

REGULAR MEETING
September 11, 2006

The Regular Meeting of the Annapolis City Council was held on September 11, 2006 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Alderwoman Hoyle, Aldermen Israel, Christman, Taylor, Cordle, Stankivic, Shropshire, Cohen

Staff Present: City Attorney Spencer, Central Services Director Harrison, Public Works Director Patmore, Assistant to the Public Works Director Patrick, Fire Department Chief Smith, Human Resources Director Milburn

AWARDS

- Mayor Moyer, Human Resources Director Milburn, Central Services Director Harrison, Fire Department Chief Smith, Public Works Director Patmore and Assistant to the Public Works Director Patrick acknowledge the following employees:

Izar Kerrick, Public Works Department 25 Years of Service
Robert Thomas, Fire Department 30 Years of Service
John F. Jones, Fire Department 35 Years of Service
James D. Olienyk, Police Department Retired 25 Years of Service
Christopher Boettcher, Fire Department Retired 21 Years of Service
Yvonne Dykes, Central Services Department Retiring 27 Years of Service

- Employee Cost Savings Award

Stephen Housley, Public Works Department Awarded \$2,000.00 Saving Bond

Mr Housley came up with the idea of using reflective tape to create a distinctive green stripe on the Public Works Vehicles.

Cost Savings Approximately: \$500 per vehicle
Cost Savings in Excess of : \$21,000

- Alderman Cohen moved to approve the Journal of Proceedings for July 10, 2006 Regular and July 24, 2006 Special. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Evan Klayman, 1294 Virginia Street, Annapolis, Maryland 21401 spoke in opposition to the addition of 4 lines in R-21-06 on page 2, lines 31 thru 34

Antonia Barry, 100 S. Cherry Grove Avenue, Annapolis, Maryland 21401 spoke in opposition to the addition of 4 lines in R-21-06 on page 2, lines 31 thru 34

Bill Herald, 14 Annapolis Street, Annapolis, Maryland 21401 spoke in favor of R-37-06

Mark Jackson, 137 Monticello Avenue, Annapolis, Maryland 21401 spoke on R-21-06

Bob Keil, Executive Director of First Night Annapolis, 1616 Forest Drive, Annapolis, Maryland 21403 spoke in favor of R-36-06

Lorna Leone, Area Director of Annapolis City Public Schools, 105 Gray Fox Court, Stevensville, Maryland 21666 spoke in favor of R-36-06

Jim Triebwasser, Board Member, 319 Carriage Run Road, Annapolis, Maryland 21403 spoke

in favor of R-36-06

Patricia Tomaselli, Board Member, 2008 Quay Village Court, Annapolis, Maryland 21403 spoke in favor of R-36-06

Scott L. Preston, Program Manager, 1522 Hickory Wood Drive, Annapolis, Maryland 21401 spoke in favor of R-36-06

Daniel Doherty, President of Board of Directors, 9 Dorchester Drive, Annapolis, Maryland 21403 spoke in favor of R-36-06

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on the molding in the Council Chambers, CA-01-06 and R-21-06

Steve Johnson, 20 Tucker Street, Annapolis, Maryland 21401 spoke on Global Warming, flooding on the Annapolis Peninsula and in favor of R-36-06

Carl Larkin, 154 Prince George Street, Annapolis, Maryland 21401 spoke on, 0-14-06, 0-36-06 and Global Warming

Daniel Santin, 2691 Clairbourn Road, Annapolis, Maryland 21403 spoke on R-21-06

Laurie Sullivan, 25 Wagner Street, Annapolis, Maryland 21401 spoke in opposition to 0-14-06 and 0-18-06

James Hildrew, 202 Prince George Street, Annapolis, Maryland 21401 spoke in opposition to 0-14-06 and 0-18-06

- Alderman Cordle moved to reconsider R-21-06 Amended. Seconded. CARRIED on voice vote.
- Alderman Cordle move to postpone the vote on R-21-06 Amended. Seconded. DEFEATED on voice vote.
- Alderman Cordle moved to amend the agenda to include R-21-06 Amended on second reader. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-21-06 Amended.

R-21-06 Amended

For the purpose of delaying the approval of certain building and grading permits until such time as the City adopts an adequate public facilities ordinance (APFO) to which such delayed development will be subject.

- Alderman Cordle moved to adopt R-21-06 Amended on second reading. Seconded.
- Alderman Cordle moved to amend R-21-06 Amended as follows:

To strike on page 2, lines 31 thru 34

Seconded. CARRIED on voice vote.

The main motion amended 9/11/06 CARRIED on voice vote.

The order of the agenda was resumed.

- Alderman Cohen moved to amend the agenda to include 0-27-06 on second reader. Seconded. CARRIED on voice vote.
- Alderman Israel moved to amend the agenda to include R-42-06. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to create a Resolution to amend R-21-06 Amended 9/11/06 for the purpose of adopting the language stricken on page 2, lines 31 thru 34. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

CHARTER AMENDMENT

CA-01-06 For the purpose of amending the Charter of the City of Annapolis to require that when adopting a property tax rate that increases property tax revenue by five percent or more, a sixty percent majority vote of the City Council is required; and all matters generally related to said property tax rate.

- Alderman Cohen moved to adopt CA-01-06 on second reading. Seconded.

The Rules and City Government Committee reported no action on CA-01-06. The Finance Committee reported favorably on CA-01-06.

The main motion a ROLL CALL vote was taken:

YEAS: Alderman Christman, Cordle, Stankivic, Cohen
NAYS: Mayor Moyer, Alderwomen Hoyle, Aldermen Israel, Taylor, Shropshire
DEFEATED: 4/5

ORDINANCES

O-13-06 For the purpose of amending the configuration of the Annapolis harbor line outboard of Bert Jabin's Yacht Yard at 7310 Edgewood Road on Back Creek; and all matters relating to said harbor line.

- Alderman Shropshire moved to postpone 0-13-06 until October 9, 2006. Seconded. CARRIED on voice vote.

O-14-06 For the purpose of establishing for Special Parking District parking violations the same fines, appeal process and legislative wording that currently exist for other parking violations; and matters generally relating to said parking violations.

- Alderman Israel moved to adopt O-14-06 on second reading. Seconded.

The Public Safety Committee reported favorably on O-14-06.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-14-06 on third reading. Seconded. CARRIED on voice vote.

O-18-06 For the purpose of discontinuing the discount for paying a parking meter violation by 11 p.m. on the day of the infraction; and all matters relating to said parking meter violations.

- Alderman Stankivic moved to adopt O-18-06 on second reading. Seconded.

The Public Safety Committee reported favorably on O-18-06.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-18-06 on third reading. Seconded. CARRIED on voice vote.

O-20-06 For the purpose of requiring that the City Council may not vote on the ratification of a collective bargaining agreement between the City of Annapolis and any labor union until the Director of Finance has prepared and submitted to the City Council a fiscal impact note containing certain information; and matters generally relating to said union.

- Alderman Cohen moved to adopt O-20-06 on second reading. Seconded.

The Rules & City Government Committee reported favorably on O-20-06.

The main motion CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-20-06 on third reading. Seconded. CARRIED on voice vote.

O-21-06 For the purpose of requiring that all votes by the City Council on ordinances, resolutions, and charter amendments shall be by recorded roll call vote; and all matters generally relating to said voting by the City Council.

- Alderman Stankivic moved to adopt O-21-06 on second reading. Seconded.

The Rules & City Government Committee reported favorably on O-21-06.

The main motion CARRIED on voice vote.

- Alderman Cohen moved to adopt O-21-06 on third reading. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Aldermen Israel, Christman, Alderwomen Hoyle, Cordle, Stankivic, Shropshire, Cohen
NAYS: Aldermen Taylor
CARRIED: 8/1

O-22-06 For the purpose of conveying by deed whatever rights, title and interest the City has in a certain parcel of ground located on 204 Clay Street in the City of Annapolis to the Arundel Habitat for Humanity, Inc.; providing for the property to be sold at private sale and matters generally relating to said conveyance.

- Alderman Christman moved to adopt O-22-06 on second reading. Seconded.

The Housing & Human Welfare and Economic Matters Committees reported favorably on O-22-06.

- Alderman Israel moved to amend O-22 -06 as follows:

Amendment #1

On page 2, after line 38, insert the following:

“ SECTION V: AND BE IS FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the deed to Arundel Habitat for Humanity shall have a covenant providing that their conveyance to the limited-income purchaser shall be subject to a second deed of trust in an amount equal to the cost of the tax to the City of Annapolis.”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt O-22-06 Amended on third reading. Seconded. CARRIED on voice vote.

O-26-06 For the purpose of requiring that the City’s budget documents be submitted to the City Council by the second Monday in February; and matters generally relating submission of the City Budget.

- Alderman Cohen moved to adopt O-26-06 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-26-06.

- Alderman Cohen moved to amend O-26 -06 as follows:

Amendment #1

On page 1, in line 12, strike “February” and substitute “March”

On page 1, in line 15, strike “February” and substitute “March”

On page 1, in line 31 and on page 2, in line 21, strike “February” and substitute “March”

On page 2, in line 21, strike “February” and substitute “March”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt O-26-06 Amended on third reading. Seconded. CARRIED on voice vote.

O-28-06 For the purpose of amending the current lease with the Chesapeake Children's Museum, Inc., to permit use of a portion of the basement of the facility located at 25 Silopanna Road; and matters generally relating to said lease.

- Alderwoman Hoyle moved to adopt O-28-06 on second reading. Seconded.

The Rules & City Government and Economic Matters Committees reported favorably on O-28-06.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-28-06 on third reading. Seconded. CARRIED on voice vote.

O-33-06 For the purpose of making the City logo consistent with the City flag; and all matters relating to said City logo.

- Alderman Cohen moved to adopt O-33-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

O-34-06 For the purpose of updating the references in the City Code to reflect new editions of the various international construction codes upon which Title 17 is based; and matters generally relating to said chapter.

- Alderman Shropshire moved to adopt O-34-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee

O-35-06 For the purpose of authorizing the Mayor to appoint with City Council confirmation an alternate member of the Board of Appeals; of authorizing the Mayor to designate with City Council confirmation a temporary alternate for the Board of Appeals when the alternate member is absent; and matters generally relating to the Board of Appeals.

- Alderman Israel moved to adopt O-35-06 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and Planning Commission

O-36-06 For the purpose of permitting rooftop dining in specified zoning districts subject to certain standards and limitations; and matters generally relating to rooftop dining.

- Alderman Shropshire moved to adopt O-36-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee and Planning Commission

O-37 -06 For the purpose of tripling, rather than doubling, the water rates for users outside the City; and matters generally relating to water rates.

- Alderman Shropshire moved to adopt O-37-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters, Finance and Environmental Matters Committee

O-38-06 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Maritime Heritage Festival, Inc., a body corporate, from May 2 to May 7, 2007, subject to certain terms, provisions, and conditions, for the purpose of conducting a maritime festival; and all matters relating to said lease.

- Alderman Cohen moved to adopt O-38-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

O-39-06 For the purpose of prohibiting the issuance of peddlers, hawkers and itinerant merchants licenses to any mobile food service facility that prepares food in that vehicle and operates in a residential area; reassigning the responsibility for issuing peddlers, hawkers and itinerant merchants license from the City Clerk to the Department of Neighborhood and Environmental Programs; and matters generally relating to said mobile food service facilities.

- Alderman Cohen moved to adopt O-39-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

O-41-06 For the purpose of defining responsibilities for the construction, reconstruction, repair and maintenance of City-owned Sidewalks

- Alderman Shropshire moved to adopt O-41-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee

ADEQUATE PUBLIC FACILITIES ORDINANCE

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 Cohen moved to adopt O-32-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government, Environmental Matters Committee and Planning Commission

R-34-06 For the purpose of revising the FY 2007 Fees Schedule to include a fee for maintaining trees in the public right-of-way; and all matters relating to said fee.

- Alderman Cohen moved to adopt R-34-06 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

WINE BARS

O-40-06 For the purpose of establishing wine bars as a new type and class of alcoholic beverage license that may be issued in the City; permitting wine bars as a use within the MX zoning district; and matters generally relating to wine bars.

- Alderman Cohen moved to adopt O-40-06 on first reading. Seconded. CARRIED on voice vote.

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

R-41-06 For the purpose of revising the FY 2007 Fees Schedule to include a fee for a Wine Bar license.

- Alderman Stankivic moved to adopt R-41-06 on first reading. Seconded. CARRIED on voice vote.

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

RESOLUTIONS

R-04-06 For the purpose of expressing the City of Annapolis' support for legislation to amend Article 44A, Title 10 of the State Code to provide that an appointment by the Mayor of a Commissioner to the Housing Authority of the City of Annapolis (HACA) requires the approval of the legislative body.

- Alderman Stankivic moved to adopt R-04-06 on second reading. Seconded. CARRIED on voice vote.

The Housing and Community Welfare Committee reported favorably on R-04-06.

Alderman Stankivic moved to amend R-04-06 as follows:

Amendment #1

On page 1, in line 20, strike "Article 44A, Title 10" and substitute "Section 13-104(a)(1) of the Housing and Community Development Article"

On page 1, in line 31, strike "in §102(b)(1) of Article 44A" and substitute "Section 13-104(a)(1) of the Housing and Community Development Article"

On page 1, in line 33, strike "Article 44A" and substitute "Section 12-205(b)(1)(III) of the Housing and Community Development Article"

On page 2, in line 8, strike "§102(b)(1) of Article 44A" and substitute "Section 13-104(a)(1) of the Housing and Community Development Article" Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Aldermen Israel, Christman, Taylor, Cordle, Stankivic, Shropshire, Cohen

NAYS:

CARRIED: 9/0

R-28-06 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 Stankivic moved to adopt R-28-06 on second reading. Seconded. CARRIED on voice vote.

R-29-06 For the purpose of expressing the City of Annapolis' approval of the Central Scholarship Bureau's (CSB) application to the Maryland Department of Housing and Community Development for a project and an allocation of tax credits for business entities that contribute to a project that will provide no-interest loans to lower income students in the Annapolis area.

- Alderman Cohen moved to adopt R-29-06 on second reading. Seconded. CARRIED on voice vote.

R-35-06 For the purpose of providing that the City of Annapolis shall participate in the Alternate Contributory Pension Plan authorized by the State Employees' and Teachers' Retirement Enhancement Benefit Act of 2006; and all matters relating to said Alternate Contributory Pension Plan.

- Alderman Cohen moved to adopt R-35-06 on first reading. Seconded. CARRIED

R-36-06 For the purpose of waiving the fees charged by the City to First Night Annapolis, Inc., for an event held each year from December 31, 2005 to January 1, 2010.

- Alderman Cohen moved to adopt R-36-06 on first reading. Seconded. CARRIED

Referred to the Finance Committee

R-37-06 For the purpose of waiving the fees charged to the West Annapolis Business Association for closing two blocks of Annapolis Street for an October 1, 2006, Octoberfest event.

- Alderman Shropshire moved to adopt R-37-06 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Israel moved to adopt R-37-06 on second reading. Seconded. CARRIED on voice vote.

R-38-06 For the purpose of the City Council to adopt the recommendations of the Energy Efficiency Task force to guide the energy policy of the City of Annapolis.

- Alderman Cohen moved to adopt R-38-06 on first reading. Seconded. CARRIED on voice vote.

R-39-06 For the purpose of waiving the fees for water usage by the Maryland State Highway Administration where that water is being used irrigate the median strip and planting areas of Rowe Boulevard between College and Weems Creeks.

- Alderman Shropshire moved to adopt R-39-06 on first reading. Seconded. CARRIED on voice vote.

R-40-06 For the purpose of approving the new job descriptions for the civil service positions in the Police Department, Records Division, and in the Office of Economic Development; and all matters relating to said job descriptions, pay grades and classification.

- Alderman Cohen moved to adopt R-40-06 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for 0-27-06, R-42-06 and R-43-06.

O-27-06 For the purpose of waiving certain City fees in connection with the renovation of 222 Severn Avenue of not to exceed an amount incurred by the property owner in the property owner's replacement and /or relining of the City's sewer pipe which runs underneath the principal use.

- Alderman Cohen moved to adopt O-27-06 on second reading. Seconded.
- Alderman Cohen moved to substitute O-27-06 Revised A. Seconded. CARRIED on voice vote.
- Alderman Cohen moved to amend O-27-06 Revised A as follows:

Amendment #1

On page 2, strike paragraph # 2, lines 10 thru 16 and renumber the subsequent paragraphs Seconded. CARRIED on voice vote.

Amendment #2

On page 3, in line 2, after the word that “strike” would otherwise should normally be charged for the renovation of 222 Severn Avenue. Then “add” after the word that “are applicable to be charged as required by the City Code of Annapolis to the renovation of 222 Severn Avenue”. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Shropshire moved to adopt 0-27-06 Revised A as Amended on third reading. Seconded. CARRIED on voice vote.

R-42-06 For the purpose of the City Council expressing its gratitude for the life of Marion Warren and its expectation that his spirit will live on through his art and extending its condolences to the members of the Warren family.

- Alderman Shropshire moved to adopt R-42-06 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Stankivic moved to adopt R-42-06 on second reading. Seconded. CARRIED on voice vote.

R-43-06 For the purpose of amending R-21-06 Amended 9/11/06, Ensuring that Development is Subject to APFO Standards, to prohibit the issuance of building permits where an existing single family dwelling on more than one lot of record has been demolished for the purpose of building separate dwellings on the individual lots of record.

- Alderman Stankivic moved to adopt R-43-06 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

BUSINESS AND MISCELLANEOUS

1. Appointments

- Alderman Cohen moved to approve the Mayor's appointments & reappointments of the following individuals:

9/11/06 Human Relations Committee Lauren Kelly-Washington
9/11/06 Board of Supervisors of Election Michael Van Geertruy
9/11/06 Commission on Aging Eileen K. Cochran
Seconded. CARRIED on voice vote.

2. Ratification of Memorandum of Understanding - Fire Union - FY 2007-2008

- Alderman Cohen moved the ratification of the Memorandum of Understanding between the City of Annapolis and International Association of Firefighters (IAFF), Local 1926. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:15 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk