

REGULAR MEETING

February 12, 2007

The Regular Meeting of the Annapolis City Council was held on February 12, 2007 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, Christman, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer

AWARDS

- Chief Joseph Johnson presented Officer Sean Mc Garvey with our Medal of Honor.
- Representative Michael O'Shea presented Chief Joseph Johnson, Officers John Lee and Pierre Pyle with awards from the Department of Justice.
- Alderman Stankivic moved to approve the Journal of Proceedings for Regular Meeting January 8, 2007 and, Special Meeting January 22, 2007. Seconded. CARRIED on voice vote.

PRESENTATION

Annapolis Conservancy Board

Steve Carr gave a brief presentation on the annual report from the Annapolis Conservancy Board.

PETITIONS, REPORTS AND COMMUNICATIONS

Mark Travaglini, 826 Chester Avenue, Annapolis, Maryland 21403 spoke in favor of 0-09-07
Kari Appler representing Smoke Free Maryland, 1711 18th St, NW., Basement, Washington, DC 20008 spoke in favor of 0-09-07 and R-09-07

Erin Smith, 500 W. Baltimore Street, Baltimore, Maryland 21201 representing the Center for Tobacco Regulations spoke in favor of 0-09-07

Robin Whitehurse, 211 Georgetown Road, Annapolis, Maryland 21403 Spoke in favor of 0-09-07 and R-09-07

Susan O'Brien, 1725 Cedar Park Road, Annapolis, Maryland 21401 representing American Cancer Society spoke in favor of 0-09-07 and R-09-07

Peter Seremet, 704 warren Drive, Annapolis, Maryland 21401 Spoke in favor of 0-09-07

- Alderman Israel moved to amend the agenda to include 0-40-06, R-41-06, 0-09-07 and R-08-07. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

ORDINANCES

- O-39-06** For the purpose of prohibiting the issuance of peddlers, hawkers and itinerant merchants licenses to any mobile food service facility that prepares food in that vehicle and operates in a residential area; reassigning the responsibility for issuing peddlers, hawkers and itinerant merchants license from the City Clerk to the Department of Neighborhood and Environmental Programs; and matters generally relating to said mobile food service facilities.

- Alderwoman Hoyle moved to adopt O-39-06 on second reading. Seconded.

The main motion CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-39-06 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-42-06 For the purpose of increasing the categories that are protected from discrimination in housing to be consistent with current Federal and State protected categories; and matters generally relating to said protected categories.

- Alderman Shropshire moved to adopt O-42-06 on second reading. Seconded.

The Public Safety Committee reported favorably and Housing and Human Welfare Committee reported favorably with amendment on O-42-06.

- Alderwoman Hoyle moved to amend O-42-06 as follows:

On page 1, in line 37, after "marital status" insert " , sex, lawful income" Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-42-06 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

ABSTAIN: Alderman Arnett

CARRIED: 8/0/1

O-05-07 For the purpose of specifying that taxicab driver's or owner's permits may not be issued to a person who has been incarcerated within the seven year period preceding the date of application; and all matters relating to the issuance of taxicab permits.

- Alderwoman Hoyle moved to adopt O-05-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters and Public Safety Committee

O-06-07 For the purpose of limiting to 180 days the time allowed to the planning process for review of legislation: making the review of all non-planning legislation, including resolutions, by all committees, boards and commissions subject to the current 120 day referral limitation; clarifying that City Council members may submit legislation to the City Council before zoning map amendments and City Code amendments are submitted to the Planning Commission; requiring the review by the Planning Commission of legislation amending Title 20; and matters generally relating to said zoning amendments.

- Alderman Stankivic moved to adopt O-06-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

O-07-07 For the purpose of protecting the health of employees and others by adopting the future legislation that Anne Arundel County may adopt which would prohibit smoking in restaurants and bars unless the State of Maryland adopts such legislation; and matters generally relating to said prohibitions on smoking.

- Alderman Stankivic moved to adopt O-07-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Housing and Human Welfare and Environmental Matters Committee

The order of the agenda was amended to allow for 0-09-07, R-08-07, 0-40-06 and R-41-06.

0-09-07 For the purpose of protecting the health of employees and others by prohibiting smoking in enclosed areas of restaurants and bars; and matters generally relating to said prohibitions on smoking.

- Alderman Stankivic moved to adopt O-09-07 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare and Environmental Matters Committee.

R-08-07 For the purpose of establishing fines for the violation of various smoking prohibitions; and all matters relating to said penalties.

- Alderman Stankivic moved to adopt R-08-07 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare and Finance Committees

0-40-06 For the purpose of establishing wine bars as a new type and class of alcoholic beverage license that may be issued in the City; permitting wine bars as a use within the MX zoning district; and matters generally relating to wine bars.

- Alderman Stankivic moved to adopt O-40-06 on second reading. Seconded.

The Rules and City Government , Economic Matters Committees and Planning Commission reported favorably with amendments on O-40-06.

- Alderman Israel moved to substitute O-40-06 revised. Seconded. CARRIED on voice vote.

The main motion as revised CARRIED on voice vote.

- Alderman Israel moved to adopt O-40-06 revised on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-41-06 For the purpose of revising the FY 2007 Fees Schedule to include a fee for a Wine Bar license.

- Alderman Stankivic moved to adopt R-41-06 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

The order of the agenda was resumed.

RESOLUTIONS

R-01-07 For the purpose of requesting that the General Assembly adopt legislation requiring the Maryland State Board of Elections to implement a voter verified paper audit trail election system that meets the Federal 2005 Voluntary Voting Systems Guidelines (VVSG).

- Alderman Shropshire moved to adopt R-01-07 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-05-07 For the purpose of recognizing the need for and appropriateness of preserving and sharing the events and memories of Carr's Beach by commemoratively designating Edgewood Road as Carr's Beach Road.

- Alderwoman Hoyle moved to adopt R-05-07 on second reading. Seconded.
- Alderwoman Hoyle moved to amend R-05-07 as follows:

On page 1, in line 24, after "in the county" insert "and places such as Wilmers Park in Prince Georges County" Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-09-07 For the purpose of requesting that the Maryland General Assembly adopt legislation which further restricts or bans the smoking of tobacco products in all indoor areas open to the public; and all matters relating to said support of such legislation.

- Alderman Christman moved to adopt R-09-07 on first reading. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to suspended to allow passage of the resolution at the meeting of its introduction.
- Alderman Shropshire moved to adopt R-09-07 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-10-07 For the purpose of amending the City's Personnel Rules and Regulations to permit City employees to use up to three days of sick leave per year for the illness or injury of their immediate family; and all matters relating to said Personnel Rules and Regulations.

- Alderman Shropshire moved to adopt R-10-07 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare

R-11-07 For the purpose of providing an exemption allowing the sale of arts related merchandise in the Historic District at the First Sunday events to be held the first Sunday of each month from May through October 2007, on West Street; waiving certain fees associated with City services in conjunction with these events; and all matters relating to said First Sunday events.

- Alderman Israel moved to adopt R-11-07 on first reading. Seconded. CARRIED on voice vote.

R-12-07 For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Spring Fling to be held April 22, 2007, and the Maryland Avenue Annual Street Festival to be held on September 23, 2007, and all matters relating to the waiver of fees.

- Alderman Israel moved to adopt R-12-07 on first reading. Seconded. CARRIED on voice vote.

R-13-07 For the purpose of approving the job description for the Horticulturist in the Department of Recreation and Parks; and all matters relating to said Horticulturist job description.

- Alderman Shropshire moved to adopt R-13-07 on first reading. Seconded. CARRIED on voice vote.

R-14-07 For the purpose of dedicating two benches in the Acton Landing Park to the memory of Mary and Marion Warren; and matters generally relating to remembering the Warrens.

- Alderman Israel moved to adopt R-14-07 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Approval of budget amendments GT-4-07, GT-5-07, and GT-6-07

- Alderman Shropshire moved to approve budget amendments GT-4-07. Seconded. CARRIED on voice vote.
- Alderman Hoyle moved to approve budget amendments GT-5-07. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to postpone the vote on GT-6-07. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Christman, Stankivic, Arnett

NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Christman, Cordle

DEFEATED: 4/5

- Alderwoman Hoyle moved to approve budget amendments GT-6-07. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwoman Hoyle, Aldermen Israel, Christman, Cordle, Shropshire, Arnett
NAYS: Alderman Stankivic
ABSTAIN: Alderwoman Finlayson
CARRIED: 7/1/1

2. Preliminary Review of Phipps Annexation Petition for annexation was filed on December 27, 2006 and amended January 12, 2007.

- Alderman Cordle moved that the applicants work with the Finance, Public Works, and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:02 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk