

## **REGULAR MEETING**

### **March 10, 1997**

The Regular Meeting of the Annapolis City Council was held on March 10, 1997 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Hammond offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Public Works Director Patmore, Personnel Director Davis

Alderman Snowden moved to approve the Minutes of February 10, 1997, February 11, 1997, February 24, 1997, March 3, 1997 and to open the Closed Minutes of February 11, 1997 to the public. Seconded. CARRIED on voice vote.

Mayor Hopkins and Personnel Director Davis presented "Years of Service Awards" to the following City employees:

Robert B. Eyster	Fire Department	30 Years of Service
Gary S. Simpson	Police Department	25 Years of Service
Alfred Parkinson, III	Fire Department	25 Years of Service

## **PETITIONS, REPORTS AND COMMUNICATIONS**

1. Louise Beauregard  
Christian Services, USA  
2 Maryland Avenue  
Annapolis, Md. 21401

Spoke regarding hospital issues.

2. Robert Eades  
African-American Youth Coalition  
26 Pleasant Street  
Annapolis, Md. 21401

Spoke regarding the creation of a community Civilian Review Board.

3. Chris Keleher  
131 Merryman Court  
Annapolis, Md. 21401

Spoke regarding the Taylor Avenue Gateway Circle. Mr. Keleher submitted a drawing.

4. Tony Evans  
3 Constitution Square  
Annapolis, Md. 21401

Spoke regarding ordinances O-4-97, O-5-97, O-16-97 and O-68-96.

5. Gil Renaut, President  
Ward One Residents' Association  
116 Monticello Avenue  
Annapolis, Md. 21401

Spoke in support of Ordinance O-4-97.

## LEGISLATIVE ACTION

### ORDINANCES

- O-51-96** For the purpose of ensuring the safety of the public and passengers who engage the services of taxicab drivers holding a license in the City of Annapolis; authorizing the director of parking and transportation to adopt, promulgate and enforce regulations related to alcohol and drug use by licensed taxicab owners and drivers in the City of Annapolis; and all matters relating to said regulations.

There being no voiced objection, O-51-96 was referred back to the Economic Matters Committee.

- O-64-96** For the purpose of requiring that all appointees to the Board of Appeals and Planning Commission shall appear before the City Council prior to confirmation; revising certain duties of the Planning Commission; and all matters relating to said board and commission.

Alderman Turner moved to adopt O-64-96 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-64-96.

Alderman Johnson moved to substitute O-64-96 Revised for O-64-96. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 6-3

A ROLL CALL vote was taken on the main motion.

YEAS: Aldermen Hammond, Johnson, Turner  
NAYS: Mayor Hopkins, Aldermen Gilmer, Tullier, Snowden, DeGraff, Moyer  
DEFEATED: 6-3

- O-68-96** For the purpose of establishing standards for privatization of services currently provided by City of Annapolis employees when the City Council directs the services to be performed by a private provider and the City service unit is disbanded; and all matters relating to said standards and procedures for procurement.

There being no voiced objection, O-68-96 was referred back to the Finance Committee.

- O-70-96** For the purpose of deleting a provision in the conditional use process allowing zoning regulations to be modified without reference to standards governing such waiver; and all matters relating to said provision.

Alderman Snowden moved to adopt O-70-96 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-70-96 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

**O-1-97** For the purpose of defining clubs; deleting said definition from Section 7.12.330; and all matters relating to said definition.

Alderman Snowden moved to adopt O-1-97 on second reading. Seconded.  
CARRIED on voice vote.

Alderman Snowden moved to adopt O-1-97 on third reading. Seconded. CARRIED  
on voice vote.

**O-2-97** For the purpose of designating that the Board shall select the type of voting device to be used during an election; and all matters relating to said devices.

Alderman Snowden moved to adopt O-2-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-2-97.

Alderman Johnson moved to amend O-2-97 as follows:

**Amendment No. 1:**

On Page 2, line 23, immediately following "SELECT" add "IN ACCORDANCE WITH THE STATE ADMINISTRATIVE BOARD OF ELECTION LAWS LIST OF QUALIFIED ELECTION DEVICES,".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-2-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-2-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier,  
Snowden, Turner, DeGraff, Moyer  
CARRIED: 9-0

**O-3-97** For the purpose of allowing for the appointment of unaffiliated voters and those affiliated with third parties as election judges; and all matters relating to said judges.

Alderman Snowden moved to adopt O-3-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-3-97.

Alderman Johnson moved to amend O-3-97 as follows:

**Amendment No. 1:**

On Page 2, line 22, immediately following "AFFILIATION" add "PROVIDED THAT AT LEAST A TOTAL OF FOUR JUDGES REPRESENT THE MAJORITY AND PRINCIPAL MINORITY PARTIES"; on that same page, line 23, strike "HOWEVER" and substitute "MOREOVER".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-3-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-3-97 as amended on third reading. Seconded. CARRIED on voice vote.

**O-4-97** For the purpose of limiting professional contributions to a mayoral or aldermanic candidate; and all matters relating to contributions.

There being no voiced objection, O-4-97 was postponed to the April 14, 1997 meeting.

**O-5-97** For the purpose of reducing the 300 foot prohibition for electioneering at polls; and all matters relating to said prohibition.

Alderman Snowden moved to adopt O-5-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-5-97.

Alderman Snowden moved to adopt O-5-97 on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-5-97 on third reading. Seconded. CARRIED on voice vote.

**O-6-97** For the purpose of allowing other means of identification for voters offering to vote at an election; and all matters relating to said identification.

Alderman Tullier moved to adopt O-6-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-6-97.

Alderman Turner moved to amend O-6-97 as follows:

**Amendment No. 1:**

On Page 2, line 23, strike "STATE" and substitute "INDICATE"; and on line 34 strike "state" and substitute "INDICATE".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-6-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-6-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff  
NAYS: Alderman Moyer  
CARRIED: 8-1

**O-7-97** For the purpose of deleting the requirement of an affidavit in making application for an absentee ballot; and all matters relating to said ballots.

Alderman Snowden moved to adopt O-7-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-7-97.

Alderman Johnson moved to amend O-7-97 as follows:

**Amendment No. 1:**

On Page 2, line 10, strike "4.28.100G"; and on page 3, strike lines 15 through 27 in their entirety.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-7-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-7-97 as amended on third reading. Seconded. CARRIED on voice vote.

- O-10-97** For the purpose of authorizing the lease of certain municipal property located at the City Dock to Chesapeake Bay Foundation, Inc., for calendar year 1997, for the purpose of docking and mooring the vessel known as "Stanley Norman"; and all matters relating to said lease.

Alderman DeGraff moved to adopt O-10-97 on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-10-97 on third reading. Seconded. CARRIED on voice vote.

- O-15-97** For the purpose of making a technical correction to Section 3.20.080 by removing the reference to the Medical Review Board which was repealed by Ordinance O-28-94; and all matters relating to said technical correction.

Alderman Gilmer moved to adopt O-15-97 on first reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to suspend the rules to dispense with the second reading on O-15-97. Seconded. DEFEATED on voice vote.

Referred to the Rules and City Government Committee.

- O-16-97** For the purpose of establishing procedures for the removal of elected officials by recall petition and referendum; and all matters relating to said recall procedures.

Alderman DeGraff moved to adopt O-16-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-17-97** For the purpose of establishing that the Director of Public Works shall be the appointing authority for the Harbor Master; and all matters relating to said Harbor Master.

Alderman DeGraff moved to adopt O-17-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-18-97** For the purpose of making technical corrections regarding communication with members of the Board of Appeals relevant to matters pending before that Board; and all matters relating to said technical corrections.

Alderman DeGraff moved to adopt O-18-97 on first reading. Seconded. CARRIED on voice vote.

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

- O-19-97** For the purpose of making a technical correction pertaining to the discipline of certain members of the exempt service; and all matters relating to said responsibility.

Alderman DeGraff moved to adopt O-19-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- O-20-97** For the purpose of finalizing the use of the proceeds of the Public Improvement Bonds of 1995 dated April 1, 1995 issued by the Mayor and City Council of the City of Annapolis; authorizing the final revisions as enumerated on the attached schedule; and all matters relating to said use.

Alderman DeGraff moved to adopt O-20-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

- O-22-97** For the purpose of conforming the City's Family Leave provisions to comply with federal Family Medical Leave Act (FMLA) requirements that the employee's share of certain health plan premiums shall not increase during unpaid family leave; and all matters relating to said premiums.

Alderman DeGraff moved to adopt O-22-97 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

## **RESOLUTIONS**

- R-3-97** For the purpose of consenting to transfer of the existing cable television franchise agreement with United CATV, Inc. d/b/a TCI Cablevision of Annapolis (hereinafter "TCI") to Jones Communications of Maryland, Inc., a Colorado corporation qualified to do business as a foreign corporation in Maryland (hereinafter "Jones of Md."); and all matters relating to said franchise agreement.

Alderman Snowden moved to adopt R-3-97. Seconded.

Alderman Snowden moved to substitute R-3-97 Revised for R-3-97. Seconded. CARRIED on voice vote.

Alderman Snowden moved to amend R-3-97 Revised as follows:

On page 3 of the Agreement strike letter "C" and substitute the following:

**C. Open Issues.**

TCI shall be jointly and severally liable with Jones of Md. for items 1 through 8 of the Annapolis City Attorney's March 10, 1997 letter attached hereto.

Seconded. CARRIED on voice vote.

Alderman Turner moved to amend R-3-97 Revised as follows:

On page 3 of the Agreement, add the following:

**D. Channel Revisions.**

Jones of Md. shall not revise the channels or any of them included on the various service tiers without an informational hearing before the Annapolis City Council.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt R-3-97 Revised as amended. Seconded. CARRIED on voice vote.

## **BUSINESS AND MISCELLANEOUS**

1. Commercial Driver's License Chemical Substance Program

Alderman Snowden moved to approve the Commercial Driver's License Chemical Substance Program. Seconded. CARRIED on voice vote.

2. Memorandum of Understanding - Annapolis/Anne Arundel County Conference and Visitors' Bureau

Alderman Johnson moved to approve the Memorandum of Understanding between the Annapolis/Anne Arundel County Conference and Visitors' Bureau and the City of Annapolis. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden, DeGraff, Moyer

NAYS: Aldermen Gilmer, Turner

CARRIED: 7-2

3. Finance Committee Recommendations for Action dated February 26, 1997:

RECOMMENDATION: Approve the following requests for budget revisions as presented with conditions and requests as noted. See attachments.

GT-62-97	GT-68-97	GT-73-97
GT-64-97	GT-69-97	GT-74-97
GT-65-97	GT-70-97	GT-75-97
GT-66-97	GT-71-97	CT-16-97(1)
GT-67-97	GT-72-97	CT-17-97

Note 1 -Revision was recommended for approval subject to the submission of additional information by the Director of Public Works regarding the cost of the project.

Alderman DeGraff moved to adopt the Finance Committee Recommendations for Action dated 2/26/97. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Snowden moved to confirm the Mayor's of the following named person as set forth in a Memorandum from Mayor Alfred A. Hopkins dated 3/4/97:

**Planning Commission** - James R. Turner

Seconded. CARRIED on voice vote.

Alderman Snowden moved to confirm the Mayor's of the following named person as set forth in a Memorandum from Mayor Alfred A. Hopkins dated 3/4/97:

**Annapolis Conservancy Board** - Maria B. Pellerano

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:05 p.m.

**Patricia L. Bembe, CMC/AEE  
City Clerk**