

SPECIAL MEETING

February 25, 2008

The Special Meeting of the Annapolis City Council was held on February 25, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:12 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer, Economic Development Director Miron, Chief Environmental Programs Biba

PUBLIC HEARING

CA-01-08 For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.

Spoke on the charter amendment:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

Spoke in favor of the charter amendment:

Bob Slawson, 510 Sixth Street, Annapolis, Maryland 21403

Alan Kiepper, 1803 View Top Court, Annapolis, Maryland 21409

Nick Berry, 517 Third Street, Annapolis, Maryland 21403

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Residents Association

Spoke in opposition to the charter amendment:

Dennis Conti, 141 E. Bay View Drive, Annapolis, Maryland 21403 representing Citizens for a Better Annapolis, and Trudy McFall

Paul Foer, 921 Boucher Avenue, Annapolis, Maryland 21403

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

- Mayor Moyer accepted into the record a email to the Annapolis City Council from Connie Harold, 1011 Monroe Street, Annapolis, Maryland 21403 dated 2/25/08.
- Mayor Moyer declared the public hearing closed.

Without objection the public hearing on O-02-08 and R-01-08 were held jointly.

O-02-08 For the purpose of requiring retailers to notify customers if a product's container contains bisphenol-A (BPA) through the use of certain signage; assigning the responsibility for implementing and enforcing this ordinance to the Director of Neighborhood and Environmental Programs; establishing penalties for violations; and matters generally relating to said notification of bisphenol-A.

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R-01-08 For the purpose of establishing fines for the failure of retailers to post signs notifying customers that a food or beverage container contains bisphenol-A (BPA); and all matters relating to penalties for failure to post BPA notification signs.

Spoke in favor of the ordinance and resolution:

Kelly Davis, 449 Delso Court, Annapolis, Maryland 21409 representing Aloha Aina Environmental

Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403

Spoke in opposition to the ordinance and resolution:

Jeff Zellmer, 171 Conduit Street, Annapolis, Maryland 21401 representing Maryland Retailers Association

Lynn L. Bergeson, 1203 Nineteenth Street, NW., Washington, DC 20036 representing North American Metal Packaging Alliance, Inc

Gil Genn, 41 State Circle, Annapolis, Maryland 21401 representing Maryland Association of Chain Drug Stores

Bruce Bereano, 191 Duke of Gloucester Street, Annapolis, Maryland 21401 representing Safeway Inc.,

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

- Mayor Moyer declared the public hearings closed.

O-03-08 For the purpose of authorizing for fiscal year 2014 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats at the City Dock; and all matters relating to said lease.

Spoke in favor of the ordinance:

Debbie Gosselin, 980 Awald Street, Suite 202., Annapolis, Maryland 21403 representing Watermark Chesapeake Marine Tours

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

- Mayor Moyer declared the public hearing closed.

R-08-08 For the purpose of designating an arts and entertainment district to encourage the economic development of the City by enabling certain residents to receive various tax incentives; expressing the support of the City for the creation of such a district; recognizing that it is possible for the City to lose tax revenue if the district designation is adopted; and specifying the expected tax incentives that would be implemented upon approval of the designation by the Maryland Secretary of Business and Economic Development.

Economic Development Director Miron gave a brief presentation on the resolution.

Spoke on the resolution:

Jon H. Chapman, 5 N Southwood Avenue, Annapolis, Maryland 21401 representing Germantown and Homewood Community Associations
Robert Waldman, 1001 Poplar Avenue, Annapolis, Maryland 21401 representing Germantown and Homewood Community Associations
Elizabeth Hughes, 313 Linden Avenue, Annapolis, Maryland 21401 Representing Germantown Homewood Civic Association
Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 representing MHRA Land Use Committee
Tim Tower, 8 Taney Avenue, Annapolis, Maryland 21401
Sandy Cohen, 129 Monticello Avenue, Annapolis, Maryland 21401
Doug Smith, 5 Revell Street, Annapolis, Maryland 21401
Judy Dryden, 1605 Virginia Avenue, Annapolis, Maryland 21401
Wilford Scott, 308 Carriage Run Road, Annapolis, Maryland 21403

Spoke in favor of the resolution:

John Sherwood, 51 Southgate Avenue, Annapolis, Maryland 21401 representing his wife Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
John Holt, 1313 West Street, Annapolis, Maryland 21401 representing Annapolis Bed & Breakfast
Marty Descoteaux, 1404 West Street, Annapolis, Maryland 21401 representing his family
Brian Cahalan, 49 West Street, Annapolis, Maryland 21401
Timothy Kostenko, 51 Clay Street, Annapolis, Maryland 21401
Jim Martin, 1-B S. Cherry Grove Avenue, Annapolis, Maryland 21401 representing Inner West Street
Don Lamb-Minor, 107 Northwest Street, Annapolis, Maryland 21401
NT Sharps, II., 17 Bausum Drive, Annapolis, Maryland 21401 representing Clay Street
Darren Heater, 2445 Wentworth Drive, Crofton, Maryland 21114

Spoke in opposition to the resolution:

Robert Worden, 30 Murray Avenue, Annapolis, Maryland 21401-2843

- Alderman Israel requested R-08-08 be referred to Economic Matters Committee

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

- Mayor Moyer declared the public hearing closed.

LEGISLATION

The meeting was recessed at 10:25 p.m. and reconvened at 10:34 p.m.

O-27-07RevisedD

For the purpose of establishing that the goal of the City is to encourage residents

and business owners to use reusable and recyclable materials and to purchase goods from companies that practice energy use reduction and sequestration of carbon dioxide wherever possible; to establish an Environmental Review Committee to review existing practices of the City to assure that the its policies and procedures foster the use of materials that are compostable, recyclable, and reusable, to assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products without sufficient justification, to evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors, to review and revise contracting procedures to maximize the specification of designated environmentally preferable products where practicable, to facilitate data collection on purchases of designated environmentally preferable products, and to monitor compliance with a number of environmentally friendly standards and practices; and all matters related to the use by the City of environmentally friendly standards and practices.

- Alderman Arnett moved to adopt O-27-07Revised D on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorable with amendments on O-27-07Revised D.

- Alderman Arnett moved to amend O-27-07Revised D as follows:

Amendment #1

On page 2, in line 32, strike “implementation” and substitute “installment”
On page 2, in line 32, strike “systems” and substitute “software”

Amendment #2

On page 3, in line 9, strike “To the extent practicable” and substitute “Where available”

Amendment #3

On page 3, in lines 16 and 17, strike “Where practical,”

Amendment #4

On page 3, in line 20, strike “Where available,”

Amendment #5

On page 3, in line 42 following strike “projects performed or” insert “at least thirty percent”

Amendment #6

On page 4, in line 1, strike the number “1” and in line 2 following “reasonable geographic distance,” insert “such that transportation costs, energy use and carbon dioxide generation do not outweigh the benefits of lower product costs.” Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-27-07Revised D as follows:

Amendment #7

On page 4, in line 33, insert “13. No fertilizer with phosphorous shall be used on City properties, except when a soil test determines that the soil is deficient.” Seconded.

- Alderman Stankivic moved to substitute her amendment #12 for Alderman Arnett’s

amendment #7. Seconded.

Amendment # 12

On page 4, in line 33, insert the following:

“13. No fertilizer with phosphorous shall be used on any land owned by the City of Annapolis, whether such land is located within or outside of the City’s boundaries, except where a soil test determines that the soil is deficient.” CARRIED on voice vote.

- Alderman Stankivic moved to amend O-27-07Revised D as follows:

Amendment # 2

On page 3, strike lines 5 and 6

Amendment # 10

On page 4, after “ethanol” in line 16, strike all that follows through line 18

Amendment # 11

On page 4, after “reasonable period of time” in line 37, strike all that follows through line 39. Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett
NAYS: Alderman Stankivic
DEFEATED: 8/1

The main motion as amended CARRIED on voice vote.

Chief of Environmental Programs Biba was present and answered questions from Council.

- Alderman Shropshire moved to reconsider O-27-07Revised D amended on second reading. Seconded. CARRIED on voice vote.
- Alderman Shropshire moved to amend O-27-07Revised D amended as follows:

Page 4, in line 33 insert

The Environmental Review Committee will formulate a plan by May 31, 2008, to promote the use of reusable shopping bags in the City of Annapolis. It will establish a goal of a 40% reduction in the use of plastic and paper checkout bags in large retail chain stores by May 31, 2009. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-27-07Revised D amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Alderwoman Hoyle, Aldermen Paone, Cordle, Stankivic, Shropshire, Arnett
NAYS: Mayor Moyer, Alderwoman Finlayson, Aldermen Israel
CARRIED: 6/3

R-04-08 For the purpose of dedicating the revenue derived from designated parking meters to the City's homeless.

- Alderman Arnett moved to adopt R-04-08 on second reading. Seconded.
- Alderman Arnett moved to amend R-04-08 as follows:

Amendment #1

Strike line 32 on page 1 through line 9 on page 2, and substitute the following:

“NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City shall place on City right-of-way five parking meters that are not associated with any parking spaces. The gross revenue derived from these parking meters shall be dedicated solely to homeless assistance within the City based upon the recommendations of the Housing and Human Welfare Committee.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that each of the parking meters devices established by this resolution shall have a sign informing the public that the deposits to these meters will be used to assist the homeless in the City.”
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett
NAYS: Aldermen Stankivic
CARRIED: 8/1

R-09-08 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 2008, 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 Arnett moved to adopt R-09-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

- Alderman Stankivic requested a fiscal impact statement

R-10-08 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 27, 2008, the Maryland Avenue Irish Festival to be held June 22, 2008, and the Maryland Avenue Annual Street Festival to be held on September 28, 2008.

- Alderman Shropshire moved to adopt R-10-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

- Alderman Stankivic requested a fiscal impact statement

BUSINESS AND MISCELLANEOUS

1. **Final ratification of Memorandum of Understanding between the City of Annapolis and United Food & Commercial Workers, Local 400**

- Alderman Shropshire moved to ratify the Memorandum of Understanding between the City of Annapolis and United Food & Commercial Workers, Local 400. Seconded. CARRIED on voice vote.

2. **Appointments**

The Mayor's appointment of the following individuals has been postpone until March 10, 2008 Regular Meeting.

2/25/08 Art in Public Places Siena Finley Scott

2/25/08 Art in Public Places Terrence T. Averill

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:03 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk