

REGULAR MEETING  
September 12, 1994

The Regular Meeting of the Annapolis City Council was held on September 12, 1994 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, Tullier, Snowden, Turner, DeGraff, Moyer

Staff present: City Attorney Goetzke, City Administrator Mallinoff

Alderman Snowden moved to approve the Minutes of 6/13/94, 8/4/94, 8/8/94. Seconded. CARRIED on voice vote.

Mayor Hopkins presented a distinguished citizenship award to Fred Paone for nine years of service on the Annapolis Fireworks Committee.

Mayor Hopkins greeted and welcomed the Mayor and Assistant Mayor from Czechoslovakia.

**PETITIONS, REPORTS AND COMMUNICATIONS**

1. Anthony Christhlf, Esq.  
124 South Street  
Annapolis, MD 21401

Spoke in favor of R-53-94.

2. Elmer Jackson  
Wardour Drive  
Annapolis, MD 21401

Spoke in favor of a name change for Rowe Blvd.

3. Peg Wallace  
Eastport Historical Committee  
Annapolis, MD 21403

Presented a petition and spoke in opposition to any further development of the Eastport waterfront, specifically on the McNasby property.

4. Mike Myron  
541 East Street  
Eastport, MD

Spoke regarding McNasby's as a valuable asset.

5. Donna Ware  
16 Eastern Avenue  
Annapolis, MD

Spoke regarding concerns relative to the development of McNasby's.

6. Marcelus Kirk Whiteside  
no address given

Spoke in an attempt to recover his taxi license lost in a sting operation.

7. Ted Biddle  
134 Market Street  
Annapolis, MD 21401

Spoke regarding McNasby's.

8. Anthony Ingham Evans  
3 Constitution Square  
Annapolis, MD 21401

Spoke on behalf of Tom Roskelly.

9. Tom Davies  
Ward One Residents' Association  
College Avenue  
Annapolis, MD

Spoke requesting information on the results of a closed meeting and on the public hearing schedule re: the rebricking of Main Street.

10. Greg Stiverson  
1303 Colony Drive  
Annapolis, MD 21403

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

11. Louise Hayman  
79 Conduit Street  
Annapolis, MD 21401

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

12. Fred Paone  
47 Williams Drive  
Annapolis, MD 21401

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

13. M. E. Warren  
34 City Gate Lane  
Annapolis, MD

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

14. Donald Smith  
Arnold, MD

Spoke on behalf of Greg Cuiffo and the Eastport Lobster Company.

15. M. E. Warren  
34 City Gate Lane  
Annapolis, MD

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

16. Peggy Wall  
Annapolis Visitor's Bureau  
183 Southwood Ave S  
Annapolis, MD 21401

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

17. Penny Evans  
Constitution Square  
Annapolis, MD

Spoke on behalf of Public Information Coordinator, Tom Roskelly.

There being no voice objection, the order of the agenda was amended to allow a **Business and Miscellaneous** item.

1. **R-53-94** Sponsored by Mayor Hopkins

For the purpose of authorizing the Mayor or his designee to negotiate a lease agreement for the property located at 723 Second Street in the Eastport section of Annapolis, commonly known as the McNasby property; and all matters relating to said authorization.

Alderman Snowden moved to adopt R-53-94. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to amend R-53-94 as follows: Seconded.

on page 1, delete lines 20 through 50; on page 2, delete lines 4 through 18; on page 2 delete line 23 beginning with "but" through line 28; and on page 2 line 37 add the following:

**AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the property located at 723 Second Street in the Eastport section of Annapolis, commonly known as the McNasby property, shall not be sold in lieu of negotiating such a lease agreement.**

Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden,  
Turner, DeGraff, Moyer  
Nays: 0  
CARRIED: 9-0

A Roll Call vote was taken on the main motion, as amended.

Yeas: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff,  
Moyer  
Nays: Mayor Hopkins  
CARRIED: 8-1

The regular order of the agenda was resumed.

#### **LEGISLATIVE ACTION**

1. **CA-2-94** For the purpose of amending the Charter of the City of Annapolis to provide that the City of Annapolis, its officers, employees and agents shall not be liable in tort for any condition of, defect in, act or omission related to, or the accumulation of ice, snow or water on any public property unless the City shall have actual knowledge of said condition, defect, act or omission, or accumulation, shall have failed to act to correct same, and shall have also received notice of the occurrence; defining "public property"; and preserving certain existing defenses, immunities and procedures.

Alderman Snowden moved to reconsider CA-2-94. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-2-94 on second reader. Seconded.

Alderman Snowden moved to amend CA-2-94 as follows:

Note: ~~Redline Strike out indicates matter to be deleted.~~  
REDLINED CAPITALS INDICATE NEW MATTER

**BY** Adding new  
Article ~~III--Powers~~ **IX - MISCELLANEOUS PROVISIONS**  
Section ~~5A 9-~~ Liability, Public Property  
Charter of the City of Annapolis

**ARTICLE ~~III-~~ IX**

**SEC. ~~5A 9.~~ LIABILITY -- PUBLIC PROPERTY.**

(A) FOR PURPOSES OF THIS SECTION, "PUBLIC PROPERTY" MEANS ALL STREETS, AVENUES, ROADS, PUBLIC THOROUGHFARES, HIGHWAYS, LANES, ALLEYS, SIDEWALKS, CURBS, GUTTERS, BRIDGES, BULKHEADS, WHARVES, PIERS, DOCKS, ~~LOTS, OR OTHER PUBLIC RIGHTS OF WAY, PARKS, GROUNDS, BUILDINGS, PUBLIC WORKS, OR WATER OR SEWER FACILITIES~~ OWNED, LEASED, MAINTAINED, ESTABLISHED, CONSTRUCTED, IMPROVED, OR REPAIRED BY THE CITY OF ANNAPOLIS.

(3) (A) **A** and (B) **THE**

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt CA-2-94 Amended on third reader. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden,  
Turner, DeGraff, Moyer  
CARRIED: 9 -0

2. **CA-5-94** For the purpose of amending the Charter of the City of Annapolis to remove the requirement that the City Council shall sit as the board of liquor license commissioners; revise the name of the Planning and Zoning Commission to Planning Commission; and all matters relating to said revisions.

The Rules Committee reported favorably on CA-5-94.

Alderman Snowden moved to adopt CA-5-94 on second reader. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt CA-5-94 on third reader. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden,  
Turner, DeGraff, Moyer  
CARRIED: 9 -0

3. **O-42-93** For the purpose of deleting the grandfather clause regarding freestanding commercial signs, billboards and advertising structures or devices within the historic district; and all matters relating to said grandfather clause.

There being no voiced objection, O-42-93 was postponed.

4. **O-60-93** For the purpose of establishing certain procedures for the Capital Improvement Program and Budget; and all matters relating to said program and budget.

The Finance Committee reported favorably on O-60-93.

The Planning Commission report favorably with an amendment on O-60-93.

Alderman Turner moved to amend O-60-93 as follows:

Amendment No. 1

On Page 2, line 36, immediately following "program for the" strike "ensuing"; and on that same page, line 37, immediately following "years" add "FOLLOWING THAT FISCAL YEAR".

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-60-93 Amended on second reader. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-60-93 Amended on third reader. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Tullier, Snowden,  
Turner, DeGraff, Moyer

CARRIED: 8 -0

5. **O-31-94** For the purpose of revising certain requirements for the issuance of special residential parking permits; revising the annual fee for certain special residential parking districts; revising the hours of restriction; establishing a temporary permit under certain conditions and for a certain fee; establishing the violation for unlawful usage or display of a parking permit; and all matters relating to said special residential parking districts.

The Rules Committee reported favorably on O-31-94.

The Planning Commission reported favorably with amendments on O-31-94.

Alderman Turner moved to adopt O-31-94 on second reading. Seconded.

Alderman Hammond moved to amend O-31-94 as follows:

Amendment No. 1

On Page 4, line 42, immediately before "The" add "A"; on that same page, line 46, immediately following "fined" strike "not more than"; on that same page, line 47, strike "TWO HUNDRED FIFTY" and substitute "TWENTY-FIVE".

Amendment No. 2

On Page 5, line 5, add the following:

"B. THE FAILURE OF THE VIOLATOR TO PAY THE FINE WITHIN FIFTEEN DAYS OF THE DATE OF ISSUANCE OF THE PARKING CITATION SHALL RESULT IN AN ADDITIONAL COST OF TEN DOLLARS. THE FAILURE OF THE VIOLATOR TO PAY THE FINE WITHIN TWENTY-THREE DAYS OF THE DATE OF ISSUANCE OF THE PARKING CITATION SHALL RESULT IN AN ADDITIONAL COST OF FIFTEEN DOLLARS AND SHALL RESULT IN NOTIFICATION TO THE MOTOR VEHICLE ADMINISTRATION AND IN ADMINISTRATIVE FEES IMPOSED BY THE MOTOR VEHICLE ADMINISTRATION. FAILURE TO SATISFY THE REQUIRED FINES AT THIS TIME SHALL RESULT IN A REFUSAL OF REGISTRATION AND TRANSFER OF THE REGISTERED OWNER'S MOTOR VEHICLE.

Amendment No. 3

On Page 5, line 26 strike "September" and substitute "November".

Amendment No. 4

On Page 3, strike lines 14 through 21 in their entirety and substitute the following:

"E. A RESIDENTIAL PARKING PERMIT MAY BE ISSUED TO AN APPLICANT WITH A CURRENT DRIVER'S LICENSE AND CURRENT MOTOR VEHICLE REGISTRATION CARD WHICH REFLECT AN OUT OF STATE ADDRESS IF AND ONLY IF THE APPLICANT CAN PRESENT:

1. PROOF OF ACTIVE DUTY MILITARY STATUS AND PROOF OF RESIDENCY WITHIN THE SPECIAL RESIDENTIAL PARKING DISTRICT;  
OR
2. A NONRESIDENT'S PERMIT FROM THE MARYLAND STATE MOTOR VEHICLE ADMINISTRATION AND PROOF OF RESIDENCY WITHIN THE SPECIAL RESIDENTIAL PARKING DISTRICT."

Amendment No. 5

On Page 3, line 47, immediately following "FEE" strike "IS" and substitute "SHALL BE".

Amendment No. 6

On Page 4, strike lines 10 through 18 in their entirety and substitute the following:

"THE CITY CLERK SHALL ISSUE A MULTIPLE-DAY OR SINGLE-DAY TEMPORARY RESIDENTIAL PARKING PERMIT FOR USE BY A BONA FIDE VISITOR TO OR A PERSON HAVING BUSINESS AT A RESIDENCE WITHIN A RESIDENTIAL PARKING DISTRICT. MULTIPLE-DAY PERMITS MAY BE PURCHASED BY AN APPLICANT WHEN NEEDED AND SHALL BE USED FOR PREDETERMINED DATES. UP TO TEN SINGLE-DAY PERMITS MAY BE PURCHASED PER MONTH FOR UNDETERMINED DATES; UPON USAGE, THE RESIDENT SHALL VALIDATE THE SINGLE-DAY PERMIT BY ENTERING THE DATE OF THE DAY FOR WHICH THE SINGLE-DAY PERMIT IS BEING USED. AN APPLICATION FOR A TEMPORARY PERMIT SHALL BE MADE BY A RESIDENT OF A DISTRICT ON A FORM AS SHALL BE PRESCRIBED BY THE CITY CLERK. THE FEE FOR A TEMPORARY RESIDENTIAL PARKING PERMIT IS TWO DOLLARS PER DAY.

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-31-94 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Hammond moved to adopt O-31-94 Amended on third reading. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner  
Nays: Aldermen DeGraff, Moyer  
CARRIED: 7 -2

6. **O-34-94** For the purpose of allowing certain vacancies to be filled outside of the civil service system in order to overcome imbalances in the racial or gender makeup of City departments; providing that certain vacancies are filled pursuant to this chapter; and all matters relating to said vacancies.

There being no voiced objection, O-34-94 was postponed.

7. **O-68-94** For the purpose of requiring certain persons to file a statement of financial interests with the Ethics Commission; and all matters relating to said financial disclosure.

Alderman Snowden moved to adopt O-68-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-68-94 on third reading . Seconded. CARRIED on voice vote.

8. **O-76-94** For the purpose of authorizing and approving an amendment to the August 6, 1984 Water Agreement and Amendment to Water Agreement dated June 13, 1994 for the provision of water service to the development known as Chesapeake Harbour in order to extend the existing terms of the Agreement and Amendment by which annexation of the property in question shall be completed; and all matters relating to said amendment to agreement.

Alderman Snowden moved to adopt O-76-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance and Rules Committees.

9. **O-77-94** For the purpose of amending the requirements for certain off-street parking spaces; and all matters relating to said requirements.

Alderman Turner moved to adopt O-77-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Planning Commission

10. **O-78-94** For the purpose of removing the set back requirement for fueling stations for watercrafts; and all matters relating to said set back requirement.

Alderman Snowden moved to adopt O-78-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules Committee and Port Wardens

11. **O-80-94** For the purpose of establishing a fee schedule for conducting plan reviews to ensure compliance with City of Annapolis Fire Prevention Code and Fire Code inspections; and all matters relating to said fee schedule.

Alderman Snowden moved to adopt O-80-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules Committee

12. **O-81-94** For the purpose of revising the fees for ambulance service; and all matters relating to said fees.

Alderman Snowden moved to adopt O-81-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules and Finance Committees

13. **O-82-94** For the purpose of prohibiting signs or banners across public streets; and all matters relating to signs or banners.

Alderman Snowden moved to adopt O-81-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Rules Committee

14. **O-83-94** For the purpose of authorizing the Mayor or his designee to negotiate certain Markethouse leases; and all matters relating to said authorization.

Alderman Moyer moved to adopt O-83-94 on first reader. Seconded.

Alderman Snowden moved to suspend the rules to dispense the second reading on O-83-94. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-83-94 on third reader. A ROLL CALL vote was taken:

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

CARRIED: 9 - 0

15. **O-84-94** For the purpose of authorizing the City of Annapolis to lease certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for a certain period of time, at a certain rental, and under certain terms and conditions, for the purpose of docking and mooring certain boats at the City Dock; and all matters relating to said lease.

Alderman Snowden moved to adopt O-84-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance and Economic Matters Committees.

16. **O-85-94** For the purpose of clarifying statutory language related to certain fines for parking violations; and all matters relating to said clarifications.

Alderman Snowden moved to adopt O-85-94 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

### **BUSINESS AND MISCELLANEOUS**

**R-48-94 Revised** Sponsored by Alderman Turner

For the purpose of establishing a volunteer position entitled "Fireworks Marshal"; and all matters relating to said volunteer position.

There being no voiced objection O- 48-94 Revised was postponed.

**R-51-94** Sponsored by Aldermen Johnson, Snowden, Moyer

For the purpose of extending for a certain period of time the Agreement Relating to Television Transmission and Distribution System in Annapolis, Maryland dated April 10, 1969 and Amended Agreement Relating to Television Transmission and Distribution System in Annapolis, Maryland dated October 1, 1986; and all matters relating to said extension.

Alderman Snowden moved to adopt R-51-94. Seconded. CARRIED on voice vote.

**R-52-94** Sponsored by Alderman Moyer

For the purpose of requesting the Mayor to develop a permitting process for the placement of newspaper boxes that recognizes the safety of the public way; and all matters relating to said permitting process.

There being no voiced objection, R-52-94 was withdrawn.

1. Ratification of Union Contracts: Local 400, Local 3162, Local 3406

Alderman Snowden moved to ratify the Union Contracts of: Local 400, Local 3162 and 3406. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden,  
Turner, DeGraff, Moyer

Nays: Alderman Hammond

CARRIED: 8 - 1

2. Civil Service Board Minutes of 8/3/94

Alderman Snowden moved to adopt the Civil Service Board Minutes of 8/3/94. Seconded. CARRIED on voice vote.

3. Rules Committee Minutes of 8/17/94

Alderman Snowden moved to adopt the Rules Committee Minutes of 8/17/94. Seconded. CARRIED on voice vote.

4. Economic Matters Committee Minutes of 8/18/94

Alderman Snowden moved to adopt the Economic Matters Committee Minutes of 8/18/94. Seconded. CARRIED on voice vote.

5. Finance Committee Minutes of 8/12/94

Alderman Tullier moved to adopt the Finance Committee Minutes of 8/12/94 after removing all references to the Yarger Study and the Public Works Management Study. Seconded. CARRIED on voice vote.

Finance Committee Minutes of 9/1/94

Alderman Tullier moved to adopt the Finance Committee Minutes of 9/12/94 after removing all references to the Yarger Study, the Public Works Management Study and the last paragraph on page 2 that begins "Mayor Hopkins Memo of August 8, 1994 concerning the Public Information Officer Position". Seconded. Carried on voice vote.

6. Payment of monthly bills

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

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:05 p.m.

**Deborah Heinbuch, CMC**  
**Deputy City Clerk**