

REGULAR MEETING
September 13, 2010

The Regular Meeting of the Annapolis City Council was held on September 13, 2010 in the Council Chamber. Mayor Cohen called the meeting to order at 7:33 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Kirby, Pfeiffer, Arnett

Absent on Roll Call: Alderman Silverman arrived at 7:56 p.m.

Staff Present: City Attorney Hardwick, Acting City Manager, Planning and Zoning Director Arason, Civil Engineer Brice

Closed
Session

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508 (a) (4), (7) and (14) this statement is included in these minutes:

A closed session of the City Council was held at 6:03 p.m., Monday, August 16, 2010 in the City Council Chamber.

Present: Mayor Cohen, Alderwomen Hoyle, and Finlayson, Aldermen Israel, Paone, Kirby, Pfeiffer, and Arnett

Staff Present: City Attorney Hardwick, Human Resources Director Milburn, Acting City Manager Mallinoff, Civil Engineer Openshaw, Civil Engineer Grieco, Christopher A Taggi, Esq., Charles M. Asmar, Esq., and City Clerk Watkins-Eldridge

On a voice vote which was seconded and carried with 1 alderman voting in opposition, the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508 (a) (4), (7) and (14). The purpose of the meeting was to consider a preliminary matter that concerns the proposal for a business, and; to consult with counsel to obtain legal advice on a legal matter, and, before a contract is awarded, discuss a matter directly related to negotiating strategy or the contents of a proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the proposal process. The session topics were lease negotiations regarding Markethouse and the Annapolis Police Department Litigation. No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 10:38 p.m.

Closed
Session

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508 (a) (1) (i) (ii) and (7): this statement is included in these minutes:

A closed session of the City Council was held at 5:11 p.m., Monday, August 23, 2010 in the City Council Chamber.

Present: Mayor Cohen, Alderwomen Hoyle, and Finlayson, Aldermen Israel, Kirby, Pfeiffer, and Arnett

Staff Present: City Attorney Hardwick, Assistant City Attorney Elson, Acting City Manager Mallinoff, Director of Human Resources Milburn, City Clerk Watkins-Eldridge

A roll call vote was taken by the members present, and the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508 (a) (1) (i) (ii) and (7). The purpose of the meeting was to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals; and to consult with counsel to obtain legal advice on a legal. The session topics were personal matters. No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 6:45 p.m.

Approval of Agenda

- Alderman Arnett moved to approve the agenda for the Regular Meeting of September 13, 2010. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATION

HACA Leadership Award

Mayor Cohen invited Alderman Paone to present to Robert H. Eades, 32 Pleasant Street, Annapolis, Maryland 21401 the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis with the Martha Wood Community Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

Alderswoman Hoyle moved to approve the Journal of Proceedings for the Regular Meeting of July 12, 2010, Special Meeting of July 26, 2010, Special Meeting of July 29, 2010, Special Meeting of August 16, 2010 and Special Meeting of August 23, 2010. Seconded. CARRIED on voice vote.

Comments by the General Public

Robert H. Eades, 32 Pleasant Street, Annapolis, Maryland 21401 spoke in favor public housing
Arthur Kungle, Jr, 8 Gentry Court, Annapolis, Maryland 21401, P.O. Box 365, Annapolis, Maryland 21404-0365 spoke on various items
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in favor of O-25-10 and O-26-10, and spoke on the service light n front of Mason's Service Center on West Street, the lack of sidewalks on Taylor Avenue and voter turn out
Brian Miller, 114 Market Street, Annapolis, Maryland 21401 spoke in favor of O-31-10
Valerie Miller, 114 Market Street, Annapolis, Maryland 21401 spoke on O-26-10, Anne Arundel County's Stormwater Management legislation and inquired if the State of Maryland had reviewed the legislation

PRESENTATION

Cash Flow Projection Update

Acting City Manager Mallinoff gave a presentation on the cash flow projection and answered questions from Council.

LEGISLATIVE ACTION

ORDINANCES & RESOLUTIONS – 2ND READING

- O-17-10** **For the purposes of abandoning the interest, if any, of the City of Annapolis in a portion of a platted, unimproved right of way containing Sanford Street, north of Spa Road, adjacent to Lots 36 and 37, in the Capital Hill Manor subdivision in the City of Annapolis, and conveying the interest, if any, of the City of Annapolis in that area to Charles Fleming by quitclaim deed.**

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

- Alderman Pfeiffer moved to adopt O-17-10 on second reading. Seconded.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-17-10 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Paone, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer

NAYS:

ABSTAIN: Alderman Arnett

CARRIED: 8/0/1

- O-25-10** **For the purpose of establishing a Bond Fund.**

- Without objection O-25-10 on second reading was postponed until the Special Meeting of September 27, 2010

- O-26-10** **For the purpose of revising stormwater management standards in conformity with Maryland State law.**

Civil Engineer Brice was present and answered questions from Council.

- Alderman Arnett moved to adopt O-26-10 on second reading. Seconded.

The Environmental Matters Committee reported favorably on O-26-10.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-26-10 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Israel, Paone, Alderwomen Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer

NAYS:

CARRIED: 9/0

ORDINANCES & RESOLUTIONS – 1ST READING

- R-27-10** **For the purpose of approving the application and receipt of financing for Community Legacy Projects(s) (the “Projects”) further described in the Community Legacy Application (the “Application”) to be financed either directly by the Department of Housing and Community Development (the “Department”) of the State of Maryland or through other departments or agencies of the State of Maryland.**

Planning And Zoning Director Arason was present and answered questions from

Council.

Mark Ford, 1217 Madison Street, Annapolis, Maryland 21403 representing the Annapolis Housing Authority was present and answered questions from Council.

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

- Alderman Arnett moved to adopt R-27-10 on second reading. Seconded.
- Alderman Israel moved to amend R-27-10 as follows:

On page 2, in line 7, add “AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that adoption of this resolution shall not be construed as committing the City of Annapolis to provide any direct funding to the Housing Authority of the City of Annapolis or to Pennrose Properties, LLC toward the furtherance of the projects.” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Paone, Alderwomen
Hoyle, Finlayson, Aldermen Silverman, Kirby, Pfeiffer

NAYS:

CARRIED: 8/0

- Alderman Arnett left the meeting at 9:08 p.m. before the vote on R-27-10

O-31-10 For the purpose of limiting the number of B-3.X and B-4.X licenses the Alcoholic Beverages Control Board may issue annually in the C2 and C2a zoning districts and establishing a bidding process regarding the issuance of such licenses.

Referred to the Economic Matters Commission, Alcoholic Beverage Control Board and the Planning Commission

- Alderman Paone left the meeting at 9:12 p.m.

BUSINESS AND MISCELLANEOUS

1. Acceptance of Civil Service Board Minutes – 6/21/10, 6/28/10 and 8/16/10

- Alderman Israel moved to accept the Civil Service Board Minutes 6/21/10, 6/28/10 and 8/16/10. Seconded. CARRIED on voice vote.

2. Approval requested for the Amended Annapolis Transit Drug and Alcohol Testing Policy

- Alderman Pfeiffer moved to postpone the approval of the Amended Annapolis Transit Drug and Alcohol Testing Policy until the Special Meeting of September 27, 2010. Seconded. CARRIED on voice vote.

Referred to the Transportation Committee and the union representatives for comments

3. Towing License Application – J P Towing Service, LLC

- Alderman Silverman moved to approve the towing license application for J P Towing, LLC. Seconded. CARRIED on voice vote.

4. Budget Revision Requests – GT-3-11, GT-1-11 and GT-2-11

- Alderwoman Hoyle moved to approve Budget Revision Requests GT-3-11, GT-1-11 and GT-2-11. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:49 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

LEGISLATION EXPIRED BY OPERATION OF LAW (CITY CODE § 2.16.090D)

O-02-10 STANDING COUNCIL COMMITTEE RULES
O-06-10 CONTRACTUAL EMPLOYMENT
O-11-10 DEPARTMENT OF CENTRAL SERVICES