

REGULAR MEETING

July 14, 2008

The Regular Meeting of the Annapolis City Council was held on July 14, 2008 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, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer, Finance Director Elliott

- Alderman Arnett moved to approve the Journal of Proceedings for June 9, 2008 Regular Meeting and June 16, 2008 Special Meeting. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Bond Request

John R. Devine, Esquire., Miles & Stockbridge P.C., 10 Light Street, Baltimore, Maryland 21202 representing The Key School requested a bond from the City of Annapolis in the amount of \$ 9,310,000, Dollars.

Present and testified on behalf of the bond request:

Niels Holch, 3308 Hidden River View Road, Annapolis, Md. 21403., Chairman, Key School Board of Trustees

James Praley, 597 Pinedale Drive, Annapolis, Md. 21401 Chairman, Key School Finance Committee

Michael Marino, Levy & Marino, Key School Counsel, 609 Bosley Avenue, Towson, Md. 21204

Kenneth Piel, 534 Hillsmere Drive, Annapolis, Md. 21403., Director, Key School, Finance & Operations

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

Comments from the General Public

Clifton A. Johnson, 1229 Madison Street, 21401 spoke in opposition to 0-12-07 Amended

Valerie Miller, 114 Market Street, Annapolis, Maryland 21401 spoke in opposition to 0-12-07 Amended

Julia Pruchniewski, 5 Woodward Court, Annapolis, Maryland 21403 spoke in opposition to 0-12-07 Amended and in favor of R-33-08

Marty Descoteaux, 1404 West Street, Annapolis, Maryland 21401 spoke on R-08-08 Revised and O-12-07 Amended

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on O-21-08 and in opposition to O-12-07 Amended

John Holt, 1313 West Street, Annapolis, Maryland 21401 spoke on R-08-08 Revised

Michael Van Geertruy, 1901 West Street, Suite 413, Annapolis, Maryland 21401 representing Annapolis Republican Central Committee spoke on O-12-07 Amended, poor city management, the Market House, crime rates and the massive tax increases

Brian Miller, Sr., 1911 B Copeland Street, Annapolis, Maryland 21401 representing Chesapeake Children's Museum requested a date of release for their community grant and spoke on the Toss Salad Café program

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401 representing residents of Fairfax Road spoke in opposition to 0-12-07 Amended

Paul Lebow, 1311 West Street, Annapolis, Maryland 21401 spoke on R-08-08 Revised and O-12-07 Amended

Sveinn C. Storm, 130 Dock Street, Annapolis, Maryland 21401 spoke on enforcement of the city code and from the police department

Arthur Kungle, P. O. Box 365, Annapolis, Maryland 21404 spoke on the State House,

Church Circle Post Office, removal of historical trees, donation for signage, books on the constitution and proceeding of the Annapolis Convention held at Chick and Ruth's Restaurant
Robbie Mitchell, 801 Carrollton Avenue, Annapolis, Maryland 21401 representing Bates Neighborhood Community Association spoke in opposition to 0-12-07 Amended
Susan Gross, 175 S. Southwood Avenue, Annapolis, Maryland 21401 spoke on O-12-07 Amended and on R-08-08 Revised

CHARTER AMENDMENT

- CA-01-08** For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.
- Alderman Israel moved to postpone CA-01-08 on second reading until September 22, 2008 Special Meeting for the purpose of a public hearing and legislative action . Seconded. CARRIED on voice vote.

ORDINANCES

- O-59-07** For the purpose of amending the configuration of the Annapolis harbor line outboard of Port Annapolis Marina, 7074 Bembe Beach Road on Back Creek; and all matters relating to said harbor line.
- Alderman Arnett moved to adopt O-59-07 on second reading. Seconded.
- The Board of Port Wardens reported favorably on O-59-07.
- The main motion CARRIED on voice vote.
- Alderman Arnett moved to adopt O-59-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Shropshire, Arnett
NAYS: Aldermen Cordle, Stankivic
CARRIED: 7/2

- O-10-08** For the purpose of prohibiting the application and sale of lawn fertilizer containing phosphorous except in certain instances; adopting appropriate definitions; specifying that the violation of these provisions is subject to fines established by the City Council; and all matters related to the sale and application of lawn fertilizer.

Alderman Arnett moved to adopt O-10-08 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-10-08.

Alderman Israel moved to amend O-10-08 as follows:

On page 4, in line 8, delete "upon date of its adoption" add " on January 1, 2009"

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Arnett moved to adopt O-10-08 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-12-08 For the purpose of requiring that no charter amendment, ordinance, or resolution may be introduced on first reader unless accompanied by a fiscal impact note prepared by the Finance Director; and all other matters concerning fiscal impact notes.

Alderman Stankivic moved to adopt O-12-08 on second reading. Seconded.

The Rules and City Government Committee reported unfavorably on O-12-08.

Alderman Stankivic moved to amend O-12-08 as follows:

Amendment #1

To have the fiscal impact note be provided no later than the date of public hearing. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Shropshire moved to adopt O-12-08 amended on third reading.
Seconded.

A ROLL CALL vote was taken:

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

NAYS:

ABSTAIN: Alderman Arnett

CARRIED: 8/0/1

O-15-08 For the purpose of specifying that an ordinance proposing a new lease or the renewal of an existing lease of City property to any entity may not be introduced to the City Council unless accompanied by documentation containing profit and loss information for the last tax year and a budget plan for the year in which the lease is requested; and all other matters concerning leases of City property.

Alderman Stankivic moved to adopt O-15 -08 on second reading. DEFEATED for lack of a second.

O-20-08 For the purpose of updating lease agreements with Chesapeake Marine Tours for the years 2009 through 2014 so as to reflect the change in slip numbering after the 2007-2008 City of Annapolis Dock renovations.

Alderman Arnett moved to adopt O-20-08 on first reading. Seconded.

CARRIED on voice vote.

O-21-08 For the purpose of defining responsibilities for the construction, reconstruction, repair and maintenance of sidewalks in the City of Annapolis.

Alderman Stankivic moved to adopt O-21-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee

O-22-08 For the purpose or realigning Special Residential Parking Districts 2 and 3 to reflect the construction of Acton's Landing; to provide that eligibility for a residential parking district permit is based on residence on an identified street rather than on inclusion within the boundaries of a district; specifying in the event of a conflict between the map for any district, its boundary description, and/or the listing of streets in the district, the listing of streets shall prevail; specifying that parking in metered spaces, reserved parking, and no parking zones is subject to the signage posted by the City and is not subject to the residential parking districts; making residents of certain portions of West Street eligible for a residential parking permit in District 3 or District 4; allowing the prorating of the annual fee for residential parking permits; requiring that one member of the Parking Advisory Commission shall be a non-resident who owns or operates a business in the Historic District; the responsibility for managing the residential parking permit program is transferred to the Director of Finance who is given more flexibility in determining eligibility for a residential parking permit; prorating of the annual residential parking permit fee is permitted; and all matters relating to the residential parking districts.

Alderman Israel moved to adopt O-22-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee and Parking Advisory Commission

O-23-08 For the purpose of requiring non-profit organizations that receive funds from the City of Annapolis to provide quarterly (January/April/July/October) written accountings of their use of said funds to the city Council of the City of Annapolis.

Alderman Cordle moved to adopt O-23-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

O-24-08 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to Kunta Kinte Celebrations, Inc., a body corporate, on September 27, 2008, subject to certain terms, provisions, and conditions, for the purpose of conducting a festival celebrating the legacy of Kunta Kinte; and all matters relating to said lease.

Alderman Arnett moved to adopt O-24-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters and Finance Committees

O-25-08 For the purpose of permitting limited additions to existing non-conforming duplexes in the R2 District.

Alderman Israel moved to adopt O-25-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission and Rules and City Government Committee

O-26-08 For the purpose of requiring non-profit organizations that receive funds from the City of Annapolis to provide biannual (January/June) written accountings of their use of said funds to the City Council of the City of Annapolis; and all other matters concerning Community Grants funding.

Alderman Arnett moved to adopt O-26-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

RESOLUTIONS

R-20-08 For the purpose of establishing fines for the improper application of or display for sale of lawn fertilizer.

Alderman Stankivic moved to adopt R-20-08 on second reading. Seconded.

Alderman Israel moved to amend R-20-08 as follows:

On page2, in line 3 delete "the date of adoption" add "January 1, 2009" 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:

CARRIED: 9/0

R-25-08 For the purpose of waiving the fees charged to vendors and the West Annapolis Business Association for closing two blocks of Annapolis Street for an October 5, 2008, Octoberfest event.

Alderman Stankivic moved to adopt R-25-08 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-29-08 For the purpose of recognizing the City of Niterói, State of Rio de Janeiro, Brazil as a sister city for the City of Annapolis; and all matters relating to said sister city designation.

Alderman Shropshire moved to adopt R-29-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel,

Shropshire, Arnett

NAYS: Aldermen Paone, Cordle, Stankivic
CARRIED: 6/3

- R-30-08 For the purpose of the City of Annapolis approving the financing of the rehabilitation of Admiral Oaks Apartments in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration.**

Alderman Arnett moved to adopt R-30-08 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwoman Hoyle, Aldermen Israel, Cordle, Shropshire, Arnett
NAYS: Aldermen Paone, Stankivic
ABSTAIN: Alderwoman Finlayson
CARRIED: 6/2/1

- R-32-08 For the purpose of enhancing program offerings at Chesapeake Children's Museum to better serve the community's needs, particularly for multi cultural understanding.**

Alderman Arnett moved to adopt R-32-08 on first reading. Seconded. CARRIED on voice vote.

- R-33-08 For the purpose of eliminating the City of Annapolis' annual fee for sidewalk construction, reconstruction, and repair.**

Alderman Stankivic moved to adopt R-33-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

- R-34-08 For the purpose of suspending the collection of the Sidewalk Fee for fiscal years 2008 and 2009; directing the Department of Finance to prepare a plan for the refunding of Sidewalk Fees already paid; requesting that the Directors of the Department of Public Works and Department of Finance, as well as the Office of Law, prepare a joint a report addressing a number of considerations relating to sidewalk improvements and Sidewalk Fee.**

Alderman Shropshire moved to adopt R-34-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

BUSINESS AND MISCELLANEOUS

1. Appointments

Alderman Arnett moved the approval the Mayor's appointment of the following individuals:

7/14/08 Planning Commission Wilford Scott

7/14/08 Environmental Commission Virginia DeLuca

Seconded. CARRIED on voice vote.

2. Budget Revisions- 468 Barbud Lane Reconstruction and 474 General Roadway Improvements

Alderwoman Hoyle moved to approve budget revisions 468 Barbud Lane Reconstruction and 474 General Roadway Improvements. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:55 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk