

REGULAR MEETING

May 9, 2005

The Regular Meeting of the Annapolis City Council was held on May 9, 2005 in the Council Chamber. Mayor Moyer called the meeting to order at 7:37 p.m.

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

Staff Present: City Attorney Spencer, Planning & Zoning Director Arason, Finance Director Elliott, Chief Comprehensive Planner Hardin, Bureau Chief Engineering & Construction Baker

- Alderman Fox moved to approve the Journal of Proceedings for April 11, 2005 Regular corrected, April 11, 2005 Closed, April 25, 2005 Special. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

- Judith Ross, 1231 Tyler Avenue, Annapolis, Maryland 21403 spoke in opposition to 0-37-04 and 0-38-04
- Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in opposition to outsourcing collection fees and in favor of a thank you ceremony in Annapolis for veterans in August.
- Earl Bradley, 15 Bewer Avenue, Annapolis, Maryland 21401 spoke in support of 0-19-05 and 0-14-05

LEGISLATIVE ACTION ORDINANCES

- Alderman Hammond moved to add 0-20-05 to the agenda. Seconded. CARRIED on voice vote.

O-1-04 For the purpose of rewriting Title 21, Zoning Code, to simplify and organize the code so as to make it easier to follow and use; improve the development, review and approval process; and to provide clear standards for building and development while retaining in the code the flexibility that is necessary in a diverse, complex city; and matters generally relating to said rewriting and reorganizing of Title 21.

- Alderman Tolliver moved to adopt O-1-04 on second reading. Seconded.

The following Committees reported favorably on O-14-04: Rules Committee, Economic Matters, Housing and Human Welfare with amendments, Public Safety supporting technical amendments, Planning Commission with recommendations and two technical amendments dated 5/3/05.

- Alderman Tolliver moved to substitute O-1-04 Revised. Seconded CARRIED on voice vote.

Planning & Zoning Director Arason and Chief Comprehensive Planner Hardin were present and answered questions from Council.

- Alderman Tolliver moved to amend 0-1-04 as follows:

Amendment 2 [This is a technical correction amendment which restores the current discretion that the Director of Planning & Zoning currently has to make judgments regarding uses allowed in the Waterfront Districts.]

21.46.010 Regulations applicable to all waterfront districts

A. Administrative adjustment to buffer and planting standards. Where the buffer and planting standards in Chapter 21.62 conflict with necessary maritime access, the Planning and Zoning Director may adjust these standards pursuant to the procedures set forth in Chapter 21.18 where it is found that:

- A: **1.** The overall amount of internal landscaping equals or exceeds seven percent of the parking area;
- B: **2.** Perimeter buffer requirements have been met; and
- C: **3.** The interior planting standards cannot physically be implemented due to the use of the area for permitted maritime uses that require access and mobility for the servicing or storage of boats.

B. Uses not specifically enumerated in the Tables of Uses for Waterfront Districts. For any waterfront maritime district, the Director of P&Z may approve as a permitted use other uses not specifically enumerated in the Tables of Uses for Waterfront Districts but determined to be similar in character and use to one or more of the uses enumerated in the Table of Uses for that district and compatible with the purposes of the district. [In order to make such a determination, procedures for Administrative Interpretations in Chapter 21.16 shall be followed.]

Seconded. CARRIED on voice vote.

- Alderman Tolliver moved to amend 0-1-04 as follows:

Amendment 3 [This amendment makes Historic Preservation Commission review an exception to the provision that encourages simultaneous processing of applications.]

On Page II-11, at the end of line 15, add the following: "However, if the proposal requires Historic Preservation Commission approval, that approval will be last."

Seconded. CARRIED on voice vote.

- Alderman Cohen moved to amend 0-1-04 as follows:

Amendment 5 [The purpose of this amendment is to prevent any unintended errors in the new Zoning Code from causing adverse consequences by allowing the Director of Planning and Zoning to apply the intent of the prior Code's appropriate section for up to one year after 0-1-04 is adopted.]

On page I-3, after line 23, insert the following new section:

"Section 21.02.045 Possible errors and omission.

Should an error or omission be discovered in the drafting of this new Zoning Code, Title 21, within one (1) year following the date of adoption, the Director of Planning and Zoning may still look to the superceded Code sections in interpreting the intent of the re-written Code sections."

Seconded. DEFEATED on voice vote

- Alderman Tolliver moved to amend 0-1-04 as follows:

Amendment 1 *[This is a technical correction amendment which addresses food and beverage related uses and their regulations. In the drafting process, some of the more nuanced and hidden sections were lost. This amendment keeps the regulations consistent with the current code.]*

On page II-48, following line 12:

G. In the case of food service establishments, the following additional standards for review apply. The review of the proposed food service operation shall be based upon an analysis of the proposed use's impact in the following areas:

1. Environmental:

a. Noise, including the noise of the mechanical equipment and of the patrons while on the premises,

b. Odors: control of odors from the cooking process and from the storage of garbage,

c. Trash and litter: the type of trash and garbage the food service operation will generate; the precautions to be taken to prevent littering of the streets,

2. Traffic:

a. Streets: adequacy of the street system to handle additional traffic,

b. Loading/unloading: off-street loading facilities available and adequate to handle the intensity and the type of trucks needed to service the proposed use; if on-street loading facilities are used, whether the use will impede traffic flow,

c. Parking: adequate parking available either on-site or within the area for employees and patrons,

3. Neighborhood:

a. Hours: the hours of operation are compatible with the surrounding commercial and/or residential neighborhood,

b. Loitering: the measures the restaurant will employ to discourage loitering; whether the type of use is compatible with the surrounding commercial and residential neighborhood,

4. Adequacy of public facilities:

a. Water and sewer: excess capacity exists and is available,

b. Police: police coverage is available,

c. Fire: the fire department has access to the site; sufficient water pressure for firefighting purposes is available and the building meets life safety standards.

5. Community need: A community need for the use has been established.

On page V-25, beginning at line 10:

21.64.180 Convenience stores

Convenience stores shall comply with the standards for Food and beverage-related uses. In the B1, B2, B3, B3-CD districts, and the BCE district without a special exception, the use is limited to 4,000 square feet gross floor area and 200 square feet of area devoted to food preparation.

Convenience stores shall not impact negatively the critical lane levels of service for adjoining intersections. This determination shall be made only through suitable traffic impact analysis of the proposed use on the adjoining intersections.

On page V-26, beginning at line 20:

21.64.220 Delicatessens

Delicatessens are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Delicatessens may not have bars, dancing, live entertainment, or drive-in windows.
- B. The service of alcoholic beverages shall be limited to beer and wine only, served on premises with meals, or sold prepackaged for off-premises consumption.
- C. In the WMI-district, delicatessens are only permitted as an accessory use on lots without access to the bulkhead, and are limited to 1,000 square feet gross floor area.
- E. In the WME-district, delicatessens are only permitted as an accessory use on lots greater than 10,000 square feet in area, and are limited to 1,000 square feet gross floor area.

On page V-32, beginning at line 26:

21.64.300 Food and beverage-related uses

A. Applicability

The standards in this section apply to the following uses:

- 1. Bake shops,
- 2. Candy stores including candy making ,
- 3. Catering establishments,
- 4. Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities,
- 5. Coffee shops,
- 6. Convenience stores,
- 7. Delicatessens,
- 8. Fast food restaurants
- 9. Food service marts,
- 10. Ice cream stores,
- 11. Markets, open air,
- 12. Standard restaurants, and
- 13. Supermarkets.

B. Site Plan

A site design plan for the use is required pursuant to Chapter 21.22.

C. Noise

Noise emanating from the use shall not be of such a volume to disturb the quiet and enjoyment of property in any nearby residential zoning districts.

D. Loitering

Loitering is not permitted around the exterior of the use.

E. Kitchens and food preparation areas

Kitchens and food preparation areas shall be designed, maintained and operated in a manner to minimize noise and odors, and to eliminate grease flows into city sewers in strict adherence to the city's plumbing code. An outdoor spigot shall be installed if required.

F. Related plans

The use shall comply with the City's Comprehensive Plan and any sector plans applicable to the area where the use will be located.

G. Trash

1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash storage areas shall be located either within the establishment or within the structure on which the establishment is located, or shall consist of a properly screened and maintained dumpster on the property on which the establishment is located. **See also**

17.48.120.

2. Except where trash is placed in accordance with paragraph F.1 of this section, trash receptacles shall not be placed outside for pick-up until one-half hour prior to the scheduled pick-up time and shall be removed within one-half hour after trash pick-up.
3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment shall be maintained.

H. C2 and C2A districts.

In the C2 and C2A districts, the following standards apply:

1. No food service establishment shall be allowed in a building which fronts on, or whose side yard is contiguous with, residential use on the following streets:
 - a. Prince George Street;
 - b. Randall, between Dock Street and King George;
 - c. Cornhill Street;
 - d. Fleet Street;
 - e. Green Street;
- f. Upper Duke of Gloucester Street from Church Circle to a point on Duke of Gloucester Street 215 feet from the centerline of Church Circle;
 - g. Newman Street;
 - h. St. Mary's Street; and
 - i. Maryland Avenue between Prince George and King George Streets.
2. The provisions of subsection 1. above shall not apply to restaurant/ food service and bars existing as of June 13, 1994.
3. Revenues from alcohol sales shall not exceed 50 percent of total revenues. This limitation shall not apply to restaurants existing prior to June 13, 1994. All restaurants, established after June 13, 1994, shall report annually the ratio of food revenues to total revenues.

4. Restaurants serving alcoholic beverages may not remain open beyond 12:00 midnight. The limitation contained in this section shall not apply to (i) any restaurant licensed to remain open beyond 12:00 midnight as of June 13, 1994 and (ii) any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit granted after June 13, 1994 provided said special exception permit was applied for before September 27, 1993.

5. Expansion

- a. All proposed expansions of restaurants are subject to the special exception process of this Zoning Code, however restaurants existing as of June 13, 1994 shall not be required to provide the report described in subsection H.3. of this section for its expansion.
- b. The expansion of a restaurant established after June 13, 1994 is subject to subsection H.4 of this section. The 12:00 midnight limitation of subsection H.4 shall not apply to the expansion of:
 - i. Restaurants licensed to remain open beyond midnight as of June 13, 1994; and
 - ii. Any restaurant that shall become licensed to remain open beyond 12:00 midnight as a result of a special exception permit granted after June 13, 1994 provided special exception was applied for before September 27, 1993.
 - ~~iii. All deliveries shall be completed prior to 11 a.m..~~

21.64.310 Food service marts

Food service marts are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Bars, dancing or live entertainment are not permitted.
- B. The service of alcoholic beverages is limited to beer and wine only and sold prepackaged for off-premises consumption.
- C. The service of food items for immediate consumption, off the premises, may occur accessory to the principal use.
- D. In the WMI district, this use is only permitted as an accessory use on lots without access to the bulkhead and is limited to 1,000 square feet gross floor area.
- E. In the WME district, this use is only permitted as an accessory use on lots greater than 10,000 square feet in area, and is limited to 1,000 square feet gross floor area.

On page V-43, beginning at line 8:

21.64.540 Restaurants, standard

Standard restaurants are subject to the general standards for Food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. **B1, B2, B3, B3-CD, and PM districts.** In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
 1. Where the use is permitted subject to standards:
 - a. No more than 50 seats are permitted,
 - b. Alcohol is permitted with the service of food,
 - c. Hours of operation are limited to midnight seven days a week,
 - d. Outdoor dining may be permitted, and

- e. No bar, dancing, or live entertainment is permitted, except in the PM district where—indoor, live, non-amplified acoustical musical entertainment may be permitted.
 - f. Recorded music shall be limited to background variety only.
2. In the B1 district, more than 50 seats may be permitted by special exception.
 3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
 - a. More than 50 seats, and
 - b. Bar, dancing, and live entertainment.
 - c. Hours of operation extending past midnight.
- D. BCE and BR districts.** In the BCE and BR districts the following may be permitted:
1. More than 50 seats,
 2. Outdoor dining, and
 3. Bar, dancing, and live entertainment.
- MX district.** In the MX district:
1. The following are permitted by right:
 - a. ~~More than 50~~ Any number of seats,
 - b. Alcohol with the service of food,
 - c. Outdoor dining, and
 - d. Accessory bars.
1. Dancing and live entertainment may be permitted by special exception.
- E. WMC district.** In the WMC district the following standards apply:
2. The use may only be provided in combination with a principal permitted use.
 3. The use may occupy no more than 30 percent of the total gross floor area on the lot.
 4. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020.
- A. WMM district.** In the WMM district the following standards apply:
1. This use is permitted only in combination with one of the following:
 - a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift,
 - b. Seafood processing of at least 9,000 square feet,
 - c. On-land boat storage of at least 25,000 square feet, or
 - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
 1. In structures in existence as of August 24, 1987 this use may not exceed 30 percent of the total gross floor area of development on the lot.
 2. In structures constructed after August 24, 1987 the use is also subject to the following:
 - a. The use may not exceed 25 percent of the total gross floor area of development on the lot.
 - b. The use is not permitted in buildings or structures within 100 feet of the waterfront or mean high waterline.
 4. Restaurants existing prior to August 24, 1987 are permitted provided they:
 - a. Comply with all of the requirements of 21.64.540.G.1, or

b. Provided that seafood industrial, on-land boat storage, boat repair and maintenance or marine fabrication uses are maintained such that the square footage of the existing restaurant uses does not exceed the square footage of the other enumerated maritime uses. However, under no circumstances shall the square footage of the enumerated maritime uses applied towards the restaurant be used to calculate the use exception permitted under Section 21.64.540.G.1.

A. **WME district.** In the WME district the following standards apply:

1. This use may be permitted only in combination with one of the following:

a. A working boatyard of at least 20,000 square feet and a 30-ton boat lift, or

b. Seafood processing of at least 9,000 square feet.

1. The lot on which the use is proposed must be at least 20,000 square feet.

2. The use may occupy no more than 2,000 square feet of gross floor area on the lot.

On page V-46, line 8:

21.64.580 Supermarkets

A. Supermarkets are subject to the general standards for Food and beverage-related uses.

B. In the BCE district, supermarkets may not exceed 25,000 square feet.

C. In the B1, B2, B3, B3-CD, and BCE districts supermarkets having more than five hundred gross square feet of floor area devoted to preparation or storage of food items to be prepared on premises for immediate consumption are special exception uses.

On page VI-4, line 15

Bake shop

An establishment where only bread, pastries and other baked goods are made and offered for sale, and the products are usually sold in bulk quantity and not for immediate consumption.

Bakeries

An establishment where only bread, pastries and other baked goods are made and offered for sale, and the products are sold wholesale and not for immediate consumption.

On page VI-11, line 32

b. Candy stores including candy making,

Amendment 1

On Page III-17, amend as follows:

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor.			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P1	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P1	
Arts and crafts stores	P	P	P	P	P	P	P	P	P1,2	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std1	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P1,2	
Bars and taverns		S	S	S	S		S			
Bicycle sales, rental and repair stores		P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage;			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std			P-Std1	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P1	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Christmas tree and greens sales		P-Std	P-Std	P-Std	P-Std					P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std, S-Std	P-Std			P-Std1					
Day care centers, group					P				P-Std	

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std1,2	
Department stores		P	P	P	P		P			
Drive-through facilities associated with permitted or special exception uses	S-Std	S	S	S	S	S		S	S P-Std	
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P1,2	P
Dwellings, multi-family					P-Std		S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	
Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P	P	P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity;			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std2	
Food stores	P	P	P	P	P		P		P - Std1	
Furniture stores		P	P	P	P		P	P	P1	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P1	
Governmental Uses										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P1	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std1	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P1	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P1	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Markets, open air, including farmers' markets and produce markets					P-Std	P-Std	P-Std	P-Std		
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					
Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P1	
Office and business service establishments		P	P	P	P	P	P	P	P1,2	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P1,2	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P-Std1,2	
Photocopying and reproduction services, including blueprinting						P				
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P	P	P	P	P			P1,2	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues.		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std1,2	
Retail goods stores		P	P	P	P	P	P	P	P-Std1	
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art		P	P	P	P	P	P	P		P
Sidewalk cafes	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std1,2	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std, S-Std				P-Std1					

Uses	Districts									
	B1	B2	B3	B3-CD	BCE	BR	C2	C2A	PM2	I1
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P1	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

Notes:

Uses in the PM2 district are subject to the following provisions as indicated in the table:

- 1 This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2. This use is considered a neighborhood convenience use and is subject to standards given in 21.64.420.
- 2 This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed 33 percent of the total gross floor area.

Seconded. CARRIED on voice vote.

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

Alderman Hammond moved to adopt O-1-04 Revised Amended on third reading. Seconded. CARRIED on voice vote.

O-39-04 For the purpose of authorizing a lease of certain municipal property located in the Compromise Street, general harbor and Dock Street areas to Ocean Race Chesapeake, Inc., a body corporate, for a certain period of time in May 2006, subject to certain terms, provisions, and conditions, for the purpose of conducting sailboat race festivities; and all matters relating to said lease.

- Alderman Fox moved to adopt O-39-04 on second reading. Seconded.
 The Economic Matters Committee reported favorably with amendments to O-39-04.
- Alderman Fox moved to amend O-39-04 as follows:

Amendment #1 [Current lease language would allow the sale of general merchandise. This amendment would limit the sale of general or non-food items to those that are related to the maritime industry.]

On page 7, in lines 39 and 40, strike “Non-food and non-alcoholic beverage items may be sold on the Premises.” and substitute “Only non-food items that are maritime-related and non-alcoholic beverage items may be sold on the Premises.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Fox moved to adopt O-39-04 amended on third reading. Seconded. CARRIED on voice vote.

O-9-05 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 Yacht Shows, Inc. and Annapolis Boat Shows, Inc., bodies corporate, for a certain period of time in October 2009, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

- Alderwoman Carter moved to adopt O-9-05 on second reading. Seconded.
The Economic Matters Committee reported favorably on O-9-05.
The main motion CARRIED on voice vote.
- Alderman Cohen moved to adopt O-9-05 on third reading. Seconded. CARRIED on voice vote.

O-12-05 For the purpose of authorizing the lease of the MarketHouse to Dean & DeLuca Annapolis, Inc., a body corporate, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of operating a full scale gourmet market and café; and all matters relating to said lease.

Without objection O-12-05 was postponed until May 23, 2005.

O-19-05 For the purpose of requiring that an annexation resolution is not introduced until after the preliminary hearing is held and the petitioner or petitioner's representative has provided the information requested at the preliminary hearing; and matters generally relating to annexation process.

- Alderman Hammond moved to adopt O-19-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules & City Government Committee

O-20-05 For the purpose of establishing a Homestead Credit Percentage of one hundred four percent (104%) in the City of Annapolis; and matters generally relating to said Homestead Credit Percentage.

- Alderman Hammond moved to adopt O-20-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

RESOLUTIONS

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 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 Fox moved to adopt O-17-05 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-17-05.

- Alderman Fox moved the Finance Committee amendment to O-17-05 as follows:

AMENDMENT TO FY 06 OPERATING BUDGET

SPONSORED BY FINANCE COMMITTEE

AMENDMENT NO. FC1 Date: 5/3/2005

INCREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT
110-41316-7240	Special Projects	0
110-43322-8100	Capital Outlay - Roadways	10,000
110-41971-6110	Salaries - Planning & Zoning	14,000
110-42112-7996	Contract Services - Police	50,000
110-35200-3507	Fines & Forfeitures - Other	50,000

DECREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT
110-49800-9839	Transfer to Capital Projects	10,000
110-42112-7930	Rents and Leases - Police	14,000

EXPLANATION:

- Provide a grant of \$1000 to Annapolis Area Tennis School.

- Provide a grant of \$1000 to Annapolis Family Boatbuilding.

- Provide a grant of \$40,000 to Annapolis Maritime Museum.

- Provide a grant of \$35,000 to Annapolis, Londontown SCHHA.

- Provide a grant of \$3,500 to Anne Arundel Conflict Resolution.

- Provide a grant of \$20,000 to Anne Arundel County EOC.

- Provide a grant of \$25,000 to Archaeology of Annapolis to continue the project with the University of Maryland

- Provide a grant of \$5,000 to Bay Theatre Company.

- Provide a grant of \$4,750 to Cecil Memorial United Methodist Church.

- Provide a grant of \$10,000 to Center of Help.

- Provide a grant of \$6,000 to Chesapeake Childrens Museum.

- Provide a grant of \$25,000 to Clay Street Learning Center.

- Provide a grant of \$5,000 to Community Presvtn. & Dev. Corp.

- Provide a grant of \$35,000 to Cultural Arts Foundation.

- Provide a grant of \$1,650 to First Baptist Church of Eastport.

- Provide a grant of \$7,000 to First Night.

- Provide a grant of \$16,000 to F-LIFE Inc.

- Provide a grant of \$2,500 to Full Life Incorporated.

- Provide a grant of \$10,000 to Greater Clay Street.

- Provide a grant of \$35,000 to Maryland Hall.

Provide a grant of \$40,000 to MT Olive CDC.
Provide a grant of \$20,000 to Noah's Ark.
Provide a grant of \$20,000 to OIC of Anne Arundel County.
Provide a grant of \$5,000 to Restoration Community Dev.
Provide a grant of \$6,000 to Vision Workshops.
Provide a grant of \$2,000 to Volunteer Center.
Provide a grant of \$20,000 to We Care and Friends.
Provide a grant of \$1,000 to World Artists Experiences.
Provide a grant of \$100,000 to Youth Services.
Provide a pass-through grant of \$107,000 to Conference and Visitors Center.
Increase by \$10,000 for the purchase of a gutter grinder.
Decrease by \$10,000 for Capital Project #466, General Roadway Improvements.
Increase by \$14,000 for additional Intern hours.
Decrease by \$14,000 for rents and leases
Increase by \$50,000 for contract services to increase HACA contract using additional projected fines and forfeitures revenue for Red Light Camera funds.
Increase by \$50,000 for fines and forfeitures revenue for Red Light Camera funds
Designate additional revenues resulting from the increased parking garage fees adopted on April 25, 2005 for an additional bus route down Edgewood Rd. while rerouting other services to become more efficient for commuters.

Seconded.

- Alderman Tolliver moved to amend the amendment to 0-17-05 as follows:

In the list of grants, strike "Provide \$4,750 to Cecil Memorial United Methodist Church" and add \$4,750 to Greater Clay Street, bringing the total for Greater Clay Street to \$14,750.

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelley, Cordle

NAYS: Mayor Moyer, Aldermen Fox, Cohen, Alderwomen Hoyle, Carter

DEFEATED: 5-4

- Alderman Tolliver moved to amend 0-17-05 as follows:

Amendment #1:

Decrease Budget (and INCREASE revenue):

Account Number	Account Title	Amount
Revenue –	Intergovernmental 911 fee	Increase by \$88,380
Revenue	State Income Tax	Increase by 33,000
Decrease Various accounts	Various – City Magazine	\$60,000
110-41310	Mayor's Office – Special Projects, Living Classroom	\$60,000

Increase Budget:

Account Number	Account Title	Amount
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110-41910	Planning and Zoning – Salaries (Director’s choice of Planning Coordinator or GIS tech. and reclassification of Planner and Admin. Asst. positions)	\$61,450
110-42210	Fire Dept. – Special Project (turn-out gear)	\$49,000
110-41316	Contract Services –Grants, Living Classroom	\$60,000, contingent on Council approval of grant application
11—42112	Police Dept. –Special Projects (light bars and tactical vests)	\$37,930
110-41316	Contract Services – Grants, Historic Annapolis	\$30,000
110-41316	Contract Services – Grants, Kunta Kinte Celebration	\$8,000

And Add the following language to the Operating Budget

1. As a footnote to the salary line in fund 110-45220 (Recreation and Parks) add the following,

“And providing that the long-term contractual employee occupying the position of Director, Stanton Center, shall be converted to the classified service and Greta Crawford, Administrative Assistant funded under the General Temps salary line, shall be converted to employment status with full benefits.”

2. As a footnote to the salary line in fund 110-42210 (Fire Dept.) add the following:

“Providing that the additional personnel proposed for a new paramedic unit for the Annapolis Neck be deployed instead to better staff existing paramedic units and to allow relief personnel for Kelly Days and to reduce the need for overtime for existing personnel.”

3. Add the list of events to be funded within the budget provided in response to Ald. Tolliver and Hammond’s budget questions as an attachment to the Police Dept. section of the budget.

4. As a footnote to the grant for the Maritime Museum, add the following restrictive language: “Provided that the City’s operating grant may not be used as matching funds for a State grant.”

Rationale:

Increases, Revenues: County has budgeted a 50% increase in the 911 fee; City will realize a proportional increase

County has budgeted a 6% increase in income tax revenues; State has budgeted a 7.4% increase in income tax revenues. City budget as presented shows no increase; hence this modest increase of 1% is justified.

Decreases:

City Magazine is now published on a quarterly basis at an average cost per issue (based on the first three issues of the current fiscal year) of approximately \$25,000. The proposed reduction would allow for the publication of an annual City Report to the public comparable in quality to the slick magazines sent in FY 2005 and a possible second, newspaper copy listing of recreation programs.

The Living Classroom Program is an external program, which should be funded as a grant. It is transferred to the grant category, contingent upon the Living Classrooms' submission of a grant request explaining in detail the services it will provide to City residents and contingent upon the Council's approval of that grant request. The program should be funded as a grant for liability purposes.

Increases:

Planning and Zoning requires additional personnel for timely response to citizens.

The Police and Fire Departments require additional equipment as specified for the safety of the employees and the public. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelley, Cordle

NAYS: Mayor Moyer, Aldermen, Fox, Cohen, Alderwomen Hoyle, Carter

DEFEATED: 5-4

Alderman Hammond moved to add list of items required by Title 6 for Police Fees be added to FY 2005-2006 Operating Budget. Seconded. CARRIED on voice vote.

Police Services FY 06

Debtor	Description	FY 06 Budget
State of Maryland	Rallies (Legislative Related)	10,000
City of Annapolis	July 4th Fireworks & Parade	16,000
Eastport-A-Rockin' Street Fest, Inc	Eastport-A-Rockin' Street Fest	3,300
Annapolis Striders	10 Mile Run	5,600
Ancient City Lodge #175	Elk's Parade	1,700
Annapolis High School SGA	Homecoming Parade	1,200
State of Maryland	Bay Bridge Walk	3,800
Eastport Yacht Club	Parade of Lights	7,500
Fleet Reserve Assoc	Veteran's Day Ceremony	850
Jaycees	Grand Illumination	1,600
March of Dimes Foundation	Walk-A-Thon	1,650
Maritime Republic of Eastport	Tug-O-War	2,400
Orthopaedic & Sports Medicine	5K Run	500
USNA	USNA Commissioning Week	19,750
USNAAA	Football Games	50,000
Vietnam Veterans of America	Veteran's Day Parade	1,300
Totals		127,150

Finance Director Elliott answered questions from Council on 0-17-05.

The main motion as amended CARRIED on voice vote.

Alderman Fox moved to adopt O-17-05 amended on third reading. Seconded. CARRIED on voice vote.

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.

- Alderman Fox moved to adopt R-13-05 on second reading. Seconded.

The Finance Committee reported favorably with amendments to R-13-05.

The Planning Commission reported favorably with two exceptions and recommendation that Planning Commission review 13 projects in design phase.

- Alderman Fox moved the Finance committee amendments to R-13-05 as follows:

AMENDMENT TO FY2006 - FY2011 CAPITAL IMPROVEMENT PROGRAM

SPONSORED BY FINANCE COMMITTEE

AMENDMENT NO. FC2

Date: 5/03/05

INCREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT

DECREASE BUDGET:

ACCOUNT NUMBER	ACCOUNT TITLE	AMOUNT
340-39120-0-466	Operating Revenue	10,000
340-43322-8131-466	General Roadway Improvements	10,000

EXPLANATION:

To decrease funding for capital project #466 by \$10,000 to \$ 1,173,390.

To change the appropriation and funding schedules for capital project # 715 from FY 2007 to FY2006.

To change the capital project #716 title from Annapolis Harbor Dredging to Annapolis Harbor Restoration.

To replace the Status language for capital project #716 to "We have filed an advance application with the Corps of Engineers for this harbor restoration project and anticipate receiving Federal funds for the maintenance dredging. Reserve funds in the Dock fund will be used in advance of the Federal award. Rough estimate of the dredge volume is 10,000 CY, designated for beneficial use."

CAPITAL IMPROVEMENTS PROGRAM FY 2006

PROJECT TITLE:	General Roadway Improvements	PROJECT NUMBER:	466
LOCATION:	Various	Committed/Spent as of 04/01/05	\$0
DEPARTMENT:	Public Works		
DIVISION:	Roadways		

DESCRIPTION:

This project is a consolidation of annual efforts in the repair and renovation of the City's streets, sidewalks, curbs, and gutters. The City continually analyzes each area to develop a listing each year based on condition.

JUSTIFICATION:

Consolidation into an ongoing project will allow the City to better track and maintain appropriate funding levels.

STATUS:

Funding is dedicated from Highway User Fee revenue and is dependent on

APPROPRIATION SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Land								0
Design		20,000						20,000
Construction		1,173,39						1,173,39
Inspection		20,000						20,000
Equipment								0
Other								0
Total	\$ 0	1,213,39	0	0	0	0	0	1,213,39

FUNDING SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Bond Funds \$								0
Operating		1,213,39						1,213,39
Non City Funds								0
Total	\$ 0	1,213,39	0	0	0	0	0	1,213,39

ESTIMATED FISCAL IMPACT ON OPERATING BUDGET:

CAPITAL IMPROVEMENTS PROGRAM FY 2006

PROJECT TITLE:	City Dock Bulkhead Replacement	PROJECT NUMBER:	715
LOCATION:	City Dock from Harbor Master Bldg to DNR	Committed/Spent as of 04/01/05	\$0
DEPARTMENT:	Mayor's Office		
DIVISION:	Dock		

DESCRIPTION:

Replacement of existing timber bulkhead with steel or concrete bulkhead material.

JUSTIFICATION:

The existing timber bulkhead has been showing signs of failure for years.

APPROPRIATION SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Land								0
Design		50,000						50,000
Construction		1,400,00						1,400,000
Inspection		50,000						50,000
Equipment								0
Other								0
Total	\$ 0	1,500,00	0	0	0	0	0	1,500,000

FUNDING SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Bond Funds \$								0
Operating		500,000						500,000
Non City Funds		1,000,00						1,000,000
Total	\$ 0	1,500,00	0	0	0	0	0	1,500,000

ESTIMATED FISCAL IMPACT ON OPERATING BUDGET:

CAPITAL IMPROVEMENTS PROGRAM FY 2006

PROJECT TITLE:	Annapolis Harbor Restoration	PROJECT NUMBER:	716
LOCATION:	Harbor and Approach Channel	Committed/Spent as of 04/01/05	\$10,000
DEPARTMENT:	Mayor's Office		
DIVISION:	Dock		

DESCRIPTION:
 Dredge the harbor and approach channel to allow for deeper draft vessels. The current controlling depth is 13 feet and this project will target a depth of 20 feet, MLW.

JUSTIFICATION:
 The existing control depth of 13 feet is too shallow for many modern sailboats and limits the size of other vessels that wish to use the Annapolis Harbor. Future international maritime events may pass over staging events in Annapolis due to the limited water depth.

STATUS:
 We have filed an advance application with the Corps of Engineers for this harbor

APPROPRIATION SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Land \$								0
Design	37,000	13,000						50,000
Construction		870,000						870,000
Inspection		50,000						50,000
Equipment								0
Other								0
Total \$	37,000	933,000	0	0	0	0	0	970,000

FUNDING SCHEDULE	PRIOR YEARS	CURRENT FY 06	FY 07	FY 08	FY 09	FY 10	FY 11	TOTAL
Bond Funds \$								0
Operating	37,000	83,000						120,000
Non City Funds		850,000						850,000
Total \$	37,000	933,000	0	0	0	0	0	970,000

Seconded.

- Alderman Fox moved to withhold action on amendment 514 pending Council approval. Seconded. No vote taken.
- Alderman Fox moved to approve Capital Budget item # 715 to FY 2006- FY 2011. Seconded. CARRIED on voice vote.
- Alderman Fox moved to approve Capital Budget item # 716 to FY 2006- FY 2011 as follows:
 To change the capital project #716 title from Annapolis Harbor Dredging to Annapolis Harbor Restoration.
 To replace the Status language for capital project #716 to “We have filed an advance application with the Corps of Engineers for this harbor restoration project and anticipate receiving Federal funds for the maintenance dredging. Reserve funds in the Dock fund will be used in advance of the Federal award. Rough estimate of the dredge volume is 10,000 CY, designated for beneficial use.”
 Seconded. CARRIED on voice vote.
- Alderman Fox moved approve Capital Budget item # 466 to FY 2006- FY 2011. Seconded. CARRIED on voice vote.
- Alderman Cohen moved on page 1, on resolution R-13-05, on line 33, after the

whereas, provided no expenditures, of any kind except monies owed for site and architectural analysis and comparison be make from line item # 514 Recreation Center until subsequent approval has been provided for by the Council until July 11, 2005 agenda. Seconded.

Without objection, Alderman Cohen withdrew his motion. Seconded. CARRIED on voice vote.

- Alderman Hammond moved to reconvene the Dock Committee to review the project for Capital Budget item # 459. Seconded. CARRIED on voice vote.
- The meeting recessed at 10:16 p.m. and reconvened at 10:22 p.m.
- Alderman Fox moved on page 1, in resolution R-13-05, on line 33, after the whereas, provided no expenditures, of any kind except services for site and architectural analysis and comparison be make from line item # 514 Recreation Center until subsequent approval has been provided for by the Council. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen, Fox, Cohen, Alderwomen Hoyle, Carter

NAYS: Aldermen, Tolliver, Hammond, Kelly, Cordle

CARRIED: 5-4

- Alderman Tolliver moved to amend R-13-05 as follows:

Amendment #3:

In Project # 514, Recreation Center, Recreation and Parks, amend the project description as follows:

“Design and construction of a new ~~90,000 sq. ft.~~ community recreation facility. The facility would contain several full size ~~gymnasium~~ gymnasias; a 200 meter, 6 lane all purpose walking and running track, community facilities, office space and space for both active and passive recreation programs.”

And under the project justification after the existing text, add the following language:

“The all purpose running and walking track, which replaces the proposed 160 meter suspended track, would allow for an arena that would accommodate larger numbers of walkers and runners as well as competitive track meets and indoor soccer and lacrosse.”

And in the project funding, make the following changes.

In FY 07, add \$5 million for construction according to the following schedule:

Bond Funds	\$1 million
Operating Funds	\$1.5 million
Non City Funds	\$2.5 million

Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelly, Cordle, Alderwoman Carter

NAYS: Mayor Moyer, Aldermen Fox, Cohen, Alderwoman Hoyle

CARRIED: 5-4

- Alderman Tolliver moved to amend R-13-05 as follows:

Amendment #2:

In Project # 462, Taylor Ave. Improvements; Public Works Dept., amend the project description by adding the following sentence:

“Modifications will retain the sufficient road curvature to provide traffic calming.”

Bureau Chief Engineering & Construction Baker was present and answered questions from Council.

Finance Director Elliott answered questions relative to R-13-05.

Seconded. CARRIED on voice vote.

- The main motion amended CARRIED on voice vote.
- Alderman Fox moved to adopt R-13-05 on third reading. Seconded. CARRIED on voice vote.

R-18-05 For the purpose of approving an amended fee schedule pursuant to the adoption of the FY 2006 Annual Operating Budget for the City of Annapolis for the fiscal year beginning July 1, 2005 and ending June 30, 2006; and all matters relating to said fee schedule.

Alderman Tolliver moved to adopt R-18-05 on first reading. Seconded. CARRIED on voice vote.

ANNAPOLIS NECK ROAD ANNEXATION

O-14-05 For the purpose of establishing a zoning classification of R1-B, Single Family Residence, and R3, General Residence District, for certain property which is contiguous to the existing boundary of the City, is owned by QW Properties, LLC, and is generally located south of the split between Forest Drive and Old Annapolis Neck Road; and all matters relating to said zoning map amendment.

Alderman Hoyle moved to adopt O-14-05 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and General Government Committee and Planning Commission

BUSINESS AND MISCELLANEOUS

1. Payment of Monthly Bills

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

2. Finance Committee minutes of May 2, 2005, meeting

Alderman Fox moved to adopt the Finance Committee minutes of May 2, 2005. Seconded. CARRIED on voice vote.

3. Adoption of FY 2006-2010 Consolidated Housing and Community Development Plan approved by Housing and Community Development Committee on March 30, 2005.

Alderman Tolliver moved to adopt FY 2006-2010 Consolidated Housing and Community Development Plan approved by Housing and Community Development Committee on March 30, 2005. Seconded. CARRIED on voice vote.

4. Comcast update

City Attorney Spencer presented Comcast Programming Changes pursuant to the "Agreement Concerning Consent to Cable Franchise Transfer" dated 4/11/05.

5. Approval of MOU with United Food and Commercial Workers Union (UFCW) Local 400 (Police)

Alderman Fox moved to approve MOU with United Food and Commercial Workers Union (UFCW) Local 400 (Police). Seconded. CARRIED on voice vote.

6. Approval of MOU with International Association of Firefighters (IAFF) Local 1926

Alderman Fox moved to approve MOU with International Association of Firefighters (IAFF) Local 1926. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:56 p.m.

Regina Watkins-Eldridge, CMC

Deborah Heinbuch, MMC