

SPECIAL MEETING  
April 27, 2009

The Special Meeting of the Annapolis City Council was held on April 27, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:26 p.m.

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

Staff Present: City Attorney Kling, Central Services Director Schuetz, Finance Director Elliott

*Closed  
Session*

*Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Sections 10-508 (a)(1)(i) and 10-508 (a)(8) this statement is included in these minutes:*

*A closed session of the City Council was held on Monday, April 27, 2009 at 6:30 p.m., in the City Council Chamber.*

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

*Staff Present: Acting City Attorney Kling, Assistant City Attorney Elson, City Clerk Watkins-Eldridge, Human Resources Director Milburn, Acting Public Information Officer Wardlaw, Central Services Director Schuetz, City Administrator Agee, Jonathan P. Kagan, Esq., Rignal W. Balwin, 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, Sections 10-508 (a)(1)(i) and 10-508 (a)(8) The purpose of the meeting was to discuss the appointment of Stephen P. Kling as City Attorney and Rhonda B. Wardlaw as Public Information Officer and; to consult with staff, consultants, or other individuals about pending or potential litigation regarding the Market House.*

*Action taken:*

*Alderman Arnett moved pursuant to Maryland State Government Article Section, 10-508 (a) (1)(i) to accept the Mayor's confirmations of Stephen P. Kling as City Attorney and Rhonda B. Wardlaw as Public Information Officer. Seconded. CARRIED by unanimous consent.*

*Pursuant to Maryland State Government Article Section, 10-508 (a) (8) regarding the Market House. No action was taken.*

*Upon motion duly made, seconded and adopted, the meeting was adjourned at 7:17 p.m.*

PUBLIC HEARING

**O-09-09 For the purpose of authorizing for fiscal year 2015 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc., for the docking and mooring of certain boats.**

Spoke in favor of the ordinance:

Debbie Gosselin, 980 Awald Road, Annapolis, Maryland 21403

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

- Mayor Moyer declared the public hearing closed.

**O-10-09**                    **For the purpose of authorizing a lease of certain municipal property located in the Susan Campbell Park and City Dock areas to the Race Across America (RAAM) for the period of June 25 to June 29, 2009, subject to certain terms, provisions, and conditions.**

Steven Carr, 2009 Homewood Road, Annapolis, Maryland 21402 gave a brief presentation on the ordinance.

Spoke in favor of the ordinance:

Parker Jones, 436 Chinguapin Round Road, Annapolis, Maryland 21401  
Ken Shueet, P.O. Box 347 Galesville, Maryland 20765  
Fred Boethling, 2305 Canyon Blvd, Boulder, CO 80302

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

- Mayor Moyer declared the public hearing closed.

**O-17-09**                    **For the purpose authorizing and empowering the City of Annapolis to issue and sell, upon its full faith and credit, Twenty Three Million Six Hundred Twenty Thousand Dollars (\$23,620,000) maximum aggregate principal amount of its serial maturity general obligation, fully registered bonds, pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume), and Article VII, Section 11, of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Bonds, 2009 Series”, said bonds to be issued and sold for the public purpose of financing certain capital projects of the City of Annapolis.**

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

- Mayor Moyer declared the public hearing closed.

**R-13-09**                    **For the purpose of supporting a federal carbon tax-and-dividend program.**

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

- Mayor Moyer declared the public hearing closed.

**R-29-09**                    **For the purposes of allowing the sale of goods and services outdoors in the Historic District at Third Sunday events to be held each month from May through October, 2009, in Market Space, and waiving certain fees associated with City services in conjunction with these events.**

Spoke on the resolution:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

Spoke in favor of the resolution:

Doug Smith, 5 Revel Street, Annapolis, Maryland 21401 representing Ward One Residents Association and Steve Samaras  
Pam Cole Finlay, 37 West Street, Annapolis, Maryland 21401

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

- Mayor Moyer declared the public hearing closed.

Without objection the public hearings on O-11-09 and R-17-09 and R-18-09 were held jointly.

#### FY2010 BUDGET

**O-11-09**                    **For the purpose of adopting an operating budget for the City of Annapolis for the Fiscal Year 2010; appropriating funds for expenditures for the Fiscal Year 2010; 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-17-09**                    **For the purpose of adopting a capital improvement budget for the Fiscal Year 2010 and a capital improvement program for the six-year period from July 1, 2009, to June 30, 2015.**

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**R-18-09**                    **For the purpose of specific fees that will be charged for the use of City services for FY 2010.**

Finance Director Elliott was present and answered questions from Council.

**Spoke on:**

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 spoke on O-11-09  
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on O-11-09  
Erin McNaboe, 104 Cathedral Street, Annapolis, Maryland 21401 spoke on O-11-09  
John Guild, 18 Pinkney Street, Annapolis, Maryland 21401 spoke on R-17-09

**Spoke in favor of:**

James P. Nolan, 55 Arundel Road, Annapolis, Maryland 21401

**Spoke in opposition to the budget:**

Trudy Mc Fall, 205 Scott Drive, Annapolis, Maryland 21401

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

- Mayor Moyer declared the public hearings closed.

LEGISLATIVE ACTION  
CHARTER AMENDMENT

**CA-03-09**            **For the purpose of providing for Saturday voting for both the primary and general municipal election.**

No action taken

ORDINANCES & RESOLUTIONS – 2<sup>ND</sup> READING

**O-41-08**            **For the purposes of: (1) Adopting a recommendation of the Annapolis Maritime Advisory Commission to amend Title 15 so as to allow housebarges of not more than 60 feet in length to be kept in marinas for purposes of display and sale within maritime zoning districts while retaining the one month limitation for housebarges over 60 feet in length; (2) Establishing a permit procedure for housebarges so that the City has notice of their presence in marinas in order to ensure compliance with the requirements of the City Code; (3) Establishing additional standards for housebarges to ensure that housebarge uses are consistent with permitted uses applicable to the zoning districts and lots where housebarges are located; (4) Amending Title 17 so as to permit housebarges to be rented, similar to bed and breakfast homes, so long as all requirements of the City Code are met; and, (5) Amending Title 15 to ban incinerating toilets on vessels while within City waters given health and safety concerns, including proper ash disposal and the proximity of attendant exhaust to nearby residential, downtown commercial, and outdoor dining areas.**

- Alderman Arnett moved to table O-41-08 on second reading until the Regular Meeting of May 11, 2009. Seconded. CARRIED on voice vote.

**R-51-08**            **For the purpose of establishing an annual permit fee for bargehouses kept in City waters.**

- Alderman Arnett moved to postpone R-51-08 on second reading until the Regular Meeting of May 11, 2009. Seconded. CARRIED on voice vote.

**O-07-09**            **For the purpose of specifying compensation and allowances to be paid to the Mayor and Aldermen/Alderwomen for the terms of office commencing on the first Monday in December, 2009.**

- Alderman Paone moved to table O-07-09 on second reading until the Regular Meeting of May 11, 2009. Seconded. CARRIED on voice vote.

**O-08-09**            **For the purpose of approving the lease of certain city-owned property to Cricket Communications, Inc.**

- Alderman Arnett moved to adopt O-08-09 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-08-09.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-08-09 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8-0

- Alderman Shropshire was out of the room during the vote.

**R-61-08 For the purpose of requiring all City of Annapolis department heads present testimony, supporting documentation and justification for any contractual employee and/or individual vendor to the Finance Committee during FY 2010 budget cycle deliberations.**

Central Services Director Schuetz was present and answered questions from Council.

- Alderman Cordle moved to postpone R-61-09 on second reading until the Regular Meeting of May 11, 2009. Seconded. CARRIED on voice vote.

**R-03-09 For the purpose of requiring the City of Annapolis' Central Services and Economic Affairs Departments, Finance Director, and the Office of Law to develop a process to assess the financial viability of all proposed leases of City property and issue a joint report to the City Council.**

- Alderman Arnett withdraws R-03-09 on second reading.

**R-11-09R For the purpose of allowing the sale of arts-related merchandise in the Historic District at the First Sunday events to be held each month from May through October 2009, on West Street and West Washington Street; and, waiving certain fees associated with City services in conjunction with these events.**

- Alderman Israel moved to reconsider R-11-09. Seconded. CARRIED on voice vote.
- Alderman Israel moved to amend R-11-09 on second reading as follows:

Amendment #1

On the first unnumbered page, at line 17, strike "and West Washington Street"  
On the first unnumbered page, at line 32, strike "and West Washington Street"  
On the first unnumbered page, at line 34, strike "and West Washington Street"  
On page two, at line 21, strike "and on West Washington Street"

Seconded. CARRIED on voice vote.

The main motion as amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9-0

**R-13-09 For the purpose of supporting a federal carbon tax-and-dividend program.**

- Alderman Stankivic moved to postpone R-13-09 on second reading until the Regular Meeting of May 11, 2009. Seconded. CARRIED on voice vote.

**R-20-09 For the purpose of approving the new job description for the Paralegal position.**

- Alderman Arnett moved to adopt R-20-09 on second 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

**R-21-09 For the purpose of authorizing the acquisition of the leasehold interest in the Market House held by Market House Ventures, LLC, by eminent domain in order to restore the Annapolis Market House to its prior status as a public resource and centerpiece of municipal life and determining that acquisition of this leasehold serves a public purpose.**

- Alderman Arnett moved to adopt R-21-09 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-29-09 For the purposes of allowing the sale of goods and services outdoors in the Historic District at Third Sunday events to be held each month from May through October, 2009, in Market Space, and waiving certain fees associated with City services in conjunction with these events.**

- Alderman Arnett moved to adopt R-29-09 on second reading. Seconded.
- Alderman Israel moved to amend R-29-09 as follows:

Amendment #1

On page two, at line 26, strike “via Fleet Street” and substitute “for Cornhill and Fleet Streets to be determined by the Police Department after consulting the Fire Department.”

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

1. Appointment

- Alderman Arnett moved to approve the Mayor’s appointments of the following individual:

4/27/09 Board of Appeals .....Geoff Mitchell

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:41 p.m.

