



COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

AGENDA

Legislative Session 2023, Legislative Day No. 7 April 3, 2023

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

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

March 20, 2023 – Legislative Day No. 6

- J. Introduction of Bills

BILL NO. 22-23 – AN ORDINANCE concerning: Zoning – General Provisions – Digital Zoning Layer – FOR the purpose of establishing guidelines for construing the location of zoning district lines shown on the digital zoning layer; authorizing the County Council or the Planning and Zoning Officer to certify administrative corrections to zoning district lines in certain situations; and generally relating to zoning.

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

BILL NO. 23-23 – AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Resilience Authority of Annapolis and Anne Arundel County – FOR the purpose of adding a certain non-voting advisor; staggering the initial terms of members; providing that the Director shall be a County employee in the exempt service; revising the process

for appointing and qualifications of a Chief Financial Officer; altering certain reporting requirements; and generally relating to boards, commissions, and similar bodies.

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

BILL NO. 24-23 – AN ORDINANCE concerning: Pensions – County Councilmember – Vesting – FOR the purpose of altering the number of service years a County Councilmember who is a participant in the Employees’ Retirement Plan is required to complete in order to vest in the benefits of the plan; making conforming changes; and generally relating to pensions.

Introduced by Ms. Fiedler and Mr. Volke

K. Introduction of Resolutions

RESOLUTION NO. 8-23 – RESOLUTION approving the nomination of Tonii Gedin as Acting Health Officer

RESOLUTION NO. 9-23 – RESOLUTION approving the terms and conditions of the acquisition of real property in Lothian, Maryland and from Perdue AgriBusiness LLC, utilizing funds from the Advance Land Acquisition Capital Project

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

BILL NO. 6-23 (As Amended) (Technical Amendment Proposed) – AN ORDINANCE concerning: Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units – FOR the purpose of exempting certain accessory dwelling units from capital facility connection charges and 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 public works, subdivision and development and zoning.

Introduced by Ms. Rodvien, Ms. Pickard, Ms. Hummer, and Mr. Smith

BILL NO. 13-23 (As Amended) (Amendments Proposed) – AN ORDINANCE concerning: Licenses and Registrations – Special Events – Permitting – FOR the purpose of establishing a uniform permitting process for special events; defining certain terms; requiring certain persons to obtain a permit to hold special events; requiring the permit application to contain certain information; establishing the basis for granting or denying the permit application; establishing fees and fee waivers for special event permit applications; requiring reimbursement of costs incurred by the County and allowing for the waiver of such reimbursement; requiring certain inspections be performed; allowing for the termination of permits in certain circumstances; providing for a delay in the application and collection of certain fees; and generally relating to licenses and registrations.

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

[BILL NO. 16-23](#) – AN ORDINANCE concerning: Public Ethics – FOR the purpose of defining “quasi-governmental entity”; repealing a provision that allows for the disclosure of a complainant; prohibiting the acceptance of gifts from certain entities; prohibiting retaliation against a complainant; requiring the disclosure of certain gifts and relationships in financial disclosure statements; amending the terms for disclosing certain real property and business interests; allowing the public inspection of certain records by electronic means; and generally relating to public ethics.

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

[BILL NO. 17-23](#) – AN ORDINANCE concerning: Payment in Lieu of Taxes – The Villages at Marley Station, Glen Burnie, Maryland – Amendment – FOR the purpose of authorizing the County Executive to enter into a certain amendment to the agreement for payment in lieu of County real property taxes for a certain property located in Glen Burnie, Maryland.

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

[BILL NO. 18-23](#) – AN ORDINANCE concerning: Planning and Development – Master Plan for Water Supply and Sewerage System – FOR the purpose of amending the Master Plan for Water Supply and Sewerage Systems, 2022 to alter certain maps; and generally relating to the Master Plan for Water Supply and Sewerage Systems.

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

[BILL NO. 19-23 \(Amendments Proposed\)](#) – AN ORDINANCE concerning: Public Safety – Ban the Bag Act of Anne Arundel County – FOR the purpose of prohibiting the retail distribution of plastic bags in Anne Arundel County; defining certain terms; establishing the duties of retail establishments; making a violation a Class C civil offense; providing for the enforcement of the prohibition on plastic bags; allowing retail establishments to distribute paper and reusable bags at no cost until a certain date; providing for a delayed effective date; and generally relating to public safety.

Introduced by Ms. Rodvien, Ms. Hummer, and Ms. Pickard

[RESOLUTION NO. 3-23](#) – RESOLUTION approving the determination of certain improved County-owned property at the corner of Yellow Springs South and Wye Mills South in Laurel, Maryland, as surplus property

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

[RESOLUTION NO. 4-23](#) – RESOLUTION approving the determination of certain improved County-owned property near Eagle Harbor South in Laurel, Maryland, as surplus property

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

[RESOLUTION NO. 6-23](#) – RESOLUTION supporting the Anne Arundel County Board of Education’s revised Fiscal Year 2024 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction
Introduced by Mr. Smith, Chair
(by request of the County Executive)

[RESOLUTION NO. 7-23](#) – RESOLUTION urging the Maryland General Assembly to oppose House Bill 119 and any amendments to conform Senate Bill 199 to State House Bill 119
Introduced by Ms. Leadbetter, Mr. Smith, and Ms. Fiedler

M. Other Business

N. 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



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: March 29, 2023
Subject: Auditor's Review of Legislation for the April 3, 2023 Council Meeting

**Bill 6-23:
Subdivision and
Development – Zoning –
Accessory Dwelling Units
(As Amended)**

Summary of Legislation

This bill exempts accessory dwelling units from impact fees; amends the definitions of density and dwelling unit, accessory; repeals certain parking requirements for accessory dwelling units; amends the conditional use requirements for accessory dwelling units; and allows accessory dwelling units in use as of a certain date to be exempt from certain conditional use requirements.

We commented on this bill in our letters dated February 16, 2023, March 1, 2023, and March 15, 2023. At the March 20, 2023 Council meeting, this bill was amended to allow a variance to reduce the minimum setback requirements to an adjacent lot located in a residential district if the variance is for a structure that was in existence before the effective date of Bill 6-23 and the structure is being converted to an accessory dwelling unit. We have no further comments on this bill.

**Bill 13-23:
Licenses and Registrations
– Special Events –
Permitting (As Amended)**

Summary of Legislation

This bill establishes a uniform permitting process for special events, defines certain terms, requires certain persons to obtain a permit to hold special events, requires the permit application to contain certain information, establishes the basis for granting or denying the permit application, establishes fees and fee waivers for special event permit applications, requires reimbursement of costs incurred by the County and allows for the waiver of such reimbursement, requires certain inspections to be performed, and allows for the termination of permits in certain circumstances.

We commented on this bill in our letter dated March 15, 2023. At the March 20, 2023 Council meeting, this bill was amended to delay the implementation and collection of application fees and special service charges for reimbursement of costs incurred by the County until January 1, 2024. It was also amended to eliminate the \$50 application fee for a special event permit; to edit the vehicular and pedestrian traffic

Bill 13-23 (continued)

component of the definition of a special event to require compliance with normal and usual traffic regulations and controls; and to allow the County to change or waive certain filing deadlines for reasons, such as a spontaneous response to a current event. We have no further comments on this bill.

**Bill 16-23:
Public Ethics****Summary of Legislation**

This bill defines a quasi-governmental entity, repeals a provision that allows for the disclosure of a complainant, prohibits the acceptance of gifts from certain entities, prohibits retaliation against a complainant, requires the disclosure of certain gifts and relationships in financial disclosure statements, amends the terms for disclosing certain real property and business interests, and allows the public inspection of certain records by electronic means.

Review of Fiscal Impact

This bill has no direct fiscal impact.

**Bill 17-23:
Payment in Lieu of Taxes
– The Villages at Marley
Station, Glen Burnie –
Amendment****Summary of Legislation**

This bill authorizes the County Executive to enter into a certain amendment to the agreement for payment in lieu of County real property taxes for The Villages at Marley Station located in Glen Burnie.

The amendment for the payment in lieu of taxes (PILOT) for the property known as The Villages at Marley Station provides additional time to subject existing units to income restrictions required by the agreement to avoid displacing current tenants. Specifically, the current agreement requires Fairfield Marley Station LP (owner) to make 757 units available to households earning 60% and below the area median income (AMI). The amendment requires that the owner make at least 584 units available to households earning 60% and below AMI and by December 31, 2026, the owner will make at least 745 units available to households earning 60% and below AMI.

This original agreement was passed under Bill 67-22 during the July 18, 2022 Council meeting.

Review of Fiscal Impact

As noted in our letter dated July 15, 2022, under the terms of the proposed agreement, the payment required by the owner will be \$218,120 for the first year. The proposed agreement includes a 4% annual adjustment factor for each subsequent year of the term.

The owner paid the full property tax amount of \$572,044 for fiscal year 2023. This amendment changes the agreement start date to July 1, 2023 at which point the first year PILOT payment of \$218,120 will be in place.

**Bill 18-23:
Planning and Development
– Master Plan for Water
Supply and Sewerage
Systems**

Summary of Legislation

This bill amends the Master Plan for Water Supply and Sewerage Systems, 2022, to alter certain maps by changing the sewer service category for one land parcel and by changing the water service category and water pressure zones for two land parcels. The changes related to these three parcels, two privately owned and one County owned, are subject to the approval of the Maryland Department of the Environment.

Review of Fiscal Impact

This bill has no direct fiscal impact to the County. Costs to connect to public water and sewer are paid by the user through charges and assessments and upon connection will be billed for water and sewer usage. The County property (the Exhibit B parcel) would be exempt from capital connection fees for water and sewer, however, upon connection, they will be billed for water and sewer usage.

**Bill 19-23:
Public Safety – Ban the
Bag Act of Anne Arundel
County**

Summary of Legislation

This bill prohibits the retail distribution of plastic bags in Anne Arundel County, defines certain terms, establishes the duties of retail establishments, makes a violation a Class C civil offense, provides for the enforcement of the prohibition on plastic bags, and provides for a delayed effective date. A Class C civil offense is \$500 for the first violation and \$1,000 for each subsequent violation.

This prohibition will also apply to County operated food service facilities, such as Anne Arundel County Public School (AACPS) cafeterias and Department of Aging (DOA) dining centers.

Review of Fiscal Impact

The Department of Health and the Department of Inspections and Permits do not anticipate a change in workload due to the requirements of this bill. DOA does not use plastic bags, therefore, there will not be an impact to their operations. AACPS uses plastic bags for the Summer Mobile Meals and Grab and Go Breakfast programs. This results in approximately 2.7 million bags per year for those two programs and AACPS estimates approximately \$135,000 in additional costs to eliminate these plastic bags.

This bill will result in additional fines being charged, however, the amount will be dependent on the number of violations.

**Resolution 3-23:
Approval of the
Determination of Certain
Improved County-Owned
Property at the Corner of
Yellow Springs South and
Wye Mills South in Laurel
as Surplus Property**

Summary of Legislation

This resolution approves the determination of certain improved County-owned property at the corner of Yellow Springs South and Wye Mills South in Laurel as surplus property. According to the State Department of Assessments and Taxation (SDAT), the property is approximately 0.245 acres and has an assessed value of \$0.00 as of July 1, 2022.

Review of Fiscal Impact

We reviewed this resolution and the support provided by the Administration and agree with the information presented. This resolution approves the determination of this property as surplus and has no fiscal impact. Pursuant to Code § 8-3-204(f), if the County Council approves this determination as surplus property and the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more, County Council approval will be required for the disposition of the property.

**Resolution 4-23:
Approval of the
Determination of Certain
Improved County-Owned
Property Near Eagle
Harbor South in Laurel as
Surplus Property**

Summary of Legislation

This resolution approves the determination of certain improved County-owned property near Eagle Harbor South in Laurel as surplus property. According to SDAT, the property is approximately 0.1637 acres and has an assessed value of \$0.00 as of July 1, 2022.

Review of Fiscal Impact

We reviewed this resolution and the support provided by the Administration and agree with the information presented. This resolution approves the determination of this property as surplus and has no fiscal impact. Pursuant to Code § 8-3-204(f), if the County Council approves this determination as surplus property and the purchase price is less than 90% of its appraised value or the appraised value is \$50,000 or more, County Council approval will be required for the disposition of the property.

**Resolution 6-23:
Supporting the Board of
Education's Revised Fiscal
Year 2024 Capital
Improvement Program
Request for Submission to
the Interagency
Commission on School
Construction**

Summary of Legislation

This resolution confirms the County Executive's letter of support for the Board of Education's (BOE) revised Fiscal Year 2024 (FY24) Public School Construction Capital Improvement Program request for submission to the Maryland State Department of Education's Interagency Commission on School Construction (IAC). We have reviewed the letter and BOE's FY24 capital request. The BOE has increased their total FY24 IAC requested funding to \$85,811,000 from the \$65,423,000 in the original request included in Resolution 47-22.

Review of Fiscal Impact

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

**Resolution 7-23:
Urging the Maryland
General Assembly to
Oppose House Bill 119 and
Any Amendments to
Conform Senate Bill 199 to
State House Bill 119**

Summary of Legislation

This resolution urges the Maryland General Assembly to oppose House Bill 119 and any amendments to conform Senate Bill 199 to State House Bill 119. House Bill 119 requires each County BOE to follow the policy and guidelines for program instruction for public schools established by the state BOE.

Review of Fiscal Impact

This resolution has no fiscal impact.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Minutes of
Legislative Session 2023, Legislative Day No. 6
March 20, 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 Ms. Leadbetter, and was followed by the Pledge of Allegiance. The meeting was held in the County Council Chambers in Annapolis, Maryland. There were approximately 60 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 three submissions of written testimony received through the online testimony tool for Invitation to Audience, which were shared with the Council and posted on the County Council website.

The following persons spoke at Invitation to Audience:

Henry Meuller, Deale
Kurt Svendsen, Arnold
Mohan Grover, Shady Side
Cedric Tolson, Crofton
Matt Minahan, Edgewater
David Morseberger, Davidsonville

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

ITEMS NOT APPEARING

Ms. Rodvien withdrew Bill No. 14-23.

PRELIMINARY MOTION

On motion of Ms. Pickard, seconded by Mr. Volke, 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. Fiedler, the minutes of the meeting of March 6, 2023 were approved as presented.

INTRODUCTION OF BILLS

BILL NO. 20-23 – AN ORDINANCE concerning: Pedestrian and Bicycle Master Plan – Walk & Roll Anne Arundel! – Adoption – FOR the purpose of repealing the 2003 Pedestrian and Bicycle Master Plan and the 2013 update to that Plan; adopting the County’s 2023 Pedestrian and Bicycle Master Plan, entitled “Walk & Roll Anne Arundel!”; and generally relating to the pedestrian and bicycle master plan.

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

BILL NO. 21-23 – AN ORDINANCE concerning: Zoning – Requirements for Conditional Uses – Housing for the Elderly of Moderate Means – FOR the purpose of requiring a covenant enforceable by the County for housing for the elderly of moderate means; adding certain government-funded developments with at least one resident that is 62 years of age or older as a type of “housing for the elderly of moderate means”; and generally relating to zoning.

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

INTRODUCTION OF RESOLUTIONS

RESOLUTION NO. 5-23 – RESOLUTION approving the determination of certain improved County-owned property, known as 100 Summit Avenue in Glen Burnie, Maryland, as surplus property

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

RESOLUTION NO. 6-23 – RESOLUTION supporting the Anne Arundel County Board of Education’s revised Fiscal Year 2024 Public School Construction Capital Improvement Program request for submission to the Interagency Commission on School Construction

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

RESOLUTION NO. 7-23 – RESOLUTION urging the Maryland General Assembly to oppose House Bill 119 and any amendments to conform Senate Bill 199 to State House Bill 119
Introduced by Ms. Leadbetter, Mr. Smith, and Ms. Fiedler

MOTION TO SUSPEND RULE

On motion by Ms. Rodvien, seconded by Ms. Leadbetter, a motion to suspend the rules to vote on Resolution No. 7-23 at the end of the meeting was defeated by the following roll call:

Aye – Ms. Leadbetter, Ms. Fiedler, Ms. Rodvien, Mr. Smith

Nay – Ms. Pickard, Mr. Volke, Ms. Hummer

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

BILL NO. 6-23 (As Amended)

The Chair called for Bill No. 6-23, as amended, An Ordinance concerning: Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units – For the purpose of exempting certain accessory dwelling units from capital facility connection charges and 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 public works, subdivision and development, and zoning; and the Administrative Officer read a portion of the title.

Ms. Rodvien, Co-Sponsor, explained the background and purpose of the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, Claudia O’Keeffe, Inspections and Permits, Karen Henry, Department of Public Works, and Kelly Kenney, Office of Law.

The Administration stated its support.

The Chair called for the public hearing on Bill No. 6-23, as amended.

The Administrative Officer stated there were twelve submissions of written testimony received through the online testimony tool for Bill No. 6-23, as amended, along with an email and letter, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 6-23, as amended:

Kurt Svendsen, Arnold
Patsy Early, Annapolis
Jane McWilliams, Annapolis
Claire Corchoran, Annapolis
Matt Minahan, Edgewater

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

The Chair called Bill No. 6-23, as amended, An Ordinance concerning: Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units; and the Administrative Officer read a portion of the title.

Ms. Rodvien addressed comments from the public hearing.

Ms. Kenney answered questions from the public hearing presented by Ms. Rodvien.

Amendment No. 12

The Administrative Officer read a brief summary of the amendment:

This amendment prohibits a variance for an accessory dwelling unit constructed on or after the effective date of Bill No. 6-23 to reduce the minimum setback requirements to an adjacent lot located in a residential district.

Ms. Fiedler, Sponsor, motioned for the amendment and Mr. Volke seconded.

After discussion among the Council, Ms. Fiedler and Mr. Volke withdrew their motions and Ms. Fielder withdrew the amendment.

Amendment No. 13

The Administrative Officer read a brief summary of the amendment:

This amendment allows a variance to reduce the minimum setback requirements to an adjacent lot located in a residential district if the variance is for a structure that was in existence before the effective date of Bill No. 6-23 and the structure is being converted to an accessory dwelling unit.

Ms. Pickard, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

On motion of Ms. Pickard, seconded by Ms. Rodvien, Amendment No. 13 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith
Nay – None

The Chair stated that Bill No. 6-23, as amended, will be heard on April 3, 2023.

BILL NO. 10-23(As Amended)

The Chair called for Bill No. 10-23, as amended, An Ordinance concerning: 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; exempting certain water quality improvement projects from the site development plan process; and generally relating to floodplain management, erosion and sediment control, and stormwater management, and subdivision and development; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Erik Michelsen, Department of Public Works, Environment, Lynn Miller, Office of Planning and Zoning, Raghu Badami, Inspections and Permits, and Kelly Kenney, Office of Law.

Mr. Baron explained the background and purpose of the bill.

The Chair called for the public hearing on Bill No. 10-23, as amended.

The Administrative Officer stated there was one submission of written testimony received through the online testimony tool for Bill No. 10-23, as amended, which was shared with the Council and posted on the County Council website.

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

The Chair called Bill No. 10-23, as amended, An Ordinance concerning: Floodplain Management, Erosion and Sediment Control, and Stormwater Management – Subdivision and Development – Water Quality Improvement Projects; and the Administrative Officer read a portion of the title.

Bill No. 10-23, as amended, was passed by the following roll call:

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

Nay – None

BILL NO. 12-23

The Chair called for Bill No. 12-23, An Ordinance concerning: Conveyance of Surplus Property – Improved County-Owned Property – Part of the Dorsey Run Road Right-of-Way in Annapolis Junction, Maryland – For the purpose of approving the conveyance of certain County-owned property comprised of approximately 2.9245 acres of land, being part of the Dorsey Run Road right-of-way, in Annapolis Junction, Maryland; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Christopher Daniels, Real Estate, and Christine Neiderer, Office of Law.

Mr. Baron explained the background and purpose of the bill.

The Chair called for the public hearing on Bill No. 12-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 12-23.

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

The Chair called Bill No. 12-23, An Ordinance concerning: Conveyance of Surplus Property – Improved County-Owned Property – Part of the Dorsey Run Road Right-of-Way in Annapolis Junction, Maryland; and the Administrative Officer read a portion of the title.

Bill No. 12-23 was passed by the following roll call:

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

Nay – None

BILL NO. 13-23

The Chair called for Bill No. 13-23, An Ordinance concerning: Licenses and Registrations – Special Events – Permitting – For the purpose of establishing a uniform permitting process for special events; defining certain terms; requiring certain persons to obtain a permit to hold special events; requiring the permit application to contain certain information; establishing the basis for granting or denying the permit application; establishing fees and fee waivers for special event permit applications; requiring reimbursement of costs incurred by the County and allowing for the waiver of such reimbursement; requiring certain inspections be performed; allowing for the termination of permits in certain circumstances; and generally relating to licenses and registrations; and the Administrative Officer read a portion of the title.

Pete Baron, Director, Government Affairs, was accompanied by Preeti Emrick, Office of Emergency Management, Assistant Fire Chief Lawrence Schultz, Fire Department, Captain Daniel Rodriguez, Police Department, Holly Velez, Inspections and Permits, and Ethan Hunt, Office of Law.

Mr. Baron explained the background and purpose of the bill.

Ms. Emrick spoke on the bill.

Mr. Volke asked about definitions in the bill.

Mr. Baron responded.

Mr. Smith asked how long the County worked on the legislation and if the public engaged in it.

Ms. Emrick answered.

Ms. Rodvien expressed the need to balance public safety and vendor safety.

There was continued discussion on the bill.

The Chair called for the public hearing on Bill No. 13-23.

The Administrative Officer stated there were sixty-six submissions of written testimony received through the online testimony tool for Bill No. 13-23, which were shared with the Council and posted on the County Council website.

The following persons spoke on Bill No. 13-23:

Bruce Bereano, Annapolis
Martial Hardy, Harwood
John Faber, Churchton
Jules Smith, Davidsonville
Julia Howes, Churchton
Henry Mueller, Deale
John May, Davidsonville
Susangrace DuBose, Annapolis
Dana Schulze, Millersville
Peggy Williams, Severna Park
Alan Lang, Pasadena
Joe Larson, Hanover
Clifton Odenhall, Glen Burnie
David Morsberger, Davidsonville
Heather Bagnall, Annapolis
Cedric Tolson, Crofton
Kinley Bray, Annapolis
Chris Ronk, Severna Park
Bruce Ballantyne,

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

The Chair called Bill No. 13-23, An Ordinance concerning: Licenses and Registrations – Special Events – Permitting; and the Administrative Officer read a portion of the title.

There was discussion concerning the public testimony on Bill No. 13-23.

Amendment No. 1

The Administrative Officer read a brief summary of the amendment:

This amendment delays the application and collection of registration fees and special fees until January 1, 2024.

Mr. Baron explained the purpose of the amendment.

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

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith
Nay – None

Amendment No. 2

The Administrative Officer read a brief summary of the amendment:

The amendment excludes from the definition of “special events” an agritourism event held on private property that does not require the exclusive use of public streets or roads or the use of county services exceeding normal operations; and excludes agritourism and farm or agricultural heritage site special events authorized by the Planning and Zoning Officer.

Ms. Leadbetter, Sponsor, explained the purpose of the amendment.

Mr. Baron stated he received an incorrect version of the amendment and asked for clarification on the amendment.

Ms. Leadbetter responded.

On motion by Ms. Leadbetter, seconded by Ms. Rodvien, the amendment was held until the end of the amendments by the following roll call:

Aye – Ms. Leadbetter, Ms. Pickard, Mr. Volke, Ms. Hummer, Ms. Fiedler, Ms. Rodvien
Mr. Smith
Nay – None

Amendment No. 3

The Administrative Officer read a brief summary of the amendment:

The amendment eliminates the \$50 application fee for a special event permit.

Mr. Smith, Sponsor, explained the purpose of the amendment.

Mr. Baron shared the Administration's concern of the amendment.

Ms. Hummer asked for clarification on who would have the fee waived.

Ms. Pickard expressed her disagreement with the amendment.

Ms. Fiedler spoke on the Fiscal Note.

There was continued discussion on the amendment.

On motion of Mr. Smith, seconded by Mr. Volke, Amendment No. 3 was adopted by the following roll call vote:

Aye – Ms. Leadbetter, Mr. Volke, Ms. Fiedler, Mr. Smith

Nay – Ms. Pickard, Ms. Hummer, Ms. Rodvien

Amendment No. 4

The Administrative Officer read a brief summary of the amendment:

This amendment edits the vehicular component of the definition of "special event" to require compliance with normal and usual traffic rules.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

Mr. Volke pointed out a technical error and the error was corrected.

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

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

Nay – None

Amendment No. 5

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to change or waive certain filing deadlines for reasons such as a response to sudden or unexpected event.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

The Administration stated its support.

Mr. Volke shared his concern of the amendment.

Ms. Rodvien clarified waiving filing deadlines.

Mr. Hunt and Mr. Baron responded.

On motion of Ms. Leadbetter, seconded by Mr. Smith, Amendment No. 5 was adopted by the following roll call vote:

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

Nay – None

Amendment No. 6

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to waive an application fee under certain enumerated circumstances.

There was discussion clarifying the need of the amendment.

Ms. Leadbetter, Co-Sponsor, withdrew the amendment.

Amendment No. 7

The Administrative Officer read a brief summary of the amendment:

This amendment allows the County to waive the special service charges when the County can provide needed resources to support the special event and a waiver is in the best interest of the County.

Ms. Leadbetter, Co-Sponsor, explained the purpose of the amendment.

Mr. Smith, Co-Sponsor, and Mr. Baron spoke on the intent of the amendment.

Mr. Volke spoke on his view of the amendment.

Ms. Leadbetter withdrew the amendment.

Amendment No. 8

Mr. Volke, Sponsor, withdrew the amendment.

The Chair stated amendment No. 2 will be held until the April 3, 2023 meeting.
The Chair stated that Bill No. 13-23, as amended, will be heard on April 3, 2023.

BILL NO. 15-23

The Chair called for Bill No. 15-23, An Ordinance concerning: Zoning – Residential Districts – Business Complexes as a Conditional Use – For the purpose of allowing business complexes as a conditional use in R1 residential zoning districts; adding the conditional use requirements for business complexes in a residential district; allowing a business complex in a residential district to include certain additional uses allowed in C1 or C3 commercial zoning districts; and the Administrative Officer read a portion of the title.

Ms. Fiedler, Sponsor, explained the background and purpose of the bill.

Pete Baron, Director, Government Affairs, was accompanied by Lynn Miller, Office of Planning and Zoning, and Kelly Kenney, Office of Law.

The Administration stated its support.

Mr. Volke asked if the property was the only property affected by the bill.

Ms. Kenney confirmed.

The Chair called for the public hearing on Bill No. 15-23.

The Administrative Officer stated there were no submissions of public testimony received ahead of time for Bill No. 15-23.

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

The Chair called Bill No. 15-23, An Ordinance concerning: Zoning – Residential Districts – Business Complexes as a Conditional Use; and the Administrative Officer read a portion of the title.

Bill No. 15-23 was passed by the following roll call:

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

Nay – None

ADJOURNMENT

There being no further business, on motion of Mr. Volke, seconded by Ms. Pickard, the meeting adjourned at 9:37 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. 7

Bill No. 22-23

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

By the County Council, April 3, 2023

Introduced and first read on April 3, 2023
Public Hearing set for May 1, 2023
Bill Expires July 7, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Zoning – General Provisions – Digital Zoning Layer

2
3 FOR the purpose of establishing guidelines for construing the location of zoning district
4 lines shown on the digital zoning layer; authorizing the County Council or the Planning
5 and Zoning Officer to certify administrative corrections to zoning district lines in
6 certain situations; and generally relating to zoning.

7
8 BY repealing: § 18-2-108
9 Anne Arundel County Code (2005, as amended)

10
11 BY repealing and reenacting, with amendments: §§ 18-2-106(b) and 18-2-107
12 Anne Arundel County Code (2005, as amended)

13
14 BY adding: § 18-2-106(e)
15 Anne Arundel County Code (2005, as amended)

16
17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
18 That § 18-2-108 of the Anne Arundel County Code (2005, as amended) is hereby repealed.

19
20 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
21 Code (2005, as amended) read as follows:

ARTICLE 18. ZONING

TITLE 2. GENERAL PROVISIONS

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 **18-2-106. Zoning map.**

2
3 (b) **Authorized changes to zoning map.** The Anne Arundel County Digital Zoning
4 Layer may not be changed except as follows:

5
6 (1) By comprehensive zoning legislation enacted by the County Council and
7 certified by the Administrative Officer to the County Council;

8
9 (2) By rezoning as authorized by § 18-16-303 and, upon final decision, certified by
10 the Planning and Zoning Officer; OR

11
12 (3) By zoning district line [[adjustments]] CORRECTIONS as authorized by § 18-2-
13 107 and certified by the Administrative Officer to the County Council OR [; and

14
15 (4) By administrative zoning district line adjustments as authorized by § 18-2-108
16 and certified by]] the Planning and Zoning Officer.

17
18 (E) **Zoning district lines.** TO DETERMINE THE PRECISE LOCATION OF A ZONING
19 DISTRICT LINE SHOWN ON THE DIGITAL ZONING LAYER, ZONING DISTRICT LINES SHALL
20 BE CONSTRUED TO FOLLOW:

21
22 (1) THE LIMITS OF ANY MUNICIPAL CORPORATION;

23
24 (2) THE CENTER LINES OF ROADS AND STREETS;

25
26 (3) THE BOUNDARY LINES OF A RAILROAD RIGHT-OF-WAY;

27
28 (4) EXCEPT FOR PLATTED FLOODPLAINS, THE CENTER LINE OF NONTIDAL WATERS,
29 OR THE LANDWARD EDGE OF TIDAL WATERS, ESTABLISHED FROM MEAN HIGH-WATER; OR

30
31 (5) PLATTED LOT LINES OR OTHER PROPERTY LINES.

32
33 **18-2-107. Zoning district line corrections.**

34
35 (A) **In general.** The [[Office of]] Planning and Zoning OFFICER may EITHER submit
36 proposed changes to the County Council FOR ADOPTION BY ORDINANCE [[that, if adopted
37 by the Council, would adjust a zoning district line on the Digital Zoning Layer to follow a
38 lot line, road, river, or other clear boundary when the existing line approximately follows
39 the lot line or other clear boundary but does not precisely follow it because of a drafting
40 error or because the information on the Digital Zoning Layer was corrected based on a new
41 survey or other improved information. The Council's refusal to adopt a proposed change
42 does not preclude the filing of an application under Title 16 relating to the change.]] OR
43 CERTIFY CHANGES TO THE DIGITAL ZONING LAYER TO CORRECT MINOR OR TECHNICAL
44 ERRORS TO A ZONING DISTRICT LINE:

45
46 (1) TO FOLLOW THE BOUNDARIES ESTABLISHED IN § 18-2-106(E)(1) THROUGH (4);

47
48 (2) TO FOLLOW THE BOUNDARIES ESTABLISHED IN § 18-2-106(E)(5), IF THERE IS A
49 CLEAR INDICATION THAT THE ZONING DISTRICT LINE WAS INTENDED TO MATCH THE
50 PROPERTY BOUNDARY, WHEN:

(I) MORE ACCURATE OR UPDATED PARCEL INFORMATION BECOMES AVAILABLE DUE TO APPROVED DEVELOPMENT ACTIVITY, A RECORDED PLAT, AN UPDATED SEALED PROPERTY SURVEY, OR OTHER IMPROVED INFORMATION; OR

(II) MINOR DRAFTING OR OTHER TECHNICAL ERRORS OR OMISSIONS IDENTIFIED WITHIN THE GIS MAPPING SYSTEM ARE CORRECTED FOR A PARCEL AND THE CORRECTION RESULTS IN A ZONING DISTRICT LINE FALLING INSIDE OR OUTSIDE OF THE PARCEL BOUNDARY; OR

(3) WHEN WRITTEN TEXT OR A MAP EXHIBIT ADOPTED BY COMPREHENSIVE ZONING LEGISLATION OR OTHER PROPERTY REZONING CLEARLY INDICATES A DISCREPANCY BETWEEN A ZONING DISTRICT LINE AS SHOWN ON THE DIGITAL ZONING LAYER AND THE ADOPTED TEXT OR MAP EXHIBIT.

(B) Effect of correction. ANY CORRECTION MADE IN ACCORDANCE WITH SUBSECTION (A) MAY NOT BE CONSTRUED AS A REZONING.

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

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

BILL NUMBER: 22-23

INTRO. DATE: April 3, 2023

FISCAL NOTE

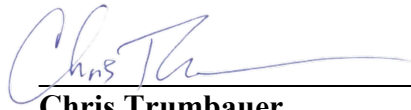
**BILL: AN ORDINANCE CONCERNING: ZONING – GENERAL PROVISIONS –
DIGITAL ZONING LAYER**

SUMMARY OF LEGISLATION

The purpose of this legislation is to establish guidelines for construing the location of zoning district lines shown on the digital zoning layer; authorizing the County Council or the Planning and Zoning Officer to certify administrative corrections to zoning district lines in certain situations; and generally relating to zoning.

FISCAL IMPACT

There is no anticipated fiscal impact.



**Chris Trumbauer
Budget Officer**

3/30/2023

Date

Prepared by: Kyle Madden, Budget Analyst

cc: Billie Penley, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 7

Bill No. 23-23

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

By the County Council, April 3, 2023

Introduced and first read on April 3, 2023
Public Hearing set for May 1, 2023
Bill Expires July 7, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Boards, Commissions, and Similar Bodies – Resilience
2 Authority of Annapolis and Anne Arundel County
3

4 FOR the purpose of adding a certain non-voting advisor; staggering the initial terms of
5 members; providing that the Director shall be a County employee in the exempt service;
6 revising the process for appointing and qualifications of a Chief Financial Officer;
7 altering certain reporting requirements; and generally relating to boards, commissions,
8 and similar bodies.
9

10 BY repealing: § 3-8A-107(d)
11 Anne Arundel County Code (2005, as amended)
12

13 BY renumbering: § 3-8A-107(e) to be 3-8A-107(d); and §§ 3-8A-108(b) through (d),
14 respectively, to be 3-8A-108(c) through (e), respectively
15 Anne Arundel County Code (2005, as amended)
16

17 BY repealing and reenacting, with amendments: §§ 3-8A-103(a)(5) and (c); 3-8A-107(a);
18 3-8A-108(a); 3-8A-109; and 3-8A-113(a)
19 Anne Arundel County Code (2005, as amended)
20

21 BY adding: § 3-8A-108(b)
22 Anne Arundel County Code (2005, as amended)

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

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That § 3-8A-107(d) of the Anne Arundel County Code (2005, as amended) is hereby
3 repealed.

4
5 SECTION 2. *And be it further enacted,* That §§ 3-8A-107(e) and 3-8A-108(b) through
6 (d), respectively, of the Anne Arundel County Code (2005, as amended) are hereby
7 renumbered to be §§ 3-8A-107(d) and 3-8A-108(c) through (e), respectively.

8
9 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
10 Code (2005, as amended) read as follows:

11
12 **ARTICLE 3. BOARDS, COMMISSIONS, AND SIMILAR BODIES**

13
14 **TITLE 8A. RESILIENCE AUTHORITY OF ANNAPOLIS AND ANNE**
15 **ARUNDEL COUNTY**

16
17 **3-8A-103. Membership.**

18
19 (a) **Composition.**

20
21 (5) The County Director of Public Works, the County Director of Emergency
22 Management, the County Planning and Zoning Officer, the Director of the Department of
23 Public Works for the City of Annapolis, the Director of Emergency Management for the
24 City of Annapolis, THE DEPUTY CITY MANAGER FOR RESILIENCE AND SUSTAINABILITY
25 FOR THE CITY OF ANNAPOLIS, and the Director of Planning and Zoning for the City of
26 Annapolis, or any of their designees, shall serve as non-voting advisors to the Resilience
27 Authority.

28
29 (c) **Terms.** [[The term of a member is four years.]]

30
31 (1) INITIAL APPOINTMENTS OF MEMBERS BY THE COUNTY EXECUTIVE AND MAYOR
32 SHALL BE AS FOLLOWS:

33
34 (I) THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS AND THE
35 MAYOR SHALL APPOINT ONE MEMBER WHOSE TERMS END ON SEPTEMBER 30, 2025;

36
37 (II) THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS AND THE
38 MAYOR SHALL APPOINT ONE MEMBER WHOSE TERMS END ON SEPTEMBER 30, 2026; AND

39
40 (III) THE COUNTY EXECUTIVE SHALL APPOINT THREE MEMBERS AND THE
41 MAYOR SHALL APPOINT ONE MEMBER WHOSE TERMS END ON SEPTEMBER 30, 2027.

42
43 (2) MEMBERS APPOINTED AFTER THE INITIAL APPOINTMENTS SHALL SERVE FOUR
44 YEAR TERMS. At the end of a term, a member continues to serve until a successor is
45 appointed and qualifies. A member who is appointed after a term has begun serves only for
46 the remainder of the term and until a successor is appointed and qualifies. A member may
47 be reappointed, BUT NO MEMBER SHALL SERVE MORE THAN THREE CONSECUTIVE TERMS.

1 **3-8A-107. Resilience Authority Director.**

2
3 (a) **Appointment.**

4
5 (3) The Resilience Authority Director shall BE A COUNTY EMPLOYEE IN THE
6 EXEMPT SERVICE AND SHALL serve at the pleasure of the County Executive.

7
8 **[(d) Compensation.]** The Resilience Authority Director shall receive compensation as
9 may be fixed by the Resilience Authority from time to time.]]

10
11 **3-8A-108. Chief Financial Officer.**

12
13 (a) **Nomination and Appointment.** [[The members of the Resilience Authority shall
14 appoint a Chief Financial Officer. The Chief Financial Officer may not be a member of the
15 Resilience Authority.]] THE RESILIENCE AUTHORITY DIRECTOR SHALL NOMINATE A
16 CANDIDATE FOR CHIEF FINANCIAL OFFICER. THE RESILIENCE AUTHORITY DIRECTOR
17 SHALL APPOINT THE CANDIDATE TO THE POSITION UPON CONFIRMATION OF THE
18 CANDIDATE'S NOMINATION BY A MAJORITY OF THE MEMBERS OF THE RESILIENCE
19 AUTHORITY.

20
21 (B) **Qualifications.** THE CHIEF FINANCIAL OFFICER SHALL BE OF GOOD CHARACTER,
22 INTEGRITY, AND BUSINESS EXPERIENCE, AND SHALL MEET ALL REQUIREMENTS OF A JOB
23 DESCRIPTION DEVELOPED BY THE RESILIENCE AUTHORITY DIRECTOR AND APPROVED BY
24 THE MEMBERS.

25
26 **3-8A-113. Reporting.**

27
28 (a) **Annual report.** By January 1 of each year, the Resilience Authority shall provide
29 a written report and audited [[financials,]] FINANCIAL STATEMENTS PREPARED in
30 accordance with [[generally accepted]] accounting principles GENERALLY ACCEPTED IN
31 THE UNITED STATES, to the County Executive, the County Council, the Mayor of the City
32 of Annapolis, and the Annapolis City Council on the activities and financial position of the
33 Resilience Authority [[during]] FOR AND AS OF THE END OF the prior [[calendar]] FISCAL
34 year.

35
36 SECTION 4. *And be it further enacted,* That this Ordinance shall take effect 45 days
37 from the date it becomes law.

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

BILL NUMBER: 23-23

INTRO. DATE: April 3, 2023

FISCAL NOTE

**BILL: AN ORDINANCE CONCERNING: BOARDS, COMMISSIONS, AND
SIMILAR BODIES – RESILIENCE AUTHORITY OF ANNAPOLIS AND
ANNE ARUNDEL COUNTY**

SUMMARY OF LEGISLATION

The purpose of this legislation is to add a certain non-voting advisor; stagger the initial terms of members; provided that the Director shall be a County employee in the exempt service; revise the process for appointing and qualifications of a Chief Financial Officer; alter certain reporting requirements; and generally relating to boards, commissions, and similar bodies.

FISCAL IMPACT

The Resilience Authority is a quasi-governmental county agency. The legislation stipulates that the executive director of the Resilience Authority shall be a county employee, but as this is already the current practice, there is no new anticipated fiscal impact.



Chris Trumbauer
Budget Officer

3/30/2023

Date

Prepared by: Samantha Chiriaco, Budget Analyst

cc: Billie Penley, Controller

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 7

Bill No. 24-23

Introduced by Ms. Fiedler and Mr. Volke

By the County Council, April 3, 2023

Introduced and first read on April 3, 2023
Public Hearing set for May 1, 2023
Bill Expires July 7, 2023

By Order: Laura Corby, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Pensions – County Councilmember – Vesting

2
3 FOR the purpose of altering the number of service years a County Councilmember who is
4 a participant in the Employees' Retirement Plan is required to complete in order to vest
5 in the benefits of the plan; making conforming changes; and generally relating to
6 pensions.

7
8 BY repealing and reenacting, with amendments: §§ 5-1-209(a)(6) and (7); 5-1-211(b)(6);
9 5-3-301(a)(3); and 5-3-302(a)(4)
10 Anne Arundel County Code (2005, as amended)

11
12 BY adding: § 5-1-209(a)(8)
13 Anne Arundel County Code (2005, as amended)

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

17 ARTICLE 5. PENSIONS

18 TITLE 1. GENERAL PROVISIONS

19 20 21 22 **5-1-209. Credited pre-plan military service.**

23
24 (a) **Generally.** A participant may receive a maximum of three years of credited pre-
25 plan military service for active duty pre-plan military service honorably completed before
26 employment with an employer if:

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.

(6) EXCEPT AS OTHERWISE PROVIDED FOR IN PARAGRAPH (8), for a participant in the Employees' Retirement Plan who is an elected official, OTHER THAN A COUNTY COUNCILMEMBER, whose first term begins on or after December 1, 2014, the participant completes actual plan service plus transferred service under § 5-1-302 totaling 10 years; [[or]]

(7) for a participant in the Employees' Retirement Plan who is an exempt employee hired under § 6-2-101 or § 6-2-103 of this Code and is hired on or after December 1, 2014, the participant completes actual plan service plus transferred service under § 5-1-302 totaling eight years; OR

(8) FOR A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS A COUNTY COUNCILMEMBER WHOSE FIRST TERM BEGINS ON OR AFTER DECEMBER 1, 2014, THE PARTICIPANT COMPLETES ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 14 YEARS.

5-1-211. Purchased service – Employees' Retirement Plan and Detention Officers' and Deputy Sheriffs' Retirement Plan.

(b) Payment.

(6) (I) [[A]] EXCEPT AS OTHERWISE PROVIDED FOR IN SUBPARAGRAPH (II), A participant in the Employees' Retirement Plan who is an elected official, OTHER THAN A COUNTY COUNCILMEMBER, whose first term begins on or after December 1, 2014 may not obtain and pay for any purchased service until the participant has completed actual plan service plus transferred service under § 5-1-302 totaling 10 years.

(II) A PARTICIPANT IN THE EMPLOYEES' RETIREMENT PLAN WHO IS A COUNTY COUNCILMEMBER WHOSE FIRST TERM BEGINS ON OR AFTER DECEMBER 1, 2014 MAY NOT OBTAIN AND PAY FOR ANY PURCHASED SERVICE UNTIL THE PARTICIPANT HAS COMPLETED ACTUAL PLAN SERVICE PLUS TRANSFERRED SERVICE UNDER § 5-1-302 TOTALING 14 YEARS.

TITLE 3. EMPLOYEES' RETIREMENT PLAN

5-3-301. Vesting; termination of service before retirement.

(a) **Generally.** A participant vests in the benefits of the plan upon completion of actual plan service plus transferred service under § 5-1-302 as set forth in this subsection.

(3) A participant in the Employees' Retirement Plan who is a County Councilmember whose first term begins on or after December 1, 2014 vests in the benefits of the plan upon completion of actual plan service plus transferred service under § 5-1-302 totaling [[10]] 14 years.

5-3-302. Determination of normal retirement date and early retirement date.

(a) **Normal retirement date.** A participant's normal retirement date is the first day of the month coinciding with or next following the earlier of:

(4) for a participant in the Employees' Retirement Plan who is a County

1 Councilmember whose first term begins on or after December 1, 2014:

2
3 (i) the participant's 60th birthday and completion of actual plan service plus
4 transferred service under § 5-1-302 totaling ~~[[10]]~~ 14 years; or

5
6 (ii) the completion of 30 years of credited service; or

7
8 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
9 from the date it becomes law.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 7

Resolution No. 8-23

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

By the County Council, April 3, 2023

1 RESOLUTION approving the nomination of Tonii Gedin as Acting Health Officer

2
3 WHEREAS, § 3-302 of the Health General Article of the State Code, provides that
4 the Health Officer for a county shall be nominated by the County and appointed by
5 the Secretary of the Maryland Department of Health (the “Secretary”); and

6
7 WHEREAS, § 2-1-603 of the County Code provides that the County Executive
8 forward the name of a nominee for the position of Health Officer to the County
9 Council, and, if the County Council approves, the name of the nominee is
10 forwarded to the Secretary; and

11
12 WHEREAS, both State and County law are silent on a method for nominating and
13 appointing an acting health officer; and

14
15 WHEREAS, the Secretary has agreed that an Acting Health Officer may be
16 nominated by the County and subsequently appointed by the Secretary; and

17
18 WHEREAS, the County Executive is recommending that Tonii Gedin serve as
19 Acting Health Officer, effective March 23, 2023; now, therefore, be it

20
21 *Resolved by the County Council of Anne Arundel County, Maryland,* That the County
22 Council approves the nomination of Tonii Gedin to serve as Acting Health Officer,
23 effective March 23, 2023; and be it further

24
25 *Resolved,* That a copy of this Resolution be sent to Steuart Pittman, County Executive;
26 Tonii Gedin, Acting Health Officer; and Laura Herrera Scott, MD, MPH, Secretary of the
27 Maryland Department of Health.

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2023, Legislative Day No. 7

Resolution No. 9-23

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

By the County Council, April 3, 2023

1 RESOLUTION approving the terms and conditions of the acquisition of real property
2 in Lothian, Maryland, from Perdue AgriBusiness LLC, utilizing funds from the Advance
3 Land Acquisition Capital Project

4
5 WHEREAS, § 8-3-101(a) of the County Code empowers the County Executive to
6 purchase real property by agreement or eminent domain if an adequate
7 appropriation has been made by the County Council; and

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

13
14 WHEREAS, § 8-3-101(d)(2) further provides that, prior to approval of the purchase
15 by resolution, the County Council shall require an independent appraisal, an
16 environmental study, and a feasibility study for the property being purchased; and

17
18 WHEREAS, the County Executive is utilizing funds from the Advance Land
19 Acquisition Capital Project to purchase the real property known and designated as
20 6272 Southernmost Road, consisting of 15.745 +/- acres, as more particularly
21 described in a Deed recorded in the land records of Anne Arundel County (“Land
22 Records”) in Liber 39355, folio 233 (hereinafter referred to as the “Property”), from
23 Perdue AgriBusiness LLC (the “Seller”); and

24
25 WHEREAS, the County’s independent real estate appraisal estimates the “as-is”
26 market value of the Property to be One Million Two Hundred Seventy Thousand
27 Dollars (\$1,270,000); and

28
29 WHEREAS, in accordance with § 8-3-101(d)(2), the Department of Public Works
30 conducted an environmental assessment and a feasibility study for the Property;
31 and

32
33 WHEREAS, the County Executive has determined that the Property is needed for
34 continued use as a grain elevator facility, as well as other possible public
35 educational, recreational, or civic uses, and that acquisition of the Property for the
36 sum of One Million Two Hundred Fifty Thousand Dollars (\$1,250,000) to be paid
37 from the Advance Land Acquisition Capital Project, pursuant to the terms and

1 conditions of the Agreement of Sale (“Agreement of Sale”), attached hereto as
2 Exhibit A, would be in the best interests of the County; now, therefore, be it
3

4 *Resolved by the County Council of Anne Arundel County, Maryland,* That, in
5 accordance with § 8-3-101(d)(2), it approves the acquisition of the Property pursuant to the
6 terms and conditions as set forth in Exhibit A; and be it further
7

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

Office of Central Services
Real Estate Division
2660 Riva Road, 3rd Floor
Annapolis, MD 21401

AGREEMENT OF SALE

THIS AGREEMENT OF SALE, made this 7th day of March, 2023, by and between **PERDUE AGRIBUSINESS LLC, a Maryland Limited Liability Company**, (hereinafter collectively "Seller") and **ANNE ARUNDEL COUNTY, MARYLAND**, a body corporate and politic of the State of Maryland (hereinafter called "Purchaser").

WHEREAS, the Seller is the owner of all that property known as 6272 Southernmost Road, Lothian, Maryland 20711, comprised of 15.745 acres, more or less, as described in a Deed recorded in the Land Records of Anne Arundel County in Liber 39355, folio 233, and more particularly described in Exhibit A, attached hereto and made a part hereof ("Property"); and

WHEREAS, the Seller wishes to sell the Property and Purchaser wishes to purchase the same, subject to the terms and conditions set forth herein.

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

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

2. The total purchase price for the Property shall be One Million, Two Hundred Fifty Thousand Dollars (\$1,250,000) with settlement on or before **June 27, 2023**, contingent on the following occurring no later than ninety (90) days from the execution of this contract:

a. Satisfactory results of the tests and studies, in Purchaser's sole determination, as outlined in paragraph 9 of this Agreement of Sale; and

b. Sufficient appropriation and authorization by Anne Arundel County, Maryland, including approval of the County Council (for funds from the Advance Land Capital Project No. 106720) as may be required.

3. Seller shall execute this Agreement of Sale on or before **March 7, 2023** after which time execution does not occur, this offer to purchase made by Purchaser to Seller shall be null, void, and of no effect; however, this Agreement may be extended by mutual agreement by both parties.

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

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

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

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

In the event that Seller is unable to convey such title to Purchaser at settlement as required herein (a "Title Defect"), Seller, at Seller's sole expense, shall forthwith, but in no longer than 180-days after the settlement date and provided Purchaser agrees to a like extension of the settlement date, take such action as is required in order to cure the Title Defect. In the event Seller is unable to do so within the 180-day period, Purchaser at Purchaser's sole option may purchase the Property at the consideration stated in Paragraph 2 with the title defect, may extend for a reasonable period the necessary time to complete the action undertaken to clear the title as required by this paragraph, or may declare this contract null, void, and of no effect, and upon such declaration, the parties shall have no further legal rights, responsibilities, obligations, or duties to each other hereunder.

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

6. a. Seller and Purchaser represent and warrant to each other that the person or persons executing this Agreement on behalf of each of them possess full legal

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power to do so and to carry out each and every obligation of this Agreement of Sale, and that Seller is capable of transferring good, insurable, and merchantable title.

b. Seller further represents that there are no leases, licenses, agreements, covenants or restrictions, tenants or occupants that may or will impair or affect Seller's title to this Property or in any way affect or impair Seller's ability to convey this Property or that will affect any right by Purchaser to use and possess the Property after settlement. Should a title examination or investigation reveal the existence of any such documentation or restriction on Purchaser's use of the Property, then Purchaser may, at Purchaser's sole option, declare this Agreement of Sale void and of no further effect.

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

8. The Seller makes no representations or warranties as to the physical condition of the Property or any improvements, personalty or fixtures thereon, and the Purchaser will be receiving the Property, improvements, personalty and any fixtures "as-is," with all defects which may exist, except as otherwise may be provided in this Agreement of Sale.

9. During the term of this Agreement of Sale, Purchaser, at its own expense, shall have the right to cause surveys, title abstracts, boring tests, environmental studies or tests, feasibility studies, and such other studies with respect to the Property. In connection with the performance of its surveys, tests, abstracts, and studies conducted by the Purchaser, if the surveys, tests, abstracts, and studies conducted by Purchaser do not permit or warrant in the sole discretion of the Purchaser, or its engineers, attorneys,

{00394462.DOC; 1}

surveyors, architects or consultants, the acquisition and development of the Property for the Purchaser's purposes, the Purchaser shall have the right, exercisable by written notice given to Seller within sixty (60) days from the date of execution of this Agreement ("Study Termination Date") to terminate the Agreement. In that event, Purchaser shall be relieved from further liability hereunder for remainder of Property, at law or in equity, except that Purchaser's indemnification and restoration obligations set forth in this paragraph shall survive the termination. Notwithstanding anything contained above, if Purchaser determines that a Phase 2 Environmental Study is needed, the Study Period may be extended by a period of thirty (30) days solely for the purposes of conducting such Phase 2 and upon written notice by Purchaser to Seller. During the Study Period, Seller shall make available, at no cost to Purchaser, information related to the operation of the Property as a grain receiving and storage facility as needed to assist Purchaser with the transition or assumption of operations. To the extent permitted by law and subject to appropriation and availability of funds, the Purchaser shall indemnify and hold Seller harmless against any damages, liabilities and claims incurred by Seller as a result of Purchaser's activities upon or with respect to the Property. If the Purchaser terminates this Agreement pursuant to the provisions of this paragraph or any other provision of this Agreement of Sale, Purchaser, at its own expense, shall restore any damage to the Property caused by Purchaser making boring tests and other tests and studies, and immediately thereafter vacate. Nevertheless and notwithstanding the foregoing, Seller represents that it has no actual knowledge of any environmental physical condition or dumping on or in the Property rendering the Property un-useable or materially lowering its market value. If dumping or environmental conditions

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

10. Seller has engaged Douglas Commercial LLC ("**Seller's Broker**") and Purchaser has engaged MacKenzie Commercial Real Estate Services ("**Buyer's Broker**," collectively with Seller's Broker, the "**Brokers**"). Seller shall pay the Brokers a commission based upon terms and conditions in a separate agreement. Except for the foregoing Brokers and the fees payable thereto, Seller and Buyer each represents and warrants to the other that its sole contact with the other or with the Property has been made without the assistance of any broker or third party and that no fees are payable to any broker or third party in connection with the consummation of the transactions contemplated by this Agreement. It is understood and agreed that the Purchaser shall not have any obligation or liability for the payment of any real estate brokerage commission nor the Seller's brokerage or legal expenses. Should any claim for a commission be established by any broker, agent, consultant or attorney on behalf of Seller, Seller expressly agrees to hold Purchaser harmless with respect thereto.

11. All notices under this Agreement of Sale 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:

{00394462.DOC; 1}

IF TO SELLER: Perdue Agribusiness LLC
31149 Old Ocean City Road
Salisbury, Maryland 21804

IF TO PURCHASER: Real Estate Division
2662 Riva Road, 3rd Floor
Annapolis, MD 21401

Office of Law
2660 Riva Road
Annapolis, MD 21401

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

12. This Agreement of Sale 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 unless set forth in writing between the parties.

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

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

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

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

[Signature Page to Follow]

Witness:

Seller:

Perdue Agribusiness LLC, A Maryland
Limited Liability Company

DocuSigned by:

By: Scott Fredericksen (Seal)
Name: Scott Fredericksen
Title: President

Attest:

Purchaser:

Anne Arundel County, Maryland

DocuSigned by:

By: Christine Anderson (Seal)
Christine Anderson
Chief Administrative Officer
for Steuart Pittman, County Executive

Approved for sufficiency and availability of funds:

DocuSigned by:

By: Billie Penley
Billie Penley
Acting Controller

3/7/2023 | 05:39 PST

Date

**APPROVED FOR FORM AND LEGAL SUFFICIENCY
GREGORY J. SWAIN, COUNTY ATTORNEY:**

DocuSigned by:

By: Christine Miderer
Christine B. Neiderer
Senior Assistant County Attorney

3/3/2023 | 07:46 PST

Date

EXHIBIT A
Legal Description of the Property

All of those lots or parcels of land located in Anne Arundel County, Maryland, and more particularly described as follows:

BEING A PARCEL OF LAND LYING ON THE WEST SIDE OF OLD MARYLAND ROUTE 416 IN THE EIGHTH DISTRICT OF ANNE ARUNDEL COUNTY, MARYLAND AND BEING PART OF THE LAND THAT ROSE E. WALTON, PERSONAL REPRESENTATIVE OF THE ESTATE OF ADAM M. NOLL, DECEASED, CONVEYED TO JOSEPH D. WALTON AND ROSE E. WALTON, HIS WIFE, BY DEED DATED MAY 23, 1974 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 2676, FOLIO 858, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING FOR THE SAME AT A PIPE SET ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD MARYLAND ROUTE 416 AT THE NORTHEAST CORNER OF A CONVEYANCE FROM ROSABELLE F. NOLL AND ADAM M. NOLL, HER HUSBAND, TO WILLIAM B. GREENWELL AND MARY E. GREENWELL, HIS WIFE, BY DEED DATED JUNE 12, 1962 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 1570, FOLIO 474; THENCE RUNNING SAID CONVEYANCE THE FOLLOWING TWO COURSES AND DISTANCES, REVERSELY, AND CORRECTED FOR MAGNETIC VARIATION: S85°22'50"W 165.00' TO A PIPE SET; THENCE S57°50'58"W 214.70' TO A PIPE SET ON THE NORTHEASTERLY RIGHT-OF-WAY LINE OF THE OLD CHESAPEAKE BEACH RAILROAD; THENCE RUNNING WITH SAID RIGHT-OF-WAY LINE THE FOLLOWING SEVEN COURSES AND DISTANCES: N35°30'33"W 76.05' TO A POINT; THENCE N33°21'31"W 183.26' TO A POINT; THENCE N39°45'00"W 304.51' TO A POINT; THENCE N38°26'08"W 72.12' TO A POINT; THENCE N45°46'09"W 108.86' TO A POINT; THENCE N46°47'50"W 153.52' TO A POINT; THENCE N49°24'38"W 102.62' TO A PIPE SET ON THE S55°07'W 56 1/10 PERCH LINE OF THE AFORESAID CONVEYANCE TO JOSEPH D. WALTON, ET. UX. RECORDED IN LIBER 2676, FOLIO 858; THENCE RUNNING WITH PART OF SAID LINE REVERSELY AND AS CORRECTED FOR MAGNETIC VARIATION N60°41'32"E 408.30' TO A PIPE SET; THENCE RUNNING WITH THE S89°W 31 1/2 PERCH LINE OF SAID CONVEYANCE REVERSELY AND AS CORRECTED FOR MAGNETIC VARIATION S85°25'28"E 519.75' TO A PIPE SET; THENCE RUNNING WITH PART OF S78°W 26 1/4 PERCH LINE OF SAID CONVEYANCE REVERSELY AND AS CORRECTED FOR MAGNETIC VARIATION N83°34'32"E 378.76' TO A PIPE SET ON THE WESTERLY RIGHT-OF-WAY LINE OF OLD MARYLAND ROUTE 416 AS SHOWN ON STATE ROAD COMMISSION PLAT #19853; THENCE RUNNING WITH SAID RIGHT-OF-WAY LINE THE FOLLOWING THREE COURSES AND DISTANCES: S04°33'07"W 81.78' TO A POINT; THENCE S13°09'39"W 202.39' TO A POINT; THENCE S19°59'30"W 583.17' TO THE PLACE OF BEGINNING.

TOGETHER WITH AND SAVING AND EXCEPTING ANY LAND ACQUIRED OR LOST AS SET FORTH IN THAT CERTAIN BOUNDARY LINE DEED MADE BY AND

BETWEEN SOUTHERN STATES COOPERATIVE, INCORPORATED AND FRANK B. TALBOTT, JR. AND LILLIE J. TALBOTT, HIS WIFE, DATED JUNE 18, 1979 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 3214, FOLIO 134.

SAVING AND EXCEPTING THEREFROM ALL THAT PROPERTY SET FORTH IN THAT CERTAIN DEED TO THE STATE OF MARYLAND TO THE USE OF THE STATE HIGHWAY ADMINISTRATION OF THE DEPARTMENT OF TRANSPORTATION MADE BY SOUTHERN STATES COOPERATIVE, INC., DATED SEPTEMBER 6, 2000 AND RECORDED AMONG THE LAND RECORDS OF ANNE ARUNDEL COUNTY, MARYLAND IN LIBER 9976, FOLIO 477.

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

RES. NUMBER: 9-23

INTRO. DATE: April 3, 2023

FISCAL NOTE

**RESOLUTION: APPROVING THE TERMS AND CONDITIONS OF THE
ACQUISITION OF REAL PROPERTY IN LOTHIAN,
MARYLAND FROM PERDUE ARIBUSINESS LLC PROPERTY,
UTILIZING FUNDS FROM THE ADVANCE LAND
ACQUISITION CAPITAL PROJECT**

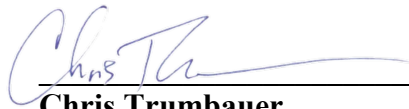
SUMMARY OF LEGISLATION

The purpose of this legislation is to approve the acquisition of real property consisting of approximately 15.745 acres located at 6272 Southern Most Road. This acquisition utilizes existing funds appropriated in the Advance Land Acquisition Capital Project (C106700).

FISCAL IMPACT

There is sufficient appropriation authority in the Advance Land Acquisition Capital Project (C106700) for this purchase, which totals \$1,250,000. The State Budget as passed by both chambers of the General Assembly (as of March 30, 2023) includes \$1.5 million to reimburse the County for acquisition and initial capital costs. This reimbursement will be reflected in the proposed FY24 Capital Budget and Program.

There will be an operational cost for the facility but the County also anticipates revenue so the net fiscal impact is unknown.



Chris Trumbauer
Budget Officer

3/30/2023

Date

Prepared by: Naomi McAllister

cc: Billie Penley, Controller

BILL NUMBER: 09-23

INTRO. DATE: April 3, 2023

CERTIFICATION OF FUNDS

In accordance with the Anne Arundel County Charter, Section 712, I certify that such funds are available for appropriation.

<u>Billie Penley</u>	<u>3/29/2023</u>
Billie Penley	Date
Controller	

AMENDMENT TO BILL NO. 6-23, AS AMENDED
(Public Works – Subdivision and Development – Zoning – Accessory Dwelling Units)

April 3, 2023

Introduced by Ms. Rodvien

Amendment No. 14

On page 5 of the amended bill, in line 7, strike the first “that” and substitute “to”.

(This technical amendment corrects a typographical error.)

**AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)**

April 3, 2023

Introduced by Ms. Leadbetter

Amendment No. 9

On page 2 of the amended bill, after line 10, insert:

“(1) “AGRITOURISM” HAS THE MEANING STATED IN § 18-1-101.”;

after line 21, insert:

“(5) A “FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT” HAS THE MEANING STATED IN § 18-1-101.”;

and in lines 12, 17, 19, 22, 26, 30, 34, 36, and 39, strike “(1)”, “(2)”, “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively, and substitute “(2)”, “(3)”, “(4)”, “(6)”, “(7)”, “(8)”, “(9)”, “(10)”, and “(11)”, respectively.

On page 3, in line 8, strike “OR”; after line 10, insert:

3. AN AGRITOURISM EVENT HELD ON PRIVATE PROPERTY THAT DOES NOT REQUIRE THE EXCLUSIVE USE OF PUBLIC STREETS OR ROADS OR THE USE OF COUNTY SERVICES EXCEEDING NORMAL OPERATIONS; OR

4. AN AGRITOURISM EVENT AND A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT AS DEFINED IN ARTICLE 18 OF THIS CODE AUTHORIZED BY THE PLANNING AND ZONING OFFICER IN ACCORDANCE WITH § 18-2-203 OF THIS CODE.”;

and in line 12, strike “(10)” and substitute “(12)”.

(The amendment excludes from the definition of “special events” an agritourism event held on private property that does not require the exclusive use of public streets or roads or the use of county services exceeding normal operations; and excludes agritourism and farm or agricultural heritage site special events authorized by the Planning and Zoning Officer.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 10

On page 2 of the amended bill, in line 36, strike “50” and substitute “500”.

(This amendment alters the definition of “Public Assembly” to mean a group of 500 or more persons collected together in one place for the same purpose.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 11

On page 3 of the amended bill, in line 10, after “PROCESSION” insert “. A VIGIL, OR A SPONTANEOUS RESPONSE TO A CURRENT EVENT”; and after line 14, insert:

“(11) “VIGIL” MEANS A PUBLIC GATHERING OF INDIVIDUALS TO MEMORIALIZE THE RECENT DEATH OF ONE OR MORE INDIVIDUALS.”.

On page 4, in lines 10 through 11, strike “SUCH AS A SPONTANEOUS RESPONSE TO A CURRENT EVENT”.

(This amendment defines “vigil”; exempts vigils and spontaneous responses to a current event from the definition of a “special event”; and strikes a reference to a “spontaneous response to a current event” from the provision that allows the County to alter or waive the application filing deadline.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 12

On page 3 of the amended bill, in line 30, and on page 6, in line 1, in each instance, strike “60” and substitute “90”.

On page 4, in line 20, after “GRANT” insert “THE PERMIT APPLICATION AT LEAST 30 DAYS BEFORE THE PROPOSED DATE OF THE SPECIAL EVENT”; in the same line, strike “14” and substitute “30”; and in line 21, after “EVENT” insert “IF THE SPONSOR HAS NOT MADE ALL MODIFICATIONS REQUESTED BY THE COUNTY TO ENSURE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC OR PARTICIPANTS OF THE SPECIAL EVENT”.

(This amendment requires an application be filed at least 90 days prior to a special event; requires the County to either grant the permit application at least 30 days before the proposed date or deny the permit application if the sponsor has not made modifications requested to ensure the health, safety, and general welfare of the public or participants of the special event; and provides for an application fee if the application is submitted less than 90 days before the special event.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 13

On page 4 of the amended bill, in lines 27 and 32, in each instance, after “MADE” insert “INTENTIONAL OR WILLFUL”; and in line 37, after “IS” insert “INTENTIONAL OR WILLFUL”.

(This amendment clarifies that any misrepresentation in a prior special event permit application, a special event in another county, or the application currently under consideration, must be intentional or willful in order for the County to consider not granting the application.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 14

On page 7 of the amended bill, in line 14, before “MISREPRESENTATION” insert “INTENTIONAL OR WILLFUL”.

(This amendment clarifies that intentional or willful misrepresentation by the sponsor that causes an immediate risk to the health, safety, or general welfare of the public or participants in a special event may be grounds for revocation of a permit and emergency termination of a special event.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

and by Ms. Fiedler

Amendment No. 15

On page 4 of the amended bill, strike lines 50 through 54 in their entirety, inclusive; and in line 56, strike “(11)” and substitute “(9)”.

On page 5, strike lines 1 and 2 in their entirety, inclusive; and in lines 4, 7, 12, 16, 20, and 23, strike “(13)”, “(14)”, “(15)”, “(16)”, “(17)”, and “(18)”, respectively, and substitute “(10)”, “(11)”, “(12)”, “(13)”, “(14)”, and “(15)”, respectively.

(This amendment strikes insufficient or substandard toilet facilities, refreshment facilities, and litter control as reasons for not issuing a special events permit.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

and by Ms. Fiedler

Amendment No. 16

On page 5 of the amended bill, in line 25, before “THE” insert “THE COUNTY SHALL PROVIDE NOTICE TO A SPONSOR AND AN OPPORTUNITY FOR THE SPONSOR TO TAKE CORRECTIVE ACTION PRIOR TO DENYING, MODIFYING OR CANCELING A PERMIT.”.

(This amendment requires the County to provide notice to a sponsor prior to denying, modifying, or cancelling a permit, as well as requiring the sponsor to be provided the opportunity to take corrective action prior to a denial, modification, or cancellation.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 17

On page 6 of the amended bill, in line 13, after “COUNTY” insert “, SUCH AS:

- (1) AN ACTIVITY OF AN EDUCATIONAL INSTITUTION;
- (2) AN ACTIVITY OF A COMMUNITY ASSOCIATION;
- (3) AN ACTIVITY OF A NON PROFIT ORGANIZATION;
- (4) AN ACTIVITY WHICH REQUIRES A LICENSE ISSUED UNDER TITLE 2;
- (5) A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENTS UNDER §§ 18-2-203, 18-10-127, OR 18-11-125 OF THIS CODE; OR
- (6) AN ACTIVITY REQUIRING A COUNTY DEPARTMENT OF RECREATION AND PARKS PERMIT FOR THE SAME EVENT”.

(This amendment provides a non-exhaustive list of special events for which the County may consider waiving the late application fee of \$100.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

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

Amendment No. 18

On page 6 of the amended bill, in line 44, after “COUNTY” insert “, SUCH AS:

(1) AN ACTIVITY OF AN EDUCATIONAL INSTITUTION;

(2) AN ACTIVITY OF A COMMUNITY ASSOCIATION;

(3) AN ACTIVITY OF A NON PROFIT ORGANIZATION;

(4) AN ACTIVITY WHICH REQUIRES A LICENSE ISSUED UNDER TITLE 2;

(5) A FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENTS UNDER §§ 18-2-203, 18-10-127, OR 18-11-125 OF THIS CODE; OR

(6) AN ACTIVITY REQUIRING A COUNTY DEPARTMENT OF RECREATION AND PARKS PERMIT FOR THE SAME EVENT”.

(This amendment provides a non-exhaustive list of special events for which the County may consider waiving payment of all or a portion of the special service charge.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

Introduced by Mr. Volke

Amendment No. 19

On page 2 of the amended bill, strike lines 36 through 37 in their entirety, inclusive; and in line 39, strike “(9)” and substitute “(8)”.

On page 3, in line 12, strike “(10)” and substitute “(9)”.

(The amendment removes the definition of “public assembly”.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

Introduced by Mr. Volke

Amendment No. 20

On page 1 of the amended bill, in line 1, after the second long dash insert “Notification and”; in line 3, strike “establishing a uniform permitting process for special events;” and substitute “requiring certain persons to provide notice of certain special events;”; in line 4, strike “requiring certain persons to obtain a permit to hold special events;”; in line 5, strike “permit application” and substitute “notice”; strike beginning with “establishing” in the same line down through the semicolon in line 7; in line 10, after the first semicolon insert “authorizing the Department of Inspections and Permits to seek and court of competent jurisdiction to issue a temporary restraining order under certain circumstances;”; and in line 16, strike “11-11-108” and substitute “11-11-105”.

On page 2, strike in their entirety lines 19 and 20, inclusive; in lines 22, 26, 30, 34, 36, and 39, strike “(4)”, “(5)”, “(6)”, “(7)”, “(8)”, and “(9)”, respectively, and substitute “(3)”, “(4)”, “(5)”, “(6)”, “(7)”, and “(8)”, respectively.

On page 3, in line 12, strike “(10)” and substitute “(9)”.

On pages 3 through 6, strike in their entirety the lines beginning with line 15 on page 3 through line 13 on page 6, inclusive, and substitute:

“11-11-102. Special event notice and permit.

(A) Required.

(1) IF THE ANTICIPATED NUMBER OF ATTENDEES TO A SPECIAL EVENT WILL EXCEED 500 BUT NOT MORE THAN 1,000 INDIVIDUALS, A PERSON SHALL PROVIDE THE DEPARTMENT WITH THE NOTICE REQUIRED UNDER SUBSECTION (B) AT LEAST 90 DAYS BEFORE THE SPECIAL EVENT.

(2) IF THE ANTICIPATED NUMBER OF ATTENDEES TO A SPECIAL EVENT WILL EXCEED 1,000 BUT NOT MORE THAN 2,500 INDIVIDUALS, A PERSON SHALL PROVIDE THE DEPARTMENT WITH THE NOTICE REQUIRED UNDER SUBSECTION (B) AT LEAST 120 DAYS BEFORE THE SPECIAL EVENT.

(3) IF THE ANTICIPATED NUMBER OF ATTENDEES TO A SPECIAL EVENT WILL EXCEED 2,500 INDIVIDUALS, A PERSON SHALL PROVIDE THE DEPARTMENT WITH THE NOTICE REQUIRED UNDER SUBSECTION (B) AT LEAST 180 DAYS BEFORE THE SPECIAL EVENT.

(B) Notice. A SPONSOR SHALL FILE A NOTICE OF A SPECIAL EVENT AS REQUIRED BY SUBSECTION (A)(1) ON A FORM PROVIDED BY THE DEPARTMENT.

(2) THE NOTICE FORM SHALL INCLUDE, AT A MINIMUM:

(I) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE SPONSOR;

(II) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER AT LEAST ONE ADDITIONAL PERSON INVOLVED WITH PLANNING AND ORGANIZING THE SPECIAL EVENT;

(III) THE LOCATION OR VENUE OF THE SPECIAL EVENT;

(IV) THE NAME OF THE SPECIAL EVENT;

(V) THE DATES AND TIMES OF THE SPECIAL EVENT;

(VI) A DESCRIPTION OF THE SPECIAL EVENT;

(VII) THE ESTIMATED OR PROJECTED ATTENDANCE OR NUMBER OF PARTICIPANTS;

(VIII) THE RESOURCES TO BE SUPPLIED BY THE SPONSOR TO ENSURE THE SECURITY OF THE SPECIAL EVENT AND THE HEALTH AND SAFETY OF ATTENDEES BASED ON THE ANTICIPATED ATTENDANCE OR PARTICIPATION, AND COPIES OF ANY CONTRACTS FOR THOSE RESOURCES; AND

(IX) DOCUMENTATION FROM THE VENUE OWNER INDICATING PERMISSION TO USE THE VENUE ON THE DATE OR DATES OF THE SPECIAL EVENT FOR THE INTENDED USE.

(C) **Permit issuance.** THE COUNTY SHALL GRANT A SPECIAL EVENT PERMIT TO A SPONSOR WHO FILES THE REQUIRED NOTICE UNDER SUBSECTION (A).

(D) **Duty of venue owner.** A VENUE OWNER MAY NOT ALLOW A SPECIAL EVENT TO BE HELD WITHOUT PROOF FROM THE SPONSOR THAT A PERMIT HAS BEEN GRANTED.”.

On page 6, in line 15, strike “11-11-106.” and substitute “11-11-103.”; in line 46, strike “11-11-107.” and substitute “11-11-104.”; and in line 49, strike “REQUIRED”.

On page 7, in line 6, strike “11-11-108.” and substitute “11-11-105.”; in line 8, strike “IN ADDITION TO THE PROVISIONS OF § 11-11-104(C),”; in line 22, strike “11-11-106” and substitute “11-11-103”; after line 23, insert:

“(C) **Injunctive relief.**

(1) IF THE SPONSOR OF A SPECIAL EVENT DOES NOT PROVIDE THE NOTICE REQUIRED UNDER § 11-11-102, THE DEPARTMENT MAY REQUEST THE OFFICE OF LAW TO SEEK A TEMPORARY RESTRAINING ORDER AND OTHER RELIEF IN A COURT OF COMPETENT JURISDICTION TO PREVENT THE SPONSOR FROM HOLDING THE SPECIAL EVENT.

(2) A COURT OF COMPETENT JURISDICTION MAY ISSUE A TEMPORARY RESTRAINING ORDER, OR OTHER FORM OF RELIEF TO PREVENT A SPONSOR FOR HOLDING A SPECIAL EVENT.”;

and in lines 25 through 26, strike “§§ 11-11-105 and 11-11-106” and substitute “§ 11-11-103”.

(The amendment requires a person to provide a certain amount of notice of a special event if the anticipated number of attendees is more than a certain amount; requires the County to issue a permit for a special event if the proper notice is provided; authorizes the Department of Inspections and Permits to seek a temporary restraining order if the required notice is not provided; strikes a superfluous definition; and makes other conforming changes.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

Introduced by Ms. Rodvien

Amendment No. 21

On page 1 of the amended bill, in line 4, after the first semi-colon insert “exempting certain events from the requirement for a special event permit;”.

On page 3, in line 8, strike “OR”; and in line 10, after “PROCESSION” insert “; OR

3. A RENAISSANCE FESTIVAL ALLOWED AS A SPECIAL EXCEPTION USE UNDER ARTICLE 18 OF THIS CODE”.

On page 6, in line 17, after “SPONSOR” insert “AND THE ORGANIZER OF A RENAISSANCE FESTIVAL”; in line 19, after “SPECIAL EVENT” insert “OR THE RENAISSANCE FESTIVAL”; in line 21, before “PRIOR” insert “(I)”; after line 24, insert:

“(2) AT LEAST 30 DAYS BEFORE THE FIRST DAY OF A RENAISSANCE FESTIVAL, THE COUNTY SHALL PROVIDE THE ORGANIZER OF THE RENAISSANCE FESTIVAL WITH AN ESTIMATE OF COSTS THE COUNTY EXPECTS TO INCUR SUPPORTING THE RENAISSANCE FESTIVAL BASED ON A PUBLICLY AVAILABLE STANDARDIZED RATE SCHEDULE FOR PERSONNEL AND EQUIPMENT.”;

in line 26, before “A” insert “(I)” in lines 29 and 33, strike “(1)” and “(2)”, respectively, and substitute “(I)” and “(III)”, respectively; after line 35, insert:

“(2) THE ORGANIZER OF A RENAISSANCE FESTIVAL SHALL PAY THE SPECIAL SERVICE CHARGE AS FOLLOWS:

(I) AT LEAST 30 DAYS BEFORE THE FIRST DAY OF THE RENAISSANCE FESTIVAL, AT LEAST 75% OF THE ESTIMATED COSTS TO BE INCURRED BY THE COUNTY IN SUPPORTING THE RENAISSANCE FESTIVAL; AND

(II) ANY REMAINING OUTSTANDING ACTUAL COSTS INCURRED BY THE COUNTY IN SUPPORTING THE RENAISSANCE FESTIVAL WITHIN 30 DAYS OF THE CONCLUSION OF THE RENAISSANCE FESTIVAL.”;

in lines 38 and 40, in each instance, after “EVENT” insert “OR A RENAISSANCE FESTIVAL”; and in 38, after “SPONSOR” insert “OR THE ORGANIZER OF A RENAISSANCE FESTIVAL”.

(The amendment excludes from the definition of “special events” a renaissance festival allowed as a special exception use; and requires a renaissance festival to pay a special service charge.)

AMENDMENT TO BILL NO. 13-23, AS AMENDED
(Licenses and Registrations – Special Events – Permitting)

April 3, 2023

Introduced by Ms. Rodvien and Ms. Leadbetter

Amendment No. 22

On page 1 of the amended bill, in line 1, after the second long dash insert “Notification and”; in line 3, after “uniform” insert “notification and”; in line 4, after the first semicolon insert “requiring certain persons to provide notice of certain special events;”; in line 5, after the first “the” insert “notification and”; and strike in their entirety lines 13 through 22, inclusive, and substitute:

“BY adding: §§ 11-12B-101 through 11-12B-108, to be under the new title “Title 12B. Special Events”
Anne Arundel County Code (2005, as amended)”.

On page 2, strike in their entirety lines 1 through 6, inclusive, and substitute:

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

ARTICLE 11. LICENSES AND REGISTRATIONS

TITLE 12B. SPECIAL EVENTS”;

in line 8, strike “11-11-101.” and substitute “11-12B-101.”; strike in their entirety lines 30 through 32, inclusive; in lines 34, 36, and 39, strike “(7)”, “(8)”, and “(9)”, respectively, and substitute “(6)”, “(7)”, and “(8)”, respectively; and in line 40, strike “PARADE,”.

On page 3, in line 8, strike “OR”; in line 10, after “PROCESSION” insert “; OR

3. A PARADE LICENSED UNDER § 11-11-101”;

strike in their entirety lines 15 through 22, inclusive, and substitute:

“11-12B-102. Special event notice and permit.

(A) Required.

(1) IF THE ANTICIPATED NUMBER OF ATTENDEES TO A SPECIAL EVENT WILL EXCEED 500 BUT NOT MORE THAN 1,000 INDIVIDUALS, A PERSON SHALL PROVIDE THE DEPARTMENT WITH THE NOTICE REQUIRED UNDER SUBSECTION (B) AT LEAST 30 DAYS BEFORE THE SPECIAL EVENT.

(2) IF THE ANTICIPATED NUMBER OF ATTENDEES TO A SPECIAL EVENT WILL EXCEED 1,000 INDIVIDUALS, A PERSON SHALL OBTAIN A SPECIAL EVENT PERMIT.

(B) Notice. A SPONSOR SHALL FILE A NOTICE OF A SPECIAL EVENT AS REQUIRED BY SUBSECTION (A)(1) ON A FORM PROVIDED BY THE DEPARTMENT.

(2) THE NOTICE FORM SHALL INCLUDE, AT A MINIMUM:

(I) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER OF THE SPONSOR;

(II) THE NAME, ADDRESS, EMAIL ADDRESS, AND TELEPHONE NUMBER AT LEAST ONE ADDITIONAL PERSON INVOLVED WITH PLANNING AND ORGANIZING THE SPECIAL EVENT;

(III) THE LOCATION OR VENUE OF THE SPECIAL EVENT;

(IV) THE NAME OF THE SPECIAL EVENT; AND

(V) THE DATES AND TIMES OF THE SPECIAL EVENT.

(C) Duty of venue owner. A VENUE OWNER MAY NOT ALLOW A SPECIAL EVENT TO BE HELD WITHOUT PROOF FROM THE SPONSOR THAT A SPECIAL EVENT PERMIT HAS BEEN GRANTED OR THE NOTICE REQUIRED UNDER SUBSECTION (A)(1) HAS BEEN FILED.”;

and in line 24, strike “11-11-103.” and substitute “11-12B-103.”.

On page 4, in line 13, strike “11-11-104.” and substitute “11-12B-104.”; and in line 23, after “EVENT” insert “WITH AN ANTICIPATED ATTENDANCE OF MORE THAN 1,000 INDIVIDUALS”.

On page 5, in line 52, strike “11-11-105.” and substitute “11-12B-105.”.

On page 6, in lines 15 and 46, strike “11-11-106.” and “11-11-107.”, respectively, and substitute “11-12B-106.” and “11-12B-107.”, respectively; and in line 19, strike “THE” and substitute “A”; and in the same line, after “EVENT” insert “REQUIRED TO OBTAIN A SPECIAL EVENT PERMIT UNDER THIS TITLE”.

On page 7, in line 6, strike “11-11-108.” and substitute “11-12B-108.”; in line 25, strike “3.” and substitute “2.”; in lines 25 through 26, strike “11-11-105 and 11-11-106” and substitute “11-12B-105 and 11-12B-106”; and in line 28, strike “4.” And substitute “3.”.

(The amendment excludes from the definition of “special event” a parade licensed under § 11-11-101; strikes the provisions of the bill that would repeal the current licensing scheme for a parade; requires a person to provide notice if the anticipated number of attendees to a special event will exceed 500 but not 1,000; requires a person to obtain a special event permit only if the anticipated number of attendees to a special event will exceed 1,000; adds form requirements for the notice; and make other changes to conform to the notice and permit requirements.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Pickard, Ms. Leadbetter, and Ms. Hummer

Amendment No. 1

On page 2 of the proposed bill, after line 37, insert:

“(B) **Applicability.** THIS SECTION DOES NOT APPLY TO A FOOD SERVICE FACILITY OR CAFETERIA OPERATED BY A SCHOOL.”;

in lines 38 and 41, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

On page 3, in line 16, strike “(D)” and substitute “(E)”.

(This amendment exempts food service facilities and school cafeterias from the provisions of the bill.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Leadbetter and Ms. Pickard

Amendment No. 2

On page 2 of the proposed bill, in line 21, strike “OR”; in line 23, after “HERBS” insert “; OR

6. HANGING GARMENTS OR DRY-CLEANED CLOTHES”.

(This amendment excludes from the definition of “plastic carry out bag” a bag used to contain, package, or wrap garments or dry-cleaned clothes.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Leadbetter

Amendment No. 3

On page 2 of the proposed bill, in line 21, strike “OR”; in line 23, after “HERBS” insert “; OR

6. FRUITS OR VEGETABLES PRODUCED BY AND PURCHASED AT A FARM OR ORCHARD”.

(This amendment excludes from the definition of “plastic carry out bag” a bag used to fruits or vegetables produced by and purchased at a farm or orchard.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Pickard and Ms. Leadbetter

Amendment No. 4

On page 2 of the proposed bill, in line 21, strike “OR”; in line 23, after “HERBS” insert “; OR

6. LIVE FISH, INSECTS, MOLLUSKS, OR CRUSTACEANS”.

(This amendment excludes from the definition of “plastic carry out bag” a bag used to contain, package, or wrap live fish, insects, mollusks, or crustaceans.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Leadbetter

Amendment No. 5

On page 2 of the proposed bill, in line 54, strike “I”; and in the same line, strike “SHALL” and substitute “MAY”.

On page 3, strike in their entirety lines 1 through 5, inclusive.

(This amendment makes the requirement that a retail establishment to post notices that advise customers to bring reusable carryout bags permissive as opposed to mandatory.)

AMENDMENT TO BILL NO. 19-23
(Public Safety – Ban the Bag Act of Anne Arundel County)

April 3, 2023

Introduced by Ms. Leadbetter

Amendment No. 6

On page 1 of the proposed bill, in line 4, after “County” insert “by certain retail establishments”; in the same line, after “of” insert “certain”; and in line 6, after “allowing” insert “certain”.

On page 2, in line 29, after “(4)” insert “(I)”; after line 31, insert:

“(II) “RETAIL ESTABLISHMENT” DOES NOT INCLUDE A SMALL RETAIL ESTABLISHMENT.”;

after line 36, insert:

“(6)(I) “SMALL RETAIL ESTABLISHMENT” MEANS A STORE, A FOOD SERVICE FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A GOOD, PRODUCT, OR SERVICE THAT:

1. OPERATES SOLELY IN ANNE ARUNDEL COUNTY OR ADJOINING JURISDICTIONS;

2. HAS THREE OR FEWER PHYSICAL LOCATIONS; AND

3. IS NOT PART OF A FRANCHISE, CORPORATION, CORPORATE CONTROL GROUP, OR PARTNERSHIP THAT HAS PHYSICAL LOCATIONS OUTSIDE OF ANNE ARUNDEL COUNTY OR ADJOINING JURISDICTIONS.

(II) “SMALL RETAIL ESTABLISHMENT” DOES NOT INCLUDE:

1. A PACKAGE GOODS STORE AS DEFINED UNDER ARTICLE 18 OF THIS CODE;

2. A CONVENIENCE STORE; OR

3. AN AUTOMOBILE GASOLINE STATION AS DEFINED UNDER ARTICLE 18 OF THIS CODE OR SERVICE STATION WITH A CONVENIENCE STORE.

(B) **Applicability.** THIS SECTION DOES NOT APPLY TO A SMALL RETAIL ESTABLISHMENT.”;

and in lines 38 and 41, strike “(B)” and “(C)”, respectively, and substitute “(C)” and “(D)”, respectively.

On page 3, in line 16, strike “(D)” and substitute “(E)”.

(This amendment defines “small retail establishment”; and exempts small retail establishments from the requirements of the bill.)