

SPECIAL MEETING
April 26, 2010

The Special Meeting of the Annapolis City Council was held on April 26, 2010 in the Council Chamber. Mayor Cohen called the meeting to order at 7:06 p.m.

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

Absent on Roll Call: Alderman Kirby arrived at 7:08 p.m. and Alderman Silverman arrived at 7:11 p.m.

Staff Present: City Attorney Hardwick, Finance Director Elliott, Human Resourced Director Milburn, Planning and Zoning Director Arason, Environmental Coordinator Broadbent

Invocation: Alderman Israel requested a moment of silence to honor the memory of John Prehn former City Administrator from January 1, 1996 - January 9, 1998.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Julie Stankivic, 906 Primrose Road, Apt # 204, Annapolis, Maryland 21403 spoke on the Weikel post card, election laws, and in favor of the Mayors actions regarding the Weikel post card.

Tony Evans, 3 Constitution Square, Annapolis, Maryland 201401 spoke in opposition to Alderman Paone's inclusion of democrats in a formal blessing during the City Council Meeting and spoke on the attack on Chief Administrator Doug Smith, and the buyout of future city manager.

Ed Hartman, 980 Awald Road, Annapolis, Maryland 21403 spoke in favor of CA-04-10

Katherine Burke, 102 Lafayette Avenue, Annapolis, Maryland 21401 spoke in favor of keeping Doug Smith as Chief Administrative Officer.

Appointment of Fire Chief

- Alderman Paone moved to approve the Mayor's appointment of David L. Stokes as Fire Chief. Seconded. CARRIED on voice vote.

PUBLIC HEARINGS

Without objection the public hearing on O-9-10, R-05-10 and R-06-10 were held jointly.

O-09-10 **For the purposes of adopting an operating budget for the City of Annapolis for the Fiscal Year 2011; appropriating funds for expenditures for the Fiscal Year 2011; 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.**

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R-05-10 **For the purposes of adopting a capital improvement budget for the Fiscal Year 2011, and a capital improvement program for the six-year period from July 1, 2010, to June 30, 2016.**

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R-06-10 For the purpose of specifying fees that will be charged for the use of City services for FY 2011.

Julie Mussog, 1105 Miami Avenue, Annapolis, Maryland 21403 representing Alderman Arnett's Budget Review Group gave a power point presentation on the FY2011 Budget.

Spoke on the budget:

Jean McCoy, 521 6th Street, Annapolis, Maryland 21403 representing Alderman Arnett's Budget Review Group
Lee Finney, 717 Warren Drive, Annapolis, Maryland 21403 representing Alderman Arnett's Budget Review Group
Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401 representing Annapolitians for Better Community
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Jay Tucker, 932 Spa Road, Annapolis, Maryland 21401
Sam Brice, 1811 Old Annapolis Blvd, Annapolis, Maryland 21409
Carol Warzinski, 199 Taylor Avenue, Annapolis, Maryland 21401

Spoke in favor of:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in favor of Refuse Collectors

Spoke in opposition to the budget:

Harvey Singer, 1008 Boucher Avenue, Annapolis, Maryland 21403 representing Alderman Arnett's Budget Review Group

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

- Mayor Cohen declared the public hearings on O-09-10 and R-06-10 closed. For the purpose of receiving the finding from the Planning Commission on R-05-10 the public hearing will remain open until Regular Meeting May 10, 2009.

CA-06-10 For the purpose of increasing the permissible aggregate principal amount of sums the City of Annapolis may borrow at any one time.

Spoke in opposition to the charter amendment:

Herb McMillan, 417 Fox Hollow Lane, Annapolis, Maryland 21403 representing Maryland Tax Payers Association
Sharon Durland, 525 Fifth Street, Annapolis, Maryland 21403
Randy Landis, 141 Dewey Drive, Annapolis, Maryland 21401
Cindy C. Semans, 514 Chesapeake Avenue, Annapolis, Maryland 21403
Marge Cole, 1214 Brashears Street, Annapolis, Maryland 21403
Paul Foer, 417 Fox Hollow Lane, Annapolis, Maryland 21403

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

- Mayor Cohen declared the public hearing closed.

O-06-10 For the purposes of specifying how a position of contractual employment with the City of Annapolis shall be created and filled; and, revising the definition of "excluded service" and the scope of the civil service system.

- Alderman Israel gave a brief presentation on the ordinance.

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

- Mayor Cohen declared the public hearing closed.

O-13-10 For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 2, 2010, through November 21, 2010, to FRESHFARM Markets, Inc.

Spoke in favor of the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Bernadine Prince, 1319 20th Street, NW, Washington, DC 20036 representing
Fresh Farms Markets

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

- Mayor Cohen declared the public hearing closed.

CHARTER AMENDMENTS, ORDINANCES & RESOLUTIONS – 2ND READING

CA-09-09 For the purpose of establishing a city manager form of government by defining the appointment, powers and responsibilities of the city manager as chief executive of the City; reforming the office and duties of the Mayor; reforming the appointment and duties of the city attorney; and, clarifying the role of the City Council.

- Alderman Arnett moved to adopt CA-09-09 on second reading. Seconded.

A ROLL CALL vote was taken:

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

CA-03-10 For the purposes of clarifying the role of the city manager as chief administrative officer; enhancing the supervisory powers of city manager with respect to departmental directors; and, providing that the mayor may remove the city manager from office with council approval.

- Alderwoman Hoyle moved to substitute CA-03-10 Revised. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Israel, Paone,
Alderwomen Hoyle, Finlayson
NAYS: Alderman Arnett
CARRIED: 8/1

- Alderwoman Finlayson moved to adopt CA-03-10 Revised on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel,
Paone, Alderwomen Hoyle, Finlayson
NAYS:
CARRIED: 9/0

The Rules and City Government Committee reported no recommendation on CA-03-10.

- Alderwoman Finlayson moved to amend CA-03-10 Revised as follows:

On page 3, in line 14, delete “shall meet and confer with the city manager”
Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Mayor Cohen moved to amend CA-03-10 Revised as follows:

On page 3, in line 23, delete “and the council” Seconded. A ROLL CALL vote was taken:

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

NAYS: Alderman Arnett, Paone

CARRIED: 7/2

- Alderman Pfeiffer moved to amend CA-03-10 Revised as follows:

Amendment #1

On page 4, in line 9, delete “five” and insert “eight”

Amendment #2

On page 4, in line 9, delete “public administration” and insert “local government management”
Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Alderman Arnett moved to amend CA-03-10 Revised as follows:

On page 4, in line 30, delete “participate in” and un strike “supervise”
Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Pfeiffer, Arnett, Israel, Paone, Alderwoman Hoyle,

NAYS: Mayor Cohen, Aldermen Silverman, Kirby, Alderwoman
Finlayson

CARRIED: 5/4

The main motion A ROLL CALL vote was taken:

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

NAYS: Aldermen Arnett, Israel, Paone

CARRIED: 6/3

- Alderman Finlayson moved to adopt CA-03-10 Revised as Amended on
third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Paone,

Alderwomen Hoyle, Finlayson
NAYS: Aldermen Arnett, Israel
CARRIED: 7/2

CA-04-10 For the purposes of clarifying the role of the chief administrative officer; enhancing the supervisory powers of chief administrative officer with respect to departmental directors; and, providing that the chief administrative officer shall be appointed by the mayor and confirmed by the City Council.

- Mayor Cohen withdrew CA-04-10.

O-35-09 For the purpose of establishing a stadium as an additional conforming use within the R2 Single-Family Residence Zoning District.

Planning and Zoning Director Arason was present and answered questions from Council.

- Alderman Paone moved to postpone O-35-09 on second reading until May 10, 2010. Seconded. CARRIED on voice vote.

O-66-09 For the purpose of clarifying the licensure restriction on a mobile food service facility that prepares and sells food in a vehicle operated in a residential area.

- Alderwoman Hoyle moved to adopt O-66-10 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-66-10.

- Alderwoman Hoyle moved to amend O-66-10 as follows:

On first unnumbered page, beginning in line 29, strike text through line 38 and substitute:

A. A license shall not be issued under this chapter for any location or area within the historic district or a nonresidential area, except that a license may be issued to allow food carts in an industrial zone.

1. The restrictions imposed by subsection A of this section shall not limit the issuance of licenses for the business of a hawker, peddler or itinerant merchant or vendor to be undertaken on those days of the year to be designated from time to time by rule of general application adopted by the City Council.

B. A license shall not be issued under this chapter to any mobile food service facility that remains idle for more than 30 minutes in a residential area.

1. The restriction imposed by subsection B of this section shall not apply to those licensees who operate in conjunction with an approved City Special Events Application. Seconded. CARRIED on voice vote.

- Alderman Arnett moved to exempt Ward 8 from the restrictions of O-66-10. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Hoyle moved to adopt O-66-10 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:
CARRIED: 9/0

At 9:03 p.m., Mayor Cohen requested Alderwoman Hoyle to preside over the meeting during his absence.

O-68-09 For the purposes of requiring that all laws be enacted by ordinance; removing the requirement of a vote on first reading; requiring all readings of legislation occur during the same term; and, excepting emergency legislation, prohibiting the passage of legislation following a general election until the commencement of a new term.

- Alderman Arnett moved to adopt O-68-10 on second reading. Seconded.

The Rules and City Government Committee reported favorable with amendments on O-68-10.

At 9:11 p.m., Mayor Cohen resumed the duties of the Chair.

- Alderman Arnett moved to amend O-68-10 as follows:

Amendment #1

On page 2, strike lines “5 through 7”

Amendment #2

On page 2, strike “with the” in line 32 and strike lines “33 and 34”

Amendment #3

On page 3, in line 14, strike “postponed by the previous council” and substitute the words “that have as of the date of enactment of this ordinance been the subject of a public hearing” Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-68-10 as follows:

Amendment # 1

On page 2, in lines 1, 30 un strike “A vote shall be taken on first reading”

Amendment # 2

On page 2, in line 18, un strike “vote taken” and un strike “on first reading”
Seconded. DEFEATED on voice vote.

- Alderman Israel moved to amend O-68-10 as follows:

On page 3 in line 14, strike after the word measures “postponed by the previous Council.” and insert “that have, as of the date of enactment of this ordinance, been the subject of a public hearing, or any measure that has been referred to the Planning Commission.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-68-10 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel,

Paone, Alderwomen Hoyle, Finlayson

NAYS:

CARRIED: 9/0

The order of the agenda was amended to allow for O-04-10.

ORDINANCES – 1ST READING

O-04-10 For the purpose of authorizing for fiscal year 2016 the lease of municipal property located at the City Dock to Chesapeake Marine Tours, Inc., for the docking and mooring of boats.

- Alderman Arnett moved to adopt O-04-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Finance Committees.

The order of the agenda was resumed.

CHARTER AMENDMENTS, ORDINANCES & RESOLUTIONS – 2ND READING

- Alderwoman Hoyle moved to continue with legislative action beyond 11:00 p.m. Seconded. CARRIED on voice vote.

CA-06-10 For the purpose of increasing the permissible aggregate principal amount of sums the City of Annapolis may borrow at any one time.

- Alderman Paone moved to postpone CA-06-10 on second reading until May 3, 2010 @ 6:30 p.m. Seconded. CARRIED on voice vote.

O-08-10 For the purpose of establishing the Transportation Committee, a standing committee responsible for reviewing all proposed amendments to Titles 12, 14, and 22 of the Annapolis City Code.

- Alderman Arnett moved to adopt O-08-10 on second reading. Seconded.

The Rules and City Government, Public Safety and Environmental Matters Committees reported favorable on O-08-10.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-08-10 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-13-10 For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 2, 2010, through November 21, 2010, to FRESHFARM Markets, Inc.

Environmental Coordinator Broadbent was present and answered questions from Council.

- Alderman Arnett moved to adopt O-13-10 on second reading. Seconded.

The Finance Committee reported favorably on O-13-10.

- Alderman Arnett moved to amend O-13-10 as follows:

Amendment#1

On page 2, in line 7, after the word fees insert “over \$50.00 per month”.
Seconded. CARRIED on voice vote.

Amendment #2

Page 3, of the lease Article I, paragraph 2. Rent. After the word be delete “one dollar (\$1.00) and insert “fifty dollars (\$50.00) per month”
Seconded. CARRIED on voice vote.

- Alderman Israel moved to amend O-13-10 as follows:

Amendment #1

To amend the lease to delete “April 15, 2010” throughout the leases and insert “May 1, 2010”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-13-10 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-07-10 For the purposes of waiving the license requirement for the sale of arts-related merchandise in the Historic District at the First Sunday events and waiving fees associated with City services in conjunction with these events.

- Alderman Arnett moved to adopt R-07-10 on second reading. Seconded.
- Alderman Israel moved to amend R-07-10 as follows:

On page 2 in line 27, after the word that *strike* “the City Council finding that the waiving of fees for First Sunday for its use of City property and City services is in the best interest of the City and the public, hereby waives for each of the six First Sunday events \$_____ in fees,” and substitute “There shall be no waiver of fees. However, notwithstanding any other provision of law, the Director of Finance shall determine the actual expenses incurred by the City Government. These expenses shall be reimbursed by the organizers of the event.”
Seconded. CARRIED on voice vote.

- Alderman Israel moved to amend R-07-10 as follows:

The set up and Break down on July 4th 2010 must be approved by the Development/Special Projects Coordinator. Seconded. CARRIED on voice vote.
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-14-10 **For the purpose authorizing and empowering the City of Annapolis to establish a line of credit, upon its full faith and credit, of up to the lesser of ten million dollars (\$10,000,000.00) or the amount specified in Article VII, Section 8(a) of the Charter of the City, to be issued for financing ongoing operating expenses of the City of Annapolis.**

Finance Director Elliott was present and answered questions from Council.

- Alderwoman Hoyle moved to substitute R-14-10 Revised. Seconded CARRIED on voice vote.
- Alderwoman Finlayson moved to adopt R-14-10 Revised on second reading. Seconded.

A ROLL CALL vote was taken:

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

ORDINANCES & RESOLUTIONS – 1ST READING

O-10-10 **For the purpose of prohibiting the assignment of overtime work except in matters directly affecting public health or public safety.**

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

Referred to the Rules and City Government Committee.

R-15-10 **For the purposes of adopting a Five-Year Consolidated Housing and Community Development Strategic Plan for the period beginning July 1, 2010, through June 30, 2015.**

- Alderwoman Hoyle moved to adopt R-15-10 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderwoman Finlayson moved to approve the Mayor’s reappointment of the following individual:

4/26/10 Recreation Advisory Board.....Regan Lynn Weaver
Seconded. CARRIED on voice vote.

STANDING COMMITTEES
2009 – 2013

City Code Section 2.12.020D Powers and duties

The Mayor shall recommend to the City Council all appointments to aldermanic standing committees but all appointments shall be confirmed by a majority of the City Council.

- Transportation Committee.

The Transportation Committee shall consider matters affecting parking, public transportation, and vehicular traffic. The Transportation Committee shall review all proposed amendments to Title 12 (Vehicles and Traffic), Title 14 (Streets, Sidewalks and Public Places), and Title 22 (Adequate Public Facilities) of this Code.

- Alderwoman Hoyle moved to approve the Mayor's appointment of the following individuals to the Transportation Committee:

4/26/10 Transportation Committee.....Alderman Kenneth A. Kirby
4/26/10 Transportation Committee.....Alderman Ian Pfeiffer
4/26/10 Transportation Committee.....Alderman Ross H. Arnett, III
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:59 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk