

REGULAR MEETING September 8, 1997

The Regular Meeting of the Annapolis City Council was held on September 8, 1997 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Alderman Snowden offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden, DeGraff, Moyer

Alderman Tullier arrived at 7:31 p.m.

Staff Present: City Attorney Goetzke, Planning and Zoning Director Arason, Public Works Director Patmore, Personnel Director Davis

Alderman Snowden moved to approve the Minutes of July 14, 1997 and July 28, 1997 and to open the Closed Minutes of July 14, 1997 to the public. Seconded. CARRIED on voice vote.

Mayor Hopkins and Personnel Director Davis presented "Years of Service Awards" to the following City employees:

George Ellis	Fire Department	30 Years of Service
August Wallace	Police Department	30 Years of Service
Kenneth Rowe	Fire Department	30 Years of Service

On behalf of the Employee Recognition Committee, Mayor Hopkins and Personnel Director Davis presented a Savings Bond in the amount of \$2,000 to Frank J. Biba in recognition of his major cost savings to the City.

Mayor Hopkins presented a Proclamation to The Sons of the American Revolution proclaiming Constitution Week.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Louise Beauregard
2 Maryland Avenue
Annapolis, Md. 21401

Spoke regarding transportation issues.

2. George Costello
103 Cypress Road
Annapolis, Md. 21403

Spoke regarding the request to remove a fence in the community of Victor Haven. Mr. Costello presented a petition to the Council.

3. Cindy Eckert
106 N. Linden Avenue
Annapolis, Md. 21401

Spoke in support of Ordinance O-36-97.

There being no voiced objection the order of the Agenda was amended.

LEGISLATIVE ACTION

ORDINANCES

O-36-97 For the purpose of apportioning among adjacent property owners, all city taxpayers and the State, obligations associated with installing, maintaining and replacing sidewalks; and all matters relating to said sidewalks.

Alderman Moyer moved to adopt O-36-97 on second reading. Seconded.

The Environmental Matters Committee reported unfavorably on O-36-97.

The main motion CARRIED on voice vote.

Alderman Snowden moved to adopt O-36-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Tullier, Snowden, DeGraff, Moyer
NAYS: Alderman Hammond
ABSTAIN: Alderman Gilmer
CARRIED: 6-1-1

The regular order of the Agenda was resumed.

CHARTER AMENDMENTS

CA-3-97 For the purpose of amending the Charter of the City of Annapolis by adding Article XI to the Charter, for the purpose of creating a body politic and corporate and an instrumentality of the City of Annapolis to be known as "The Annapolis Parking and Transportation Authority" (APTA) for the purpose of providing an instrumentality of the City that will direct efforts toward unifying transportation and parking functions within the City; to improve and enhance the overall parking and transportation environment within the City; to provide for the City Council to designate, by ordinance, the organization and membership of the APTA; to provide other specific authority and powers to the APTA; to exempt the APTA in the payment of taxes and assessments; to establish the APTA as an organization of the City government to operate exclusively for the public; and all matters relating to said APTA.

There being no voiced objection, consideration of CA-3-97 was postponed.

CA-4-97 For the purpose of amending the Charter of the City of Annapolis to prohibit aldermen from interfering in the administration of the City.

There being no voiced objection, consideration of CA-4-97 was postponed.

ORDINANCES

O-51-96 For the purpose of ensuring the safety of the public and passengers who engage the services of taxicab drivers holding a license in the City of Annapolis; authorizing the director of parking and transportation to adopt, promulgate and enforce regulations related to alcohol and drug use by licensed taxicab owners and drivers in the City of Annapolis; and all matters relating to said regulations.

There being no voiced objection, consideration of O-51-96 was postponed.

- O-9-97** For the purpose of approving the lease of certain city owned real estate to MBC, Incorporated; and all matters relating to said Lease.

There being no voiced objection, consideration of O-9-97 was postponed.

- O-11-97** For the purpose of approving the lease of a portion of the landfill property to MBC, Incorporated; and all matters relating to said Lease.

There being no voiced objection, consideration of O-11-97 was postponed.

- O-21-97** For the purpose of promoting public safety and the welfare of citizens within the City; creating regulations to declare certain activities, including drug-related activity, on leased premises to be public nuisances and thereby the basis for suspension or revocation of the rental license for the premises; discouraging owners of leased premises from knowingly permitting a tenant to reside in a rental unit while involved in illegal drug activity; revising the duties of the building board of appeals; and all matters relating to said illegal activity on leased premises.

Alderman Snowden moved to adopt O-21-97 on second reading. Seconded.

Following discussion, Alderman Tullier moved to table indefinitely O-21-97. Seconded. CARRIED on voice vote.

- O-33-97** For the purpose of providing for the designation of revitalization areas which shall qualify properties located therein to pay reduced permit fees under certain conditions; establishing the duration of for such designation; deleting Section 17.28.090 H and I, in their entirety; and all matters relating to said revitalization areas.

There being no voiced objection, consideration of O-33-97 was postponed.

- O-35-97** For the purpose of further defining the functions of the City of Annapolis Parking and Transportation Authority (APTA); providing for the appointment, composition, and terms of the members of the authority; setting forth the purpose and specific duties of the APTA; providing for the powers of the APTA; and generally relating to the organization, powers, rights, and duties of the APTA.

There being no voiced objection, consideration of O-35-97 was postponed.

- O-40-97** For the purpose of establishing that a civil service employee placed on leave without pay pending a proposed suspension or dismissal shall be given an opportunity to be heard informally on the leave issue; changing references in Chapter 3.16 from "termination" to "dismissal" and other technical changes; and all matters relating to said discipline and technical changes.

Alderman Tullier moved to adopt O-40-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-40-97.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-40-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

CARRIED: 8-0

- O-41-97** For the purpose of clarifying certain provisions relating to the maintenance and use of city owned vehicles; and all matters relating to said provisions.

Alderman Tullier moved to adopt O-41-97 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-41-97.

The main motion CARRIED on voice vote.

Alderman Tullier moved to adopt O-41-97 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

CARRIED: 8 - 0

- O-44-97** For the purpose of authorizing the amendment of an existing lease dated January 1, 1995 with Eastport Seafood Company for certain municipal property known as the McNasby's Property, located at 723 Second Street in the City of Annapolis; and all matters relating to said lease.

Alderman Tullier moved to adopt O-44-97 on second reading. Seconded.

The Finance Committee reported favorably on O-44-97 with amendments.

Alderman Snowden moved to amend O-44-97 as follows:

Amendment No. 1:

On Page 1 of the Agreement attached to O-44-97, amend Item 1 as follows:

1. The provisions of Section 2.1 of the Lease notwithstanding, the existing term of the Lease, which began January 1, 1997, shall terminate at midnight, December 31, 2000 (unless the Lease shall sooner terminate as provided herein or under any other provisions of the Lease). Thereafter, the Lease shall renew automatically for one-year term, from year to year. ~~The City may, in its sole discretion exercised at any time, with or without cause, terminate or refuse to renew this Lease by written notice delivered to Tenant not less than six months before said termination or before the end of the then-existing Lease term.~~

Following discussion, Alderman Tullier moved to amend Alderman Snowden's amendment as follows:

Amendment No. 1:

On Page 1 of the Agreement attached to O-44-97, amend Item 1 as follows:

1. The provisions of Section 2.1 of the Lease notwithstanding, the existing term of the Lease, which began January 1, 1997, shall terminate at midnight, December 31, 2000 (unless the Lease shall sooner terminate as provided herein or under any other provisions of the Lease). Thereafter, the Lease shall renew automatically for one-year term, from year to year. ~~The City may, in its sole discretion exercised at any time, with or without cause, terminate or refuse to renew this Lease by written notice delivered to Tenant not less than six months before said termination or before the end of the then-existing Lease term.~~ Notwithstanding any language in this Lease to the contrary, the City may, in its sole discretion, terminate this Lease at any time by written notice to the Tenant delivered to the Premises not less than six months before the date of termination.

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

Alderman Tullier moved to amend O-44-97 as follows:

Amendment No. 2:

On Page 1 of the Agreement attached to O-44-97, add the following at the end of Item 1:

The rental would be subject to a CPI-U adjustment each year on the first day of the year.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-44-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-44-97 as amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Moyer

CARRIED: 7-0

O-45-97 For the purpose of establishing a zoning classification of R1A, Single Family Residence District, for the property located off Harness Creek View Drive, adjacent to and south of the Hunt Meadow Planned Unit Development, contiguous to the existing boundary of the City of Annapolis, known as Harnesses Gardens; and all matters relating to said zoning map amendment.

Alderman Snowden moved to adopt O-45-97 on second reading. Seconded.

Alderman Tullier moved to amend O-45-97 as follows:

Amendment No. 1:

a. On Page 1, line 13, strike "R1A" and substitute "R1B"; on page 2, lines 10 and 24, strike "R1A" and substitute "R1B".

b. On Page 2, line 20, immediately following "Property," strike "~~be approved and hereby granted, subject to all the requirements of Chapter 21 of the Code of the City of Annapolis~~" and substitute "is hereby set aside".

c. On Page 2, line 22, add the following:

"SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that it designates the zoning classification of R1B, Single Family Residence District for the property off Harness Creek View Drive, adjacent to and south of the Hunt Meadow Planned Unit Development, known as Harnesses Gardens Property, be approved and hereby granted, subject to all the requirements of Chapter 21 of the Code of the City of Annapolis."

d. On Page 2, line 23, immediately following "SECTION" strike "II" and substitute "III".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-45-97 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-45-97 as amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Gilmer, Tullier, Snowden, DeGraff, Moyer
NAYS: Alderman Johnson
CARRIED: 7-1

O-24-97 For the purpose of abolishing certain standing committees; revising the duties of the certain standing committees; and all matters relating to said standing committees.

There being no voiced objection, O-24-97 was withdrawn.

O-46-97 For the purpose of revising the exempt service pay grade for the position of police chief; and all matters relating to said pay grade.

Alderman Gilmer moved to adopt O-46-97 on first reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to suspend the rules to dispense with the second reading and fiscal impact note on O-46-97. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-46-97 on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer
CARRIED: 8-0

O-47-97 For the purpose of providing that the City shall not be obligated to return to the surety or guaranty, any portion of moneys acquired, obtained or paid pursuant to court order or judgment; and all matters relating to said moneys.

Alderman Tullier moved to adopt O-47-97 on first reading. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to suspend the rules to dispense with the second reading and fiscal impact note on O-47-97. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-47-97 on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer
CARRIED: 8-0

O-48-97 For the purpose of authorizing the conveyance, by quit claim deed, of all of its rights, title and interest, if any, the City has in a certain portion of a paper street known as Miami Avenue, to an adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said quit claim deed.

There being no voiced objection, O-48-97 was withdrawn.

RESOLUTIONS

R-26-97 For the purpose of supporting a Maryland Department of Housing and Community Development (DHCD) Neighborhood Business Development Program (NBDP) loan to 112 West Street, LLC, at the property know as 112 West Street, Annapolis, Maryland; and all matters relating to said support.

Alderman Johnson recused himself due to a possible conflict of interest.

Alderman Snowden moved to adopt R-26-97. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Gilmer, Tullier,
Snowden, DeGraff, Moyer
CARRIED: 7-0

There being no voiced objection, the order of the Agenda was amended to allow a Business and Miscellaneous item.

BUSINESS AND MISCELLANEOUS

2. Collective Bargaining Agreements:

a. Local 1926, International Association of Firefighters, AFL-CIO

Alderman Tullier moved to approve the Collective Bargaining Agreement between the City of Annapolis and Local 1926, International Association of Firefighters, AFL-CIO. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden,
DeGraff, Moyer
NAYS: Alderman Hammond
CARRIED: 7-1

A fiscal impact note was requested.

The regular order of the Agenda was resumed.

RESOLUTIONS

R-27-97 For the purpose of approving the job description for the civil service position of purchasing agent; establishing the pay grade for said job description; and all matters relating to said job description and pay grade.

Alderman Tullier moved to adopt R-27-97. Seconded. CARRIED on voice vote.

R-28-97 For the purpose of approving the job descriptions for the civil service positions of Bus Driver Trainee, Bus Driver I and Bus Driver II; establishing the pay grades for said job descriptions; and all matters relating to said job descriptions and pay grades.

Alderman Gilmer moved to adopt R-28-97. Seconded. CARRIED on voice vote.

R-29-97 For the purpose of amending certain job descriptions to require consent to chemical substance screening consistent with federal, state and city guidelines and programs; and all matters relating to said job descriptions and pay grades.

Alderman Gilmer moved to adopt R-29-97. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Purchase of Maynard-Burgess Property

Alderman Snowden moved to approve the purchase of the Maynard-Burgess Property. Seconded. CARRIED on voice vote.

2. Collective Bargaining Agreements:

- b. Local 3162, Maryland Public Employees Council 67, AFSCME/AFL-CIO
- c. Local 3406, Maryland Public Employees Council 67, AFSCME/AFL-CIO

Action postponed pending receipt of fiscal impact notes.

3. Finance Committee Recommendations for Action dated 8/28/97.

Alderman Tullier moved to approve the Finance Committee Recommendations dated 8/28/97. Seconded. CARRIED on voice vote.

4. Payment of Monthly Bills

Alderman Snowden moved to pay the monthly bills. Seconded. CARRIED on voice vote.

5. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Hopkins dated August 12, 13, 21 and 22, 1997:

Board of Appeals:

Kimberly F. Noel
Victor Shelton

Environmental Commission:

Nancy S. Monza

Historic Preservation Commission:

Terrence T. Averill

Human Relations Commission:

Richard W. Kommers

Maritime Advisory Board:

Larry Belkov
Barry German

Port Wardens:

Tarrant H. Lomax
Gene E. Godley

Planning Commission:

Lawrence W. Littig

Public Safety Disability Retirement Board:

Robert B. Hantske
Robert H. Waldman

Transportation Advisory Board:

Victor Deleon
Andrew B. Greenspan
Shelly R. Lynch

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:21 p.m.

Patricia L. Bembe, CMC/AAE
City Clerk