

## REGULAR MEETING

July 11, 2005

The Regular Meeting of the Annapolis City Council was held on July 11, 2005 in the Council Chamber. Alderman Fox called the meeting to order at 7:30 p.m.

Present on Roll Call: Aldermen Hammond, Tolliver, Kelley, Cordle, Fox, Cohen,  
Alderwomen Hoyle, Carter

Mayor Moyer was absent.

Staff Present: City Attorney Spencer, City Planner Owen

- Alderman Hammond moved to approve the Journal of Proceedings for June 13, 2005 and June 22, 2005. Seconded. CARRIED on voice vote.

### PETITIONS, REPORTS AND COMMUNICATIONS

- Spoke in favor of R-13-05

-Roger Hebden, representing Annapolis Striders, 1422 Hunting Wood Road, Annapolis, Maryland 21403

-Mary Alice Gehrdes, representing Annapolis Middle School PTSA, 403 Edgemere Drive, Annapolis, Maryland 21403

#### Capital Improvement Project Number 514

##### Project Title: Recreation Center

- Spoke in favor of Track:

-Beth Howell, representing Girls on the Run, 813 Holly Drive, Annapolis, Maryland 21401

-Dan Symancyk, president, representing Annapolis Striders, 234 Mill Church Road, Arnold, Maryland 21012

-Scott Eden, 2811 Deepwater Trail, Edgewater, Maryland 21037

- Spoke in opposition to Track:

-Larry Denton, representing Annapolis Sports & Social Club, 7818 Coldbrooke Drive, Severn, Maryland 21144

-Robert Ling, representing Annapolis Volleyball Organization, 16407 Governor Bridge Road, Apt. 404, Bowie, Maryland 20716

-Janice Clark, 103 First Street, Annapolis, Maryland 21401

-Ray Lowman, 1120 Tyler Avenue, Annapolis, Maryland 21401

- Spoke in favor of Recreation Center:

-Romonzo Beans, 162 Severn Way, Arnold, Maryland 21012

-Odessa Ellis, representing Concerned Citizens for Successful Students, 110 Dorsey Drive, Edgewater, Maryland 21037

-Dan Masterson, 11 King Court, Annapolis, Maryland 21401

- Spoke in favor of Recreation Center & in opposition to Track:

-Randy Stevens, representing Recreation & Parks Director of Tennis, 258 Woodard Road, Arnold, Maryland 21012

-Kelton L. Clark, 103 First Street, Annapolis, Maryland 21403

-Edward P. Wilson, representing Annapolis Volleyball Association, 504 Tulip Road, Annapolis, Maryland 21403

-Donna Jefferson, 13 Southgate Avenue, Annapolis, Maryland 21401

-Anna Coates, 841 Mill Creek Road, Arnold, Maryland 21012

-Dave Gomme, 841 Mill Creek Road, Arnold, Maryland 21012

- Dawn Savage, representing Anne Arundel County Volleyball League, 93 Shipwright Street, Annapolis, Maryland 21401
- Christine Kamenoff, representing residents of Tennis Community, 117 Edelmar Drive, Annapolis, Maryland 21403
- Kammi Cottrell, representing Annapolis Volley Ball, 24 Hilltop Lane, Annapolis, Maryland 21403
- Greg Dayman, representing Annapolis Volleyball, 695 Winding Stream Way #301, Odenton, Maryland 21113
- Frank Montgomery, representing Volleyball Leagues, 1120 Tyler Avenue, Annapolis, Maryland 21403
- Dawn O'Shea, 527 Green Crest Lane, Odenton, Maryland 21113
- Christina Aist, representing Recreation & Parks Advisory Board, 8 Heritage Court, Annapolis, Maryland 21401
- Taney Hamill, Chair Recreation & Parks Advisory Board, 111 Wardour Drive, Annapolis, Maryland 21401

Classification and Compensation Study Dated March 2005

- Spoke regarding:

- Marcia Patrick, 105 Quinn Road, Severna Park, Maryland 21146
- Robert Couchenour, 301 Winston Road, Pasadena, Maryland 21122
- Samuel Mulean Brice, 1811 Old Annapolis Blvd, Annapolis, Maryland 21401

**LEGISLATIVE ACTION**  
**ORDINANCES**

**O-10-05 For the purpose of clarifying the methodology in determining the density requirements for subdivisions and residential planned developments that incorporate land specified as RCA, Resource Conservation Area.**

- Alderman Cohen moved to adopt O-10-05 on second reading. Seconded.

The Planning Commission and Rules & Government Committee reported favorably on O-10-05.

- Alderman Cohen moved to amend O-10-05 as follows:

**Amendment #2** [ *This amendment corrects Code references to be consistent with newly adopted Zoning Code and clarifies that the new density calculation proposed in O-10-05 applies only to proposals submitted to the City on and after January 1, 2005. The density calculations for pre-January 1, 2005, proposals will be made using the same administrative calculation methodology used by City staff for many years. The density calculations for post-January 1, 2005, proposals will be made using the methodology proposed in O-10-05.* ]

*On page 1, in line 29, strike "21.74.050" and substitute "21.24.050"*

*On page 1, in line 30, strike "21.67.090" and substitute "21.54.100"*

On page 2, in line 14, strike "If" and insert "Except as provided in subsection H below, if"

On page 2, in line 36, insert the following:

"H. For a parcel or parcels of land which are or were part of a subdivision application, a planned development application, or an annexation

petition which was submitted to the City prior to January 1, 2005, the density calculations in subsection G above shall not apply, and the maximum number of dwelling units permitted on such parcel shall be determined by dividing the gross area of the parcel by the minimum lot area per dwelling unit required by the zoning district or districts in which the parcel is located."

*On page 2, strike line 37 and all that follows through page 3, line 24, and substitute the following:*

**"Section 21.24.050 Bulk and Density Standards**

A. Bulk Standards. The Board of Appeals may adjust bulk standards, other than height, that are otherwise applicable in the zoning district except as follows:

1. Except in the case of single-family detached dwellings in residential planned developments, the spacing between principal buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this Zoning Code, on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys.

2. Along the periphery of the planned development, yards will at a minimum be provided as required by the regulations of the district in which the development is located.

B. Density Standards. The following density standards shall apply to planned developments:

1. In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located. Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted. **If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per Section 20.24.130.G and H."**

2. In a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.

On page 3, strike lines 26 through 33, and substitute the following:

**"Section 21.54.100 Development requirements--Resource conservation areas.**

A. New residential development is permitted if the density of such development does not exceed one dwelling unit per twenty acres, **or as permitted under the requirements of Section 20.24.130.G and H.**

B. New commercial, industrial and institutional development is not permitted.

C. New development within the resource conservation areas shall conform to the same requirements as those set forth in Section 21.54.090 for limited development areas."

Seconded.

- Alderman Tolliver moved to amend O-10-05 as follows:

Item H, on page 2, under amendment #2 in the second line after the second application delete ",or an annexation petition"

Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelley, Cordle  
NAYS: Alderwomen Hoyle, Carter Aldermen Cohen, Fox  
DEFEATED: 4-4

City Planner Owen answered questions from Council.

The main motion as amended CARRIED on voice vote.

- Alderman Cohen moved to adopt O-10-05 amended on third reading. Seconded. CARRIED on voice vote.

**O-19-05 For the purpose of requiring that an annexation resolution is not introduced until after the preliminary hearing is held and the petitioner or petitioner's representative has provided the information requested at the preliminary hearing; and matters generally relating to annexation process.**

- Alderman Hammond moved to adopt O-19-05 on second reading. Seconded.

No action taken by the Rules & City Government Committee.

The main motion CARRIED on voice vote.

- Alderman Hammond moved to adopt O-19-05 on third reading. Seconded. CARRIED on voice vote.

**O-25-05 For the purpose authorizing and empowering the City of Annapolis to issue and sell, upon its full faith and credit, Fifteen Million Dollars (\$15,000,000) maximum aggregate principal amount of its serial maturity general obligation, fully registered bonds, pursuant to the authority of Sections 31 through 37, inclusive, of Article 23A of the Annotated Code of Maryland (2001 Replacement Volume), as amended, Section 24 of Article 31 of the Annotated Code of Maryland (1997 Replacement Volume and 2001 Supplement) and Article VII, Section 11, of the Charter of the City of Annapolis, as amended, to be designated as "Public Improvements Bonds, 2005 Series", said bonds to be issued and sold for the public purpose of financing certain capital projects of the City of Annapolis; and all matters generally relating to the issuance of bonds.**

- Alderman Hammond moved to adopt O-25-05 on second reading. Seconded.

The Finance Committee reported favorably on O-25-05.

The main motion CARRIED on voice vote.

- Alderman Hammond moved to adopt O-25-05 on third reading. Seconded. CARRIED on voice vote.

**O-26-05 For the purpose of establishing a Undergrounding Utilities Fund to provide a dedicated funding mechanism for the undergrounding of utilities in the Historic District; and matters generally relating to said fund.**

- Alderman Hammond moved to adopt O-26-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

**R-24-05 For the purpose of increasing the fee for utility poles in streets from \$50 per year to \$70 per year; and matters generally relating to said utility pole fee.**

- Alderman Cohen moved to adopt R-24-05 on first reading. Seconded. CARRIED on voice vote.

**O-27-05 For the purpose of including Federal property within the boundaries of the City; and matters generally relating to said City boundary.**

- Alderman Cohen moved to adopt O-27-05 on first reading. Seconded. CARRIED on voice vote.
- Alderman Hammond moved to have at least one work session to discuss O-27-05, and to invite the Director of Housing for the Naval Academy Properties, and a representative from the Judge Advocate Generals Office of the Naval Academy, and that a formal legal opinion regarding the propriety of incorporating property into the boundaries of the City without an annexation process be provided at the work session. Seconded. CARRIED on voice vote.

Referred to the Rules and General Government Committee.

**O-28-05 For the purpose of specifying the manner in which sponsors of legislation are identified on proposed and adopted legislation; and matters generally relating to said sponsor identification.**

- Alderman Hammond moved to adopt O-28-05 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and General Government Committee.

**O-29-05 For the purpose of establishing a Homestead Credit Percentage of one hundred four percent (104%) in the City of Annapolis and to relate the personal property tax rate to the real property tax rate; and matters generally relating to said Homestead Credit Percentage and personal property tax rate.**

- Alderman Hammond moved to adopt O-29-05 on first reading. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Hammond, Tolliver, Kelley, Cordle  
NAYS: Alderwomen Hoyle, Carter, Alderman Cohen, Fox  
DEFEATED: 4-4

## RESOLUTIONS

**R-20-05 For the purpose of recognizing the National Incident Management System (NIMS) and adopting NIMS principals and policies; empowering the Office of Emergency Management to coordinate a training program to ensure the implementation of NIMS into response plans, exercises, and drills; prohibiting the City of Annapolis from distributing eligible grant funds to those departments whose personnel are not trained or are not operating under the NIMS guidelines as directed by HSPD-5 and its subsequent guidelines; and all matters relating to NIMS.**

- Alderman Cohen moved to adopt R-20-05 on second reading. Seconded. CARRIED on voice vote.

**R-21-05 For the purpose of waiving the fees for City services to be provided in connection with the Maryland Avenue Annual Street Festival to be held on September 25, 2005; and all matters relating to said waiver of fees.**

- Alderman Hammond moved to adopt R-21-05 on second reading. Seconded. CARRIED on voice vote.

**R-22-05 For the purpose of creating The Mayor's Book Club to make strategic and visionary recommendations to the Mayor on specific improvements to city planning, infrastructure and operations based on the club's review of literature, publications, and other written texts; and matters generally related to The Mayor's Book Club.**

- Alderman Cohen moved to adopt R-22-05 on second reading. Seconded. CARRIED on voice vote.
- Alderman Tolliver requested that the record reflect her abstention on R-22-05.

**R-23-05 For the purpose of renaming the one block portion of Larkin Street between City Gate Street and West Street "Carroll H. Hynson, Sr. Lane"; and matters generally relating to said renaming.**

- Alderwoman Carter moved to adopt R-23-05 on second reading. Seconded. CARRIED on voice vote.

### **BUSINESS AND MISCELLANEOUS**

1. Payment of Monthly Bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

2. Appointments

Alderman Hammond moved to approve the Mayor's appointments & reappointments of the following individuals:

7/11/05 Alcoholic Beverage Control Board	Elizabeth Finkle
7/11/05 Art in Public Places	Nina Fisher
7/11/05 Art in Public Places	Cynthia Fletcher-Holden
7/11/05 Art in Public Places	Robert Libson
7/11/05 Art in Public Places	Sigrid Trumpy
7/11/05 Art in Public Places	Rani Jenkins
7/11/05 Transportation Advisory Board	Rick Sisas

Seconded. CARRIED on voice vote.

Alderman Hammond moved to add 0-4-05 to the agenda for the next Regular Scheduled Meeting on September 12, 2005. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting adjourned at 10:20 p.m.

Regina C. Watkins-Eldridge, CMC  
Acting City Clerk