

REGULAR MEETING

March 10, 2003

The Regular Meeting of the Annapolis City Council was held on March 10, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:32 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Cordle, Cohen, Alderwomen Hoyle, Carter

Aldermen Kelley and Fox arrived at 7:35 p.m.

Staff Present: Acting City Attorney Spencer, Senior Planner Rouse

C Alderman Hammond moved to approve the Journal of Proceedings for February 10, 2003 and February 24, 2003. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

C Chris Comer - Informational Only - Comcast Programming Changes pursuant to the "Agreement Concerning Consent to Cable Franchise Transfer" dated 4/15/97

C Spoke in favor of R-3-03

Joanna Mendelman, 2 Burnham Wood Court, Annapolis, Maryland 21403
Robert Eades, 32 Pleasant Street, Annapolis, Maryland 21401
St. John Martin, 521 Wilson Road, Annapolis, Maryland 21401
Gertrude McGowan 660 Americana Drive, #38, Annapolis, Maryland 21401
William Ray, 539 Higgins Drive, Odenton, Maryland 21113
Amanda O'Quinn, 4919 Tartan Hill Road, Perry Hall, Maryland 21128

C Spoke in favor of R-6-03

Elliot Abhau, 604 Second Street, Annapolis, Maryland 21403
Ian C. May, 229 Dewey Drive, Annapolis, Maryland 21401
George Law, 332 Gatewater Court, Glen Burnie, Maryland 21060
Robin Gilmore, 1204 Oak Hill Place, #2C, Annapolis, Maryland 21403
Michael J. Keller, 310 Riverview Avenue, Annapolis, Maryland 21403
Kenneth Jacobson, 102 Archwood Avenue, Annapolis, Maryland 21401
Mary Ellen Patrisko, 102 Archwood Avenue, Annapolis, Maryland 21401
Lucy Oppenheim, 12 Edelmer Drive, Annapolis, Maryland 21403
Joseph DeSousa, 792 F, Fairview Avenue, Annapolis, Maryland 21403
Isaac Opalinsky, 630 Americana Drive, #207, Annapolis, Maryland 21403
Rob Savidge, 903 Primrose Road, Annapolis, Maryland 21403
Cathy Mamon, 207 Legion Avenue, Annapolis, Maryland 21401
Eric Anderson, 815 Chesapeake Avenue, #3, Annapolis, Maryland 21403
Peter Lamb, 392 Boxelder Court, Millersville, Maryland 21108
Jim Martin, 1B, South Cherry Grove Avenue, Annapolis, Maryland 21401
Joanna Mendelman, 2 Burnham Wood Court, Annapolis, Maryland 21403
Robert Eades, 32 Pleasant Street, Annapolis, Maryland 21401
St. John Martin, 521 Wilson Road, Annapolis, Maryland 21401

Spoke in opposition to R-06-03

Laura Townsend, 1107 Cedar Ridge Court, Annapolis, Maryland 21403
Cliff Myers, 8 Acton Place, Annapolis, Maryland 21401

Spoke regarding R-6-03

David M. Epstein, 91 Market Street, Annapolis, Maryland 21401

C The meeting was recessed at 8:45 p.m. and reconvened at 8:52 p.m.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-1-03 For the purpose of amending the Charter of the City of Annapolis to clarify that the third member of the Board of Supervisors of Elections may have any political party affiliation.

Alderman Hammond moved to adopt CA-1-03 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-1-03.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt CA-1-03 on third reading. Seconded. CARRIED on voice vote.

CA-2-03 For the purpose of amending the Charter of the City of Annapolis to restrict aldermen communications on City service delivery issues, to the mayor and city administrator.

DEFEATED for lack of a motion.

CA-3-03 For the purpose of amending the Charter of the City of Annapolis to remove inconsistent language describing the city administrator and to revise certain employment conditions.

Alderman Tolliver moved to adopt CA-3-03 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-3-03

The main motion CARRIED on voice vote.

Alderwoman Hoyle moved to adopt CA-3-03 on third reading. Seconded. CARRIED on voice vote.

CA-4-03 For the purpose of amending the Charter of the City of Annapolis to provide that the city administrator, instead of the mayor, shall present credentials of potential department directors to the city council; to provide that the city administrator, instead of the mayor, will have the authority to remove department directors; and to provide that, the city administrator, instead of the mayor, shall determine the amount of compensation for department directors.

Alderman Tolliver moved to adopt CA-4-03 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on CA-4-03.

A ROLL CALL vote was taken:

YEAS: Alderman Tolliver

NAYS: Mayor Moyer, Aldermen Hammond, Kelley, Cordle, Fox, Cohen,
Alderwomen Hoyle, Carter

DEFEATED: 8 -1

CA-5-03 For the purpose of amending the Charter of the City of Annapolis to require that proposed revisions to the city charter be submitted by the periodic charter revision commissions within six months instead of

within a one-year period.

Alderman Cordle moved to adopt CA-5-03 on second reading. Seconded.

The Rules and City Government Committee reported favorably on CA-5-03.

The main motion CARRIED on voice vote.

Alderman Fox moved to adopt CA-5-03 on third reading. Seconded. CARRIED on voice vote.

CA-6-03 For the purpose of amending the Charter of the City of Annapolis to grant authority to the mayor and aldermen to request public hearings on ordinances and resolutions and to require subsequent public hearings when these same ordinances and resolutions have been substantially revised.

Alderman Tolliver moved to table CA-6-03. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

C The order of the agenda was amended to allow for further discussion on CA-2-03.

CA-2-03 For the purpose of amending the Charter of the City of Annapolis to restrict aldermen communications on City service delivery issues, to the mayor and city administrator.

Alderman Cohen moved to reintroduce CA-2-03 on second reading. Seconded. DEFEATED on voice vote.

C The order of the agenda was resumed.

CA-7-03 For the purpose of amending the Charter of the City of Annapolis to revise and transfer certain duties of the planning and zoning department and the department of public works; establishing a department of neighborhood and environmental programs; and all matters relating to said departments.

Alderman Hammond moved to adopt CA-7-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

ORDINANCES

O-19-02 For the purpose of repealing in its entirety and adding new Annapolis City Code Chapter 14.12, Trees, so as to define the duties of the environmental commission, the department of public works and the director of public works with regard to trees in the City of Annapolis; to provide regulations concerning the removal and maintenance of trees in public areas and in the conservation areas; to provide for the creation and enforcement of a master street tree plan and a tree planting program; to provide for the abatement of certain nuisances; and matters generally relating to said chapter.

Without objection O-19-02 was postponed.

O-33-02 For the purpose of revising the water and sewer rates for certain

multifamily residential units within the City; and matters generally relating to said rates.

Without objection O-33-02 was postponed.

O-2-03 For the purpose of increasing the fine for unlawfully parking in a parking space designated for physically handicapped or disabled persons; and matters generally relating to said fine.

Alderwoman Carter moved to adopt O-2-03 on second reading. Seconded.

The Public Safety Committee reported favorably on O-2-03.

Alderman Tolliver moved to amend O-2-03 as follows:

On page 1, lines 13 and 32, *strike* "handicapped or" Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to adopt O-2-03 Amended on third reading. Seconded. CARRIED on voice vote.

O-6-03 For the purpose of increasing the Annapolis City Transportation Board membership to eleven City residents; and matters generally relating to said board.

Alderman Hammond moved to adopt O-6-03 on second reading. Seconded.

The Rules Committee reported favorably on O-6-03.

The main motion CARRIED on voice vote.

Alderwoman Carter moved to adopt O-6-03 on third reading. Seconded. CARRIED on voice vote.

O-8-03 For the purpose of authorizing a one-year extension of an existing lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the purpose of docking and mooring certain boats at the City Dock; and all matters relating to said amendment to lease.

Alderman Hammond moved to adopt O-8-03 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee and Finance Committee

O-9-03 For the purpose of conveying, by deed, whatever rights, title and interest the City has in a certain parcel of ground located on Claude Street in the City of Annapolis, to an adjacent property owner whose property is 120 Claude Street which is contiguous to said parcel of ground; providing for the property to be sold at private sale; providing for the entire parcel to be reserved as an easement to the City; and matters generally relating to said conveyance.

Alderman Tolliver moved to adopt O-9-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

RESOLUTIONS

R-3-03 For the purpose of commending Dr. Leslie Dunner for the numerous contributions he has made to the City of Annapolis.

Without objection R-3-03 was postponed to the next regular meeting of the City Council.

Arundel Land Development Annexation

R-13-02 For the purpose of annexing into the boundaries of the City of Annapolis certain property fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially zoned land to the west, undeveloped residentially zoned land to the south and east and to the south and west, contiguous to the existing boundary of the City of Annapolis.

Alderman Hammond moved to adopt R-13-02 on second reading. Seconded.

Alderman Hammond moved to amend R-13-02 as follows:

No. 1

On Page 1, line 39

strike " ;

add "February 24, 2003",

No. 2

On Page 1, line 42

strike " ;

add "December 20, 2002",

No. 3

On Page 1, line 44

strike " ;

add "October 30, 2002",

No. 4

On Page 3, line 6

strike "**BEGINNING** for the same at a point at the end of the 8th Line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed dated August 8, 1960, recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1413 at Folio 142, thence running along the first, second, third, fourth and part of the fifth lines of the above mentioned conveyance and referring the courses of the description to the Maryland State Grid Meridian

1. South 75 degrees, 33 minutes, 37 seconds West, 163.69 feet; thence
2. North 77 degrees, 29 minutes, 13 seconds West, 156.01 feet; thence
3. South 67 degrees, 30 minutes, 17 seconds West, 210.09 feet; thence
4. South 55 degrees, 13 minutes, 17 seconds West, 143.30 feet, and North 7 degrees, 18 minutes, 27 seconds East, 337.94 feet, to a point, said point being on the southerly side of Md. Rt. 665 (relocated Patuxent Blvd.) as shown on State Highway Administration Right-of-Way Plat #50406; thence
5. leaving the fifth line of the above mentioned conveyance and running along the southerly side of Md. Rt. 665 as shown on the above mentioned Right-of-Way Plat #50406 northerly along the arc of a curve to the right having a radius of 2,468.8247 feet for an arc distance of 528.42 feet; said curve having a chord of North 81 degrees, 35 minutes, 11 seconds East, 527.41 feet; thence
6. continuing along the said southerly side of Md. Rt. 665, North 87 degrees, 43 minutes, 5 seconds East, 218.02 feet and South 2 degrees, 16 minutes, 55 seconds East, 30.84 feet, to a point on the 8th line of the above mentioned conveyance; thence
7. leaving the said southerly side of Md. Rt. 665 and running along part of the 8th line of the above mentioned conveyance South 36 degrees, 0 minutes, 7 seconds West, 272.91 feet, to the point beginning

CONTAINING approximately 4.113 acres of ground more or less as determined from deed information only and not by actual field-run survey.

BEING or intended to be that parcel of land described in a conveyance from Edith C. Daniels, widow and Blanche Whitley, formerly Blanche McFadden, by deed dated March 17, 1988, recorded among the Land Records of Anne Arundel County, Maryland in Liber 4567 at Folio 396.”;

add “Beginning for the same at a point at the end of the 8th line of that parcel of land described in the conveyance from Alfred J. Daniels and wife to Blanche McFadden by deed dated August 8, 1960, recorded among the Land Records of Anne Arundel County, Maryland in Liber 1413 at Folio 142, thence running along the first, second, third, fourth and part of the fifth lines of the abovementioned conveyance and referring the courses of this description to the Datum of the City of Annapolis:

1. South 75E47'25" West, 163.69 feet to a point, thence
2. North 77E15'25" West, 156.01 feet to a point, thence
3. South 67E44'05" West, 210.09 feet to a point, thence
4. South 55E27'05" West, 141.23 feet to a point, thence
5. North 07E18'30" East, 337.94 feet to a point, said point being on the southerly side of Md. Rt. 665 (relocated Patuxent Boulevard) as shown on State Highway Administration Right-of-Way Plat #50406, thence leaving the fifth line of the abovementioned conveyance and running along the southerly side of Md. Rt. 665

as shown on the abovementioned Right-of-Way Plat #50406

6. 527.18 feet along the arc of a curve deflecting to the right having a radius of 2,468.8247 feet and a chord bearing and distance of North 81E56'06" East, 526.18 feet, thence continuing along the said southerly side of Md. Rt. 665

7. North 88E03'08" East, 218.02 feet to a point, thence

8. South 01E56'52" East, 30.84 feet to a point on the 8th line of the abovementioned conveyance, thence leaving the said southerly side of Md. Rt. 665 and running along part of the 8th line of the abovementioned conveyance

9. South 36E13'55" West, 272.91, to the point of beginning, containing 179,180 square feet or 4.1134 acres of land more or less as determined from deed information only and not by actual field-run survey.”,

No. 5

On Page 4, line 14

strike “1. Prior to the issuance of any permits, and subject to the approval of the Department of Public Works, the developer of the Property shall submit to the City a water capital facilities impact charge in the amount of _____ Dollars per residential unit or the equivalent non-residential unit as determined by the Department of Public Works. This impact charge is in addition to all fees and charges customarily levied by the City of Annapolis.”;

add “1. The developer/property owner shall be responsible for all costs associated with the extension of water and sewer services to the site, including tap fees, capital facility connection charges, capital facility assessment charges and inspection fees. The developer will be required to extend and pay for the required sewer and water mains.

2. Stormwater facilities, roads, curbs, etc. that are to be owned and maintained by the City shall be constructed in accordance with City standards for right-of-way width and other construction details. The developer will be required to pay all costs associated with the construction.

3. Street lighting, if City owned and maintained, shall meet City standards and specifications. Street lighting will not be taken over by the City until the project is complete and one year's operating and maintenance cost is paid in advance.

4. Any rights-of-way to become public must be deeded to the City.

5. The City will not be responsible for maintenance and snow removal until final inspection and receipt of deeds.

6. The proposed relief road is expected to cut across the Arundel Land and Development property to connect with Aris T. Allen Boulevard. The developer will transfer the land needed for the relief road right-of-way and make an equitable contribution to the cost of construction of the relief road as finally agreed upon between the County and the various developers that expect to construct projects within the Forest Drive corridor.

7. Only one point of access shall be allowed to the site from Aris T. Allen Boulevard. This access point shall be the relief road right-of-way.”.

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

O-17-02 For the purpose of establishing a zoning classification of R1-A, Single-Family Residence District, for the property fronting Aris T. Allen Boulevard to the north and east, undeveloped residentially zoned land to the west, undeveloped residentially zoned land to the south and east and to the south and west, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.

Alderman Hammond moved to adopt O-17-02 on second reading. Seconded.

The Planning Commission reported favorably with amendments on O-17-02.

Alderman Tolliver moved to amend O-17-02 as follows:

No. 1

On Page 1, line 32

strike “ ”;

add “February 24, 2003”,

No. 2

On Page 1, line 36

strike “ ”;

add “February 24, 2003”.

Seconded. CARRIED on voice vote.

The vote on the main motion as amended was postponed.

Sigma Annexation

R-5-03 For the purpose of annexing into the boundaries of the City of Annapolis certain property fronting on Bywater Road and Woods Road, contiguous to the existing boundary of the City of Annapolis.

Alderman Hammond moved to adopt R-5-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission

O-10-03 For the purpose of establishing a zoning classification of R1-A, Single-Family Residence District and a critical area classification of RC, Resource Conservation Area, for the property fronting Bywater Road and Woods Road, contiguous to the existing boundary of the City of Annapolis; and all matters relating to said zoning map amendment.

Alderman Hammond moved to adopt O-10-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission

R-6-03 For the purpose of encouraging the U.S. government to refrain from waging war against Iraq until at least the work of international arms inspectors is complete and the results are published.

Alderwoman Carter moved to amend the agenda to hear R-6-03. Seconded. CARRIED on voice vote.

Alderwoman Carter moved to adopt R-6-03 on first reading. Seconded. CARRIED on voice vote.

Alderwoman Carter moved to suspend the rules to allow passage of R-6-03 at the meeting of its introduction. Seconded. DEFEATED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Meeting Recommendations dated February 20, 2003

Alderman Hammond moved to accept the Finance Committee Meeting Recommendations dated February 20, 2003. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

Alderwoman Carter moved to pay the monthly bills. Seconded. CARRIED on voice vote.

3. Appointments

Alderman Hammond moved to approve the Mayor's (re)appointments of the following individuals:

3/5/03 Transportation Advisory Board Douglas M. McGaughey
3/4/03 Annapolis Conservancy Board Gretchen Clift

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:05 p.m.

Deborah Heinbuch, CMC/AE
City Clerk