

## SPECIAL MEETING

July 28, 2008

A Special Meeting of the Annapolis City Council was held on Monday, July 28, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 6:31 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 Spencer, Human Resources Director Milburn, City Administrator Agee

### **BUSINESS AND MISCELLANEOUS**

- Alderman Arnett moved to have a closed meeting on Monday, July 28, 2008 immediately following this meeting in accordance with Maryland State Government Article Section 10-508(a)(1)(i)

To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction. Seconded. Carried by unanimous consent.

The Council moved into closed session at 6:33 p.m.

Regina C. Watkins-Eldridge  
City Clerk

ANNAPOLIS CITY COUNCIL  
CLOSED MEETING

**Authority under Annotated Code of Maryland Article 76A, State Government Article  
Section 10-508(a)(1)(i)**

**DATE/TIME:** July 28, 2008, 6:34 p.m.

**PLACE:** City Council Chamber, 160 Duke of Gloucester Street, 2<sup>nd</sup> Floor, Annapolis,  
Maryland 21401

**SUBJECT:** **Appointment of Police Chief**

(A public body that meets in closed session under this section may not discuss or act on any matter not set forth above.)

**ATTENDANCE:** Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman,  
Stankivic, Shropshire, Arnett

**ABSENT:** Alderman Cordle

**STAFF PRESENT:** City Attorney Spencer, Human Resources Director Milburn, City  
Administrator Agee

**VOTE OF EACH MEMBER TO CONDUCT CLOSED MEETING:** Unanimous consent

**PURPOSE:** **10-508(a)(1)(i)** To discuss the appointment, employment, assignment, promotion,  
discipline, demotion, compensation, removal, resignation, or performance evaluation  
of appointees, employees, or officials over whom it has jurisdiction.

**ACTION:** Alderman Arnett moved to confirm the Mayor's appointment of Michael Pristoop  
as Chief of Police. Seconded. Carried by unanimous consent.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 6:48 p.m.

Regina C. Watkins-Eldridge, CMC  
City Clerk

SPECIAL MEETING

July 28, 2008

The Special Meeting of the Annapolis City Council was held on July 28, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:00 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 Spencer, Chief of Environmental Programs Biba

PUBLIC HEARING

**O-11-08 For the purpose of prohibiting parking on unpaved surfaces.**

**Spoke on the ordinance:**

Erica Lowery, 3 Shipwright Street, Annapolis, Maryland 21401

**Spoke in opposition to the ordinance:**

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

C. Christopher Ledoux, 215 Severn Avenue, Annapolis, Maryland 21403

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

- Mayor Moyer declared the public hearing closed.

**R-21-08 For the purpose of establishing a fine for parking on unpaved surfaces on residential lots.**

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

- Mayor Moyer declared the public hearing closed.

Without objection the public hearing on O-21-08 and R-33-08 and R-34-08 were held jointly.

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

**Spoke in favor of the ordinance:**

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401

**Spoke in opposition to the ordinance:**

Brian Miller, 114 Market Street, Annapolis, Maryland 21401

Sveinn C. Storm, 130 Dock Street, Annapolis, Maryland 21401

Randy Landis, 141 Dewey Drive, Annapolis, Maryland 21401

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

**Spoke in favor of the resolution:**

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401

Randy Landis, 141 Dewey Drive, Annapolis, Maryland 21401

The order of the agenda was amended to allow for R-34-08

**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.**

**Spoke on the resolution:**

Raymond Miller, 108 Old Solomon's Island Road, Annapolis, Maryland 21401

**Spoke in opposition to the resolution:**

Scott Bowling 1979 Fairfax Road, Annapolis, Maryland 21401

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

- Mayor Moyer declared the public hearings closed.

The order of the agenda was resumed.

**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.**

**Spoke on the ordinance:**

Gregory Guzzi, 110 Dock Street, Annapolis, Maryland 21401

Sveinn C. Storm, 130 Dock Street, Annapolis, Maryland 21401

Aden King, 605 Burnside Street, Annapolis, Maryland 21403 representing Phillips Seafood

Brian Miller, 114 Market Street, Annapolis, Maryland 21401

William Small, 702 Severn Avenue, Annapolis, Maryland 21403

**Spoke in favor of the ordinance:**

Gregory A. Stiverson, 1303 Colony Drive, Annapolis, Maryland 21403

Renee Spears, 55 East Joyce Lane, Arnold, Maryland 21012 representing The Kunta Kinte Festival

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

David Arthur, 1136 Tyler Avenue, Annapolis, Maryland 21403

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

- Mayor Moyer declared the public hearing closed.

The meeting was recessed at 8:38 p.m. and reconvened at 8:47 p.m.

LEGISLATIVE ACTION  
ORDINANCES

**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 second reading. Seconded.
- Alderman Stankivic moved to amend O-21-08 as follows:

Page 4, Line 32, add “All sidewalk fees paid prior to July 30, 2008 shall be refunded in full and the code for FY 2008 shall revert to the code in effect prior to the adoption of O-12-07 adopted October 8, 2007.” Seconded. CARRIED on voice vote.

- Alderman Paone moved to amend O-21-08 as follows:

On page 4, in line 12, delete “twenty” add “thirty” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-21-08 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

The order of the agenda was amended to allow for R-33-08

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

- Alderman Arnett moved to adopt R-33-08 on second reading. Seconded.
- Alderman Stankivic moved to amend R-33-08 as follows:

Page 1, line 30 strike”on the date of adoption of this resolution” and replace with “on and after July 1, 2008” and add the following language “All sidewalk fees paid prior to July 30, 2008 shall be refunded in full.” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen Israel, Shropshire, Arnett  
NAYS: Aldermen Stankivic  
ABSTAIN: Alderwomen Hoyle, Finlayson, Alderman Paone  
CARRIED: 4/1/3

The order of the agenda was resumed.

**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 Israel moved to substitute O-24-08 Revised. Seconded. CARRIED on

voice vote.

- Alderman Israel moved to adopt O-24-08 Revised on second reading. Seconded.
- Alderman Stankivic moved to amend O-24-08 Revised as follows:

Amendment #1

On page 5, line 41, after non-alcoholic beverages insert “not sold at established businesses in the downtown area”

On page 6, line 1, after which are festival related insert “and do not duplicate food already for sale in downtown businesses” DEFEATED for lack of a second.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-24-08 Revised on third reading. Seconded.

A ROLL CALL vote was taken:

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

**O-27-08 For the purposes of making a correction that was inadvertently not made when the Zoning Code (Title 21) was recodified in 2004; and all matters relating to said districts.**

- Alderman Arnett moved to adopt O-27-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission and Rules and City Government Committee

**O-28-08 For the purposes of: (1) Clearly assigning the responsibility for the posting of notices on property that is the subject of an application with the applicant, unless the applicant is not the property owner, in which case the responsibility is assigned to the property owner; and, (2) Ensuring that applicants (especially in the case of administrative appeals) who are not the owners of the property that is the subject of an application and is required to be posted, are not required to trespass onto the property of others, and are not prejudiced when property owners refuse to post notice.**

- Alderman Arnett moved to adopt O-28-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Planning Commission and Rules and City Government 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 Arnett moved to adopt R-34-08 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

**R-35-08** For the purpose of authorizing and providing for the issuance, sale and delivery by the City of Annapolis, Maryland (the “City”) of its revenue bonds (the “Bonds”) pursuant to the provisions of the Maryland Economic Development Revenue Bond Act or such other statutory authority as may be effective when such revenue bonds are issued, in order to lend or otherwise make available the proceeds thereof to The Key School, Incorporated, a Maryland non-stock, non-profit corporation (the “Facility Applicant”) for the purposes of (1) financing and refinancing the design, acquisition, construction, renovation, equipping and development of the Facility Applicant’s middle and upper school facilities, including, without limitation: (a) the renovation and rehabilitation of the 17,000 square-foot (approximate) building that houses middle and upper school facilities of the Facility Applicant (the “Building”), (b) the construction of an addition containing approximately 10,000 square feet to the Building, © general grounds improvements, and (d) certain necessary or useful equipment, machinery, furnishings and fixtures, all located or to be located on the Facility Applicant’s campus, 534 Hillsmere Drive, Annapolis, Anne Arundel County, Maryland, and (2) refunding of all or a portion of the outstanding principal of the Anne Arundel County, Maryland Revenue Bond (The Key School Project) 2003 Series; authorizing the acceptance of the letter of intent as evidence of the present intent of the City to issue such revenue bonds; providing that the principal amount of such revenue bonds and the interest thereon (1) shall be payable solely from the revenues to be received from the Facility Applicant in connection with the financing and refinancing of such facilities and from any other moneys made available to the City for such purpose and (2) shall never constitute an indebtedness or a charge against the full faith and credit or taxing powers of the City and shall never constitute or give rise to any pecuniary liability of the City; providing that the maximum aggregate principal amount of the revenue bonds that may be issued may not exceed \$9,300,000; and generally providing for and determining various matters in connection with the authorization, issuance, sale and delivery of such revenue bonds and the consummation of the transactions contemplated by this Resolution.

- Alderman Arnett moved to adopt R-35-08 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Finance Committee

**R-37-08** For the purpose of accepting a Maryland Improvement Program Award of \$12,000.00 from the Department of Housing and Community Development of the State of Maryland to be used for a façade improvement program in the Annapolis Main Street Area.

- Alderman Arnett moved to adopt R-37-08 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

**1. Budget Revisions - GT-1-09**

- Alderwoman Hoyle moved to approve budget revision GT-1-09. Seconded.  
CARRIED on voice vote.

**2. Appointments**

7/28/08 Ethics Commission ..... L. Robert Marchand  
Postponed until September 8, 2008 Regular Meeting

**3. Approval of letter of no objection**

Chief of Environmental Programs Biba was present and answered questions from Council.

- Alderman Arnett moved to approve the letter of no objection from Linowes and Blocher, LLP., dated July 24, 2008 regarding 306 Annapolis Street. Seconded.  
CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:53 p.m.

Regina C. Watkins-Eldridge, CMC  
City Clerk