

REGULAR MEETING  
April 8, 2013

The Regular Meeting of the Annapolis City Council was held on April 8, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:12 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Assistant City Manager Burke, Finance Director Miller, Development and Special Project Coordinator Lefurge, Chief Comprehensive Planning Nash, Transportation Director Newell, Boards and Commission Coordinator Raftovich

Approval of Agenda

- Alderman Paone move to approve the Regular Meeting agenda as amended to include R-22-13 on 1<sup>st</sup> reader, and R-19-13 on 2<sup>nd</sup> reader. Seconded. CARRIED on voice vote.

**CITY COUNCIL CITATIONS**

Martha Wood Leadership Award

Mayor Cohen invited Alderman Paone to present to Raymond Imler the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the thirty-fourth recipient of the prestigious Martha Wood Leadership Award.

The order of the agenda was amended to allow for R-22-13 on 1<sup>st</sup> Reader.

**R-22-13 Honoring Alderman Richard E. Israel's Public Service to the City of Annapolis – For the purpose of honoring the contributions of Alderman Richard E. Israel (Ward One) to the City of Annapolis and expressing the Annapolis City Council's gratitude for Alderman Israel's public service to his constituents and the City of Annapolis**

- Alderman Arnett moved to adopt R-22-13 on first reader. 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 Arnett moved to adopt R-22-13 on second reading. Seconded.
- Mayor Cohen read resolution R-22-13 into the record:

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-22-13**

**Introduced by: Mayor Cohen, Alderman Paone, Alderwoman Hoyle, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer, and Alderman Arnett**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule

4/8/13			6/7/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/8/13		

**A RESOLUTION** concerning

**Honoring Alderman Richard E. Israel's Public Service to the City of Annapolis**

**FOR** the purpose of honoring the contributions of Alderman Richard E. Israel (Ward One) to the City of Annapolis and expressing the Annapolis City Council's gratitude for Alderman Israel's public service to his constituents and the City of Annapolis.

**WHEREAS,** Alderman Richard E. Israel was born and raised in Hutchinson, Kansas; and

**WHEREAS,** He is a graduate of the University of the South (BA), Washington and Lee University (LLB) and Oxford University (MA); and

**WHEREAS,** Alderman Israel came to Annapolis in 1975 to join the staff of the Maryland Department of Legislative Reference; and

**WHEREAS,** He then served for 25 years with distinction and dedication as an Assistant Attorney General with the State of Maryland; and

**WHEREAS,** Alderman Israel has been active in Annapolis civic affairs for decades, serving as a Vestry Member and Registrar at St. Anne's Episcopal Church, as a founding member and past President of the Murray Hill Residents Association, and a Board Member of the Friends of St John's; and

**WHEREAS,** A resident of Ward One for over 30 years, Alderman Israel was elected to the Annapolis City Council in 2005; and

**WHEREAS,** In his career on the Annapolis City Council, Alderman Israel has served as the Chair of the Finance Committee with oversight of the City's budget, and as Chair of the Rules and City Government Committee with review of all proposed amendments to the City Charter and the Zoning Code; and

**WHEREAS,** Over the course of his eight years on the Annapolis City Council, Alderman Israel has brought a sense of humor to policy and budget debates; a profound knowledge of City and State laws and regulations, and an overall civility and etiquette to public discourse; and

**WHEREAS,** Alderman Israel is a true gentleman who's courtesy, generosity and warm spirit will be truly missed by his colleagues and all who have business before the Council.

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that, through this Resolution, we honor Alderman Richard E. Israel's many contributions to the City of Annapolis.

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that we express our sincere thanks and gratitude for Alderman Richard E. Israel's public service to his constituents and the City of Annapolis.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City  
Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Present and Spoke on behalf of the Resolution:

Legislative Assistant Janice Hayes Williams, 44 Calvert Street, 1<sup>st</sup> Floor, Annapolis, Maryland 21401 representing County Councilmen Trumbauer presented Alderman Israel with a citation in recognition of his years of service to all of the citizens of the City of Annapolis.

Janice Hayes-Williams, 44 Calvert Street, 1<sup>st</sup> floor, Annapolis, Maryland 21401 representing herself thanked Alderman Israel on behalf of the Commission on the Constitution of 1864.

Joe Budge, 5 Randall Court, Annapolis, Maryland 21401 representing the Murray Hill Residents Association & Ward One Residents Association spoke on Alderman Israel's accomplishments and thanked him for his service to the community.

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 thanked Alderman Israel for his service to the City of Annapolis.

Brian Miller, 114 Market Street, Annapolis, Maryland 21401 thanked Alderman Israel for his service to the City of Annapolis.

Jacky Wells, 203 Bloomsbury Square, Annapolis, Maryland 21401 representing the Bloomsbury Square Residents Council thanked Alderman Israel for his serve to the Community.

A ROLL CALL vote was taken:

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

NAYS:

ABSTAINED: Alderman Israel

CARRIED: 8/0/1

The order of the agenda was resumed.

## **PETITIONS, REPORTS AND COMMUNICATIONS**

### Approval of Journal Proceedings

- Alderman Littmann moved to approve the Journal of Proceedings for the Regular Meeting March 11, 2013 and the Special Meeting of March 18, 2013. Seconded. CARRIED on voice vote.

### Comments by the General Public

Sandra Chapman, 701 Glen Wood Street, Apt # 518, Annapolis, Maryland 21401 spoke on the Morris Blum Health Center and thanked the City of Annapolis for being a partner.

Lara L. Fritts, 200 Westgate Circle, #102, Annapolis, Maryland 21401 representing the Annapolis Economic Development Corporation spoke on R-10-13.

Earl Bradley, 940 Bay Forest Court, Apt 306, Annapolis, Maryland 21403 spoke on the impact of the Crystal Spring Development.

Forrest Mays, 2646 Masque Farm Blvd, Annapolis, Maryland 21401 representing Friends of Crystal Spring spoke in opposition to the destruction of the Crystal Spring Forest.

Elvia Thompson, 1346 Washington Drive, Annapolis, Maryland 21403 spoke on the Crystal Spring Development.

Patricia Mays, 2646 Masque Farm Road, Annapolis, Maryland 21401 spoke in opposition to the proposed development of Crystal Spring Village and the traffic on Aris T. Alan BLVD and Forest Drive.

Kurt Regal, 307 A Monterey Avenue, Annapolis, Maryland 21401 spoke on Crystal Spring Development.

Ross Geredien, 1617 Hilltop Road, Edgewater, Maryland 21037 representing the Anne Arundel Bird Club spoke in opposition of the Crystal Spring Farm Development.

Suzanne Pogell, 137 Conduit Street, Annapolis, Maryland 21401 spoke on the legacy of Alderman Richard Israel's community service and thanked him for his service to the City of Annapolis and in favor of R-10-13.

Valerie Casasanto, 980 Awald Road, Annapolis, Maryland 21403 spoke in opposition to the Crystal Spring Development, and in favor of the Crystal Spring Forest and Wetlands.

Thorsten Markus, 980 Awald Road, Annapolis, Maryland 21403 spoke in opposition to the Crystal Spring Development.

David Prosten, 3120 Mums Drive, Annapolis, Maryland 21401 representing the Sierra Club spoke on the Crystal Spring Project Advertising and thanked Alderman Israel for his service to the community.

Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21401 spoke in opposition to the giving away of tax payer dollars.

Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21401 representing the 550 families at Hillsmere Elementary School District spoke on the over capacity at the elementary school.

Bob O'Shea, 129 Grandville Avenue, Annapolis, Maryland 21401 spoke on the amount of time it takes to develop a project in the City.

- Mayor declared petition, reports and communication closed.

#### PUBLIC HEARINGS

Without objection the public hearing on O-8-13 (including the constant yield tax rate), O-9-13, O-11-13, O-12-13, O-13-13, O-14-13, O-15-13, R-12-13, R-13-13, R-14-13, and R-15-13 will be held jointly.

**O-8-13 Annual Operating Budget: FY 2014 – For the purposes of adopting an operating budget for the City of Annapolis for the Fiscal Year 2014; appropriating funds for expenditures for the Fiscal Year 2014; 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.**

&

**O-9-13 Capital Improvement Budget: FY 2014 – For the purpose of adopting a capital improvement budget for the Fiscal Year 2014.**

&

**O-11-13 Parking Permits for Contractors and Transporters of Merchandise and Materials – For the purpose of removing the distinction between contractor or merchandise/material transporter use of metered or un-metered parking spaces in determining the calculation of fees.**

&

**O-12-13 Authorizing an Application Fee and Permit Fee for a Tree Removal Permit – For the purpose of authorizing the Department of Neighborhood and Environmental Programs to collect an application fee and permit fee for a tree removal permit.**

&

**O-13-13 Authorizing a Fee for a Hearing Before the Board of Port Wardens – For the purpose of authorizing a fee for a hearing before the Board of Port Wardens.**

&

**O-14-13 Clarification of the Utility Contractor Inspection Fee – For the purpose of clarifying the utility contractor inspection fee by deleting**

**Section 16.04.030 of the Annapolis City Code and revising Section 16.04.060 in order to ensure objective and detailed inspection of any improvements and facilities, including water and sewer pipes and appurtenances, storm drainage systems, curbs, gutters and pavement within easements or rights-of-way; and authorizing an inspection fee that varies by the value of the construction to be performed.**

**&**

**O-15-13 Clarifying the Fee-in-Lieu for Trees in Development Areas – For the purpose of clarifying the fee-in-lieu for trees in development areas by addressing the contraction between Section 17.09.070 (C) of the Annapolis City Code and the fee schedule.**

**&**

**R-12-13 Capital Improvement Program: FY 2014 to FY 2019 – For the purposes of adopting a capital improvement program for the six-year period from July 1, 2013, to June 30, 2019.**

**&**

**R-13-13 FY 2014 Fees Schedule Effective July 1, 2013 – For the purpose of specifying fees that will be charged for the use of City services for FY 2014.**

**&**

**R-14-13 FY 2014 Fines Schedule Effective July 1, 2013 – For the purpose of specifying fines that will be charged for FY 2014.**

**&**

**R-15-13 Position Classifications and Pay Plan – For the purpose of approving the FY 2014 position classification and pay plan effective July 1, 2013.**

City Manager Mallinoff gave a presentation on the budget ordinances and resolutions and answered questions from Council.

Finance Director Miller and Assistant City Manager Burke were present and answered questions from Council.

The meeting was recessed at 8:55 p.m. and reconvened at 9:13 p.m.

- Alderman Israel left the meeting at 9:03 p.m.

Spoke on the ordinance and / or the resolution:

Brian Miller, 114 Market Street, Annapolis, Maryland 21401  
Doug Smith, 5 Revell Street, Annapolis, Maryland 21401  
Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401  
Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association  
Juliet Thompson, 9 College Avenue, Annapolis, Maryland 21401 representing Ward One Residents and the Downtown Parking Committee

Spoke in favor of the ordinance and / or the resolution:

Robert Clark, 18 Pinkney Street, Annapolis, Maryland 21401 representing Historic Annapolis  
Aliceteen Mangum, 24 Silverwood Circle, Annapolis, Maryland 21401 representing OIC  
April Nyman, 2666 Riva Road, Annapolis, Maryland 21401 representing Arts Council  
Lara L. Fritz, 200 Westgate Circle, #102, Annapolis, Maryland 21401

representing AEDC  
Greg Stiverson, 1303 Colony Drive, Annapolis, Maryland 21403 representing Kunta Kinte Alex Haley Foundation  
Carol Benson, 44 Calvert Street, Annapolis, Maryland 21401 representing Four Rivers Heritage Area  
Tim Leahy, 44 Calvert Street, Annapolis, Maryland 21401 representing Four Rivers Heritage Area  
Sascha Lipczenko, 92 W. Washington Street, Annapolis, Maryland 21401 Anne Arundel County Community Action Agency, Annapolis Youth Services and Kids at Hope  
Buch Buchanan, 723 Second Street, Annapolis, Maryland 21403 representing Annapolis Maritime Museum  
Alice Estrada, 723 Second Street, Annapolis, Maryland 21403 representing Annapolis Maritime Museum  
Helena Hunter, 92 Quarter Landing, Annapolis, Maryland 21403 representing Eastport Girls Club, Seeds to Success Program  
Jane Lawrence, 519 Burnside Street, Annapolis, Maryland 21403 representing Paint Annapolis  
Loise Silva Novochadlo, 1906 Forest Drive, Suite 2 B, Annapolis, Maryland 21401 representing The Center of Help  
Mark P. Leone, University of Maryland College Park, College Park, Maryland 20742 representing Archaeology in Annapolis  
Frank Brown, 414 Chesapeake Avenue, Annapolis, Maryland 21403 representing Mount Zion United Methodist Church Generator Grant  
Deborah Wood, 1332 Swan Drive, Annapolis, Maryland 21409 representing Chesapeake Children's Museum  
Phyllis Emmett, 15 Jeremy's Way, Annapolis, Maryland 21403 representing Compass Rose Theater  
Mary Ann Fylford, 240 S. River Landing Road, Edgewater, Maryland 21037 representing Back Pack Buddies  
Pam Finlay, 1005 Sherwood Forest Road, Annapolis, Maryland 21405 representing Wellness House of Annapolis  
Pam Siemer, 10 Hudson Street, Annapolis, Maryland 21403 representing Light House  
Carolyn Keene, 1358 Tyler Avenue, Annapolis, Maryland 21401 representing We Care and Friends  
Marsella Haskin-Hare, 21 Washington Street, Annapolis, Maryland 21401 representing Restoration Community Development

Spoke in opposition to the ordinance and /or the resolution:

Jackie Wells, 203 Bloomsbury Square, Annapolis, Maryland 21401 - Eliminating the Department of Transportation Gold "B" Route Schedule

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

- Mayor Cohen declared the public hearings on O-8-13 (including the constant yield tax rate), O-11-13, O-12-13, O-13-13, O-14-13, O-15-13, R-13-13, R-14-13, and R-15-13 closed.
- Mayor Cohen declared the public hearings on O-9-13 and R-12-13 held open for purpose of receiving Planning Commission Findings.

**O-16-13 Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan – For the purpose of authorizing local businesses to be eligible for a capital facilities payment plan.**

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

- Mayor Cohen declared the public hearing closed.

- O-17-13 Issuance of Bonds – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Fifteen Million Three Hundred Seventy Thousand Dollars (\$15,370,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Bonds, 2013 Series” and said bonds to be issued and sold for the public purpose of financing and refinancing certain capital projects of the City as provided in this Ordinance; authorizing and empowering the City to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Five Million One Hundred Thousand Dollars (5,100,000) pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Refunding Bonds, 2013 Series”, for the public purpose of refunding all or a portion of certain outstanding general obligation bonds as provided in this Ordinance; prescribing the form and tenor of said bonds; determining the method of sale of said bonds and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds.**

Finance Director Miller gave a brief presentation and answered questions from Council.

Paul Shelton, Esq., 401 E. Pratt Street, Suite 2315, Baltimore, Maryland 21202 representing McKennon Shelton & Henn LLP gave a presentation on the restrictions set in the law regarding interest rates and the competitive bid process and answered questions from Council.

Fred Sussman, 1416 Catlyn Place, Annapolis, Maryland 21401 representing the Financial Advisory Commission gave a brief presentation to the commissions findings and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.
- Alderman Arnett moved to consider public hearing items after 10:30 p.m., and to consider other business after 11:00 p.m. Seconded. CARRIED on voice vote.

- R-7-13 Wayfinding and Signage Master Plan - For the purpose of adopting the Draft Wayfinding and Signage Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.**

Chief Comprehensive Planning Nash was present and answered questions from Council.

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

- Mayor Cohen declared the public hearing on R-7-13 held open for purpose of receiving Planning Commission Findings.

**R-17-13 A Revision to the Capital Improvement Budget and Program (Parking Meter Upgrade): FY 2013 to FY 2018 – For the purposes of revising the capital improvement budget for the Fiscal Year 2013 and the capital improvement program (parking meter upgrade) for the six-year period from July 1, 2012, to June 30, 2018.**

Assistant City Manager Burke gave a brief presentation on the resolution and answered questions from Council.

Transportation Director Newell was present and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

**R-21-13 Recommendations of the Council Compensation Commission – For the purpose of providing for consideration, and the City Charter’s required public hearing, of the recommendations of the Council Compensation Commission.**

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION  
RESOLUTION 2ND READER

**R-19-13 Special Event Applications- For the purpose of authorizing City Council approval of selected special events per R-14-13 implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving City fees for the USNA Band Concert Series; and the reimbursement of full fees to the City for the cost associated with the other approved events.**

Development and Special Events Coordinator Lefurge gave a brief presentation and answered questions from council.

- Alderman Arnett moved to adopt R-19-13 on second reading. Seconded.

The main motion amended A ROLL CALL vote was taken:

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

RESOLUTION – 1<sup>st</sup> READER

**R-10-13 A Protocol for Ensuring the Implementation of the Forest Conservation Act – For the purpose of enacting a protocol to ensure the implementation of the Forest Conservation Act.**

City Manager Mallinoff was present and answered questions from Council.

- Alderman Arnett moved to adopt R-10-13 on first reader. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Littmann, Pfeiffer, Arnett, Paone  
NAYS: Alderwoman Hoyle, Finlayson, Alderman Kirby  
CARRIED: 5/3

Referred to the Economic Matters and Environmental Matters Committees.

**O-4-13**      **Establishing Chapter 14.18 of the City Code on Special Events – For the purpose of establishing Chapter 14.18 of the City Code regarding the process for authorizing special events within the City of Annapolis; requiring a permit and permit fee for special events; providing parameters for approving a special event permit; authorizing exemptions for a special event permit and permit fee; establishing conditions for special events at City Dock; and for all other purposes related to special events.**

- Alderman Arnett moved to adopt O-4-13 on first reader. Seconded. CARRIED on voice vote

Referred to the Environmental Matters and Economic Matters Committees.

## **BUSINESS AND MISCELLANEOUS**

### **1. Community Development Block Grant – FY 2014**

Chief Comprehensive Planning Nash was present and answered questions from Council.

Boards and Commission Coordinator Raftovich was present and answered questions from Council.

- Alderman Arnett moved to approve the community development block grants for FY 2014. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:28 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk