

SPECIAL MEETING
January 24, 2011

The Special Meeting of the Annapolis City Council was held on January 24, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:08 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Kirby, Pfeiffer, Arnett

Absent on Roll Call: Alderman Silverman

Staff Present: City Attorney Hardwick, Chief Current Planning Smith

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 2:38 p.m., Thursday, January 20, 2011 in the City Council Chamber.

Present: Mayor Cohen, Alderwomen Hoyle, and Finlayson, Aldermen Israel, Paone, Kirby, Pfeiffer, and Arnett

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Finance Director Miller, City Clerk Watkins-Eldridge, Senior Accountant Kline, Public Information Officer McGowan, Fire Chief Smith, Acting Harbormaster Walters, Attorney Paul Shelton, Keith Novak

On a voice vote which was seconded and carried by 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 a legal matter. The session topic was the proposed debt restructuring and preparation for same. No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 3:50 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Rusty Romo, 66 State Circle, Annapolis, Maryland 21401 representing Harry Browns spoke in opposition to O-31-10
Anthony Clark, 63 Maryland Avenue, Annapolis, Maryland 21401 representing Galway Bay spoke in opposition to O-31-10
Chuck Farrar, 111 Hillsmere Drive, Annapolis, Maryland 21403 representing Bay Ridge Wine and Spirits spoke in opposition O-31-10

PUBLIC HEARING

Without objection the public hearing on O-44-10 and O-45-10 were held jointly.

O-44-10 Revisions to Market House and Open Air Markets – For the purpose of revising and establishing policies with respect to the Market house.

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O-45-10 A Master Lease for the Market House – For the purpose of approving a master lease for the Market House between the City of Annapolis and Gone to Market, LLC.

Spoke on the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Nick Roper, 513 Sixth Street, Annapolis, Maryland 21403
J. Steven Wise, Esq., 224 Main Street, Annapolis, Maryland 21401 representing
Vaccaro's Italian Pastry Shop, Inc
Daryl Roberts, 509 Burnside Street, Annapolis, Maryland 21403
George Palmer, 1423 Knights Bridge Turn, Crofton, Maryland 21114
Suzanne Pogell, 725 Coy Bay Drive, Annapolis, Maryland 21401 representing
Annapolis Environmental Commission
Bob Schwartzberg, 47 Randall Street, Annapolis, Maryland 21401

Spoke in favor of the ordinance:

Bevin Buchheister, 5 Wagner Street, Annapolis, Maryland 21401 representing
Ward One Residents Association
Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 Vice President
representing Ward One Residents Association
Juliet Thompson, 9 College Avenue, Annapolis, Maryland 21401 Member
representing Ward One Residents Association
Judith Buddensick, 211 Severn Avenue, Annapolis, Maryland 21403 representing
The Annapolis Business Association
Tricia Herban, 55 East Street, Annapolis, Maryland 21401
Brian Miller, 114 Market Street, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

Julie Stankivic, 906 Primrose Road, Apt # 204, Annapolis, Maryland 21403
Mike Mulligan, 3 Southgate Avenue, Annapolis, Maryland 21401
Sherod L. Earle, III, 1413 West Street, Annapolis, Maryland 21401
Brian Cahalan, 49 West Street, Annapolis, Maryland 21401
Bob Oshea, 129 Grandville Avenue, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearings closed.

R-1-11 Annapolis Governmental Structure and Charter Revision Commission – For the purpose of creating a Commission to study and to offer a public forum for proposals to alter the form of government of the City; and all matters relating to said Commission.

Spoke on the resolution:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS

ORDINANCES & RESOLUTIONS – 2ND READING

O-24-10 Convenience Store Hours – For the purpose of restricting the hours a convenience store may be open to the public when the store abuts a residential zoning district.

- Alderman Arnett moved to adopt O-24-10 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-24-10, and the Planning Commission reported favorable with amendments on O-24-10.

Chief Current Planning Smith was present and answered questions from Council.

- Alderman Israel moved to amend O-24-10 as follows:

Amendment #1

Page 1, Line 10

Convenience Stores ~~Hours~~

Page 1, Line 12-13

FOR the purpose of ~~restricting the hours a convenience store may be open to the public when the store abuts a residential zoning district.~~ making certain convenience stores subject to the special exception process.

Amendment #2

Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS

21.64.180 - Convenience stores.

- A. Convenience stores shall comply with the standards for food and beverage-related uses.
 - B. In the B1, B2, B3, B3-CD districts, and the BCE district without a special exception, the use is limited to four thousand square feet gross floor area and two hundred square feet of area devoted to food preparation.
 - C. Convenience stores shall not impact negatively the critical lane levels of service for adjoining intersections. This determination shall be made only through suitable traffic impact analysis of the proposed use on the adjoining intersections.
 - ~~D. Convenience stores that abut a residential zoning district shall not be open to the public between the hours of 11 p.m. and 6 a.m.~~
 - D. If a proposed convenience store would be open twenty-four (24) hours a day and is located within 200 feet of a residential dwelling, the proposed convenience store is subject to the special exception process.
- Seconded. DEFEATED on voice vote.

The main motion as amended DEFEATED on voice vote.

- O-31-10 Restaurants in the C2 and C2A Zoning Districts – For the purpose of limiting the number of B-3.X and B-4.X licenses the Alcoholic Beverages Control Board may issue annually in the C2 and C2a zoning districts and establishing a bidding process regarding the issuance of such licenses.**

Referred to the Economic Development Corporation

- Alderman Paone moved to postpone O-31-10 on second until the Special Meeting on February 28, 2011. Seconded. CARRIED on voice vote.

- R-1-11 Annapolis Governmental Structure and Charter Revision Commission – For the purpose of creating a Commission to study and to offer a public forum for proposals to alter the form of government of the City; and all matters relating to said Commission.**

- Alderman Israel moved to postpone R-1-11 on second reading until the Special Meeting on January 31, 2011. Seconded. CARRIED on voice vote.

ORDINANCES – 1ST READING

- O-01-11 Harbor Lines at Butler’s Marina – For the purpose of amending the configuration of the Annapolis harbor line outboard of Butler’s Marina, at 409 Chester Avenue on Back Creek.**

Referred to Environmental Matters Committee, Board of Port Wardens and the Maritime Advisory Commission

- O-03-11 Historical Markers Commission – For the purpose of revising the residency requirements for membership on the Historical Markers Commission.**

Referred to the Rules and City Government Committee

BUSINESS AND MISCELLANEOUS

1. Budget Transfer/ Amendment to Capital Improvement Program

- Alderman Israel moved approval of budget revision request control number GT-7-11. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:04 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk