

REGULAR MEETING

May 8, 1995

The Regular Meeting of the Annapolis City Council was held on May 8, 1995 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:00 p.m. Alderman Gilmer offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Johnson, Gilmer, Snowden, Turner, DeGraff, Moyer

Alderman Tullier arrived at 7:03 p.m.

Alderman Hammond arrived at 7:04 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Fogarty, Public Works Director Patmore

Mayor Hopkins made the following Special Presentations:

Madrigal Singers - Proclamation (following their performance of "America")
Annapolis Boys & Girls Club - Mayor and Aldermen for the Day Proclamation
Elsie Clark - Distinguished Citizen Award
Larry W. Tolliver - Appreciation Day
Shelly White, Jr., Annapolis Police Department - Appreciation Day
Safe Boating Week
Historic Preservation Week

Alderman Turner moved to approve the Minutes of March 27, 1995. Seconded. CARRIED on voice vote.

Alderman Snowden moved to approve the Minutes of April 10, 1995. Seconded. CARRIED on voice vote.

Alderman Snowden moved to approve the Closed Minutes of April 10, 1995 and to open them to the public. Seconded. CARRIED on voice vote.

Alderman Turner moved to approve the Minutes of April 18, 1995. Seconded. CARRIED on voice vote.

Alderman Turner moved to approve the Closed Minutes of April 18, 1995 and to open them to the public. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to approve the Minutes of April 24, 1995. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Elaine Underwood
Maryland Avenue Merchants & State Circle Merchants
9 Maryland Avenue
Annapolis, MD 21401

Spoke regarding Ordinance O-20-95.

2. Louise Beauregard
Christian Services U.S.A.
2 Maryland Avenue
Annapolis, MD 21401

Spoke regarding (1) Ordinance O-20-95; (2) residential parking passes for nurses, doctors, etc. and (3) Charter Amendment CA-1-95.

3. Pamela St. John
President, Admiral Heights Improvement Association

13 Bristol Drive
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95.

4. Tom Davies
16 College Avenue
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95.

5. Adam Schnell
19 Cornhill Street
Annapolis, MD 21401

Spoke in support of Ordinance O-8-95.

6. Tyler Abbott
22 Locust Avenue
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95 and read a letter from J. Russell Stilwell, President, Germantown-Homewood Civic Association.

7. Ted Grier
16 Fleet Street
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95.

8. Molly Smith
2 Tolsen Street
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95.

9. Arthur Greenbaum
43 Water Street
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95 and also spoke regarding the procedures for the presentation of petitions.

10. Van Nield
1962 Fairfax Road
Annapolis, MD 21401

Spoke in opposition to Charter Amendment CA-1-95.

11. Tedd Biddle
134 Market Street
Annapolis, MD 21401

Spoke regarding the art program for Main Street.

ACTION ON APPLICATIONS AND APPEALS

1. **R-23-95** For the purpose of approving the application of First Centrum Corporation for a conditional use to establish an affordable senior citizen apartment complex located at Edgewood Road in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-23-95. Seconded.

There being no voiced objection, Alderman DeGraff offered the following technical amendment:

On Page 4, line 10, immediately following "pumping" add "as required by the Department of Public Works".

Alderman DeGraff moved to amend R-23-95 as follows:

On Page 3, line 36 strike beginning with "All" through and including the period on line 37 and substitute the following:

"The connection of individual water meters will not be required for each dwelling unit unless and until the project is (1) converted to condominiums; or (2) not restricted to tenants aged 62 years and older (collectively, the "Conditions"). The applicant shall pay, at the time of issuance of permits for construction of each building, water connection charges in the amount of \$71,000.00 per building (\$142,000.00 for both buildings) representing 87.65 percent of the total applicable water connection charges for 120 five-eighths-inch water connections pursuant to Section 17.28.090A.2.a.i. of the Annapolis City Code. Upon the occurrence of either of the Conditions, applicant shall provide individual water meter connections for the 120 dwelling units and shall pay the remaining 12.35 percent of the applicable water connection charges. This condition of the Conditional Use Approval for the project shall be formalized through an agreement between the applicant and the City of Annapolis to be recorded among the land records of Anne Arundel County, Maryland and shall run with the land."

and on Page 4, strike lines 18 through 22 in their entirety and renumber subsequent conditions accordingly.

Alderman Tullier moved to amend Alderman DeGraff's amendment to add the following:

Immediately following the period at the end of the amendment add the following:

"All appropriate fees, including sewer capital facility charges, shall be paid in full prior to the issuance of any permits."

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Snowden moved to adopt R-23-95 as amended. Seconded. CARRIED on voice vote.

2. **R-22-95** For the purpose of approving the application of Marva L. and Ellis B. Henson for preliminary plat approval of a subdivision and right-of-way variance request to create two lots for the construction of two single-family lots located at 2100 Bay Ridge Avenue in the City of Annapolis; and all matters relating to said subdivision.

There being no voiced objection, consideration of Resolution R-22-95 was postponed to the June 12, 1995 meeting.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-1-95 Sponsored by Alderman Snowden

For the purpose of amending the Charter of the City of Annapolis by adding Article X to the Charter, for the purpose of creating a body politic and corporate and an instrumentality of the City of Annapolis to be known as "The Annapolis Revenue Authority" for the purpose of constructing, reconstructing, renovating, remodeling, improving, equipping, furnishing, maintaining, acquiring, operating, and financing projects on behalf of the City of Annapolis ...

The Economic Matters Committee reported favorably on CA-1-95.
The Finance Committee reported favorably on CA-1-95.
The Rules Committee reported unfavorably on CA-1-95.

Alderman Snowden moved to adopt CA-1-95 on second reading. Seconded.

Alderman Hammond moved to amend CA-1-95 as follows:

Amendment No. 1:

On Page 5, line 3 add the following:

"(F) THE REVENUE AUTHORITY SHALL NOT BE UTILIZED TO FINANCE, BUILD, OPERATE, OR IN ANY OTHER MANNER BE UTILIZED FOR, A CONVENTION FACILITY, A CONFERENCE FACILITY, OR OTHER SIMILAR FACILITY."

Seconded.

Alderman Tullier offered the following friendly amendment:

Immediately following "CONFERENCE FACILITY," add "A CIVIC CENTER,".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Hammond moved to amend CA-1-95 as follows:

Amendment No. 2:

On Page 6, line 13, add the following:

"SEC. 9. USE OF CITY FUNDS.

NO FUNDS FOR THE CITY'S GENERAL FUND OR CITY ENTERPRISE FUNDS SHALL BE UTILIZED TO SUPPORT THE CONSTRUCTION OR OPERATION OF THE REVENUE AUTHORITY OR

OF THE PROJECTS IN WHICH THE REVENUE AUTHORITY PARTICIPATES IN WHOLE OR IN PART."

Seconded.

Alderman Tullier offered the following friendly amendment:

Immediately following "OR OPERATION OF THE" strike "REVENUE AUTHORITY OR OF THE".

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Snowden moved to adopt Charter Amendment CA-1-95 as amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Aldermen Hammond, Johnson, Gilmer, Turner
CARRIED: 5-4

Alderman Moyer moved to adopt Charter Amendment CA-1-95 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Tullier, Snowden, DeGraff, Moyer
NAYS: Aldermen Hammond, Johnson, Turner
CARRIED: 5-3
(Alderman Gilmer was absent during the Roll Call)

ORDINANCES

O-97-94 Sponsored by Mayor Hopkins

For the purpose of correcting certain codification enumeration inaccuracies in the City Code provision regarding restaurants in the conservation districts; and all matters relating to said corrections.

There being no voiced objection, consideration of Ordinance O-97-94 was postponed.

O-8-95 Sponsored by Mayor Hopkins

For the purpose of increasing the fine for vehicles parking or standing for longer than forty-eight hours in certain prohibited areas; and all matters relating to said fine.

Following discussion, O-8-95 was referred to the Public Safety Committee for further review.

O-17-95 Sponsored by Aldermen Tullier and Turner

For the purpose of requiring that a fiscal impact note shall be provided for all ordinances or resolutions amending the Charter of the City; establishing that ordinances or resolutions amending the Charter of the City shall lie on the table for no longer than one hundred twenty days; clarifying certain language; and all matters relating to said legislation.

The Finance Committee reported favorably with amendments on O-17-95.

The Rules Committee reported unfavorably on O-17-95.

Alderman Turner moved to adopt O-17-95 on second reading. Seconded.

Alderman Snowden moved amend O-17-95 as follows:

On Page 2, strike beginning with line 14 through and including line 31 and substitute the following:

"A. Every ordinance [or] AND EVERY [resolution amending the Charter of the city] CHARTER AMENDMENT shall be read three times by its title before a final vote is taken for its passage. However, by unanimous consent of the council in session, this procedure may be waived and the ordinance or [resolution] CHARTER AMENDMENT read two times by title only and the second reading shall not be held. No ordinance OR CHARTER AMENDMENT shall be amended except upon its second reading, and a second reading can be dispensed with only by unanimous consent of the council in session. Every ordinance [or] AND EVERY [resolution amending the Charter of the city] CHARTER AMENDMENT shall be read the first time at the meeting at which it is introduced. A vote shall be taken on first reading and the ordinance or [resolution] CHARTER AMENDMENT shall then lie on the table [until the next regular meeting when] FOR NO LONGER THAN ONE HUNDRED TWENTY DAYS, AFTER WHICH it shall be read the second and third time and final action taken. However, by a unanimous consent of the council in session, any ordinance or [resolution amending the Charter of the city] ANY CHARTER AMENDMENT may be passed at the meeting of the introduction. All other resolutions shall be read once and may be passed after that reading.

B. A FISCAL IMPACT NOTE SHALL BE SUBMITTED BY THE FINANCE DIRECTOR ON EVERY ORDINANCE AND CHARTER AMENDMENT AFTER ITS INTRODUCTION ON FIRST READING. IN ADDITION, A FISCAL IMPACT NOTE SHALL BE SUBMITTED BY THE FINANCE DIRECTOR ON A RESOLUTION IF REQUESTED BY A MAJORITY OF THE COUNCIL IN SESSION WHEREUPON THE RESOLUTION SHALL BE REFERRED TO THE FINANCE COMMITTEE AND LIE ON THE TABLE IN THE MANNER PROVIDED FOR ORDINANCES IN THE PRECEDING SUBSECTION."

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Snowden moved to adopt O-17-95 as amended on third reading. Seconded. CARRIED on voice vote.

O-18-95 Sponsored by Mayor Hopkins

For the purpose of authorizing the lease of certain municipal property located at the City Dock to Spirit Cruises, Inc., for a certain period of time, at a certain rental and under certain terms and conditions for the purpose of docking and mooring the vessel known as "Spirit of Baltimore"; and all matters relating to said lease.

The Economic Matters Committee reported favorably on O-18-95.
The Finance Committee reported favorably on O-18-95.

Alderman DeGraff moved to adopt O-18-95 on second reading. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-18-95 on third reading. Seconded. CARRIED on voice vote.

O-20-95 Sponsored by Mayor Hopkins and Alderman Hammond

For the purpose of establishing parking restrictions on a certain portion of King George Street; establishing a fine and exception; and all matters relating to said restrictions.

The Finance Committee reported favorably on O-20-95.
The Rules Committee reported favorably on O-20-95.

Alderman Snowden moved to adopt O-20-95 on second reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-20-95 on third reading. Seconded. CARRIED on voice vote.

O-25-95 Sponsored by Mayor Hopkins

For the purpose of conveying, by two deeds and a drainage easement, certain rights, title and interest held by the City in a certain parcel of land located between Maryland Route 450 (Defense Highway) and Maryland Route 178 (Generals Highway) near Housley Road; and all matters relating to said conveyance.

Alderman Tullier recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt O-25-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

O-26-95 Sponsored by Mayor Hopkins

For the purpose of adopting a current expense budget for the City of Annapolis for the fiscal year 1995-1996, beginning July 1, 1995 and ending June 30, 1996; to appropriate funds for expenditures for the fiscal year beginning July 1, 1995 and ending June 30, 1996; and all matters generally relating to said budget.

Alderman Snowden moved to adopt O-26-95 on first reading. Seconded. CARRIED on voice vote.

O-27-95 Sponsored by Mayor Hopkins

For the purpose of levying and imposing a property tax rate for the Fiscal Year beginning July 1, 1995 and ending on June 30, 1996, for the purpose of defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; providing for repayment of bonds and other indebtedness; specifying certain duties of the Director of Finance, specifying a rate of interest to be charged upon overdue property taxes; and all matters related thereto.

Alderman Snowden moved to adopt O-27-95 on first reading. Seconded. CARRIED on voice vote.

O-28-95 Sponsored by Mayor Hopkins

For the purpose of increasing the charge for garbage and refuse collection from dwelling units; and all matters relating to said collection and charge.

Alderman DeGraff moved to adopt O-28-95 on first reading. Seconded. CARRIED on voice vote.

O-29-95 Sponsored by Mayor Hopkins

For the purpose of making a technical correction not reflected in Ordinance O-96-94 as adopted relating to the fine for parking meter violations if paid after an initial period but before trial; and all matters relating to said technical correction.

Alderman Snowden moved to adopt O-29-95 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the second reading on O-29-95. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-29-95 on third reading. Seconded. CARRIED on voice vote.

O-30-95 Sponsored by Alderman DeGraff

For the purpose of clarifying the duties and subject matters jurisdiction of the Standing Committees; and all matters relating to said standing committees.

Alderman DeGraff moved to adopt O-30-95 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee and Rules Committee.

RESOLUTIONS

R-19-95 Sponsored by Alderman Snowden

For the purpose of recognizing Bloomsbury Square as an outstanding example of public housing; and all matters relating to said Bloomsbury Square.

Alderman Snowden moved to adopt R-19-95. Seconded. CARRIED on voice vote.

R-20-95 Sponsored by Aldermen Tullier and Snowden

For the purpose of urging the leaders of our government in the House and Senate of the United States to sustain the funding for the National Endowment for the Arts and the National Endowment for the Humanities; and all matters relating to said request.

Alderman Snowden moved to adopt R-20-95. Seconded. CARRIED on voice vote.

R-24-95 Sponsored by Mayor Hopkins

For the purpose of authorizing the establishment of a deferred compensation plan to be administered by the ICMA Retirement Corporation; and all matters relating to said authorization.

Alderman Tullier moved to adopt R-24-95. Seconded.

Following discussion, there being no voiced objection, R-24-95 was referred to the Finance Committee.

Alderman Gilmer moved to require a fiscal impact note on Resolution R-24-95. Seconded. CARRIED on voice vote.

R-25-95 Sponsored by Mayor Hopkins

For the purpose of establishing the rates and fees for parking in certain parking facilities owned by the City; re-establishing seasonal rates for the Gotts Court Parking Garage; and all matters relating to said rates.

Alderman Tullier moved to adopt R-25-95. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Lease Agreement - Southern Maryland Oil, Inc.

There being no voiced objection, the Lease Agreement with Southern Maryland Oil, Inc. was referred to the Finance Committee.

2. Economic Matters Committee Minutes of 3/20/95, 4/20/95

Alderman Snowden moved to approve the Economic Matters Committee Minutes of 3/20/95 and 4/20/95. Seconded. CARRIED on voice vote.

3. Finance Committee Minutes of 3/23/95, 4/27/95

Alderman Snowden moved to approve the Finance Committee Minutes of 3/23/95 and 4/27/95. Seconded. CARRIED on voice vote.

4. Payment of monthly bills

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

5. Appointments

Alderman Turner moved to confirm the Mayor's appointments of the following named persons as set forth in a Memorandum from Mayor Alfred A. Hopkins dated May 2, 1995:

Ethics Commission: Frederick M. Paone, Esquire
Rex Caldwell, III, Esquire

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:50 p.m.