

REGULAR MEETING
July 9, 2012

The Regular Meeting of the Annapolis City Council was held on July 9, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:38 p.m.

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

Absent on Roll Call: Alderman Arnett

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Human Resources Director Rensted, Police Chief Pristoop, Finance Director Miller, Planning and Zoning Director Arason, PIO Wardlaw, Harbormaster Walters, Recreation and Parks Director Woodward, Chief Historic Preservation Craig

Approval of Agenda

- Alderwoman Finlayson moved to approve the Regular Meeting Agenda as amended to include the addition of business and miscellaneous item # 2 Annual Renewal of Pump-out Boat Grant, and to move business and miscellaneous item # 1 Approval of Police Department Employment Agreement for the Police Chief after petitions, reports and communications. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderman Kirby to present to Eastport Girls Club the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the twenty-sixth recipient of the prestigious Martha Wood Leadership Award.

Thank you to Richard Callahan

Mayor Cohen presented Mr. Callahan a card personally signed by the City Council Members and the City Manager presented him with a gift to thank him for a job well done.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Israel moved to approve the Journal of Proceedings for the Regular Meeting June 11, 2012, A Special Meeting June 4, 2012 and the Special Meeting of June 18, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

Kevin Sullivan, 7 Cumberland Court, Annapolis, Maryland 21401 spoke on a zoning issue and a lack of enforcement, of preservation by the city regarding a new stairwell and air conditioning unit.

Planning and Zoning Director Arason was present and answered questions from Council.

Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21401 spoke on the Forest Conservation Act Criteria.

Fred Delavan, 2019 Vineyard Road, Annapolis, Maryland 24101 representing the owners of the Fawcett's Property Terry Terhorst and Greg Kaufman spoke on O-51-11 and O-52-11.

Ellen Valentino, 30 Pinkney Street, Annapolis, Maryland 21401 representing Maryland Delaware DC Press Association spoke on O-16-12 and requested the vote on second reader be postponed.

- Mayor Cohen declared petitions, reports and communication closed.

The order of the agenda was amended to allow for.....

BUSINESS and MISCELLANEOUS

1. Approval of Police Department Employment Agreement (Police Chief)

City Manager Mallinoff gave a presentation on the employment agreement for the Police Chief.

The Public Safety Committee report favorably on the Employment Agreement for the Police Chief.

- Alderman Finlayson moved to approve the contract for the Police Department Employment Agreement for the Police Chief. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

PUBLIC HEARING

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.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION

ORDINANCES and RESOLUTIONS – 2nd READER

O-51-11 Use and Redevelopment of Property in C2 Zoning Districts – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District. *For the purposes of considering amendments only.*

Plannin and Zoning Director Arason was present and answered questions from Council.

- Alderwoman Hoyle moved to adopt O-51-11 on second reading. Seconded.

The Environmental Matters Committee and the Planning Commission reported favorably on O-51-11.

- Alderman Kirby moved to amend O-51-11 as follows:

Proposed Amendments to O-51-11 Use and Redevelopment of Property in C2 Zoning Districts

Page 1, Line 13: After word “adding” insert “AN ADDITIONAL PERMITTED USE AND ADDING”

Page 1, Line 18: Insert “SECTION 21.48.020”

Page 2, Line 12: Add: **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of Annapolis shall be amended to read as follows:

Amend the Use Table found at Section 21.48.020:

21.48 – USE TABLES

21.48.020 – Table of Uses – Commercial and Industrial Zoning Districts

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

Important. The notes at the end of the table are as much a part of the law as the table itself.

USES	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Boat Showrooms			P	P	P					
<u>BOAT SHOWS AND RELATED ACTIVITIES INCLUDING VENDOR BOOTHS AND DISPLAY AREAS</u>							P ⁵			
<u>DOCKS, SLIPS, PIERS AND OTHER FACILITIES FOR IN-WATER STORAGE OF BOATS AND WATERCRAFT</u>							P			

Notes:

A. Uses in the PM2 district are subject to the following provisions as indicated in the table:

1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.
2. This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed 33 percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in 21.64.420
3. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval
4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

B. USES IN THE C2 DISTRICT ARE SUBJECT TO THE FOLLOWING PROVISIONS AS INDICATED IN THE TABLE:

5. THIS USE IS PERMITTED ONLY ON LOTS WITH WATERFRONT FRONTAGE.

Page 2, Line 13: Strike "SECTION II" and insert "SECTION III" Seconded.
CARRIED on voice vote.

**The main motion as amended CARRIED on voice vote. **

- Alderman Israel moved to postpone O-51-11 amended on second reading until the September 10, 2012, and to hold a public hearing. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman Paone, Pfeiffer, Israel

NAYS: Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby

DEFEATED: 4/4

- Mayor Cohen invited Fred Delavan, 2019 Vineyard Road, Annapolis, Maryland 24101 representing the owners of the Fawcett's Property Terry Terhorst and Greg Kaufman to answer questions from Council.

O-52-11 Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A – For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A to C2, "Conservation Business" Zoning District. For the purposes of considering amendments only.

Planning and Zoning Director Arason was present and answered questions from Council.

- Alderwoman Hoyle moved to adopt O-52-11 on second reading. Seconded.

The Economic Matters Committee and the Planning Commission reported favorable and the Maritime Advisory Board and Rules and City Government Committees reported unfavorable on O-52-11.

- Alderwoman Hoyle moved to amend O-52-11 as follows:

**Proposed Amendments to O-52-11
Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

Page 1, Line 10: Strike "1244" and insert "1247"

Page 1, Line 12: Strike "1244" and insert "1247"

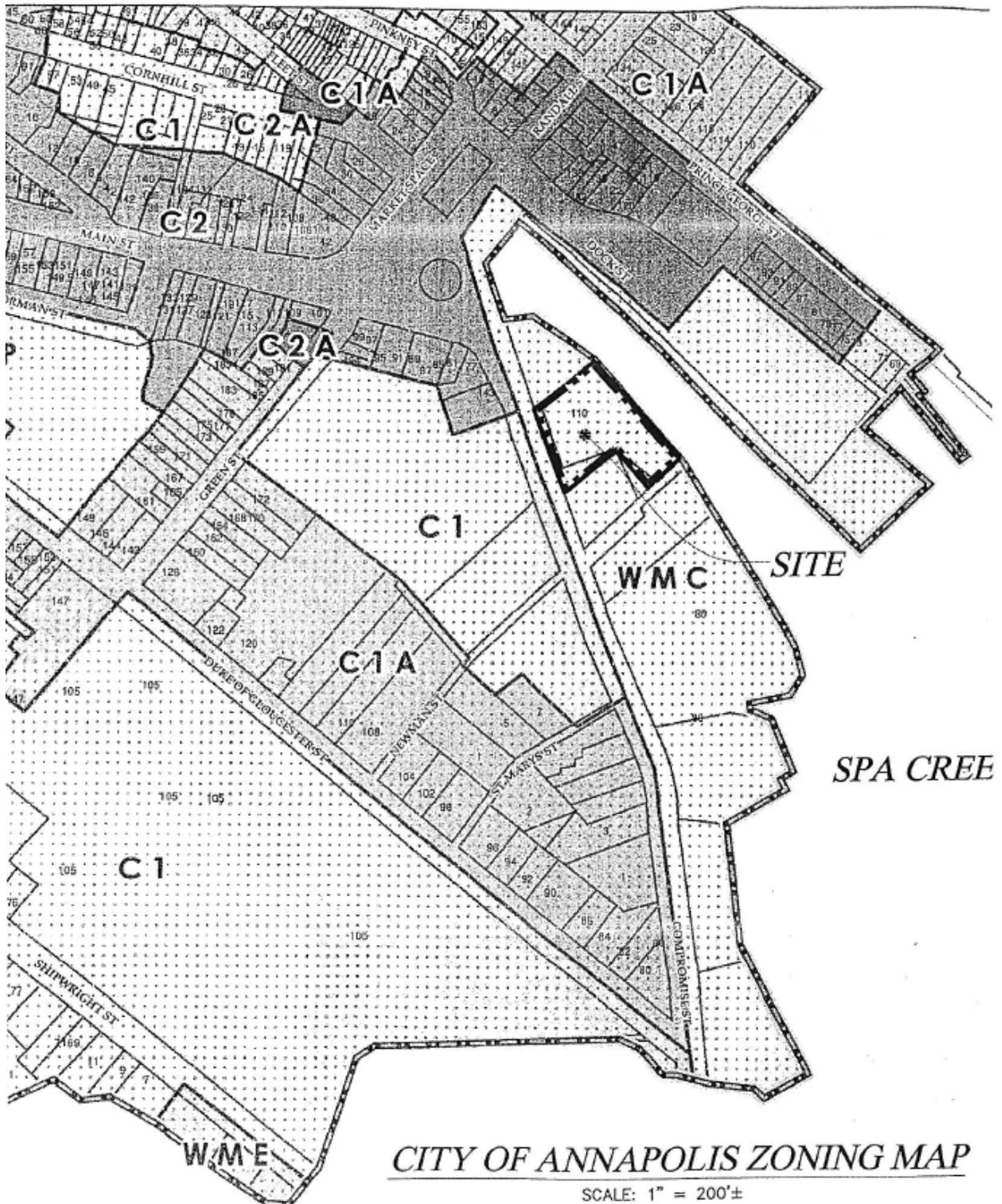
Page 1, Line 16: Strike "1244" and insert "1247"

Page 1, Line 30: Strike "1244" and insert "1247"

Page 5: Strike existing "Exhibit A" and insert new "Exhibit A" on Page 5

EXHIBIT A (Revised)

O-52-11
Page 5



Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

O-7-12 **Variations for Subdivisions – For the purpose of moving the authority for granting subdivision variations from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to variations for subdivisions.**

Planning and Zoning Director Arason was present and answered questions from Council.

- Alderwoman Finlayson moved to adopt O-7-12 on second reading. Seconded.

The Rules and City Government Committee and the Planning Commission reported favorably with amendments on O-7-12.

- Alderwoman Finlayson moved to amend O-7-12 as follows:

Page 3, in line 24, after 20.32.030 delete "Commission" and insert "Board"
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Pfeiffer moved to adopt O-7-12 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

O-16-12 Distribution of Unsolicited Materials – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

- Alderwoman Finlayson moved to postpone O-16-12 on second reading until the Special Meeting on July 23, 2012. Seconded. CARRIED on voice vote.

R-19-12 Restoration of the Maynard-Burgess House – For the purpose of designating the signatory for any State of Maryland grants or easements for the restoration of the Maynard-Burgess House; and all matters relating to said restoration of the Maynard-Burgess House.

Chief Historic Preservation Craig and Planning and Zoning Director Arason were present and answered questions from Council.

- Alderman Hoyle moved to adopt R-19-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- Alderwoman Hoyle requested her name be added as a co-sponsor of R-19-12.

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.

Finance Director Miller was present and answered questions from Council.

PIO Wardlaw was present and answered questions from Council.

City Manager Mallinoff was present and answered questions from Council.

The Finance Committee reported favorably on R-29-12.

- Alderman Israel moved to adopt R-29-12 on second reading. Seconded.
- Alderman Paone moved to amend R-29-12 as follows:

To reduce the refuse fee from \$380 to \$350 per year. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone, Silverman

NAYS: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Kirby, Pfeiffer,
Israel

CARRIED: 2/6

The main motion A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

RESOLUTIONS – 1st READER

R-30-12 Formation of a Task Force on the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) – For the purpose of implementing the Finance Committee’s FY 2013 budget recommendation by forming a task force to study cost containment and recommend solutions to fund the Police and Fire Pension Plan and Other Post Employment Benefits (OPEB) for City of Annapolis employees.

- Alderman Israel moved to adopt R-30-12 on first reader. Seconded.
CARRIED on voice vote.

Referred to the Finance Committee.

R-31-12 The Approval of a Community Legacy Application – For the purpose of approving the application and receipt of financing for Community Legacy Projects(s) at the City of Annapolis’ Bates Heritage Youth Development Park to be financed either directly by the Department of Housing and Community Development (the Department) of the State of Maryland or through other departments or agencies of the State of Maryland.

- Alderman Hoyle moved to adopt R-31-12 on first reader. Seconded.
CARRIED on voice vote.

Referred to the Housing and Human Welfare Committee.

R-32-12 Establishing the Hillman Garage Advisory Committee – For the purpose of establishing the Hillman Garage Advisory Committee and specifying the process for appointing members of the Committee.

- Alderman Israel moved to adopt R-32-12 on first reader. Seconded.
CARRIED on voice vote.

Referred to the Transportation Committee.

R-34-12 Establishing a Fine for Violations of Distributing Unsolicited Materials – For the purpose of establishing a fine for violations of distributing unsolicited materials.

- Alderman Finlayson moved to adopt R-34-12 on first reader. Seconded.
CARRIED on voice vote.

Referred to the Finance and Public Safety Committees.

R-35-12 Correcting the FY 2013 Fee for Reserved Dockage – For the purpose of correcting the FY 2013 fee for reserved dockage per the City of Annapolis Harbormaster.

Harbormaster Walters was present and gave a brief presentation and answered questions from Council.

Recreation and Parks Director Woodward was also present.

- Alderman Paone moved to adopt R-35-12 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.

- Alderwoman Finlayson moved to adopt R-35-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-37-12 Authorizing the Annual Kunta Kinte Festival as an Official City of Annapolis Co-Sponsored Event – For the purpose of authorizing the annual Kunta Kinte festival as an official co-sponsored City of Annapolis event due to its importance and significance as a central element in our City’s history and the unique connection that Annapolis shares with Kunta Kinte.

- Alderwoman Finlayson moved to adopt R-37-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

- Alderwoman Hoyle, Aldermen Kirby, Paone requested their names be added as co-sponsors of R-37-12.
- Mayor Cohen requested R-37-12 on second reader be added to the Special Meeting Agenda for July 23, 2012.

BUSINESS and MISCELLANEOUS

1. Grant Action Request

Department: Recreation and Parks / Harbormaster, Grant Title: Annual Renewal of Pump-out Boat Grant, Grantor: Maryland Department of Natural Resources, Amount: \$60,000 annually – No matching funds required.

Harbormaster Walters gave a brief presentation and answered questions from Council.

Finance Director Miller was also present and answered questions from Council.

Recreation and Parks Director Woodward was also present.

- Alderman Kirby moved to approve the Annual Renewal of Pump-Out Boat Grant. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:01p.m.