

REGULAR MEETING
February 11, 2013

The Regular Meeting of the Annapolis City Council was held on, February 11, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:03 p.m.

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

Absent on Roll Call: Alderman Kirby

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Finance Director Miller, Human Resources Director Rensted, Transportation Director Newell, Senior Comprehensive Planner Nash, Assistant City Manager Burke, Senior Transportation Planner Duah

Approval of Agenda

Alderwoman Finlayson move to approve the Regular Meeting agenda as proposed. Seconded. CARRIED on voice vote.

CITY COUNCIL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Aldermen Paone and Alderwoman Finlayson to present the STAR Program with the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the thirty-second recipient of the prestigious Martha Wood Leadership Award.

“Paint it Red” – Heart Awareness Month

Dr. Martin J Rosenberg, 2003 Medical Pkwy, Suite G-90, Annapolis, Maryland 21401 gave a brief presentation on Heart Health Awareness Month and the “Dare to Care Program” in the City of Annapolis and explained why cardiovascular disease is one of the leading causes of death for woman in our state.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal Proceedings

Alderman Israel moved to approve the Journal of Proceedings for the Regular Meeting January 14, 2013 and the Special Meeting of January 28, 2013. Seconded. CARRIED on voice vote.

Comments by the General Public

Debbie Yatsuk, 418 Fox Hollow Lane, Annapolis, Maryland 21403 spoke in opposition to O-42-12.

Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21403 spoke in opposition to O-42-12.

- Mayor Cohen declared petitions, reports and communications closed.

PUBLIC HEARING

O-1-13 Technical Corrections to the Annapolis City Code - Exempt Service – For the purpose of making certain technical corrections to the Annapolis City Code in regards to the exempt service.

Human Resources Director Rensted gave a brief presentation and answered

questions from Council.

Spoke on the ordinance:

Debbie Yatsuk, 418 Fox Hollow Lane, Annapolis, Maryland 21403.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION

CHARTER AMENDMENTS, ORDINANCES & RESOLUTIONS – 2nd READER

CA-2-12 Municipal Elections Coinciding with State of Maryland Elections in 2018 and Onward–For the purpose of amending the Charter of the City of Annapolis to establish the dates of the primary and general elections to coincide with the State of Maryland in 2018 and extending the length of time in office for the incoming City Council in December 2013 an additional year to December 2018 in order to facilitate this transition period.

- Alderman Paone moved to postpone CA-2-12 on second reading until the Regular Meeting on March 11, 2013. Seconded. CARRIED on voice vote.

CA-3-12 City Finance Requirements–For the purpose of amending the Charter of the City of Annapolis to establish an unrestricted fund balance as part of the annual budget process, authorizing an Audit Committee; and setting a time line for the Finance Director to provide the Comprehensive Annual Financial Report to the City Council.

City Manager Mallinoff and Finance Director Miller were present and answered questions from Council.

- Alderman Pfeiffer moved to withdraw CA-3-12 on second reading. Seconded. CARRIED on voice vote.

O-26-12 Revisions to the Zoning Map Amendment Process–For the purpose of amending Chapter 21.34 (Zoning Map Amendments) of the Annapolis City Code by establishing new procedures for local zoning map amendments, sectional zoning map amendments, and comprehensive zoning map amendments.

Senior Comprehensive Planner Nash was present and answered questions from Council.

- Alderman Arnett moved to adopt O-26-12 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments and the Planning Commission reported favorable on O-26-12.

- Alderman Arnett moved to amend O-26-12 as follows:

Amendment #1

Page 2, Line 20:

Strike “AN APPLICATION” and insert “A REQUEST”

Amendment #2

Page 2, Line 21:

Strike "ONLY BY THE PLANNING COMMISSION" and insert "BY A MEMBER OF THE CITY COUNCIL OR THE DIRECTOR OF PLANNING AND ZONING"

Amendment #3

Page 2, Line 27 AND 28:

Strike "AN APPLICATION" and insert "A REQUEST"

Amendment #4

Page 2, Lines 28-29:

Strike "ONLY BY THE PLANNING COMMISSION" and insert: "BY A MEMBER OF THE CITY COUNCIL OR THE DIRECTOR OF PLANNING AND ZONING."

Amendment #5

Page 4, Lines 1-11:

Restore the following text that is marked for deletion in the proposed legislation.

A. EXISTING USES AND ZONING CLASSIFICATION OF PROPERTIES WITHIN THE GENERAL AREA OF THE PROPERTY THAT IS THE SUBJECT OF THE APPLICATION.

B. THE SUITABILITY OF THE PROPERTY IN QUESTION TO THE USES PERMITTED UNDER THE EXISTING ZONING CLASSIFICATION COMPARED TO THE USES PERMITTED UNDER THE PROPOSED ZONING CLASSIFICATION.

C. THE TREND OF DEVELOPMENT IN THE GENERAL AREA, INCLUDING ANY CHANGES IN ZONING CLASSIFICATION OF THE SUBJECT PROPERTY OR OTHER PROPERTIES IN THE AREA AND THE COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA.

D. WHETHER THERE HAS BEEN A SUBSTANTIAL CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED OR THAT THERE WAS A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.

E. THE AVAILABILITY OF PUBLIC FACILITIES, PRESENT AND FUTURE TRANSPORTATION PATTERNS.

F. THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN.

Page 4, Lines 13-21:

Strike the proposed new language.

~~A. POPULATION CHANGE;~~

~~B. THE AVAILABILITY OF PUBLIC FACILITIES;~~

~~C. PRESENT AND FUTURE TRANSPORTATION PATTERNS;~~

~~D. COMPATIBILITY WITH EXISTING AND PROPOSED DEVELOPMENT FOR THE AREA;~~

~~E. THE RELATIONSHIP OF THE PROPOSED AMENDMENT TO THE CITY'S COMPREHENSIVE PLAN;~~

~~F. A SUBSTANTIAL AND UNANTICIPATED CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD WHERE THE PROPERTY IS LOCATED;~~

~~G. A MISTAKE IN THE EXISTING ZONING CLASSIFICATION.~~ Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-26-12 amended on third reading.

Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Israel, Paone,
Alderwomen Hoyle, Finlayson, Alderman Littmann

NAYS:

CARRIED: 8/0

O-42-12 Residency of Certain Department Directors - For the purpose of amending the residency requirement for certain department directors by amending Section 2.04.060 of the Code of the City of Annapolis, 2012 Edition.

City Manager Mallinoff gave a brief presentation and answered questions from Council. Human Resources Director Rensted was also present and answered questions from Council.

- Alderman Arnett moved to adopt O-42-12 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-42-12.

- Alderman Israel moved to amend O-42-12 as follows:

On page 1, in lines 19-26:

Strike entire Section 2.04.060 - Residency of Department Directors. Seconded.
CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-42-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Israel, Alderwomen
Hoyle, Finlayson

NAYS: Aldermen Paone, Littmann

CARRIED: 6/2

R-1-13 Filing of Grant Application with the Mass Transit Administration – For the purpose of authorizing the filing of an application with the Mass Transit Administration of the Maryland Department of Transportation for a Sections 5303, 5304, 5307, 5309, 5310, 5311, 5316, and/or 5317 grants under the Federal Transit Act.

Transportation Director Newell and Senior Transportation Planner Duah were present and answered questions from Council.

The Transportation Committee reported favorably with amendments on R-1-13.

- Alderman Pfeiffer moved to adopt R-1-13 on second reading. Seconded.

- Alderman Pfeiffer moved to amend R-1-13 as follows:

Throughout the document strike “Mass” and insert “Maryland” Seconded.
CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Israel, Paone,
Alderwomen Hoyle, Finlayson, Alderman Littmann

NAYS:

CARRIED: 8/0

RESOLUTIONS – FIRST READER

R-3-13 Advocating for the City of Annapolis to be Named as the Home for a National Continental Congress Center – For the purpose of expressing the sense of the City Council that the City of Annapolis be named as the home for a National Continental Congress Center.

- Alderman Pfeiffer moved to adopt R-3-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and the Historic Markers Commission.

R-7-13 Wayfinding and Signage Master Plan – For the purpose of adopting the Draft Wayfinding and Signage Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

- Alderman Arnett moved to adopt R-7-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government and Transportation Committees and the Transportation Board.

R-8-13 Expressing Support for House Bill 145 and Senate Bill 244 – Refillable Container Alcoholic Beverage License in the City of Annapolis – For the purpose of expressing the Annapolis City Council’s support of House Bill 145 and Senate Bill 244 before the General Assembly regarding an alcoholic beverage license component for refillable containers for holders of Class A (package goods) and Class D (taverns) alcoholic beverage licenses.

- Alderman Arnett moved to adopt R-8-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee and the Alcoholic Beverage Control Board.

R-9-13 Municipal Elections Coinciding with State of Maryland Elections – For the purpose of expressing the sense of the Annapolis City Council that the City elections for Mayor and Aldermen and Alderwomen should be adjusted to coincide with State Gubernatorial Elections, and that the City should request that the State authorize, by executive or legislative action as appropriate, inclusion of the City elections on the same ballot used for State of Maryland Gubernatorial Elections.

- Alderman Arnett moved to adopt R-9-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

BUSINESS AND MISCELLANEOUS

1. Budget Revision Request

Budget Revision Request, Department of Planning and Zoning, Control Number GT-13-13 – Department Justification: The Main Street Coordinator position was vacated in January 2013. This transfer will serve to fund the Main Street Coordinator position for the second half of the fiscal year 2013.

Assistant City Manager Burke gave a brief presentation on the budget revision request. Finance Director Miller was also present and answered questions from Council.

The Finance Committee reported favorably on GT-13-13.

Assistant City Manager Burke was present and answered questions from Council.

- Alderman Arnett moved to approve budget revision request GT-13-13. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:56 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk