

REGULAR MEETING

April 11, 2005

The Regular Meeting of the Annapolis City Council was held on April 11, 2005 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

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

Staff Present: City Attorney Spencer

- Alderman Hammond moved to approve the Journal of Proceedings for March 14, 2005 Regular, March 14, 2005 Special and March 23, 2005. Seconded. CARRIED on voice vote.
- Mayor Moyer gave the State of the City address and presented the FY 2006 Budget.

PETITIONS, REPORTS AND COMMUNICATIONS

Spoke regarding Indoor Track for the Roger "Pip" Moyer Recreation Center

- Frank Holston, Recreation Advisory Board, 281 Spa Creek Landing, Annapolis, Maryland, 21403
- Dan Masterson, 11 King Court, Annapolis, Maryland 21401
- Dan Symancyk, 234 Mil Church Road, Arnold, Maryland 21012

Spoke in favor of R-16-05

- A. Scott Mobley, representing Annapolis Neck Peninsula Federation, 87 Tarragon Lane, Edgewater, Maryland 21037
- Earl Bradley, Sierra Club, 15 Brewer Ave, Apt. #B32, Annapolis, Maryland 21403
- Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403
- Ray Sullivan, Hillsmere Shores, 119 Meade Dr., Annapolis, Maryland 21403
- Drew Koslow, 3154 Arundel on the Bay Road, Annapolis, Maryland 21403
- Bill Davidson, Bay Ridge Trust, 14 Bancroft Avenue, Annapolis, Maryland 21403
- Julie Stankivic, 906 Primrose Road, #204, Annapolis, Maryland 21403
- James G. Gibb, 2554 Carrollton Road, Annapolis, Maryland 21403
- Barbara D. Samorajczyk, 2525 Carrollton Road, Annapolis, Maryland 21403
- Anastasia Hopkinson, Annapolis Roads Property Owners Association, 1036 Harbor Drive, Annapolis, Maryland 21403

Spoke in opposition to R-16-05

- Rev. Johnny Calhoun, 410 Fox Hollow Lane, Annapolis, Maryland 21403
- Jerome Feldman, Esq., representing property owners of Annapolis Neck Road, 12 Taney Avenue. Annapolis, Maryland 21401
- Charles Powell, 1214 Barbud Lane, Annapolis, Maryland 21403
- Cassandra Joyce, no address given

- Clarence Johnson
Black Firefighters Association
300 Chelsea Avenue
Annapolis, Maryland 21403

Spoke in favor of O-6-05

- Tony Evans
3 Constitution Square
Annapolis, Maryland 21401

Spoke regarding R-12-05

- Martha Avila
Fiesta Latina
no address given

Spoke in favor of R-14-05
- Jim Martin
79 West Street
Annapolis, Maryland 21401

Spoke in favor of R-14-05
- Alderwoman Hoyle moved to add R-23-04 Revised and O-34-04 Revised to the agenda. Seconded. CARRIED on voice vote.
- Alderman Cordle moved to add O-6-05 to the agenda. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

ORDINANCES

- O-1-05** For the purpose of updating various sections of the City Code administered by the Department of Neighborhood and Environmental Programs to correct grammar and capitalization; to clarify that a use and occupancy permit is required for change of ownership when alterations and construction is undertaken; to require a fee for the review of new as well as revised construction drawings is required; to clarify that the “current” building code applies to all buildings devoted to a new use; to clarify the display of addresses, to specify that building valuation is based on “current market value” in determining building permit fees; to reduce the time between when a building permit is issued and work must commence; to reduce the time between when authorized work is suspended or abandoned and when work must again commence; to clarify when a person has made a municipal infraction as related to construction safety and irregularities; to delete a superfluous reference to jail term that is included in the Fines Resolution; to reference the Director for approving occupancy or use permits rather than the City Clerk; to permit the issuance of two year rental licenses under certain circumstances; and matters generally relating to said Department of Neighborhood and Environmental Programs.

Alderman Hammond moved to adopt O-1-05 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-1-05

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-1-05 on third reading. Seconded. CARRIED on voice vote.

- O-2-05** For the purpose of bringing into compliance with the State of Maryland Critical Area Commission recommendations those portions of the Annapolis City Code that affect the valuing and replacing of trees in development areas; and matters generally relating to said valuing and replacing trees.

Alderman Hammond moved to adopt O-2-05 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorably on O-2-05.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-2-05 on third reading. Seconded. CARRIED on voice vote.

O-3-05 For the purpose of authorizing for fiscal year 2011 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats at the City Dock; and all matters relating to said lease.

Alderman Hammond moved to adopt O-3-05 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-3-05.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-3-05 on third reading. Seconded. CARRIED on voice vote.

O-8-05 For the purpose of specifying compensation and allowances to be paid to the Mayor and Aldermen for the terms of office commencing on the first Monday in December, 2005; and matters generally relating to said compensation.

Alderman Hammond moved to adopt O-8-05 on second reading. Seconded.

The Finance Committee reported favorably on O-8-05.

The main motion CARRIED on voice vote.

Alderman Hammond moved to adopt O-8-05 on third reading. Seconded. CARRIED on voice vote.

O-15-05 For the purpose of requiring for reconstruction and new construction that any exterior facade shall be reviewed, signs shall be posted for at least 15 days announcing exterior changes, single-family residences in excess of 3,250 square feet are subject to standard use, side yard setbacks on lots of 50 feet and wider are increased from 20 to 25 percent of the lot width; building height is limited to maximum of 26 feet or the average height of all structures on the block, three additional standards for height by which to judge the design of a structure built to the allowable height behind the ridgeline must be met, additional findings are required by the Department of Planning and Zoning; and that with respect to demolitions, the Director of Planning and Zoning may have conducted a structural analysis, a definition of demolition is established, adjacent property owner notification distance is increased from 200 to 300 feet, the posting period is increased from 10 to 30 days; and matters generally relating to the requirements of the Residential Conservation Overlay.

Alderman Cohen moved to adopt O-15-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

RESOLUTIONS

R-6-05 For the purpose of authorizing the Mayor to execute an agreement with Comcast of Maryland, Inc. for the granting and renewal of non-exclusive, revocable franchises for cable services in the City of Annapolis; and matters generally relating to said agreement.

Alderman Fox moved to adopt R-6-05 on second reading. Seconded. CARRIED on voice vote.

R-14-05 For the purpose of providing an exemption allowing the sale of food, beverages, and merchandise in the Historic District at the Fiesta Latina to be held September, 18, 2005, on West Street; and all matters relating to said festival.

Alderman Hammond moved to adopt R-14-05 on first reading. Seconded. CARRIED on voice vote.

R-15-05 For the purpose of providing an exemption allowing the sale of arts related merchandise in the Historic District at the First Sunday events to be held the first Sunday of each month from May through October, 2005, on West Street; waiving certain fees associated with City services in conjunction with these events; and all matters relating to said First Sunday events.

Alderman Hammond moved to adopt R-15-05 on first reading. Seconded. CARRIED on voice vote.

R-16-05 For the purpose of establishing a moratorium on the City's annexation of land, pending the adoption by the Annapolis City Council of policies to guide annexation decisions.

Alderman Tolliver moved to adopt R-16-05 on first reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to have a public hearing April 25, 2005 on R-16-05. Seconded. DEFEATED on voice vote.

Referred to the Planning Commission

R-17-05 For the purpose of naming the Historical Classroom at the Stanton Center the Bertina Nick Historical Classroom; and all matters relating to said naming.

Alderman Hammond moved to adopt R-17-05 on first reading. Seconded. CARRIED on voice vote.

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

Alderman Tolliver moved to adopt R-17-05 on second reading. Seconded. CARRIED on voice vote.

FY 2006 BUDGET

O-17-05 For the purpose of adopting an operating budget for the City of

Annapolis for the fiscal year 2005-2006, beginning July 1, 2005 and ending June 30, 2006; to appropriate funds for expenditures for the fiscal year beginning July 1, 2005 and ending June 30, 2006; for the purpose of 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, specifying a rate of interest to be charged upon overdue property taxes; and all matters generally relating to said budget and property tax rate.

Alderman Cohen moved to adopt O-17-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

R-13-05 For the purpose of adopting a capital improvement budget for the Fiscal Year 2006, and a capital improvement program for the six year period from July 1, 2005 to June 30, 2011; and all matters relating to said budget and program.

Alderwoman Carter moved to adopt R-13-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Planning Commission

KATHERINE PROPERTIES ANNEXATION

Preliminary Review of Katherine Properties Annexation

Alderman Fox moved that the applicants work with the Finance, Public Works, and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

R-12-05 For the purpose of annexing into the boundaries of the City of Annapolis 179.6581± acres of property commonly referred to as the Katherine Properties which is contiguous to the existing boundary of the City and is generally located southwest of the intersection of Forest Drive and Spa Road; and matters generally related to said annexation.

Alderwoman Hoyle moved to adopt R-12-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

O-16-05 For the purpose of establishing zoning classifications of R1-A, Single Family Residence, and R-3, General Residence District, for 179.6581± acres of property, referred to as Katherine Properties, which is contiguous to the existing boundary of the City and is generally located southwest of the intersection of Forest Drive and Spa Road; and all matters relating to said zoning map amendment.

Alderwoman Carter moved to adopt O-16-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

R-23-04 For the purpose of annexing into the boundaries of the City of Annapolis certain property which is contiguous to the existing

boundary of the City and is located to the south of Aris T. Allen Boulevard, and matters generally related to said annexation.

Alderwoman Hoyle moved to adopt R-23-04 on second reading. Seconded.

Alderman Tolliver moved to substitute R-23-04 Revised. Seconded CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen Tolliver, Kelley, Cordle, Alderwomen Hoyle, Carter

NAYS: Alderman Cohen

ABSTAIN: Aldermen Hammond, Fox

CARRIED: 6-1-2

O-34-04 For the purpose of establishing a zoning classification of ~~R1-B~~R1-A, Single-Family Residence District and a Critical Area Zoning classification of Resource Conservation Area (RCA) for certain property which is owned by Orville L. Bowen and Dorothy K. Bowen, and which is located to the south of Aris T. Allen Boulevard; and all matters relating to said zoning map amendment.

Alderwoman Hoyle moved to adopt O-34-04 on second reading. Seconded.

Alderman Tolliver moved to substitute O-34-04 Revised. Seconded CARRIED on voice vote.

Alderman Hammond requested the record reflect her abstention on O-34-04.

The main motion as Revised CARRIED on voice vote.

Alderman Hoyle moved to adopt O-34-04 Revised on third reading. Seconded. CARRIED on voice vote.

Alderman Hammond requested the record reflect her abstention on O-34-04 Revised.

O-6-05 For the purpose of designating Deputy Fire Chiefs as exempt service; allowing for the hiring of up to two Deputy Fire Chiefs; correcting pay scale for Fire and Police Chiefs; and matters generally relating to said Exempt Service.

Alderman Carter moved to adopt O-6-05 on second reading. Seconded.

The main motion CARRIED on voice vote.

Alderman Cohen moved to adopt O-6-05 on third reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Payment of Monthly Bills

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

2. Appointments

Alderman Hammond moved to approve the Mayor's appointment of the following individuals:

4/12/05 Board of Supervisors of Elections Alan Furth
4/12/05 Transportation Advisory Board Charles W. Weikel

Seconded. CARRIED on voice vote.

3. Finance Committee minutes of March 17, 2005 meeting

Alderman Fox moved to adopt the Finance Committee minutes of March 17, 2005.
Seconded. CARRIED on voice vote.

4. Approval of Community Development Block Grant proposal

Alderman Hoyle moved to approve the FY2006 Community Development Block Grant (CDBG) Capital and Service Project recommendations for the FY2006 Action Plan. Seconded. CARRIED on voice vote.

Without objection, Council moved into closed session at 10:35 p.m.

Deborah Heinbuch, MMC
City Clerk