

SPECIAL MEETING  
May 20, 2013

The Special Meeting of the Annapolis City Council was held on May 20, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:18 p.m.

Present on Roll Call: Mayor Cohen, Aldermen Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Arnett

Absent on Roll Call: Aldermen Pfeiffer

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Planning and Zoning Director Arason, Police Chief Pristoop, DNEP Director Broadbent, Assistant City Attorney Elson, Development and Special Events Coordinator LeFurge, Deputy Chief & Director of Emergency Preparedness and Risk Management Simmons, Senior Planner Mandell

*Closed Session*

*Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a) (7) this statement is included in these minutes:*

*A closed session of the City Council was held at 5:37 p.m., Monday, May 20, 2013 in the City Council Chamber.*

*Present: Mayor Cohen, Aldermen Budge, Paone, Alderwomen Hoyle, Finlayson, Aldermen Littmann, Kirby, Pfeiffer, Arnett*

*Staff Present: City Attorney Hardwick, Assistant City Attorney Elson, City Manager Mallinoff, City Clerk Watkins-Eldridge, Finance Director Miller, Accountant Leaman*

*A roll call vote was taken by the members present, and the session was closed. The Authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a) (7). The purpose of the meeting was to consult with counsel to obtain legal advice on legal matters.*

*Discussion Topic:*

*Quarterly Update on Litigation ~ No Actions were taken in closed session.*

*Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:03 p.m.*

- Alderman Littmann move to amend the Special Meeting Agenda to include O-19-13 on 1<sup>st</sup> reader and to postpone R-10-13 on second reader until the Regular Meeting on June 10, 2013. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to amend the Special Meeting Agenda to include O-24-13 and R-28-13 on 1st reader. Seconded. CARRIED on voice vote.
- R-28-13 Request to co-sponsors Aldermen Arnett & Littmann

PETITIONS, REPORTS AND COMMUNICATIONS

Preservation Month

Robert Clark President of Historic Annapolis and Chief of Historic Preservation Craig gave a joint presentation and answered questions from Council.

Comments by the General Public

Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403 spoke in opposition to over crowded schools and tree removal fees.  
Brian Calahan, 49 West Street, Annapolis, Maryland 21401 spoke on the waiving the parking meter fees during the First Sundays Events.

- Mayor Cohen declared petitions, reports and communications closed.

#### PUBLIC HEARING

**O-36-12 Permitted Hours of Sidewalk Cafes – For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.**

Planning and Zoning Director Arason gave a brief presentation answered questions from Council.

DNEP Director Broadbent and Police Chief Pristoop were present and answered questions from Council.

Spoke in favor of ordinance:

Lisa Bolter, 3 Danielle Court, Annapolis, Maryland 21403 representing the Red Red Wine Bar

Spoke on the ordinance:

Brian Calahan, 49 West Street, Annapolis, Maryland 21401

Spoke in opposition to the ordinance:

Bevin Buchheister, 5 Wagner Street, Annapolis, Maryland 21401 representing Ward One Residents Association

Juliet Thompson, 9 College Avenue, Annapolis, Maryland 21401 representing Ward One Residents Association

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

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 5/16/13, and Memoranda from Jon Arason, Director, to the Planning Commission dated 5/2/13.
- Mayor Cohen declared the public hearing closed.

**O-18-13 The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue – For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.**

Assistant City Attorney Elson gave a brief presentation on the ordinance and answered questions from Council.

Spoke in favor of the ordinance:

Robert D. Miller, Esq., Hyatt & Weber P.A., 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 representing his client Ana Cortes

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

- Mayor Cohen declared the public hearing closed.

**O-20-13 Highly Compensated Employees in the Police and Fire Retirement Plan - For the purpose of establishing the definition of “highly compensated employee” within the Police and Fire Retirement Plan and authorizing such highly compensated employee participation in the Police and Fire Retirement Plan.**

City Manager Mallinoff gave a brief presentation 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.

LEGISLATIVE ACTIONS

ORDINANCES and RESOLUTIONS – 2<sup>ND</sup> READER

**O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units – For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.**

Planning and Zoning Director Arason gave a brief presentation and answered questions from Council.

- Alderwoman Finlayson moved to postpone O-28-12 on second reading until June 10, 2013. Seconded. CARRIED on voice vote.

**O-36-12 Permitted Hours of Sidewalk Cafes – For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.**

- Alderman Cohen moved to postpone O-36-12 on second reading until June 10, 2013. Seconded. CARRIED on voice vote.

**R-10-13 A Protocol for Ensuring the Implementation of the Forest Conservation Act – For the purpose of enacting a protocol to ensure the implementation of the Forest Conservation Act.**

- Alderman Littmann moved to postpone R-10-13 until the Regular Meeting on June 10, 2013. Seconded. CARRIED on voice vote.

**R-23-13 Special Event Applications – II – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving docking fees for the Eastport Yacht Club Lights Parade; and the reimbursement of full fees to the City for the cost associated with the other approved events.**

Development and Special Events Coordinator LeFurge was present and answered questions from Council.

- Alderman Arnett moved to adopt R-23-13 on second reading. Seconded.
- Alderman Arnett moved to amend R-23-13 as follow:

On page 1, in line 12 and 13, delete “waiving docking fees for the Eastport Yacht Club Lights Parade”

On page 2, delete lines 9 through 12

On page 2, in lines 16 and 17 delete “the Semper Fi John Ripley Memorial Race, the Eastport Yacht Club lights Parade”

On page 2, in line 22 delete “CBYRA Annapolis Race Week”

On page 2, delete “lines 25 and 26” Seconded. CARRIED on voice vote.

- Alderman Budge moved to amend R-23-13 as follows:

Amendment # 1

On Page 2, delete “lines 4 through 6”

On page 2, in line 16, delete “Corvette Annapolis Corvettes on the Bay Car Show”

On page 2, in line 17, delete “and the ZOOMA Women’s Race Series Annapolis Half”

On page 2, in line 18, delete “Marathon and 10K.” Seconded. DEFEATED on voice vote.

Amendment # 2

Permit Bob’s Fudge Kitchen to sell lemonade on the sidewalk in front of their store for the Memorial Day and Fourth of July Parades.

Page 2, insert at line 24:

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL THAT BOB’S FUDGE KITCHEN OPERATING AT 112 MAIN STREET BE ALLOWED TO SELL LEMONADE and other complimentary food and non-alcoholic beverage items FROM A STAND ON THE SIDEWALK IN FRONT OF THEIR RETAIL STORE IN CONJUNCTION WITH THE MEMORIAL DAY PARADE ON MAY 27, 2013 AND IN CONJUNCTION WITH THE INDEPENDENCE DAY PARADE ON JULY 4, 2013. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Kirby, Arnett, Budge, Paone,  
Aldermen Hoyle, Finlayson, Alderman Littmann

NAYS:

CARRIED: 8/0

**R-24-13 City of Annapolis Natural Hazard Mitigation Plan – For the purpose of adopting the City of Annapolis Natural Hazard Mitigation Plan, as required by the Federal Emergency Management Agency, to maintain eligibility for disaster funding for large scale emergencies and disasters.**

Deputy Chief & Director of Emergency Preparedness and Risk Management Simmons gave a brief presentation on the plan. Senior Planner Mandell presented an overview of the plan and answered questions from Council.

- Alderman Littmann moved to adopt R-24-13 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Kirby, Arnett, Budge, Paone,  
Alderwomen Hoyle, Finlayson, Alderman Littmann  
NAYS:  
CARRIED: 8/0

**R-25-13 National Preservation Month 2013 – For the purpose of proclaiming May 2013 as National Preservation Month in the City of Annapolis.**

- Alderman Paone moved to adopt R-25-13 on second reading. Seconded.
- Alderman Arnett moved to amend R-25-13 as follows:

On page 1, in line 31, insert the following

“Mayor U.S. Naval Academy  
Ward 1 Maynard Burgess House  
Ward 2 Stanton Community Center  
Ward 3 Camp Parole School  
Ward 4 Wiley H. Bates Legacy Center  
Ward 5 Primrose Hill Farm House  
Ward 6 Headwaters of Spa Creek  
Ward 7 Headwaters of Back Creek  
Ward 8 518 Burnside Street” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Kirby, Arnett, Budge, Paone,  
Alderwomen Hoyle, Finlayson, Alderman Littmann  
NAYS:  
CARRIED: 8/0

**ORDINANCES and RESOLUTION – 1<sup>st</sup> READER**

**O-21-13 Implementing the State of Maryland’s Forest Conservation Act – For the purpose of implementing the State of Maryland’s Forest Conservation Act; prohibiting certain development projects from cutting or clearing certain forests within the City of Annapolis unless a forest stand delineation and a forest conservation plan are in effect; and all other matters generally relating to the Forest Conservation Act.**

- Alderman Littmann moved to adopt O-21-13 on first reader. Seconded. CARRIED on voice vote

Referred to the Economic Matters, Rules and City Government Environmental Matters Committees and the Planning Commission.

**R-26-13 Special Event Applications – III – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.**

- Alderman Littmann moved to adopt R-26-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and the Finance Committees.

**R-27-13 Timothy House Rehabilitation of Timothy House and Redevelopment of Timothy Gardens – For the purpose of approving the rehabilitation of Timothy House and redevelopment of Timothy Gardens Project-based Section 8 properties in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").**

- Alderwoman Finlayson moved to adopt R-27-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

The order of the agenda was amended to allow for O-19-13, O-24-13 and R-28-13 on first reader.

**O-19-13 Capacity of Schools in the Development Review Process - For the purpose of adding current and projected school capacity of Annapolis Feeder System Schools geographically located within the City of Annapolis to the list of development review criteria and findings; and specifying duties of the Director of Planning and Zoning regarding school capacity.**

- Alderman Arnett moved to adopt O-19-13 on first reader. Seconded. DEFEATED on voice vote.

**O-24-13 Demolition Permits in the Neighborhood Conservation Districts – For the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.**

- Alderman Arnett moved to adopt O-24-13 on first reader. Seconded. CARRIED on voice vote.

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

**R-28-13 Regionalizing Transit Service – For the purpose of expressing the sense of the Annapolis City Council for the Administration to move forward with negotiating a Memorandum of Understanding (MOU) with the Central Maryland Transportation & Mobility Consortium and to participate in a non-binding way with respect to the Request for Proposals.**

City Manager Mallinoff gave a brief presentation and answered questions from Council.

- Alderman Arnett moved to adopt R-28-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance, Economic Matters, Rules and City Government and the Transportation Committees and the Transportation Board.

The order of the agenda was resumed.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:23 p.m.