

REGULAR MEETING

January 14, 2008

The Regular Meeting of the Annapolis City Council was held on January 14, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer

- Alderman Arnett moved to approve the Journal of Proceedings for December 10, 2007 Regular Meeting, December 17, 2007 Special Meeting, January 7, 2008, Special Meeting, and January 7, 2008 Closed Meeting. Seconded. CARRIED on voice vote.

*Closed
Session*

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a)(7) this statement is included in these minutes:

A closed session of the City Council was held at 6:00 p.m., Monday, January 7, 2008 in the City Council Chamber.

Present: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Arnett, and Alderman Elect Paone, Shropshire arrived at 6:35 p.m.

Staff Present: City Attorney Spencer, Finance Director Elliott, Central Services Director Schuetz, City Administrator Agee

*By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(7). The purpose of the meeting was to consult with counsel to obtain legal advice on the Market house. **Action taken:** Following discussion, Alderman Cordle moved to refer all inquiries regarding the Market House to the City Attorney. Seconded.*

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

PETITIONS, REPORTS AND COMMUNICATIONS

Paul Foer, 921 Boucher Avenue, Annapolis, Maryland 21403 spoke in opposition to CA-01-08

Eric Brown, Executive Director of the Housing Authority of the City of Annapolis on the Public Safety Initiative

Sharon Kennedy, 9 Randall Court, Annapolis Maryland 21401 spoke in favor of Petition for Status Report from APD

Clare Vanderbeek, 142 Riverside Road, Edgewater, Maryland 21037 representing Annapolis Business Association spoke in favor of Petition for Status Report from APD

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Association spoke in favor of Petition for Status Report from APD

Catherine Cronin, 28 Murray Avenue, Annapolis, Maryland 21401 representing Murray Hill Residents Association spoke in favor of Petition for Status Report from APD

Stanford Erickson, 1109 Miami Avenue, Annapolis, Maryland 21403 representing Stop the

Gunfire in Eastport spoke in support
Charles Worrell, 1107 Boucher Avenue, Annapolis, Maryland 21403 representing Stop the
Gunfire in Eastport spoke in support
Charles (BABE) Feldman, 1107 Miami Avenue, Annapolis, Maryland 21403 representing
Stop the Gunfire in Eastport spoke in support
Blanch Piersawl, 89 Gentry Court, Annapolis, Maryland 21403 spoke in opposition to Black
on Black Killings and the need for camera's in neighborhoods
Vic Pascoe, 308 Chester Avenue, Annapolis, Annapolis, Maryland 21403 representing
Eastport Civic Association spoke in favor of all efforts to reduce crime in Eastport
William P. Trulio, 525 Sixth Street, Annapolis, Maryland 21403 spoke on crime and the
Annapolis Housing Authority
Julie Mussog, 1105 Miami Avenue, Annapolis, Maryland 21403 spoke on crime in Eastport,
calls to crime hotline phone number, and gunfire
Cindy Cole Semans, 514 Chesapeake Avenue, Annapolis, Maryland 21403 spoke in support
of Stop the Gunfire in Eastport
Trudy Mc Fall, 205 Scott Drive, Annapolis, Maryland 21401 representing Citizens for Better
Annapolis spoke on data from the Annapolis Police Department for service calls of gun shots
fired for 2006 and 2007 Citywide
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on CA-01-08

- Alderman Israel moved to amend the agenda to include R-05-08. Seconded. CARRIED on voice vote.

The meeting was recessed at 8:21 p.m. and reconvened at 8:29 p.m.

- Alderman Israel moved to reconsider R-61-07. Seconded. CARRIED on voice vote.

CHARTER AMENDMENT

CA-01-08 For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.

- Alderman Israel moved to adopt CA-01-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

ORDINANCES

O-53-06 For the purpose of eliminating the eight hour parking restriction on King George Street and instead creating a King George Street Business Parking District where owners and employees of Maryland Avenue may park for longer than two hours and parking for others is limited to two hours between the hours of 10 a.m. and 8:30 p.m. every day of the week; and matters generally relating to parking.

- Alderman Israel moved to withdraw O-53-06. Seconded. CARRIED on voice vote.

O-14-07 For the purpose of saving lives, reducing injuries and reducing property damage that could result from fires in the Historic District by adopting the National Fire Protection Association Code for Fire Protection of Historic

Structures.

- Alderman Stankivic moved to postpone O-14-07 until the Fire Prevention Task Force recommendation have been received by the Council. Seconded. CARRIED on voice vote.

O-27-07RevisedC

For the purpose of establishing that the goal of the City is to encourage residents and business owners to use reusable and recyclable materials and to purchase goods from companies that practice energy use reduction and sequestration of carbon dioxide; to establish an Environmental Review Committee to review existing practices of the City to assure that the its policies and procedures foster the use of materials that are compostable, recyclable, and reusable, to assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products with sufficient justification, to evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors, to review and revise contracting procedures to maximize the specification of designated environmentally preferable products where practicable, to facilitate data collection on purchases of designated environmentally preferable products, and to monitor compliance with a number of environmentally friendly standards and practices; and all matters related to the use by the City of environmentally friendly standards and practices.

- Alderman Arnett moved to substitute O-27-07Revised D. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to postpone the vote on O-27-07Revised D on second reading, and to hold a special public hearing for O-27-07Revised D on February 11, 2008 at 6:00 p.m. Seconded. CARRIED on voice vote.

O-39-07

For the purpose of saving lives, reducing injuries and reducing property damage that could result from fires by requiring that any construction or renovation in the Historic District that requires a building permit and that has a value of ten or more percent of the value of the building shall have a fire suppression system throughout the building providing that this section does not take effect until certain State and /or Federal tax credit legislation is enacted; and matters generally relating to fire suppression systems in the Historic District.

- Alderman Arnett moved to adopt O-39-07 on second reading. Seconded.

The Economic Matters Committee reported favorable with amendments on O-39-07.

The main motion CARRIED on voice vote.

- Alderman Israel moved to amend O-39-07 as follows:

Amendment #1

On page 2, in line 8, after "Fire Chief" insert a period and strike all that follows through all of line 9, and insert the following: "Before approving the plans, the Fire Chief shall give the Historic Preservation Officer the opportunity to review and comment on the plans with respect to the part concerning minimizing the damage to the interior fabric." Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-39-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle,
Stankivic, Shropshire, Arnett
NAYS: Aldermen Paone
CARRIED: 8/1

O-44-07 For the purpose of adopting with amendments the State of Maryland noise standards; and all matters relating to noise standards.

- Alderman Arnett moved to adopt O-44-07 on second reading. Seconded.
- Alderman Stankivic moved to amend O-44-07 as follows:

Amendment #1

On page 3, strike lines 3 and 4 and insert the following:

“10. Sound except those sounds that are electronically amplified, between 7 a.m. and midnight, created by:

Sporting events (except trap shooting, skeet shooting, or other target shooting);

Entertainment events; and

Other public gatherings operating under permit or permission of the appropriate local jurisdiction “ Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Alderwoman Hoyle, Aldermen Israel, Paone, Stankivic
NAYS: Mayor Moyer, Alderwoman Finlayson, Aldermen Cordle, Shropshire, Arnett
DEFEATED: 4/5

The main motion as CARRIED on voice vote.

- Alderman Arnett moved to adopt O-44-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett
NAYS: Aldermen Stankivic
CARRIED: 8/1

O-46-07 For the purpose of authorizing a lease of certain municipal property located at 110 Compromise Street aka The Donner Lot and the Public Parking Lot between Fleet Reserve and Fawcett Boat Supplies from June 8, 2008 to June 7, 2009 subject to certain terms, provisions, and conditions, for the purpose of conducting an open-air farmers market; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-46-07 on second reading. Seconded.

The Economic Matters Committee reported favorable with amendments on O-46-07.

- Alderman Arnett moved to amend O-46-07 as follows:

Amendment #1

On page 1, in lines 11 and 20 of ordinance, and
On page 1 of lease, in lines 8, 12 and 28, and
On page 2 of lease, in line 4, and
On page 5 of lease, in line 31, and
On page 10 of lease, in line 38, and
On page 11 of lease, in line 24, and
On page 12 of lease, in line 1, strike "FreshFarm" and substitute "FRESHFARM"

On page 1 of lease, in line 5, strike "Maryland" and substitute "Washington, DC"

On page 1 of lease, in line 16, strike "Lessor" and substitute "Lessee"

On page 5 of lease, in line 32, strike "moot" and substitute "not"

Amendment #2

On page 1 of lease, in the first line of the table, strike "1 p.m." and substitute "2 p.m."
On page 3 of lease, in strike "1 p.m." and substitute "noon"

Amendment #3

On page 5, strike lines 31 through 33 and substitute the following:

"Section 4.2 Vendor Insurance: FRESHFARM Markets Inc. will provide documentation to the City Attorney not later than May 15, 2008, that each current participating vendor at the farmers market is adequately covered by general and product liability insurance. For vendors added after May 15, 2008, FRESHFARM Markets Inc. will provide the same documentation at least one full calendar week prior to the vendors participating in the farmers market."

Amendment #4

On page 8, in line 5, strike "the expiration of" and substitute "2 p.m. of every market day for" and on page 8, in line 7 after "with the farmers market" insert "with the exception of such sign(s) as approved by the Historic Preservation Commission."

Amendment #5

On page 8, in line 41, after "as a result thereof." add the following:

"Section 10.2. Authority to Lease. FRESHFARM Markets, Inc. will not have access to the City of Annapolis' named parking lots during the Sundays of the United States Sailboat and Power Boat Shows. It will have access to the lots on the Sunday prior to the United States Sailboat Shows. FRESHFARM Markets, Inc. will have access to the interior space of the City of Annapolis' Parks and Recreation Center located at 9 St. Mary's Street." Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-46-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett
NAYS: Aldermen Stankivic
CARRIED: 8/1

O-47-07 For the purpose, in Special Parking Districts 1 and 2, of making permanent that parking by non-residents is limited to two hours between the hours of eight a.m. and midnight, seven days a week; making the same two hour limitation applicable to Special Parking Districts 3, 4, and 5; and all matters relating to said requirements for Special Parking Districts.

- Alderman Israel moved to postpone O-47-07 until February 11, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

O-48-07 For the purpose of authorizing a lease of certain municipal property located in the Susan Campbell Park and City Dock areas to the Race Across America (RAAM), a non-profit entity for period June 15 to June 21, 2008, subject to certain terms, provisions, and conditions, for the purpose of concluding a bicycle race that originates in California; and all matters relating to said lease.

- Alderman Shropshire moved to adopt O-48-07 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-48-07.

- Alderman Arnett moved to amend O-48-07 as follows:

Amendment #1

On page 1, in lines 11 through 12 and lines 27 through 28, strike “a non-profit entity”
Seconded. CARRIED on voice vote.

Amendment #2

On page 1 of the lease agreement, in lines 31 and 32, strike “Sunday, June 15, 2008 through Saturday, June 21, 2008” and substitute “Monday, June 16 through Friday, June 20, 2008”
Seconded. CARRIED on voice vote.

Amendment #3

On page 1 of the lease agreement, strike lines 33 and 34 and substitute the following:

“**Section 1.2. Rent:** The rent for the leased premises is \$1,400.00. There is no waiver of fees or payments due the Lessor.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-48-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-01-08 For the purpose of expanding from three overlay zoning districts to all zoning districts the requirement that signs must be posted notifying the public that a sign application has been submitted for the posting of a sign; and all matters related to public notification on sign applications.

- Alderman Arnett moved to adopt O-01-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

O-02-08 For the purpose of requiring retailers to notify customers if a product's container contains bisphenol-A (BPA) through the use of certain signage; assigning the responsibility for implementing and enforcing this ordinance to the Director of Neighborhood and Environmental Programs; establishing penalties for violations; and matters generally relating to said notification of bisphenol-A.

- Alderman Arnett moved to adopt O-02-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee Travels with R-01-08

R-01-08 For the purpose of establishing fines for the failure of retailers to post signs notifying customers that a food or beverage container contains bisphenol-A (BPA); and all matters relating to penalties for failure to post BPA notification signs.

- Alderman Arnett moved to adopt R-01-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee and Economic Matters Committee

O-03-08 For the purpose of authorizing for fiscal year 2014 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats at the City Dock; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-03-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

RESOLUTIONS

R-61-07 Reconsidered

For the purpose of commemorating President Lincoln's presence and walk through Annapolis with the erection of a historical marker and to direct the Mayor to appoint a nine member Lincoln Bicentennial Commission.

- Alderman Arnett moved to adopt R-61-07 Reconsidered on second reading. Seconded.
- Alderman Israel moved to amend R-61-07 Reconsidered as follows:

Amendment#1

On page 2, in line 14, following "Bicentennial Commission" insert "In addition to the appointed members, the Mayor and Alderman representing Ward One shall serve ex officio as members of the Commission." Seconded. CARRIED on voice vote.

The main motion as amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:
CARRIED: 9/0

R-02-08 For the purpose of requesting that the Maryland General Assembly adopt legislation to require that new models of semi-automatic handguns must have microstamping technology that leaves microscopic impressions of the gun's serial number on shell casings that are discarded when the gun is fired; and all matters relating to microstamping technology.

- Alderman Stankivic moved to adopt R-02-08 on first reading. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved the rules be suspended to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to adopt R-02-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:
CARRIED: 9/0

R-03-08 For the purpose of approving Civil Service classifications and compensation as recommended in the March 2005 Classification and Compensation Study ("Study") commonly referred to as the Hendricks Study.

- Alderman Arnett moved to substitute R-03-08 Revised. Seconded. CARRIED on voice vote.
- Alderman Shropshire moved to adopt R-03-08 Revised on first reading. Seconded. CARRIED on voice vote.

R-04-08 For the purpose of dedicating the revenue derived from designated parking meters to the City's homeless.

- Alderman Arnett moved to adopt R-04-08 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-05-08.

R-05-08 For the purpose of requesting that the General Assembly adopt legislation adding the City of Annapolis to list of jurisdictions permitting sanctions against licensees if the server has received Probation Before Judgment, raising the limit on maximum fine the City may impose for violations from \$1,000 to \$2,000, and permitting both suspensions and fines for violations.

- Alderman Arnett moved to adopt R-05-08 on first reading. Seconded. CARRIED on voice vote.
- Alderman Arnett moved the rules be suspended to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to adopt R-05-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle,
Stankivic, Shropshire, Arnett
NAYS:
ABSTAIN: Alderman Paone
CARRIED: 8/0/1

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Arnett moved to approve the Mayor's appointment of the following individuals:

1/14/08 Fire Prevention Task Force Clint Prat, DENP
1/14/08 Fire Prevention Task Force Douglas M. Ramaley, AFD
1/14/08 Fire Prevention Task Force Charles H. Steele
Seconded. CARRIED on voice vote.

- Mayor requested the appointment to the Board of Appeals, JoRon Brian Johnson be added to the agenda for January 28, 2008. Seconded. CARRIED on voice vote.

2. Budget revisions: GT-10-08 and GT-11-08.

- Alderman Arnett moved to approve budget revisions GT-10-08 and GT-11-08
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:13 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk