

REGULAR MEETING

July 11, 2011

The Regular Meeting of the Annapolis City Council was held on July 11, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:41 p.m.

Invocation given by: Stephen Tillett, Reverend of Asbury-Broadneck United Methodist Church, 657 Broadneck Road, Annapolis, Maryland 21409

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Fire Chief Stokes, Planning and Zoning Director Arason, Finance Director Miller, Community Relations Specialist Peterson, Boards and Commissions Coordinator Raftovich, Acting Transportation Director Parker, DNEP Director Broadbent

Approval of Agenda

- Alderman Paone move to approve the Regular Meeting Agenda. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATION

Martha Wood Leadership Award

Mayor Cohen invited Aldermen Paone to present to Deborah A. Johnson, 193 Bertina Nick Way, Annapolis, Maryland 21401 the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis with the Martha Wood Community Leadership Award.

Mayoral Citation

On behalf of the Citizens of Annapolis, Mayor Cohen invited Fire Chief Stokes to present Charles Tabb with the Mayoral Citation for his unwavering bravery, disregard for his personal injury and putting himself in harms way to expedite the evacuation of the residents of 1055 Norman Drive and saving them from the fire on June 17, 2011.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Kirby moved to approve the Journal of Proceedings for the Special Meeting June 9, 2011, Regular Meeting June 13, 2011 and the Special Meeting June 20, 2011. Seconded. CARRIED on voice vote.

Comments by the General Public

Art Roberts, 108 Duke of Gloucester Street, Annapolis, Maryland 21401 spoke in opposition to pay cuts, no overtime for city workers, illegal vendors, parking problems and requested all special events be held at the Bates Legacy Center
Antoinette Riddick, 319 Chester Avenue, Annapolis, Maryland 21403 representing Turner's Marina spoke in opposition to O-27-08 and O-40-10
Larry Griffin, 92 West Washington Street, Annapolis, Maryland 21401 spoke in favor of the festivals in downtown Annapolis and the fence located at 319 Chester Avenue
Robert H. Eades, 32 Pleasant Street, Annapolis, Maryland 21401 spoke on Public Housing and the fence located at 319 Chester Avenue
Michael Lange, 312 Severn Avenue, W-302, Annapolis, Maryland 21403 spoke in favor of the city dock events

Margaret Evans, 181 Duke of Gloucester Street, Annapolis, Maryland 21401 spoke in favor of the summer at city dock festival

Ronald Cohen, 4 Alden Lane, Annapolis, Maryland 21401 spoke in favor of the summer at city dock festival

Linda Hartwig, 110 South River Landing, Edgewater, Maryland 21037 representing ARINC spoke in favor of the summer at city dock festival

Mike Stevens, 142 Dock Street, Annapolis, Maryland 21401 representing Steven's Hardware spoke in opposition to profit seeking vending at the city dock and R-37-11

Marie Dalacqva, 238 King George Street, Annapolis, Maryland 21401 representing Save the Coconuts and the Ward One Residents spoke in favor of the vendors at city dock

Jeff Schaub, 110 Dock Street, Annapolis, Maryland 21401 representing the Annapolis Marine Art Gallery spoke on special events and festivals at the city dock

Greg Guzzi, 110 Dock Street, Annapolis, Maryland 21401 representing Harbor Square Mall spoke in opposition to the special events at the city dock and Susan Campbell Park

Arlie Schardt, 1224 Boucher Avenue, Annapolis, Maryland 21403 spoke in favor of the summer at city dock festivals

Jessica Palcher, 506 President Street, Annapolis, Maryland 21403 spoke in favor of the events at the city dock and in historic Annapolis

Suzie Galler, 98 Duke of Gloucester Street, Annapolis, Maryland 21401 spoke in favor of summer at city dock festivals

Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 spoke in favor of the downtown circulator and congratulated Transportation Director Newell on a job well done

Crystal Brown, 909 High Point Drive, Annapolis, Maryland 21409 spoke in support of the Kunta Kinte Heritage Festival

Former Alderman Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke in favor of non-profit organizations and the fence located at 319 Chester Avenue

Loni Moyer, 1019 Forest Hills Avenue, Annapolis, Maryland 21403 spoke in favor of festivals and vendors

Bishop Craig Coates, 2702 Summerview Way, #304, Annapolis, Maryland 21401 representing Prayze in the City spoke in favor of the festivals permitted at the city dock

Jack Julius, 313 Kenmore Avenue, Edgewater, Maryland 21037 spoke in favor of the summer at city dock festival

George Pozgar, 1 Harness Creek View Court, Annapolis, Maryland 21403 spoke in favor of the summer at city dock festival

Philip D. Dykes, 234 Old Magothy Bridge Road, Pasadena, Maryland 21122 spoke in favor of the summer at city dock festival, the work of the Special Events Coordinator Lefurge and requested the city work to make the 4th of July Parade better

Hinde Levy, 147 Kenrad Morgan Way, Lothian, Maryland 20711-9401 spoke in favor of festivals

Mary-Margaret Avelleyra, 986 Spa Road, #102, Annapolis, Maryland 21403 spoke in favor of the summer at city dock festival

Matt Grabbs, 31 Decatur Avenue, Annapolis, Maryland 21403 spoke in opposition to resolutions supporting vendors at the city dock events, and spoke on the creation of a Policy and Procedures Manual for Special Events and the Annapolis Business Association Survey

Sveinn Storm, 130 Dock Street, Annapolis, Maryland 21401 representing Storm Brothers Ice Cream spoke in favor of the city dock vendors and spoke on the licensing process and following laws

Jessica Snell-Johns, 1131 Bay Ridge Avenue, Annapolis, Maryland 21403 spoke in favor of the festivals and spoke on the racial and social integration

Robyn Elliott, 122 Great Lake Drive, Annapolis, Maryland 21403 representing the Annapolis Business Association spoke on the permitting process for special events

Jim Martin, 1906 Baltimore Annapolis Blvd, Annapolis, Maryland 21409 spoke

in favor of festivals and business owners working together
Gilbert Renaut, 115 Monticello Avenue, Annapolis, Maryland 21401 spoke on illegal vendors, policies and festivals

Bob Schwartzberg, 47 Randall Street, Annapolis, Maryland 21401 representing the Big Cheese spoke in favor of festivals and spoke in opposition to not being on the same playing field when it comes to festivals and the disconnect between the city and the business owners

Darrell O'Connor, 126 Prince George Street, Annapolis, Maryland 21401 spoke in opposition to city dock festivals on the Sundays and spoke in favor of the business owners

- Mayor Cohen declared petitions, reports and communication closed.

The meeting was recessed at 9:44 p.m. and reconvened at 9:56 p.m.

PUBLIC HEARINGS

O-36-10 Uses in Waterfront Maritime Zoning Districts – For the purpose of permitting certain additional uses in the Waterfront Maritime Conservation (WMC) Zoning District.

Planning and Zoning Director Arason gave a brief presentation on the ordinance.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 06/16/11.
- Mayor Cohen declared the public hearing continued until September 2011.

O-20-11 First Floor Retail in the MX Mixed Use District – For the purpose of amending the requirements in the MX Mixed Use District regarding retail commercial uses on the first floor of building façades which abut West Street.

Planning and Zoning Director Arason gave a brief presentation on the ordinance.

Spoke on the ordinance:

Jim Martin, 115 West Street, Suite 100, Annapolis, Maryland 21401
Robin Elliott, 122 great Lake Drive, Annapolis, Maryland 21403 representing Annapolis Business Association

Spoke in favor of the ordinance:

Alan Hyatt, 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 representing Bozzuto Homes
Dirk Geratz, 44 Lafayette Avenue, Annapolis, Maryland 21401 representing Murray Hill Residents Association
Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 representing Murray Hill Land Use Committee
Laura Fritts, 93 Main Street, Annapolis, Maryland 21401 representing Economic Development Corporation

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 6/21/11.
- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION

CHARTER AMENDMENTS and ORDINANCE – 2nd READER

CA-5-10 Department of Central Services – For the purpose of eliminating the Department of Central Services.

City Manager Mallinoff was present and answered questions from Council.

- Alderman Arnett moved to adopt CA-5-10 on second reading. Seconded.

The Rules and City Government Committee postponed action on CA-5-10.

- Alderman Israel moved to amend CA-5-10 as follows:

On page 1, in line 28 – On page 2, in line 17, strike as follows:

Sec. 2B. – City administrator.

~~(a) There shall be a city administrator in the office of the mayor who shall be the chief administrative officer of the city. The city administrator shall be the direct subordinate of the mayor and the immediate supervisor of each department director. The city administrator shall serve as the supervising authority of the office of the mayor.~~

~~(b) The city administrator shall be appointed by the mayor and confirmed by the city council solely on the basis of his/her knowledge, experience and training. The city administrator shall have had, prior to appointment, an advanced degree in business or public administration from an accredited college or university and at least five years' experience in public administration; or an equivalent combination of education and experience. The city administrator shall be thoroughly familiar with contemporary budgeting and accounting practices.~~

~~(c) The city administrator shall devote full time to the duties of the office.~~

~~(d) The compensation of the city administrator shall be fixed by the mayor according to the provisions of an executive pay plan adopted by ordinance.~~

~~(e) The city administrator shall have the following additional powers and duties:~~

~~(1) To exercise supervisory authority over the department directors;~~

~~(2) To direct the operations of the city government;~~

~~(3) To supervise the office of mayor at the direction of the mayor and to be responsible for the execution of the duties and responsibilities of the office of mayor;~~

~~(4) To supervise the preparation of the city budget, including oversight of the capital budget;~~

~~(5) To assist the mayor in the formation of policy and the implementation of plans to address demands for municipal services, enhance the quality of life and strengthen the economic vitality of the city;~~

~~(6) To perform such duties not inconsistent with this Charter as may be delegated by the mayor from time to time.~~ Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt CA-5-10 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

CA-5-11 Setting Rates for City-Owned Parking Garages and Parking Lots – For the purpose of authorizing the City Manager or his designee to establish rates and hours at City-owned parking lots and parking garages.

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

Acting Transportation Director Parker was present to answer questions from Council.

- Alderwoman Hoyle moved to adopt CA-5-11 on second reading. Seconded.

The Finance Committee, Parking Advisory Commission, Annapolis Economic Development Corporation and the Transportation Committee reported favorable. The Rules and City Government Committee reported favorably with amendments and the Transportation Board reported unfavorably with amendments on CA-5-11.

- Alderman Arnett moved to amend CA-5-11 as follows:

On page 2, in lines 14 and 15 delete “for the purpose of achieving the pricing variability as declared in” “To the extent permitted, pursuant to” and;

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt CA-5-11 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

- Alderman Arnett moved to allow new business to be considered after 11:00 p.m. Seconded. CARRIED on voice vote.

O-40-10 Fence Permits – For the purpose of revising height restrictions in residential and maritime zoning districts.

Planning and Zoning Director Arason gave a brief presentation on the ordinance.

DNEP Director Broadbent was present and answered questions from Council.

- Alderwoman Finlayson moved to postpone O-40-10 on second reading until the Regular Meeting of September 12, 2011. Seconded. CARRIED on voice vote.

ORDINANCES and RESOLUTIONS – 1ST READER

O-28-11 Licensing Short-Term Rental of Dwelling Units – For the purpose of establishing certain standards for licensing the short term rental of dwelling units in the City of Annapolis.

Referred to the Housing and Human Welfare, Finance, Rules and City Government and the Public Safety Committees

O-30-11 Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District – For the purpose of amending Section 21.40.020 –

R1 Single Family Residence District to delete Section D related to contiguous lots.

Referred to the Rules and City Government Committee and the Planning Commission and the Economic Development Corporation

- O-31-11 Planning Commission and Board of Appeals Roles and Responsibilities Regarding Planned Developments and Special Exceptions – For the purpose of changing the roles and responsibilities of the Planning Commission and Board of Appeals as they relate to planned developments and special exceptions to maximize efficiencies in the public hearing process as allowed under Article 66B of the Annotated Code of Maryland.**

Referred to the Rules and City Government Committee and the Planning Commission and the Economic Development Corporation

- O-32-11 Outdoor Dining in the B1 and B2 Zoning Districts – For the purpose of clarifying the contradiction in use standards related to outdoor dining in the B1 and B2 zoning districts in Chapters 21.64 and specific provisions in 21.42 of the Code of the City of Annapolis.**

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

- R-36-11 Sale of City Radio Tower and Ground Lease – For the purpose of expressing the sense of the City Council to sell the City owned radio tower located at 25 Silopanna Road and currently leased to Bay Broadcasting Corporation and to enter into a ground lease for a certain portion of the property located at 25 Silopanna Road.**

Referred to the Finance and the Economic Matters Committees

- R-37-11 Summer at City Dock 2011 – For the purpose of designating May 29, 2011; June 5, 2011; June 12, 2011; June 19, 2011; June 26, 2011; July 3, 2011; July 10, 2011; July 17, 2011; July 24, 2011; July 31, 2011; August 7, 2011; August 14, 2011; August 21, 2011; August 28, 2011 and September 4, 2011 as days when peddlers, hawkers, and itinerant merchants may sell in the historic district or a non-residential area in connection with the Summer at City Dock 2011 festivals.**

Referred to the Economic Matters Committee

- R-38-11 Kunta Kinte Festival 2011 - For the purpose of designating September 24, 2011 as a day when peddlers, hawkers, and itinerant merchants may sell in the historic district or a non-residential area in connection with the Kunta Kinte Festival and the reimbursement of full fees to the City for the cost associated with the event.**

Referred to the Economic Matters Committee

- R-39-11 Honoring Leron Michael Fisher - For the purpose of honoring Leron Michael Fisher, for his service to the City of Annapolis and the residents of the Housing Authority of the City of Annapolis, and endorsing that the Harbour House Community Swimming Pool be re-named the Leron Michael Fisher Community Swimming Pool at the expense of the Housing Authority for the City of Annapolis.**

Referred to the Housing and Human Welfare Committee

- R-40-11 Honoring Betty Ann Weekly - For the purpose of honoring Betty Ann Weekly, for her service to the City of Annapolis and the residents of the Robinwood community, and endorsing that the computer room in the Robinwood Community Center be rededicated in her honor at the expense of the Housing Authority of the City of Annapolis.**

Referred to the Housing and Human Welfare Committee

R-41-11 Honoring David J. Harris – For the purpose of honoring David J. Harris, for his service to the City of Annapolis and the residents of the Robinwood community, and endorsing that the Robinwood Community Center be re-named the David J. Harris Community Center at the expense of the Housing Authority for the City of Annapolis.

Referred to the Housing and Human Welfare Committee

R-42-11 Honoring the Late Rosalie E. Mitchell – For the purpose of honoring the late Rosalie E. Mitchell, for her tireless advocacy on behalf of public housing residents and their children, and endorsing that a suitable plaque be installed on the site of the Harbour House/Eastport Terrace Community Center to be re-named the Rosalie E. Mitchell Community Center at the expense of the Housing Authority of the City of Annapolis.

Referred to the Housing and Human Welfare Committee

R-43-11 Honoring the Late Sheridan D. Chase – For the purpose of honoring the late Sheridan D. Chase, for her service to the City of Annapolis and the residents of the Harbour House and Eastport Terrace community, and endorsing that an activity room in the Community Center be rededicated in her honor at the expense of the Housing Authority of the City of Annapolis.

Referred to the Housing and Human Welfare Committee

R-44-11 Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2011 – For the purpose of designating September 3, 4 and 5 as days when peddlers, hawkers, and itinerant merchants may sell in the historic district or a non-residential area in connection with the CBYRA Race Week 2011 post-race sailboat regatta at Susan Campbell Park.

Referred to the Economic Matters Committee

BUSINESS AND MISCELLANEOUS

1. Appointment

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

7/11/11 Board of Supervisors of Elections.....Pamela A. Johnson
Seconded. CARRIED on voice vote.

- Alderman Israel requested the record reflect the following:

Article II - ELECTION OF MAYOR AND ALDERMEN

Sec. 6. - Board of supervisors of elections.

(b)

Members of the Board of Supervisors of Elections shall be appointed by the City Council for a term that begins on the second Monday of March following the General City Election in the preceding November and ends four years later on the second Monday in March. In the event of a vacancy, the City Council shall immediately fill the vacancy only for the remainder of the four year term. A member must be reappointed for a new term in order to serve

beyond any four year term. A chair of the Board of Supervisors of Elections shall be chosen annually by its members.

2. City of Annapolis Organizational Chart for FY12

City Manager Mallinoff was present and answered questions from Council.

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

- Alderwoman Finlayson moved to amend the City of Annapolis Organizational Chart for FY12 to include a line which connects the Office of Law with the City Manager. Seconded.

A ROLL CALL vote was taken:

YEAS: Aldermen Paone, Alderwomen Hoyle, Finlayson, Aldermen Kirby

NAYS: Mayor Cohen, Aldermen Israel, Silverman, Pfeiffer, Arnett

DEFEATED: 4/5

- Alderwoman Finlayson moved to approve the City of Annapolis Organizational Chart for FY12. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 12:00 a.m.

Regina C. Watkins-Eldridge, MMC
City Clerk