

REGULAR MEETING

September 10, 2007

The Regular Meeting of the Annapolis City Council was held on September 10, 2007 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, Christman, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer, Planning & Zoning Director Arson, Chief of Environmental Programs Biba

- Alderwoman Hoyle moved to approve the Journal of Proceedings for July 9, 2007 Regular Meeting and July 23, 2007 Special Meeting. Seconded. CARRIED on voice vote.

AWARDS

- Mayor Moyer and Human Resources Director Milburn acknowledged the following employees:

Norman D. Sears, Public Works Department 25 Years of Service
Carliese K. Scott, Police Department 25 Years of Service

OPEN MEETING

Mayor's Statement:

- Mayor Moyer announced by unanimous consent the City Council Members confirmed the appointments of:

Michael Mallinoff as Director, Department of Neighborhood and Environmental Programs
Robert Schuetz as Director of Central Services
Ray Weaver as Public Information Officer

PETITIONS, REPORTS AND COMMUNICATIONS

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on West Street Circle traffic, public safety, central services and remembering 9/11

Arthur Kungle, P. O. Box 365, Annapolis, Maryland 21404 spoke on Annapolis Royal Nova Scotia, Canada, Anne Arundel County Council, Article 40 of the Constitution and the Nation Monument

- Alderwoman Hoyle moved to amend the agenda to include R-49-07, R-37-07 and 0-44-07. Seconded. CARRIED on voice vote.
- Alderman Shropshire moved to add 0-10-07 to the Special Meeting agenda on September 24, 2007. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENTS

CA-02-07 For the purpose of amending the Charter of the City of Annapolis to specify that all members of the Board of Supervisors of Elections shall be appointed or reappointed for four year terms or remainders of four year terms that begin in March following each General City Election; to show the correct reference for the qualifications of candidates for elected office; and all matters generally related to the election section of the City Charter.

- Alderman Stankivic moved to postpone CA-02-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

O-33-07 For the purpose of providing for provisional ballots; defining challengers and watchers; redefining principal party based on mayor rather than governor; clarifying who serves as Election Administrator; permitting County election judges to serve at City elections; having the Election Board rather than judges remove judges; making the Central Committees responsible for advising the City Clerk when changes are made to the membership; allowing election judges to work either partial or full days; deleting any responsibilities the City Clerk may have in maintaining and disseminating voter registration lists and vote registration cards; requiring that names of votes must be heard by challengers prior to voting; specifying that Election Board must adopt the same voting technology adopted by the State and County; making it mandatory to post election results at each precinct; eliminating specific procedures and other references based on technology and only addressing concepts in carrying out an election; allowing any voter to vote using an absentee ballot; specifically stating that the Board of Elections becomes the Board of Canvassers; deleting the prohibition of walk-around services; deleting the campaign finance requirement of a report seven weeks prior to the primary and substituting the requirement for a report on December 1st following the general election; clarifying that campaign contribution limitations are based on a four year election cycle; making a number of technical changes relating to definitions and code references; and matters generally relating to revisions to the Election Code.

- Alderman Stankivic moved to postpone 0-33-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

ORDINANCES

O-05-06 For the purpose of requiring that written notification be made to property owners within 200 feet of a demolition throughout the City except for the R2-NC an OCD Overlays where the distance is 300 feet; restoring a height limitation of 2.5 stories for certain buildings; clarifying that garages facing a public street shall not exceed one-third of the front facade; and matters generally relating to the R2-NC and OCD Overlays.

Planning & Zoning Director Arson was present and answered questions from Council.

- Alderman Arnett moved to adopt O-05-06 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-05-06.

- Alderman Arnett moved to amend O-05-06 as follows:

Amendment #1

On page 1, in lines 13 and 14, strike “except for the R2-NC and OCD Overlays where the distance is 300 feet”

On page 2, in lines 20 and 21, strike the proposed language “, or within three hundred feet in the case of demolitions in the R2-NC and OCD Overlay districts”

On page 4, strike paragraph C in lines 10 through 12 and renumber subsequent paragraphs

as necessary.

Amendment #2

On page 1, in line 16 after “the front façade;” insert “establishing demolition standards for the OCD Overlay;”

On page 1, in line 26, insert “Section 21.58.030”

On page 9, insert the following:

“21.58.030 Regulations.

In the OCD district the following regulations apply:

A. Uses. In addition to the uses permitted in the underlying zoning district the following use is permitted in the OCD overlay district:

Bed and breakfast homes, subject to the standards for bed and breakfast homes in Chapter 21.64.

B. Front Yards.

1. The front yard for principal uses shall be the lesser of the minimum specified in the bulk regulations table for the underlying zoning district or the established front yard pursuant to Chapter 21.38.

2. Building additions may maintain the front yard of the existing structure.

3. If a structure is demolished for the purposes of new construction, the new structure must maintain either the front yard of the previously demolished structure or the front yard as required under subsection (B)(1) of this section.

C. Side Yards. Notwithstanding the provisions of the underlying zoning district, there is no side yard requirement in the OCD district.

D. Height.

1. Except as provided in subsections (D)(2) and (D)(3) of this section, no building shall exceed the lesser of either the maximum height in the bulk regulations table for the underlying zoning district or the average height of all structures on the block face.

2. New construction behind the ridgeline (i.e., roofline) of an existing structure, or if no structure is extant, behind the average front setback of ridgelines on the block face, may maintain the height limitation in the bulk regulations table for the underlying zoning district.

3. The Director of Planning and Zoning may grant a ten percent adjustment to the average height of all structures on the block face in subsection (D)(1) of this section, pursuant to the procedures set forth in Chapter 21.18 of this Zoning Code. This adjustment shall not be construed to permit buildings greater in height than the maximum height allowed in the district.

E. Site Design Plan Review. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.

1. The following guidelines shall be applied at the time of site design plan review, shall control in the event of conflict with the provisions of Chapter 21.22, and shall be applied to all uses in the OCD district. No design plans shall be approved by the Department of Planning and Zoning until findings consistent with these guidelines have been made:

a. Where new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities in the OCD area, including height and scale of buildings, orientation, spacing, site coverage, and exterior features such as porches, roof pitch and direction and landscaping.

b. All buildings shall observe the established, historic front setbacks and building heights, if any, for the block on which they are proposed.

c. All new structures or buildings, enlargement of existing structures or buildings and all substantial rehabilitation, reduction and/or alteration of existing structures or buildings shall have bulk, massing and scale similar to the structures on the block face.

- d. The proposed alterations or new construction shall preserve and enhance the vernacular street scape of the neighborhood;
 - e. Exterior structural alterations to historic and contributing structures along the street frontage shall be kept to a minimum.
 - f. Design for new construction and enlargements to all existing buildings or structures in the OCD area shall conform to the guidelines for the relation of proposed structures to adjacent developments established in Section 21.62.020 and shall be compatible with the distinguishing, contributing characteristics of the majority of surrounding properties on the block face.
 - g. In cases where approval of an application is dependent upon preserving all or part of an existing structure, and its structural integrity is in question, the Director of Planning and Zoning may require a structural analysis of a building, by a registered structural engineer, to determine if it is sound and not a threat to public health and safety before site design approval is granted.
2. Where new buildings, structures, structural alterations or structural rehabilitations, enlargements or reductions are proposed, their design shall be compatible with the historic character and design of the area and shall promote the existing spatial and visual qualities of the area. Design considerations shall include the following:
 - a. Height and scale of buildings,
 - b. Orientation,
 - c. Spacing,
 - d. Site coverage, and
 - e. Exterior features such as porches, roof pitch and direction, landscape elements, and glazing and configuration of glazing.
 3. Exterior structural alterations along the street frontage to historic structures and other structures contributing to the prevailing character of the area structures shall be kept to a minimum.
- F. Uses Deemed Conforming.
1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this Zoning Code, provided they were legally existing on November 19, 1990:
 - a. Single-family attached and detached dwellings, and
 - b. Nonresidential uses, except for uses listed in subsection (F)(2) of this section.
 2. Warehouse, storage and/or distribution uses and automotive service uses legally existing on November 19, 1990 are not deemed to be conforming. However, these uses may apply for a special exception, pursuant to Chapter 21.26, to become conforming, provided that such application is made while the use retains its nonconforming rights under Chapter 21.68 of this Zoning Code.
 3. Expansion of Uses Deemed Conforming.
 - a. Single-family attached and detached dwellings deemed conforming may be expanded for residential use if they otherwise meet the requirements of the underlying district.
 - b. Any increase in the building bulk of nonresidential uses that become conforming under this section requires special exception approval pursuant to Chapter 21.26 of this Zoning Code.
- G. Demolitions.
- a. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures, pursuant to Chapter 21.14, Demolition Permits.
 - b. In addition to the Review Criteria in Section 21.14.040, the Director of Planning and Zoning shall make additional written findings based on the following:
 - i. Loss of the structure would not be adverse to the district or the public interest by virtue of the structure's uniqueness or its contribution to the significance of the district;
 - ii. Demolition would not have an adverse effect on the character and surrounding environment of the district;
 - iii. Demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the OCD district;

iv. The replacement structure or parts of the structure is designed and sited in a fashion that reflects the compatibility objectives of this chapter.

v. The proposed partial demolition will not impact the stability or structural integrity of the remaining portions of the structure and appropriate measures are proposed to stabilize the building during demolition and construction. In the case of total demolition a structural analysis and evaluation has been conducted and determined the building to be unsound and is a threat to the public health and safety. The department of planning and zoning may require that such an evaluation be prepared by a certified structural engineer at the applicant's cost;

vi. In order to approve any demolition request, the Director of Planning and Zoning may require a structural analysis of a structure or building, by a registered structural engineer, to determine if it is sound and not a threat to public health and safety before a demolition is authorized.

c. For the purposes of this chapter, demolition is defined as involving the entire removal of more than one exterior wall or the entire removal of the roof structure. These standards do not apply to demolition limited to the interior of a structure.

Amendment #3

On page 4, in line 12, strike "(A)" and substitute "(B)"

Amendment #4

On page 5, in line 24, insert the following:

"21.44.030 MX Mixed Use district.

A. Purpose. The Mixed Use district is designed to encourage a mixture of residential, office and retail uses within the inner West Street corridor compatible with each other and with surrounding areas.

B. Uses. Uses that may be permitted in the MX district are set forth in the table of uses for Office and Mixed Use Zoning Districts in Chapter 21.48.

C. Development Standards.

1. Chapter 21.50 contains the bulk regulations table for the MX district.

2. Notwithstanding the regulations set forth in Section 21.38.030(E), approval as a planned development is not required for a building in the MX district solely because it has a height greater than forty-five feet or an FAR in excess of two.

3. Design Standards. Where development is subject to Site Design Plan Review, the following design standards shall apply in addition to the general standards set forth in Chapter 21.62.

a. Character. The design of each new building and its site shall be of an urban not a suburban character.

b. Building Location. Buildings shall be located close to the street with parking located to the rear of the zoning lot.

c. Height. The height of a building as measured on the rear portion of a sloping site should not rise substantially above any residential structures adjacent to the building.

d. Ground Floor of Commercial Buildings. The ground floor of a commercial building facade shall:

i. Be differentiated from the upper floors to establish a distinct base for the building;

ii. Be at least twelve feet in height; and

iii. Be glazed on at least sixty percent of the facade.

e. Rear Entrances. The design of rear entrances to commercial buildings shall be utilitarian, appropriate to the surroundings and take into account the interests of any nearby residential uses.

D. Additional Standards.

1. Parking Requirements for Changes of Use. Notwithstanding the requirements of 21.66.030(G), when the existing use of a building or structure is changed to a new use,

parking and loading facilities are mandatory regardless of the date when the building or structure was erected.

2. Administrative Adjustment to Off-Street Parking. Pursuant to the administrative adjustment procedures set forth in Chapter 21.18, the Planning and Zoning Director may adjust the off-street parking requirements as follows upon a demonstration that reasonable alternative parking facilities are available:

a. For development of new buildings on zoning lots of ten thousand square feet or greater a waiver of up to seventy-five percent of the off-street parking requirement may be granted.

b. For rehabilitation or expansion of existing buildings and the development of new buildings on zoning lots less than ten thousand square feet, the off-street parking requirement may be waived completely.

3. Loading and Unloading. Vehicles used for loading and unloading purposes shall park only within a designated off-street loading space at any time; or in a designated on-street loading zone, between the hours of six a.m. and eleven a.m., unless the zone is posted for other hours.

4. Demolitions. The Planning and Zoning Director shall review and decide all applications for demolition of buildings or structures pursuant to Chapter 21.14, Demolition Permits.

E. Any building not in existence on November 28, 2005, which a building is subsequently sought shall provide retail commercial uses on the first floor of any façade abutting West Street, provided however that:

1. If after six months of the issuance of the final use and occupancy permit pursuant to Chapter 21.12 the owner of the building is able to demonstrate an inability to lease to a retail commercial tenant after diligently pursuing such a tenant, the space may be leased to another use permitted in the MX zone.

2. Development on parcels of six thousand five hundred square feet or less may have this requirement waived upon a demonstration that the development is for a single occupant.

F. The department of planning and zoning shall be responsible for approving or denying applications for demolition of buildings or structures with the MX district. A sign provided by the department of planning and zoning, indicating that demolition approval is being sought and stating the expected date of decision, shall be posted and maintained on the property in a location readily visible to the public, and shall be removed by the applicant within seven days following the decision to permit demolition to occur. In order to approve a demolition request, the department of planning and zoning must first make all of the following findings based upon evidence of record:

1. Loss of the structure would not be adverse to the district or the public interest by virtue of the structure's uniqueness or its contribution to the significance of the district;

2. Demolition would not have an adverse effect on the character and surrounding environment of the district;

3. Demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the MX district;

4. The replacement structure is **designed** and sited in a fashion that reflects the compatibility objectives of this chapter.

G. Notwithstanding the provisions of this ordinance, the following shall be governed by the law as it existed in the MX, Mixed-Use zoning district prior to (effective date of ordinance):

1. A building in existence as of November 28, 2005;

2. A project for which an application for special exception approval has been filed on or before November 28, 2005; and

3. A proposed building or buildings for which an application for site design plan approval has been filed on or before November 28, 2005.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-05-06 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-32-06 For the purpose of assuring that development occurs in concert with a growth management process that will enable the City to provide adequate public facilities in a timely manner and achieve the growth objectives of the comprehensive plan; for assuring that proposed development protects the public health and safety, promotes the general welfare of the community, and conserves the environment: assuring that proposed development fits harmoniously into the fabric of the community: encouraging new development to occur in areas of the City where public facilities are being provided; requiring new, additional or upgrades of existing facilities which are necessary to address the impact on public facilities from proposed development; and matters generally relating to adequate public facilities.

- Alderman Arnett moved to substitute O-32-06 Revised 9/10/07 on second reading. Seconded.

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

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-32-06 Revised 9/10/07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman, Cordle, Arnett

NAYS: Aldermen Stankivic, Shropshire

CARRIED: 7/2

R-48-07 For the purpose of establishing fees required by the adoption of O-32-06 Revised 9/10/07, Adequate Public Facilities Ordinance.

- Alderman Arnett moved to adopt R-48-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee and Environmental Matters Committee

O-47-06 For the purpose of establishing a new low density housing zoning classification of RLD-1, Single-Family Residence Low Density, that limits housing to not more than one single-family residence per one acre; and matters generally relating to said zoning classification.

Planning & Zoning Director Arson was present and answered questions from Council.

- Alderman Arnett moved to adopt O-47-06 on second reading. Seconded.

The Rules and City Government Committee reported no action on O-47-06.

The main motion DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Alderman Christman, Cordle, Stankivic
NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire,
Arnett
DEFEATED: 3/6

O-05-07 For the purpose of specifying that taxicab driver's or owner's permits may not be issued to a person who has been incarcerated within the seven year period preceding the date of application; and all matters relating to the issuance of taxicab permits.

- Alderman Cordle moved to postpone O-05-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

O-12-07 For the purpose of defining responsibilities for the construction, reconstruction, repair and maintenance of City-owned Sidewalks.

- Alderman Cordle moved to postpone O-12-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

R-21-07 For the purpose of establishing fees for the inspection of sidewalks not built by the City; to fund the Sidewalk Fund for the construction, reconstruction and repair of sidewalks in the City; and matters generally relating to said fees.

- Alderman Cordle moved to postpone R-21-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

O-13-07 For the purpose of enhancing the ability of the Annapolis Fire Department to prevent fires and/or mitigate its effects by revising the City of Annapolis Fire Prevention Code.

- Alderman Stankivic moved to adopt O-13-07 on second reading. Seconded.

The Economic Matters, Environmental Matters and Public Safety Committee reported favorably on O-13-07.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-13-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman,
Cordle, Stankivic, Shropshire, Arnett
NAYS:
CARRIED: 9/0

O-14-07 For the purpose of saving lives, reducing injuries and reducing property damage that could result from fires in the Historic District by adopting the National Fire Protection Association Code for Fire Protection of Historic Structures.

- Alderman Cordle moved to postpone O-14-07 until the Public Safety Committee has reported. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved the work session on 0-14-07 be held within the next 30 days. Seconded. CARRIED on voice vote.

O-19-07 For the purpose of setting a specific deadline of March 31st of each year for persons filing a protest on the renewal of an alcoholic beverage license; prohibiting the granting of renewed alcoholic beverage licenses until the Alcoholic Beverage Control Board has given any person filing a protest by March 31st the time, date and location of the hearing; specifying that notification need only be made to the addresses listed by the protestors; and matters generally relating to renewal of alcoholic beverage licenses.

- Alderman Arnett moved to adopt O-19-07 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-19-07.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-19-07 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- Alderman Shropshire was not present for the vote.

O-25-07 For the purpose of eliminating for non-waterfront lots an exemption from stormwater management requirements when less than three thousand square feet of impervious surface are created; specifying that a new single family dwelling is subject to stormwater management requirements regardless of the amount of land disturbed; moving from one subsection to another subsection the terminology encouraging the incorporation of green roofs; and all matters relating to stormwater management requirements.

- Alderman Arnett moved to adopt O-25-07 on second reading. Seconded.

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

The Economic Matters and Environmental Matters Committees reported favorably on O-25-07.

- Alderman Arnett moved to amend O-25-07 as follows:

Amendment #1

On page 3, in line 6 through 8, strike “Any permit application legally submitted prior to the adoption date of this section as amended shall meet the requirements of the unamended regulation.” and substitute “Any permit application legally submitted prior to April 9, 2007, shall meet the requirements of the unamended regulation.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-25-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

O-29-07 For the purpose of allowing for the refunding of appeal application fees upon successful appeal or withdrawn appeals prior to hearing; and all matters relating to the refunding of appeal application fees.

- Alderman Stankivic moved to adopt O-29-07 on second reading. Seconded.

The Finance Committee reported favorable with amendments on O-29-07.

- Alderwoman Hoyle moved to amend O-29-07 as follows:

Amendment #1

On page 1, in line 29, following “in whole or in part, or” insert “fifty percent refund”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-29-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Christman,
Cordle, Stankivic, Shropshire, Arnett
NAYS:
CARRIED: 9/0

O-30-07 For the purpose of clearly specifying that violations of various restrictions relating to vessels and persons using City waters and shores may result in fines as established by resolution of the City Council; and matters generally relating to said violations.

- Alderman Stankivic moved to adopt O-30-07 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-30-07.

The main motion CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-30-07 on third reading. Seconded.

A ROLL CALL vote was taken:

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

CARRIED: 9/0

R-35-07 For the purpose of establishing fines for violations of Chapter 15.06, Violation of rules for vessels and persons using City waters and shores; and all matters relating to penalties for violations of City waters and shores penalties.

- Alderman Shropshire moved to adopt R-35-07 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-31-07 For the purpose of requiring each Department Director to specifically review the fees over which he or she has responsibility each fiscal year immediately prior to the submission of the Fees Schedule to the City Council; and all matters related to reviews of fees.

- Alderman Stankivic moved to adopt O-31-07 on second reading. Seconded.

The Finance Committee reported favorably on O-31-07.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-31-07 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-32-07 For the purpose of specifying that once water service has been terminated due to nonpayment, such service shall not be reestablished until the next business day following the property owner's payment of all service charges and penalties; and all matters related to reestablishment of water service.

- Alderman Stankivic moved to postpone 0-32-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

R-40-07 For the purpose of adding a fee for reestablishing water service if the water service has been terminated due to nonpayment and the property owner wants the service reestablished the same day the property owner pays all outstanding charges and fees.

- Alderman Stankivic moved to postpone 0-40-07 until October 8, 2007 Regular Meeting. Seconded. CARRIED on voice vote.

O-40-07 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Maryland Maritime Heritage Festival, Inc., a body corporate, from April 30 to May 5, 2008, subject to certain terms, provisions, and conditions, for the purpose of conducting a maritime festival; and all matters relating to said lease.

- Alderwoman Hoyle moved to adopt O-40-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

O-41-07 For the purpose of amending the configuration of the Annapolis harbor line outboard of Annapolis Landing Marina, 980 Awald Road on Back Creek; and all matters relating to said harbor line.

- Alderman Arnett moved to adopt O-41-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee, Board of Port Wardens, and Maritime Advisory Board

O-42-07 For the purpose of amending the configuration of the Annapolis harbor line outboard of Eastport Yacht Center, 726 Second Street on Back Creek; and all matters relating to said harbor line.

- Alderman Arnett moved to adopt O-42-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee, Board of Port Wardens, and Maritime Advisory Board

O-43-07 For the purpose of allowing supermarkets as a permitted use on Prince George Street in the C2 Conservation Business.

- Alderman Stankivic moved to adopt O-43-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government, Economic Matters Committees and Planning Commission

The order of the agenda was amended to allow for 0-44-07.

0-44-07 For the purpose of establishing noise limitations that are consistent with State standards; and all matters relating to noise limitations.

- Alderman Arnett moved to adopt 0-44-07 on first reading.

Referred to Public Safety Committee

The order of the agenda was resumed.

RESOLUTIONS

Consideration of proposed rules and regulations approved by Alcoholic Beverage Control Board on July 11, 2007. Under Section 7.12.050, these rules and regulations would have taken effect unless the Council objected by a resolution within 45 days, or by August 25, 2007. However, the implementation of this amendment is being delayed until September 11, 2007 to give the City Council an opportunity to object since the Council did not meet during the month of August.

- Alderman Shropshire requested a joint work session with the City Council members and the Alcoholic Beverage Control Board members to discuss the need for greater enforcement on 2:00 a. m. licenses in the down town area.

R-27-07 For the purpose of privatizing the street rights-of-way in the Boucher Place residential planned development and subdivision in accordance with Section 20.20.01.A of the Code of the City of Annapolis.

- Alderman Arnett moved to adopt R-27-07 revised on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-41-07 For the purpose of approving an extension of City of Annapolis water service to 22 Weems Creek Drive which is located in Anne Arundel County, outside the boundaries of the City of Annapolis; and matters generally relating to said water extension.

- Alderman Arnett moved to adopt R-41-07 on second reading. Seconded.
- Alderman Arnett moved to amend R-41-07 as follows:

Amendment #1

On page 7, in line 33, insert the following and renumber following paragraphs accordingly:

“13. It is understood as a condition of the City providing water service contemplated by this agreement, that at such time as it becomes feasible/permissible, upon request by the City the owners of the “Property” shall be annexed to the City. The owners of the “Property” shall compile and file all necessary applications, information etc in furtherance of said annexation.”

Seconded. CARRIED on voice vote.

Amendment #2

On page 7, in lines 16, 25, 26, and 36, strike Porsche of Annapolis and substitute “the owners”

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS: Aldermen Stankivic

CARRIED: 8/1

R-43-07 For the purpose of establishing a Fire Prevention Task Force to evaluate current fire prevention strategies and legislation, to review pending and proposed legislation impacting fire prevention, and to make a consolidated,

comprehensive set of recommendations for reducing the risk of fires in the City of Annapolis.

- Alderman Arnett moved to adopt R-43-07 on first reading. Seconded. CARRIED on voice vote.

R-44-07 For the purposes of increasing the fee to be charged for a Fire Protection Engineer, establishing a fee for fire safety re-inspections, and updating references based on the adoption of O-13-07.

- Alderman Stankivic moved to adopt R-44-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee and Economic Matters Committee

R-45-07 For the purpose of requesting the General Assembly and the Maryland Department of Transportation to fund and undertake a feasibility study to consider various options for providing rail transportation between greater Annapolis and the Washington, DC, and Baltimore metropolitan areas.

- Alderman Shropshire moved to adopt R-45-07 on first reading. Seconded. CARRIED on voice vote.

R-46-07 For the purpose of requesting the General Assembly and the Maryland Department of Transportation to fund and undertake a study to consider the feasibility of funding and constructing light rail transit in the West Street corridor between the Historic District and Annapolis Town Center at Parole.

- Alderman Stankivic moved to adopt R-46-07 on first reading. Seconded. CARRIED on voice vote.

R-47-07 For the purpose of endorsing the re-designation of the Clay Street Neighborhood and the Bates Neighborhood as Community Legacy Areas; and approving the application and receipt of financing for Community Legacy Plans and Community Legacy Projects in Annapolis to be financed by the State of Maryland.

- Alderman Arnett moved to adopt R-47-07 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-37-07.

R-37-07 For the purpose of exempting the Annapolis Neck Road Property as annexed by R-37-05 Revised Amended from the development moratorium implemented by R-16-05 Amended and R-21-06 Amended.

- Alderwoman Hoyle moved to adopt R-37-07 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

ABSTAIN: Alderman Stankivic,

CARRIED: 8/0/1

The order of the agenda was amended to allow for R-49-07.

R-49-07 For the purpose of assigning the Katherine Annexation from the Seventh Ward to the Fifth Ward.

- Alderman Arnett moved to adopt R-49-07 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Appointments

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

9/10/07 Historic Preservation Kim I. Finch
7/10/07 Severn River Commission Debra w. Smith
7/10/07 Housing and Community Development Rusty Porter

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:34 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk