

REGULAR MEETING
May 9, 2011

The Regular Meeting of the Annapolis City Council was held on May 9, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:41p.m.

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

Absent on Roll Call: Alderman Israel

Staff Present: Assistant City Attorney Elson, Acting Human Resources Director Rensted, Director of Neighborhood and Environmental Programs Broadbent, Acting Harbormaster Walters, Development and Special Projects Coordinator LeFurge

Approval of Agenda

- Alderman Pfeiffer move to approve the Regular Meeting Agenda as amended to postpone the public hearing on O-13-11 Modifications to Section 14.04.050 and Section 14.04.070 Sidewalk Fee until the Special Meeting of May 23, 2011. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATION

Martha Wood Leadership Award
Annapolis Drum and Bugle Corps

Mayor Cohen invited Aldermen Kirby and Paone to present to the Annapolis Drum and Bugle Corps the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis with the Martha Wood Community Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journals of Proceedings

- Alderman Paone moved to approve the Journal of Proceedings for the Special Meeting of April 7, 2011, Regular Meeting of April 11, 2011, Special Meeting April 15, 2011 and the Special Meeting April 25, 2011. Seconded. CARRIED on voice vote.

PRESENTATION

Finance Committee on FY 2012 Budget

- Alderwoman Hoyle gave a brief presentation on the DRAFT FY 2012 Budget Report from the Finance Committee of the Annapolis City Council dated May 9, 2011.
- Mayor Cohen has requested there be a public hearing scheduled on May 23, 2011 for the following budget items:

O-10-11 Annual Operating Budget

R-15-11 FY 2012 Fees Schedule Effective July 1, 2011

R-17-11 Capital Improvement Budget and Program

DRAFT FY 2012 Budget Report from the Finance Committee of the Annapolis City Council dated May 9, 2011.

- Mayor Cohen accepted into the record pursuant to Annapolis Charter and Code Section: 6.16.060 (a) the DRAFT FY 2012 Budget Report from the Finance Committee dated May 9, 2011.

- Alderman Kirby has requested O-14-11 Review and Award of Community Grants be referred to the Housing and Community Development Committee

Comments by the General Public

Sharon Kennedy, 9 Randall Court, Annapolis, Maryland 21401 spoke on the Annapolis Triathlon, Tri Rock and requested a policy be created for special events Orlando Rideout, 110 Duke of Gloucester Street, Annapolis, Maryland 21401 spoke in opposition to the Tri Rock (Rock and Roll Marathon)

Michael Farmer, 142 Prince George Street, Annapolis, Maryland 21401 spoke in opposition to the Triathlon

Bevin Buchheister, 5 Wagner Street, Annapolis, Maryland 21401 spoke on the Tri Rock Triathlon

Brie Lang, 425 Halsey Road, Annapolis, Maryland 21403 representing Annapolis Triathlon Club spoke in favor of Tri Rock Triathlon

Jennifer Bornemann, 810 Monroe Street, # 202, Annapolis, Maryland 21403 representing Annapolis Triathlon Club spoke in favor of the Tri Rock Annapolis Triathlon

Ron Bowman, 598 Pinedale Drive, Annapolis, Maryland 21401 spoke in favor of the Tri Rock Annapolis Triathlon

Jennifer Kirkpatrick, 6 Revell Street, Annapolis, Maryland 21401 spoke in favor of the Tri Rock Annapolis Triathlon

Peggy Summers, 110 Prince George Street, Annapolis, Maryland 21401 representing Gibson's Lodgings spoke in opposition to the Tri Rock Triathlon

Kevin Sullivan, 7 Cumberland Court, Annapolis, Maryland 21401 spoke on the transparency and policy

Dave Kayea, 3432 Narragansett Avenue, Annapolis, Maryland 21403 spoke in favor of the Triathlons

Sveinn Storm, 130 Dock Street, Annapolis, Maryland 21401 spoke in opposition to the Triathlon

President Ashley Halsey, 709 Howard's Loop, Annapolis, Maryland 21401 representing Annapolis Triathlon Club spoke in favor of the Triathlon

Bryan Miller, 114 Market Street, Annapolis, Maryland 21401 spoke in opposition to the Triathlon Race and request the City Council adopt a policy for special events

Ann Berger, 170 Duke of Gloucester Street, Annapolis, Maryland 21401 spoke on making decisions without being aware of other events in town on the weekends

Zach Barnhorst, 7362 Remley Place, San Diego, CA 92037 21401 representing Tri Rock Triathlon spoke on the Triathlon

Development and Special Projects Coordinator LeFurge gave a brief presentation on the Tri Rock Triathlon and answered questions from Council.

PUBLIC HEARINGS

- O-13-11 Modifications to Section 14.04.050 and Section 14.04.070 Sidewalk Fee – For the purposes of clarifying sidewalk maintenance by abutting owners; the appeal from notice to clean, clear, and maintain sidewalks; repealing the sidewalk fund and establishing a sidewalk fee.**

Postponed until the May 23, 2011

- O-19-11 Anchoring in City Waters – For the purpose of amending Section 15.10.080C on the number of days a person can anchor in City waters in any one hundred eighty day period, unless the vessel and all persons on board register with the Harbormaster every thirty days.**

Acting Harbormaster Walters gave a brief presentation on the ordinance and

answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

R-23-11 Amending Fees Schedule for Short Term Rental License Fee - For the purpose of establishing a fee and a municipal infraction fine for a short term rental license.

Director of Neighborhood and Environmental Programs Broadbent gave a brief presentation on the resolution and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION

RESOLUTIONS – 2nd READER

R-2-11 Annapolis Ward Boundary Commission/Redistricting Committee – For the purpose of creating a Commission that that City historically forms after each federal decennial census to reevaluate the boundaries of its wards; and all matters relating to said Commission.

- Alderman Arnett moved to adopt R-2-11 on second reading. Seconded.
- Alderman Arnett moved to amend R-2-11 as follows:

Amendment #1

Page 2, Line 12, add the following:

10. Cathy Jones
11. Barbara Torreon
12. Michael Matthews

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS: Alderman Kirby

CARRIED: 7/1

R-8-11 Contractual Employment Policy – For the purpose of approving a Contractual Employment Policy for the City of Annapolis.

Acting Human Resources Director Rensted was present and answered questions from Council.

- Alderman Arnett moved to adopt R-8-11 on second reading. Seconded.
- Alderman Arnett moved to amend R-8-11 as follows:

I. POLICY STATEMENT

The City of Annapolis (the "City") acknowledges that contractual employment is a useful form of employment which may be necessary to fulfill the staffing needs of a Department for a limited ~~or extended~~ period of time. The use of contractual employees should, ~~however,~~ be limited and based on documented justification on a case by case basis. The justification should include a finding by the Department Director that current civil service staff do not have the skill set(s) or do not have the time available to accomplish the needed work. Contractual employment shall only be undertaken pursuant to a written contract for employment (the "Employment Contract") which shall specify the work to be performed and the duration of the contract.

II. PURPOSE

To establish a uniform practice for the creation and administration of contractual employment in the City.

III. DEFINITIONS

A. Contractual Employee. An employee whose conditions of employment and compensation are specified in an Employment Contract for the employee's personal services.

B. Independent Contractor - An individual or entity providing services to the City for compensation. An independent contractor is paid through the accounts payable system and is considered a vendor. Independent contractors are not employees and have a contract specifying the terms and conditions of their provision of services.

C. Permanent Position. A classified position within the Civil Service or exempt service of the City.

D. Seasonal Employee - An individual who works either full or part time for the City in an unclassified position for a portion of the year. Most seasonal employees work either in conjunction with the summer time or with the school year.

IV. SCOPE

This policy applies to all Contractual Employees, full or part-time. This policy does not apply to independent contractors or seasonal employees.

V. EMPLOYMENT CONTRACT PROVISIONS

The terms and provisions of any Employment Contract shall be negotiated between the Contractual Employee and the Department but all Employment Contracts are subject to the following:

A. All Employment Contracts must be drafted by the City Office of Law and shall contain all of the terms and conditions of the Contractual Employee's employment.

B. All Employment Contracts are for "at-will" employment and shall provide that the Contractual Employee's services can be terminated by either party for any reason or no reason. The Employment Contract shall provide that the Contractual Employee shall have no grievance or appeal rights with regard to conditions of employment, treatment, or reasons for separation.

C. Unless otherwise negotiated, all Employment Contracts shall be for a term of not more than one (1) year, ~~;~~ ~~shall commence on July 1 of any fiscal year and shall expire on June 30 of that fiscal year.~~ An Employment Contract may provide for an extension ~~for one (1) additional fiscal year,~~ of up to one (1) additional year, but shall further provide that any additional extension shall be subject to the prior, express approval of the City Council in the form of a ~~Resolution~~ budget

enhancement which shall set forth the justification for and term of any such extension.

D. All Employment Contracts shall designate the compensation to be paid to the Contractual Employee, which shall be based upon the salary for the comparable job classification within the City Classification Plan. In the absence of such a comparable classification, the Contractual Employee shall be paid the fair market rate as researched and documented by the Department Director and Human Resources Director. All adjustments to compensation including, but not limited to any increases in compensation and Cost of Living Adjustments shall be specifically provided for in the Employment Contract.

E. All Employment Contracts shall provide that the Contractual Employee shall not be entitled to benefits other than those specifically enumerated within the Employment Contract, which benefits shall include the Contractual Employee's entitlement, if any, to holiday leave, annual and sick leave, personal leave and health care insurance coverage.

F. All Employment Contracts shall provide that the Contractual Employee is not eligible to participate in the State of Maryland Retirement and Pension Plan.

VI. PROCEDURE

A. A Department Director seeking to hire a Contractual Employee must first obtain written approval from the City Manager, the Finance Committee and the City Council in the form of the Council's approval of the annual budget with funding for the position of that Contractual Employee.

B. All Employment Contracts shall be reviewed and executed by the Department Director, the Contractual Employee, the City Attorney (for legal sufficiency), the Finance Director (for availability of funds), the Human Resources Director (for compliance with personnel regulations), the Mayor and the City Clerk (as witness to the Mayor's signature).

C. Copies of the fully executed Employment Contract shall be sent by the Office of Law to the Department Director, the Contractual Employee and the Human Resources Department to be placed in the Contractual Employee's personnel file. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

CHARTER AMENDMENT – 1ST READER

CA-5-11 Setting Rates for City-Owned Parking Garages and Parking Lots – For the purpose of authorizing the City Manager or his designee to establish rates and hours at City-owned parking lots and parking garages.

Referred to the Rules and City Government and Finance Committees and the Transportation Board

BUSINESS AND MISCELLANEOUS

1. Appointments

The Finance Committee voted favorably on the Mayor's appointment of David Gallitano

- Alderman Silverman moved to approve the Mayor's appointment of the following individual:

5/9/11 Financial Advisory Commission.....David Gallitano
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:58 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk