

SPECIAL MEETING  
February 28, 2005

The Special Meeting of the Annapolis City Council was held on February 28, 2005 in the Council Chamber. Mayor Moyer called the meeting to order at 7:00 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen, Alderwoman Carter

Alderwoman Hoyle arrived at 7:10 p.m.

Staff Present: City Attorney Spencer, Planning & Zoning Director Arason

PUBLIC HEARINGS

ORDINANCE

**O-39-04** For the purpose of authorizing a lease of certain municipal property located in the Compromise Street, general harbor and Dock Street areas to Ocean Race Chesapeake, Inc., a body corporate, for a certain period of time in May 2006, subject to certain terms, provisions, and conditions, for the purpose of conducting sailboat race festivities; and all matters relating to said lease.

Spoke regarding the ordinance:

-Tom Corboy, Ward One Residents Association, 16 Spa View Circle, Annapolis, Maryland 21401

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

Mayor Moyer declared the public hearing closed.

**O-40-04** For the purpose of the creating tax increment development districts, and coincident thereto, special taxing districts, relating to the Park Place Development District created by R-8-01 and O-14-01, and providing for and determining certain matters in connection with Park Place Development District and the special obligation bonds authorized by such Resolution and Ordinance; and matters generally relating to said uses.

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

Mayor Moyer declared the public hearing closed.

**O-1-05** For the purpose of updating various sections of the City Code administered by the Department of Neighborhood and Environmental Programs to correct grammar and capitalization; to clarify that a use and occupancy permit is required for change of ownership when alterations and construction is undertaken; to require a fee for the review of new as well as revised construction drawings is required; to clarify that the "current" building code applies to all buildings devoted to a new use; to clarify the display of addresses, to specify that building valuation is based on "current market value" in determining building permit fees; to reduce the time between when a building permit is issued and work must commence; to reduce the time between when authorized work is suspended or abandoned and when work must again commence; to clarify when a person has made a municipal infraction as related to construction safety and irregularities; to delete a superfluous reference to jail term that is included in the Fines

**Resolution; to reference the Director for approving occupancy or use permits rather than the City Clerk; to permit the issuance of two year rental licenses under certain circumstances; and matters generally relating to said Department of Neighborhood and Environmental Programs.**

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

Mayor Moyer declared the public hearing closed.

**O-2-05 For the purpose of bringing into compliance with the State of Maryland Critical Area Commission recommendations those portions of the Annapolis City Code that affect the valuing and replacing of trees in development areas; and matters generally relating to said valuing and replacing trees.**

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

Mayor Moyer declared the public hearing closed.

**O-3-05 For the purpose of authorizing for fiscal year 2011 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, Chesapeake Marine Tours, 980 Awald Road, Annapolis, Maryland 21403

-Cliff Long as Jericho McCauley, Lighthouse keeper, Watermark Cruises, 9 Southgate Avenue, Annapolis, Maryland 21401

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

Mayor Moyer declared the public hearing closed.

**O-4-05 For the purpose of prohibiting the use of a density bonus in exchange for the development of moderately priced dwelling units in the Annapolis Historic District; and matters generally relating to said density bonus.**

Mayor Moyer accepted into the record letter dated February 24, 2005 from Gregory A. Stiverson, President, Historic Annapolis Foundation

Spoke in favor of the ordinance:

-Tom Davies, representing Annapolis Preservation Trust, 16 College Avenue, Annapolis, Maryland 21401

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

Mayor Moyer declared the public hearing closed.

**O-37-04 For the purpose of amending the existing zoning classification for the split-zoned parcels located in the eastern quadrant of the intersection**

**of Tyler Avenue and Forest Drive from its current zoning of R2, Single Family Residence District, R3, General Residence District, and B2, Community Shopping District; to all one zoning district of B2, Community Shopping District; and matters generally relating to said zoning map amendment.**

Planning and Zoning Director Arason gave brief presentations on the ordinance and answered questions from Council.

Alan Hyatt, Esq., 1919 West Street, Annapolis, Maryland 21401, representing Robert Wilson, Paul & Shirley Rittenhouse Rezoning Application spoke in favor of the ordinance and entered the following into the record:

Exhibit #1: Shepard Tullier, AICP., Land Use, Planning, Governmental Relations

Exhibit #2: A - Wilson/Rittenhouse Rezoning Request

Exhibit #3: Certified True Copy Ordinance 0-27-81

Exhibit #4: A - Tyler Avenue & Forest Drive Rezoning Aerial Vicinity Map  
B - Aerial Photos dated 1970  
C - Aerial Photos dated 1980  
D - Aerial Photos dated 1984  
E - Aerial Photos dated 2002

Exhibit #5: A - Neighborhood Comprehensive Plan Figure # 1  
B - Economy Figure # 2  
C - Existing Generalized Land Use Figure # 7  
D - Future Land Use Figure # 9  
E - Annapolis Comprehensive Plan Page 25  
F - Annapolis Comprehensive Plan Page 90

Exhibit #6: Sigma Engineering, Inc., Vernon Husted, RLA

Exhibit #7: Photo - Annapolis Produce, Robert Wilson Property

Exhibit #8: Annapolis Produce, Robert Wilson Property Dated 6/24/04

Exhibit #9: Wells & Associates, LLC

Exhibit #10: Forest Drive East of Spa Road Average Daily Traffic Volumes

Exhibit #11: Trip Generation Comparison for Wilson Property

Exhibit #12: Affidavit of Posting

Present and testified on behalf of the application:

-Robert Wilson, Property Owner, 34 Austin Drive, Edgewater, Maryland 21037  
-Shepard Tullier, Land Use Consultant, LandVisions, Inc., 1982 Moreland Parkway, Suite 201, Annapolis, Maryland 21401  
-Vernon Husted, Land Planner, Sigma Engineering, 43 Old Solomons Island Road, Suite 201, Annapolis, Maryland 21401  
-Anne (Nancy) M. Randall, AICP., Traffic Consultant, Wells Associates, LLC., 170 Jennifer Road, Suite 260, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

-Thomas Newquist, Sr., 1215 Marda Lane, Annapolis, Maryland 21403, and

requested the petition to rezone the intersection Tyler Avenue and Forest Drive be accepted into the record.

- Tim Nugent, 798-B, Fairview Avenue, Annapolis, Maryland 21403
- Andy Barrett, 1213 Marda Lane, Annapolis, Maryland 21403
- Judith Ross, 1231 Tyler Avenue, Annapolis, Maryland 21403
- John F. Goddard, 1222 Marda Lane, Annapolis, Maryland 21403
- James F. Gormeley, 1231 Tyler Avenue, Annapolis, Maryland 21403
- Charles Dent, 1602 Havra De Grace Drive, Edgewater, Maryland 21037

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

Mayor Moyer accepted into the record a Memoranda to the Annapolis City Council from the Planning Commission dated 8/25/04 & 10/21/04, and Memorandum from Jon Arason, Director, to the Planning Commission dated 11/01/04.

Mayor Moyer declared the public hearing open until March 14, 2005 for public comment.

Mayor Moyer announced there would be a seven day written comment period and a seven day written reply period for this ordinance.

**O-38-04 For the purpose of amending the existing zoning classification for the property located at 1244 and 1248 Tyler Avenue from R2, Single Family Residence District, to B2, Community Shopping District; and matters generally relating to said zoning map amendment.**

Planning and Zoning Director Arason gave brief presentations on the ordinance and answered questions from Council.

Alan Hyatt, Esq., 1919 West Street, Annapolis, Maryland 21401, representing 3809 Crain Limited Partnership Rezoning Application spoke in favor of the ordinance and entered the following into the record:

- Exhibit #1: Shepard Tullier, AICP., Land Use, Planning, Governmental Relations
- Exhibit #2: A - Annapolis Produce Rezoning Request
- Exhibit #3: Certified True Copy Ordinance 0-27-81
- Exhibit #4: A - Tyler Avenue & Forest Drive Rezoning Aerial Vicinity Map  
B - Aerial Photos dated 1970  
C - Aerial Photos dated 1980  
D - Aerial Photos dated 1984  
E - Aerial Photos dated 2002
- Exhibit #5: A - Neighborhood Comprehensive Plan Figure # 1  
B - Economy Figure # 2  
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- Exhibit #6: Sigma Engineering, Inc., Vernon Hustead, RLA
- Exhibit #7: Photo - Annapolis Produce, Robert Wilson Property
- Exhibit #8: Annapolis Produce, Robert Wilson Property Dated 6/24/04

Exhibit #9: Wells & Associates, LLC

Exhibit #10: Forest Drive East of Spa Road Average Daily Traffic Volumes

Exhibit #11: Trip Generation Comparison for Wilson Property

Exhibit #12: Affidavit of Posting

Present and testified on behalf of the application:

-William Burgess, Operations Supervisor, Annapolis Seafood, 1300 Forest Drive, Annapolis, Maryland 21403

-Shepard Tullier, Land Use Consultant, LandVisions, Inc., 1982 Moreland Parkway, Suite 201, Annapolis, Maryland 21401

-Vernon Husted, Land Planner, Sigma Engineering, 43 Old Solomons Island Road, Suite 201, Annapolis, Maryland 21401

-Anne (Nancy) M. Randall, AICP., Traffic Consultant, Wells Associates, LLC., 170 Jennifer Road, Suite 260, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

-Teresa Iona Gallagher, 1238 Tyler Avenue, Annapolis, Maryland 21403

-Melvin C. Patterson, 106 Roselawn Drive, Annapolis, Maryland 21403

-David L. Flowers, 102 Rosecrest Drive, Annapolis, Maryland 21403

-Raymond Jones, 1236 Tyler Avenue, Annapolis, Maryland 21403

-Judy Jones, 1236 Tyler Avenue, Annapolis, Maryland 21403

-James F. Gormeley, 1231 Tyler Avenue, Annapolis, Maryland 21403, and requested the petition in opposition to rezoning of the property located at 1244 and 1248 Tyler Avenue be accepted into the record.

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

Mayor Moyer accepted into the record a Memoranda to the Annapolis City Council from the Planning Commission dated 10/21/04, and Memorandum from Jon Arason, Director, to the Planning Commission dated 8/25/04, to the Annapolis City Council from Jon Arason, Director, Planning & Zoning dated 11/01/04.

Mayor Moyer declared the public hearing open until March 14, 2005 for public comment.

Mayor Moyer announced there would be a seven day written comment period and a seven day written reply period for this ordinance.

**LEGISLATIVE ACTION**  
**RESOLUTIONS**

**R-4-05 For the purpose of urging the State of Maryland to allow the Bridge Run and Walk to go forward as planned on May 1st, 2005; and matters generally relating to said policy.**

Alderman Cohen moved to adopt R-4-05 on second reading. Seconded. CARRIED on voice vote.

- Alderman Cohen moved to amend R-4-05 as follows:

Amendment #1

In paragraph #1 delete "as planned on May 1, 2005", and add "at such time as all

three lanes on the westbound span are open”

And

delete “second to last paragraph” Seconded. CARRIED on voice vote.

- Alderwomen Carter moved to amend R-4-05 as follows:

Amendment #2

In paragraph #9 after “foward” delete “as planned on May 1<sup>st</sup>, 2005”; and, add “at such time as all three lanes on the westbound span are open” Seconded. CARRIED on voice vote.

- Aldermen Tolliver moved to amend R-4-05 as follows:

Amendment #3

In paragraph # 8 after “will” delete” not only” and “add a (;) after year

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

**R-7-05 For the purpose of waiving the fees for City services to be provided in connection with the USNA 2005 Be A Hero Run to be held on March 5, 2005; and all matters relating to said waiver of fees.**

Alderman Tolliver moved to adopt R-7-05 on second reading. Seconded. CARRIED on voice vote.

**R-6-05 For the purpose of authorizing the Mayor to execute an agreement with Comcast of Maryland, Inc. for the granting and renewal of non-exclusive, revocable franchises for cable services in the City of Annapolis; and matters generally relating to said agreement.**

Alderman Carter moved to adopt R-6-05 on first reading. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:50 p.m.

Regina C. Watkins-Eldridge, CMC  
Deputy City Clerk