

REGULAR MEETING
July 13, 2009

The Regular Meeting of the Annapolis City Council was held on July 13, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Stankivic, Shropshire, Arnett

Absent on Roll Call: Alderman Cordle

Staff Present: City Attorney Kling, City Administrator Agee, Police Chief Pristoop, Department of Neighborhood and Environmental Programs Mallinoff, Bureau Chief Sandrouni, Civil Engineer Grieco, Civil Engineer Sebastian, Environmental Compliance Inspector Savage

- Alderman Shropshire moved to approve the Journal of Proceedings for June 8, 2009 Regular Meeting and June 22, 2009 Special Meeting. Seconded. CARRIED on voice vote.

PRESENTATIONS

Lisa Grieco

Project Manager- City Dock Reconstruction

It is with sincere thanks and gratitude that I bestow upon you this Citation for your worked on the City Dock project, which received the Outstanding Small Project Award for 2009 for the acceleration reconstruction on Annapolis City Dock. Her diligence, punctuality and attention to detail made this project possible to be completed ahead of time and under budget. The Citizens of Annapolis join me in thanking you for your service.

Matthew Sebastian

Project Manager for the Truxtun Park Boat Ramp Renovation and the Back Creek Nature Park Project.

I present this Citation of Merit to Matthew because of his attention to details and his persistence made it possible for the above stated projects to be completed on time and within a very narrow window, stipulated by the contract due to Environmental restrictions. The Citizens of Annapolis join me in thanking you for your service.

Jonathan Hodgson

It is with sincere thanks and gratitude that I bestow upon you this Citation of Merit for your commitment and endless hours serving the Citizens of Annapolis. The great excitement and endless thrills you brought to kids of all ages every July 4th, for the past 7 years is greatly appreciated. The explosion of color, the crackle of light and the roar of the crowd is something that will remain in our memory and in the ears of Annapolis residents as remember the star spangled spectacle that Jonathan Hodgson created for his fellow citizens.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in opposition to O-40-09, the parking rates at the Hillman Garage, the certificate of candidacy fee to run for central committee, and in favor of Former Maryland

Governor Marvin Mandel

Former Maryland Governor Marvin Mandel, 116 Defense Highway, Annapolis, Maryland 21401 present on behalf of his client and spoke on the history of the State of Maryland

Trudy McFall, 205 Scott Drive, Annapolis, Maryland 21401 spoke in opposition to O-40-09.

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 in opposition to O-40-09 and spoke on why the City needs a City Manager

Randy Landis, 141 Dewey Drive, Annapolis, Maryland 21401 spoke in opposition to O-40-09, spoke on taxpayer and in support of a City Manager

Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke in opposition to O-41-09

Allen Furth, 3 King George Street, Annapolis, Maryland 21401 spoke on O-41-09 and in opposition to O-40-09

Robert Eades, 32 Pleasant Street, Annapolis, Maryland 21401 gave the City Council and everyone watching via the television a public apology for his actions at the last City Council Meeting.

Zina C. Pierre, 1901 McGuckian Avenue, #231, Annapolis, Maryland 21401 spoke on O-41-09, R-33-09 and O-40-09

ORDINANCES & RESOLUTIONS – 2ND READING

O-06-09 For the purpose of limiting the number of false alarms permitted within a 365-day period before the assessment of a fine and providing appeal procedures for the fine's assessment.

Chief Pristoop was present and answered questions from Council.

- Alderman Shropshire moved to adopt O-06-09 on second reading. Seconded.
- Alderwoman Finlayson moved to amend O-06-09 as follows:

To delay the effective date of O-06-09 until September 1, 2009. Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-06-09 as follows:

To require after 1 year the Police and Fire Departments submit to the City Council a report to measure to effectiveness of the program.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-06-09 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

R-10-09 For the purpose of establishing a fine for the discharge of the third and all subsequent false alarms within a 365-day period.

- Alderman Shropshire moved to adopt R-10-09 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

O-12-09 For the purpose of requiring vehicles owned or licensed by City of Annapolis to operate clean air vehicles over a four-year period; specifying what vehicle types satisfy the requirement; and, providing exceptions for certain special purpose vehicles.

Department of Neighborhood and Environmental Programs Director Mallinoff was present and answered questions from Council.

- Alderman Arnett moved to adopt O-12-09 on second reading. Seconded.

The Public Safety and Economic Matters Committees reported favorable with amendments on O-12-09.

- Alderman Arnett moved to amend O-12-09 as follows:

Amendment#1

On page 1, in lines 10 and 12, change “or licensed” to “and / or operated”

On page 2, in line 2, change “or licensed” to “and / or operated”

Amendment#2

On page 1, in line 34, add “Department of Neighborhood and Environmental Programs will gather and provide information on clean air vehicles to those licensed by the City.”

Amendment#3

On page 2, in line 20, after vehicles add “owned or operated by the City,”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-12-09 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Shropshire, Arnett

NAYS: Aldermen Stankivic

CARRIED: 7/1

O-16-09 For the purpose of providing a one-time City property tax credit for an existing residential structure in which fire sprinkler installation is required by City Code.

- Alderman Shropshire moved to postpone the vote on O-16-09 on second reading until July 27, 2009. Seconded. CARRIED on voice vote.

R-33-09 For the purpose of expressing the City of Annapolis’ support of the Maryland Theatre for the Performing Arts at Park Place.

- Alderman Arnett moved to adopt R-33-09 on second reading. Seconded.
- Alderman Israel moved to amend R-33-09 as follows:

On page 2, in line 11, add the following sentence “However, this expression of support shall not be construed as a commitment to provide municipal funds for the construction or operation of the Maryland Theatre for the Performing Arts.”
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett
NAYS: Alderman Stankivic
CARRIED: 7/1

R-43-09 For the purpose of adopting a new sustainability plan with goals for programs, policies, and procedures that will assist the environmental efforts of the City of Annapolis.

Department of Neighborhood and Environmental Programs Director Mallinoff and Environmental Compliance Inspector Savage were present and answered questions from Council.

- Alderman Shropshire moved to adopt R-43-09 on second reading.
Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Shropshire, Arnett
NAYS:
ABSTAIN: Alderman Stankivic
CARRIED: 7/0/1

R-45-09 For the purpose of approving the reclassification of the Senior Payroll Clerk position to that of Police Administrative Clerk.

- Alderman Shropshire moved to adopt R-45-09 on second reading.
Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Shropshire, Arnett
NAYS: Aldermen Stankivic
CARRIED: 7/1

R-46-09 For the purpose of approving the reclassification of the Warrant Control Clerk position to that of Police Records Specialist.

- Alderman Shropshire moved to adopt R-46-09 on second reading.
Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire, Arnett
NAYS: Aldermen Paone, Stankivic
CARRIED: 6/2

ORDINANCES & RESOLUTIONS – 1ST READING

O-36-09 For the purpose of repealing the display restriction on phosphorous and phosphate fertilizers.

- Alderman Stankivic moved to adopt O-36-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Housing & Human Welfare and Environmental Matters Committee.

O-40-09 **For the purpose of specifying severance pay for department directors removed pursuant to Article VI, Section 2 of the Charter.**

No Action taken

O-41-09 **For the purpose of establishing qualifications for absentee voting in municipal elections inadvertently repealed by Ordinance O-33-07 Revised Amended.**

- Alderwoman Hoyle moved to adopt O-41-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

- Alderman Israel moved to schedule a public hearing with legislative action on O-41-09 on the July 27, 2009 Special Meeting Agenda. Seconded. CARRIED on voice vote.

O-43-09 **For the purpose of defining “may not” as mandatory in the Code of the City of Annapolis.**

- Alderman Stankivic moved to adopt O-43-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee.

O-44-09 **For the purpose of permitting law enforcement personnel and members of the armed forces to possess and discharge electronic weapons while on duty in the performance of official authorized functions.**

- Alderman Shropshire moved to adopt O-44-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety Committee.

R-49-09 **For the purpose of amending the fines schedule for electronic weapons violations.**

- Alderman Arnett moved to adopt R-49-09 on first reading. Seconded. CARRIED on voice vote.

O-45-09 **For the purpose of permitting the subdivision of nonconforming properties.**

- Alderman Arnett moved to adopt O-45-09 on first reading. Seconded. CARRIED on voice vote.

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

O-46-09 **For the purpose of permitting a house barge concentration of two percent in marinas with fifty or more slips.**

- Alderman Shropshire moved to adopt O-46-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters and Economic Matter Committee and the Maritime Advisory Board.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Arnett moved to approve the Mayor's (re)appointments of the following individuals:

7/13/09 Ethics Commission.....Jonathan P. Kagan

7/13/09 Art in Public Places.....McShane W. Glover

7/13/09 Art in Public Places.....Thomas W. Fridrich

7/13/09 Building Board of Appeals.....Carl Richard Corse

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:12 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk