

REGULAR MEETING
March 8, 2010

The Regular Meeting of the Annapolis City Council was held on March 8, 2010 in the Council Chamber. Mayor Cohen called the meeting to order at 7:39 p.m.

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

Staff Present: City Attorney Hardwick, Finance Director Elliott, Planning and Zoning Director Arason, Environmental Coordinator Broadbent, Legislative Analyst Zirkle

Closed Session Statement:

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

A closed session of the City Council was held at 2:47 p.m., Monday, March 1, 2010 in the City Council Chamber.

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

Staff Present: City Attorney Hardwick, Human Resources Director Milburn, Finance Director Elliott, City Clerk Watkins-Eldridge, Chief Administrative Office Smith

By unanimous consent 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)(1)(i)(ii),(7) and (9): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals; and 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.

Topic of Discussion:

Personnel Issues FY 2010-2011 Budgets

Actions taken in Closed Session - None

Upon motion duly made, seconded and adopted, the closed session was adjourned at 5:23 p.m.

State of the City Address
Presentation of Proposed FY 2011 Budget

- Mayor Cohen gave the State of the City Address and presented the proposed FY 2011 Budget to the City Council Member.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Arnett moved to approve the Journal of Proceedings for Special Meeting of January 11, Regular Meeting of January 11, Special Meeting of January 25, Special Meeting of February 1, Special Meeting of February 22, and, Special Meeting of March 1, 2010. Seconded. CARRIED on voice vote.

Comments by the General Public

Glenard Middleton, Sr, 1410 Bush Street, Baltimore, Maryland 21230 representing AFSCME Council 67 spoke in opposition of layoffs.

Robert Eades, 32 Pleasant Street, Annapolis, Maryland 21401 representing the Annapolis Taxi Drivers Association spoke on the fees, parking spots, drug testing, golf carts, unfair treatment of the taxi drivers and requested the city hire a Taxi Cab Inspector.

Herb McMillan, 417 Fox Hollow Drive, Annapolis, Maryland 21403 representing Maryland Tax Association spoke on Abraham Lincoln, property taxes increase in city employees, and layoffs.

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401 spoke in support of the hard leadership decisions the Mayor made regarding the budget.

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on trash pick-up, water and sewer systems, police, fireman, and safe places for kids to play and the elimination of programs, and in support of the Public Works Department workers.

Cynthia Abney Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke in opposition to layoffs and the city being run like a fortune 500 company, in favor of keeping everyone employed.

Pastor Sheryl Menendez, 1812 Virginia Avenue, Annapolis, Maryland 21401-24035 spoke requesting information on the status of the budget.

Lieutenant Clarence E. Johnson, 300 Chester Avenue, Annapolis, Maryland 21403 representing the Annapolis Fire Department spoke on public safety, layoffs and living in Eastport.

FY2011 BUDGET

O-09-10 **For the purposes of adopting an operating budget for the City of Annapolis for the Fiscal Year 2011; appropriating funds for expenditures for the Fiscal Year 2011; defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; specifying certain duties of the Director of Finance; and, specifying a rate of interest to be charged upon overdue property taxes.**

- Alderman Arnett moved to adopt O-09-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

R-05-10 **For the purposes of adopting a capital improvement budget for the Fiscal Year 2011, and a capital improvement program for the six-year period from July 1, 2010, to June 30, 2016.**

- Alderman Arnett moved to adopt R-05-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

R-06-10 **For the purpose of specifying fees that will be charged for the use of City services for FY 2011.**

- Alderman Arnett moved to adopt R-06-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

ORDANCES & RESOLUTIONS – 2ND READING

O-35-09 For the purpose of establishing a stadium as an additional conforming use within the R2 Single-Family Residence Zoning District.

Planning and Zoning Director Arson gave a brief presentation on O-35-09 and answered questions from Council.

* On agenda due to 180 Day Rule *

O-38-09 For the purpose of permitting the City Council to waive fees of less than \$500 for use of City facilities and services by resolution.

- Alderman Arnett moved to adopt O-38-09 on second reading. Seconded.

The Economic Matters Committee reported unfavorably on O-38-09.

The main motion DEFEATED on voice vote.

O-45-09 For the purpose of permitting the subdivision of nonconforming properties.

Planning and Zoning Director Arson was present and answered questions from Council.

* On agenda due to 180 Day Rule *

O-61-09 For the purpose of establishing a line-item requirement in any annual operating budget adopted by the City Council.

Finance Director Elliott was present and answered questions from Council.

- Alderman Arnett moved to adopt O-61-09 on second reading. Seconded.

The Finance Committee reported unfavorably on O-61-09.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-61-09 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwoman Finlayson, Aldermen Paone,
Silverman, Kirby, Pfeiffer, Arnett

NAYS: Aldermen Israel, Alderwoman Hoyle

CARRIED: 7/2

O-64-09 For the purpose of codifying the composition and qualification requirements of the City of Annapolis Building Board of Appeals.

Environmental Coordinator Broadbent was present and answered questions from Council.

- Alderman Arnett moved to adopt O-64-09 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-64-09.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-64-09 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-66-09 For the purpose of clarifying the licensure restriction on a mobile food service facility that prepares and sells food in a vehicle operated in a residential area.

Environmental Coordinator Broadbent was present and answered questions from Council.

Planning and Zoning Director Arson gave a brief presentation on O-66-09 and answered questions from Council.

- Alderman Paone moved to postpone O-66-09 on second reading until the Special Meeting of March 22, 2010. Seconded. CARRIED on voice vote.

R-59-09 For the purpose of imposing a hiring freeze in the City of Annapolis, effective upon passage of resolution.

The Finance Committee reported unfavorably on R-50-09.

- Alderman Arnett moved to adopt R-50-09 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone

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

DEFEATED: 1/8

R-67-09 For the purpose of privatizing the street rights-of-way in the Mary's Mew subdivision in accordance with Section 20.24.170 of the Code of the City of Annapolis.

Planning and Zoning Director Arason was present and answered questions from Council.

- Alderman Arnett moved to adopt R-67-09 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

ABSTAIN: Alderman Silverman

CARRIED: 8/0/1

CHARTER AMENDMENTS, ORDINANCES & RESOLUTION – 1ST READING

CA-02-10 For the purpose of specifying that the City Council shall not meet during the month of November the year of a municipal general election.

- Alderman Arnett moved to adopt CA-02-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-08-10 For the purpose of establishing the Transportation Committee, a standing committee responsible for reviewing all proposed amendments to Titles 12, 14, and 22 of the Annapolis City Code.

- Alderman Arnett moved to adopt O-08-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters, Rules and City Government and the Public Safety Committees.

R-04-10 For the purpose of permitting the temporary sale of merchandise and non-alcoholic items in front of participating businesses on specified sidewalks in connection with the March Madness Sidewalk Sale organized by the Annapolis Business Association to be held on March 26, 27, and 28, 2010.

- Alderman Arnett moved to adopt R-04-10 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Israel moved to adopt R-04-10 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Alderman Arnett moved to reconsider O-65-09 Amended. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for O-65-09

O-65-09A For the purpose of adding “two-family dwelling” to the list of uses deemed to be conforming in the R2-Nc District, provided they were legally existing on November 19, 1990.

Legislative Analyst Zirkle was present and answered questions from Council.

- Alderman Arnett moved to reconsider O-65-09 amended. Seconded. CARRIED on voice vote.
- Alderman Paone moved to adopt O-65-09 amended on second reading. Seconded.
- Alderman Arnett moved to amend O-65-09 amended as follows:

Amendment #1

On page 4, in line 28, insert “dwellings and” after “detached”. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-65-09 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Pfeiffer moved to approve the Mayor's reappointment of the following individual:

3/8/10 Severn River Commission.....Joel Dunn
3/8/10 Severn River Commission.....Judd Legum
Seconded. CARRIED on voice vote.

- Alderman Israel moved to approve the Mayor's reappointment of the following individual:

3/8/10 Board of Supervisors of Elections.....Gertrude E. McGowan
3/8/10 Board of Supervisors of Elections.....Michael R. Parmele
3/8/10 Board of Supervisors of Elections.....Peter M. Wirig
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:44 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk