

REGULAR MEETING

June 11, 2007

The Regular Meeting of the Annapolis City Council was held on June 11, 2007 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

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

Absent on Roll Call: Alderman Shropshire

Staff Present: City Attorney Spencer

- Alderman Arnett moved to approve the Journal of Proceedings for May 14, 2007 Regular Meeting and May 21, 2007 Special Meeting. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Charles H. Powell, 1214 Barbud Lane, Annapolis, Maryland 21403 representing his family spoke in favor of R-37-07

Joyce Kaminkow, 55 Maryland Avenue, Annapolis, Maryland 21401 spoke on petition to stop crime from concerned workers and residents

Peter B. Miller, 171 Green Street, Annapolis, Maryland 21401 representing Green Street Neighbors spoke on petition to stop crime from concerned workers and residents

Jeff Holland, 723 Second Street, Annapolis, Maryland 21403 representing Annapolis Maritime Museum spoke in favor of 0-54-06

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on racial conduct by police, training and the Leander Blake Trial

Brain Cahalan, 49 West Street, Annapolis, Maryland 21401 spoke on Hispanic Community 0-23-07

Melvin S. Colbert, 2201 Piermont Drive, Fort Washington, Maryland 20744-3416 representing Annapolis Neck Road spoke in favor of R-37-07

- Alderman Cordle moved to reconsider 0-03-07. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-02-07 For the purpose of amending the Charter of the City of Annapolis to specify that all members of the Board of Supervisors of Elections shall be appointed or reappointed for four year terms or remainders of four year terms that begin in March following each General City Election; to show the correct reference for the qualifications of candidates for elected office; and all matters generally related to the election section of the City Charter.

- Alderman Arnett moved to adopt CA-02-07 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

O-33-07 For the purpose of providing for provisional ballots; defining challengers and watchers; redefining principal party based on Mayor rather than Governor;

clarifying who serves as Election Administrator; permitting County election judges to serve at City elections; having the Election Board rather than judges remove judges; making the Central Committees responsible for advising the City Clerk when changes are made to the membership; allowing election judges to work either partial or full days; deleting any responsibilities the City Clerk may have in maintaining and disseminating voter registration lists and vote registration cards; requiring that names of votes must be heard by challengers prior to voting; specifying that Election Board must adopt the same voting technology adopted by the State and County; making it mandatory to post election results at each precinct; eliminating specific procedures and other references based on technology and only addressing concepts in carrying out an election; allowing any voter to vote using an absentee ballot; specifically stating that the Board of Elections becomes the Board of Canvassers; deleting the prohibition of walk-around services; deleting the campaign finance requirement of a report seven weeks prior to the primary and substituting the requirement for a report on December 1st following the general election; clarifying that campaign contribution limitations are based on a four year election cycle; making a number of technical changes relating to definitions and code references; and matters generally relating to revisions to the Election Code.

- Alderman Arnett moved to adopt O-33-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

ORDINANCES

O-52-06 For the purpose of paying all department directors at the grade level of 20; and all matters generally relating to pay grades of department directors.

- Alderman Arnett moved to adopt O-52-06 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably and Finance Committee reported favorably on O-52-06.

The main motion CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-52-06 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS: Aldermen Christman, Stankivic

CARRIED: 6/2

O-54-06 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Annapolis Maritime Museum, Inc., a body corporate, from July 13 to July 14, 2007, subject to certain terms, provisions, and conditions, for the purpose of hosting a visit by the Captain John Smith Four Hundred Project; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-54-06 on second reading. Seconded.

The Economic Matters Committee reported favorably with amendments on O-54-06.

- Alderman Israel moved to amend O-54-06 as follows:

Amendment #1

“The lease between the City of Annapolis and Annapolis Maritime Museum, Inc., of certain municipal property between July 13, 2007 and July 15, 2007 as incorporated as part of 0-54-06 is modified by the following addendum:

1. If the Mayor agrees to a modification of the lease as provided in section 1.4B., the modification can not take effect until the text of the modification is made available to the Council and the Council has had the opportunity to review the same.
2. The days of operation prescribed on page 3, of the lease in line 17 shall be July 13, through July 15, 2007.
3. In line 22, on page 6. “Strike” the words “alcoholic beverages”.

The Addendum is declared to be part of the ratified ordinance and shall prevail to the extend of any inconsistency over the original terms of the lease. Seconded. CARRIED on voice vote”.

- Alderman Israel moved to amend O-54-06 as follows:

Amendment #2

On page 2, in lines 15 and 16, following “effect” strike “from the date of its passage” and substitute “July 1, 2007” Seconded. CARRIED on voice vote.

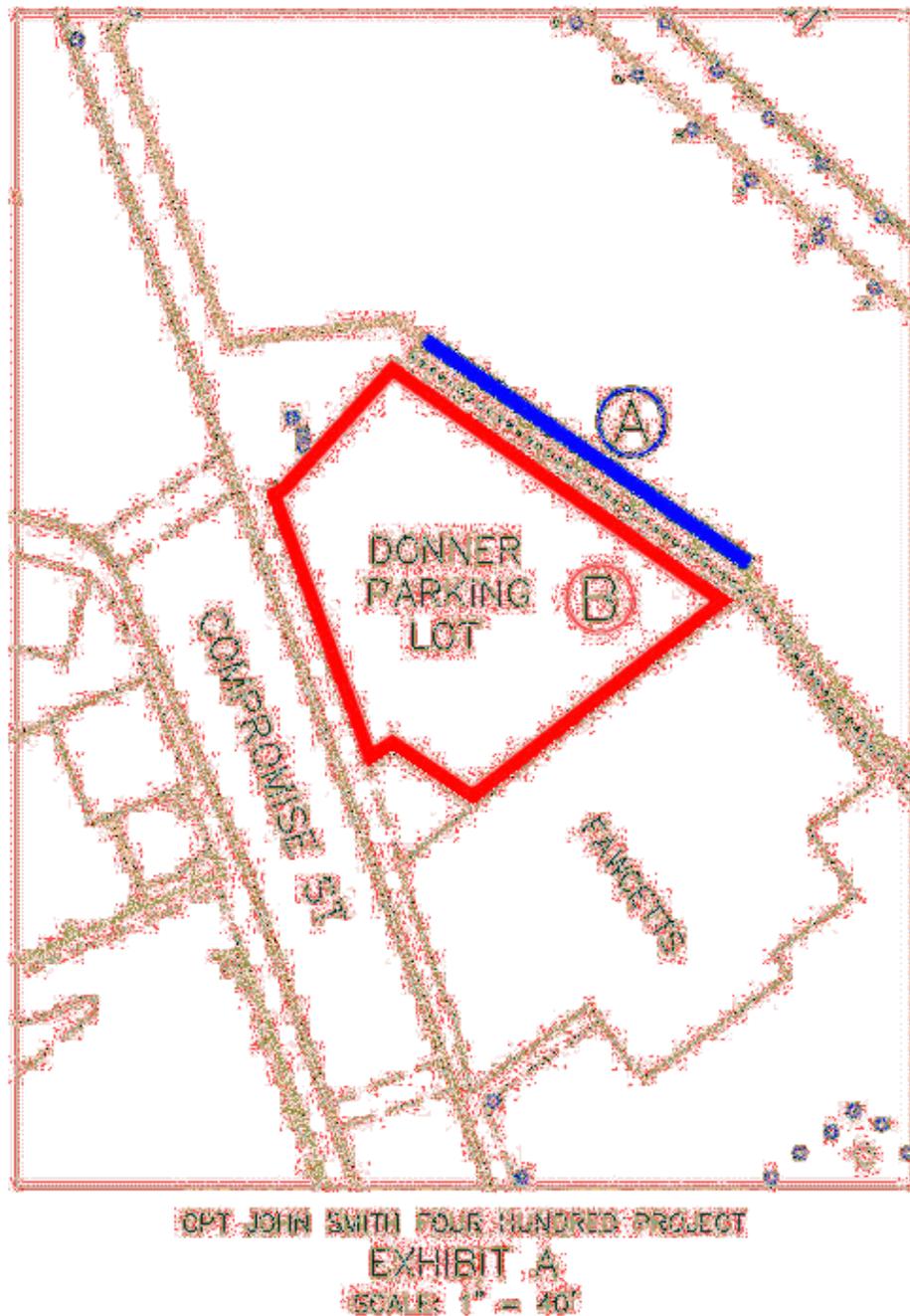
- Alderman Israel moved to amend 0-54-06 as follows:

Amendment #3

On page 1, of the Lease Agreement “strike” lines 28 through 30 and substitute the following table:

Area	Description	From	To
A	The riparian area of the City Dock adjoining the bulkhead alongside Fawcett's the Donner Parking Lot for docking of the shallop.	6 a.m. on Friday, July 13, 2007	10 p.m. on Sunday, July 15, 2007
B	The parking spaces within the Donner Parking Lot, and those spaces within the Public Parking Lot between Fleet Reserve and Fawcett Boat Supplies to be designated by the Police Chief for the erection of a 30 by 40 foot tent and a 10 by 20 foot tent for educational exhibits and sales of maritime related and logoed merchandise.	6 a.m. on Friday, July 13, 2007	10 p.m. on Sunday, July 15, 2007

On page 12 of the Lease Agreement, delete the current map and substitute the following map:



Seconded. CARRIED on voice vote.

- Alderman Stankivic moved to amend O-54-06 as follows:

On page 2, lines 10 and 11 "strike" Maryland Maritime Heritage Festival and "substitute" Captain John Smith Four Hundred Project. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-54-06 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-03-07 For the purpose of saving lives, reducing injuries and reducing property damage resulting from fires by requiring fire sprinkler systems in most types of buildings; and matters generally relating to said fire sprinkler systems.

- Alderman Cordle moved to adopt O-03-07 reconsidered on second reading. Seconded.
- Alderman Cordle moved to amend O-03-07 reconsidered as follows:

Amendment #1

On page 5, in line 39, strike “2006” and substitute “2007”

Amendment #2

On page 3, in lines 20, 25, and 30, and on page 5, in line 41, strike “17.20.010.A.7.e” in each place where it appears and substitute “17.12.010.A.7.d”

Amendment #3

On page 1, strike lines 26 through 31, and substitute the following:

“BY repealing and re-enacting, with amendments, the following sections of the Code of the City of Annapolis, 2007 Edition:

Section 17.12.010

Section 17.12.020”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-03-07 reconsidered amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-24-07 For the purpose of specifying when and where sandwich board signs are permitted; and matters generally relating to sandwich board signs.

- Alderman Arnett moved to adopt O-24-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee, Planning Commission, Economic Matters and Historic Preservation Commission

O-25-07 For the purpose of eliminating for non-waterfront lots an exemption from stormwater management requirements when less than three thousand square feet of impervious surface are created; specifying that a new single family dwelling is subject to stormwater management requirements regardless of the amount of land disturbed; moving from one subsection to another subsection the terminology encouraging the incorporation of green roofs; and all matters relating to stormwater management requirements.

- Alderman Stankivic moved to adopt O-25-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee and Environmental Matters

O-26-07 For the purpose of eliminating a grandfather provision so as to limit alcohol sales by restaurants in the C2 and C2A zoning; prohibiting the Alcoholic Beverage Control Board from renewing any licenses if restaurant alcohol sales in zoning districts C2 and C2A exceed the limitation; and all matters related to exceeding a fifty percent limitation on alcohol sales.

- Alderman Arnett moved to adopt O-26-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee, Rules and City Government Committee, and Planning Commission

O-27-07 For the purpose of prohibiting the distribution of plastic checkout bags; defining certain terms; assigning the responsibility for implementing and enforcing this ordinance to the Director of Neighborhood and Environmental Programs; establishing penalties for violations; and matters generally relating to said prohibitions on plastic checkout bags.

Postponed July 9, 2007

R-34-07 For the purpose of establishing penalties for the distribution of plastic checkout bags as prohibited by O-27-07.

Postponed until July 9, 2007

O-28-07 For the purpose of requiring some public notice of final decisions on zoning applications; ensuring that members of the public that participated in agency proceedings receive notice of decisions within the time allowed for administrative appeals; and all matters related to public notification of zoning application decisions.

- Alderman Stankivic moved to adopt O-28-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

O-29-07 For the purpose of allowing for the refunding of appeal application fees upon successful appeal or withdrawn appeals prior to hearing; and all matters relating to the refunding of appeal application fees.

- Alderman Israel moved to adopt O-29-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

O-30-07 For the purpose of clearly specifying that violations of various restrictions relating to vessels and persons using City waters and shores may result in fines as established by resolution of the City Council; and matters generally relating to said violations.

- Alderman Stankivic moved to adopt O-30-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee

R-35-07 For the purpose of establishing fines for violations of Chapter 15.06, Violation of rules for vessels and persons using City waters and shores; and all matters relating to penalties for violations of City waters and shores penalties.

- Alderman Stankivic moved to adopt R-35-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee and Finance Committee

O-31-07 For the purpose of requiring each Department Director to specifically review the fees over which he or she has responsibility each fiscal year immediately prior to the submission of the Fees Schedule to the City Council; and all matters related to reviews of fees.

- Alderman Stankivic moved to adopt O-31-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

O-32-07 For the purpose of specifying that once water service has been terminated due to nonpayment, such service shall not be reestablished until the next business day following the property owner's payment of all service charges and penalties; and all matters related to reestablishment of water service.

- Alderman Stankivic moved to adopt O-32-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

R-40-07 For the purpose of adding a fee for reestablishing water service if the water service has been terminated due to nonpayment and the property owner wants the service reestablished the same day the property owner pays all outstanding charges and fees.

- Alderman Stankivic moved to adopt R-40-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters and Finance Committees

O-34-07 For the purpose authorizing and empowering the City of Annapolis to issue and sell, upon its full faith and credit, Twenty Eight Million Nine Hundred Thousand Dollars (\$28,900,000) 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, 2007 Series", said bonds to be issued and sold for the public purpose of financing certain capital projects of the City of Annapolis; and all matters generally relating to the issuance of bonds.

- Alderman Arnett moved to adopt O-34-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

R-38-07 For the purpose of formally approving debt and financial administration policies for the City of Annapolis.

- Alderman Stankivic moved to adopt R-38-07 on first reading. Seconded. CARRIED on voice vote.

RESOLUTIONS

R-04-07 For the purpose of increasing parking availability in the various special residential parking districts by adding a graduated fines structure; increasing the assessed fines in the Fines Schedule; deleting the penalty of time in jail since it does not fit the violation; and all matters relating to said residential parking district penalties.

- Alderman Arnett moved to adopt R-04-07 on second reading. Seconded.
- Alderwoman Hoyle moved to amend R-04-07 as follows:

Amendment #1

Following line 19, in the line that begins with “12.32.190.A” and under the column entitled “Fine for repeat or continuous violations” strike all material in that cell and substitute the following:

“~~\$25~~ \$50 for second violation in a one year period, \$75 for a third violation in a one year period, and \$100 for a fourth and fifth violation in a one year period ~~and, if in default of any fine imposed, shall be imprisoned for a period not to exceed three days for each violation.~~ For any violations after the fifth violation in a one-year period, the vehicle may be impounded until all outstanding parking fines are paid.” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman, Cordle, Stankivic, Arnett
NAYS:
CARRIED: 8/0

R-10-07 For the purpose of amending the City’s Personnel Rules and Regulations to permit City employees to use up to three days of sick leave per year for the illness or injury of their immediate family; and all matters relating to said Personnel Rules and Regulations.

- Alderman Arnett moved to adopt R-10-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman, Cordle, Stankivic, Arnett
NAYS:
CARRIED: 8/0

R-24-07 For the purpose of approving the extension of City water service to the Annapolis Neck Fire Station which is located in Anne Arundel County, outside the boundaries of the City of Annapolis; and matters generally relating to said

water extension.

Postponed until July 9, 2007

R-25-07 For the purpose of establishing a commission to review the payment in lieu of taxes (PILOT) that the State of Maryland annually makes to the City of Annapolis to help cover the costs that the City incurs in providing a wide variety of services to the State and to help offset the loss in property tax revenue since State property is exempt from such tax.

- Alderman Israel moved to adopt R-25-07 on second reading. Seconded.
- Alderman Israel moved to amend R-25-07 as follows:

On page 2, line 28, “after” 2009. “add’ commission shall also advise on other aspects of the City’s finances. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-28-07 For the purpose of waiving the fees for City services to be provided in connection with a third Maryland Avenue Street Festival to be held on June 24, 2007, and all matters relating to the waiver of fees.

- Alderman Stankivic moved to adopt R-28-07 revised on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-36-07 For the purpose of limiting to certain activities the use of overtime by the staff of the Utilities Division of the Department of Public Works.

- Alderman Stankivic moved to adopt R-36-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government, Environmental Matters and Finance Committees

R-37-07 For the purpose of exempting the Annapolis Neck Road Property as annexed by R-37-05 Revised Amended from the development moratorium implemented by R-16-05 Amended and R-21-06 Amended.

- Alderman Arnett moved to adopt R-37-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderwoman Hoyle moved to approve the Mayor’s appointment of the following individual:

6/11/07 Parking Advisory Commission	Elizabeth Dolezal
6/11/07 Parking Advisory Commission	James W. White
6/11/07 Parking Advisory Commission	Betty A. Dulin
6/11/07 Parking Advisory Commission	Matthew S. Evans, III., Esq.
6/11/07 Parking Advisory Commission	C. Chance Walgran
6/11/07 Parking Advisory Commission	Charles G. Lewnes
6/11/07 Parking Advisory Commission	Carl T. Larkin
6/11/07 Housing Authority Commission	Betty Brown Turner
6/11/07 Housing Authority Commission	Joseph “Zastro” Simms
6/11/07 Ethics Commission	James E. Dolezal
6/11/07 Annapolis Conservancy Board	Kathryn Dahl
6/11/07 Human Relations Commission	Jacqueline J. Pulsifer
6/11/07 Capital City Commission	Frederick W. Puddester
6/11/07 Capital City Commission	Lee Finney
6/11/07 Capital City Commission	C. James Lowthers

Seconded. CARRIED on voice vote.

2. Approval of towing licenses for Mason’s Towing Service and Lowry’s Forest Drive Services.

- Alderman Arnett moved to approve the towing licenses for Mason’s Towing Service and Lowry’s Forest Drive Services. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:44 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk