

REGULAR MEETING
May 11, 2009

The Regular Meeting of the Annapolis City Council was held on May 11, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:36 p.m.

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

Staff Present: City Attorney Kling

Approval of Journal of Proceedings

- Alderwoman Hoyle moved to approve the Journal of Proceedings for April 13, 2009 Regular Meeting and April 27, 2009 Special Meeting. Seconded. CARRIED on voice vote.

Closed

Session

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

A closed session of the City Council was held on Wednesday, May 6, 2009 at 6:07 p.m., in the City Council Chamber.

Present: Mayor Moyer, Alderwoman Hoyle, Aldermen Israel, Paone, Stankivic, Shropshire, Arnett, Alderwoman Finlayson present via conference call

Staff Present: City Attorney Kling, City Clerk Watkins-Eldridge, Central Services Director Schuetz, Finance Director Elliott, City Administrator Agee, Jonathan P. Kagan, Esq., Rignal W. Balwin, Jr., Esq.,

By unanimous consent of the members present, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508 (a)(8) To consult with staff, consultants, or other individuals about pending or potential litigation regarding the Market House.

Action taken:

Mayor Moyer moved to ratify the settlement agreement and release by and between the Mayor and Alderman of the City of Annapolis, a Municipal Corporation ("the City) and Market House Ventures, LLC, and Site Management, Inc. t/a Site Reality Group (jointly referred to as "MHV"). Seconded. CARRIED by unanimous consent.

Alderman Shropshire moved to authorize City Lawyers to make settlements of other Market House related claims up to a specific dollar amount. Seconded. CARRIED by unanimous consent.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 7:06 p.m.

PRESENTATION

Center for Help

Alderman Shropshire presented the Center for Help with a proclamation to expresses its deep appreciation to the staff, counselors and volunteers of the Center of Help for their selfless devotion to voluntarism, community

development, and social transformation, civic outreach programs and services they provide to the people of Annapolis and Anne Arundel County.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401 representing Annapolitians for Better Community spoke on the Compensation Commission
Greg Stiverson, 1303 Colony Drive, Annapolis, Maryland 21403 spoke on voting on Tuesday's, obtaining polling precincts in the wards and the Market House
Zina Pierre, 1909 Mc Guckian Street, Annapolis, Maryland 21401 spoke in support of R-36-09, in opposition to the increase for the Mayor's Compensation Package and the Market House

Arthur Kungle, Jr, P.O. Box 365, Annapolis, Maryland 21404-0365 spoke on the Custom House, the Old Treasury Building, east side of City Hall and various topics

Trudy Mc Fall, 205 Scott Drive, Annapolis, Maryland 21401 spoke on the City Budget, Compensation of Mayor and Alderman, and the Compensation Plan

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on the Budget, a resolution to thank the men who put an end to the holocausts

Jeff Holand, 307 Edgemere Drive, Annapolis, Maryland 21403 spoke in favor of the Annapolis Maritime Museum

Heather Ersts, 670 Americana Drive, Annapolis, Maryland 21403 spoke in favor of the Annapolis Maritime Museum

Jane Hall, 138 E. Lake Drive, Annapolis, Maryland 21403 spoke in favor of the Annapolis Maritime Museum

Buck Buchanan, 723 Second Street, Annapolis, Maryland 21403 spoke in favor of the Annapolis Maritime Museum

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401 spoke on the election and the compensation of Mayor and Alderman

Robert H. Eades, 32 Pleasant Street, Annapolis, Maryland 21401 spoke on Public Housing

Shannon Kennedy, 9 Randall Street, Annapolis, Maryland 21401 spoke on the Market House and in opposition to O-05-09

Anastasia Hopkinson, 1036 Harbor Drive, Annapolis, Maryland 21403 representing the Annapolis Neck Peninsula Federation spoke in opposition to future Annexation

Felecia Wallace, 223 Admiral Drive, Annapolis, Maryland 21401 spoke on the decrease in funding for the Community Action Partnership, the Comprehensive Plan in reference to the Public Housing, and the Public Housing Banning List

ORDINANCES & RESOLUTIONS – 2ND READING

O-41-08

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

and the proximity of attendant exhaust to nearby residential, downtown commercial, and outdoor dining areas.

- Alderman Paone moved to adopt O-41-08 on second reading. Seconded.

The Economic Matters and Environmental Matters Committee reported favorably on O-41-08.

- Alderman Stankivic moved to amend O-41-08 as follows:

Amendment # 1

15.14.020 Concentration limit.

A house barge conforming to the dimensions set forth in Section 15.14.010 may be secured to waterfront facilities only if the house barge is docked within a commercial, community or public marina in which twenty or more slips exist for the dockage of vessels and the dockage of the house barge would not result in more than two percent of the facility's slips being occupied by house barges. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwoman Hoyle, Aldermen Paone, Cordle, Stankivic

NAYS: Alderwoman Finlayson, Aldermen Israel, Shropshire, Arnett

CARRIED: 5/4

Amendment # 2

Page 3, line 44, and add "F. No person shall dock, secure, attach, operate or otherwise keep a house barge at a privately owned dock for any period of time unless otherwise permitted in the City Code. Seconded. CARRIED on voice vote.

- Alderman Israel moved to amend O-41-08 as follows:

Page 4, line 4, strike "month" and add "one hundred and eighty (180) days of the year (365)

Page 4, line 15 add "F." This chapter does not apply to a barge designed and used for office, storage or fueling purposes." Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-41-08 amended on third reading. Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

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

- Alderman Arnett moved to adopt R-51-08 on second reading. Seconded.
- Alderman Arnett moved to amend R-51-08 as follows:

Page 1, line 27, and change the fee from "\$25 per foot of length" to "\$95 per annum" Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-05-09 For the purpose of prohibiting invasive plants on lots or parcels within the City unless completely contained to control growth and prevent encroachment.

- Alderwoman Hoyle moved to adopt O-05-09 on second reading. Seconded.

The Housing and Human Welfare Committee reported favorably on O-05-09.

The main motion DEFEATED on voice vote. A ROLL CALL vote was taken:

YEAS: Alderwoman Hoyle, Aldermen Paone, Cordle, Arnett

NAYS: Mayor Moyer, Alderwoman Finlayson, Alderman Israel, Stankivic,
Shropshire

DEFEATED: 4/5

The order of the agenda was amended to allow for R-61-08

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

- Alderman Arnett moved to adopt R-61-08 on second reading. Seconded.
- Alderman Cordle moved to amend R-61-08 as follows:

Amendment #1

On the first unnumbered page, beginning at line 33, strike "NOW" through "request" on page two, line two.

Amendment #2

On page two, at line four, strike "AND" through "FURTHER", and substitute: "NOW, THEREFORE, BE IT".

Amendment #3

On page two, at line four, strike "each" through "cycle" in line seven, and insert "all contractual and consultant positions receiving final approval for inclusion in the FY 2010 budget, with the exception of Department Directors, those paid by outside-source dedicated funds ~~not part of the budget~~, and those in the C.I.P., shall be limited to a six-month period commencing July 1, 2009, with contingency funding for the remaining six-month period. The final determination of position retention shall be made in conjunction with the Blue Ribbon Report on the City's Finances."

Amendment #4

On page 2 after line 8, insert: "AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Council implement the interim

recommendations of the Blue Ribbon Report on the City's Finances." Seconded.
CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Paone, Cordle, Arnett
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen
Stankivic, Shropshire
DEFEATED: 4/5

The order of the agenda was resumed.

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

- Alderwoman Finlayson moved to substitute O-07-09A and O-07-09M on second reading. Seconded.
- Alderman Israel moved to amend O-07-09A as follows:

On page 1, in line 33, add a "." after training, and delete "and reimbursement of up to \$1,000 in expenses necessary to carry out professional duties." Seconded.
CARRIED on voice vote.

- Alderman Paone moved to amend O-07-09A as follows:

On page 1, in line 32, delete "\$18,500" and add "12,600" Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Paone, Cordle, Stankivic, Arnett
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Shropshire
CARRIED: 5/4

The motion on O-07-09A amended CARRIED on voice vote.

- Alderman Cordle moved to adopt O-07-09A amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Israel, Paone, Cordle, Stankivic, Arnett
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Shropshire
CARRIED: 5/4

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

- Alderwoman Hoyle moved to postpone O-07-09M on second reading until the Special Meeting on May 18, 2009. Seconded. CARRIED on voice vote.

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

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

The Economic Matters Committee reported favorably on O-09-09.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-09-09 on third reading. Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

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

- Alderman Shropshire moved to adopt O-10-09 on second reading. Seconded.

The main motion CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-10-09 on third reading. Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-22-09 **For the purpose of amending the City's Personnel Rules and Regulations to reflect recent changes in Maryland's Flexible Leave Act.**

- Alderman Arnett moved to adopt R-22-09 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS: Aldermen Paone, Stankivic

CARRIED: 7/2

R-26-09 **For the purposes of establishing "Warren View" in Acton's Landing Park; providing for the placement of two plaques honoring Mary and Marion Warren reflecting this designation; and, eliminating the prior requirement of a sculpture's installation.**

- Alderman Arnett moved to adopt R-26-09 on second reading. Seconded. A ROLL CALL vote was taken:

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

NAYS: Aldermen Stankivic

CARRIED: 8/1

ORDINANCES & RESOLUTIONS – 1ST READING

O-25-09 For the purpose of directing the Public Works Administration to establish and implement a Ten-Year Water and Sewerage Plan through the Capital Improvement Program.

- Alderman Arnett moved to adopt O-25-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters and Housing and Human Welfare Committees.

R-32-09 For the purpose of adopting a new comprehensive plan for the City of Annapolis.

- Alderman Shropshire moved to adopt R-32-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

R-33-09 For the purpose of expressing the City of Annapolis' support of the Maryland Theatre for the Performing Arts at Park Place.

- Alderman Shropshire moved to adopt R-33-09 on first reading. Seconded. CARRIED on voice vote.

R-36-09 For the purpose of expressing the City of Annapolis' support for the funding of the Wiley H. Bates Middle School Performing and Visual Arts Magnet Program.

- Alderman Shropshire moved to adopt R-36-09 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Shropshire moved to adopt R-36-09 on second reading. Seconded. A ROLL CALL vote was taken:

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

NAYS:

ABSTAIN: Aldermen Stankivic

CARRIED: 8/0/1

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Paone moved to approve the Mayor's (re)appointments of the following individuals:

5/11/09 Ethics Commission.....Jerome T. May
5/11/09 Housing and Community Development Committee...Theresa Von Adelung Bond
5/11/09 Commission on Aging.....Judith V. Branham
5/11/09 Commission on Aging..... Mary C. Brown
5/11/09 Commission on Aging.....Mary Rose Brummel
5/11/09 Commission on Aging.....Eileen K. Cochran
5/11/09 Commission on Aging.....Catherine Stavely
5/11/09 Commission on Aging.....Nancy B. Jones Williams
5/11/09 Building Board of Appeals.....John J. Schwartz
Seconded. CARRIED on voice vote.

2. FY2010 Community Development Block Grant Funding

- Alderman Paone moved to postpone the vote on the FY2010 Community Development Block Grant funding until the Special Meeting of May 18, 2009. Seconded. CARRIED on voice vote.

3. Preliminary Review – Annexation of Annapolis Golf Club

- Alderman Arnett moved that the applicants work with the Finance, Public Works, and Planning and Zoning Departments to provide the necessary studies for proper consideration of this Petition. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:57 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk