

REGULAR MEETING

July 8, 2013

The Regular Meeting of the Annapolis City Council was held on July 8, 2013 in the Council Chamber. Mayor Cohen called the meeting to order at 7:08 p.m.

Present on Roll Call: Mayor Cohen, Alderman Budge, Alderwoman Hoyle, Aldermen Littmann, Kirby, Arnett

Absent on Roll Call: Alderman Paone, Alderwoman Finlayson arrived at 7:11 p.m. and Alderman Pfeiffer arrived at 7:23 p.m.

Staff Present: City Attorney Hardwick, Assistant City Manager Burke, Planning and Zoning Director Arason, Finance Director Miller, Senior Accountant Leaman, Chief Comprehensive Planning Nash

Approval of Agenda

- Alderman Arnett moved to approve the Regular Meeting Agenda as amended to postpone O-47-11 on 2nd reader until Monday, July 22, 2013, and to postpone the public hearings on O-7-13 and R-49-13 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

CITY COUNCIL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Aldermen Kirby, Budge, Arnett and Alderwoman Hoyle to present the Harbor House and Eastport Terrace Resident Council, Sophisticated Grands, Revolution Annapolis Church and Eastport Civic Association as Organizers of Unity Day 2013 with the City Council Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the thirty-seventh recipient of the prestigious Martha Wood Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal Proceeding

- Aldermen Arnett moved to approve the Journal of Proceedings for the Regular Meeting June 10, 2013. Seconded. CARRIED on voice vote.

Housing Authority of the City of Annapolis (HACA) Quarterly Report

Chairman Snowden introduced the Board of Commissioners and Executive Staff, and invited Executive Director Leggett to present the Quarterly Report.

Vice Chair Carter and Members Johnson, Henderson and Wells were present and answered questions from Council.

Comments by the General Public

Chuck Farrar, 111 Hillmere Drive, Annapolis, Maryland 21401 spoke in favor of the City Clerks Office staff and O-29-13 and R-33-13.

- Mayor Cohen declared petitions, reports and communications closed.

PUBLIC HEARINGS

O-7-13 Establishment of a New Zoning District: Waterfront City Dock, Phase One – For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

- Alderman Budge moved to postpone the public hearing on O-7-13 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

R-49-12 2012 City Dock Master Plan - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

- Alderman Budge moved to postpone the public hearing on R-49-12 until Thursday, July 25, 2013 at 7:00 p.m. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION
ORDINANCES AND RESOLUTIONS – 2ND READER

O-47-11 Fence Permits - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

- Alderman Arnett moved to postpone O-47-11 on second reading until the Special Meeting on July 22, 2013. Seconded. CARRIED on voice vote.

O-22-13 Heritage Commission – For the purpose of changing the name of the City of Annapolis’ Historical Markers Commission to the Heritage Commission in order to better reflect the Commission’s duties and responsibilities.

- Alderman Arnett moved to adopt O-22-13 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-22-13.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-22-13 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-50-12 Public Information - For the purpose of establishing administrative regulations for filing and processing requests to the City of Annapolis for inspection for access to public records.

- Alderman Arnett moved to adopt R-50-13 on second reading. Seconded.
- Alderman Arnett moved to amend R-50-13 as follows:

Amendments to the City of Annapolis Regulations Governing Maryland Public Information Act Requests

Strike “Sec. 10-613” and insert Sections 10-611 through 10-630 and the Maryland Public Information Act Manual available at <http://www.oag.state.md.us/Opengov/pia.htm>.”

Page 3, Lines 29-31: strike entirely.

Page 3, Lines 37 and 39:
Strike “Attorney” and insert “Clerk”

Page 4, Lines 13-18:
Strike entirely and insert “Where to Send Request for Records. A request shall be addressed to: City Clerk c/o City Attorney
RE: MPIA Request
160 Duke of Gloucester Street
Annapolis, Maryland 21401”

Page 5, Lines 14 and 18:
Strike “knows” and insert “known”
Strike “know” and insert “known”

Page 5, Line 35:
Strike “24” and insert “5”

Page 5, Lines 39:
Before “Upon” insert: “Each copy provided in electronic format shall be based on the actual cost of preparation and/or reproduction.” Re-number (4).

Page 6: Lines 15-17:
Strike “or” and after “order” insert “or credit card.”
Strike “The City of Annapolis does not accept credit card payments.”
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-7-13 Wayfinding and Signage Master Plan - For the purpose of adopting the Draft Wayfinding and Signage Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

Assistant City Manager Burke gave a brief presentation and answered questions from Council. Chief Comprehensive Planning Nash was also present and answered questions from Council.

- Alderman Arnett moved to adopt R-7-13 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

ORDINANCES AND RESOLUTIONS – 1st READER

O-28-13 New Land Use Article References in the City Code – For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of “Land Use Article.”

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

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

O-29-13 Refillable Container Licenses and Requirements for Resident Licensees – For the purpose of creating a refillable container license; authorizing the Alcoholic Beverage Control Board to issue the license to a holder of certain classes of alcoholic beverages licenses; specifying that a holder of the license may sell draft beer for consumption off the licensed premises in refillable containers; requiring a refillable container to meet certain requirements; requiring an applicant for the license to complete a certain form and pay a certain fee; authorizing residents of Anne Arundel County to serve as resident licensees for licenses issued in the City of Annapolis; requiring the Alcoholic Beverage Control Board to adopt certain regulations.

- Alderman Littmann moved to adopt O-29-13 on first reader. Seconded. CARRIED on voice vote.
- Alderman Littmann moved to suspend the rules to dispense with the fiscal impact note, the referral to standing committee and third reading on O-29-13. Seconded. CARRIED on voice vote.
- Alderman Kirby moved to adopt O-29-13 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-30-13 Issuance of General Obligation Refunding Revenue Bonds– AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the “Refunding Bonds”) of the City of Annapolis (the “City”) for the purpose of refunding the City’s Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the “Series 2005 Bonds”), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so

that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the “Mayor”) to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the “Indenture”), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

Finance Director Miller gave a brief presentation and answered questions from Council. Senior Accountant Leaman was also present.

Senior Vice President, Samuel Ketterman, One James Center, Suite 1100, 901 East Cary Street, Richmond, Virginia 23219 representing Davenport & Company, LLC and Robert Doorey, 100 Light Street, Baltimore, Maryland 21202 representing Miles & Stockbridge, P.C. were present and answered questions from Council.

- Alderwoman Finlayson moved to adopt O-30-13 on first reader. Seconded. CARRIED on voice vote.

At 8:45 p.m., Mayor Cohen requested Alderman Arnett preside over the meeting during his absence.

At 8:48 p.m., Mayor Cohen resumed the duties of the Chair.

Referred to the Finance Committee and the Financial Advisory Commission.

R-30-13 Vehicular Access to and Internal Roadways within Certain Property adjacent to Aris T. Allen Boulevard – For the purpose of empowering the City of Annapolis to consider, and to potentially allow, vehicular access between Aris T. Allen Boulevard/Maryland 665 and certain adjacent property within the City limits as well as private roadways within said adjacent property.

- Alderwoman Finlayson moved to adopt R-30-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters, Public Safety and the Transportation Committees.

Office of Law will transmit a letter of notification to Planning Commission for review.

R-31-13 Designation of Annapolis as a Sustainable Community – For the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the attached Sustainable Community map and Sustainable Community Plan (the “Plan,”) as further described in the Sustainable Community Application (the “Application”), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.

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

- Alderman Littmann moved to adopt R-31-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

R-32-13 A Committee to Study Implementation of City Dock Plan – For the purpose of establishing a Committee to study all portions of the City Dock Master Plan not included or adopted in Phase One in order to develop recommendations to the City Council as to which remaining portions of the City Dock Master Plan should be adopted or amended and, if amended, how those portions should so be amended.

- Alderman Budge moved to adopt R-32-13 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters and Rules and City Government Committees.

- Mayor Cohen requested a public hearing be scheduled on July 25, 2013.

R-33-13 FY 2014 Fees for Refillable Container Licenses - For the purpose of specifying fees that will be charged for refillable container licenses for on-sale and off-sale privileged alcoholic beverage license holders.

- Alderman Pfeiffer moved to adopt R-33-13 on first reader. 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 Littmann moved to adopt R-33-13 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

BUSINESS AND MISCELLANEOUS

1. Budget Revision Requests

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

The Finance Committee reported favorably on the Budget Revision Requests.

Control Number GT-25-13 Department Public Works Water Plant, Justification for request: To transfer from Water Operating Account to Capital Project established for rehab to water tank in order to paint various water tanks in the amount of \$ 200,000.

&

Control Number GT-26-13 Department Mayor, Justification for request: To provide transfer of funds from contingency account that has current

balance of \$ 150,474 to Community Grant account to fund donation to boys and girls club in the amount of 5,000.

&

Control Number GT-27-13 Department Law, Justification for request: To provide transfer of funds from contingency account that has current balance of \$145,474 to Law Office account for settlements. This is to pay for 2 settlements regarding Federal House Litigation in the amount of \$ 30,000.

&

Control Number GT-28-13 Department Fire, Justification for request to transfer from Contingency account current balance of \$115,474, funding for supplemental FY2012 appropriations to pay for EMS Billings past due FY2012 invoices in the amount of \$ 58,988.86.

- Alderwoman Hoyle moved to approve budget revision requests control numbers GT-25-13, GT-26-13, GT-27-13, and GT-28-13. Seconded. CARRIED on voice vote.

2. Appointments

- Alderman Pfeiffer moved to approve the Mayor's appointment of the following individuals:

7/8/13 Annapolis Environmental Commission

Sari J. Kiraly

7/8/13 Board of Appeals

Robert P. Gallagher

7/8/13 Civil Service Board

Jennifer Garland Beard

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:37 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk