

REGULAR MEETING

April 14, 2008

The Regular Meeting of the Annapolis City Council was held on April 14, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer

- Alderman Stankivic moved to approve the Journal of Proceedings for March 10, 2008 Regular Meeting, March 24, 2008 Special Session, March 24, 2008 Closed Session, March 24, 2008 Special Meeting and March 31, 2008 Special Meeting. Seconded. CARRIED on voice vote.

*Closed
Session*

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a)(8) this statement is included in these minutes:

A closed session of the City Council was held at 6:09 p.m., Monday, March 24, 2008 in the City Council Chamber.

Present: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer, City Clerk Watkins-Eldridge, Central Services Director Schuetz, City Administrator Agee, Jonathan P. Kagan, Esq., Rignal W. Baldwin, Jr., Esq

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)(8). The purpose of the meeting was to consult with staff, consultants, or other individuals about pending or potential litigation on the Market house. Action taken: Following discussion, no action was taken.

PETITIONS, REPORTS AND COMMUNICATIONS

Arthur Kungle, P. O. Box 365, Annapolis, Maryland 21404 spoke on Assembly Rooms & the City's Historical Signs

Jennifer Orrigo, 18 Pinkney Street, Annapolis, Maryland 21401 representing Historic Annapolis Foundation spoke on 0-52-07

Ted Weber, 16 Brewer Avenue, Annapolis, Maryland 21401 spoke on 0-33-07

Karen Jennings, 16 Brewer Avenue, Annapolis, Maryland 21401 spoke on 0-33-07

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21403 spoke on 0-50-07 and 0-33-07

CHARTER AMENDMENT

CA-02-07 For the purpose of amending the Charter of the City of Annapolis to specify that all members of the Board of Supervisors of Elections shall be appointed or reappointed for four year terms or remainders of four year terms that begin in March following each General City Election; to show the correct reference for the qualifications of candidates for elected office; and all matters generally related to the election section of the City Charter.

- Alderman Arnett moved to postpone CA-02-07 on second reading. Seconded. CARRIED on voice vote.

- O-33-07** For the purpose of providing for provisional ballots; defining challengers and watchers; redefining principal party based on mayor rather than governor; clarifying who serves as Election Administrator; permitting County election judges to serve at City elections; having the Election Board rather than judges remove judges; making the Central Committees responsible for advising the City Clerk when changes are made to the membership; allowing election judges to work either partial or full days; deleting any responsibilities the City Clerk may have in maintaining and disseminating voter registration lists and vote registration cards; requiring that names of votes must be heard by challengers prior to voting; specifying that Election Board must adopt the same voting technology adopted by the State and County; making it mandatory to post election results at each precinct; eliminating specific procedures and other references based on technology and only addressing concepts in carrying out an election; allowing any voter to vote using an absentee ballot; specifically stating that the Board of Elections becomes the Board of Canvassers; deleting the prohibition of walk-around services; deleting the campaign finance requirement of a report seven weeks prior to the primary and substituting the requirement for a report on December 1st following the general election; clarifying that campaign contribution limitations are based on a four year election cycle; making a number of technical changes relating to definitions and code references; and matters generally relating to revisions to the Election Code.
- Alderman Arnett moved to postponed O-33-07 Revised on second reading. Seconded. CARRIED on voice vote.

- O-50-07** For the purpose of specifying that the Election Board must adopt the same voting technology adopted by the State and County or may authorize the use of paper ballots for certain special elections; and matters generally relating to revisions to the Election Code.
- Alderman Arnett moved to postponed O-50-07 on second reading. Seconded. CARRIED on voice vote.
 - Alderman Israel moved to add CA-02-07, O-33-07 and O-50-07 to the agenda for the May 12, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

ORDINANCES

- O-27-05** For the purpose of including Federal property within the boundaries of the City; and matters generally relating to said City boundary.
- Mayor Moyer moved to withdraw 0-27-05 on second reading. Seconded. CARRIED on voice vote.
- O-51-07** For the purpose of requiring a building permit for construction projects that are non-structural like-kind replacement and/or repair of windows, doors and siding; and matters generally relating to said building permits.
- Alderman Arnett moved to postpone 0-51-07 on second reading until May 12, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

- R-60-07** For the purpose of establishing the amount of a fee to be charged for quick building permits to be issued for construction projects that are non structural like-kind replacement and/or repair of windows, doors and siding; and all

matters relating to said fee.

- Alderman Arnett moved to postpone R-60-07 on second reading until May 12, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

O-52-07 For the purpose of establishing an Historical Markers Commission to identify buildings and sites within the boundaries of the city which have architectural or historical significance, to approve designs for historical markers, to approve the accuracy of the description on the marker, to consider the feasibility of adding an audio component to an approved historical marker, and to submit an annual report to the City Council; and matters generally relating to said Historical Marker Commission.

- Alderman Israel moved to postpone O-52-07 on second reading until April 28, 2008 Special Meeting for legislative action. Seconded. CARRIED on voice vote.

O-53-07 For the purpose of establishing policies for when the City may close public sidewalks and streets; and all matters relating to the closing of streets and sidewalks.

- Alderman Israel moved to withdraw 0-53-07 on second reading. Seconded. CARRIED on voice vote.

O-58-07 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 Show, Inc. and United States Powerboat Boat Show, Inc., bodies corporate, for a certain period of time in October of each of the calendar years of 2008 through 2012 subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

- Alderman Shropshire moved to adopt O-58-07 on second reading. Seconded.

The Economic Matters Committee reported favorable with amendments on O-58-07 .

- Alderman Arnett moved to amend O-58-07 as follows:

Amendment #1

On page 3, in line 14, following "Exhibit A" insert "(the sidewalk on Dock Street between Craig Street and the bulkhead at the Department of Natural Resources is not within the "premises" and is to be left open for public access)"
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-58-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire, Arnett

NAYS: Aldermen, Stankivic

CARRIED: 8/1

O-01-08 For the purpose of expanding from three overlay zoning districts to all zoning districts the requirement that signs must be posted notifying the public that a sign application has been submitted for the posting of a sign; and all matters related to public notification on sign applications.

- Alderman Stankivic moved to withdraw 0-01-08 on second reading. Seconded. CARRIED on voice vote.

O-07-08 For the purpose of broadening the experience that the banking industry member of the Retirement Plan Commission may have and from which the City may seek investment advice; and all other matters concerning the Retirement Plan Commission.

- Alderman Arnett moved to adopt O-07-08 on second reading. Seconded.

The Rules and City Government Committee reported favorable with amendments on O-07-08.

- Alderman Israel moved to amend O-07-08 as follows:

Amendment #1

On page 1, in line 35, strike the sentence beginning with “The representatives...” and all that follows through line 37 and substitute the following:

“The representatives of the bargaining units and the ~~banking~~ **financial** institution shall be appointed by the Mayor and confirmed by the City Council and shall serve for terms of three years, or until a successor is appointed and duly qualified, commencing on November 1st.”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-07-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-59-07 For the purpose of amending the configuration of the Annapolis harbor line outboard of Port Annapolis Marina, 7074 Bembe Beach Road on Back Creek; and all matters relating to said harbor line.

- Alderman Shropshire moved to adopt O-59-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee, Board of Port Wardens, and Maritime Advisory Board

O-10-08 **For the purpose of prohibiting the application and sale of lawn fertilizer containing phosphorous except in certain instances; adopting appropriate definitions; specifying that the violation of these provisions is subject to fines established by the City Council; and all matters related to the sale and application of lawn fertilizer.**

- Alderman Arnett moved to adopt O-10-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Housing and Human Welfare Committee and Environmental Matters

R-20-08 **For the purpose of establishing fines for the improper application of or display for sale of lawn fertilizer.**

- Alderman Arnett moved to adopt R-20-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee, Environmental Matters Committee and Housing and Human Welfare Committee

O-11-08 **For the purpose of prohibiting parking on unpaved surfaces in residential zoning districts; and all other matters concerning parking on unpaved surfaces.**

- Alderman Stankivic moved to adopt O-11-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

R-21-08 **For the purpose of establishing a fine for parking on unpaved surfaces on residential lots.**

- Alderman Stankivic moved to adopt R-21-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Finance Committee

O-12-08 **For the purpose of requiring that no charter amendment, ordinance, or resolution may be introduced on first reader unless accompanied by a fiscal impact note prepared by the Finance Director; and all other matters concerning fiscal impact notes.**

- Alderman Stankivic moved to adopt O-12-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules & City Government Committee

RESOLUTIONS

R-11-08 **For the purpose of affirming the City Council's support for locating the National Sailing Hall of Fame at a site within or near the City of Annapolis; strongly advocating that the National Sailing Hall of Fame not be located on land which adjoins City Dock and which is leased from the State of Maryland; and requesting that if there is such a lease that the lease require the National Sailing Hall of Fame to comply with all of the laws of Annapolis.**

- Alderman Stankivic moved to adopt R-11-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Paone, Cordle, Stankivic
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Shropshire, Arnett
DEFEATED: 4/5

R-17-08 For the purpose of the City Council affirming its support for locating the National Sailing Hall of Fame on City Dock in the City of Annapolis.

- Alderman Arnett moved to adopt R-17-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Cordle, Shropshire, Arnett
NAYS: Aldermen Israel, Paone, Stankivict
CARRIED: 6/3

R-12-08 For the purpose of approving the reclassification of the Economic Development Director (Pay Grade 17) to Economic Affairs Director (Pay Grade 20) per O-11-07 Revised C.

- Alderman Arnett moved to postpone R-12-08 on second reading until May 12, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

R-22-08 For the purpose of the City of Annapolis approving the development of housing in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").

- Alderman Arnett moved to adopt R-22-08 on first reading. Seconded. CARRIED on voice vote.

R-23-08 For the purpose of the City Council expressing its appreciation to Chief Joseph Johnson for his exemplary service as Chief of Police and for wishing him and his family a long, healthy and well earned retirement.

- Alderman Shropshire moved to adopt R-23-08 on first reading. 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.

- Alderwoman Hoyle moved to adopt R-23-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett
NAYS:
CARRIED: 9/0

R-24-08 For the purpose of approving the new job description for Instrument Technician in the Water Treatment and Utilities.

- Alderman Arnett moved to adopt R-24-08 on first reading. 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 Stankivic moved to adopt R-24-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

BUSINESS AND MISCELLANEOUS

1. Appointments

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

4/14/08 Board of Supervisors of Election Peter M. Wirig

4/14/08 Annapolis Conservancy Board Jonathan W. Chapman

Seconded. CARRIED on voice vote.

- Alderman Paone moved postpone the Mayor's appointment of Anthony I. Evans to the Ethics Commission. Seconded. CARRIED on voice vote.

2. Budget Revision: GT-15-08

- Alderman Arnett moved to approve budget amendments GT-15-08. Seconded. CARRIED on voice vote.

3. Approval of Housing and Community Development's Allocation of FY 2009 Community Development Block Grant funding for Capital and Public Service Projects.

- Alderwoman Hoyle moved the approval of Housing and Community Development's Allocation of FY 2009 Community Development Block Grant funding for Capital and Public Service Projects. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:43 p.m.

Regina C. Watkins-Eldridge, CMC

City Clerk