



**COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
AGENDA**

**Legislative Session 2023, Legislative Day No. 3
February 6, 2023**

Legislative Session
Council Chambers*
7:00 P.M.

- A. Call to Order
- B. Invocation (Mr. Volke)
- C. Pledge of Allegiance
- D. Ethics Statement
- E. Invitation to Audience
- F. Announcement of Items Not Appearing
- G. Preliminary Motion
- H. Approval of Minutes

January 17, 2023 – Legislative Day No. 2

- I. Introduction of Bills

BILL NO. 7-23 – AN ORDINANCE concerning: Personnel – Positions in the Classified Service – Position Control – FOR the purpose of decreasing and increasing certain positions in the Office of Law, Police Department, Department of Detention Facilities, and Office of Finance in the classified service approved as part of the annual budget and appropriation ordinance; and generally relating to personnel.

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

BILL NO. 8-23 – AN ORDINANCE concerning: Personnel – Positions in the Classified Service – FOR the purpose of amending the pay grade for a position in the Public Safety and Criminal Justice class; adding new positions in the Recreation and Parks class; amending the pay schedule for Park Ranger employees; decreasing and increasing certain

positions in the Department of Recreation and Parks approved as part of the annual budget and appropriation ordinance; and generally relating to personnel.

Introduced by Mr. Smith, Chair

(by request of the County Executive)

BILL NO. 9-23 – AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities – Public Schools – FOR the purpose of extending the termination date established by Bill No. 85-21 for certain provisions related to adequate public facilities and public schools.

Introduced by Mr. Smith, Chair

(by request of the County Executive)

BILL NO. 10-23 – Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects – FOR the purpose of defining “water quality improvement project”; exempting certain water quality improvement projects from the prohibition against development in natural feature areas; and generally relating to floodplain management, erosion and sediment control, and stormwater management, and subdivision and development.

Introduced by Mr. Smith, Chair

(by request of the County Executive)

BILL NO. 11-23 – AN ORDINANCE concerning: Zoning – Mixed Use Districts – Uses Under the Optional Method of Development – FOR the purpose of transferring certain permitted uses allowed under the optional method of development in mixed use districts from the retail and service or other categories to the office or industrial categories; and generally relating to zoning.

Introduced by Ms. Hummer and Ms. Pickard

J. Introduction of Resolutions

RESOLUTION NO. 1-23 – RESOLUTION selecting SB & Company, LLC, an independent firm of certified public accountants, to perform the financial audit for fiscal year 2023

Introduced by Mr. Smith, Chair

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

BILL NO. 1-23 – 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, as amended by Bill No. 83-21, to extend the temporary use authorization for outdoor seating at restaurants; and making this Ordinance an emergency measure.

Introduced by Mr. Smith, Chair

(by request of the County Executive)

and by Mr. Volke and Ms. Fiedler

BILL NO. 2-23 (Amendment Proposed) – AN ORDINANCE concerning: Private Disposition of Surplus Real Property – Approval of Terms and Conditions – Overlea Drive in Severna Park, Maryland – FOR the purpose of approving the terms and conditions under which the County may transfer its interest in real property determined to be surplus, consisting of approximately 0.058 acres, and located on the North Side of Overlea Drive in Severna Park, Maryland to Chessie Homes, LLC.

Introduced by Mr. Smith, Chair

(by request of the County Executive)

L. Other Business

M. Adjournment

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ACCESSIBILITY POLICY

Anyone with a disability who requires a reasonable accommodation to fully participate in 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 Lcorby@aacounty.org or by telephone at 410-222-1401. TTY users, please call Maryland Relay via 7-1-1.

* Council meetings are also broadcast on Arundel TV. To find a list of local cable channels or to access Arundel TV you may visit: www.aacounty.org/services-and-programs/government-television. For more details on all the ways to participate please visit: www.aacounty.org/services-and-programs/county-council-meeting-participation

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND
Minutes of
Legislative Session 2023, Legislative Day No. 2
January 17, 2023 – 7:00 P.M.

The County Council meeting was called to order by Chair Smith at 7:00 P.M. It was opened with the Invocation, given by Apostle Antonio Palmer from the Kingdom Celebration Center, and was followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers in Annapolis, Maryland. There were approximately 10 persons in the audience.

The following members of the County Council were present:

Pete Smith	First District
Allison Pickard	Second District
Nathan Volke	Third District
Julie K. Hummer	Fourth District
Amanda Fiedler	Fifth District
Lisa D.B. Rodvien	Sixth District
Shannon Leadbetter	Seventh District

The County Auditor's Office was represented by Michelle Bohlayer. Matthew Bennett, Legislative Counsel, was also present.

ETHICS STATEMENT

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

INVITATION TO AUDIENCE

The Chair opened Invitation to Audience.

The Administrative Officer stated there were two submissions received through the online testimony tool for Invitation to Audience. Ms. Corby further noted that the two citizens who used the online testimony tool instead wished to speak at Invitation to Audience, and their names were moved to the appropriate list.

The following persons spoke at Invitation to Audience:

Hugh Hayes, Annapolis
Tracy Gill, Annapolis
Susan Dapkunas, Annapolis
Sandy Gelrod, Annapolis
John Griffis, Annapolis

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

PRELIMINARY MOTION

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

APPROVAL OF MINUTES

On motion of Mr. Volke, seconded by Ms. Pickard, the minutes of the meeting of January 3, 2022 was approved as presented.

INTRODUCTION OF BILLS

BILL NO. 3-23 – AN ORDINANCE concerning: Zoning – Small Business Districts – Religious Facilities – FOR the purpose of allowing religious facilities as a permitted use in Small Business Districts; and generally relating to zoning.

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

BILL NO. 4-23 – AN ORDINANCE concerning: Current Expense Budget – Board of Education – Supplementary Appropriation and Transfer of Funds – FOR the purpose of transferring appropriations of funds between major categories in the Local Education Fund; making supplementary appropriations from unanticipated revenues to the Local Education Fund for the current fiscal year; and generally relating to transferring appropriations of funds and supplementary appropriations to the current expense budget for the fiscal year ending June 30, 2023.

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

BILL NO. 5-23 – AN ORDINANCE concerning: Current Expense Budget – Supplementary Appropriations – Cattail Creek and Upper Magothy River Waterways Improvement District – Grants Special Revenue Fund – FOR the purpose of making supplementary appropriations from unanticipated revenues to certain offices, departments, institutions, boards, commissions or other agencies and in certain special funds of the County for the current fiscal year; and generally relating to making supplementary appropriations of funds to the current expense budget for the fiscal year ending June 30, 2023.

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

BILL NO. 6-23 – AN ORDINANCE concerning: Subdivision and Development – Zoning – Accessory Dwelling Units – FOR the purpose of exempting accessory dwelling units from impact fees; amending the definitions of “density” and “dwelling unit, accessory”; repealing certain parking requirements for accessory dwelling units; amending the conditional use requirements for accessory dwelling units; allowing accessory dwelling units in use as of a certain date to be exempt from certain conditional use requirements; and generally relating to subdivision and development and zoning.

Introduced by Ms. Rodvien and Ms. Pickard

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

BILL NO. 89-22

The Chair called for Bill No. 89-22, An Ordinance concerning: Capital Budget and Program – Board of Education Security Related Upgrades, Maintenance Backlog, Roof Replacement, and Upgrade Various Schools capital projects – Supplementary Appropriations – For the purpose of amending the Capital Budget for the current fiscal year by making a supplementary appropriation of funds to the Board of Education Security Related Upgrades, Maintenance Backlog, Roof Replacement, and Upgrade Various Schools capital projects; amending the Capital Program and Capital Projects Bond Ordinance for the current fiscal year; and generally relating to appropriations of funds in projects in the Capital Budget for the fiscal year ending June 30, 2023; and the Administrative Officer read a portion of the title.

Hannah Dier, for the Administration, was accompanied by Naomi McAllister, Budget, Kyle Ruef, Anne Arundel County Public Schools, and Lori Blair Klasmeier, Deputy County Attorney.

Ms. Dier explained the bill.

The Chair called for the public hearing on Bill No. 89-22.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 89-22.

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

The Chair called Bill No. 89-22, An Ordinance concerning: Capital Budget and Program – Board of Education Security Related Upgrades, Maintenance Backlog, Roof Replacement, and Upgrade Various Schools capital projects – Supplementary Appropriations; and the Administrative Officer read a portion of the title.

Bill No. 89-22 was passed by the following roll call:

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

Nay – None

BILL NO. 90-22

The Chair called for Bill No. 90-22, An Ordinance concerning: Subdivision and Development – Adequate Public School Facilities – School Utilization Chart – For the purpose of approving the 2024 School Utilization Chart prepared by the Planning and Zoning Officer; and the Administrative Officer read a portion of the title.

Peter Baron, Director, Government Affairs, was accompanied by Kyle Ruef, Anne Arundel County Public Schools, Greg Stewart, Anne Arundel County Public Schools, Christine Duvall, Office of Planning and Zoning, and Lori Blair Klasmeier, Deputy County Attorney.

Mr. Baron explained the bill.

Ms. Pickard expressed her desire for a more up-to-date school chart.

Ms. Fiedler questioned enrollment data used in the school chart.

Mr. Stewart explained how the school chart was created.

Ms. Fiedler asked for further clarification on data used.

Mr. Smith shared his position that there is a need for school chart that uses more current data.

Mr. Volke shared his thoughts and concerns on the school chart and the process used to create a school chart.

Mr. Stewart responded.

There was further discussion regarding the data used to create the school chart.

The Chair called for the public hearing on Bill No. 90-22.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 90-22.

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

The Chair called Bill No. 90-22, An Ordinance concerning: Subdivision and Development – Adequate Public School Facilities – School Utilization Chart; and the Administrative Officer read a portion of the title.

Ms. Fiedler shared her reason for her vote.

Bill No. 90-22 was passed by the following roll call:

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

Nay – None

BILL NO. 91-22

The Chair called for Bill No. 91-22, An Ordinance concerning: Sherwood Forest Special Community Benefit District – Approval of Loan and Assignment Agreement – For the purpose of obligating the County to levy the special tax known as the special community benefit assessment on the Sherwood Forest Special Community Benefit District in an amount sufficient to repay a loan from First Citizens Bank to the Sherwood Forest Club, Inc. in each of up to eleven (11) fiscal years during the term of the loan; and the Administrative Officer read a portion of the title.

Peter Baron, Director, Government Affairs, was accompanied by Lori Blair Klasmeier, Deputy County Attorney.

Mr. Baron explained the bill.

The Chair called for the public hearing on Bill No. 91-22.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 91-22.

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

The Chair called Bill No. 91-22, An Ordinance concerning: Sherwood Forest Special Community Benefit District – Approval of Loan and Assignment Agreement; and the Administrative Officer read a portion of the title.

Bill No. 91-22 was passed by the following roll call:

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

Nay – None

BILL NO. 92-22

The Chair called for Bill No. 92-22, An Ordinance concerning: Zoning – Critical Area Overlay – RCA Uses – Nurseries with Landscaping and Plant Sales – For the purpose of amending the use “nurseries with landscaping and plant sales” to allow the use in the resource conservation area of the critical area if incidental uses are limited to a certain portion of the lot; making the effective date of this Ordinance contingent on the approval of the Maryland Critical Area Commission; and generally relating to zoning; and the Administrative Officer read a portion of the title.

Ms. Fiedler, Co-Sponsor, explained the bill.

Peter Baron, Director, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, and Lori Blair Klasmeier, Deputy County Attorney.

Mr. Baron shared support for the bill.

The Chair called for the public hearing on Bill No. 92-22.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 92-22.

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

The Chair called Bill No. 92-22, An Ordinance concerning: Zoning – Critical Area Overlay – RCA Uses – Nurseries with Landscaping and Plant Sales; and the Administrative Officer read a portion of the title.

Ms. Fiedler asked for clarification on the RCA in the County.

Ms. Klasmeier responded.

Bill No. 92-22 was passed by the following roll call:

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

Nay – None

BILL NO. 93-22

The Chair called for Bill No. 93-22, An Ordinance concerning: Board of Appeals – Notice of Zoning Appeals – Property Address – For the purpose of altering the information the Board of Appeals is required to include in a notice of hearing related to rezonings, critical area reclassifications, and special exceptions; and generally relating to boards, commissions, and similar bodies; and the Administrative Officer read a portion of the title.

Ms. Fiedler, Sponsor, explained the bill.

Peter Baron, Director, Government Affairs, was accompanied by Lori Blair Klasmeier, Deputy County Attorney.

Mr. Baron shared support for the bill.

The Chair called for the public hearing on Bill No. 93-22.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 93-22.

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

The Chair called Bill No. 93-22, An Ordinance concerning: Board of Appeals – Notice of Zoning Appeals – Property Address; and the Administrative Officer read a portion of the title.

Ms. Fiedler spoke about the work that went into crafting the bill.

Mr. Smith expressed his support.

Bill No. 93-22 was passed by the following roll call:

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

Nay – None

OTHER BUSINESS

Chair Smith reminded everyone of Governor Moore's Inauguration being held the next day in Annapolis as well as possible road closures in the area.

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Pickard, the meeting adjourned at 7:49 P.M.

Respectfully submitted,

By Anna Macaulay

For Laura Corby
Administrative Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 7-23

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

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for March 6, 2023
Bill Expires May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

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

4 FOR the purpose of decreasing and increasing certain positions in the Office of Law, Police
5 Department, Department of Detention Facilities, and Office of Finance in the classified
6 service approved as part of the annual budget and appropriation ordinance; and
7 generally relating to personnel.
8

9 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
10 *That, in accordance with § 6-1-110 of the Anne Arundel County Code (2005, as amended),*
11 *this Ordinance shall approve a decrease of one Secretary III position from the number of*
12 *positions approved in this classification in the Office of Law as part of the Annual Budget*
13 *and Appropriation Ordinance, and an increase of one Management Assistant II position to*
14 *the positions approved in this classification in the Office of Law as part of the Annual*
15 *Budget and Appropriation Ordinance.*
16

17 SECTION 2. *And be it further enacted, That, in accordance with § 6-1-110 of the Anne*
18 *Arundel County Code (2005, as amended), this Ordinance shall approve a decrease of one*
19 *Secretary II and one Office Support Assistant I positions from the number of positions*
20 *approved in this classification in the Police Department as part of the Annual Budget and*
21 *Appropriation Ordinance, and an increase of two Office Support Specialist positions to the*
22 *positions approved in this classification in the Police Department as part of the Annual*
23 *Budget and Appropriation Ordinance.*
24

25 SECTION 3. *And be it further enacted, That, in accordance with § 6-1-110 of the Anne*
26 *Arundel County Code (2005, as amended), this Ordinance shall approve a decrease of one*
27 *Correctional Program Specialist II position from the number of positions approved in this*
28 *classification in the Department of Detention Facilities as part of the Annual Budget and*

1 Appropriation Ordinance, and an increase of one Program Manager position to the
2 positions approved in this classification in the Department of Detention Facilities as part
3 of the Annual Budget and Appropriation Ordinance.
4

5 SECTION 4. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
6 *That, in accordance with § 6-1-110 of the Anne Arundel County Code (2005, as amended),*
7 *this Ordinance shall approve a decrease of one Office Support Assistant II position from*
8 *the number of positions approved in this classification in the Office of Finance as part of*
9 *the Annual Budget and Appropriation Ordinance, and an increase of one Financial*
10 *Reporting Manager position to the positions approved in this classification in the Office of*
11 *Finance as part of the Annual Budget and Appropriation Ordinance.*
12

13 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
14 from the date it becomes law.



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

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

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

Date: February 6, 2023

Subject: Bill No. 7-23 – Personnel – Positions in the Classified Service – Position Control

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. 7-23.

Background

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

Purpose

The purpose of Bill No. 7-23 is to increase and decrease certain positions in the classified service approved as part of the annual budget and appropriation ordinance in the Office of Law, Police Department, Department of Detention Facilities, and Office of Finance.

Bill No. 7-23

SECTION 1.

This section decreases one Secretary III position and increases one Management Assistant II position in the Office of Law.

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

SECTION 2.

This section decreases one Secretary II position and one Office Support Assistant I position and increases two Office Support Specialist positions in the Police Department.

SECTION 3.

This section decreases one Correctional Program Specialist II position and increases one Program Manager position in the Department of Detention Facilities.

SECTION 4.

This section decreases one Office Support Assistant II position and increases one Financial Reporting Manager position in the Office of Finance.

SECTION 5.

This section provides that the bill takes effect 45 days after it becomes law.

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

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Chris Trumbauer, Budget Officer
Anne Budowski, Personnel Officer

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

BILL NUMBER: 7-23

INTRO. DATE: February 6, 2023

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: PERSONNEL – POSITIONS IN THE
CLASSIFIED SERVICE - POSITION CONTROL**

SUMMARY OF LEGISLATION

The purpose of this legislation is to increase and decrease certain positions in the classified service approved as part of the Annual Budget and Appropriation Ordinance (ABAO) in the Office of Law, Police Department, Department of Detention Facilities, and Office of Finance.

FISCAL IMPACT

The modifications to positions approved as part of the ABAO are summarized in **Exhibit 1**.

Exhibit 1							
Modifications to Positions Approved in ABAO							
<u>Position Classification</u>	<u>Change</u>	<u>Grade</u>	<u>Salary Range</u>		<u>Fiscal Impact</u>		
			<u>Minimum</u>	<u>Maximum</u>	<u>Salary</u>	<u>FICA</u>	<u>Pension</u>
<i>Office of Law</i>					22,272	1,704	5,568
Secretary III	-1	NR-09	\$39,783	\$67,625			
Management Assistant II	+1	NR-17	\$62,055	\$110,801			
<i>Police Department</i>					10,234	783	2,558
Office Support Assistant I	-1	OS-2	\$31,138	\$48,963			
Secretary II	-1	OS-4	\$34,341	\$53,914			
Office Support Specialist	+2	OS-6	\$37,856	\$59,259			
<i>Department of Detention Facilities</i>					19,728	1,509	(815)
Correctional Program Specialist II	-1	C-2	\$52,242	\$100,100			
Program Manager	+1	NR-19	\$71,970	\$128,503			
<i>Office of Finance</i>					49,120	3,758	12,280
Office Support Assistant II	-1	OS-4	\$34,341	\$53,914			
Financial Reporting Manager	+1	NR-21	\$83,461	\$149,025			
Subtotal					101,354	7,754	19,592

The decrease of one vacant Secretary III and increase of one Management Assistant II in the Office of Law will increase the base salary by \$22,272 due to the change in pay grade from NR-9 to NR-17. County expenses for the Federal Insurance Contributions Act (FICA) cost associated with the

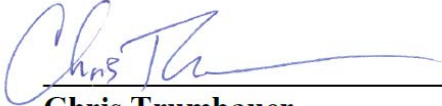
positions will increase by \$1,704. County expenses for Pension plans associated with the positions will increase by \$5,568.

The decrease of one vacant Office Support Assistant I and one vacant Secretary II and increase of two Office Support Specialist in the Police Department will increase the base salary by \$10,234 due to the change in pay grade from OS-2 and OS-4 to OS-6. County expenses for the FICA cost associated with the positions will increase by \$783. County expenses for Pension plans associated with the positions will increase by \$2,558.

The decrease of one vacant Correctional Program Specialist II and increase of one Program Manager in the Department of Detention Facilities will increase the base salary by \$19,728 due to the change in pay grade from C-2 to NR-19. County expenses for the FICA cost associated with the positions will increase by \$1,509. County expenses for Pension plans associated with the positions will decrease by \$815.

The decrease of one vacant Office Support Assistant II and increase of one Financial Reporting Manager in the Office of Finance will increase the base salary by \$49,120 due to the change in pay grade from OS-4 to NR-21. County expenses for the FICA cost associated with the positions will increase by \$3,758. County expenses for Pension plans associated with the positions will increase by \$12,280.

The total fiscal impact will be \$128,700, due to increase of base salary by \$101,354, increase of FICA cost by \$7,754, and increase of Pension plan cost by \$19,592. The Departments should be able to absorb these costs within their existing appropriations.


Chris Trumbauer
Budget Officer

2/1/2023
Date

Prepared by: Bo Zhou
Reviewed by: Steven Theroux

cc: Billie Penley, Acting Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 8-23

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

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for March 6, 2023
Bill Expires May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Personnel – Positions in the Classified Service

2
3 FOR the purpose of amending the pay grade for a position in the Public Safety and Criminal
4 Justice class; adding new positions in the Recreation and Parks class; amending the pay
5 schedule for Park Ranger employees; decreasing and increasing certain positions in the
6 Department of Recreation and Parks in the classified service approved as part of the
7 annual budget and appropriation ordinance; and generally relating to personnel.

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9 BY repealing and reenacting, with amendments: §§ 6-1-201(d)(8) and (9); and 6-1-202(j)
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 6. PERSONNEL

15 TITLE 1. CLASSIFIED SERVICE

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

20
21 (d) **Title, pay grades, work week, and minimum qualifications.** The title, minimum
22 standards, pay grade, and the work week designation that an employee is required to follow
23 for each class within the classified service are as follows:

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

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

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Title	Grade and Work Week	Minimum Qualifications

Police Fleet Coordinator	[[NR13B]] NR15B	Graduation from high school; 60 college credits in business administration or a closely related field; considerable experience in inventory management; some experience with vehicle mechanics; and a valid non-commercial Class C motor vehicle operator's license

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(9) Recreation and Parks (RP).

Title	Grade and Work Week	Minimum Qualifications

[[Park Ranger]] PARK RANGER I	R1B	Graduation from an accredited four-year college or university with major course work and some experience in park, conservation or natural resource management, recreation, or forestry; and a valid non-commercial Class C motor vehicle operator's license
PARK RANGER II	R2B	GRADUATION FROM AN ACCREDITED FOUR-YEAR COLLEGE OR UNIVERSITY WITH MAJOR COURSE WORK AND EXTENSIVE EXPERIENCE IN PARK, CONSERVATION OR NATURAL RESOURCE MANAGEMENT, RECREATION, OR FORESTRY; AND A VALID NON-COMMERCIAL CLASS C MOTOR VEHICLE OPERATOR'S LICENSE

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6-1-202. Pay schedules.

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(j) **Park Ranger employees.** Beginning the first full pay period on or after July 1, 2022, for employees in the classified service whose pay grades are designated "R", the annual pay schedule is:

PARK RANGER EMPLOYEES (R) PAY SCHEDULE

GRADE	MINIMUM	MAXIMUM
[[R]] R1	\$48,462	\$76,581
R2	\$50,885	\$80,410

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

8
9 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
10 from the date it becomes law.



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

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

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

Date: February 6, 2023

Subject: Bill No. 8-23 – Personnel – Positions in the Classified Service

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. 8-23.

Background

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

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

Purpose

The purpose of Bill No. 8-23 is to modify the title of Park Ranger to Park Ranger I; add the job classification of Park Ranger II to the classified service; to specify the pay and minimum qualifications applicable to the Park Ranger II classification; to modify the salary for the Police Fleet Coordinator job classification; and to increase and decrease certain park ranger positions in the Department of Recreation and Parks.

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

Bill No. 8-23

SECTION 1.

In § 6-1-201(d)(8) of the County Code, the Grade and Work Week for the Police Fleet coordinator classification in the classified service is changed from NR13B to NR15B.

In § 6-1-201(d)(9), the Title of the job classification Park Ranger in the classified service is changed to Park Ranger I. The job classification Park Ranger II is added to the classified service, with the Grade and Work Week established as R2B and the Minimum Qualifications are listed.

In § 6-1-202(j), the new pay grade of R2 is added and the minimum and maximum annual salaries are established.

SECTION 2.

This section decreases twenty-two Park Ranger positions and increases twenty-two Park Ranger I positions in the Department of Recreation and Parks.

SECTION 3.

This section provides that the bill takes effect 45 days after it becomes law.

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

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Chris Trumbauer, Budget Officer
Anne Budowski, Personnel Officer

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

BILL NUMBER: 8-23

INTRO. DATE: February 6, 2023

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: PERSONNEL – POSITIONS
 IN THE CLASSIFIED SERVICE**

SUMMARY OF LEGISLATION

The purpose of this legislation is to add the positions of Park Ranger I and Park Ranger II to the classified service, modify the pay and minimum qualifications applicable to certain positions in the classified service, and modify the positions approved as part of the Annual Budget and Appropriation Ordinance for the Department of Recreation and Parks.

FISCAL IMPACT

This legislation creates new classifications but does not reclassify any positions into the newly created classification. Therefore, it has no immediate fiscal impact. Any future reclassifications would need to be done using the existing administrative process or through the annual budget process.

The modifications to positions approved as part of the ABAO are summarized in **Exhibit 1**.

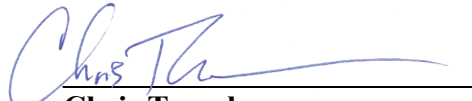
Exhibit 1				
Modifications to Positions Approved in ABAO				
<u>Position Classification</u>	<u>Change</u>	<u>Grade</u>	<u>Salary Range</u>	
			<u>Minimum</u>	<u>Maximum</u>
<i>Department of Recreation and Parks</i>				
Park Ranger	-22	R-1	\$48,462	\$76,581
Park Ranger I	22	R-1	\$48,462	\$76,581

The decrease of 22 Park Rangers and addition of 22 Park Ranger I positions will move the Park Ranger classification into a proficiency series. This legislation also creates an R-2 classification, Park Ranger II, as shown in **Exhibit II**.

Exhibit 2				
Modifications to Positions Pay Schedules				
<u>Position Classification</u>	<u>Grade</u>	<u>Salary Range</u>		
		<u>Minimum</u>	<u>Maximum</u>	
Park Ranger II	R-2	\$50,885	\$80,410	

Exhibit 3 summarizes modifications to pay grades. The change proposed have a fiscal impact of \$5,038 related to base pay, \$385 related to FICA, and \$1,260 related to pension. There is currently 1 Police Fleet Coordinator position. It is anticipated that these costs can be absorbed within existing appropriation.

Exhibit 3						
Pay Grades Modified in the Classified Service						
<u>Position Classification</u>	<u>Current Grade</u>	<u>Current Salary Range</u>		<u>Proposed Grade</u>	<u>Proposed Salary Range</u>	
		<u>Minimum</u>	<u>Maximum</u>		<u>Minimum</u>	<u>Maximum</u>
Police Fleet Coordinator	NR-13	\$48,477	\$82,385	NR-15	\$53,515	\$90,939


Chris Trumbauer
Budget Officer

2/1/2023
Date

Prepared by: Steven Theroux

cc: Billie Penley, Acting Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 9-23

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

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for March 6, 2023
Bill Expires May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities
2 – Public Schools
3

4 FOR the purpose of extending the termination date established by Bill No. 85-21 for certain
5 provisions related to adequate public facilities and public schools.
6

7 BY repealing and reenacting, with amendments: Bill No. 85-21, Section 3, Laws of
8 Anne Arundel County 2021
9

10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
11 That Bill No. 85-21, Section 3, Laws of Anne Arundel County, 2021, is hereby amended
12 to read as follows:
13

Bill No. 85-21

14
15
16 SECTION 3. *And be it further enacted,* That the provisions of this Ordinance
17 shall remain in effect until **[[May 1, 2023]]** SEPTEMBER 1, 2023, after which it shall
18 stand repealed and, with no further action required by the County Council, be of no
19 further force and effect.
20

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

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.



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

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

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

Date: February 6, 2023

Subject: Bill No. 9-23 – Adequate Public Facilities – Public Schools

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. 9-23.

Background

Prior to 2017, § 17-5-502 of the County Code provided for the preparation of school utilization charts each November that based the designation of a school as “open” or “closed” for purposes of determining adequacy of public facilities (“APF”) based on 100% of the school’s capacity. Bill No. 92-17 modified the method of preparation of the chart, set the standard of an “open” school at 95% of the State-rated capacity, and added adequacy of school mitigation provisions.

Bill No. 15-18 modified school APF exemption requirements, further modified the standards for schools being considered as “open”, required additional school charts to be prepared in May and September of each year based on reductions to available school capacity as a result of proposed developments, and decreased the requirements for APF approval for projects when affected schools did not exceed 85% of the available capacity. Bill No. 15-18 also changed the criteria for an exemption from the school APF requirements from subdivisions of no more than three lots to subdivisions of no more than five lots (§ 17-5-207(a) and (b)), and changed the exemption requirement that the developer own the property for five years to requiring ownership for three years (§ 17-5-207(a)).

Bill Nos. 92-17 and 15-18 (collectively the “Bills”) contained provisions for the Bills to sunset on the earlier of January 1, 2020, or the adoption of legislation updating the 2009 General Development Plan (“GDP”). The GDP was not adopted by January 1, 2020, so Bill No. 74-19 extended the effective date of the Bills until the final adoption of the GDP by the County Council, after which time the provisions “stand repealed with no further action required by the County

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

Council". The updated GDP was adopted by the County Council on May 3, 2021, thus resulting in the sunset of the Bills. This had the practical effect of returning § 17-5-502 regarding the school utilization chart and the other County Code provisions affected by the Bills to the forms they were in prior to the effective dates of the Bills

Bill No. 85-21 restored certain changes made by the Bills to §§ 17-5-207(a) and (b) relating to the eligibility for the exemption to school APF for certain properties and restored the entirety of § 17-5-502 relating to school utilization charts to the version that resulted from the Bills. Bill No. 85-21 was amended to add provisions to §§ 17-5-501(a) and 17-5-901 to provide for the donation of land to the Board of Education for future construction of school facilities as an option for meeting adequate public facilities requirements for schools. Bill No. 85-21 was also amended such that it remains in effect until May 1, 2023, after which time it will stand repealed and be of no further force and effect.

Purpose

The purpose of Bill No. 9-23 is to extend the time that the provisions of Bill No. 85-21 remain in effect until September 1, 2023.

Bill No. 9-23

SECTION 1.

This section amends the uncodified provision of Bill No. 85-21 to extend the time that the provisions of Bill No. 85-21 remain in effect until September 1, 2023.

SECTION 2.

This section provides that the bill takes effect 45 days after it becomes law.

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

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Chris Trumbauer, Budget Officer
Jenny Jarkowski, Planning and Zoning Officer

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 10-23

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

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for March 6, 2023
Bill Expires May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Floodplain Management, Erosion and Sediment Control,
2 and Stormwater Management – Subdivision and Development – Water Quality
3 Improvement Projects
4

5 FOR the purpose of defining “water quality improvement project”; exempting certain water
6 quality improvement projects from the prohibition against development in natural
7 feature areas; and generally relating to floodplain management, erosion and sediment
8 control, and stormwater management, and subdivision and development.
9

10 BY renumbering: §§ 16-1-101(95) through 16-1-101(97), respectively, to be 16-1-101(96)
11 through 16-1-101(98), respectively; and 17-6-401 through 17-6-405, respectively, to
12 be 17-6-402 through 17-6-406, respectively
13 Anne Arundel County Code (2005, as amended)
14

15 BY adding: §§ 16-1-101(95); and 17-6-401
16 Anne Arundel County Code (2005, as amended)
17

18 BY repealing and reenacting, with amendments: § 16-2-101
19 Anne Arundel County Code (2005, as amended)
20

21 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
22 That §§ 16-1-101(95) through 16-1-101(97), and 17-6-401 through 17-6-405, respectively,
23 of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 16-
24 1-101(96) through 16-1-101(98), and 17-6-402 through 17-6-406, respectively.

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

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

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

TITLE 1. DEFINITIONS AND GENERAL PROVISIONS

16-1-101. Definitions.

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

(95)(i) “WATER QUALITY IMPROVEMENT PROJECT” MEANS A PROJECT THAT IS:

(1) DESIGNED TO REDUCE POLLUTANTS TO LOCAL WATERWAYS, INCLUDING A STREAM OR WETLAND RESTORATION PROJECT OR STORMWATER OUTFALL ENHANCEMENT PROJECT; AND

(2) IMPLEMENTED TO MEET THE WATER QUALITY GOALS ASSOCIATED WITH THE COUNTY’S NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM MUNICIPAL SEPARATE STORM SEWER SYSTEM PERMIT OR CHESAPEAKE BAY TOTAL MAXIMUM DAILY LOAD.

(ii) “WATER QUALITY IMPROVEMENT PROJECT” DOES NOT INCLUDE STORMWATER MANAGEMENT REQUIRED FOR DEVELOPMENT UNDER ARTICLE 17 OF THIS CODE, EXCEPT FOR AN ELEMENT OF A PROJECT THAT CORRECTS PRE-EXISTING SITE AND DOWNSTREAM DEFICIENCIES, SUCH AS UNSTABLE STORMWATER OUTFALL POINTS AND CONVEYANCES.

TITLE 2. FLOODPLAIN MANAGEMENT

16-2-101. Scope; overlay.

(a) **Scope.** ~~[[This]]~~ EXCEPT AS PROVIDED IN SUBSECTION (B), THIS title applies to all development, new construction and substantial improvements to existing structures in a floodplain district. An application for subdivision or for a building or grading permit is an application for development under this title.

(B) **Exception.** THIS TITLE DOES NOT APPLY TO A WATER QUALITY IMPROVEMENT PROJECT IF AN ENGINEERING STUDY, PROVIDED BY A DESIGN PROFESSIONAL AND APPROVED BY THE DEPARTMENT, EVALUATES THE EFFECTS OF ANY CONSTRUCTION USING THE APPLICABLE FEMA 100-YEAR FLOOD AND FLOODWAY DATA AND INCLUDES A CERTIFICATION THAT THE FLOOD-CARRYING CAPACITY WITHIN THE WATERCOURSE OR STREAM WILL NOT BE AFFECTED, OR THAT FLOOD-CARRYING CAPACITY CHANGES ARE APPROVED BY FEMA.

~~[[b)]]~~ (C) **Overlay.** This title is an overlay that applies to all land located in the County.

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 6. GENERAL DEVELOPMENT PROVISIONS

17-6-401. Applicability.

THE PROVISIONS OF THIS SUBTITLE DO NOT APPLY TO A WATER QUALITY IMPROVEMENT PROJECT, AS DEFINED IN § 16-1-101 OF THIS CODE.

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



ANNE ARUNDEL COUNTY OFFICE OF LAW

Legislative Summary

To: Members, Anne Arundel County Council

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

Via: Gregory J. Swain, County Attorney

Date: February 6, 2023

Subject: Bill No. 10-23 – Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects

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. 10-23.

Background

The County Code currently prohibits or restricts any development or disturbance in natural feature areas (which includes floodplains, nontidal wetlands, streams, and steep slopes) without a modification. *See* County Code, §§ 16-2-101, et. seq.; 17-6-401, et. seq. This includes any work that is done in association with water quality improvement projects (such as stream restoration projects), which typically take place entirely in one or more of those natural feature areas. As a result, the County and other private sector partners are required to go through the modification process in order to move forward with their projects.

Purpose

The purpose of Bill No. 10-23 is to exempt certain water quality improvement from the requirement for a modification.

Bill No. 10-23

SECTION 1.

This section provides for the renumbering that is required as a result of the changes in the Ordinance.

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

SECTION 2.

Subsection **16-1-101(95)** is added to create a definition of a “water quality improvement project”. These are defined to be projects that are designed to reduce pollutants to local waterways that are implemented to meet the water quality goals of the County’s National Pollutant Discharge Elimination System Municipal Separate Storm Sewer System Permit (“NPDES MS4”) or Chesapeake Bay Total Maximum Daily Load requirements (“TMDL”). A “water quality improvement project” does not include stormwater management required to be provided by a developer to meet the adequate public facilities (“APF”) requirements of Article 17, except for an element of a project that corrects a pre-existing site and downstream deficiency.

Subsection **16-2-101(a)** is revised and new subsection **(b)** is added to exempt a water quality improvement project that meets certain conditions from the floodplain management requirements of Article 16, Title 2, including the requirement for a modification in § 16-2-301. To be exempt, an engineering study must be provided by a design professional¹ and approved by the Department of Inspections and Permits. The subsection sets forth the criteria that must be met in the engineering study. Existing subsection (b) is renumbered to **(c)** without any change.

Section **17-6-401** is new and **(a)** incorporates the definition of “water quality improvement project” from Article 16. Subsection **(b)** provides that the prohibitions against development in natural feature areas in Title 16 do not apply to a water quality improvement project. The result of this is that a modification under § 17-2-108 is no longer necessary for such projects.

SECTION 3.

This section provides that the bill takes effect 45 days after it becomes law.

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

cc: Honorable Steuart Pittman, County Executive
Christine Anderson, Chief Administrative Officer
Jeff Amoros, Chief of Staff
Peter Baron, Chief Strategy Officer
Jennifer Purcell, Deputy Chief Administrative Officer
Janssen Evelyn, Deputy Chief Administrative Officer
Mark Wedemeyer, Director, Department of Inspections and Permits
Jenny Jarkowski, Planning and Zoning Officer
Chris Trumbauer, Budget Officer
Karen Henry, Acting Director, Department of Public Works
Erik Michelson, Deputy Director, Department of Public Works

¹ A design professional “means a professional engineer, professional land surveyor, or professional landscape architect licensed by the State.” § 16-1-101(19).

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

BILL NUMBER: 10-23

INTRO. DATE: February 6, 2023

FISCAL NOTE

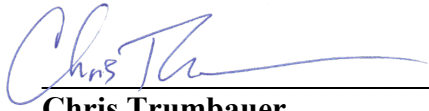
BILL: AN ORDINANCE CONCERNING: FLOODPLAIN MANAGEMENT, EROSION AND SEDIMENT CONTROL, AND STORMWATER MANAGEMENT – SUBDIVISION AND DEVELOPMENT – WATER QUALITY IMPROVEMENT PROJECTS.

SUMMARY OF LEGISLATION

The purpose of this legislation is to exempt certain water quality improvement projects from the prohibition against development in natural feature areas; and generally relating to floodplain management, erosion and sediment control, and stormwater management, and subdivision and development.

FISCAL IMPACT

This legislation has no direct fiscal impact. However, this exemption should allow restoration projects to move more quickly through the process and require fewer County review resources. Therefore, this exemption should result in cost savings across county several agencies.



Chris Trumbauer
Budget Officer

2/1/2023

Date

Prepared by: Samantha Chiriaco, Budget Analyst

cc: Billie Penley, Acting Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Bill No. 11-23

Introduced by Ms. Hummer and Ms. Pickard

By the County Council, February 6, 2023

Introduced and first read on February 6, 2023
Public Hearing set for March 6, 2023
Bill Expires on May 12, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – Mixed Use Districts – Uses Under the Optional
2 Method of Development

3
4 FOR the purpose of transferring certain permitted uses allowed under the optional method
5 of development in mixed use districts from the retail and service or other categories to
6 the office or industrial categories; and generally relating to zoning.

7
8 BY repealing and reenacting, with amendments: § 18-8-301
9 Anne Arundel County Code (2005, as amended)

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

13 ARTICLE 18. ZONING

14 TITLE 8. MIXED USE DISTRICTS

15 18-8-301. Permitted uses; conditional uses.

16
17
18 (a) **Uses allowed.** The permitted and conditional uses under the optional method of
19 development are listed in the chart in this section using the following key: P = permitted
20 use; C = conditional use. A blank space means that the use is not allowed in the district.
21 Uses and structures customarily accessory to the listed uses also are allowed, except that
22 outside storage as an accessory use is not allowed.
23
24

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

(b) **Categories in chart.** The chart in this section divides the permitted and conditional uses allowed under the optional method of development into the categories of residential, retail and service, office, and industrial, and the uses are subject to the percentage limitations on those categories described in § 18-8-302.

	MXD-R	MXD-C	MXD-E	MXD-T
Retail and Service				

[[Mailing and shipping services]]	[[P]]	[[P]]	[[P]]	[[P]]

[[Opticians or optometrical establishments]]	[[P]]	[[P]]	[[P]]	[[P]]

[[Veterinary clinics, if over-night stays are limited to those necessary for medical treatment, without outside runs or pens]]	[[P]]	[[P]]	[[P]]	[[P]]

Office				
Office, professional and general	P	P	P	P
OPTICIANS OR OPTOMETRICAL ESTABLISHMENTS	P	P	P	P
State-licensed medical clinics		C	C	C
VETERINARY CLINICS, IF OVER-NIGHT STAYS ARE LIMITED TO THOSE NECESSARY FOR MEDICAL TREATMENT, WITHOUT OUTSIDE RUNS OR PENS	P	P	P	P
Industrial				

Laboratories, research and development or testing			P	
MAILING AND SHIPPING SERVICES	P	P	P	P
PERMITTED AND CONDITIONAL USES ALLOWED IN W1 DISTRICTS IN ACCORDANCE WITH THE REQUIREMENTS OF SUBSECTION (C) AND NOT OTHERWISE ALLOWED IN MXD-R, MXD-C, MXD-E, OR MXD-T BY THIS SUBSECTION	P	P	P	P

Other				
[[Permitted and conditional uses allowed in W1 Districts in accordance with the requirements of subsection (c)]]	[[P]]	[[P]]	[[P]]	[[P]]

1 (c) **Additional requirements.** Except for a solar energy generating facility –
2 community or solar energy generating facility – utility scale, permitted and conditional
3 uses allowed in W1 Districts are permitted in MXD-R, MXD-C, MXD-E, and MXD-T
4 Districts provided:

5
6 (1) the location is within the Airport Noise Zone, is on land remediated for
7 environmental requirements under federal or State law, is on land that has been reclaimed
8 pursuant to an approved final reclamation plan under State or federal law, or consists of
9 lots abutting remediated or reclaimed land; and

10
11 (2) the requirements of § 18-8-302 and Title 10 are met.

12
13 (d) **Variances.** A variance may not be granted for the requirements specified in
14 subsection (c).

15
16 SECTION 2. *And be it further enacted,* That this Ordinance shall take effect 45 days
17 from the date it becomes law.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 3

Resolution No. 1-23

Introduced by Mr. Smith, Chair

By the County Council, February 6, 2023

1 RESOLUTION selecting SB & Company, LLC, an independent firm of certified public
2 accountants, to perform the financial audit for fiscal year 2023

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

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

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

20
21 WHEREAS, Michelle Bohlayer, County Auditor; Terry Gibson, Assistant County
22 Auditor; and Karen Howes, Legislative Audit Manager, were appointed to serve on
23 the Evaluation Committee and recommend an independent firm of certified public
24 accountants to perform the financial audit for fiscal year 2023; and

25
26 WHEREAS, the Evaluation Committee has recommended that SB & Company,
27 LLC, an independent firm of certified public accountants licensed for practice in
28 the State of Maryland, be selected to perform the financial audit for fiscal year 2023;
29 now, therefore, be it

30
31 *Resolved by the County Council of Anne Arundel County, Maryland,* That it hereby
32 approves the recommendation of the Evaluation Committee and selects SB & Company,
33 LLC, an independent firm of certified public accountants licensed for practice in the State
34 of Maryland, to perform the financial audit for fiscal year 2023 as required by Section 311
35 of the Charter; and be it further

36
37 *Resolved,* That a final copy of this resolution be sent to Michelle Bohlayer, County
38 Auditor.



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: February 1, 2023
Subject: Auditor's Review of Legislation for the February 6, 2023 Council Meeting

**Bill 1-23:
Zoning – General
Provisions – Uses and
Structures – Temporary
Uses (Emergency
Ordinance)**

Summary of Legislation

This bill extends the temporary use authorization for outdoor seating at restaurants established by Bill 55-21, as amended by Bill 83-21. The provisions of this emergency ordinance will remain in effect until January 2, 2024, and unless the food service facility obtains all authorizations and permits and permission required by law, the outdoor seating facilities must be removed no later than January 11, 2024.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 2-23:
Private Disposition of
Surplus Real Property –
Approval of Terms and
Conditions – Overlea
Drive in Severna Park**

Summary of Legislation

This bill approves the terms and conditions under which the County may transfer its interest in real property determined to be surplus, consisting of approximately 0.058 acres, and located on the North Side of Overlea Drive in Severna Park, Maryland to Chessie Homes, LLC.

The aforementioned property had two independent appraisals performed to determine the fair market value of the property, as required by County Code. The property comprised of a 2,508 square foot area (0.058 acres) appraised for \$121,000 as of July 26, 2022 and \$118,750 as of September 12, 2022, for an average of approximately \$120,000.

Review of Fiscal Impact

The private disposition of the aforementioned property to Chessie Homes, LLC is for a \$0.00 sale price contingent on the agreement of sale.

AMENDMENT TO BILL NO. 2-23
(Private Disposition of Surplus Real Property – Approval of Terms and Conditions –
Overlea Drive in Severna Park, Maryland)

February 6, 2023

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

Amendment No. 1

On page 1 of the proposed bill, in line 15, and on page 2, in lines 31 through 32, in each instance, strike “Exhibit 1” and substitute “Exhibit 1-A”.

Strike Exhibit 1 and replace with attached Exhibit 1-A.

(This amendment makes certain edits to the Agreement of Sale to (1) state that settlement must occur not later than 45 days after the satisfaction of contingencies, (2) keep terminology consistent throughout the Agreement, and (3) correct the name of the Chief Administrative Officer in the signature block; and replaces Exhibit 1 with Exhibit 1-A to reflect the edits.)

Department of Public Works
Right of Way Division
2662 Riva Road
Annapolis, MD 21401

AGREEMENT OF SALE

THIS AGREEMENT OF SALE, made this ____ day of _____, 2023, by and between **CHESSIE HOMES, LLC**, a Maryland Limited Liability Company (hereinafter called “Chessie Homes”) and **ANNE ARUNDEL COUNTY, MARYLAND**, a body corporate and politic of the State of Maryland (hereinafter called “County”).

WHEREAS, pursuant to Resolution No. 11-22, the County Council approved the determination of certain County-owned property as surplus property, which property is comprised of 0.058 acres, more or less, located on the North side of Overlea Drive in Severna Park, Maryland, and further described in **Exhibit A** attached hereto (the “Property”); and

WHEREAS, a title review has revealed that the County and Chessie Homes may both have claims to title to the Property; and

WHEREAS, Chessie Homes obtained County permits (building permit B02368512) and constructed residential improvements (“Improvements”) on the Property before the title issue was revealed; and

WHEREAS, the County has determined that the Improvements encroach onto the County’s right-of-way (“ROW”); and

WHEREAS, Chessie Homes desires for the County to convey to it any interest in the Property that the County may have to resolve the title issues; and

WHEREAS, prior to conveying its interest in the Property, the County requires that Chessie Homes remove all encroachments from the ROW; and

WHEREAS, building permit B02368512 has been revised to remove the portion of the Improvements that encroach onto the ROW; now, therefore,

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

1. The County agrees to grant and convey to Chessie Homes its rights, title, and interest in the Property under the terms and conditions set forth in this Agreement of Sale.

2. The total purchase price for the Property shall be Zero Dollars (\$0), plus all costs of transfer, with settlement to occur no later than forty-five (45) days after the satisfaction of the following contingencies::

(a) Approval by ordinance of the Anne Arundel County Council for the private disposition of the Property to Chessie Homes; and

(b) Within six (6) months of approval of the ordinance referenced in (a), removal by Chessie Homes of all encroachments in the ROW in accordance with all permits and to the satisfaction of the County, to include passage of a final inspection on permit number B02368512, as revised.

3. Settlement shall be held at a location in Maryland designated by the County. The County shall give Chessie Homes at least ten (10) days written notice of the date and location of the settlement.

4. At the time of settlement, the County shall convey its interests in the Property to Chessie Homes by a quitclaim deed without warranties.

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

IF TO CHESSIE HOMES: Chessie Homes, LLC
 P.O. Box 447
 Pasadena, MD, 21122

IF TO COUNTY: Director, Department of Public Works
 2662 Riva Road
 Annapolis, MD 21401

WITH A COPY TO: Office of Law
 2660 Riva Road, 4th Floor
 Annapolis, MD 21401

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

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

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

8. This Agreement shall be governed by Maryland law and be subject to the exclusive jurisdiction of the courts of Anne Arundel County, Maryland.

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

10. Any financial obligation of the County hereunder is subject to the availability of funds duly appropriated by the Anne Arundel County Council.

Witness:

CHESSIE HOMES LLC

LeeAnn Brown

By: Kyle W Squires (Seal)

Name: Kyle W Squires
Title: Member

Attest:

ANNE ARUNDEL COUNTY, MARYLAND

By: _____ (Seal)

Christine Anderson,
Chief Administrative Officer

Reviewed and Approved:

Director, _____

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

Gregory J. Swain, County Attorney:

Christine B. Neiderer
Senior Assistant County Attorney

Date

EXHIBIT A

Legal Description

Part of Lots 24-26, Block T, Sabrina Park, Plat Book 5, Page 50
Property situated on the North Side of Overlea Drive, Severna Park
Third District, Anne Arundel County

Beginning for the same at a point located at the northern side of Overlea Drive, a 50 foot wide public right-of-way, said place of beginning also being located on the property owned by Frankie Wilson & Sons Inc. by a deed dated September 9, 1957, and recorded among the Land Records of Anne Arundel County, Maryland ("Land Records") in Liber 1149, at Folio 440; said property being Lots 10-43, Block "T", as show on a plat entitled, "Sabrina Park" and recorded among the Plat Records of said county, and state in Plat Book 5, at Page 50; said point of beginning being further located 30.00 feet left of the baseline of Right-of-Way (as now surveyed) of the relocated Earleigh Heights Road, Station 15 + 16.54, as shown on the Anne Arundel County Right-of-Way Plat #42,822.

Thence leaving said place of beginning and running with the bounds of herein described Fee Simple Property the following four (4) courses and distances viz:

1. 63.76 feet along the arc of the curve to the left having a radius of 700.00 feet and a chord bearing and distance of North 64°25'43" East, 63.73 feet to a point of reverse curvature, thence,
2. 43.26 feet along the arc of a curve to the right having a radius of 885.12 feet and a chord bearing and distance of North 63°13'31" East, 43.26 feet to a point in the westerly side of an un-named road (40' platted right-of-way) as shown on the plat of Sabrina Park, thence with said right of way,
3. South 19°51'21" West, 76.85 feet to intersect the aforementioned northerly side of Overlea, thence with Overlea Drive,
4. North 70°08'38" West, 74.44 feet to the place of beginning.

Containing in all 2,508 square feet or 0.058 acres of land, more or less.

SUBJECT TO a Perpetual Drainage Easement located along the first or north 64°25'43" East, 63.73 feet line of the above described parcel and shown on the Anne Arundel County Right of Way Plat #42,822, as prepared by Park Engineering, Inc., containing 605.35 square feet of land.

BEING part of the fee simple property in the conveyance from Frankie Wilson & Sons, Inc. to Anne Arundel County, Maryland by deed dated December 8, 1995, and recorded in the Land Records in Book 7286, at page 755.

ALSO BEING part of the fee simple property in the conveyance from Arundel Investments, LTD to Chessie Homes, LLC by deed dated April 30, 2019, and recorded in Land Records in Book 33098, at page 185.