.

BILL NO. 84-21

The Chair called for the public hearing on Bill No. 84-21, An Ordinance concerning: Approval of Lease of County-owned property to the Boys and Girls Clubs of Annapolis and Anne Arundel County, Inc. – For the purpose of approving the lease of a portion of a County-owned property known as 1160 Reece Road, Severn, MD 21144, to the Boys & Girls Clubs of Annapolis and Anne Arundel County, Inc.; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Chris Daniels, Central Services, Kathleen Koch, Executive Director, ACDS and Christine Neiderer, Office of Law, stated

the Administration was excited to bring Bill No. 84-21 to the Council. He explained the building's purpose, administration and operation.

Ms. Koch stated she excited to have this bill before the Council.

Ms. Pickard thanked all of those individuals who had worked on this bill.

Ms. Lacey stated this will be in her district and discussed the obstacles that were overcome to bring this plan into place. She thanked her colleagues for their support

The Chair opened the public hearing on Bill No. 84-21.

The Administrative Officer stated there were no submissions of public testimony received for Bill No. 84-21.

The following persons spoke on Bill No. 84-21:

Garry Mohler, Jessup
Julie Johnson, Annapolis

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

Ms. Haire asked if there was a competitive RFP to achieve the lease.

Ms. Koch stated there was not because the majority of the funding was available because of the Boys and Girls Club and the community they serve.

Ms. Haire asked why this was the case when it was not so with the Pascal lease a few months ago.

Mr. Baron stated it was not the same because the funding source was specific to the Boys and Girls Club and they were talking about an existing building and deciding what the building would be used for.

Ms. Koch explained the needs of the communities and the studies that were done. She stated there was a public process in 2005.

Ms. Lacey stated she was not aware of anyone competing to use the lot adjacent to the school during the prior 30 years to build a building from scratch. She does not see it being comparable to Pascal which was going to use an existing building.

There was continued discussion of the RFP process.

The Chair called Bill No. 84-21, An Ordinance concerning: Approval of Lease of County-owned property to the Boys and Girls Clubs of Annapolis and Anne Arundel County, Inc.; and the Administrative Officer read a portion of the title.

Bill No. 84-21 was passed by the following roll call vote:

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

Nay – None

BILL NO. 85-21

The Chair called for the public hearing on Bill No. 85-21, An Ordinance concerning: Subdivision and Development – Adequate Public Facilities – Public Schools – For the purpose of modifying the provisions for an exemption from requirements for adequate public facilities for schools; restoring provisions relating to the school utilization chart as they existed before the sunset of Bill No. 15-18; making certain technical changes; and generally relating to subdivision and development; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, Deputy CAO for Land Use, Steven Kaii-Ziegler, Director, Planning and Zoning, Lynn Miller, Planning and Zoning, and Lori Blair Klasmeier, Legislative County Attorney, stated the purpose of the bill and the need for the schools. He stated that the need for this bill is the result of years of previous Administrations and Councils that did not plan ahead. He explained the work group that had been convened and what their findings were. He stated the work was hard and complicated.

Ms. Fiedler asked if without this bill, would there be schools that would be closed that would be open.

Mr. Baron stated there would be on the next school chart.

Ms. Pickard stated the work being done is difficult and complicated and urged support of the amendments when they were presented.

Ms. Rodvien asked if there is a timeframe the work group is working under.

Mr. Baron stated the Administration is committed to completing the task correctly and didn't want to give an arbitrary deadline. He stated it needs to be done correctly or they will be right back where they are now.

Mr. Kaii-Ziegler stated the current timeline is late spring to early summer of 2022. He stated that every time they meet there are new issues to deal with. There are also a large number of people who are engaged with the process.

Ms. Haire asked if there is anything in the bill that is new since the passage of the GDP.

Mr. Baron stated if the proposed amendments are included it should match up with Bill No. 92-17 and Bill No. 15-18.

Ms. Pickard stated the workgroup consists of many stakeholders and is sharing information that has not been shared previously. She stated it tackles many issues that will need to be discussed by the community.

The Chair opened the public hearing on Bill No. 85-21.

The Administrative Officer stated there were two submissions of public testimony received for Bill No. 85-21, as amended, which were posted to the website and are part of the official record.

The following persons spoke on Bill No. 85-21:

David Dull, Severna Park
Julie Johnson, Annapolis

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

The Chair called Bill No. 85-21, An Ordinance concerning: Subdivision and Development – Adequate Public Facilities – Public Schools; 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 provides for an additional mitigation option when schools are over 95% state-rated capacity but less than 100%, and allows donations of land for new or expanded school facilities to mitigate capacity deficiencies based on the value of the land donated and the actual costs of construction of new or expanded school facilities.

Mr. Baron stated the purpose of the amendment.

Mr. Volke asked if the purpose of the amendment was to go back to the portions of the Code prior to the GDP.

Mr. Baron stated that was correct.

Mr. Volke asked how they had missed so much of the content in the prior bills.

Mr. Baron said it was an error. He stated they should have gotten it correct the first time.

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

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

Amendment No. 2

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

This amendment adds as a condition for passing the test for adequacy of school facilities that the number of students projected to be generated by the development does not exceed 85% of the available capacity of each open school.

Mr. Baron stated the purpose of the amendment. They missed the mitigation portion when they drafted the bill.

Ms. Fiedler asked if since the passage of the former bills if any land has been donated to mitigate school capacity.

Ms. Blair Klasmeier stated there has not been.

Ms. Haire asked what the process was for how this would work and how much land would need to be donated.

Mr. Kaii-Ziegler explained the process between a developer and the County to determine if the donation in question is appropriate.

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

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

Nay – Mr. Volke

Amendment No. 3

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

This amendment clarifies that the application referred to is the initial application for subdivision or a site development plan.

Ms. Pickard stated the purpose of the amendment.

Mr. Baron stated the Administration has no issue with the amendment.

Ms. Haire asked when the timing starts now.

Mr. Kaii-Ziegler stated there are many factors that determine when the clock starts.

Ms. Blair Klasmeier stated it was to clarify something that had been deleted but which needed to be partly included.

Ms. Haire asked to be sure we were not going to affect anyone who was in the process.

Ms. Blair Klasmeier stated that it was not.

On motion of Mr. Pruski, seconded by Ms. Rodvien, Amendment No. 3 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

Amendment No. 4

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

This amendment provides that the provisions of this Ordinance will terminate on May 1, 2023.

Ms. Pickard stated the purpose of the amendment.

Mr. Baron stated the Administration is comfortable with the date.

Mr. Volke stated he was concerned about the deadline and thought it may be better just to let the work group do their job and see when they are finished.

Mr. Baron stated Mr. Kaii-Ziegler stated this is a generational culmination of policy decisions that have made this type of deep dive necessary. He stated they are comfortable with a date certain or with no date. He stated the work is done when it is completed.

Ms. Pickard stated she prefers the date certain.

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

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

The Chair stated that Bill No. 85-21, as amended, will be heard on November 15, 2021.

BILL NO. 86-21

The Chair called for the public hearing on Bill No. 86-21, An Ordinance concerning: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Public Safety Officer Property Tax Credit – For the purpose of extending the duration of the Public Safety Officer property tax credit; extending the termination of the Public Safety Officer property tax credit; and generally relating to finance, taxation, and budget; and the Administrative Officer read the title.

Mr. Pruski, Sponsor, stated the purpose of the bill.

Pete Baron, Director, Government Affairs, accompanied by Hujia Hasim, Budget Office, Darcy Good, Finance and Kelly Kenney, Office of Law, stated the Administration supports to bill.

Ms. Rodvien asked to be added as a Co-Sponsor of the bill.

The Chair opened the public hearing on Bill No. 86-21.

The Administrative Officer stated there was one submission of public testimony received for Bill No. 86-21, as amended, which were posted to the website and are part of the official record.

The following persons spoke on Bill No. 86-21:

Kurt Svendsen, Arnold
Frederick Fontz, Crofton
Joe Larson, Anne Arundel County Volunteer Firefighters
O'Brien Atkinson, Fraternal Order of Police
Julie Johnson, Annapolis
David Dull, Severna Park

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

Mr. Pruski stated he supports this bill because of who it is benefiting and that these public servants have worked hard during the pandemic and deserve our support. It will also help in hiring and retention.

Mr. Volke stated it is expensive, but he is supporting the bill because he thinks it is a good bill and will help with recruitment and retention.

Ms. Rodvien stated she has spoken to members of the public safety officer groups and that we need to find ways to improve morale and this is a good way to work toward that goal.

Ms. Lacey stated she agrees with the speakers as well as the criticism of the bill. She thinks that retention and recruitment for these positions are important and hopes this will help with those things. She stated it make sense to maximize the investment the County makes in training.

The Chair called Bill No. 86-21, An Ordinance concerning: Finance, Taxation, and Budget – Real Property Taxes – Tax Credits – Public Safety Officer Property Tax Credit; and the Administrative Officer read a portion of the title.

Bill No. 86-21 was passed by the following roll call vote:

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

BILL NO. 87-21

The Chair called for the public hearing on Bill No. 87-21, An Ordinance concerning: Licenses and Registrations – Amusements – Commercial Bingo and Alcoholic Beverages – For the purpose of repealing the prohibition against serving alcoholic beverages during commercial bingo games; and generally relating to licenses and registrations; and the Administrative Officer read the title.

Ms. Lacey, Sponsor, stated the purpose of the bill.

Pete Baron, Director, Government Affairs, accompanied by Kelly Kenney, Supervising County Attorney, stated the Administration supports the bill.

Mr. Volke, Co-Sponsor, asked for the Council's support.

Mr. Pruski, Co-Sponsor, asked for the Council's support.

Ms. Pickard asked to be added as a Co-Sponsor.

Ms. Fiedler asked to be added as a Co-Sponsor.

Ms. Rodvien asked how the law got on the books. Ms. Kenney stated she did not know how the law came into effect but would research it and let her know.

The Chair opened the public hearing on Bill No. 87-21.

The Administrative Officer stated there were no submissions of written testimony.

The following persons spoke on Bill No. 87-21:

Jerrold Evans, Davidsonville
Randy Clemons, Pasadena
David Dull, Severna Park

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

The Chair called Bill No. 87-21, An Ordinance concerning: Licenses and Registrations – Amusements – Commercial Bingo and Alcoholic Beverages; and the Administrative Officer read a portion of the title.

Bill No. 87-21 was passed by the following roll call vote:

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

CALL OF RESOLUTIONS FOR FINAL READING AND VOTE

RESOLUTION NO. 54-21

The Chair called Resolution No. 54-21, Resolution requesting the Charter Revision Commission to consider certain issues; and the Administrative Officer read the title.

Ms. Rodvien stated the purpose of the resolution.

Ms. Haire stated the resolution calls for consideration by the Charter Review Commission of certain items and wanted the public to be aware the Council is not saying anything positive or negative about any of the items. It simply is requesting their review and recommendation.

Ms. Fiedler stated she has gotten questions about the resolution and wanted the public to know that a supermajority of the Council will be required to approve any changes.

Ms. Blair Klasmeier verified this. She also clarified the timing difference is because of the late results receipt of the census data.

Ms. Rodvien detailed the list of items the Council wished to have the Commission consider.

The Chair called for the public hearing on Resolution No. 54-21.

The Administrative Officer stated there were no submissions of written testimony.

The following individuals spoke on Resolution No. 54-21:

Kurt Svendsen, Arnold
Patric Enright, Gambrills

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

Ms. Lacey explained that all of the questions submitted by the Council were included in the resolution with no editing, which may explain some that seem repetitive.

Ms. Haire stated that putting the 1963 proposed Charter up on the website is a good idea.

Ms. Corby stated they are working on putting items on the website but the documents are aging and in some instances fragile. She stated they are working with the Office of Law to make sure all laws are followed.

The Chair called Resolution No. 54-21, Resolution requesting the Charter Revision Commission to consider certain issues; and the Administrative Officer read the title.

Resolution No. 54-21 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

The Chair stated that the following resolutions would be read individually but a joint discussion and hearing would be held.

RESOLUTION NO. 55-21, RESOLUTION NO. 56-21, AND RESOLUTION 57-21

The Chair called for the public hearing on Resolution No. 55-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 2; and the Administrative Officer read the title.

The Chair called for the public hearing on Resolution No. 56-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 4; and the Administrative Officer read the title.

The Chair called for the public hearing on Resolution No. 57-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 7; and the Administrative Officer read the title.

Pete Baron, Director, Government Affairs, accompanied by Lori Rhodes, Deputy DCAO for Land Use, Steven Kaii-Ziegler, Director, Planning and Zoning, Christina Pompa, Planning and Zoning, and Lori Blair Klasmeier, Legislative County Attorney, explained the purpose of the resolutions. He stated they received over 130 applications for the 15 positions which are available. He stated there were difficult choices when there are so many qualified applicants. He explained that the SAC meetings will be open meetings and allow for public participation.

Mr. Baron explained the process which was developed to review the applications and the composition of each of the SAC groups. The Administration thanked the group at the Office of Planning and Zoning who reviewed the applications.

Mr. Baron gave an overview of each of the regions, their composition and how many applicants there were for each region.

Ms. Fiedler asked if the Administration has contacted the people who are in the resolution as well as the people who were not selected.

Mr. Baron stated everyone has been contacted.

The Chair opened a joint public hearing on Resolution No. 55-21, Resolution No. 56-21 and Resolution No. 57-21.

The Administrative Officer stated there were no submissions of written testimony.

The following persons testified on the resolutions:

Ellen Moss, Jessup
Garry Mauler, Jessup

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

Ms. Lacey asked how the conflict of interest questions were handled.

Ms. Blair Klasmeier stated they passed the question to the Ethics Committee. They agreed with his assessment that it is not improper to have someone on the committee who has a stake in

a piece of property in the area. It may be proper for that person to recuse themselves if a particular piece of property they have an interest in is being discussed.

Mr. Baron stated their position that all voices should be heard on the committees.

Mr. Pruski stated he had not been selected many years ago for one of the committees, but he did testify. He asked if a meeting location had been selected yet.

Ms. Pompa stated their plan is to do some virtual and some in the region being discussed.

Ms. Haire asked how many proposed appointees were residents versus business owners. She outlined her count based on the resolutions. She also asked if all appointments are made by resolution.

Mr. Baron stated the Administration made sure that the composition of the committees would reflect appropriately the area being represented. He stated all appointments are done by Council resolution.

Ms. Fiedler asked about the committee's recommendations. She asked if there was more chances for public participation.

Mr. Baron stated there would.

Ms. Fiedler asked if there was a schedule set out for the committee.

Mr. Baron stated the work to be completed will dictate the schedule.

Mr. Kaii-Ziegler stated the application review process took over three months. He stated they are six to nine months behind. They need to review the time commitments and the participants' availability. He estimated that the process would take 18-30 months to complete from when the group starts.

Mr. Volke asked if the Administration has reviewed the party affiliation of the participants on the committee.

Mr. Baron stated they did not.

Mr. Volke stated he had and it seemed that there were many who were registered democrats. He asked if that was happenstance.

Mr. Baron stated it was happenstance.

The Chair called Resolution No. 55-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 2; and the Administrative Officer read the title.

Resolution No. 55-21 was adopted by the following roll call vote:

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

The Chair called Resolution No. 56-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 4; and the Administrative Officer read the title.

Resolution No. 56-21 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

The Chair called Resolution No. 57-21 – Resolution approving the nominations for appointment to the Stakeholder Advisory Committee for Region Planning Area No. 7; and the Administrative Officer read the title.

Resolution No. 57-21 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 Mr. Pruski, seconded by Ms. Pickard, the meeting adjourned at 10:13 P.M.

Respectfully submitted,

By Susan F. Cline

For Laura Corby
Administrative Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 22

Bill No. 100-21

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

By the County Council, November 15, 2021

Introduced and first read on November 15, 2021
Public Hearing set for December 20, 2021
Bill Expires February 18, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Pensions – Reemployment – Reduction of Benefits
2
3 FOR the purpose of limiting the exemption from pension benefit reduction to the first 1,500
4 hours worked for certain reemployment situations; and generally relating to pensions.
5
6 BY repealing and reenacting with amendments: § 5-1-203(c)(1)
7 Anne Arundel County Code (2005, as amended)
8

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

ARTICLE 5. PENSIONS

TITLE 1. GENERAL PROVISIONS

5-1-203. Reemployment.

(c) When benefits not reduced.

20 (1) Except as provided in § 5-1-515, a participant's retirement benefit may not be
21 reduced if:

22
23 (i) the employee is retired from the County as a classified employee and is
24 reemployed by the County as:

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.

1 1. an exempt employee under § 802(a)(14) of the Charter, BUT ONLY FOR
2 THE FIRST 1,500 HOURS WORKED IN A CALENDAR YEAR;

3
4 2. an exempt employee under § 802(a)(17) of the Charter;

5
6 3. an employee of the Sheriff in a position that requires the employee to be
7 certified as a Police Officer by the Police Training Commission if the employee was
8 certified as a Police Officer by the Police Training Commission at the time the employee
9 retired; or

10
11 4. an employee of the State's Attorney in a position that requires the
12 employee to be certified as a Police Officer by the Police Training Commission if the
13 employee was certified as a Police Officer by the Police Training Commission at the time
14 the employee retired; or

15
16 (ii) the employee retired from the County as an exempt employee under §§ 6-
17 2-101, 6-2-104, or 6-2-105 of this Code in a position that is not exempt from the provisions
18 of the Fair Labor Standards Act, 29 U.S.C. §§ 207 et seq. and is reemployed by the County
19 as an exempt employee under § 802(a)(14) of the Charter, BUT ONLY FOR THE FIRST 1,500
20 HOURS WORKED IN A CALENDAR YEAR.

21
22 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
23 from the date it becomes law.

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

BILL NUMBER: 100-21

INTRO. DATE: Nov. 15, 2021

FISCAL NOTE

BILL: **AN ORDINANCE CONCERNING: PENSIONS – REEMPLOYMENT –
REDUCTION OF BENEFITS**

SUMMARY OF LEGISLATION

The purpose of this legislation is to limit the exemption from pension benefit reduction to the first 1,500 hours worked for certain reemployment situations.

FISCAL IMPACT

There is no estimated fiscal impact associated with this legislation.


Chris Trumbauer
Budget Officer

11/12/2021
Date

Prepared by: Hannah Dier
Reviewed by: Steven Theroux

cc: Karin McQuade, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 22

Bill No. 101-21

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

By the County Council, November 15, 2021

Introduced and first read on November 15, 2021
Public Hearing set for December 20, 2021
Bill Expires February 18, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Approval of private disposition of County-owned property
2 located in Millersville, Maryland
3

4 FOR the purpose of approving the terms and conditions under which the County may
5 convey certain County-owned property to the Board of Education of Anne Arundel
6 County (“BOE”).
7

8 WHEREAS, the County acquired property known as the Southgate Old Mill Park
9 located at 8224 Oakwood Road in Millersville, Maryland, pursuant to a deed
10 recorded in the County Land Records in Book 3510, page 873 (“Park Property”);
11 and
12

13 WHEREAS, the BOE desires to acquire from the County part of the Park Property
14 comprised of approximately 25.3016 acres, as described in Exhibit A and shown
15 on the plat marked Exhibit B, both attached hereto (the “Property”), for the sum of
16 Zero Dollars (\$0) to construct a middle school; and
17

18 WHEREAS, pursuant to § 8-3-204(g) of the County Code, the County may
19 negotiate and make a private disposition of property if the County Executive
20 determines that the public interest will be furthered by a private disposition of
21 property, and if the terms and conditions of such private disposition are first
22 approved by ordinance of the County Council; and
23

24 WHEREAS, the County Executive has determined that the public interest will be
25 furthered by this private disposition of the Property; and

1 WHEREAS, by this Ordinance, the County Council approves the private
2 disposition of the Property in accordance with the terms and conditions as set forth
3 herein; now therefore,
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
6 That a private disposition of the Property, as described in Exhibit A and shown on Exhibit
7 B, both attached hereto, to the BOE is hereby approved upon the following terms and
8 conditions:
9

10 1. the sale price shall be Zero Dollars (\$0);
11

12 2. the grantee of the Property shall be the BOE;
13

14 3. the conveyance shall be in the form of a deed without warranties;
15

16 4. any expenses associated with the sale and conveyance of the Property to the BOE
17 shall be borne by grantee; and
18

19 5. the sale and conveyance shall be in accordance with any other reasonable
20 conditions determined by the County Executive to be necessary for the protection of the
21 County's interest.
22

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

EXHIBIT A
Legal Description of Lot 1
To Board of Education of Anne Arundel County

Being all of Parcels 1 and 3 of the land which by deed dated August 4, 1982 and recorded among the Land Records of Anne Arundel County in Liber 3510 folio 873 was conveyed by Board of Education of Anne Arundel County, Maryland to Anne Arundel County, Maryland.

Beginning for the same at a pipe found on the northwest side of the Old Mill Road, 30 feet wide at the end of the 1st or South 62 degrees 28 minutes 40 seconds East 209.78 foot line of Parcel 3 of the land which by deed dated August 4, 1982 and recorded among the Land Records of Anne Arundel County in Liber 3510 folio 873 was conveyed by Board of Education of Anne Arundel County, Maryland to Anne Arundel County, Maryland, thence running with the northwest side of said road and the 2nd line of said conveyance as now surveyed by Precision Survey and Mapping LLC, referring all courses of this description to the Maryland Coordinate System (NAD83/NA2011 epoch 2010),

- 1.) South 28 degrees 40 minutes 32 seconds West for a distance of 225.13 feet to the end thereof, thence leaving the outline of Parcel 3, continuing to bind on the northwest side of said road and also running reversely on the 7th or North 35 degrees 39 minutes 20 seconds East 583.89 foot line of the aforementioned Parcel 1,
- 2.) South 28 degrees 40 minutes 32 seconds West for a distance of 584.96 feet to the end of the 4th line or South 51 degrees 50 minutes East 300.00 foot line of the land which by deed dated April 30, 2020 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 34571 folio 1 was conveyed by Donald F. Willhelm and Mary Kathryn Willhelm to Steven A. Cobern and Deborah A. Cobern, thence leaving said Old Mill Road and running reversely on said 4th line and also binding reversely on the 6th line of Parcel 1 of the land which by deed dated August 4, 1982 and recorded among the Land Records of Anne Arundel County in Liber 3510 folio 873 was conveyed by Board of Education of Anne Arundel County, Maryland to Anne Arundel County, Maryland,
- 3.) North 61 degrees 14 minutes 02 seconds West for a distance of 300.00 feet to the northeast corner of Lot 60 as shown on plat of Williamstowne, which plat is recorded as Plat No. 4301 in Plat Book 82 Page 26, thence binding on the northeast outline of said plat and also running reversely with the 5th line of Parcel 1 of the conveyance to Anne Arundel County, Maryland
- 4.) North 66 degrees 41 minutes 02 seconds West for a distance of 1246.52 feet to an iron rod found at the northwest corner of a Recreation Area as shown on said plat, also being in the outline of the Elvaton Towne Condominiums, Regime Two, Phase 16, which plat is recorded among the Land Records of Anne Arundel County, Maryland as Plats E669-E675, Plat Book E14 Pages 19-25, thence running with the outline of said plat and reversely on the 4th and 3rd lines of the aforesaid Parcel 1,
- 5.) North 46 degrees 55 minutes 35 seconds East for a distance of 207.47 feet, thence

- 6.) North 35 degrees 36 minutes 45 seconds East for a distance of 413.87 feet to a rebar and cap found, thence running reversely with the 2nd or North 83 degrees 28 minutes 20 seconds West 531.16 foot line of aforementioned Parcel 1,
- 7.) North 89 degrees 42 minutes 37 seconds East for a distance of 530.11 feet, to the southwest corner of a Recreation Area as shown on the plat entitled "The Orchard", which plat is recorded among the Land Records of Anne Arundel County, Maryland as Plat 3636 in Plat Book 69 Page 11, also being the end of the 1st or North 52 degrees 09 minutes 40 seconds West 419.82 foot line of the aforementioned Parcel 1, thence binding on the outline of said plat and running reversely on said 1st line,
- 8.) South 59 degrees 07 minutes 08 seconds East for a distance of 419.52 feet to the beginning of Parcel 1 and the end of the 4th or North 62 degrees 28 minutes 40 seconds 547.11 foot line of the Parcel 2 which by deed dated August 4, 1982 and recorded among the Land Records of Anne Arundel County in Liber 3510 folio 873 was conveyed by Board of Education of Anne Arundel County, Maryland to Anne Arundel County, Maryland, thence running reversely on the 4th line of Parcel 2 and reversely on the 10th line or North 62 degrees 28 minutes 40 seconds West 337.33 foot line of the aforementioned Parcel 1,
- 9.) South 69 degrees 22 minutes 54 seconds East for a distance of 337.15 feet to the beginning of Parcel 3, thence running with the 1st and continuing to bind reversely on the aforementioned 4th line of Parcel 2,
- 10.) South 69 degrees 22 minutes 54 seconds East for a distance of 209.78 feet to the point of beginning.

Containing 1,102,317 square feet or 25.3016 acres of land, more or less.

Being shown as Lot 1 on Exhibit 'B' attached hereto and recorded herewith.

SAVING AND EXCEPTING THEREFROM, a cemetery which is described in the deed August 4, 1982 and recorded among the Land Records of Anne Arundel County in Liber 3510 folio 873 and a 15-foot right of way.



Charles S. Ruzicka, LS 9/23/21
Registered Maryland Professional Land Surveyor, No. 21169,
Expiration Date: 6/26/2023

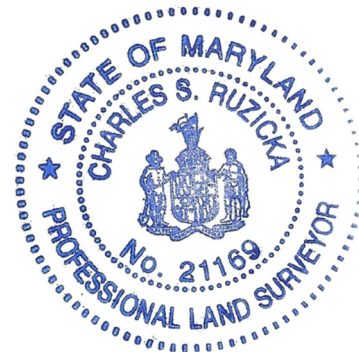
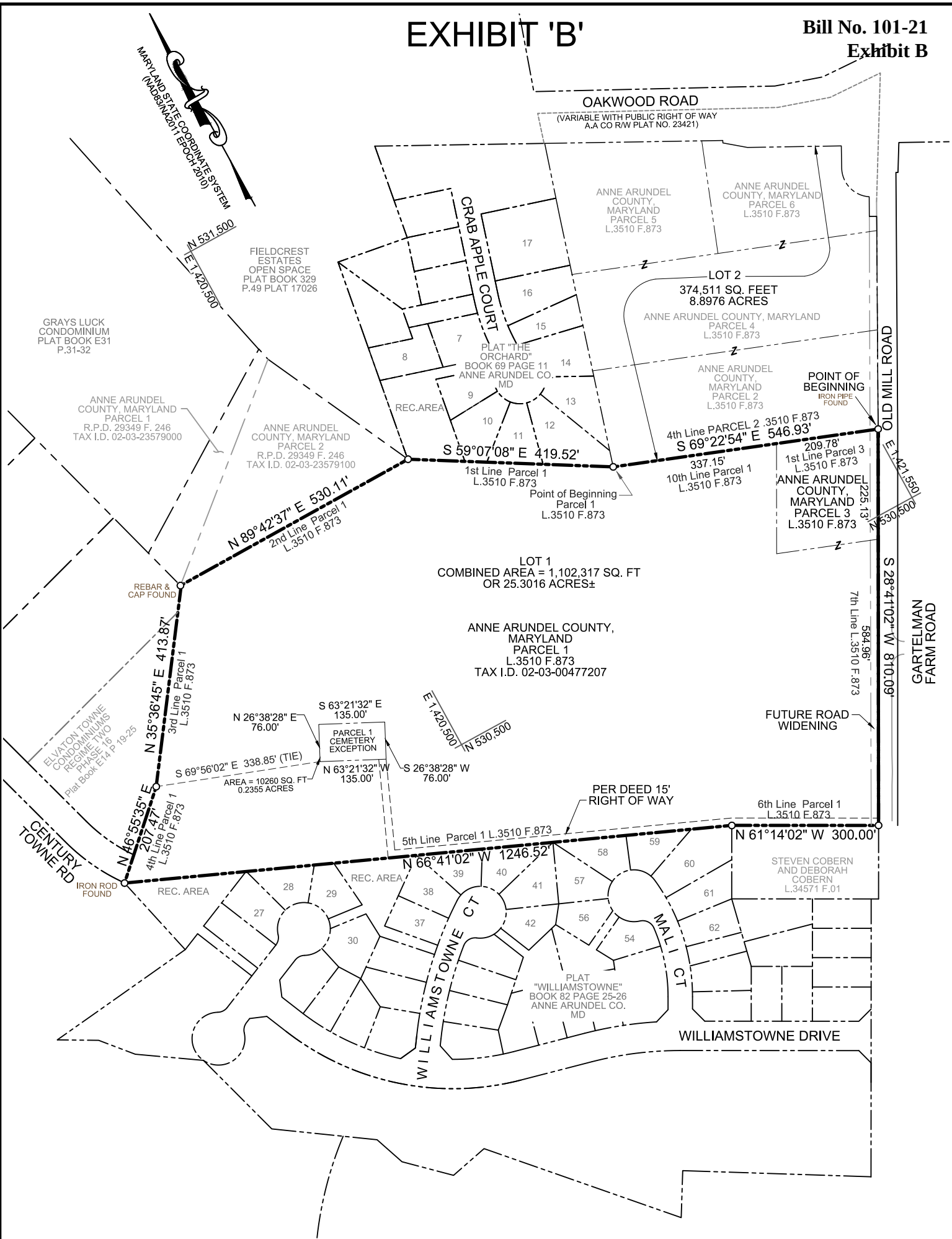


EXHIBIT 'B'

Bill No. 101-21
Exhibit B



GENERAL SURVEY NOTES:

1. THE PURPOSE OF THIS PLAT IS TO SHOW A CONSOLIDATION OF SEVERAL PARCELS OF LAND OWNED BY ANNE ARUNDEL COUNTY, MARYLAND AND DESCRIBED IN:

LIBER 3510 FOLIO 873 (6 PARCELS) TAX I.D. 02-03-00477207
LIBER R.P.D. 29349 FOLIO 246 (2 PARCELS) TAX I.D. 02-03-23579000 AND TAX I.D. 02-03-23579100

2. ADDRESS FOR THE PROPERTY: 8224 OAKWOOD ROAD, MILLERSVILLE MARYLAND 21108



**PRECISION**
SURVEY AND MAPPING LLC
Using Modern Technology to Map America
6809 South River Drive
Baltimore, Maryland 21220
www.precisionsurveys.us
Phone: 410-459-2124

DATE	5-11-21
SCALE	1"=250'
DESIGNED BY	
DRAWN BY	JRO

SUBDIVISION AND CONSOLIDATION PLAT FOR
BOARD OF EDUCATION OF ANNE
ARUNDEL COUNTY
SOUTHGATE OLD MILL PARK
8224 OAKWOOD ROAD
MILLERSVILLE, MARYLAND 21108
ANNE ARUNDEL COUNTY
JUNE 14,2021

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

BILL NUMBER: 101-21

INTRO. DATE: Nov. 15, 2021

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: APPROVAL OF PRIVATE
DISPOSITION OF COUNTY-OWNED PROPERTY CONSISTING OF
APPROXIMATELY 25.3016 ACRES, LOCATED IN MILLERSVILLE,
MARYLAND**

SUMMARY OF LEGISLATION

The purpose of this legislation is to approve the terms and conditions under which the County may convey certain County-Owned property to the Board of Education (BOE) of Anne Arundel County.

FISCAL IMPACT

There is no estimated fiscal impact associated with this legislation. The County will convey the property to the BOE for a sale price of \$0.

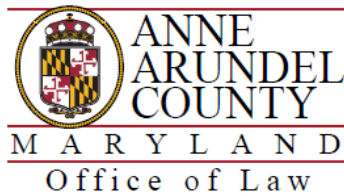
The BOE plans to construct a middle school on the property. The capital budget includes an appropriation for Old Mill MS South (E550400) for construction of the new middle school.


Chris Trumbauer
Budget Officer

11/12/2021
Date

Prepared by: Hannah Dier

cc: Karin McQuade, Controller



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

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

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

Date: November 15, 2021

Subject: Bill No. 101-21, Private Disposition of County-owned Property to the Board of Education of Anne Arundel County

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. 101-21, an ordinance that approves the terms and conditions under which the County may convey certain County-owned property to the Board of Education of Anne Arundel County ("BOE").

Background. The County acquired certain property from the BOE known as the Southgate Old Mill Park ("Park") located at 8224 Oakwood Road in Millersville, Maryland, pursuant to a deed dated August 4, 1982 and recorded among the Land Records of Anne Arundel County in Book 3510, page 873 ("Deed"). The BOE desires to acquire part of the Park property consisting of approximately 25.3016 acres ("Property") to construct a middle school.

Section 8-3-204(g) of the County Code provides that the County may negotiate and make a private disposition of property if the County Executive determines the public interest will be furthered by a private disposition of property, and if the terms and conditions of such private disposition are first approved by ordinance of the County Council. The County Executive has determined that the public interest will be furthered by a private disposition of the Property to the BOE for the purpose of constructing the school.

Purpose. The purpose of the Bill is to approve the private disposition of the Property to the BOE subject to the following terms and conditions:

1. the sale price shall be Zero Dollars (\$0);

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

2. the grantee of the Property shall be the BOE;
3. the conveyance shall be in the form of a deed without warranties;
4. any expenses associated with the sale and conveyance of the Property to the BOE shall be borne by grantee; and
5. the sale and conveyance shall be in accordance with any other reasonable conditions determined by the County Executive to be necessary for the protection of the County's interest.

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

cc: Honorable Steuart Pittman, County Executive
Matthew Power, Chief Administrative Officer
Dr. Kai Boggess-de Bruin, Chief of Staff
Peter Baron, Director of Government Relations
Chris Trumbauer, Senior Policy Advisor to the County Executive and Budget Officer
Christine Anderson, Central Services Officer
Jessica Leys, Director of Recreation & Parks
Greg Stewart, Board of Education of Anne Arundel County

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 22

Bill No. 102-21

Introduced by Mr. Volke

By the County Council, November 15, 2021

Introduced and first read on November 15, 2021

Public Hearing set for December 20, 2021

Bill Expires on February 18, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Adult
2 Independent Dwelling Units – Setbacks

3
4 FOR the purpose of clarifying that structures in an adult independent dwelling facility be
5 located a certain distance from all lot lines; requiring that parking areas for adult
6 independent dwelling units be located a certain distance from residential lot lines; and
7 generally relating to zoning.
8

9 BY repealing and reenacting, with amendments: § 18-10-121(2) and (3)
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

ARTICLE 18. ZONING

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-121. Dwelling units, adult independent.

20
21 An independent dwelling facility for adults shall comply with all of the following
22 requirements:
23

24 ***

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 (2) [[The facility]] STRUCTURES shall be located at least 50 feet from all lot lines.

2

3 (3) Parking areas [[may not be located in the required setbacks]] SHALL BE
4 LOCATED AT LEAST 15 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY.

5

6 ***

7 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
8 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: November 15, 2021

Subject: Bill No. 102-21

Existing law relating to adult independent dwelling units requires that the "facility" be located at least 50 feet from all lot lines. *See* § 18-10-121(2). It is unclear whether "facility" means the dwellings and other structures or whether it means both the structures and parking. Bill No. 102-21 substitutes "structures" for "facility" to make it clear that only structures need to be located at least 50 feet from all lot lines.

Existing law also provides that parking areas may not be in the required setbacks. *See* § 18-10-121(3). It is unclear whether this refers to the setbacks required by the underlying zoning or whether it refers to the 50-foot setback set forth in paragraph (2). Bill No. 102-21 amends existing law to provide that parking areas be located at least 15 feet from residentially zoned property.

* 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. 22

Bill No. 103-21

Introduced by Ms. Fiedler and Mr. Volke

By the County Council, November 15, 2021

Introduced and first read on November 15, 2021
Public Hearing set for December 20, 2021
Bill Expires February 18, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Commercial Districts – Gunsmiths and
2 Ammunition Sales Facilities

3
4 FOR the purpose of allowing gunsmiths and ammunition sales facilities as a permitted use
5 in C3 zoning districts; and generally relating to zoning.

6
7 BY repealing and reenacting, with amendments: § 18-5-102
8 Anne Arundel County Code (2005, as amended)

9
10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
11 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

12 ARTICLE 18. ZONING

13 TITLE 5. COMMERCIAL DISTRICTS

14
15
16
17 **18-5-102. Permitted, conditional, special exception, and business complex auxiliary**
18 **uses.**

19
20 The permitted, conditional, and special exception uses allowed in each of the
21 commercial districts, and uses auxiliary to a business complex, are listed in the chart in this
22 section using the following key: P = permitted use; C = conditional use; SE = special
23 exception use; and A = auxiliary to a business complex use. A blank means that the use is
24 not allowed in the district. Except as provided otherwise in this article, uses and structures

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 customarily accessory to permitted, conditional, and special exception uses also are
2 allowed.

Permitted, Conditional, Special Exception, and Business Complex Auxiliary Uses	C1	C2	C3	C4

Gunsmiths and ammunition sales facilities			P	P

- 3 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
4 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: November 15, 2021

Subject: Bill No. 103-21

Bill No. 103-21 allows gunsmiths and ammunition sales facilities as a permitted use in in the C3 zoning district.

* 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. 22

Bill No. 104-21

Introduced by Ms. Fiedler

By the County Council, November 15, 2021

Introduced and first read on November 15, 2021

Public Hearing set for December 20, 2021

Bill Expires on February 18, 2022

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – School Bus Facilities

2
3 FOR the purpose of adding a definition of “school bus facility”; allowing school bus
4 facilities as a permitted use in certain commercial and industrial zoning districts;
5 allowing school bus facilities as a conditional use in certain commercial and small
6 business zoning districts; adding the conditional use requirements for school bus
7 facilities; and generally relating to zoning.

8
9 BY repealing and reenacting, with amendments: §§ 18-5-102; 18-6-103; and 18-9-402
10 Anne Arundel County Code (2005, as amended)

11
12 BY renumbering: § 18-1-101(122) through (163), respectively, to be 18-1-101(123)
13 through (164), respectively; and § 18-10-150 through 18-10-165, respectively, to be
14 18-10-151 through 18-10-166, respectively
15 Anne Arundel County Code (2005, as amended)

16
17 BY adding: §§ 18-1-101(122); and 18-10-150
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That §§ 18-1-101(122) through (163), and 18-10-150 through 18-10-165, respectively, of
22 the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 18-1-
23 101(123) through (164), and 18-10-151 through 18-10-166, respectively.

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

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

ARTICLE 18. ZONING

TITLE 1. DEFINITIONS

18-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or COMAR, words defined elsewhere in this Code apply in this article. The following words have the meanings indicated:

(122) "SCHOOL BUS FACILITY" MEANS A FACILITY THAT:

(I) IS USED IN WHOLE OR IN PART FOR THE INSIDE OR OUTSIDE STORAGE, MAINTENANCE, SERVICE, AND ASSOCIATED OPERATIONS OF SCHOOL BUSES; AND

(II) PROVIDES SCHOOL BUS TRANSPORTATION FOR THE BOARD OF EDUCATION OF ANNE ARUNDEL COUNTY.

TITLE 5. COMMERCIAL DISTRICTS

18-5-102. Permitted, conditional, special exception, and business complex auxiliary uses.

The permitted, conditional, and special exception uses allowed in each of the commercial districts, and uses auxiliary to a business complex, are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed.

Permitted, Conditional, Special Exception and Business Complex Auxiliary Uses	C1	C2	C3	C4

Roadside Vendors	P	P	P	P
SCHOOL BUS FACILITIES	C	C	C	P

TITLE 6. INDUSTRIAL DISTRICTS

18-6-103. Permitted, conditional, special exception use.

The permitted, conditional, and special exception uses allowed in each of the industrial districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use; and A = auxiliary to a business complex use. A blank means that the use is not allowed in the district. Except as provided otherwise in

this article, uses and structures customarily accessory to permitted, conditional, and special exception uses also are allowed, except that outside storage as an accessory use in W1 is limited to 15% of the allowed lot coverage.

Permitted, Conditional, and Special Exception Uses	W1	W2	W3

Rubble Processing facilities			SE
SCHOOL BUS FACILITIES	P	P	P

TITLE 9. OTHER ZONING DISTRICTS

18-9-402. Permitted, conditional, special exception use.

The permitted, conditional, and special exception uses allowed in the Small Business Districts are listed in the chart in this section using the following key: P = permitted use; C = conditional use; SE = special exception use. Except as provided otherwise in this article, uses and structures customarily accessory to the listed uses are also allowed. Outside storage as an accessory use is not allowed, except that the owner-occupant of a dwelling may store on the lot one commercial vehicle or a vehicle used for commercial purposes having a manufacturer's gross vehicle weight rating of not more than 10,000 pounds.

Permitted, Conditional, and Special Exception Uses	

Saddlery and tack shops	P
SCHOOL BUS FACILITIES	C

TITLE 10. REQUIREMENTS FOR CONDITIONAL USES

18-10-150. School bus facilities.

A SCHOOL BUS FACILITY SHALL COMPLY WITH ALL OF THE FOLLOWING REQUIREMENTS.

(1) IN SMALL BUSINESS DISTRICTS, THE FACILITY SHALL BE LOCATED ON A LOT OR CONTIGUOUS LOTS THAT TOTAL AT LEAST FOUR AND ONE-HALF ACRES.

(2) IN COMMERCIAL OR INDUSTRIAL ZONING DISTRICTS, THE FACILITY SHALL BE LOCATED ON A LOT OR CONTIGUOUS LOTS THAT TOTAL AT LEAST ONE ACRE.

(3) OUTSIDE STORAGE OF SCHOOL BUSES SHALL BE LIMITED TO THE MAXIMUM COVERAGE ALLOWED IN THE ZONING DISTRICT IN WHICH THE FACILITY IS LOCATED.

1 (4) OUTSIDE STORAGE AREAS FOR SCHOOL BUSES SHALL BE SCREENED FROM
2 NEIGHBORING RESIDENTIALLY ZONED PROPERTIES IN ACCORDANCE WITH THE COUNTY
3 LANDSCAPE MANUAL.

4
5 (5) EACH BUILDING USED FOR THE INDOOR STORAGE OF SCHOOL BUSES SHALL BE
6 LOCATED AT LEAST 100 FEET FROM ANY RESIDENTIALLY ZONED PROPERTY.

7
8 (6) ACTIVITIES AND OPERATIONS SHALL BE LOCATED IN A MANNER TO SHIELD
9 SURROUNDING RESIDENTIAL PROPERTY FROM THE EFFECTS OF NOISE, HAZARDS, OR
10 OTHER OFFENSIVE CONDITIONS.

11
12 (7) SPACE ON THE SITE SHALL BE ADEQUATE SO THAT SCHOOL BUSES ARE NOT
13 STOPPED OR PARKED ON A ROAD RIGHT-OF-WAY.

14
15 (8) MINOR REPAIRS TO VEHICLES OR EQUIPMENT ARE ALLOWED INDOORS OR
16 OUTDOORS.

17
18 (9) BODY WORK, ENGINE REBUILDING, ENGINE RECONDITIONING, PAINTING, AND
19 SIMILAR ACTIVITIES ARE ALLOWED INDOORS ONLY.

20
21 (10) STRUCTURES AND USES, SUCH AS GAS STORAGE TANKS, GAS PUMPS, CHARTER
22 BUSES, AND EMPLOYEE WAITING AREAS, SHALL BE ACCESSORY TO THE FACILITY AND
23 MAY NOT BE THE PRINCIPAL USE.

24
25 (11) VEHICULAR ACCESS SHALL BE FROM AN ARTERIAL ROAD OR FROM A LOCAL
26 OR HIGHER CLASSIFICATION ROAD THAT DIRECTLY ACCESSES AN ARTERIAL ROAD.

27
28 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days
29 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: November 15, 2021

Subject: Bill No. 104-21

In May of 2001, the County Council adopted Bill No. 21-01 relating to the storage of school buses in residential zoning districts. The bill did not address the storage of school buses in any other zoning districts. In 2005, the 2001 bill was incorporated by reference into § 18-12-401 of the Code.

Bill No. 104-21 expands the storage of school buses into additional zoning districts. The Bill defines a school bus facility as a facility that is used for the inside or outside storage of school buses and that provides school bus transportation for the Board of Education. *See* 18-1-101. The Bill allows the use as a permitted use in C4 and in the industrial zoning districts. The Bill also allows the use as a conditional use in C1, C2, and C3 and in small business zoning districts. *See* §§ 18-5-102, 18-6-103, and 18-9-402.

The requirements for the conditional use are as follows:

- The use must be located on a lot or contiguous lots with a total of at least 4 1/2 acres in small business districts or at least one acre in commercial or industrial districts.
- Outside storage of school buses is limited to the maximum coverage allowed in the applicable zoning district and the storage must be screened from neighboring residentially zoned properties.
- The indoor storage of school buses must be located at least 100 feet from residentially zoned property.

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

- The operation of the use must shield surrounding residential properties from noise, hazards, or other offensive conditions.
- School buses may not be stopped or parked on a road right-of-way.
- Minor repairs may occur indoors or outdoors, but major repairs must occur indoors.
- Gas storage tanks, gas pumps, charter buses, and employee waiting areas are accessory to the use.
- Access to the property must be from an arterial road or from a road that directly accesses an arterial road.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2021, Legislative Day No. 22

Resolution No. 59-21

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

and Mr. Volke

By the County Council, November 15, 2021

1 RESOLUTION appointing a member to the Anne Arundel County Ethics Commission

2
3 WHEREAS, Section 1001 of the County Charter establishes the Anne Arundel
4 County Ethics Commission, whose members are appointed by the County
5 Executive with the approval of the County Council; and

6
7 WHEREAS, Section 1001 states that the Ethics Commission has seven members,
8 of which no more than four members shall be members of the same political party;
9 and

10
11 WHEREAS, Section 1001 of the Charter further states that three of the seven
12 members appointed by the County Executive shall first be nominated by the County
13 Council; and

14
15 WHEREAS, the term of one of the current members of the Ethics Commission
16 nominated by the County Council and appointed by the County Executive, Emerson
17 C. Davis (Republican), expired April 30, 2021; and

18
19 WHEREAS, by Resolution No. 42-21, the County Council nominated Corinne M.
20 Fitzgerald (Republican) for appointment to the Ethics Commission to serve a term
21 expiring on April 30, 2025; and

22
23 WHEREAS, the County Executive, subject to the approval of the County Council,
24 has appointed Corinne M. Fitzgerald (Republican) to serve a first term expiring on
25 April 30, 2025; and

26
27 WHEREAS, the County Council, after public hearing, has found Corinne M.
28 Fitzgerald to be qualified under Section 1001 of the Charter to serve as a member
29 of the Ethics Commission; now, therefore, be it

30
31 *Resolved by the County Council of Anne Arundel County, Maryland, That it hereby*
32 *approves the appointment of Corinne M. Fitzgerald (Republican) to the Anne Arundel*
33 *County Ethics Commission to serve a term expiring on April 30, 2025; and be it further*

- 1 *Resolved*, That a copy of this Resolution be sent to Steuart Pittman, County Executive;
- 2 Michael S. Botsaris, Executive Director, Anne Arundel County Ethics Commission;
- 3 Meghan Brown, Boards and Commissions Coordinator; and appointee Corinne M.
- 4 Fitzgerald.

AMENDMENT TO BILL NO. 85-21, AS AMENDED
(Subdivision and Development – Adequate Public Facilities – Public Schools)

November 15, 2021

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

Amendment No. 5

On page 3 of the amended bill, in line 18, after “chart” insert “, AND WITH THE APPLICABLE FUTURE CAPACITY THE DEVELOPMENT WILL SATISFY THE REQUIREMENTS OF SUBSECTION (A).”.

(This amendment adds in a requirement for passing school APF that was part of Bill 15-18.)

AMENDMENT TO BILL NO. 92-21
(AN EMERGENCY ORDINANCE concerning: Budget – Grants Special Revenue Fund –
Limitation on Conditional Appropriation)

November 15, 2021

Introduced by Ms. Fiedler and Mr. Volke

Amendment No. 1

On page 1 of the proposed bill, in lines 4 through 5, strike “limiting a conditional appropriation to the Grants Special Revenue Funds” and substitute “adding a condition that the County Council approve certain appropriations to the Grants Special Revenue Fund funded by Fiscal Recovery Funds”; in line 5, after the semi-colon insert “adding a process for County Council approval; providing for the termination of this ordinance;”; after line 9, insert:

“BY renumbering: § 4-11-114(d) to be 4-11-114(e)
Anne Arundel County Code (2005, as amended)

BY adding: § 4-11-114(d)
Anne Arundel County Code (2005, as amended)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland, That § 4-11-114(d) of the Anne Arundel County Code (2005, as amended) is hereby renumbered to be § 4-11-114(e).*

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

and strike in their entirety lines 11 through 12, inclusive.

On page 2, strike in their entirety lines 9 through 10, inclusive, and substitute:

“(3) FOR APPROPRIATIONS OF MORE THAN \$500,000 FUNDED BY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS DISTRIBUTED BY THE U.S. TREASURY, APPROVAL BY THE COUNTY COUNCIL AS DESCRIBED IN SUBSECTION (D).”;

(D) Fiscal Recovery Funds – County Council approval. WITHIN TWO BUSINESS DAYS OF RECEIPT OF A RESOLUTION TO APPROVE AN APPROPRIATION EXCEEDING \$500,000 FUNDED BY CORONAVIRUS STATE AND LOCAL FISCAL RECOVERY FUNDS DISTRIBUTED BY THE U.S. TREASURY, THREE OR MORE MEMBERS OF THE COUNTY COUNCIL MAY REQUEST A HEARING BE SCHEDULED TO ACT ON THE RESOLUTION, SUCH HEARING TO BE HELD NOT MORE THAN TEN BUSINESS DAYS FROM THE DATE OF RECEIPT OF THE RESOLUTION. THE FAILURE OF THREE OR MORE MEMBERS OF THE COUNTY COUNCIL TO REQUEST A HEARING ON THE RESOLUTION WITHIN TWO BUSINESS DAYS SHALL CONSTITUTE APPROVAL OF THE APPROPRIATION.

SECTION 3. And be it further enacted, That the provisions of this Ordinance shall remain in effect until December 31, 2024, after which it shall stand repealed and with no further action required by the County Council, be of no further force and effect.”;

and in line 12, strike “2.” and substitute “4.”.

(This amendment removes a general limitation on certain appropriations to the Grants Special Revenue Fund and instead adds a condition that the County Council approve appropriations of more than \$500,000 to the Grants Special Revenue Fund funded by Fiscal Recovery Funds; adds an approval process for the County Council that may be triggered by 3 or more Council members; and adds a sunset provision.)

AMENDMENT TO BILL NO. 94-21
(Subdivision and Development and Zoning – Glen Burnie Sustainable Community Overlay
Area – Transit-Oriented Overlay Development Policy Areas)

November 15, 2021

Introduced by Ms. Pickard

Amendment No. 1

On page 2 of the proposed bill, in line 15, before “multifamily” insert opening brackets; and in the same line, after dwellings” insert closing brackets and “RESIDENTIAL USES”.

(This amendment changes the terminology used in one of the conditions for exemption from the test for adequate public schools in the Glen Burnie Sustainable Community Overlay Area to reference “residential uses” instead of “multifamily dwellings”).

AMENDMENT TO BILL NO. 95-21
(Construction and Property Maintenance Codes Supplement – International Building
Codes Supplement – Exterior Wall Glass and Glazing – Nonresidential Construction)

November 15, 2021

Introduced by Ms. Lacey

Amendment No. 1

On page 1 of the proposed bill, in line 7, after the semi-colon insert “providing for an abnormal effective date;”.

On page 2, in line 37, strike “45” and substitute “90”.

(This amendment provides that the Ordinance shall take effect 90 days from the date it becomes law.)