

REGULAR MEETING
April 9, 2012

The Regular Meeting of the Annapolis City Council was held on April 9, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:41 p.m.

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

Staff Present: City Attorney Hardwick, DNEP Director Broadbent, Planning and Zoning Director Arason, Harbormaster Walters, Special Events Coordinator Le Furge

Approval of Agenda

- Alderman Arnett moved to approve the Regular Meeting Agenda as amended to include R-15-12 on 1st Reader. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderman Kirby to present to Barry Butler 1424 Tyler Avenue, Annapolis, Maryland 21403 the Mayoral Citations in recognition of being honored by the Housing Authority of the City of Annapolis as the twenty third recipients of the prestigious Martha Wood Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderwoman Hoyle moved to approve the Journal of Proceedings for the Regular Meeting March 12, 2012 and the Special Meeting March 19, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

Chris Buchheister, 5 Wagner Street, Annapolis, Maryland 21401 spoke in favor of R-14-12
Peggy Summers, 110 Prince George Street, Annapolis, Maryland 21401 representing Gibson's Lodgings spoke in favor of R-14-12
Chris Stelzig, 10 Monticello Avenue, Annapolis, Maryland 21401 representing Annapolis Elementary School PTA spoke in opposition to Compromise Street Garage
Cindy Reiner, 1708 Smugglers Run, Annapolis, Maryland 21401 representing the Annapolis Business Association spoke in favor of R-14-12
Paul Clar, 7 Constitution Avenue, Annapolis, Maryland 21401 spoke in opposition to R-14-12
Felicia Barlow Clar, 7 Constitution Avenue, Annapolis, Maryland 21401 spoke in opposition to R-14-12
Jessica Paret, 3571 Narragansett Avenue, Annapolis, Maryland 21403 spoke in favor of R-14-12
Ann Yonkers, 1319 18th Street, N.W. Washington, DC 20036 representing Annapolis Fresh Farm Market spoke in favor of O-13-12
Matt Grubbs, 31 Decatur Avenue, Annapolis, Maryland 21403 spoke in favor of R-14-12
John Guild, 18 Pinkney Street, Annapolis, Maryland 21401 representing Historic Annapolis spoke on the Compromise Street Parking Facility
Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association spoke in favor of R-14-12

Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403 spoke on the Compromise Street Parking Garage
Orlando Rideout, 110 Duke of Gloucester Street, Annapolis, Maryland spoke in opposition to R-14-12
Sharon Kennedy, 9 Randall Court, Annapolis, Maryland 21401 spoke on R-14-12
Jim Martin, 1 B South Cherry Grove Avenue, Annapolis, Maryland 21401 spoke on R-14-12
Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 spoke in favor of R-14-12
Jane Campbell-Chambliss, 119 Prince George Street, Annapolis, Maryland 21401 requested the city changes the name of Susan B. Campbell Park to Susan C. Campbell

PUBLIC HEARING

O-9-12 Exempting Members of the City Central Committees from Holding More Than One City or City-Connected Position – For the purpose of exempting members of the City Central Committees from holding more than one position as defined in Section 2.04.040 of the City Code.

Spoke in favor of the ordinance:

Nicholas Berry, 517 Third Street, Annapolis, Maryland 21401 representing the Annapolis Democratic Central Committee

Spoke in opposition to ordinance:

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.

O-12-12 Lease of City Property: Spring 2012 Boat Show – For the purpose of authorizing a lease from April 25-30, 2012 for the area of Susan B. Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease.

Spoke in favor of the ordinance:

Ed Hartman, 980 Awald Road, Annapolis, Maryland 21401 representing the Annapolis Boat Shows

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.

O-53-11 Keeping or Maintaining Chickens Within the City of Annapolis – For the purpose of allowing chickens, but not roosters, to be kept or maintained within the City of Annapolis.

DNEP Director Broadbent was present and answered questions from Council.

Guy Hohenhaus Dum, 50 Truman Parking, Annapolis, Maryland 21401 representing Maryland Department of Agriculture gave a brief presentation on the ordinance and answered questions from council.

David Myers, 7320 Ritchie Highway, Suite 210, Glen Burnie, Maryland 21061 representing the Anne Arundel County Agriculture Extension was present and answered questions from Council.

Spoke on the ordinance:

Kurt Riegel, 307 A Monterey Avenue, Annapolis, Maryland 21401
Gilbert Renault, 5 Monticello Avenue, Annapolis, Maryland 21401
Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403

Spoke in favor of the ordinance resolution:

Jessica Pachler, 506 President Street, Annapolis, Maryland 21407
Carol Schanker, 118 Main Street, Annapolis, Maryland 21409

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

- Mayor Cohen declared the public hearing closed.

Without objection the public hearing on O-38-11 and R-47-11 were held jointly.

O-38-11 Zoning of Annexed Land – Hayes Property – For the purpose of establishing zoning classifications of R3 – General Residence District and R1-B – Single-Family Residence District for 7.374 acres of property known as the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City’s jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

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R-47-11 Annexation of Hayes Property – For the purpose of annexing into the boundaries of the City of Annapolis 7.374 acres of property known as the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City’s jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

Planning and Zoning Director Arason gave a brief presentation on the ordinance and resolution.

Present and testified on behalf of the application:

Expert Witness Gary T. Westholm, MAI, c/o Westholm & Associates, LLC, 140 South Street, Annapolis, Maryland 21401

Terry Shuman c/o Bay Engineering Inc, 190 Admiral Cochran Drive, Suite 175, Annapolis, Maryland 21401

Timothy S. Hogan, 2661 Riva Road, Suite 300, Annapolis, MD 21401 c/o Hogan Holding Company, LC

Alan Hyatt, Esq., Hyatt & Weber P.A. 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 representing Hogan Holding Company, LC gave a brief presentation on the ordinance and the resolution.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 12/15/11, and Memoranda from Jon Arason, Director, to the Planning Commission dated 11/17/11 and 11/23/11.
- Mayor Cohen accepted into the record the following exhibit’s into the

record: (Binder)

- Exhibit: 1 Letter to the City Clerk dated October 28, 2011
- Exhibit: 2 Petition to mayor and Alderman to Annex Property
- Exhibit: 2-A Annapolis City Annexation Plat
- Exhibit: 2-B Metes and Bounds Description of Property to be Annexed
- Exhibit: 2-C Excerpt from the 2009 City of Annapolis Comprehensive Plan (pages 69-70)
- Exhibit: 2-D Metes and Bounds Description of Boundary Realignment for Insertion into City Code
- Exhibit: 2-E List of Owners
- Exhibit: 2-F Existing /Proposed City Boundary Exhibit
- Exhibit: 2-G Existing Zoning Classification Exhibit
- Exhibit: 2-H Zoning Site Plan
- Exhibit: 2-I List of Owners of Real Property within the area of the Proposed Annexation and within Five Hundred (500) Feet of the subject Prop
- Exhibit: 2-J Fiscal Impact Analysis of the Proposed Annexation Property
- Exhibit: 3 Letter to City Clerk dated October 28, 2011- K. Hovanian Homes of Maryland withdrawal as Petitioner
- Exhibit: 4 Certification of Notice Sign Posting
- Exhibit: 5 December 15, 2011- Planning Commission Findings
- Exhibit: 6 R-45-11- Amended- Annexation Plan
- Exhibit: 7 R-47-11- Annexation of the Hayes Property
- Exhibit: 8 O-38-11- Zoning of Annexed Land
- Exhibit: 9 Resume- Gary Westholm

Spoke on the resolution:

Gilbert Renault, 5 Monticello Avenue, Annapolis, Maryland 21401

Spoke in opposition to the resolution:

Lillie Odessa Ellis, 110 Dorsey Drive, Edgewater, Maryland 21037
Janet Norman, 787 Annapolis, Maryland 21403 representing Ward 7 and Hillsmere Elementary
Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21403
Lynell Reed, 102 Dorsey Drive, Edgewater, Maryland 21037
Kris Holm, 1 State Street, Annapolis, Maryland 21401
Al Brown, Jr, 111 Dorsey Drive, Edgewater, Maryland 20137
Henry Keith, 121 Dorsey Drive, Edgewater, Maryland 21037

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

- Mayor Cohen declared the public hearings open until April 23, 2012 at 4:30 p.m. for the purpose of receiving written testimony.

R-3-12 First Sundays Festival 2012 – For the purpose of designating dates for the sale of arts-related merchandise in the Historic District at the First Sunday events and the reimbursement of full fees to the City for the cost associated with the events.

Special Events Coordinator Le Furge and answered questions from Council.

Pam Stevens, 586 Defense Highway, Crownsville, Maryland 21032 representing the First Sunday Arts Festival gave a brief presentation on the resolution and answered questions from Council.

Spoke in favor of the resolution:

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.
- Alderman Israel moved to continue the public hearings beyond 10:30 p.m. and to consider new business items after 11:00 p.m. Seconded. CARRIED on voice vote.

R-4-12 Four Rivers Garden Club Flower Mart – For the purpose of designating dates for the sale of floral merchandise in the Historic District at the Four Rivers Garden Club Flower Mart on April 30 and the reimbursement of full fees to the City for the cost associated with the events.

Special Events Coordinator Le Furge and answered questions from Council.

Maureen Kieffer, 133 Friar Tuck Hill, Annapolis, Maryland 21405 representing the Four Rivers Garden Club gave a brief presentation on the resolution.

Spoke in favor of the resolution:

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.

R-5-12 Race Across America 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the Race Across America event from June 21-25, 2012 and the reimbursement of full fees to the City for the cost associated with the event.

Special Events Coordinator Le Furge gave a brief presentation and answered questions from Council.

Spoke in opposition to the resolution:

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.

R-6-12 TriRock Annapolis 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the TriRock Annapolis 2012 event and the reimbursement of full fees to the City for the cost associated with the events.

Special Events Coordinator gave a brief presentation on the resolution and answered questions from Council.

Ashley Halsey, 709 Howard's Loop, Annapolis, Maryland 21401 representing the

Annapolis Triathlon Club was present and answered questions from Council.

Spoke on the resolution:

Anne Murphy, 23 Randall Street, Annapolis, Maryland 21401

Spoke in favor of the resolution:

Zach Barnhorst, 7362 Remley Place La Jolla, California 92037 representing the Annapolis Triathlon Club

Spoke in opposition to the resolution:

John Guild, 18 Pinkney Street, Annapolis, Maryland 21401 representing Historic Annapolis Foundation

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association

Peggy Summers, 110 Prince George Street, Annapolis, Maryland 21401 representing Gibson's Lodgings

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

- Mayor Cohen declared the public hearing closed.

R-12-12 Maryland Avenue Festivals 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the Maryland Avenue Festivals and the reimbursement of full fees to the City for the cost associated with the events on April 22, 2012; June 17, 2012; and September 23, 2012.

Special Events Coordinator gave a brief presentation on the resolution and answered questions from Council.

Spoke in favor of the resolution:

Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 representing the Ward One Residents Association

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

CHARTER AMENDMENT ORDINANCES and RESOLUTIONS – 2nd READER

CA-01-10 Deputy Department Directors – For the purpose of requiring department directors, subject to mayoral approval, to designate a full-time employee as deputy director.

- Alderman Israel moved to postpone CA-01-10 on second reading until the Regular Meeting on May 14, 2012. Seconded. CARRIED on voice vote.

O-2-12 Lease of City Dock Space to Chesapeake Marine Tours – For the purpose of authorizing for fiscal year 2018 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.

- Alderman Silverman moved to adopt O-2-12 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported

favorably on O-2-12.

- Alderman Israel moved to amend O-2-12 as follows:

Amendment #1

Page 4, Section 3a

“If the Lessor fails to pay rent by July 5, 2017, the Lessee shall incur a late payment of 1% of the base rent, and an additional 1% of the base rent if unpaid by the fifth day of any subsequent month.”

Strike original use of “Lessor” and insert “Lessee”

Strike original use of “Lessee” and insert “Lessor”

Amendment #2

Page 7, Section 10a

Strike “City Council” and insert “Aldermen and Alderwomen”

Amendment #3

Page 7, Section 10b

Strike both uses of “Lessor” and insert “Lessee” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-2-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-3-12 Lease of City Property: Boat Shows in 2017 – For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2017, to conduct boat shows. Add Alderwoman Finlayson on 2nd Reader.

- Alderman Arnett moved to adopt O-3-12 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorably on O-3-12.

- Alderman Israel moved to amend O-3-12 as follows:

On page 9, after Joshua J. Cohen, Mayor strike “United States Sailboat Shows, Inc” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-3-12 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-12-12 Lease of City Property: Spring 2012 Boat Show – For the purpose of authorizing a lease from April 25-30, 2012 for the area of Susan B. Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease.

Harbormaster Walters was present and answered questions from Council.

- Alderman Arnett moved to adopt O-12-12 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorable on O-12-12.

- Alderman Arnett moved to amend O-12-12 as follows:

Amendment # 1

Change the name of the lessee from United States Yacht Shows, Inc to “Cruiser University, Inc., trading as Annapolis Spring Sailboat Show” Seconded. CARRIED on voice vote.

Amendment # 2

In the Lease: Section 1.2 Use of Premises: Fifth paragraph of the section. Please remove the words “dry goods” Seconded. CARRIED on voice vote.

Amendment # 4

To delete “XIX. Section 19.1. Other Leases: Please remove this article entirely. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-12-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-53-11 Amended 1/9/12

Keeping or Maintaining Chickens Within the City of Annapolis – For the purpose of allowing chickens, but not roosters, to be kept or maintained within the City of Annapolis.

- Alderman Paone moved to amend O-12-12 as follows:

A minimum lot size of 30 thousand square feet. Seconded. CARRIED on voice vote. Seconded. DEFEATED on voice vote.

- Alderman Israel move to call the question to end the debate. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Kirby, Pfeiffer, Israel, Paone
NAYS: Alderwomen Hoyle, Finlayson, Aldermen Silverman, Arnett
CARRIED: 5/4

The main motion as amended CARRIED on voice vote. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwoman Hoyle, Aldermen Silverman, Kirby, Pfeiffer, Israel, Paone
NAYS: Alderwoman Finlayson, Alderman Arnett
CARRIED: 7/2

- Alderman Kirby moved to adopt O-12-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwoman Hoyle, Aldermen Silverman, Kirby, Pfeiffer, Israel
NAYS: Alderwoman Finlayson, Aldermen Arnett, Paone
CARRIED: 6/3

R-3-12 First Sundays Festival 2012 – For the purpose of designating dates for the sale of arts-related merchandise in the Historic District at the First Sunday events and the reimbursement of full fees to the City for the cost associated with the events.

- Alderman Paone moved to postpone R-3-12 on second reading until the Special Meeting on April 23, 2012. Seconded. CARRIED on voice vote.

R-4-12 Four Rivers Garden Club Flower Mart – For the purpose of designating dates for the sale of floral merchandise in the Historic District at the Four Rivers Garden Club Flower Mart on April 30 and the reimbursement of full fees to the City for the cost associated with the events.

- Alderman Paone moved to postponed R-4-12 on second reading until the Special Meeting on April 23, 2012. Seconded. CARRIED on voice vote.

R-5-12 Race Across America 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the Race Across America event from June 21-25, 2012 and the reimbursement of full fees to the City for the cost associated with the event.

- Alderman Paone moved to postponed R-5-12 on second reading until the Special Meeting on April 23, 2012. Seconded. CARRIED on voice vote.

R-6-12 TriRock Annapolis 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the TriRock Annapolis 2012 event and the reimbursement of full fees to the City for the cost associated with the events.

- Alderman Paone moved to postponed R-6-12 on second reading until the Special Meeting on April 23, 2012. Seconded. CARRIED on voice vote.

ORDINANCE and RESOLUTIONS – 1st READER

O-13-12 Lease of Public Parking Lots to FRESHFARM Markets, Inc. – For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

Referred to the Rules and City Government and the Economic Matters Committees

- Mayor Cohen scheduled O-13-12 for a public hearing on second reading for the Special Meeting on April 23, 2012

R-12-12 Maryland Avenue Festivals 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the Maryland Avenue Festivals and the reimbursement of full fees to the City for the cost associated with the events on April 22, 2012; June 17, 2012; and September 23, 2012.

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-12-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-14-12 A Moratorium on Administrative Approvals for Special Events at City Dock – For the purpose of declaring a moratorium on administrative approvals for special events at City Dock.

Referred to the Rules and City Government and the Economic Matters Committees

- Mayor Cohen scheduled R-14-12 on second reading for the Special Meeting on April 23, 2012

R-15-12 A Public Parking Garage and Retail Storefronts on Compromise Street - FOR the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

Referred to the Finance and Economic Matters Committees

BUSINESS and MISCELLANEOUS

1. Community Development Block Grant Allocations

- Alderwoman Finlayson moved to postpone action on the Community Development Block Grant Allocations until the Special Meeting on April 23, 2012. Seconded. CARRIED on voice vote.

2. Withdraw of R-33-11

- Without objection Alderman Israel withdraw R-33-11.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 1:06 a.m.

Regina C. Watkins-Eldridge, MMC
City Clerk