

SPECIAL MEETING

June 16, 2008

The Special Meeting of the Annapolis City Council was held on June 16, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:11 p.m.

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

Absent on Roll Call: Alderman Cordle

Staff Present: City Attorney Spencer

PETITIONS, REPORTS AND COMMUNICATIONS

Debbie Rosen McKerrow, 450 Schley Road, Annapolis, Maryland 21401 representing Election Code Task Force spoke in favor of O-33-07 Revised with amendments
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 representing Democratic Central Committee spoke on O-50-07, O-33-07 Revised and voter fraud
Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 in opposition to CA-02-08 and in favor of CA-01-08

PUBLIC HEARING

O-14-08 For the purpose of specifying that in making its funding recommendations for Community Grants as part of annual budget process, the Mayor and the Finance Committee shall numerically rank projects according to specified factors; and all other matters concerning Community Grants funding.

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

Mayor Moyer declared the public hearing closed.

O-15-08 For the purpose of specifying that an ordinance proposing a new lease or the renewal of an existing lease of City property to any entity may not be introduced to the City Council unless accompanied by documentation containing profit and loss information for the last tax year and a budget plan for the year in which the lease is requested; and all other matters concerning leases of City property.

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

Mayor Moyer declared the public hearing closed.

O-16-08 For the purpose of requiring that labor negotiations affecting the City's budget must be negotiated and submitted to the Mayor by the first Monday in February to allow the Mayor adequate time to include the results of such negotiations in the proposed budget for the effective fiscal year or years; and all other matters concerning labor negotiations.

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

Mayor Moyer declared the public hearing closed.

O-17-08 For the purpose of establishing staff that reports directly to the Aldermen; and all other matters concerning staff to the City Council.

Spoke in favor of the ordinance resolution:

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Association
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Scott Bowling, 1979 Fairfax Road, 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

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 second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-02-07.

- Alderman Israel moved to amend CA-02-07 as follows:

Amendment #1

On page 1, in lines 16 and 17, strike “to show correct reference for the qualifications of candidates for elected office;”

On page 1, in line 20, strike “Amending Article II, Section 5 of the Charter”

On page 1, strike line 26 and all that follows through and including line 6 on Page 2

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt CA-02-07 Amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

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 Revised on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-33-07 Revised.

- Alderman Arnett moved to take the amendments by Alderman Israel as a hole. Seconded. CARRIED on voice vote.
- Alderman Israel moved to amend O-33-07 Revised as follows:

Amendment #1

On page 9, strike line 40 and all that follows, through page 10, line 31, and substitute the following:

“4.20.090 Nomination by petition--Requirements.

A. A person seeking the office of Mayor or Alderman who is registered as ~~an independent unaffiliated~~ as defined in this title or who is not registered as a member of a political party ~~whose nominees must be nominated by means of primary elections that is recognized by the Maryland State Board of Elections~~, may be nominated by petition, as provided in this section.

B. A candidate for public office seeking nomination by petition shall file a certificate of candidacy at the time and place and in the manner provided in this chapter and shall comply with all other applicable provisions of this title, in the same manner as candidates for nomination at a primary election.

C. In order to have the name of a proposed candidate placed on the ballot under this section, the candidate shall file with the board petitions signed by the number of voters specified in subsection C of this section. Petitions shall be filed as required by Section 4.20.100(A).

D. A candidate for Mayor shall file petitions bearing the signatures of not less than five hundred registered voters, of whom not less than fifty shall reside in each ward of the City. A candidate for Alderman shall file petitions bearing the signatures of not less than one hundred registered voters residing in the ward from which the candidate seeks nomination.

E. The board shall prescribe the form of petitions filed under this section. The signatures shall be on separate papers, bearing one or more signatures and being no more than eight and one-half inches in width or fourteen inches in length. Each person shall append to his or her signature the signer's residence, and the ward where the signer is registered as a voter, and immediately below the signature of any signer there shall be either printed or typed the name of the signer. Every paper shall be accompanied by an affidavit signed under penalty of perjury, to the effect that the signer is, to the best knowledge and belief of the affiant a registered voter of the City as set forth in the petition, and that the affiant personally saw the person sign the paper.

F. A person may not sign more than once for the same nominee for an office.

4.20.095 Nomination by party rules.

A. A person seeking the office of Mayor or Alderman who is a member of a party that is

recognized by the Maryland State Board of Elections but not nominated by means of primary elections may be nominated in accordance with the rules of that candidate's party.”

Amendment #2

On page 29, in line 11, after “election.” insert “This report shall cover the balance of the preceding election cycle which ends on the day of the general election.”

Amendment #3

On page 3, strike line 4.

Amendment #4

On page 5, strike lines 23 through 25, and substitute the following:

“Principal political party’ means a political party recognized by the State Board of Elections which is required to nominate its candidates for public office in the primary election.’
Seconded. CARRIED on voice vote.

- Alderman Stankivic moved to amend O-33-07 Revised as follows:

Amendment #5

On page 3, line 32, strike “registered voters” and substitute “a registered voter of the City of Annapolis or Anne Arundel County.” Seconded. DEFEATED on voice vote.

Amendment #6

On page 10, line 13, strike “C” and substitute “D.” (Technical Amendment no vote needed)

Amendment #7

On page 20, lines 13 through 15, strike sentence beginning with “In all other respects,…”
Seconded. CARRIED on voice vote.

Amendment #8

On page 20, reinstate lines 40 and 41 and;
On page 21, reinstate line 1 and strike lines 4 through 6. Seconded. CARRIED on voice vote.

Amendment #9

On page 22, reinstate lines 5 through 7. Seconded. CARRIED on voice vote.

Amendment #10

On page 22, line 42, strike “State” and substitute “City.” Seconded. CARRIED on voice vote.

Amendment #11

On page 24, reinstate stricken language in line 31 and add “ to have voters application and all documentation kept separately from ballots cast in polling precincts”. Seconded. CARRIED on voice vote.

Note: Amendments 8, 9, 10, and 11, as orally introduced by Alderman Stankivic, do not track O-33-07 Revised, as considered by the City Council at Special Meeting on June 16, 2008. The following revision of Amendments 8, 9, 10, and 11, written and distributed to members of the City Council by Alderman Stankivic at Meeting on June 9, 2008, reflects

the correct pagination and line references.

Amendment #8

On page 21, strike lines 4 through 6.

Amendment #9

On page 22, reinstate lines 8 through 10.

Amendment #10

On page 23, line 3, strike "State" and substitute "City."

Amendment #11

On page 24, reinstate stricken language and add "to have voters application and all documentation kept separately from ballots cast in polling precincts."

- Alderman Israel moved to amend O-33-07 Revised as follows:

Under Section 4.04.010 Definitions, Election Cycle, Language needs to be added at the end of the definitions to reflect a Special Election as a separate election cycle for those running for Special Elections. The last sentence needs to read " a Special Elections conducted pursuant to Article II, Section 7 of the Charter of the City of Annapolis shall constitute a separate election cycle...adding... for those running in the Special Election. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-33-07 Revised Amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-50-07 For the purpose of specifying that the Election Board must adopt the same voting technology adopted by the State and County or may authorize the use of paper ballots for certain special elections; and matters generally relating to revisions to the Election Code.

- Alderman Arnett moved to adopt O-50-07 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-50-07.

- Alderman moved to amend O-50-07 as follows:

The canvass of votes is not completed until any absentee ballots which have been received in a timely manner have been counted i.e postmarked day before the election and received the day after the election Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-50-07 Amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

CA-01-08 For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.

- Alderman Israel moved to postpone CA-01-08 on second reading until July 14, 2008. Seconded. CARRIED on voice vote.

CA-02-08 For the purpose of deleting the requirement that the Director of Public Works have an engineering degree and be a registered engineer in the State of Maryland in recognition that the position evolved into one with a greater emphasis on managerial and community outreach knowledge and skills.

- Alderman Shropshire moved to adopt CA-02-08 on second reading. Seconded. DEFEATED on voice vote.

ORDINANCES

O-51-07 For the purpose of requiring a building permit for construction projects that are non-structural like-kind replacement and/or repair of windows, doors and siding; and matters generally relating to said building permits.

- Mayor Moyer moved to withdraw O-51-07 on second reading. Seconded. CARRIED on voice vote.

R-60-07 For the purpose of establishing the amount of a fee to be charged for quick building permits to be issued for construction projects that are non structural like-kind replacement and/or repair of windows, doors and siding; and all matters relating to said fee.

Rendered moot due to the withdrawal of O-51-07

O-06-08 For the purpose of temporarily limiting parking on Cornhill Street to residents of Cornhill and Fleet Streets during scheduled reconstruction of the street and sidewalks; and all other matters concerning Special Residential Parking District 1.

- Alderman Arnett moved to adopt O-06-08 on second reading. Seconded.

The Public Safety Committee reported favorably on O-06-08.

- Alderman Israel moved to amend O-06-08 as follows:

On page 2, in line 20 after Cornhill Street add “and Fleet Street” and after the word and instead of it’s it should be “their sidewalks” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-06-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-08-08 For the purpose of requiring that work crews installing or working on underground utilities have at least one member on-site that is fluent in English so that that worker may communicate safety information to company supervisors, other utility companies, firefighters, police, EMS personnel and residents adjoining the work site such as when gas, electrical, and telephone cables are unintentionally severed; and all other matters concerning safely undergrounding utilities.

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

The Environmental Matters reported favorable and Public Safety Committee reported favorable with amendments on O-08-08.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-08-08 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-06-08 For the purpose of establishing a fine for violating the new requirement that any entity installing or working on any type of underground utility shall be responsible for assuring that at least one on-site member of a work crew is fluent in English.

- Alderman Arnett moved to adopt R-06-08 on second reading. Seconded.
- Alderman Arnett moved to amend R-06-08 as follows:

Amendment #1

On page 1, in the table following line 29, strike "\$100" each place it appears and substitute "\$500"

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-02-08 For the purpose of requiring retailers to notify customers if a product's container contains bisphenol-A (BPA) through the use of certain signage; 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 notification of bisphenol-A.

- Alderman Shropshire moved to adopt O-02-08 on second reading. Seconded. DEFEATED on voice vote.

R-01-08 For the purpose of establishing fines for the failure of retailers to post signs notifying customers that a food or beverage container contains bisphenol-A (BPA); and all matters relating to penalties for failure to post BPA notification signs.

Rendered moot due to the defeat of O-02-08

O-03-08 For the purpose of authorizing for fiscal year 2014 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats at the City Dock; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-03-08 on second reading. Seconded.

The Economic Matters Committee reported Favorable with amendments on O-03-08.

- Alderman Arnett moved to amend O-03-08 as follows:

Amendment #1

To change page numbering, from O-02-07 to O-03-08. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-03-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-18-08 For the purpose of relocating the provisions related to signs in the Eastport Gateway Conservation Overlay district to Chapter 21.70; discontinuing the Planning and Zoning Director's administrative authority in 21.18.030 to adjust sign standards and instead giving the authority to the Board of Appeals; allowing the Board of Appeals to allow adjustments of more than 20 percent in sign standards and to allow approval of more than one additional sign; adding new standards and conditions for the Board of Appeals to grant variances; and all matters related to variances to sign standards and conditions.

- Alderman Shropshire moved to adopt O-18-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

RESOLUTIONS

R-22-08 For the purpose of the City of Annapolis approving the development of housing 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 Hoyle moved to adopt R-22-08 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:
CARRIED: 8/0

R-29-08 For the purpose of recognizing the City of Niterói, State of Rio de Janeiro, Brazil as a sister city for the City of Annapolis; and all matters relating to said sister city designation.

- Alderman Shropshire moved to adopt R-29-08 on first reading. Seconded. CARRIED on voice vote.

R-30-08 For the purpose of the City of Annapolis approving the financing of the rehabilitation of Admiral Oaks Apartments 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.

- Alderman Arnett moved to adopt R-30-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Housing and Human Welfare Committee

R-31-08 For the purpose of creating a Blue Ribbon Commission on the City of Annapolis’ Finances.

- Alderman Arnett moved to adopt R-31-08 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 Israel moved to adopt R-31-08 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS: Alderman Stankivic

CARRIED: 7/1

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderwoman Finlayson moved to approve the Mayor’s appointment of the following individuals:

6/6/08 Police and Fire Retirement Plan Commission Joseph Semo

6/6/08 Police and Fire Retirement Plan Commission Mary Kathleen Sulick

6/6/08 Environmental Commission Marie Rinaldi Gough

6/6/08 Civil Service Board Anthony F. Christhilf

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:37 p.m.

Regina C. Watkins-Eldridge, CMC

City Clerk