

SPECIAL MEETING

January 22, 1996

The Special Meeting of the Annapolis City Council was held on January 22, 1996 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:05 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, DeGraff

Aldermen Snowden and Turner arrived at 7:09 p.m.

Alderman Moyer arrived at 8:00 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore

PUBLIC HEARINGS

O-49-95 For the purpose of establishing that the planning and zoning director, deputy director, assistant director or staff member shall be responsible for the enforcement of Title 21; and all matters relating to said duties.

Planning and Zoning Director Fogarty presented a background report on the ordinance.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 11/16/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 10/20/95.

Speaking in favor of the application

Louise Beauregard
Christian Services, USA
2 Maryland Avenue
Annapolis, Md. 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed with action to be taken at the February 12, 1996 meeting.

O-50-95 For the purpose of establishing that certain specified violations of Title 21 shall constitute a municipal infraction; and all matters relating to said municipal infraction.

Planning and Zoning Director Fogarty presented a background report on the ordinance.

Mayor Hopkins accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 11/16/96, and a Memorandum with attachments from Eileen P. Fogarty to the Planning Commission dated 10/20/95.

No one from the general public spoke in favor of or in opposition to the ordinance.

Mayor Hopkins declared the public hearing closed with action to be taken at the February 12, 1996 meeting.

SPECIAL NOTICE

Immediately following the public hearings, the Council moved into the Legislative Meeting which was postponed on January 8, 1996 due to inclement weather.

There being no voiced objection, the order of the Agenda was amended to allow a BUSINESS AND MISCELLANEOUS item.

BUSINESS AND MISCELLANEOUS

1. Budget Revision Request GT-51-96

Alderman Snowden moved to adopt Budget Revision Request GT-51-96. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

Alderman Snowden moved to approve the Minutes of 11/27/95, 12/4/95, 12/11/95, 12/18/95 and to open the Closed Minutes of 12/11/95 to the public. Seconded. CARRIED on voice vote.

AWARDS AND PRESENTATIONS

Mayor Hopkins presented the following Proclamations:

1. City Employee Appreciation Day;
2. Morris Blum Appreciation Day.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Bob Schmick, President
Annapolis Optimist Club
No address given.

Spoke in support of Resolution R-4-96.

2. John Barbo, President
Sons of Italy
No address given.

Spoke in support of Resolution R-4-96.

3. Louise Beauregard
Christian Service, USA
2 Maryland Avenue
Annapolis, Md. 21401

Spoke regarding qualification requirements for alcoholic beverage licenses.

4. Barbara Samorajczyk
2525 Carrollton Road

Annapolis, Md. 21403

Spoke in support of Resolution R-5-96.

5. Cindy Eckert
106 N. Linden Avenue
Annapolis Md. 21402

Spoke in opposition to Ordinance O-1-96.

6. Harry J. Maggio, member
Sons of Italy
26 Goodrich Road
Annapolis, Md. 21401

Spoke in support of Resolution R-4-96.

7. Anne Pearson
Annapolis Summit
No address given.

Spoke in support of Resolution R-5-96.

8. Tom Davies
16 College Avenue
Annapolis, Md. 21401

Spoke in opposition to Ordinance O-1-96.

9. Catherine Brown
Mt. Zion Methodist Church
414 Second Street
Annapolis, Md. 21403

Spoke in support of Resolution R-4-96.

10. Gil Renaut, President
Ward One Residents' Association
115 Monticello Avenue
Annapolis, Md. 21401

Spoke in opposition to Ordinance O-1-96.

11. Bill Trulio
525 Sixth Street
Annapolis, Md. 21403

Spoke in opposition to Ordinance O-1-96.

12. Courtney Ellis
962 Melvin Road
Annapolis, Md. 21403

Spoke in support of Resolution R-5-96.

13. Linda Greenberg
1113 Honeysuckle Lane
Annapolis, Md. 21401

Spoke regarding homeless shelters.

ACTION ON APPLICATIONS AND APPEALS

R-2-96 For the purpose of approving the application of U.S. Naval Academy Alumni Association, Inc. for a conditional use to convert a multi-unit apartment house into additional office space for the Association located at 49 College Avenue in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Johnson moved to adopt R-2-96. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Turner, DeGraff, Moyer
NAYS: Alderman Hammond
ABSTAIN: Alderman Snowden
CARRIED: 7-1-1

There being no voiced objection, the order of the Agenda was amended to consider LEGISLATIVE ACTION - RESOLUTIONS.

LEGISLATIVE ACTION

RESOLUTIONS

R-4-96 For the purpose of allowing nonprofit organizations to rent certain City-owned property near the City Dock for fundraising activities during the Annapolis Boat Shows; and all matters relating to said vendors.

Alderman Turner moved to adopt R-4-96. Seconded.

Alderman Hammond moved to amend R-4-96 as follows:

Amendment No. 1:

On page 2, line 33, delete "Donnor Lot" and substitute "1995 locations".

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-4-96 as follows:

Amendment No. 2:

On page 1, line 40, immediately following "Donnor Lot" insert "and Recreation and Parks lot"

Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken on the main motion, as amended:

YEAS: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer
ABSTAIN: Mayor Hopkins
CARRIED: 8-0-1

R-5-96 For the purpose of imposing a moratorium on further City-authorized

development in the Forest Drive corridor pending the outcome of a current City of Annapolis/Anne Arundel County study; and all matters relating to said moratorium.

Alderman Turner moved to adopt R-5-96. Seconded.

Following discussion, R-5-96 was referred to the Rules and City Government Committee.

The regular order of the Agenda was resumed.

LEGISLATIVE ACTION

ORDINANCES

O-40-95 For the purpose of revising certain mayoral duties to allow the Mayor to appoint all employees in the Office of the Mayor, to make all appointments to aldermanic standing committees and appoint the chairperson to said committees; revising the annual operating budgetary process; and all matters relating to said mayoral duties.

The Rules Committee reported favorably with amendments on O-40-95.
The Finance Committee reported unfavorably on O-40-95.

Alderman DeGraff moved to adopt O-40-95 on second reading. Seconded.

Alderman Johnson moved to amend O-40-95 as follows:

Amendment No. 1:

On Page 3, lines 1 through 4, strike the proposed amendments in their entirety.

Amendment No. 2:

On Page 3, strike lines 6 through 10 in their entirety and substitute the following:

G. OFFICE OF THE MAYOR. THERE SHALL BE AN OFFICE OF THE MAYOR WHICH, IN ADDITION TO THE MAYOR, SHALL INCLUDE ONLY EXEMPT POSITIONS APPROVED PURSUANT TO THIS CODE. THE MAYOR SHALL BE THE APPOINTING AUTHORITY FOR THE OFFICE OF THE MAYOR AND SHALL APPOINT ALL EMPLOYEES OF THAT OFFICE WITHOUT THE CONFIRMATION, APPROVAL OR CONSENT OF THE ALDERMEN.

Amendment No. 3:

On Page 3, strike lines 18 through 19 in their entirety and substitute the following:

A. FOLLOWING THE RECOMMENDATION BY THE MAYOR MADE PURSUANT TO CHAPTER 2.12 OF THIS CODE, ALDERMEN SHALL BE CONFIRMED TO SERVE ON

A COMMITTEE BY A MAJORITY VOTE OF THE CITY
COUNCIL.

Amendment No. 4:

On Page 3, lines 23 through 25, strike the proposed amendments in their entirety.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,
Turner, DeGraff, Moyer

ABSTAIN: Alderman Gilmer

CARRIED: 8-0-1

Alderman DeGraff moved to amend O-40-95 as follows:

Amendment No. 5:

On Page 3, line 1 add the following:

C. In consultation with the director of finance and all other department directors, the mayor shall prepare, or have prepared, an annual operating budget and shall submit it to the [finance committee] CITY COUNCIL no later than [May 1st] THE SECOND MONDAY IN APRIL of each year. The mayor shall supervise the administration of the budget as adopted by the council.

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden,
Turner, DeGraff, Moyer

NAYS: Alderman Tullier

CARRIED: 8-1

Alderman DeGraff moved to adopt O-40-95 Amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,
Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

Alderman DeGraff moved to adopt O-40-95 Amended on third reading. Seconded. CARRIED on voice vote.

O-43-95 For the purpose of clarifying the procedures for the filling of vacancies within the civil service; and all matters relating to said clarification.

The Rules Committee reported favorably on O-43-95.

Alderman Turner moved to adopt O-43-95 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-43-95 on third reading. Seconded. CARRIED on voice vote.

- O-46-95** For the purpose of revising certain procedures for review of text amendments referred to the Planning Commission; and all matters relating to said procedures.

Alderman Tullier moved to withdraw O-46-95. Seconded. CARRIED on voice vote.

- O-1-96** For the purpose of creating and establishing the City of Annapolis Revenue Authority; providing for the appointment, composition, and terms of the members of the authority; authorizing and empowering the authority to fix and revise tolls, rates, rentals, fees, and charges for the use of its projects or the provision of its services; authorizing and providing for the issuance of bonds, notes, or other obligations by the authority; specifying the contents of the resolutions to be adopted by the authority authorizing the issuance of its bonds, notes, or other obligations; providing that any bonds, notes, or other obligations of the authority shall not be a general obligation of the city, shall not constitute a debt of the city within the meaning of any constitutional, statutory, or charter provision, and shall not be a pledge of or involve the faith and credit or the taxing power of the city; providing for the rights and remedies of bondholders; specifying the use of the proceeds of the bonds, notes, or other obligations of the authority; providing that the city shall not limit or later the rights of the authority while its bonds, notes, or other obligations are outstanding; authorizing and providing for the entry into trust indentures by the authority to secure its bonds, notes, or other obligations; authorizing and empowering the city to take certain actions with respect to the authority; providing for the deposit and audit of the funds of the authority, the publication of financial statements and the inspection of records of the authority; prescribing contract bidding requirements; and generally relating to the organization, powers, rights, and duties of the authority.

Alderman Snowden moved to adopt O-1-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government and Finance Committees.

- O-2-96** For the purpose of changing the use of the proceeds of the Public Improvement and Refunding Bonds of 1994 dated March 15, 1994 issued by the Mayor and City Council of the City of Annapolis; and all matters relating to said use.

Alderman Snowden moved to adopt O-2-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

- O-3-96** For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1995 dated April 1, 1995 issued by the Mayor and City Council of the City of Annapolis; and all matters relating to said use.

Alderman Snowden moved to adopt O-3-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

- O-5-96** For the purpose of increasing certain fees for utility poles; dedicating certain revenues received from said fees for the undergrounding of wires throughout the City; and all matters relating to said utility poles.

Alderman Turner recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt O-5-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

O-6-96 For the purpose of establishing the exempt service salary grade for the personnel director; and all matters relating to said director.

Alderman DeGraff moved to adopt O-6-96 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the second reading on O-6-96. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-6-96 on third reading. Seconded. CARRIED on voice vote.

O-9-96 For the purpose of rescinding the provision that ordinances and charter amendments of the City shall lie on the table for no longer than one hundred twenty days and providing instead that one hundred twenty days after legislation has been introduced on first reader, it shall automatically be discharged from committee and returned to the City Council until final action is taken with regard to the legislation; and all matters relating to said legislation.

Alderman Snowden moved to adopt O-9-96 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

RESOLUTIONS

R-1-96 For the purpose of establishing an Annapolis Whitbread Race Planning Committee; and all matters relating to said Committee.

Alderman Snowden moved to adopt R-1-96. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

2. Housing and Community Development Committee Minutes of 11/29/95

Alderman Snowden moved to adopt the Housing and Community Development Committee Minutes of 11/29/95. Seconded. CARRIED on voice vote.

3. Finance Committee Minutes of 1/4/96

Alderman Snowden moved to adopt the Finance Committee Minutes of 1/4/96. Seconded.

Alderman Gilmer moved to deny Budget Revision Request GT-49-96. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Gilmer

NAYS: Aldermen Johnson, Snowden, Turner, DeGraff, Moyer
ABSTAIN: Alderman Tullier
PASS: Mayor Hopkins
CARRIED: 5-2-1-1

Alderman Turner moved to vote separately on Budget Revision Request CT-12-96. Seconded. CARRIED on voice vote.

The main motion, with the exception of Budget Revision Request CT-12-96, CARRIED on voice vote.

There being no voiced objection, Budget Revision Request CT-12-96 was postponed to the February 12, 1996 meeting.

4. Payment of Monthly Bills

Alderman DeGraff moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 12/28/95 and 1/2/96:

Public Safety Disability Retirement Board: Karl A. Phillips
Victor DeLeon

Seconded. CARRIED on voice vote.

6. Maryland Municipal League report

Alderman Moyer gave a brief report.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:56 p.m.

**Patricia L. Bembe, CMC/AE
City Clerk**