

SPECIAL MEETING
July 26, 2010

The Special Meeting of the Annapolis City Council was held on July 26, 2010 in the Council Chamber. Mayor Cohen called the meeting to order at 7:13 p.m.

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

Absent on Roll Call: Alderman Paone arrived at 8:51 p.m.

Staff Present: City Attorney Hardwick, Planning and Zoning Director Arason, Acting Harbor Master Walters, Plans Reviewer Norman, Civil Engineer Brice, Legislative and Policy Analysis Zirkle

- Alderman Arnett moved to amend the agenda to allow for the business and miscellaneous item to be move to the top of the agenda, to add O-16-10 on second reading and to add CA-07-10 as a first reader to the legislative action section of the agenda. Seconded. CARRIED on voice vote.

Mayoral Citation

Mayor Cohen presented to Seth Zirkle the City's Legislative and Policy Analyst in appreciation of his dedicated service to the City of Annapolis a Mayoral Citation.

PETITIONS, REPORTS AND COMMUNICATIONS

Comments by the General Public

Robert H. Eades, 32 Pleasant Street, Annapolis, Maryland 21401 representing the Taxi Cab Industry spoke in opposition to the CCRABL report recommendation No.12

Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke in favor of the statements made by Robert H. Eades and spoke on O-27-09

Clarence Johnson, 914 Bay Ridge Avenue, Annapolis, Maryland 21403 spoke on the need for more staff at the Eastport Fire Station

The order of the agenda was amended to allow for a business and miscellaneous item.

BUSINESS AND MISCELLANEOUS

1. Appointments

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

7/26/10 Economic Development Corporation Board.....Midgett Parker
7/26/10 Economic Development Corporation Board.....A. Reza Jafari
7/26/10 Economic Development Corporation Board.....Michael Lofton
7/26/10 Economic Development Corporation Board.....James C. DiPaula
7/26/10 Planning Commission.....William S. Herald
7/26/10 Alcoholic Beverage Control Board.....Whitney Chellis
Seconded. CARRIED on voice vote.

Economic Development Corporation Board Chair Parker was present and answered questions from Council.

Economic Development Corporation Board Member Jafari was also present and answered questions from Council.

The order of the agenda was resumed.

PUBLIC HEARING

O-16-10 For the purpose of revising use standards applicable to coffee shops.

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

Spoke on the ordinance:

Michael Stalker, 16 Weems Creek Drive, Annapolis, Maryland 21401

Spoke in favor of the ordinance:

Sam Manas, 610 Oak Lane, Severna Park, Maryland 21146
Robin Cottmeyer, 33 Maryland Avenue, Apt # 1, Annapolis, Maryland 21401
Owen Taylor, 1304 Harmony Lane, Annapolis, Maryland 21409
Dick Lahn, 1488 Harwell Avenue, Crofton, Maryland 21114
Catherine Schultz, 120 Market Street, Annapolis, Maryland 21401 representing her husband and neighbors Jack and Susan Gillham, 132 Market Street, Annapolis, Maryland 21401
Mitch Keiler, 110 B East Street, Annapolis, Maryland 21401
Victor Auletta, 39 ½ Maryland Avenue, Annapolis, Maryland 21401
Ann Jensen, 130 Prince George Street, Annapolis, Maryland 21401
Boat Owner, Henry Stanley, Annapolis Landing Marina, 980 Awald Road, Annapolis, Maryland 21403
Harvey M. Flaumenhaft, 138 Monticello Avenue, Annapolis, Maryland 21401
Raj Williams, 200 President Street, Annapolis, Maryland 21401
Bevin A. Buchheister, 5 Wagner Street, Annapolis, Maryland 21401 representing the Ward One Residents Association
Bruce Manas, 1908 Main Avenue, Pasadena, Maryland 21122
James W. Clark, 25 Woodward Court, Annapolis, Maryland 21401
Robert Timberg, 2823 Seasons Way, Annapolis, Maryland 21401
Harold Burdett, 124 Dunbarton Drive, Annapolis, Maryland 21403
Allisa Gallant, 1415 Harmony Lane, Annapolis, Maryland 21409
Tom Davis, 610 Coward Ct, Lothian, Maryland 20711
Mary Adams, 70 Maryland Avenue, Annapolis, Maryland 21401 Bookstore Owner
Janice Holmes, 35 Maryland Avenue, Annapolis, Maryland 21401 Bookstore Owner
Felicia Wallace, 223 Admiral Drive, Annapolis, Maryland 21401

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 7/15/10, and Memoranda from Jon Arason, Director, to the Planning Commission dated 6/24/10.
- Mayor Cohen declared the public hearing closed.

O-21-10 For the purposes of revising the building, electrical, mechanical, and plumbing codes of the City of Annapolis to reflect the adoption of new international, standardized codes and best practice standards in the industry.

Plans Reviewer Norman gave a brief presentation on the ordinance.

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

- Mayor Cohen declared the public hearing closed.

Fiscal Impact Note Requested from Finance Director

O-26-10 For the purpose of revising stormwater management standards in conformity with Maryland State law.

Civil Engineer Brice gave a brief presentation on the ordinance.

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

- Mayor Cohen declared the public hearing closed.

O-29-10 For the purpose of authorizing a lease of City Dock space to Koch Duffy Boats, LLC.

Acting Harbor Master Walters gave a brief presentation on the ordinance.

Spoke in favor of the ordinance:

Sally J. Koch, 4860 Church Lane, Galesville, Maryland 20765 representing Duffy Boats

Spoke in opposition to the ordinance:

Jennifer Kaye, 1535 Ritchie Lane, Annapolis, Maryland 21401 representing Schooner Woodwind Sailing Cruises

Gritt Bell, 540 South River Landing, Edgewater, Maryland 21037 representing Marine Charter Industry Association for Annapolis and the Chesapeake Bay

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

Mayor Cohen accepted into the record a letter from Tarrant H. Lomax, Chair, Maritime Advisory Board regarding Koch Duffy Boat, LLC, and the lease of city dock space O-29-10 dated July 25, 2010.

- Mayor Cohen declared the public hearing closed.

CHARTER AMENDMENTS, ORDINANCES & RESOLUTIONS – 2ND READING

CA-01-10 For the purpose of requiring department directors, subject to mayoral approval, to designate a full-time employee as deputy director.

- Alderman Israel moved to postpone CA-01-10 on second reading until the Regular Meeting of November 8, 2010. Seconded. CARRIED on voice vote.

O-27-09 For the purposes of authorizing restaurants serving alcohol in the C2 and C2A zoning districts to remain open beyond midnight and permitting the issuance of 2 a.m. restaurant-class liquor licenses (Class B.x) in the C2 and C2A zoning districts.

Alcoholic Beverage Control Board Chair Grayston was present and answered questions from Council.

- Alderwoman Hoyle moved to adopt O-27-09 on second reading. Seconded.

The Rules and City Government and the Finance Committees reported no action on O-27-09, and the Economic Matters, Public Safety Committees and the

Planning Commission reported favorably with amendments on O-27-10.

- Alderman Israel moved to amend O-27-09 as follows:

Amendment # 1

On page 3, in line 34, insert the following:

7.12.230 Restaurants

E. Beginning with the licensing year that begins April 30, 2011, the board may annually issue up to 10 B-2.x, B-3.x and B-4.x Licenses (2AM Licenses) in the C2 and C2A zoning districts.

1. Applicants for such licenses shall submit sealed bids by March 31st.
2. The board shall open the bids at a previously announced open meeting in the first week in April and grant 2A.M. Licenses to otherwise qualified applicants who have submitted the highest bids per seat.
3. Proof of collusion among applicants shall disqualify the applicants.
4. Restaurants that have not applied for a 2A.M. License and unsuccessful bidders who are otherwise qualified shall be granted B-2, B-3 or B-4 (Midnight License) **Seconded. DEFEATED** on voice vote.

- Alderman Pfeiffer moved to amend O-27-09 as follows:

Amendment # 1

On page 3, in line 38, strike “date of final passage” and insert “January 26, 2011” **Seconded. DEFEATED** on voice vote.

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

- Alderman Pfeiffer moved to adopt O-27-09 on third reading. **Seconded.**

A ROLL CALL vote was taken:

YEAS: Aldermen Silverman, Kirby, Pfeiffer, Paone, Alderwomen Hoyle,
Finlayson
NAYS: Mayor Cohen, Alderman Arnett, Israel
CARRIED: 6/3

The order of the agenda was amended to allow for O-16-10.

O-16-10 For the purpose of revising use standards applicable to coffee shops.

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

Legislative and Policy Analysis Zirkle was present and answered questions from Council.

- Alderman Paone moved to adopt O-16-10 on second reading. **Seconded.**
- Alderman Israel moved to amend O-16-10 as follows:

On page 1, in line 32, strike “The square footage of the coffee shop shall not exceed 25% of the floor area of the bookstore.”

On page 1, in line 32, insert “1. The square footage of the coffee shop shall not exceed 25% of the floor area of the book store. 2. Food sales shall be limited to pre-packaged items, prepared off premise, with no food preparation on-site. 3. The coffee shop shall only be open when the bookstore is open.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-16-10 Amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

The order of the agenda was resumed.

- Alderman Arnett moved to extend the legislative action beyond 11:00 p.m. Seconded. CARRIED on voice vote.

O-29-10 For the purpose of authorizing a lease of City Dock space to Koch Duffy Boats, LLC.

Acting Harbor Master Walters was present and answered questions from Council.

Sally J. Koch, 4860 Church Lane, Galesville, Maryland 20765 representing Duffy Boats was present and answered questions from Council.

- Alderman Arnett moved to adopt O-29-10 on second reading. Seconded.
- Alderman Israel moved to amend O-29-10 as follows:

On page 1, in line 25, after the word “Lease” insert “ shall be amended to require that the City of Annapolis Office of Law, the Harbormaster, and Koch Duffy Boats, LLC negotiate a modification to the lease, as Exhibit “B”, to require safety and operating guidelines to address concerns regarding congestion in Ego Alley, and the proposed lease, as amended,”

The main motion as amended CARRIED on voice vote.

Alderman Paone left at 11:08 p.m.

- Alderman Arnett moved to adopt O-29-10 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-23-10 For the purposes of honoring Elizamae McGowan Robinson for her service to the poor and underserved and requesting that the community center at Newtowne 20 be named in her honor.

- Alderwoman Hoyle moved to adopt R-23-10 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-24-10 For the purposes of honoring Joseph ‘Zastrow’ Simms for his service to the City of Annapolis during the Riots of 1968, continued service to the City’s youth, and requesting that the community center at Obery Court bear his name.

- Alderwoman Finlayson moved to adopt R-24-10 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

The order of the agenda was amended to allow for CA-07-10

CHARTER AMENDMENTS – 1ST READING

CA-07-10 For the purpose of increasing the permissible aggregate principal amount of sums the City of Annapolis may borrow at any one time.

Referred to the Rules and City Government and the Finance Committees

The order of the agenda was resumed.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:23 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk