

SPECIAL MEETING
June 20, 2011

The Special Meeting of the Annapolis City Council was held on June 20, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:18 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Transportation Director Newell, Planning and Zoning Director Arason, Public Works Director Jarrell, Digital Media and Marketing Coordinator Wardlaw, Boards and Commission and City Council Liaison Raftovich

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

No Speakers

- Mayor Cohen declared petitions, reports and communications closed.
- Alderman Arnett moved to amend the order of agenda to allow O-37-10 and O-6-11 as the first items under legislative actions, ordinances and resolutions on 2nd reading and to add R-34-11 and R-35-11 on 1st Reader. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTIONS

ORDINANCES AND RESOLUTIONS – 2ND READING

The order of the agenda was amended to allow for O-37-10 and O-6-11.

O-37-10 Office Use in B1 Zoning District - For the purpose of establishing “Offices, business and professional, and nonprofit, educational, cultural, or civic” as a permitted use in the B1 Zoning District.

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

- Alderman Arnett moved to adopt O-37-10 on second reading. Seconded.

The Economic Matters Committee and the Planning Commission reported favorable with amendments on O-37-10.

- Alderman Paone moved to amend O-37-10 as follows:

21.48.020 – Table of Uses – Commercial and Industrial Zoning Districts

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-37-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Alderman Paone requested his name be added as a sponsor to O-37-10.

O-6-11 Technical Corrections to the Zoning Code – For the purpose of clarifying sections of the zoning code.

- Alderman Arnett moved to adopt O-6-11 on second reading. Seconded.

The Rules and City Government Committee and the Planning Commission reported favorably on O-6-11.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-6-11 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

The order of the agenda was resumed.

O-11-11 Water and Sewer Rates – For the purpose of increasing the metered use water and sewer rates in the City of Annapolis.

Public Works Director Jarrell gave a brief presentation and answered questions from Council.

City Manager Mallinoff was present and answered questions from Council.

- Alderman Arnett moved to adopt O-11-11 on second reading. Seconded. (6/6/11 and amended)

The Finance and the Environmental Matters Committee reported favorably and the Financial Advisory Commission reported favorable with amendments on O-11-11.

- Alderman Israel moved to amend O-11-11 as follows:

Amendment # 1

In subsec. C of Sec. 16.08.040 on the un-numbered first page and in Subsec. B of sec. 16.16.010 on the un-numbered third page, strike “2011” and substitute “2012”. Seconded. CARRIED on voice vote.

Amendment # 2

In subsec. C of sec. 16.08.040 on the un-number first page and in Subsec. B of sec. 16.16.010 on the un-numbered third page after the word “Index.” Add the following two sentences: Before the increase can take effect, it must be the

subject of a public notice and there must be a public hearing before the Council on the proposed increase. If, on the day of the public hearing, the Council does not disapprove the increase it shall take effect as proposed. Seconded. CARREID on voice vote.

- Alderman Israel moved to reconsider amendments **1 & 2**. Seconded. CARRIED on voice vote.
- Alderman Israel moved to strike in sec. 16.08.040 “(B) and (C)” in amendment approved 6/6/11:

“B. For the fiscal year beginning July 1, 2011, and for each fiscal year thereafter, the Mayor or City Manager shall have the discretion to increase the rate per thousand gallons of water in an amount equal to the lesser of five percent of the current rate or the Commodity Fuel (energy) Index.

C. For the fiscal year beginning July 1, 2011, and for each fiscal year thereafter, the Mayor or City Manager shall have the discretion to increase the rate per thousand gallons of water in an amount equal to the lesser of five percent of the current rate or the Commodity Fuel (energy) Index.” And;

to strike amendments 1 and 2 approved 6/20/11. Seconded. CARRIED on voice vote.

- Alderwoman Finlayson moved to postpone the vote on O-11-11 until the Council comes up with an alternative plan for residents on fixed incomes. Seconded. DEFEATED on voice vote.

The main motion as amended CARRIED on voice vote.

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

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Israel, Alderwoman Hoyle, Aldermen Kirby, Pfeiffer

NAYS: Aldermen Paone, Alderwoman Finlayson, Aldermen Silverman

CARRIED: 6/3

R-31-11 Municipal Taxing Authority - For the purpose of requesting the Maryland General Assembly to authorize Municipal Corporations to levy a one-half cent sales tax.

- Alderman Arnett moved to adopt R-31-11 on second reading. Seconded.
- Alderman Israel moved to amend R-31-11 as follows:

Amendment #1

On page 1, in line 38, add:

WHEREAS, the additional revenue can assist those municipal corporations that have unfunded liabilities

Amendment # 2

On page 2, in line 8, add:

AND BE IT FURTHER RESOLVED that those municipal corporations that exercise the authority to levy a sales tax and which have unfunded liabilities should be required to use the sales tax revenue to reduce the unfunded liability.

Seconded. CARRIED on voice vote.

- Alderman Silverman was out of the room during the roll call vote on R-31-11.

The main motion amended A ROLL CALL vote was taken:

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

NAYS: Aldermen Paone

CARRIED: 7/1

- Alderman Paone left the meeting for the evening at 8:26 p.m.

R-32-11 Market House Short Term Lease Negotiations – For the purpose of authorizing the Mayor to negotiate short-term leases with new Market House tenants.

- Alderman Arnett moved to adopt R-32-11 on second reading. Seconded.
- Alderman Arnett moved to amend R-32-11 as follows:

Amendment #1

Page 1, Line 25

December 31, 2011-January 2, 2012

Amendment #2

Page 1, Line 25-26 amended as follows:

No lease extensions will be granted without the express approval of the City Council.

Amendment #3

Page 1, Line 27

~~December 31, 2011~~ January 2, 2012. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

ORDINANCE and RESOLUTION – 1st READING

O-29-11 The Length of Time for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of extending the length of time for filing an appeal of an administrative decision to the Board of Appeals from fifteen days to thirty days.

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

R-33-11 Reducing the FY 2011 Fee for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of reducing the fee for FY 2011 for filing an appeal of an administrative decision to the Board of Appeals from \$620.00 to \$150.00.

Referred to the Rules and City Government and the Finance Committees

The order of the agenda was amended to allow for R-34-11 and R-35-11 on 1st reading.

R-34-11 Support for the Annapolis Economic Development Corporation's Retail Market Analysis – For the purpose of supporting the Annapolis Economic Development Corporation's request for grant funding from the State of Maryland Department of Business and Economic Development for a retail market analysis for the City of Annapolis.

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-34-11 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-35-11 Rates at the Knighton and Park Place Parking Garages – For the purpose of reducing the maximum daily parking rate at the Knighton and Park Place Parking Garages to encourage circulator bus ridership.

Transportation Director Newell gave a brief presentation and answered questions from Council.

Digital Media and Marketing Coordinator Wardlaw was present and answered questions from Council.

Referred to the Finance Committee, Transportation Committee and the Parking Advisory Commission

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-35-11 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Budget Revision Request, Department Transportation, Control Number GT-17-11 dated May 10, 2011, Department justification for request: to provide funding to hire part-time maintenance workers to assist transportation department with no benefits.

The Finance Committee reported favorably on GT-17-11.

City Manager Mallinoff gave a brief presentation on the budget revision requests and answered questions from Council.

Finance Director Miller was present and answered questions from Council.

- Alderman Israel moved to approve Budget Revision Requests, from Department: Transportation, Control Number GT-17-11 dated May 10, 2011. Seconded. CARRIED on voice vote.
- Alderman Pfeiffer moved to amend the agenda to consider additional Budget Revision Request. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for GT-18-11

2. **Budget Revision Request, Department Office of Law, Control Number GT-18 -11 dated June 13, 2011, Department justification for request: We are hereby requesting the transfer of \$36,500 from the City Attorney's SALARIES account to the City Attorney's CONTRACT SERVICES – LEGAL account to cover expenses for outside council during FY11. Previous funding sources for some of the legal expenses have been either not appropriated or cut off, creating the necessity for available funds to be transferred to the City Attorney's Contract Services account. These funds were originally part of the salary of the Assistant City Attorney position that is not being filled during FY11.**

The Finance Committee reported favorably on GT-18-11.

City Manager Mallinoff gave a brief presentation on the budget revision requests and answered questions from Council.

Finance Director Miller was present and answered questions from Council.

- Alderman Israel moved to approve Budget Revision Requests, Department: Office of Law, Control Number GT-18-11 dated June 13, 2011. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

- Alderman Pfeiffer moved to amend the agenda to consider the Annapolis City Government – FY2012, Organizational Chart (9 Departments). Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for the Approval of the City of Annapolis Organizational Chart for FY12.

3. **Approval of the City of Annapolis Organizational Chart for FY12.**

City Manager Mallinoff was present and answered questions from Council.

Finance Director Miller was present and answered questions from Council.

- Alderman Arnett move to postpone the vote on the Annapolis City Government-FY 2012 Organizational Chart (9 departments) until the Regular Meeting, September 12, 2011 and to hold a work session on the Annapolis City Government FY2012 Organizational Chart (9 departments) in July. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

4. **City Council Standing Committee Re-Organization**

City Code Section 2.12.020D Powers and duties

The Mayor shall recommend to the City Council all appointments to aldermanic standing committees but all appointments shall be confirmed by a majority of the City Council.

- **ECONOMIC MATTERS COMMITTEE**

The Economic Matters Committee shall consider matters affecting the economy of the City; make recommendations to the City Council on issues relating to the operation of the Market house and the regulation of the City Dock; study, independently and with private historic preservation organizations, issues concerning historic structures in the City; and study, consider and make recommendations regarding issues of cable television service to the City of Annapolis and its citizens. The Economic Matters Committee shall review all proposed amendments to Title 7 (Business Licenses, Taxes and Regulations) and Title 17 (Buildings and Construction) of this code.

Alderman Frederick M. Paone
Alderwoman Sheila M. Finlayson
Alderman Ian Pfeiffer

- **ENVIRONMENTAL MATTERS COMMITTEE**

The Environmental Matters Committee shall consider matters affecting the natural environment of the City. The Environmental Matters Committee shall review all proposed amendments to Title 14 (Streets, Sidewalks and Public Places), Title 15 (Harbors and Waterfront Areas), and Title 16 (Public Services) of this code.

Alderman Frederick M. Paone
Alderman Kenneth A. Kirby
Alderman Ian Pfeiffer

- **FINANCE COMMITTEE**

The Finance Committee shall handle all matters relating to the review of the budget and continuous surveillance of the budget. The Finance Committee shall have power to review and make recommendations with regard to the Mayor's annual operating budget and shall submit recommendations with regard to the budget to the City Council not later than the second Monday in May of each year. The Finance Committee shall review all proposed amendments to Title 6 (Revenue and Finance) of this code.

Alderman Richard E. Israel
Alderwoman Shelia M. Finlayson
Alderman Ross H. Arnett, III

- **HOUSING AND HUMAN WELFARE COMMITTEE**

The Housing and Human Welfare Committee shall consider issues of housing and matters affecting the general health, welfare and quality of life of the residents of the City. The Housing and Human Welfare Committee shall review all proposed amendments to Title 8 (Animals), Title 10 (Health and Safety), and Title 18 (Landlord and Tenant Relations) of this code.

Alderwoman Classie G. Hoyle
Alderman Mathew Silverman
Alderman Kenneth A. Kirby

- **PUBLIC SAFETY COMMITTEE**

The Public Safety Committee shall consider matters affecting public safety in the City. The Public Safety Committee shall review all proposed amendments to Title 11 (Public Peace, Morals and Welfare) and Title 12, (Vehicles and Traffic) of this code.

Alderman Frederick M. Paone
Alderwoman Sheila M. Finlayson
Alderman Mathew Silverman

- **RULES AND CITY GOVERNMENT COMMITTEE**

The Rules and City Government Committee shall review and consider all proposed amendments to the Charter and all proposed amendments to Title 1 (General Provisions), Title 2 (Administration), Title 3 (Personnel), Title 4 (Elections), Title 20 (Subdivisions), Title 21 (Planning and Zoning) and Title 22 (Adequate Public Facilities) of this code.

Alderman Richard E. Israel
Alderwoman Classie G. Hoyle
Alderman Ross H. Arnett, III

• **TRANSPORTATION COMMITTEE**

The Transportation Committee shall consider matters affecting parking, public transportation, and vehicular traffic. The Transportation Committee shall review all proposed amendments to Title 12 (Vehicles and Traffic), Title 14 (Streets, Sidewalks and Public Places), and Title 22 (Adequate Public Facilities) of this Code.

Alderman Kenneth A. Kirby
Alderman Ian Pfeiffer
Alderman Ross H. Arnett, III

- Alderman Arnett moved approval of the STANDING COMMITTEES List for 2009 – 2013 City Code Section 2.12.020D Powers and duties effective 6/20/11. Seconded. CARRIED on voice vote.

5. Appointments to Boards, Commissions and Committees

The Environmental Matters Committee voted favorably on the Mayor's appointment of Scott Bierman.

- Alderman Arnett moved to approve the Mayor's appointment of the following individual:

6/20/11 Port Wardens.....Scott Bierman
Seconded. CARRIED on voice vote.

6. No Cost Enhancement for Contract Employee

Department / Police - Administrative Services, Account # 110-42112-, Maintain Current – yes, new Service- No, Enhancement Title – Contractual Senior Purchase Clerk, Enhancement amount- No Cost Enhancement.

&

Cost Enhancements for Contract Employee

Department / Human Resources, Account # 110-41540-6110, Form # 1, New Service-Yes, Enhancement Title-Intern, Enhancement Amount \$ 2,016.00 and Form # 2 New Service-Yes, Enhancement Title-Intern, Enhancement Amount \$ 16, 128.00.

The Finance Committee reported favorably on the No-Cost and Cost Enhancements.

City Manager Mallinoff gave a brief presentation on the No-Coast and Cost Enhancements and answered questions from Council.

Boards and Commission and City Council Liaison Raftovich was present and answered questions from Council.

- Alderman Silverman moved to approved the Department / Police-Administrative Services, Account # 110-42112-, Maintain Current – yes, New Service - No, Enhancement Title-Contractual Senior Purchase Clerk,

Enhancement Amount- No Cost Enhancement, and the Department / Human Resources, Account # 110-41540-6110, Form # 1, New Service-Yes, Enhancement Title-Intern, Enhancement Amount \$ 2,016.00 and Form # 2 New Service-Yes, Enhancement Title-Intern, Enhancement Amount \$ 16,128.00. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:56 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk