

REGULAR MEETING

March 12, 2001

The Regular Meeting of the Annapolis City Council was held on March 12, 2001 in the Council Chamber. Mayor Johnson called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, McMillan, Carter, Fox, Moyer

Staff Present: City Attorney Goetzke, Human Resources Director Milburn

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

*A closed session of the City Council was held at 7:10 p.m., Monday, March 12, 2001 in the City Council Chamber.*

*Present: Mayor Johnson, Aldermen Hammond, Tolliver, Gilmer, Sachs, Carter, Fox, Moyer, City Attorney Goetzke, Annapolis Police Department Capt. Malm, Central Services Director Harrison, City Clerk Heinbuch*

*By unanimous consent 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)(10)(i). The purpose of the meeting was to discuss public security, if the body determines that public discussions would constitute a risk to the public or public security including the deployment of fire and police services and staff. No action was taken.*

AWARDS AND PRESENTATIONS

C David Dione, Maryland Standing Committee of the East Coast Greenway Alliance presented Mayor Johnson with a certificate and trail route sign designating the Colonial Annapolis Maritime Trail as an official part of the East Coast Greenway Trail.

C Mayor Johnson and Human Resources Director Milburn acknowledged the following employees:

Harold Dalton, Police Department . . . . . 25 Years of Service  
William Oliver Murray, Central Services. . . . . 25 Years of Service  
Robert Beans, Police Department. . . . . 30 Years of Service  
Walter Weldon, Fire Department. . . . . 30 Years of Service  
Pete Medley, Police Department. . . . . Employee of the Year 2000

C Alderman Sachs moved to adopt the agenda as presented. Seconded.

Without objection, the following items were postponed: O-2-01, O-7-01, R-7-99 and R-8-99.

The main motion as amended CARRIED on voice vote.

C Alderman Gilmer moved to approve the Minutes of February 12, 2001 and February 26, 2001. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

C 1. Judith A. Cabral  
2730 Alfred Circle

Annapolis, Maryland 21401

Spoke in favor of R-7-01

2. Daryl Sherrod  
1913 Christiana Court  
Severn, Maryland 21144

Spoke regarding O-33-00

3. Deborah Wood  
1332 Swan Drive  
Annapolis, Maryland 21401

Spoke regarding the Chesapeake Children's Museum

4. Julie Stankivic  
906 Primrose Road, Apt. 204  
Annapolis, Maryland 21403

Spoke regarding refuse and August Woods  
LEGISLATIVE ACTION

#### ORDINANCES

- O-18-00 For the purpose of amending the B1 Convenience Shopping District to permit other uses not specifically enumerated under certain circumstances; and matters generally relating to said District.**

Alderman Gilmer moved to adopt O-18-00 on second reading. Seconded.

The Planning Commission reported favorably amended as follows:

On Page 2, strike line 38 "~~and use to one or more of the uses enumerated in this section~~", and add as follows: "**and compatible with the purpose of the B1 district**".

The Rules Committee reported favorably with the Planning Commission amendment.

Alderman Hammond moved to amend O-18-00 as follows:

#### **No. 1**

On Page 2, strike line 38 "~~and use to one or more of the uses enumerated in this section~~", and add as follows: "**and compatible with the purpose of the B1 district**".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Sachs moved to adopt O-18-00 Amended on third reading. Seconded. CARRIED on voice vote.

- O-32-00 For the purpose of releasing an easement interest in and through the roadbed of a certain part of a paper street known as Parkwood Avenue, a parcel of land having dimensions of 110.92 feet by 40 feet wide, and containing 4,476.80 square feet (the "Property") located in the City of Annapolis; and all matters relating to the release of easement interest.**

Alderman Moyer moved to adopt O-32-00 on second reading. Seconded.

Alderman Moyer moved to substitute O-32-00 Revised. Seconded CARRIED on voice vote.

The Finance Committee reported favorably on O-32-00.

The main motion as Revised CARRIED on voice vote.

Alderman Moyer moved to adopt O-32-00 Revised on third reading. Seconded. CARRIED on voice vote.

**O-33-00 For the purpose of repealing Section 4.24.040, "Record of persons voting," of Title 4, Elections, Chapter 4.24, "Voting and Voting Machines," providing that the provisions of Article 33, of the Annotated Code of Maryland relating to the qualification of voters shall apply to City elections; and all matters relating to said voter identification process.**

Alderman Gilmer moved to adopt O-33-00 on second reading. Seconded.

The Rules Committee reported unfavorably on O-33-00

A ROLL CALL vote was taken:

YEAS: Aldermen Tolliver, Gilmer, Carter, Moyer

NAYS: Mayor Johnson, Alderman Hammond, Sachs, McMillan, Fox

DEFEATED: 5-4

**O-2-01 For the purpose of clarifying the basis for ineligibility for a taxicab owner's permit due to misdemeanor convictions; and all matters relating to said taxicab licenses.**

Without objection, O-2-01 was postponed.

**O-6-01 For the purpose of authorizing the lease of a portion of the City's former sewage treatment property known as the Edgewood Road Property to Foulger Pratt Construction, Inc.; authorizing the Mayor to sign the Lease Agreement attached hereto; and all matters relating to said lease.**

Alderman Fox moved to withdraw O-6-01. Seconded. CARRIED on voice vote.

**O-7-01 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, subject to certain terms, provisions, and conditions, for the purpose of conducting sailboat race festivities; and all matters relating to said lease.**

Without objection, O-7-01 was postponed.

**O-10-01 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-10-01 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and the Economic Matters Committee

- O-11-01** For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Annapolis and Anne Arundel County Chamber of Commerce, Inc., a body corporate, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of conducting maritime related festivities; and all matters relating to said lease. (Referred to the Finance Committee)

Alderman Fox moved to adopt O-11-01 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and the Economic Matters Committee

- O-12-01** For the purpose of apportioning among adjacent property owners, all city taxpayers and the State, obligations associated with installing, maintaining and replacing sidewalks; and all matters relating to said sidewalks.

Alderman Sachs moved to adopt O-12-01 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

- O-14-01** Concerning the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of special obligation bonds of the City of Annapolis for the purpose of financing the acquisition, construction and equipping of a public parking garage and related land and improvements to be located at the intersection of West Street and Taylor Avenue, such public parking garage to be part of a mixed use project which is expected to include (1) a full-service hotel (2) two office buildings, (3) approximately 200 condominiums and apartments and (4) a performance hall; providing that such bonds shall be issued pursuant to the Tax Increment Finance Act (being Sections 14-201 through 14-214, inclusive, of Article 41 of the Annotated Code of Maryland) and the Special Taxing District Act (being Section 44A of Article 23A of the Annotated Code of Maryland); providing for the sale of such bonds at private negotiated sale to [\_\_\_\_], as the underwriter for such bonds; authorizing the Mayor to take such actions as shall be necessary or desirable in connection with the issuance and sale of such bonds, including (without limitation) approving the form of, and executing, the bond purchase agreement and indenture of trust for such bonds, establishing the interest rates for such bonds, and approving the price at which such bonds are sold to the underwriter for such bonds; approving a form of Development Agreement among the City, JBJ Management Company, Inc. and Park Place Associates LLC and a Declaration of Condominium (including Condominium By-Laws) with respect to such public parking garage and project and authorizing the Mayor to execute and deliver such documents; and generally providing for and determining various other matters in connection with the issuance and sale of such bonds and the execution and delivery of such Development Agreement, Declaration of Condominium and

**Condominium By-Laws.**

Alderman Sachs moved to adopt O-14-01 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

RESOLUTIONS

**R-7-99 For the purpose of annexing certain property lying near Chesapeake Harbour Drive, contiguous to the existing boundary of the City of Annapolis.**

Without objection, R-7-99 was postponed.

**R-8-99 For the purpose of exercising the City's right to receive monies paid into escrow under the terms of the 1984 Water Agreement between the City of Annapolis and Chesapeake Harbour, Inc.; and all matters relating to said monies.**

Without objection, R-8-99 was postponed.

**R-6-01 For the purpose of supporting the Annapolis Fire Department Strategic Plan and all matters related to said plan.**

Alderman Hammond moved to adopt R-6-01 on first reading. Seconded. CARRIED on voice vote.

**R-7-01 For the purpose of accepting the Kunte Kinte - Alex Palmer Haley Memorial located at the City Dock and all matters related to said memorial.**

Alderman Hammond moved to adopt R-7-01 on first reading. Seconded. CARRIED on voice vote.

Alderman Sachs moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Alderman Sachs moved to adopt R-7-01 on second reading. Seconded. CARRIED on voice vote.

**R-8-01 For the purpose of designing a contiguous area located on the northeast corner of West Street and Taylor Avenue within the City of Annapolis, Maryland (the "City") as a "development district" as that term is used in Sections 14-201 through 14-214 inclusive of Article 41 of the Annotated Code of Maryland (1997 Replacement Volume and 2000 Supplement) (the "Tax Increment Financing Act"), and designating such identical geographic area as a "special taxing district" pursuant to the terms of Article 23A, Section 44A of the Annotated Code of Maryland (1998 Replacement Volume and 2000 Supplement) (the "Special Taxing District Act"; collectively the Tax Increment Financing Act and the Special Taxing District Act are sometimes referred to hereinafter as the "Acts"), such development district and special taxing district to be known as the "Park Place Development District"; providing for and determining various matters in connection with the establishment of a development district and special taxing district; creating a tax increment fund with respect to the development district and a special tax fund with respect to the special taxing district;**

**allocating certain property taxes with respect to the development district to be paid over to such tax increment fund, and such special taxes with respect to the special taxing district to be paid over to such special tax fund, as provided in the Acts; making certain findings and determinations with respect to such tax increment fund and special tax fund and the use of such tax increment fund and special tax fund; providing that special obligation bonds may be issued from time to time pursuant to an ordinance enacted in accordance with the Acts; providing for the levy of a special tax in compliance with the Special Taxing District Act; and generally providing for and determining various other matters in connection with the development district and special taxing district, such tax increment fund and special tax fund and the issuance and payment of the special obligations bonds issued under the Acts.**

Alderman Sachs moved to adopt R-8-01 on first reading. Seconded. CARRIED on voice vote.

#### BUSINESS AND MISCELLANEOUS

1. Finance Committee Recommendations for Action dated February 15, 2001

Alderman Sachs moved to adopt the Finance Committee Recommendations for Action - including 63-01 - dated February 15, 2001. Seconded. CARRIED on voice vote.

2. Payment of Monthly Bills

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

3. Appointments

Alderman Sachs moved to confirm the Mayor's appointment of Patricia Allen as set forth in a Memorandum dated 3/7/01. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:46 p.m.

Deborah Heinbuch, CMC/AE  
City Clerk