



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

To: Councilmembers, Anne Arundel County Council
From: Michelle Bohlayer, County Auditor
Date: September 28, 2023
Subject: Auditor's Review of Legislation for the October 2, 2023 Council Meeting

**Bill 64-23:
Subdivision and
Development – Zoning –
Boards, Commissions, and
Similar Bodies – Parole
Town Center – Parole
Town Center Master Plan
(As Amended)**

Summary of Legislation

This bill repeals the 1994 Parole Urban Design Concept Plan and adopts the Parole Town Center Master Plan, dated July 17, 2023; renames the Parole Town Center Growth Management Area the Parole Town Center; exempts certain development applicants from provisions of the bill; defines terms; establishes the Parole Town Center development requirements associated with maximum height and minimum open area, parking, setbacks, inclusionary housing, public facilities, bicycle and pedestrian access, and other specified uses; creates a public benefits incentive program for certain development; repeals restrictions on the issuance of variances for the Parole Town Center; and requires the Parole Town Center Master Plan to be kept in specified locations.

We commented on this bill in our letters dated August 30, 2023 and September 13, 2023. At the September 18, 2023 Council meeting, this bill was amended to:

- change the number of trips from 50 to 250 that a development must create before it is subject to a test for adequate public road facilities;
- clarify that except for properties in the critical area if any provision of the Parole Town Center subtitle or Master Plan conflicts with another provision of the Code or any County manual, the provision of the Parole Town Center subtitle or Master Plan applies;
- allow rooftop space to be included when calculating the number of building stories regardless of whether there is access from main stairwells, delete a provision prohibiting structured parking from being the tallest structure on a site, and provide that certain unenclosed amenity areas and enclosed rooftop areas are not included when calculating the number of building stories;
- change the requirement for activity spaces for 1 square foot per 5 square feet to 1 square foot per 10 square feet, clarify certain

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- requirements only apply to public activity space, and require that activity space be designed with buffers where possible;
- change the maximum front setback in the Defense Highway Corridor subarea from 60 to 75 feet;
 - remove the restriction on expanding the maximum setback solely to accommodate surface parking between a building and a roadway;
 - remove a requirement to locate electric vehicle charging stations at automobile gasoline stations in certain locations;
 - provide a redeveloped gasoline station is not required to locate gasoline pumps, electrical vehicle charging stations, or loading areas to the side or rear of the site;
 - modify the conditions of a self-storage facility by removing that the facility be auxiliary to a permitted use, removing that the facility be located in an enclosed structure that is controlled, and clarifying that the facility is required to locate on-site loading and unloading at the rear of the building;
 - remove the prohibition on golf course facilities in the Parole Town Center;
 - clarify that specified reduced parking requirements and joint use arrangements may be utilized by a developer;
 - change the requirement for certain structured parking to be for sites greater than 2 acres instead of 1.5 acres;
 - require certain site access points only be required when determined to be feasible by the Office of Planning and Zoning (OPZ); and
 - allow a developer to request a pre-application meeting to discuss an incentive program application.

We have no further comments on this bill.

**Bill 66-23:
Zoning – Outdoor
Lighting on Piers (As
Amended) (Hearing
Concluded) (Eligible For
Vote)**

Summary of Legislation

This bill requires outdoor lighting installed on a pier to be a full cutoff fixture mounted horizontal to the ground.

We commented on this bill in our letters dated August 30, 2023 and September 13, 2023. At the September 18, 2023 Council meeting, this bill was held until the October 2, 2023 meeting. We have no further comments on this bill.

**Bill 67-23:
Pensions – Personnel –
Public Ethics – Positions in
the Classified Service –
Positions in the Exempt
Service**

Summary of Legislation

This bill amends the County Code to create a new Assistant Chief of Police (E7) classification in the exempt service and adds one Assistant Chief of Police position in the Police Department in the Fiscal Year 2024 (FY24) Approved Budget. It also eliminates the existing Police Chief of Staff (E6) position in the exempt service from the FY24 Approved Budget upon vacancy. It amends Deferred Retirement Option Program, Employees' and Police Service Retirement plan, and Public Ethics provisions to include the new Assistant Chief of Police classification, consistent with other Police Department senior staff.

This bill provides a one-grade increase to the four following Police Department classifications: Animal Control Officer, Crime Analyst, Crime Scene Technician I, and Crime Scene Technician II.

This bill eliminates 18 classified positions and creates 18 new classified positions with all but 1 of these new positions at a higher grade. Specifically, in the Fire Department, 12 Fire Fighter II positions (F01) are replaced with 3 Fire Captains (F6) and 9 Fire Lieutenants (F5) to assume supervisory duties at 3 fire stations. At the Department of Detention Facilities, 3 Booking Officer positions (OS7) are being upgraded to Senior Booking Officers (OS9) and 1 Office Support Specialist position (OS6) is being replaced with 1 Special Investigator position (NR14). At OPZ, 1 Program Specialist II position (NR17) is being replaced by 1 Program Manager position (NR19), and at the Office of Transportation, 1 Planner I position (NR15) is being replaced with 1 Management Assistant I position (NR15).

Review of Fiscal Impact

The Police Department intends to fill the Assistant Chief of Police position with the current Police Chief of Staff. Typically, internal promotions for non-represented positions receive salary adjustments of 5% to 15% which would result in an increase in annual salary expenditures of approximately \$9,100 to \$27,200; however, this range is not required for exempt positions. Future expenditures for FICA and retirement benefits would also increase based on the amount of salary increase.

For the four classifications in the Police Department that are increasing by one grade (Animal Control Officer, Crime Analyst, Crime Scene Technician I, and Crime Scene Technician II), there are 23 positions that are filled and 2 positions that are vacant. For the filled positions, salary adjustments of 5% would result in an approximately \$70,100 increase in salary expenditures. County Code § 6-1-208(f) requires that the reclassification of represented employees requires the employee's new pay to be 5% above the level the employee was paid in the former grade. For the 2 vacant Animal Control Officer positions, which are funded at the \$44,013 minimum level in the FY24 Approved Budget, the salary range increases from LM-08 (\$44,013 to \$68,578) to LM-09

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(\$46,218 to \$71,989). Future expenditures for FICA and retirement benefits would also increase based on the amount of salary increases.

The fiscal impact of the addition of the 18 new positions is offset by the elimination of 18 existing vacant positions. The 18 eliminated positions are funded at the existing minimum level in the FY24 Approved Budget for a total of \$907,700. The total salary ranges for the 18 positions will increase from the current minimum of \$907,700 and maximum of \$1,681,600 to the new grades which will result in a new minimum of \$1,252,700 and maximum of \$2,142,000. The overall net estimated effect of the bill's provisions is an increase in annual salary expenditures ranging from \$345,000 to \$460,400. Future expenditures for FICA and retirement benefits would also increase based on the amount of the salary increase.

The FY24 fiscal impact will also depend on the hiring dates and the effective dates of reclassification actions. Per the Administration's fiscal note, it is anticipated that the cost of these changes can be absorbed in each department's FY24 Approved Budget without additional appropriations.

**Bill 68-23:
Personnel – Retiree Health
Benefits Trust –
Agreements – Public
Entities**

Summary of Legislation

This bill authorizes the County to enter into agreements with multiple specified entities and units of the state government to pool assets in the Retiree Health Benefits Trust for investment purposes.

This bill helps ensure that the County can pool assets with the Board of Education (BOE) for retiree health benefits, as reflected in the FY24 Approved Budget.

If this bill passes, the Retiree Health Benefits Trust agreement will need to be amended to reflect the change, and the amended agreement will be required to come to the County Council for approval.

Review of Fiscal Impact

We agree with the Administration's fiscal note that this bill has no direct fiscal impact. This bill is not the final step of the process to add BOE to the Retiree Health Benefits Trust, as was contemplated in the FY24 Approved Budget. While the fiscal impact of adding BOE is currently unknown, the Administration has indicated that an actuarial study to determine the long-term impact of a pooling agreement with BOE will be completed if this bill passes.

**Bill 69-23:
Zoning – General
Provisions – Amendments
to Comprehensive Zoning
Ordinance**

Summary of Legislation

This bill implements a 2018 Charter Amendment by establishing a process for posting specified outdoor notice signs prior to introduction of an amendment to a comprehensive zoning ordinance not requested by application or proposed by the OPZ.

During the most recent comprehensive zoning completed in 2011, there were 188 applications received and 219 amendments proposed.

Review of Fiscal Impact

Based on the quantity of applications received and amendments proposed, the Office of the County Council may need to hire temporary staff to receive and verify proof of posting documentation as required by the bill.

OPZ estimates this bill will require approximately \$3,100 in additional annual expenditures for sign materials and delivery in fiscal years 2024, 2025, and 2026. OPZ advised that they do not anticipate the need for additional resources to implement this bill.

**Bill 70-23:
Approval of the Lease
Between Anne Arundel
County and Addiction
Recovery, Inc.**

Summary of Legislation

This bill approves an agreement to lease a part of County-owned property located at 26 Marbury Drive in Crownsville, to Addiction Recovery, Inc. (tenant), doing business as Hope House Treatment Center. This lease agreement is for a term of 35 years, with two 30-year renewal options. The lease requires the tenant to pay an annual rent of \$1 to the County and maintenance and operating expenses. The lease also makes the tenant responsible for real estate taxes assessed against the leased property which are directly attributable to the lessee's facilities and use. Currently, the tenant is tax exempt because of the services provided and the expectation is that this will continue. The lease limits the use of the property to the operation of business activities related to substance use recovery or mental health treatment.

The tenant's current 20-year lease, which was originally established by the State of Maryland, ends on August 16, 2024.

Review of Fiscal Impact

This bill has no direct fiscal impact on the County. The tenant is responsible for maintenance and operating expenses of the leased space. The County has no plans for any County-funded improvements, and the County has not funded any recent improvements to the property.

**Bill 71-23:
Public Safety – Fire
Services – Emergency
Management**

Summary of Legislation

This bill repeals County Code § 12-1-105 which states that the Fire Department is responsible for emergency management. The Office of Emergency Management was moved from under the Fire Department in the Fiscal Year 2017 Approved Budget.

Review of Fiscal Impact

This bill has no fiscal impact.

**Bill 73-23:
Subdivision and
Development – Site
Development –
Exemptions –
Improvements to Existing
Structures – Cumulative
Floor Area and
Impervious Surface**

Summary of Legislation

This bill increases the maximum amount of floor area or impervious surface from 1,000 to 4,000 square feet to be exempt from the site development plan approval process. Proposed site developments above the maximum require review and approval of a preliminary plan and a subsequent final site development plan. Proposed site developments below the maximum require an exemption application that follows a separate process for an administrative decision for the exemption request.

The bill does not affect site development proposals within the Critical Area.

Review of Fiscal Impact

OPZ does not expect an operational impact from this bill but there will be a reduction in site development application fee revenue. Based on projects submitted over the past five years, there were 29 projects that would have been impacted by this change. Using the application fees from those projects, the fee revenue will decrease approximately \$25,000 annually.

**Bill 74-23:
Construction and Property
Maintenance Codes –
Codes and Supplements –
Fire Prevention Code –
Zoning – Group Homes,
Community-Based
Assisted Living Facilities,
and Recovery Residences**

Summary of Legislation

This bill establishes Fire Prevention Code requirements for recovery residences, group homes, or community-based assisted living facilities established in a single-family detached dwelling under certain conditions. The bill defines affiliate and recovery residence and modifies the definitions of group home I and group home II. The bill requires proposed group homes and community-based assisted living facilities with six or more occupants, specified types of group homes with seven or more occupants, and recovery residences with seven or more occupants to comply with change in occupancy provisions. This bill clarifies that recovery residences that lack state certification and have seven or more residents, constitute a change in occupancy and must comply with the bill by January 1, 2025. Recovery residences are added as a permitted use in all residential districts and required to have a specified number of onsite parking spaces. This bill also subjects

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group home II facilities to new and modified requirements for conditional uses and requires recovery residences with certain square footages to comply with the 2018 International Residential Code.

Review of Fiscal Impact

The Department of Inspections and Permits and OPZ do not anticipate a change in workload from this bill and no additional resources are anticipated to be required. Due to the recent passage of Bill 61-23, which requires the Fire Department to perform additional annual inspections, this bill is not expected to have any additional fiscal impact on the Fire Department.

**Resolution 41-23:
Urging the State of
Maryland to Enact New
Laws Relating to
Substance Use Disorder
Treatment Providers and
Facilities**

Summary of Legislation

This resolution urges the State of Maryland to enact new laws relating to truth in marketing and patient brokering and kickbacks for substance use disorder treatment providers and facilities.

Review of Fiscal Impact

This resolution has no fiscal impact.

**Resolution 42-23:
Urging the County
Executive to Establish a
Grant Program to Assist
Recovery Residences with
Installing Fire Suppression
Systems**

Summary of Legislation

This resolution urges the County Executive to establish a grant program to assist recovery residences with the installation of fire suppression systems.

Review of Fiscal Impact

This resolution has no direct fiscal impact.

**Resolution 43-23:
Supporting Medicare for
All and Urging Federal
and State Legislators to
Work Toward Enactment
of Medicare for All**

Summary of Legislation

This resolution supports Medicare for All and state-level single-payer legislation. This resolution also urges federal legislators to work toward enactment of Medicare for All and urges state legislators to work toward legislation to guarantee the same comprehensive healthcare coverage to all Maryland residents.

Review of Fiscal Impact

This resolution has no direct fiscal impact.
