

SPECIAL MEETING
June 18, 2012

The Special Meeting of the Annapolis City Council was held on June 18, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:11 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Silverman, Pfeiffer, Arnett

Absent on Roll Call: Alderman Kirby arrived at 7:45 p.m.

Staff Present: City Attorney Hardwick, City Manager Mallinoff, DNEP Director Broadbent, Planning and Zoning Director Arason, Development / Special Projects Coordinator LeFurge, Human Resources Director Rensted, Chief of Historic Preservation Craig, Chief of Code Enforcement Shanks

PETITIONS, REPORTS AND COMMUNICATIONS

City Council Citation

Mayor Cohen invited Alderwoman Finlayson to present to Trevor Queen the City Council Citation in recognition of being named a member of the Gates Millennium Scholars Class of 2012.

Comments by the General Public

Annastaisa Hopkinson, 1036 Palmer Drive, Annapolis, Maryland 21401 representing Save Your Annapolis Neck spoke on the Forrest Conservation Act
Earl Bradley, 1705 Broadlee Trail, Annapolis, Maryland 21401 spoke on the Forrest Conervation Act

Barbara Price, 7026 Channel Village Court, T-2, Annapolis, Maryland 21403 spoke on Quiet Waters Park

David Prosten, 3121 Munz Drive, Annapolis, Maryland 21403 representing the Sierra Club spoke on the process and the procedures of the Forrest Conservation Working Group

Susan Pogell, 137 Conduit Street, Annapolis, Maryland 21401 spoke on the Reserve at Quite Waters Park

Marshall Breines, 90 Post Road West, Westport, CT 06880 representing Crystal Springs Annapolis Project spoke on support the Forest Conservation Act Process

Janet Richardson Pearson, 2625 Mas Que Farm Road, Annapolis, Maryland 21403 spoke in favor of the Crystal Springs Project

Larry Bradshaw, 19336 Cissel Manor Drive, Poolesville, MD 20837 representing the National Lutheran Communities and Senior Services spoke in favor of the Crystal Springs Project

Pam Cole Finlay, 1005 Sherwood Forest Drive, Annapolis, Maryland 21403 representing Wellness House of Annapolis Team spoke in favor of the Crystal Springs Project

Reverend Walter Middlebrooks, 820 Ritchie Highway, Severna Park, Maryland 21146 representing the Chamber of Commerace spoke in favor of the Crystal Springs Project and the Forest Conservation Act Working Group

Raymond Sullivan, 119 Meade Road, Annapolis, Maryland 21401 spoke on the Forrest Conservation Act

Diane Butler, 407 Third Street, Annapolis, Maryland 21403 spoke on the important environmental and natural resource areas in the proposed Crystal Springs Project

Andrew Bing, 509 Little John Hill, Annapolis, Maryland 21401 spoke on the Crystal Springs Project

- Mayor Cohen declared petition, reports and communications closed.

BUSINESS and MISCELLANEOUS

1. Confirmation of Exempt Level Appointment

Brian J. Woodward – Recreation and Parks Director, A20/step 9, \$128,831.30

City Manager Mallinoff gave a brief presentation on Mr. Woodward's qualification and answered questions from Council.

Human Resources Director Rensted was also present and answered questions from council.

Candidate Brian J. Woodward was present and answered questions from Council.

- Alderman Pfeiffer moved the confirmation of the exempt level appointment of Brian J. Woodward as Recreation and Parks Director – A20/step 9, \$128,831.30. Seconded. CARRIED on voice vote.

2. Budget Revision Requests

Finance Director Miller gave brief presentations on the budget revision requests and answered questions from Council.

The Finance Committee reported favorably on the budget revision requests.

Control Number GT-51-12, Department: Finance/Purchasing, Date: 6/13/12, Department justification for the request: To transfer funds to cover necessary repairs to WYRE Tower lighting system on tower must be replaced as soon as possible to meet FAA/FCC Compliance.

Control Number GT-1-13, Department: Finance, Date: 6/13/12, Departmental justification for request: To move funds to give back to contractual employees their 5% pay cut which was enacted during the furloughs.

Control Number GT-2-13, Department: Finance, Date: 6/13/12, Departmental justification for request: To increase FY13 A&E District funding to appropriate a total of \$25,000 for FY13.

- Alderwoman Finlayson moved to approve budget revision requests control numbers GT-51-12, GT-1-13 and GT-2-13. Seconded. CARRIED on voice vote.

3. Contract Approval / Chief of Police

- Mayor Cohen referred the contract to the Public Safety and Finance Committees
- Mayor Cohen postponed action on the contract for the Chief of Police until the Regular Meeting of July 9, 2012.

PUBLIC HEARINGS

O-11-12 Eliminating the Sick Leave Bank for Employees – For the purpose of eliminating the sick leave bank authorized in Section 3.20.140 of the City Code for City of Annapolis Employees.

Human Resources Director Rensted gave a brief presentation on the ordinance 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.

O-17-12 Central Services – For the purpose of amending the City Code to conform to the City organization Chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.

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

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

- Mayor Cohen declared the public hearing closed.

O-21-12 Tolling Approval and Permit Expiration Dates – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

DNEP Director Broadbent gave a brief presentation on the ordinance and answered questions from Council.

Chief of Historic Preservation Craig was present and answered questions from Council.

Spoke on the ordinance:

Chuck Walsh, 12 Southgate Avenue, Annapolis, Maryland 21403 representing AEDC

Spoke in favor of the ordinance:

Alan Hyatt, 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401

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 6/12/12.
- Mayor Cohen declared the public hearing closed.

O-23-12 Revisions to Title 17, Buildings and Construction – For the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

Chief of Code Enforcement Shanks gave a brief presentation on the ordinance and answered questions from Council.

Spoke on the ordinance:

Timothy Leahy, 110 Archwood Avenue, Annapolis, Maryland 21401 representing the HPC

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

At 8:56 p.m., Mayor Cohen requested Alderman Arnett preside over the meeting during his absence.

- Alderman Arnett acting as chair referred O-23-12 to the Historic Preservation Commission.
- At 9:04 p.m., Mayor Cohen resumed the duties of the Chair.
- Mayor Cohen declared the public hearing closed.

O-24-12 Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code – For the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

Chief of Code Enforcement Shanks gave a brief presentation on the ordinance and answered questions from Council.

DNEP Director Broadbent was present 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
ORDINANCE and RESOLUTIONS – 2ND READING

O-21-12 Tolling Approval and Permit Expiration Dates – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.

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

- Alderman Arnett moved to adopt O-21-12 on second reading. Seconded.

The Finance and Rules and City Government Committees and the Historic Preservation Commissions reported favorable with amendments, and the Planning Commission reported favorably on O-21-12.

- Alderman Arnett moved to amend O-21-12 as follows:

On Page 1, line 34 add a new Whereas clause as follows:

“Whereas, the purpose of this ordinance is to toll the deadlines for those property owners, builders and developers who have proceeded diligently with their projects, but not to confer the benefits upon those property owners who have been subject to a final determination that they engaged in demolition by neglect of an historic property.”

On Page 2 line 44 after "such" delete "permits and".

On Page 5 line 37 after “30, 2014” delete the period and add “, provided that this shall not apply to a historic property that has been a subject of a final determination of demolition by neglect as defined under section 21.56.020

On page 5, line 39 add a new Section C:

“C. Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the HPC for re-evaluation if there is a necessary change to the exterior as approved.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-21-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Paone, Alderwomen Hoyle, Finlayson,
Aldermen Silverman, Kirby, Pfeiffer, Arnett

NAYS:

CARRIED: 9/0

R-21-12 Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 – For the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

Development/ Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

- Alderman Arnett recused himself from the discussion and the vote on R-21-12.
- Alderman Paone moved to adopt R-21-12 on second reading. Seconded.

The Finance and Economic Matters Committee reported favorable on R-21-12.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Paone, Alderwomen Hoyle, Finlayson,
Aldermen Silverman, Kirby, Pfeiffer

NAYS:

ABSTAIN: Alderman Arnett

CARRIED: 8/0/1

R-26-12 Establishing a Forest Conservation Act Working Group – For the purpose of establishing a Forest Conservation Act Working Group to review and make recommendations on the City of Annapolis' legislation and policies pertaining to the implementation of the Forest Conservation Act.

City Manager Mallinoff was present and answered questions from Council.

- Alderman Arnett moved to adopt R-26-12 on second reading. Seconded.

The Economic Matters and Environmental Matters Committees reported favorably on R-26-12.

- Mayor Cohen accepted into the record a email sent to Alderman Mathew Silverman from Beth Bannan dated 6/18/12 regarding Hunt Meadow's opposition statement for the Reserve at Quiet Waters.

At 11:05 p.m., Mayor Cohen requested Alderman Arnett preside over the meeting during his absence.

- At 11:07 p.m., Mayor Cohen resumed the duties of the Chair.
- Alderman Paone moved to call the question to end debate. Seconded. CARRIED by simple majority.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Israel, Alderwoman Finlayson, Aldermen Pfeiffer, Arnett

NAYS: Alderman Paone, Alderwoman Hoyle, Aldermen Silverman, Kirby

CARRIED: 5/4

- Alderman Arnett moved to consider new items of business beyond 11:00 p.m. Seconded. CARRIED on voice vote.

R-27-12 Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations – For the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

Finance Director Miller gave a brief presentation and answered questions from Council.

- Alderman Arnett moved to adopt R-27-12 on second reading. Seconded.

The Finance Committee reported favorable with amendments on R-27-12.

- Alderman Finlayson moved to amend R-27-12 as follows:

On page 1, in line 13, strike “Mayor and City Council approval of”

On page 1, in line 14, after the word “grant” add “applications and”

On page 1, in lines 19, 20 and 29, in all places where it occurs strike “Mayor and City Council” and insert “City Council” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Israel, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer, Arnett

NAYS: Alderman Paone

CARRIED: 8/1

RESOLUTION and ORDINANCES – 1st READING

O-18-12 The Process for Approving City Employee Job Descriptions – For the purpose of shifting the authority to approve City of Annapolis civil service employee job descriptions from the City Council to the Civil Service Board and creating a job description approval process for exempt service positions.

- Alderman Arnett moved to adopt O-18-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-25-12 The Time for Beginning Regular Meetings of the City Council – For the purpose of changing the beginning time for regular meetings of the City Council from 7:30 p.m. to 7:00 p.m.

- Alderman Arnett moved to adopt O-25-12 on first reader. Seconded. CARRIED on voice vote

Referred to the Rules and City Government Committee.

R-29-12 Reducing the Annual Fee For Trash Collection From Dwelling Units – For the purpose of reducing the annual fee for trash collection from dwelling units.

- Alderman Arnett moved to adopt R-29-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:18 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk