

SPECIAL MEETING
September 24, 2012

The Special Meeting of the Annapolis City Council was held on September 14, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:13 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Fire Chief Stokes, Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons, Planning and Zoning Director Arason, Police Chief Pristoop, GIS Coordinator Wampler

Closed Session

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

A closed session of the City Council was held at 6:11 p.m., Monday, September 24, 2012 in the City Council Chamber.

Present: Mayor Cohen, Alderman Israel, Alderwomen Hoyle, Finlayson, Alderman Arnett, Alderman Paone arrived at 6:17 p.m., Alderman Kirby arrived at 6:56 p.m. and Alderman Pfeiffer arrived at 6:58 p.m.

Staff Present: Assistant City Attorney Elson, City Attorney Hardwick arrived at 6:55p.m.

On a roll call vote by the majority of the members present the session was closed.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (7):

The purpose of the meeting was to consult with counsel to obtain legal advice on legal matters.

The session topic was:

Quarterly Update on Litigation

Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:09 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

City Partnership

Mayor Cohen invited Alderwoman Finlayson and Chief Pristoop to join him in presenting to Richard McFeely representing the FBI the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for being a great partner to the City of Annapolis Police Department.

Youth Skating Trip

Mayor Cohen invited Alderwoman Finlayson and Chief Pristoop to join him in presenting to Cpl. Duane Daniels the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for his efforts to provide our children with a fun-filled recreation opportunity.

Backpack Distribution in Ward 4

Mayor Cohen invited Alderwoman Finlayson to join him in presenting to Jus Cruzin Corvette Club the City Council Citation in recognition of being honored by the citizens of the City of Annapolis for their support for children's education.

Susan G. Komen for the Cure

Fire Chief Stokes and Fire Lieutenant Spriggs presented the Council with Susan G. Komen for the Cure Tee Shirts and shared the detail regarding their fund raising efforts for Breast Cancer Awareness Month.

Comments by the General Public

Ellen Valentino, 30 Pinkney Street, Annapolis, Maryland 21401 representing MDDC Press Association spoke on O-16-12.

PUBLIC HEARING

CA-4-12 Designating Emergency Preparedness and Risk Management Responsibility to the City of Annapolis Fire Department – For the purpose of making the City Charter consistent with the City Code by designating emergency preparedness and risk management responsibility to the City of Annapolis Fire Department.

Fire Chief Stokes and Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons were present and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the charter amendment.

- Mayor Cohen declared the public hearing closed.

O-27-12 Removing the Requirement that a Certified Public Accountant Attest to Ratio Reports for Restaurants Renewing Their Alcoholic Beverage Licenses – For the purpose of removing the requirement that a certified public accountant attest to the ratio reports that restaurant class alcoholic beverage licensees must provide when renewing their licenses and instead allowing the owner to provide a sworn statement regarding the ratio of food and liquor sales.

Spoke in favor of the ordinance:

Brian Cahalan, 49 West Street, Annapolis, Maryland 21401

No one else from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed.

O-28-12 Amending the Procedures for the Sale and Rental of Moderately Priced Dwelling Units – For the purpose of amending the procedures for the sale and rental of moderately priced dwelling units.

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

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing open for the purpose of receiving the Planning Commission Findings.

LEGISLATIVE ACTIONS

ORDINANCE and RESOLUTIONS – 2ND READING

O-16-12 Distribution of Unsolicited Materials – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

- Alderwoman Finlayson moved to postpone O-16-12 on second reading until the Special Meeting of October 22, 2012. Seconded. CARRIED on voice vote.

R-34-12 Establishing a Fine for Violations of Distributing Unsolicited Materials – For the purpose of establishing a fine for violations of distributing unsolicited materials.

- Alderwoman Finlayson moved to postpone R-34-12 on second reading until the Special Meeting of October 22, 2012. Seconded. CARRIED on voice vote.

R-41-12 Phelps Lane – For the purpose of declaring that Middle Way shall be renamed “Phelps Lane” to honor the contributions of the Phelps Family to the City of Annapolis.

Fire Chief Stokes, Deputy Fire Chief and Director of Emergency Preparedness & Risk Management Simmons and GIS Coordinator Wampler were present and answered questions from Council.

- Alderman Arnett moved to adopt R-41-11 on second reading. Seconded.
- Alderwoman Finlayson moved to amend R-41-11 as follows:

To change all references in R-41-12 from “Phelps Lane” to “George and Marion Phelps Lane”. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

- Alderman Silverman requested his name be added as a co-sponsor to R-41-12.

CHARTER AMENDMENTS, ORDINANCES and RESOLUTIONS – 1ST READING

CA-1-12 Non-Partisan Elections – For the purpose of amending the Charter of the City of Annapolis to provide for non-partisan elections for the offices of Mayor and Aldermen and Alderwomen; filling vacancies in these offices; and removing partisan consideration in the composition and membership of the Board of Supervisors of Elections.

- Alderman Arnett moved to adopt CA-1-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

CA-2-12 Municipal Elections Coinciding with State of Maryland Elections in 2018 and Onward – For the purpose of amending the Charter of the City of Annapolis to establish the dates of the primary and general elections to coincide with the State of Maryland in 2018 and extending the length of time in office for the incoming City Council in December

2013 an additional year to December 2018 in order to facilitate this transition period.

- Alderman Pfeiffer moved to adopt CA-2-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

CA-3-12 City Finance Requirements – For the purpose of amending the Charter of the City of Annapolis to establish an unrestricted fund balance as part of the annual budget process, authorizing an Audit Committee; and setting a time line for the Finance Director to provide the Comprehensive Annual Financial Report to the City Council.

- Alderman Arnett moved to adopt CA-3-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee

O-36-12 Permitted Hours of Sidewalk Cafes – For the purpose of authorizing permitted sidewalk cafes to remain open during the normal business hours governing such establishments.

- Alderwoman Hoyle moved to adopt O-36-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee

O-30-12 Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Residential Zoning Districts – For the purpose of designating certain areas for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in residential zoning districts.

- Alderman Arnett moved to adopt O-30-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee

R-39-12 Fines Schedule Updated for Violations of Parking and Storage of Automobiles, Motorcycles, Trailers, Motor Homes, Recreational Vehicles, Boats, and Personal Watercraft in Undesignated Areas within Residential Zoning Districts – For the purpose of establishing a fine for parking and storage of automobiles, motorcycles, trailers, motor homes, recreational vehicles, boats, and personal watercraft in undesignated areas within residential zoning districts.

- Alderman Paone moved to adopt R-39-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

R-42-12 Colonel John Ripley Memorial 5K Race – For the purpose of authorizing City Council approval of the Colonel John Ripley Memorial 5K Race per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; and the reimbursement of full fees to the City for the cost associated with the event.

- Alderman Arnett moved to adopt R-42-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Economic Matters.

R-43-12 Eastport Yacht Club Lights Parade – For the purpose of authorizing City Council approval of the Eastport Yacht Club Lights Parade per R-14-12, implementing a moratorium on administrative approvals for events at City Dock and waiving the reimbursement of full fees to the City for the cost associated with the event on December 8, 2012.

- Alderwoman Hoyle moved to adopt R-43-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Finance and the Economic Matters Committee.

R-44-12 TCS Annapolis Half Marathon – For the purpose of authorizing City Council approval of the TCS Annapolis Half Marathon per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating Saturday, December 1, 2012 as a date for the sale of arts-related merchandise in the Historic District in conjunction with the event; and the reimbursement of full fees to the City for the cost associated with the event. Date needed

- Alderman Arnett moved to adopt R-44-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee.

R-45-12 Abney Lane – For the purpose of declaring that South Bates Street in the College Creek Terrace Community shall be renamed “Abney Lane” to honor the contributions of the Abney Family to the City of Annapolis.

- Alderman Arnett moved to adopt R-45-12 on first reader. Seconded. CARRIED on voice vote.

Referred to Public Safety Committee.

- Alderwoman Hoyle requested her name be added as a co-sponsor to R-45-12.

BUSINESS and MISCELLANEOUS

1. Appointments

- Alderman Pfeiffer moved to approve the Mayor’s appointment of the following individual:

The Rules and City Government Committee reported favorable on the appointment.

9/24/12 Alcoholic Beverage Control Board.....Michael F. Miron

- Alderman Kirby requested the appointment of Michael F. Miron to the Alcoholic Beverage Control Board be postponed until the Regular Meeting of October 8, 2012. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Arnett, Aldermen Israel

NAYS: Aldermen Pfeiffer, Paone, Alderwomen Hoyle, Finlayson

CARRIED: 5/4

The Economic Matters Committee reported favorable on the appointments.

9/24/12 Economic Development Corporation Board.....Johnny R. Calhoun

9/24/12 Port Wardens.....Randall W. Adams

9/24/12 Port Wardens.....Gene Edwin Godley

9/24/12 Port Wardens.....Willie Sampson

9/24/12 Port Wardens.....Lawrence W. Littig

9/24/12 Recreation Advisory Board.....Christina Aist
9/24/12 Recreation Advisory Board.....Patricia Dawn Moyer
9/24/12 Recreation Advisory Board.....Virginia M. Rankin
9/24/12 Recreation Advisory Board.....John Rodger Moyer
9/24/12 Recreation Advisory Board.....Frank P. Montgomery
9/24/12 Recreation Advisory Board.....Raymond A. Lowman
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:42 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk