

SPECIAL MEETING
February 27, 2012

The Special Meeting of the Annapolis City Council was held on February 27, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:09 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Planning and Zoning Director Arason, Finance Director Miller, Public Works Director Jarrell, Civil Engineer Grieco, Market House Manager Sharoff

*Closed
Session*

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (7) and (9): this statement is included in these minutes:

A closed session of the City Council was held at 6:41 p.m., Monday, February 13, 2012 in the City Council Chamber.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, City Clerk Watkins-Eldridge, Human Resources Director Rensted, Board and Commission Coordinator Raftovich

On a roll call vote by the majority of 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) and (9):

The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter, and; to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

The session topics were:

*Update on Collective Bargaining Negotiations and;
The Law as it Relates to Residency of Elected City Officials*

Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:44 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

Swearing In of Lateral Firefighters

Postponed

City Council Citation

Mayor Cohen invited Alderman Arnett to present to Mrs. Coleman a City of Annapolis Citation honoring her husband the late James Coleman for his work on the City of Annapolis Maritime Board.

Approval of Journal of Proceedings

- Alderman Israel moved to approve the Journal of Proceedings for the

Regular Meeting January 9, 2012 and the Special Meeting January 23, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

William Clatanoff, 66 Franklin Street, Unit #44, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12, spoke on his business at 34 Market Space

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12, and on the recommendations of the CCRABLE Committee

Lilly Odessa Ellis, 110 Dorsey Drive, Edgewater, Maryland 21037 spoke in opposition to R-45-11

Bevin Buchheister, Wagner Street, Annapolis, Maryland 21401 representing Ward One Residents Association spoke in opposition to R-45-11

Lynell Reed, 102 Dorsey Drive, Edgewater Maryland 21037 representing the residents of Dorsey Heights spoke in opposition to R-45-11

Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21403 spoke regarding his 2 prior requests for information

Sharon Kennedy, 9 Randall Court, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12

Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403 spoke in opposition to budget revision request GT-46-12, O-6-12 and the Hayes Annexation

Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21403 spoke on R-45-11, O-29-11 and in opposition to city document being created by non-city offices

Seth Zirkle, 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 representing HYATT & WEBER, P.A., and Hogan Holding Company LLC

PUBLIC HEARINGS

Without objection the public hearing on O-29-11 and R-33-11 were held jointly.

O-29-11 The Length of Time for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of extending the length of time for filing an appeal of an administrative decision to the Board of Appeals from fifteen days to thirty days.

&

R-33-11 Reducing the FY 2011 Fee for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of reducing the fee for FY 2011 for filing an appeal of an administrative decision to the Board of Appeals from \$620.00 to \$150.00.

Planning and Zoning Director Arason gave a brief presentation on the ordinance and resolution.

Spoke in favor of the ordinance and resolution:

Burton Blisten, 17 Munroe Court, Annapolis, Maryland 21401

Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403

Gilbert Renault, 115 Monticello Avenue, Annapolis, Maryland 21401

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

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 12/15/11, and Memoranda from Jon Arason, Director, to the Planning Commission dated 08/26/11.
- Mayor Cohen declared the public hearings closed.

O-2-12 Lease of City Dock Space to Chesapeake Marine Tours – For the purpose of authorizing for fiscal year 2018 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.

Spoke in favor of the ordinance:

Debbie Gosselin, 980 Awald Road, Annapolis, Maryland 21403 representing Chesapeake Marine Tours, Inc

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

- Mayor Cohen declared the public hearing closed.

O-3-12 Lease of City Property: Boat Shows in 2017 – For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2017, to conduct boat shows.

Spoke in favor of the ordinance:

Ed Hartman, 980 Awald Road, Annapolis, Maryland 21403

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

- Mayor Cohen declared the public hearing closed.

O-6-12 Issuance of Bonds and Notes – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as the “Public Improvements Refunding Bonds, 2012 Series”, and said bonds to be issued and sold for the public purpose of refunding all or a portion of certain outstanding general obligation bonds of the City, as provided in this Ordinance; authorizing the City to issue and sell, upon its full faith and credit, taxable general obligation notes in the aggregate principal amount not to exceed the maximum amount authorized to be issued under Article VII, Section 8 of the Charter of the City of Annapolis, as amended, to be designated as “Taxable General Obligation Notes, 2012 Series” and said notes to be issued and sold for the public purpose of financing working capital expenses of the City as provided in this Ordinance; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

Finance Director Miller gave a brief presentation on the ordinance and answered questions from Council.

City Manager Mallinoff was present and answered questions from Council.

Paul D. Shelton, Esq., representing McKennon, Shelton & Henn, LLP, 401 East Pratt Street, Suite 2315, Baltimore, Maryland 21202 was present and answered questions from Council

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

- Mayor Cohen referred O-6-12 to the Financial Advisory Commission.
- Mayor Cohen declared the public hearing closed.

R-2-11 City Water Treatment Plant – For the purpose of expressing the sense of the City Council to select the City-only alternative for construction of a new water treatment capacity.

Public Works Director Jarrell gave a brief presentation on the resolution.

Finance Director Miller and Civil Engineer Burkhardt were present and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS
ORDINANCES AND RESOLUTIONS – 2ND READING

O-26-11 Alarm System Registration – For the purpose of establishing a registration requirement for alarm systems.

- Mayor Cohen requested O-26-11 on second reading be withdrawn.

R-45-11 Annexation Plan – Hayes Property – For the purpose of adopting an annexation plan for the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City’s jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

- Alderwoman Hoyle moved to adopt R-45-11 on second reading. Seconded.
- Alderman Israel moved the revised version of R-45-11 which reflects the Rules Committee Amendments as follows:

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-45-11
Introduced by: Mayor Cohen and Alderwoman Hoyle

| LEGISLATIVE HISTORY | | | |
|---|------------------------|--|--------------|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 7/25/11 | 1/9/12 | | N/A |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov’t Planning Commission | 7/25/11 7/25/11 | 1/12/12 11/17/11, 12/1/11 | |

A RESOLUTION concerning

Annexation Plan – Hayes Property

FOR the purpose of adopting an annexation plan for the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City's jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

WHEREAS, on January 14, 2011, K. Hovnanian Homes of Maryland, L.L.C., Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes submitted a Petition for Annexation to the City of Annapolis for 7.374 acres of property known as the Hayes Property, which Petition for Annexation shall be addressed by the City Council in Resolution [No. R-47-11](#) after the Annexation Plan is ratified; and

WHEREAS, the [annexation proposal was](#) that the Hayes Property be zoned upon annexation within the R3 – General Residence District and within the R1-B – Single-Family Residence District, [with the zoning classifications to](#) be addressed by the City Council in Ordinance [No. O-38-11](#) after the Annexation Plan is ratified; and

[WHEREAS, on October 28, 2011, Petitioner K. Hovnanian Homes of Maryland, L.L.C. withdrew itself as a Petitioner, while the remaining four Petitioners, Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes \(collectively, "Petitioners"\), continue to pursue annexation; and](#)

[WHEREAS, following the Planning Commission's review of and recommendations regarding the proposed annexation and the conceptual plan of development, and so as to better protect the slopes on the eastern portion of the Hayes Property, Petitioners have modified the conceptual plan of development and a portion of the zoning proposal from R3 - General Residence District to R4 - General Residence District; and](#)

WHEREAS, as required by § 19 (o) of Article 23A of the Annotated Code of Maryland, an annexation plan shall be adopted by the City Council in connection with the annexation of the Hayes Property; and

WHEREAS, [following the City Council's adoption of this Resolution and the attached Annexation Plan](#), the City Council [will conduct](#) a public hearing on the proposed annexation of the Hayes Property, at which time the annexation plan [will be](#) open to public review and discussion, which annexation plan [will have](#) been provided to Anne Arundel County and to the Maryland Department of Planning at least thirty (30) days prior to the public hearing; and

WHEREAS, having considered the proposed annexation, the proposed zoning, the testimony and evidence presented thereon, the reports and recommendations of the Planning Commission and the Department of Planning and Zoning, and the information and opinions provided by other persons, departments, and agencies, having weighed the information, and having completed and finalized the annexation plan so as to appropriately plan for the incorporation into and the potential development of the Hayes Property within the City, the Council now adopts an annexation plan for the Hayes Property; [and](#)

[WHEREAS, the obligations of the parties hereto set forth herein are contingent upon the adoption of an annexation resolution and shall be void in the event the City Council fails to effect such annexation or such annexation is invalidated by referendum or otherwise.](#)

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Annexation Plan for the Hayes Property attached hereto be, and it is hereby, adopted.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this Resolution shall take effect on the date of adoption, and that all parties to the Annexation Plan shall cooperatively endeavor to ratify the Annexation Plan in as prompt a manner as is possible.

ADOPTED this ____ day of _____, [2012](#).

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City
Clerk

Joshua J. Cohen, Mayor

EXPLANATION:

Highlighting indicates matter added to existing law.

~~Strikeout indicates matter deleted from existing law.~~

Underlining indicates amendments.

ANNEXATION PLAN

THIS ANNEXATION PLAN (the "Plan") is made this _____ day of _____, [2012](#), by and between THE CITY OF ANNAPOLIS, MARYLAND, a municipal corporation of the State of Maryland (the "City"), and HOGAN HOLDING COMPANY, LC, JAMES J. BLACKWELL, ROXANNE WINN, and BUCKLEY W. HAYES (collectively, "Petitioners").

Recitals

- A. WHEREAS, on January 14, 2011, the Petitioners filed with the City a Petition for Annexation (the "Petition"), which Petition the Office of the City Clerk determined to have satisfied all laws and regulations pertaining to the preparation, execution, notification, and filing thereof codified within the Code of the City of Annapolis (the "City Code") and within the Annotated Code of Maryland (the "State Code");
- B. WHEREAS, the properties proposed for annexation in the Petition are fully and accurately identified in the Petition and its supporting exhibits, are contiguous to and adjoin the existing corporate boundary of the City, collectively contain 7.374 acres, more or less, and are known as the Hayes Property (the "Property");
- C. WHEREAS, as described in detail in the Petition, the owners of the various parcels comprising the Property are James J. Blackwell, Roxanne Winn, and Buckley W. Hayes. Hogan Holding Company, LC is the contract purchaser of the Property. Hogan Holding Company, LC [is](#) referred to herein in the singular as "Petitioner";
- D. WHEREAS, in accordance with § 19 (o) of Article 23A of the State Code, which requires that an annexation plan shall be adopted by the City Council of the City of Annapolis (the "Council") in connection with the annexation of the Property, this annexation plan was prepared [and adopted following a public hearing](#), and [shall be](#) open to public review and discussion at the Council's public hearing on the proposed annexation of the Property, and [shall have](#) been provided to Anne Arundel County and to the Maryland Department of Planning at least thirty (30) days prior to the Council's public hearing [on the annexation](#);
- E. WHEREAS, the Property was included within Growth Area "A" in the 2009 Annapolis Comprehensive Plan, which designated the area as eligible for annexation and appropriate for establishing a logical boundary for the City's jurisdictional limits; and
- F. WHEREAS, the City and the Petitioners desire to appropriately plan for the incorporation into and the potential development of the Property within the City of Annapolis; and

G. WHEREAS, the City and the Petitioners voluntarily enter into this Plan to ensure such circumstances and to fulfill the requirements of § 19 (o) of Article 23A of the State Code, and the parties hereto covenant that they have the full right, power, and authority to enter into, carry out, perform, and execute this Plan.

NOW, THEREFORE, in consideration of the mutual interests, covenants, promises, agreements, and undertakings set forth herein, including the preceding Recitals, the accuracy and sufficiency of which is expressly acknowledged, the City and the Petitioners mutually agree as follows:

1. Conceptual Plan of Development. The City and the Petitioner contemplate that development of the Property shall generally take the form illustrated on the conceptual site plan identified as “Conceptual Site Plan”, prepared by Bay Engineering, Inc., dated [November, 2011](#), and attached hereto as Exhibit “A”. The City and the Petitioner acknowledge that changes to this layout may be made as part of the application, approval, and permitting processes. The City and the Petitioner further acknowledge that, in accordance with § 9 (c) (1) of Article 23A of the State Code, for a period of five years following the annexation of the Property, the City may not permit development of the Property for land uses substantially different than the use authorized, or at a substantially higher, not to exceed 50%, density than could be granted for the proposed development, in accordance with the zoning classification of Anne Arundel County applicable at the time of the annexation without the express approval of Anne Arundel County.
2. Conservation Easement Area. [The “Conceptual Site Plan” at Exhibit “A” depicts a Conservation Easement for areas of the site that are in steep slopes. The demarcation of the upper boundaries of the Conservation Easement area is approximate and shall be adjusted during the development review process to include all areas of steep slopes.](#)
3. Restrictions on Site Development. [Development of the site is subject to the following restrictions:](#)
 - a. [The maximum number of dwelling units shall not exceed 159.](#)
 - b. [The maximum lot coverage shall be 45% for structures and parking.](#)
 - c. [The maximum structural height shall be 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet.](#)
 - d. [Access to the site shall be from the existing easement at the intersection of Dorsey Drive and Old Solomons Island Road and the existing right-of-way for Neal Street.](#)
 - e. [Development of the site shall only proceed if it is in compliance with any and all applicable provisions of the City’s Adequate Public Facilities laws regarding the preparation of traffic impact analyses.](#)
 - f. [Development of the site shall be designed to provide appropriate screening and buffering between the site and adjacent residences, which screening and buffering may require plantings, fencing, or similar features.](#)
 - g. [Any development design for the site shall be in harmony with the character of the surrounding neighborhood and the Comprehensive Plan and shall achieve a maximum of compatibility, safety, efficiency, and attractiveness.](#)

facilities will be adequate for development of the Property and that sewer service can and should be handled by gravity flow, Petitioner shall comply with all applicable City laws and policies related to the adequacy of public facilities in connection with the development of the Property. The Petitioner shall be required to connect to both the City's water distribution and wastewater collection system located near the intersection of Old Solomons Island Road and Neal Street. Where applicable, all work shall be in accordance with the City of Annapolis Standard Specifications and Details. The City, and other applicable agencies, will review and approve all infrastructure for compliance with all applicable requirements.

6. Facilities Improvements and Ownership. The Petitioner shall pay and shall be solely and jointly and severally responsible for all costs, including, but not limited to all engineering and construction costs, associated with the construction of internal roadways, curb and gutters, sidewalks, street lighting, storm drain systems and stormwater management facilities, and shall be the owner of all such internal facilities, unless one or more of such facilities are made public and the same are accepted by the City. Stormwater management facilities shall be owned, inspected, maintained, repaired, and replaced by the Petitioner in accordance with City and State requirements. Petitioner shall be solely responsible for paying for all costs, including right-of-way acquisition costs, associated with any capacity increase, alignment change and/or any alignment change to new or existing roadways should said increase be required by the City, County, or State. Where applicable, all work shall be in accordance with City of Annapolis Standard Specifications and Details. The City and other applicable agencies shall review and approve all infrastructure and facilities for compliance with applicable requirements.
7. Street Lights. The Petitioner shall be responsible for the installation of street lighting for the property. All street lights require approval by the City of Annapolis, for style, type and luminosity. If the roadways are to be owned by the City of Annapolis, the street light must be selected from the models offered for lease by BGE, and street lighting maintenance will be by lease arrangement between BGE and the City of Annapolis. If the roadways are to remain private, the petitioner may select lighting from another source provided it is approved by the City of Annapolis for style, type and luminosity. The Petitioner shall pay for all costs associated with street lighting until the release of the maintenance bond and the conveyance and acceptance of the road rights-of-way by either the Homeowners Association or the City of Annapolis. Additionally, the Petitioner shall prepay, to the City or the Homeowners Association, as appropriate, for an additional one year of energy costs immediately prior to the release of the Maintenance Bond.
8. Traffic Signs and Signals. The Petitioner shall solely pay and be jointly and severally responsible for all costs associated with traffic signs and/or signals which may be required in connection with the development of the Property. The City and other applicable agencies shall review and approve all such traffic-related improvements for compliance with applicable requirements. Access to the site shall be as noted on the Conceptual Site Plan.
9. Infrastructure ("Performance") Bond. The Petitioner, in a format to be provided by the City and to the satisfaction of the City, shall jointly and severally bond all infrastructure and facility improvements for the full cost of the improvements so that, in the event that the

Petitioner cannot complete the work for any reason, the City will have the financial resources to do so. Once the infrastructure and facilities have been conditionally accepted by the City, and after all requirements of the City and all other applicable agencies have been fulfilled, the bond may, in the City's sole discretion, be reduced to a one-year maintenance bond at a minimum of ten percent (10%) of the full bond. The Petitioner shall jointly and severally guarantee all costs of infrastructure improvements which exceed the amount of bond coverage.

10. Infrastructure Inspection, Maintenance, Repair and Replacement. The City shall not be responsible for infrastructure or facilities operational inspection, maintenance, repair or replacement during construction, including snow removal and solid waste removal (i.e., refuse, yard waste, and recycling collection), water distribution and wastewater collection systems operations and maintenance, pump station operations and maintenance, and road repairs and operation. If the rights-of-way are to be owned by the City, which shall occur in the City's sole discretion, the City's responsibility for inspection, maintenance, repair or replacement of such infrastructure or facilities shall not be activated until the City's final and complete infrastructure inspection and approval, acceptance of deeds or other instruments of conveyance, and final release of maintenance bond. The City shall not be responsible for infrastructure or facilities operational inspection, maintenance repair or replacement during or after construction if the rights-of-way remain private.
11. Natural Features. The City and the Petitioners acknowledge that the Property contains significant steep slopes toward the southern and southeastern property boundaries and the parties further recognize that, due to the slopes' environmental significance to Church Creek, it may not be suitable for buildings and/or utilities to be constructed in these areas. This general area of the site shall be placed in a Conservation Easement area as discussed in Paragraph 2 above. Petitioner shall undertake or cause or allow to be caused minimal disturbance to these features, and shall utilize sediment control measures, approved by the Anne Arundel Soil Conservation District, in the development process, and shall comply with all applicable City and State Critical Areas laws and regulations.
12. Binding Effect. The terms, conditions, and provisions of this Plan shall be deemed as covenants running with the Property and shall be binding upon and shall inure to the benefit of the parties hereto, any successor municipal authorities of the City, successor owners of record of the Property, and their respective heirs, personal representatives, successors, grantees, and assigns. It is expressly understood and agreed by the parties that the benefits, rights, duties, and obligations hereunder are conferred and imposed upon the parties only upon and contingent upon the City's annexation of the Property. It is further expressly understood and agreed that the Petitioner may assign its benefits, rights, duties, and obligations hereunder either as part of the conveyance of the Property as an entirety or severally as part of the conveyances of portions of the Property, that any such conveyance or assignment is permissible without the consent of the City, any of its elected official, employees, or agents, that the obligations and responsibilities expressed in this Plan shall be binding upon and applicable to the owner of the Property as may exist from time to time, and that such owner of the Property shall undertake, perform, or otherwise meet each obligation

or responsibility when the same may arise. No provision of this Plan shall create any third party beneficiary rights or other rights in any person or entity not a party hereto.

At such time as [Hogan Holding Company, LC](#) (“[Hogan](#)”), or any of its affiliated entities, acquires title to the Property, [Hogan](#) (or its affiliated entity, as the case may be) shall be the sole party that the City shall require to perform hereunder. [Hogan](#), or the Petitioners, may assign their respective rights arising out of the Property, however, prior to such assignment, if done prior to the development of the Property contemplated herein, the City must consent to the assignment, which consent shall not be unreasonably withheld.

13. Cooperation of Parties. The parties shall take all reasonable actions and do all things reasonably necessary or appropriate to carry out and to expedite the terms and provisions of this Plan and to generally enable the parties' compliance with the terms and provisions of this Plan.
14. Recordation. This Plan shall be recorded among the Land Records of Anne Arundel County by and at the expense of the Petitioner, following which the Petitioner shall provide the original of the recorded Plan to the City.
15. Modification of Plan. No portion of this Plan shall be amended, waived, modified, discharged, or terminated except by an instrument in writing signed by all parties hereto or their successors, grantees, or assigns and witnessed and notarized.
16. Headings. Descriptive headings herein are for convenience only and shall not control or affect the meaning or construction of any provision of this Plan.
17. Severability. In the event that any one or more of the provisions contained in this Plan shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof, and this Plan shall be construed as if such invalid, illegal, or unenforceable provision had never been herein contained.
18. Enforceability. This Plan shall be specifically enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action or suit at law or in equity to secure the performance of the covenants herein contained. Venue for all actions arising from this Plan shall be the Courts of Anne Arundel County, Maryland. In any such action, the parties waive their right, if any, to trial by jury.

IN WITNESS WHEREOF, the parties have executed and sealed this Plan as of the day and year first above written.

SIGNATURE PAGES FOLLOW

ATTEST:

THE CITY OF ANNAPOLIS

Regina Watkins-Eldridge, City Clerk

By: _____
Joshua J. Cohen, (Seal)
Mayor of the City of Annapolis

Approved as to form and legal sufficiency:

Karen Hardwick, Esq., City Attorney

State of Maryland, Anne Arundel County, to wit:

I hereby certify that on this _____ day of _____, [2012](#) before me, a notary public, in and for the State and County aforesaid, did personally appear, Joshua J. Cohen, Mayor of the City of Annapolis, Maryland, who acknowledged that he is authorized to execute this Annexation Plan on behalf of the City of Annapolis, and being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My commission expires: _____

Witness:

K. Hovnanian Homes of Maryland, L.L.C.
A Maryland limited liability company

By: _____
A. Hugo DeCesaris, _____ (Seal)
Region President

STATE OF _____, _____ COUNTY, TO WIT:

_____ I, the undersigned, Notary Public in and for the State of _____, do hereby certify that on this _____ day of _____, 2011 before me personally appeared A. Hugo DeCesaris, Region President of K. Hovnanian Homes of Maryland, L.L.C., and acknowledged that, being authorized to so do, he has executed this Annexation Plan as the act and deed of K. Hovnanian Homes of Maryland, L.L.C. for the purposes therein contained.

_____ Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

Hogan Holding Company, LC
A Maryland limited company

By:

Timothy S. Hogan, (Seal)
Member

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do
hereby certify that on this _____ day of _____, [2012](#)
before me personally appeared Timothy S. Hogan, Member of Hogan Holding Company, LC,
and he acknowledged that, being authorized to so do, he has executed this Annexation Plan as
the act and deed of Hogan Holding Company, LC for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

James J. Blackwell

(Seal)

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do
| hereby certify that on this _____ day of _____, [2012](#)
before me personally appeared James J. Blackwell, and he acknowledged that he has executed
this Annexation Plan as his act and deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

Roxanne Winn (Seal)

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do hereby certify that on this _____ day of _____, [2012](#) before me personally appeared Roxanne Winn, and she acknowledged that she has executed this Annexation Plan as her act and deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

_____ Buckley W. Hayes

(Seal)

STATE OF _____, _____ COUNTY, TO
WIT:

I, the undersigned, Notary Public in and for the State of _____
_____, do hereby certify that on this _____ day of
_____, [2012](#) before me personally appeared Buckley
W. Hayes, and he acknowledged that he has executed this Annexation Plan as his act and
deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires:

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Arnett, Israel, Paone, Alderwomen Hoyle,
Finlayson, Aldermen Silverman, Kirby, Pfeiffer*

NAYS:

CARRIED: 9/0

R-2-12 City Water Treatment Plant – For the purpose of expressing the sense of the City Council to select the City-only alternative for construction of a new water treatment capacity.

City Manager Mallinoff was present and answered questions from Council.

- Alderman Pfeiffer moved to adopt R-2-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS: Alderman, Paone

CARRIED: 8/1

ORDINANCE – 1st READING

O-7-12 Variances for Subdivisions – For the purpose of moving the authority for granting subdivision variances from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to variances for subdivisions.

Referred to the Rules and City Government Committee and the Planning Commission

BUSINESS and MISCELLANEOUS

1. Hiring Approval Requests

Finance Director Miller gave a brief presentation on the hiring approval request and answered questions from Council.

The Finance Committee reviewed and voted favorable on HR-46-12.

HR Control Number: HR-46-12, Department Transportation, Position Title: Parking Enforcement Officer

- Alderman Arnett moved to approve HR-46-12. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

2. Budget Revision Request

Finance Director Miller gave a brief presentation on GT-46-12 and answered questions from Council.

Public Works Director Jarrell, Civil Engineer Grieco and Market House Manager Sharoff were present.

Control Number GT-46-12, Department Finance, and Justification for request: To provide additional funds to renovate the Market House

- Alderman Israel moved to approve budget revision request control number GT-46-12 with the Finance Committee supporting GT-46-12 with a provision that the revenue from the Market House be deposited into a sinking fund from which the related debt service will be paid. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Alderwomen Hoyle, Finlayson, Aldermen, Kirby

NAYS: Aldermen Paone, Silverman, Pfeiffer, Arnett

CARRIED: 5/4

3. Withdraw R-53-11

Without objection, Mayor Cohen withdrew R-53-11.

4. Appointments

The Economic Matters Committee voted favorably on the Mayor's appointment of David Iams.

- Alderman Paone moved to approve the Mayor's appointment of the following individual:

2/27/12 Planning Commission.....David Iams
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:34 p.m.