

REGULAR MEETING

May 9, 1994

The Regular Meeting of the Annapolis City Council was held on May 9, 1994 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Snowden offered the invocation followed by the Pledge of Allegiance.

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

Alderman Tullier was out of town on City business.

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

Alderman Gilmer moved to approve the Minutes of April 11, 1994, April 25, 1994 and April 25, 1995 (Closed). Seconded. CARRIED on voice vote.

Mayor Hopkins presented the following Proclamations:

Safe Boating Week
Peg Wallace Appreciation Day

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), this statement is included in these minutes:

A closed session of the City Council was held at 7:02 p.m., Monday, April 25, 1994, in the City Attorney's Office.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer, City Attorney Goetzke, City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(1)(i). The purpose of the meeting was the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. The session was closed by unanimous consent. The following action was taken:

(1) **State v. Leroy Williams:**

Following discussion, Alderman DeGraff moved to permit the City Attorney to appear on behalf of Leroy Williams for the limited purpose of discussing the particulars of the case with the State's Attorneys' Office in an attempt to resolve the matter. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

(2) **Resignation of Police Chief Harold Robbins**

No action taken.

PETITIONS, REPORTS AND COMMUNICATIONS

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

Spoke regarding taxicab issues.

2. Darius Stanton, City of Annapolis
Substance Abuse Specialist
111 Northwest Street
Annapolis, MD 21401

Spoke in support of Ordinance O-11-94.

3. Tedd Biddle
134 Market Street
Annapolis, MD 21401

Spoke regarding fish trade at the City Dock.

4. Cally Matthews
Annapolis Cab Company owner
202 Browns Woods
Annapolis, MD 21401

Spoke in support of R-20-94

LEGISLATIVE ACTION

1. **O-7-94** Sponsored by Alderman Gilmer

For the purpose of providing that a person loitering in a public place for the purpose of engaging in prostitution may not disobey a request by a police officer to move on; defining certain terms; establishing a penalty; and all matters relating to said loitering.

The Rules and Public Safety Committees reported favorably on O-7-94.

Alderman Gilmer moved to adopt O-7-94 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-7-94 on third reading. Seconded. CARRIED on voice vote.

2. **O-11-94** Sponsored by Alderman Snowden

For the purpose of prohibiting smoking in certain government buildings; and all matters relating to said prohibition.

The Rules Committee reported favorably on O-11-94.

Alderman Johnson moved to adopt O-11-94 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, Turner

NAYS: Aldermen DeGraff, Moyer

CARRIED: 6 - 2

Alderman Snowden moved to adopt O-11-94 on third reading. Seconded. CARRIED on voice vote.

3. **CA-2-94** Sponsored by Mayor Hopkins

For the purpose of amending the Charter of the City of Annapolis to provide that the City of Annapolis, its officers, employees and agents shall not be liable in tort for any condition of, defect in, act or omission related to, or the accumulation of ice, snow or water on any public property unless the City shall have actual knowledge of said condition, defect, act or omission, or accumulation, shall have failed to act to correct same, and shall have also received notice of the occurrence; defining "public property"; and preserving certain existing defenses, immunities and procedures.

Alderman Turner moved to adopt CA-2-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

4. **CA-3-94** Sponsored by Aldermen Hammond, Johnson, Turner

For the purpose of amending the Charter of the City of Annapolis to revise certain time requirements for the notification and filling of a vacancy on the City Council; and all matters relating to said vacancy.

Alderman Turner moved to adopt CA-3-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee and Board of Supervisors of Election.

5. **O-10-94** Sponsored by Alderman Tullier

For the purpose of clarifying when and under what circumstances appeals taken from decisions of the Planning and Zoning Director to the Board of Appeals and appeals taken from the decisions of the Board of Appeals to the Circuit Court for Anne Arundel County are staying; and all matters relating to said appeals.

Alderman Johnson moved to adopt O-10-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission and Rules Committee.

6. **O-21-94** Sponsored by Alderman Turner

For the purpose of prohibiting animal disturbances; establishing a penalty; and all matters relating to said animal disturbance.

Alderman Snowden moved to adopt O-21-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Housing and Human Welfare Committees.

7. **O-30-94** Sponsored by Mayor Hopkins

For the purpose of clarifying the circumstances under which a use permit may be issued; and all matters relating to said use permits.

Alderman DeGraff moved to adopt O-30-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee and Planning and Zoning Commission.

8. **O-32-94** Sponsored by Aldermen Gilmer, Tullier

For the purpose of allowing certain commercial uses permitted in the B3 zone to be permitted in the BCE District, under certain circumstances; and all matters relating to said District.

Alderman DeGraff moved to adopt O-32-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

9. **O-33-94** Sponsored by Aldermen Gilmer, Tullier

For the purpose of rendering conforming for the purposes of expansion those previously permitted uses rendered nonconforming upon rezoning to the PM zone; and all matters relating to said District.

Alderman DeGraff moved to adopt O-33-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

10. **O-34-94** Sponsored by Alderman Snowden

For the purpose of allowing certain vacancies to be filled outside of the civil service system in order to overcome imbalances in the racial or gender makeup of City departments; providing that certain vacancies are filled pursuant to this chapter; and all matters relating to said vacancies.

Alderman Moyer moved to adopt O-34-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

11. **O-35-94** Sponsored by Aldermen Hammond, Johnson, Snowden, Turner

For the purpose of prohibiting smoking in licensed taxicabs; establishing a penalty; and all matters relating to said prohibition.

Alderman Turner moved to adopt O-35-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

12. **O-36-94** Sponsored by Alderman Moyer

For the purpose of adding certain permitted uses to the B1, Convenience Shopping District; and all matters relating to said permitted uses.

Alderman DeGraff moved to adopt O-36-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

13. **O-37-94** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement and Refunding Bonds of 1994 dated March 15, 1994 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$164,430 from funds currently unappropriated to Waste Water Treatment Plant - General Up-Grade, Capital Project #932; and all matters relating to said use.

Alderman Snowden moved to adopt O-37-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

14. **O-38-94** Sponsored by Aldermen Johnson, Snowden, Moyer

For the purpose of creating procedures by which the City of Annapolis may acquire private streets located in certain developments if the required number of property owners in the development petition the City to acquire the streets; providing for the creation of special taxing districts and the imposition of an ad valorem tax to pay costs associated with improving such streets in appropriate cases; and all matters relating to said procedures.

Alderman Turner moved to adopt O-38-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees.

15. **O-39-94** Sponsored Aldermen Johnson, Snowden, Moyer

For the purpose of creating special taxing districts to levy ad valorem taxes to finance costs incurred in improving private streets acquired by the City; and all matters relating to said taxing districts.

Alderman Snowden moved to adopt O-39-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees.

16. **O-40-94** Sponsored by Mayor Hopkins

For the purpose of establishing a zoning classification of I1, Light Industrial for the Hudson Street property and existing Capital Gazette Newspaper facility and BCE for the 1.7 acres adjoining existing BCE zoned property, for the property generally located between Gibraltar Avenue and Hudson Street and partially addressed at 2000 Capital Drive, contiguous to the existing boundary of the City of Annapolis, known as West Capital and West Hudson Property Annexation; and all matters relating to said zoning map amendment

Alderman Snowden moved to adopt O-40-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

17. **O-41-94** 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.

Alderman DeGraff moved to adopt O-41-94 on first reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to suspend the rules to dispense with the second reading on O-41-94. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-41-94 on third reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. **R-19-94** Sponsored by Alderman Snowden

For the purpose of endorsing and supporting the restoration of historic oyster reefs in the Severn River; and all matters relating to said endorsement and support.

Alderman Snowden moved to adopt R-19-94. Seconded. CARRIED on voice vote.

2. **R-20-94** Sponsored by Mayor Hopkins

For the purpose of revising the rates that may be charged by persons owning or operating a taxicab licensed by the City of Annapolis; and all matters relating to said rates.

There being no voiced objection, Resolution R-20-94 was referred to Finance Committee and Transportation Advisory Board.

3. **R-21-94** For the purpose of creating an Ad Hoc Committee on the Market House; establishing the composition and guidelines; and all matters relating to said Ad Hoc Committee.

There being no voiced objection, Resolution R-21-94 was withdrawn by its sponsor.

4. **R-22-94** Sponsored by Mayor Hopkins, Aldermen Snowden and DeGraff

For the purpose of making certain recommendations regarding the management and reorganization of the Annapolis Police Department; and all matters relating to said recommendations.

Alderman DeGraff moved to adopt R-22-94. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, DeGraff, Moyer
NAYS: Alderman Turner
CARRIED: 7 - 1

5. Public Safety Committee Minutes of 4/18/94

Alderman DeGraff moved to approve the Public Safety Committee Minutes of 4/18/94. Seconded. CARRIED on voice vote.

6. Rules Committee Minutes of 4/20/94

Alderman DeGraff moved to approve the Rules Committee Minutes of 4/20/94. Seconded. CARRIED on voice vote.

7. Economic Matters Committee Minutes of 4/28/94

Alderman DeGraff moved to approve the Economic Matters Committee Minutes of 4/28/94. Seconded. CARRIED on voice vote.

8. Housing and Community Development Committee Minutes of 4/27/94

Alderman Turner moved to approve the Housing and Community Development Committee Minutes of 4/27/94. Seconded. CARRIED on voice vote.

9. Finance Committee Minutes of 4/28/94

Alderman Moyer moved to approve the Finance Committee Minutes of 4/28/94. Seconded. CARRIED on voice vote.

10. Payment of monthly bills

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

11. Appointments

Alderman Gilmer moved to confirm the Mayor's appointment of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated May 2, 1994:

Commission on Aging: Ethel Taylor
Eloyace Randolph
Mary Lyons
Judith V. Braham

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:50 p.m.

**Patricia L. Bembe, CMC/AE
City Clerk**