

SPECIAL MEETING
May 18, 2009

The Special Meeting of the Annapolis City Council was held on May 18, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:23 p.m.

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

Staff Present: City Attorney Kling, Finance Director Elliott, Chief of Community Development Wellman, Central Services Director Schuetz

PUBLIC HEARING

O-12-09 For the purpose of requiring vehicles owned or licensed by City of Annapolis to operate clean air vehicles over a four-year period; specifying what vehicle types satisfy the requirement; and, providing exceptions for certain special purpose vehicles.

Present and testified on behalf of the ordinance:

John Somers, 27 President Street, Huntington Station, NY 11746

Sheree Jeanes, 27 President Street, Huntington Station, NY 11746 representing Clean Energy and Natural Gas for Vehicles gave a brief presentation on the ordinance.

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

- Mayor Moyer declared the public hearing closed.

Without objection the public hearing on O-13-09 and R-25-09 were held jointly.

O-13-09 For the purposes of classifying graffiti as a misdemeanor crime; specifying what acts constitute a violation of the ordinance; and, providing punishment by fine, imprisonment, and order of restitution.

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R-25-09 For the purpose of establishing a fine and term of imprisonment for the crime of graffiti vandalism.

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

- Mayor Moyer declared the public hearings closed.

Without objection the public hearings on O-14-09 and R-27-09 were held jointly.

O-14-09 For the purposes of establishing multiple-day and single-day temporary parking permits for persons rendering medical care to a resident in a special residential parking district and directing the Council to set the permit's fee.

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R-27-09 For the purpose of establishing a fee for multiple-day and single-day temporary parking permits for medical personnel.

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

or resolution.

- Mayor Moyer declared the public hearings closed.

O-15-09 For the purpose of requiring the removal of refuse containers from public view throughout the City of Annapolis.

Spoke in favor of the ordinance:

Doug Smith 5 Revell Street, Annapolis, Maryland 21401 representing Ward One
Whitney Chellis, 18 Lafayette Avenue, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

- Mayor Moyer declared the public hearing closed.

O-16-09 For the purpose of providing a one-time City property tax credit for an existing residential structure in which fire sprinkler installation is required by City Code.

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

- Mayor Moyer declared the public hearing closed.

O-18-09 For the purpose of rezoning parcels 505 and 508 and a portion of parcel 274 to B2, Community Shopping District.

Spoke in favor of the ordinance:

Harry Blumenthal, 170 Jennifer Road, #240, Annapolis, Maryland 21401
representing Marc Bowen

Spoke in opposition to the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

- Mayor Moyer declared the public hearing closed.

LEGISLATIVE ACTION

The order of the agenda was amended to allow for O-07-09M.

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.

- Alderman Arnett moved to adopt O-07-09M on second reading. Seconded.

The Finance Committee reported favorable with amendments on O-07-09M.

Chairman of the Compensation Commission Garraway was present and answered questions from Council.

- Alderman Hoyle moved to amend O-07-09M as follows:

On page 2, in line 5, delete "\$120,000" and insert "\$78,000 and effective July 1, 2010 increase to \$88,000, and effective July 1, 2011 increase to \$98,000" Seconded. CARRIED on voice vote.

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

On page 2, in line 5, delete "\$120,000" and insert "\$70,000 and effective July 1, 2010 increase to \$80,000, and effective July 1, 2011 increase to \$90,000" Seconded. DEFEATED on voice vote.

- Alderman Israel moved to amend O-07-09M as follows:

On page 2, in line 5, delete "\$120,000" and insert "\$90,000, and effective July 1, 2011 increase to \$95,000" Seconded. DEFEATED on voice vote.

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

Should there be a referendum that approves a City Manager position prior to December 7, 2009 the Mayor's salary shall be set at \$70,000. Seconded. DEFEATED on voice vote.

- Alderman Stankivic moved to amend O-07-09M as follows:

Should there be a referendum that approves a City Manager position prior to December 7, 2009 the Mayor's salary shall be set at \$50,000. Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone, Stankivic
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel,
Cordle, Shropshire, Arnett
DEFEATED: 2/7

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-07-09M amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

The order of the agenda was resumed.

The meeting was recessed at 8:55 p.m. and reconvened at 9:13 p.m.

CHARTER AMENDMENT

CA-07-09 For the purpose of providing for Saturday voting for both the primary and general municipal election.

- Alderman Israel moved to adopt CA-07-09 on first reading. Seconded. DEFEATED on voice vote.

FY2010 BUDGET

O-11-09 **For the purpose of adopting an operating budget for the City of Annapolis for the Fiscal Year 2010; appropriating funds for expenditures for the Fiscal Year 2010; 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; and, specifying a rate of interest to be charged upon overdue property taxes.**

- Alderwoman Hoyle moved to adopt O-11-09 on second reading. Seconded.

Finance Director Elliott was present and answered questions from Council.

Central Services Director Schuetz was also present and answered questions from Council.

The Finance Committee reported favorable with amendments on O-11-09.

- Alderwoman Hoyle moved to amend O-11-09 as follows:

Amendment #1

To accept the FY2010 Operating Budget Finance Committee Recommendations attached to the letter from Tim Elliott, Finance Director Dated May 11, 2009 as amended. Seconded.

A ROLL CALL vote was taken:

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

Amendment #2

To accept the Mayor's amendments to the FY2010 Operating Budget Finance Committee Recommendations attached to the letter from Tim Elliott, Finance Director Dated May 11, 2009. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire, Arnett
NAYS: Aldermen Paone, Cordle, Stankivic
CARRIED: 6/3

- Alderman Arnett moved to amend the Mayor's amendments to the FY2010 Operating Budget Finance Committee Recommendations attached to the letter from Tim Elliott, Finance Director Dated May 11, 2009 as follows:

To reduce the AIPP funding to \$30,600 in Recreation Expenditures and to add the balance of \$3,400 to the City's Reserve Fund. Seconded.

A ROLL CALL vote was taken:

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

- Alderman Paone moved to amend the Mayor's amendments to the FY2010 Operating Budget Finance Committee Recommendations attached to the letter from Tim Elliott, Finance Director Dated May 11, 2009 as follows:

To delete the \$5,200 for the City Magazine from the Mayor's Expenditures and to add the \$5,200 to the City's Reserve Fund. Seconded.

A ROLL CALL vote was taken:

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

- Alderman Stankivic moved to amend O-11-09 as follows:

Amendment #1

To restore \$25,000 as of July 1, 2009 to fill the auditors position and to reduce the Central Services salaries by \$25,000. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone, Stankivic
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Shropshire
ABSTAIN: Alderman Arnett
DEFEATED: 2/6/1

Amendment #2

To reduce the salaries in Central Services by \$37,388 and to add the \$37,388 to the City's Reserve Fund. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone, Stankivic
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Shropshire, Arnett
DEFEATED: 2/7

- Alderwoman Finlayson moved to amend O-11-09 as follows:

To restore \$4,000 to Leadership Anne Arundel and reduce \$4,000 from the Center for Help. Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

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

- Alderman Israel moved to call the question to end debate. Seconded. DEFEATED on voice vote.

- Alderman Shropshire moved to amend O-11-09 as follows:

To include \$2,500 in expenses for the Alderman and Alderwomen and the source of fund would be from the reduction in the Mayor's salary. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel,
Shropshire, Arnett
NAYS: Alderman Paone, Cordle, Stankivic
CARRIED: 6/3

- Alderman Israel moved the previous question to end debate and to take an immediate vote on O-11-09 as amended.

A ROLL CALL vote was taken:

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

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-11-09 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

- Alderman Israel moved to withdraw the following amendments to O-11-09 and to have the Council approve these statements and refer the 2 amendments to the Blue Ribbon Commission.

Annual Operating Budget FY2010 Proposed by Richard Israel, Alderman Ward I

The second interim report of the Blue Ribbon Commission on the City's Finances expresses concern about the increasing expenditures on overtime and contractual services. The Commission urges that policies be adopted to deal with these issues. The Finance Committee recommends the adoption of the rather general statements in the second interim report. I suggest that more specific statements are required to start the city government on the path of exercising greater control with respect to expenditures on overtime and contractual services.

Amendment#1

On page 2, in line 5, add the following sentences:

Except in an emergency, a director or other supervisor who authorizes the expenditure of funds for overtime in excess of the funds allocated in the Fy2010 budget for this purpose must promptly report the justification in writing to the City Council.

Amendment #2

In the second half of fiscal year 2010, no funds from whatever source may be expended to compensate a contractual employee until the Mayor who takes office following the general election or the designee of the Mayor has made the following determinations: (1) a full-time civil servant is not available or is incapable of performing the work of the contractual employee; (2) the contract of employment was awarded through a competitive process that was appropriate in the circumstances; (3) the services preformed by the contractual employee relate

to carrying out a declared public policy; and (4) these determinations are promptly reported in writing to the Council. Notwithstanding the foregoing, the Mayor who takes office following the general election may declare that the services of a contractual employee are essential to the public service and direct that the compensation of the contractual employee be continued. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-37-09 on first reading.

- Alderman Cordle moved to continue the legislative session after 11:00 p.m. Seconded. CARRIED on voice vote.

ORDINANCES & RESOLUTIONS – 1ST READING

R-37-09 For the purpose of authorizing the City’s Executive to renegotiate the current lease with Vaccaro’s for the continued occupancy of the company’s Market House stall.

- Alderman Stankivic moved to adopt R-37-09 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 Arnett moved to adopt R-37-09 on second 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

ANNEXATION

R-34-09 For the purpose of annexing into the boundaries of the City of Annapolis the Annapolis Gold Club, owned by George and Linda Graefe, which is contiguous to the existing boundary of the City and is generally located on the southeasterly side of Carrollton Road, extending to the northeast side of Carrollton Road.

- Alderman Arnett moved to adopt R-34-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and Planning Commission.

O-29-09 For the purpose of establishing a zoning classification of R1-B Single Family Residence District and OS-Open Space District, with the Critical Area designation of Resource Conservation Area remaining unchanged, for certain property which is contiguous to the existing boundary of the City and is generally located on the southeasterly side of Carrollton Road, extending to the northeast side of Carrollton Road.

- Alderman Arnett moved to adopt O-29-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and the Planning Commission.

O-26-09 For the purpose of creating an Open Space Zoning District within the City of Annapolis.

- Alderman Arnett moved to adopt O-26-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and the planning Commission.

O-28-09 For the purposes of establishing billing to hospitals and nursing homes for the use of City emergency medical services and directing the City Council to set the fee for these services in the annual fee schedule.

- Alderman Stankivic moved to adopt O-28-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing & Human Welfare, Public Safety and Finance Committees.

BUSINESS AND MISCELLANEOUS

1. Community Development Block Grant Stimulus Funds

Chief of Community Development Wellman was present and answered questions from Council.

Eric Brown, Executive Director of the Annapolis Housing Authority, 1217 Madison Street, Annapolis, Maryland 21403 was present and answered questions from Council.

- Alderman Arnett moved to accept the Community Development Block Grant Stimulus Funds. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle,
Shropshire
NAYS: Aldermen Stankivic
ABSTAIN: Mayor Moyer, Alderman Arnett
CARRIED: 6/1/2

2. FY2010 Community Development Block Grant Funding for Capital and Public Service Projects

Chief of Community Development Wellman was present and answered questions from Council.

- Alderwoman Finlayson moved to reduce the City of Annapolis Rehabilitation Program by \$10,000 and add \$10,000 to Rebuilding Together. Seconded. CARRIED on voice vote.
- Alderman Shropshire moved to accept the FY2010 Community Development Block Grant Funding for Capital and Public Service Projects as amended. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

- Alderwoman Finlayson requested a work session scheduled with the Annapolis Housing Authority on June 8, 2009 at 6:30 p.m. in the City Council Chambers. Seconded. CARRIED on voice vote.

CONTINUENCE OF ORDINANCES & RESOLUTIONS – 2ND READING

R-17-09 For the purpose of adopting a capital improvement budget for the Fiscal Year 2010 and a capital improvement program for the six-year period from July 1, 2009, to June 30, 2015.

- Alderman Israel moved to postpone R-17-09 on second reading until June 8, 2009 and to refer to the Planning Commission. Seconded. CARRIED on voice vote.
- Alderman Shropshire moved to reconsider the vote to postpone R-17-09 on second reading until June 8, 2009 and to refer to the Planning Commission. Seconded. DEFEATED on voice vote.

R-18-09 For the purpose of specifying fees that will be charged for the use of City services for FY 2010.

- Alderman Arnett moved to adopt R-18-09 on second reading. Seconded.
- Alderman Stankivic moved to amend R-18-09 as follows:

To increase the storm water management fee from \$5.50 to \$15.00 per quarter. Seconded. DEFEATED on voice vote.

- Alderman Arnett moved to amend R-18-09 as follows:

To reflect the parking fee recommended by the Finance Committee. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS: Aldermen Paone, Cordle, Stankivic, Arnett

CARRIED: 5/4

- Alderman Shropshire moved to reconsider the vote on the main motion as amended for R-18-09. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to accept the fees in the Finance Committees recommendations to R-18-09 -09. 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, Shropshire, Arnett

NAYS: Aldermen Stankivic

CARRIED: 8/1

O-17-09 For the purpose authorizing and empowering the City of Annapolis to issue and sell, upon its full faith and credit, Twenty Three Million Six Hundred Twenty Thousand Dollars (\$23,620,000) maximum aggregate principal amount of its serial maturity general obligation, fully registered bonds, pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (2005 Replacement Volume), and Article VII, Section 11, of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Bonds, 2009 Series”, said bonds to be issued and sold for the public purpose of financing certain capital projects of the City of Annapolis.

- Alderman Arnett moved to adopt O-17-09 on second reading. Seconded.
- Alderwoman Hoyle moved to amend O-17-09 as follows:

Page 1, lines 11 and 12 Change amounts in script and numerical from \$23,620,000 to \$28,230,000

Page 2, top of page Update project listing as follows

| | | | |
|-----|-------------------------------|----|-----------|
| 122 | Landfill Gas Mitigation | \$ | 1,550,000 |
| 205 | Eastport Fire Station | | 1,859,180 |
| 220 | Police Addition | | 513,000 |
| 349 | Back Creek Park Improvements | | 415,000 |
| 350 | Truxtun Park Improvements | | 212,000 |
| 353 | Waterworks Park | | 110,000 |
| 470 | Hanover Street Reconstruction | | 1,098,800 |
| 472 | Maryland Avenue Improvements | | 480,000 |
| 474 | General Roadway Improvements | | 3,861,000 |
| 514 | Recreation Center | | 6,827,780 |
| 522 | Public Works Garage | | 71,100 |
| 524 | City Hall Restoration | | 310,000 |
| 526 | Maynard Burgess House | | 488,980 |
| 529 | Non-Profit Capital Funding | | 435,000 |
| 530 | Truxtun Maintenance Building | | 1,339,300 |
| 706 | Pump Station Replacements | | 1,262,000 |
| 721 | Watershed Restoration | | 140,000 |
| 722 | New Water Well | | 2,335,000 |
| 724 | Water Plant Upgrades | | 2,741,580 |
| 731 | Harbormaster Building | | 147,010 |
| 732 | Hillman Garage Replacement | | 700,000 |
| 942 | Clearwell Replacement | | 1,198,000 |

Page 2, lines 20 and 21 Change amounts in script and numerical from \$23,620,000 to \$28,230,000

Page 3, lines 8 and 28 Change amounts from \$23,620,000 to \$28,230,000

Page 3, lines 16 to 25 Add Principal Amounts as follows:

| | | | |
|------|-----------|------|-----------|
| 2010 | 1,160,000 | 2020 | 1,370,000 |
| 2011 | 1,135,000 | 2021 | 1,415,000 |
| 2012 | 1,145,000 | 2022 | 1,460,000 |
| 2013 | 1,160,000 | 2023 | 1,515,000 |
| 2014 | 1,180,000 | 2024 | 1,570,000 |
| 2015 | 1,200,000 | 2025 | 1,625,000 |
| 2016 | 1,230,000 | 2026 | 1,690,000 |
| 2017 | 1,260,000 | 2027 | 1,755,000 |
| 2018 | 1,295,000 | 2028 | 1,830,000 |
| 2019 | 1,330,000 | 2029 | 1,905,000 |

Page 10, line 31 Change amounts in script and numerical from \$23,620,000 to \$28,230,000

Page 11, lines 8 and 9 Change date from May 11th to 18th

Page 18, lines 3 and 16 Change amounts from \$23,620,000 to \$28,230,000

Page 18, line 23 Change date from May 11th to 18th

Page 21, lines 31 and 35 Change amounts from \$472,400 to \$564,600
Seconded. CARRIED on voice vote.

CARRIED

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire, Arnett
NAYS: Aldermen Paone, Cordle, Stankivic
CARRIED: 6/3

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-17-09 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

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

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:59 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk