



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

**To:** Councilmembers, Anne Arundel County Council  
**From:** Michelle Bohlayer, County Auditor  
**Date:** October 13, 2021  
**Subject:** Auditor Review of Legislation for the October 18, 2021 Council Meeting

---

**Bill 73-21:  
Approval of Lease  
Agreement for  
Coppermine Tennis  
Facility (As Amended)**

**Summary of Legislation**

This bill approves an agreement to lease County-owned property located at 1580 Millersville Road in Millersville to Coppermine Racquet and Fitness, LLC. This lease agreement is for a term of 25 years from the issuance of the Notice to Proceed by the County indicating the start of the lease and approval to commence construction which shall be issued as an amendment to the lease.

We commented on this bill in our letter dated September 29, 2021. At the October 4, 2021 Council meeting, this bill was amended to require that any modification to the scope of the project under the Coppermine Lease Agreement be approved by Ordinance of the County Council. We have no further comments on this bill.

---

**Bill 77-21:  
Transfer of Control of  
Cable Franchisee – Anne  
Arundel Broadband, LLC**

**Summary of Legislation**

This bill approves the transfer of control of the cable franchisee, Anne Arundel Broadband, LLC, from WideOpenWest Mid-Michigan Holdings, LLC, a wholly-owned subsidiary of WideOpenWest Finance, LLC, to Starpower Communications, LLC.

**Review of Fiscal Impact**

This bill has no direct fiscal impact.

---

---

**Bill 78-21:  
Purchasing – Acquisition  
of Real Property by Gift**

**Summary of Legislation**

This bill proposes approving acceptance of a gift of real property consisting of approximately 6.18 acres of land from Kevin Page and Michelle Page Cooper. The properties, known as 920 Woodward Lane and 924 Woodward Lane in Crownsville, consist of two adjacent lots of undeveloped, unimproved, wooded land. The State Department of Assessments and Taxation (SDAT) assessed values of the 920 Woodward Lane and 924 Woodward Lane properties are \$160,000 and \$92,200, respectively. The most recent County property tax assessments for these properties total \$2,353.

Anne Arundel County Code § 8-3-101 requires the County Executive to identify the public purpose for which the property may be used. Additionally, the County Executive must ensure that the Director of Public Works (DPW) conducts an environmental assessment and provides a written determination of any potential hazard or future remediation expense and also must ensure the Budget Officer provides a written assessment of the fiscal impact of the gift, including any future expenditures.

The County Executive's public use of the property will be to use it for park and preservation purposes as part of the Bacon Ridge Natural Area, contributing to the protection and enhanced water quality of the Bacon Ridge Branch and the South River.

DPW obtained a Phase I Environmental Site Assessment (ESA) from Arc Environmental (Arc) of the property. The ESA observed evidence of the Recognized Environmental Condition of solid waste dumping. Specifically, a one-gallon paint can and a 30-gallon steel drum was observed in the vicinity of the western portion of the property. The observed solid waste dumping was removed, and Arc subsequently inspected the property on August 25, 2021 and confirmed that the solid waste dumping had been removed and that no other evidence of solid waste dumping was observed on that date. Arc also examined the soils in the vicinity of the former solid waste dumping for staining and unusual orders and none were observed and stated that given the absence of any signs of petroleum contamination, no further action is recommended at this time.

The ESA identified limitations in the report due to a lack of owner and site manager questionnaires, an environmental lien search, and historical data for certain periods, however, Arc concluded that these data gaps were not considered significant because the site uses were well documented before and after the time frames for which records were unavailable. The DPW Director provided a written determination indicating that there are no anticipated future remediation expenses.

The Office of the Budget provided the bill's fiscal note as a written assessment of the fiscal impact of the gift, including any future expenditures.

---

**Bill 78-21 (continued)****Review of Fiscal Impact**

We agree with the information provided in the Administration's fiscal note. The fiscal impact of accepting this real property gift is a reduction of \$2,353 in annual property tax revenue based on the fiscal year 2022 (FY22) assessed value of the property per SDAT and the FY22 property tax rate. It should be noted that any reduction in property tax revenue resulting from accepting this real property gift would result in the remaining real property tax bills being increased to offset this decrease due to the County's practice of maximizing property tax revenue under the property tax cap. The County will also likely incur some one-time costs associated with recording the change in ownership. Per the Budget Officer, the costs for management and maintenance of the addition of the property will be absorbed within the Department of Recreation and Parks' operations budget.

---

**Bill 79-21:  
Pensions – Deferred  
Retirement Option  
Program – Term of  
Participation Period****Summary of Legislation**

This bill exempts Battalion Chiefs in the Fire Service Retirement Plan from the requirement for approval of the sixth year of the Deferred Retirement Option Program (DROP). This is consistent with the FY22 Fire Battalion Chief Memorandum of Agreement with the County.

**Review of Fiscal Impact**

We agree with the information provided in the Administration's fiscal note that this legislation should not have a fiscal impact because the Fire Battalion Chiefs are already eligible to extend beyond the fifth year of DROP participation.

---

---

**Bill 80-21:  
Floodplain Management,  
Erosion and Sediment  
Control, and Stormwater  
Management – Violation,  
Enforcement, and  
Penalties – Civil Fines –  
Clearing Trees of  
Significant Size**

**Summary of Legislation**

This bill makes it a Class A civil offense to clear trees of significant size in violation of County erosion and sediment control law and amends the factors to be used when determining a fine for a Class A civil offense to remove the limitation to Class A civil offenses only for violations in the critical area.

Currently, when large, unpermitted disturbances occur, inspectors from the Department of Inspections & Permits (I&P) visit the site to assess the amount of disturbance and determine if a Class C civil fine is warranted per Anne Arundel County Code (Code) § 16-5-105(d). For a Class C civil offense, the fine is \$500 for the first violation and \$1,000 for the second or any subsequent violation. This violation currently does not take into account if trees of significant size were cleared as a part of the violation. This bill would allow I&P to assess a Class A civil fine of up to \$10,000 for clearing trees of significant size. This would be a single fine for the entire disturbance activity, rather than a civil fine assessed per tree of significant size that was removed.

For a Class A civil offense, the fine is not to exceed \$10,000 for the first violation, and any subsequent violation.

**Review of Fiscal Impact**

I&P currently deploys inspectors and foresters to assess disturbance violations, including replanting requirements due to Code § 16-5-106, therefore it expects the increase in workload to be minimal and do not expect a fiscal impact from this bill.

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

---

---

**Bill 81-21:  
General Provisions –  
Prohibition Against Use of  
County Funds or  
Resources to Promote or  
Require Discrimination**

**Summary of Legislation**

This bill defines discrimination and employee and adds prohibitions on the use of County funds or resources for any purpose prohibited by the bill. This bill prohibits the use of County funds or resources to direct or otherwise compel a County employee to personally affirm, adopt, or adhere to discrimination; to fund any program, training, professional development, or policy that teaches the value of discrimination to employees or that encourages or compels employees to personally affirm, adopt, or adhere to discrimination; and to hire or fund outside contractors or third parties to do any act prohibited in this bill.

**Review of Fiscal Impact**

The fiscal impact of this bill will be based on the legal interpretation and the related determination of County programs, training, professional development, policies, or use of contractors or third parties that are currently funded in the FY22 Budget.

There are certain state laws that determine education policy for the Board of Education, Community College, and Library, so the County cannot condition its funding on anything that would interfere with that policy. Therefore, there should be no fiscal impact on these agencies.

---

**Bill 82-21:  
Licenses and Registrations  
– Towing Companies –  
Towing or Removal of  
Vehicles from Parking  
Lots – Placement of Signs  
– Regional Malls**

**Summary of Legislation**

This bill defines regional mall and requires towing signage to be placed at each entrance to a regional mall parking lot to conform the Code to state law.

**Review of Fiscal Impact**

This bill does not have a direct fiscal impact.

---

---

**Resolution 47-21:  
Approving Determination  
of Certain Non-Buildable  
County-Owned Properties  
Known as Part of Drum  
Point Avenue and Crain  
Highway in Glen Burnie as  
Surplus Property**

**Summary of Legislation**

This resolution approves the determination of three non-buildable County-owned properties known as part of Drum Point Avenue and Crain Highway in Glen Burnie as surplus property. The three properties are as follows:

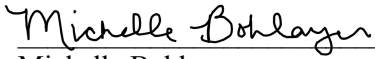
- Part of Crain Highway – 0.051 acres (2,217 square feet)
- Part of Drum Point Avenue – 0.030 acres (1,316 square feet)
- Part of Drum Point Avenue – 0.080 acres (3,477 square feet)

**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, the Administration will be required to obtain County Council approval for the disposition of the property.

---

Sincerely,

  
Michelle Bohlayer  
County Auditor