

REGULAR MEETING February 8,1993

The Regular Meeting of the Annapolis City Council was held on Monday, February 8, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Gray, Snowden, Turner, DeGraff, Moyer

Staff present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore, Finance Director Tyler

Alderman Snowden moved to approve the Minutes of 1/4/93. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to approve the Closed Minutes of 1/4/93 and to open the Minutes to the public. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to approve the Minutes of 1/11/93. Seconded. CARRIED on voice vote.

Alderman Turner moved to approve the Minutes of 1/25/93. Seconded. CARRIED on voice vote.

PUBLIC HEARING

(Continued from January 25, 1993)

Application of The Foundation for the Preservation of Affordable Housing, Inc. for a conditional use to establish a Planned Unit Development of 194 Units on Belle Drive, known as Belle Park, Annapolis, Md.

Alderman Gray moved to accept into the record a Memorandum dated 2/4/93 to the Mayor and Alderman from the Planning and Zoning Department. Seconded. CARRIED on voice vote.

Mayor Hopkins declared the public hearing closed.

PETITIONS, REPORTS AND COMMUNICATIONS

1. _____ Louise Beauregard
2 Maryland Avenue
Annapolis, Md. 21401
Spoke regarding mass transit.
2. Arthur Abramsohn
780A Fairview Avenue
Annapolis, Md. 21403
Spoke in opposition to Ordinance O-38-92.
3. Patricia Hudson
Executive Director,
Providence Center
Spoke in support of Resolution R-9-93.
4. Tom Negri, President
Annapolis and Anne Arundel County Conference and
Visitors Bureau
West Street
Annapolis, Md. 21401
Spoke in support of Ordinance O-8-93.
5. Tom Roskelly
City of Annapolis
Office of Tourism
Spoke in support of Ordinance O-8-93.

6. Herman Schieke
Executive Director
Annapolis and Anne Arundel County Conference and
Visitors Bureau
Spoke in support of Ordinance O-8-93.
7. Greg Gilbert
Chesapeake Bay Chapter of the AIA
Spoke in support of Resolution R-8-93.
8. Jim Martin
Acting Chair, Inner West Street Association
West Street
Annapolis, Md. 21401
Spoke in support of Ordinance O-8-93.

There being no voiced objection, the order of the Agenda was amended to allow a Business and Miscellaneous item.

BUSINESS AND MISCELLANEOUS

Mayor Hopkins presented a Proclamation to Mrs. Marion B. Satterthwaite declaring February 8, 1993 to be "Marion B. Satterthwaite Day" in the City of Annapolis.

1. **R-10-93** Sponsored by Aldermen Gilmer, Snowden and Turner

For the purpose of commemorating the service Marion B. Satterthwaite has provided the citizens of the City of Annapolis through her membership in the Annapolis Housing and Community Development Committee.

Alderman Gilmer moved to adopt R-10-93. Seconded. CARRIED on voice vote.

Aldermen Gilmer, Snowden and Turner presented the Resolution to Mrs. Satterthwaite.

The regular order of the Agenda was resumed.

ACTION ON APPLICATIONS AND APPEALS

1. **R-6-93** For the purpose approving the application of The Foundation for the Preservation of Affordable Housing, Inc. for a conditional use to establish a planned unit development consisting of 194 residential units located at southwest of Forest Drive bounded by Bywater Road, Greenbriar Lane, Belle Drive and the City boundary line, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-6-93. Seconded.

Alderman DeGraff moved to amend R-6-93 as follows:

Amendment No. 1:

On page 4, delete lines 27 through 33 and substitute the following:

The applicant shall pay the capital facility charge, water and sewer connection charge, and the development inspection fee, all as determined by the Department of Public Works, prior to the issuance of any permits. The capital facilities connection charges for sewer for all units permitted under this conditional use shall be paid at the time of settlement and

simultaneous recordation of the record plat.

Seconded. CARRIED on voice vote.

Alderman Hammond moved to amend R-6-93 as follows:

Amendment No. 2:

On page 3, delete lines 34 through 40 and substitute the following:

The proposed park, community building, and related recreational facilities shall be maintained and operated by the applicant, or the applicant's successor in interest, but dedicated to public use. These facilities shall be completed prior to the issuance of any occupancy permit for any dwelling unit. The documents described in condition number 5 shall include provisions ensuring access by the public. If the applicant or its successor shall elect to have the recreational facilities managed any another entity, the agreement shall be approved y the Department of recreation and Parks and shall be maintained on file by the Department of Planning and Zoning. Nothing contained in this condition nor in the documents governing the use of the facilities shall preclude establishing reasonable fees for use of the facilities or programs offered at them. Neither the fees nor rules governing access to programs or facilities may differentiate between residents of the development and non-residents. However, in establishing the fees and the use of the facilities, priority may be given to the residents of the immediately surrounding neighborhoods within the City of Annapolis.

Seconded. DEFEATED on voice vote.

Alderman Gray moved to amend R-6-93 as follows:

Amendment No. 3:

On page 3, line 21, delete "for the entire subdivision" and substitute "owned by the Homeowners Association".

Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt R-6-93 as amended. Seconded. A ROLL CALL vote was taken:

Yeas:	Mayor Hopkins, Aldermen Johnson, Gilmer, Gray, Snowden, Turner, DeGraff, Moyer
Nays:	Alderman Hammond
CARRIED:	8-1

- R-7-93** For the purpose of approving the application of Severn Savings Bank for a conditional use to establish a drive-in financial institution located at 1917 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman DeGraff moved to adopt R-7-93. Seconded. CARRIED on voice vote.

There being no voiced objection, the order of the Agenda was amended to allow Business and Miscellaneous items.

BUSINESS AND MISCELLANEOUS

- R-2-93** For the purpose of providing direction to the Alcoholic Beverage Control Board of the City of Annapolis on matters relating to the draft Rules and

Regulations of the Alcoholic Beverage Control Board submitted by that Board to the City Council for review; clarifying issues related to the current status of those draft rules and regulations; and all matters relating to said rules and regulations.

Alderman Snowden moved to adopt R-2-93. Seconded.

Leonard Berman, Chair, Alcoholic Beverage Control Board, was present and answered questions addressed by the Aldermen.

Alderman Gilmer moved to amend R-2-93 as follows:

Amendment No. 1

On Page 11 of the Rules and Regulations attached to R-2-93, Item d.4., immediately following "presence" add the following:

except in cases where the premises are leased for purposes of private functions.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

3. **R-9-93** Sponsored by Mayor Hopkins

For the purpose of expanding the City of Annapolis Recycling Program; and all matters relating to said program.

Alderman Snowden moved to adopt R-9-93. Seconded.

Alderman Turner moved to amend R-9-93 as follows:

Amendment No. 1:

On page 1, line 38 immediately following "Director of Public Works", add "and the Solid Waste Committee".

Seconded. CARRIED on voice vote.

Alderman Gilmer moved to amend R-9-93 as follows:

Amendment No. 2:

On page 3, delete lines 16 through 19.

Seconded.

Following discussion, Alderman Hammond moved to amend Alderman Gilmer's amendment by substituting the following:

On page 3, line 16, add the following:

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that by April 1, 1993, the Administration present to the City Council a comprehensive program dealing with the City's refuse, recycling and landfilling activities.

Seconded. DEFEATED on voice vote.

The main motion was DEFEATED on voice vote.

Alderman Snowden moved to adopt R-9-93 as amended. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Johnson, Gilmer, Gray, Snowden, Turner,
Moyer
Nays: Alderman Hammond
Abstain: Alderman DeGraff
CARRIED: 7-1-1

The regular order of the Agenda was resumed.

LEGISLATIVE ACTION

1. **O-43-92** Sponsored by Alderman Snowden

For the purpose of regulating the method a developer may use to bill purchasers of real property for fees or assessments relative to the installation of public utilities; and all matters relating to said fees or assessments.

The Finance and Rules Committees reported favorably on O-43-92.

Alderman Snowden moved to adopt O-43-92 on second reading. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to adopt O-43-92 on third reading. Seconded. CARRIED on voice vote.

2. **O-5-93** Sponsored by Mayor Hopkins

For the purpose of authorizing the City Council to lease certain municipal property located in the general harbor and Dock Street area to United States Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 1996, subject to certain terms, provisions, and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Alderman Hammond moved to adopt O-5-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance and Economic Matters Committees.

3. **O-7-93** Sponsored by Alderman Johnson

For the purpose of authorizing a Deed of Easement from the City of Annapolis to Edward M. Miller and Margaret Jean Prigel-Miller, their successors and assigns, under certain terms and conditions, over certain City-owned real property adjacent to Farragut Road in the City of Annapolis; and all matters relating to said Deed of Easement.

Alderman Snowden moved to adopt O-7-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

4. **O-8-93** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1991 dated August 1, 1991 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$50,000 from funds for Gotts Court Parking Garage, Capital Project #19640 to Visitors Center Gotts Court, Capital Project #15722; and all matters relating to said use.

The Finance Committee reported favorably on O-8-93.

Alderman Johnson moved to adopt O-8-93 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to suspend the rules to dispense with the second reading on O-8-93. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-8-93 on third reading. Seconded. CARRIED on voice vote.

5. **O-9-93** Sponsored by Mayor Hopkins, Aldermen Gilmer, Gray, Snowden, DeGraff and Moyer

For the purpose of amending the PM2 Professional Mixed Office Park District; and all matters relating to said district.

Alderman Snowden moved to adopt O-9-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

6. **O-10-93** Sponsored by Alderman Hammond

For the purpose of clarifying the authority of the Director of Transportation to revoke or suspend owner's taxi cab permits and driver's taxi cab licenses upon certain violations and in certain circumstances; providing for a due process hearing prior to any revocation or suspension of permits and licenses; and all matters relating to said permits and licenses.

Alderman Hammond moved to adopt O-10-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Public Safety Committees.

BUSINESS AND MISCELLANEOUS

4. **R-8-93** Sponsored by Alderman Gilmer

For the purpose of providing the initiative for the rehabilitation and redevelopment of certain areas of the City of Annapolis in accordance with Section 2.56.040 of Title 2 of the Code of Annapolis; and all matters relating to said design.

There being no voiced objection, R-8-93 was referred to the Economic Matters Committee, the Planning and Zoning Department and the Housing and Community Development Committee.

5. **R-11-93** Sponsored by Alderman Moyer

For the purpose of supporting the National League of Cities and other national governmental associations in making comments to the Federal Communications Commission (FCC) on proposed rules relative to certain sections of the Cable Television Consumer Protection and Competition Act of 1992; and all matters relating to said proposed rules.

Alderman DeGraff moved to adopt R-11-93. Seconded. CARRIED on voice vote.

6. Risk Management Committee Minutes of 1/20/93

Alderman DeGraff moved to approve the Risk Management Committee Minutes of 1/20/93. Seconded. CARRIED on voice vote.

7. Housing and Community Development Committee Minutes of 12/23/92 and 1/27/93

Alderman Gilmer moved to approve the Housing and Community Development Committee Minutes of 12/23/92. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to approve the Housing and Community Development Committee Minutes of 1/27/93. Seconded. CARRIED on voice vote.

8. Economic Matters Committee Minutes of 1/29/93

Alderman DeGraff moved to approve the Economic Matters Committee Minutes of 1/29/93. Seconded. CARRIED on voice vote.

9. Finance Committee Minutes of 1/28/93

Alderman Hammond moved to approve the Finance Committee Minutes of 1/28/93. Seconded. CARRIED on voice vote.

10. Payment of monthly bills

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

11. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following persons as set forth in Memoranda to the Aldermen from Mayor Alfred A. Hopkins dated 1/22/93, 2/2/93 and 2/8/93:

Public Safety Disability Retirement Board

Hamilton F. Tyler
Carl A. Tenhoopen

Human Relations Commission

Ludlow H. Carroll
Robert L. Harrison

Recreation Advisory Board

Thomas P. Ribbs

Ethics Commission

J. Richard Achenbach

Transportation Advisory Board

Sonja E. Eades

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:10 p.m.

Patricia L. Bembe, CMC/AAE

City Clerk