

SPECIAL MEETING
September 26, 2011

The Special Meeting of the Annapolis City Council was held on September 26, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:10 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, Acting Human Resources Director, Acting Public Information Officer Wardlaw, Finance Director Miller, Recreation and Parks Director Plummer, DNEP Director Broadbent, Personal Transportation & Parking Specialist Banks, Police Chief Pristoop, Fire Chief Smith, Director Emergency Management Simmons, Planning and Zoning Director Arason

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of the Agenda

- Alderman Arnett move to amend the Special Meeting Agenda to include a presentation from Alderwoman Finlayson on the Local Government Advisory Committee, O-36-10 on second reader, and R-54-11 on first reader and to change the order of the Business and Miscellaneous items to have the Hiring Freeze Exemption Request Forms before the Confirmation of Exempt Level Appointment. Seconded. CARRIED on voice vote.

Local Government
Advisory Committee

Alderwoman Finlayson explained to the Council the local governments role in the watershed implementation plans, and how the Local Government Advisory Committee to the Chesapeake Executive Council represents 17 million people who live in the watershed.

Comments by the General Public – No Speakers

- Mayor Cohen declared petitions, reports and communications closed.

CONTINUATION of PUBLIC HEARING from JULY 11, 2011

O-36-10 Uses in Waterfront Maritime Zoning Districts – For the purpose of permitting certain additional uses in the Waterfront Maritime Conservation (WMC) Zoning District.

Planning and Zoning Director Arason gave a brief presentation on the ordinance.

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

- Mayor Cohen declared the public hearing closed.

PUBLIC HEARINGS

O-33-11 Speed Monitoring Systems in School Zones – For the purpose of authorizing the use of speed monitoring systems in designated school zones; defining certain terms; and setting forth the use of certain fines in accordance with State law.

Police Chief Pristoop gave a brief presentation on the ordinance 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 closed.

O-34-11 Aggressive Panhandling – For the purpose of defining aggressive panhandling; making it unlawful to aggressively panhandle in a public place; and establishing a fine for aggressive panhandling violations.

Police Chief Pristoop gave a brief presentation on the ordinance and answered questions from Council..

- Mayor Cohen accepted into the record the testimony (letter) of the Annapolis Business Association in support of O-34-11 submitted by Cindy Reiner on September 26, 2011.

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

- Mayor Cohen declared the public hearing closed.

O-35-11 Parking on St. John’s Street Between College Avenue and Calvert Street – For the purpose of extending the length of time for parking on St. John’s Street between College Avenue and Calvert Street from two hours to nine hours.

Personal Transportation & Parking Specialist Banks gave a brief presentation on the ordinance.

Spoke in favor of the ordinance:

Ann Widener, 76 Maryland Avenue, Annapolis, Maryland 21401

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

- Mayor Cohen accepted into the record the testimony (letter) of the Annapolis Business Association in support of O-35-11 submitted by Cindy Reiner on September 26, 2011.
- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS

ORDINANCES AND RESOLUTIONS – 2ND READING

O-40-10 Fence Permits – For the purpose of revising height restrictions in residential and maritime zoning districts.

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

DNEP Director Broadbent was also present and answered questions from Council.

- Alderman Arnett moved to adopt O-40-10 on second reading. Seconded.

The Planning Commission reported favorably with amendments on O-40-10.

- Alderman Arnett moved to amend O-40-10 as follows:

On Page 3, Lines 11-12 of the first reader version amend as follows:

NOW, THEREFORE, BE IT RESOLVED ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage and that under no circumstances shall this ordinance apply to fences, walls or hedges that have been erected, placed, maintained or grown before the date of this ordinance's adoption. Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-40-10 as follows:

Technical Amendment:

Page 1, Line 13 of the first reader version: strike "constricted" and insert "constructed"
Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-40-10 as follows:

17.34.010. FENCES, HEDGES OR WALLS amended as follows:

A. Permit Required.

1. No new fence, wall or hedge shall be erected, placed, maintained or grown and no existing fence, or wall, or hedge shall be altered or replaced until a permit is obtained from the City. Fences in residential and maritime zoning districts shall be permitted with the following height restrictions: four feet in a front yard and corner side yard and six feet in an interior side yard and rear yard, as defined in Section 21.72.010. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the drawings have been approved by the director or his or her designee.

2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character of the neighborhood and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

3. A fence, wall, or hedge erected, placed, maintained or grown in or abutting residential and maritime zoning districts is subject to the following height limitations: (a) six feet along a front yard lot line or in a front yard; (b) four feet along side yard lot lines or in a side yard, between the front yard lot line and façade plane of the principal structure; and (c) except as limited by (b), six feet along the side yard and rear yard lot lines and in side and rear yards.

~~3.~~ 4. A ~~Fences, or walls, or hedge~~ may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the City.

~~4.~~ 5. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance.

B. Administrative Review.

1. ~~All~~ A fences, ~~or walls, or hedge~~ of ~~four six~~ feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence, ~~or wall, or hedge~~ of this height unduly would obstruct light and air from ~~neighboring~~ nearby and adjoining properties or public ways, or unduly obstruct visibility upon public streets.

2. ~~All~~ A proposed fences, or walls, or hedge of more than ~~four~~ six feet requires notification ~~to the neighbors~~ prior to any approval. ~~Only the p~~Property owners and occupants abutting within 200 feet of the property of the proposed fence or wall shall be notified in accordance with Section 21.10.020(B) of the Zoning Code. This includes the owners of vacant land, rental units and vacant buildings. The property owners and occupants shall be notified by mail or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility of the applicant or his authorized agent to notify ~~the abutting owners~~. Failure to respond indicates no objection to the proposal.

3. ~~All~~ A new fences, or walls, or hedge, and gates and all existing fences, walls, hedges and gates to be altered located in the historic district as defined in Title 21 of the City Code require the review and approval of the Historic Preservation Commission.

4. Unless approved otherwise, all fences or walls shall not be located in landscape buffers, conservation easements, over utility easements, across walkway easements and public rights of way.

5. A Fences, or walls, or hedge shall not be located closer than three feet to a fire hydrant.

6. A Fences, or walls, or hedge shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Pfeiffer, Arnett, Israel, Paone,
NAYS: Alderwoman Finlayson, Aldermen Kirby, Alderwoman Hoyle
CARRIED: 6/3

- Alderman Israel moved to amend O-40-10 as follows:

On Page 2 of Amendments offered by Alderman Arnett, insert the following:

7. A fence, wall, or hedge shall not unduly obstruct the view of tidal waterways from nearby residential properties. Seconded. CARRIED on voice vote.

- Alderman Silverman moved to amend O-40-10 as follows:

Throughout the ordinance strike “4 Feet” and insert “6 Feet” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-40-10 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Silverman, Pfeiffer, Arnett, Israel, Paone
NAYS: Alderwoman Finlayson, Aldermen Kirby, Alderwoman Hoyle
CARRIED: 6/3

- Alderwoman Finlayson moved to amend the agenda to allow the business and miscellaneous items before R-51-11 on second reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for the business and miscellaneous items.

The order of the agenda was amended to allow for Hiring Freeze Exemption Requests

1. HIRING FREEZE EXEMPTION REQUESTS

Acting Human Resources Director Rensted gave brief presentations on the hiring freeze exemption request forms and answered questions from Council.

HR-05-12- Department, Fire- Firefighter/ Paramedic
HR-07-12- Department, Police- Police Officer
HR-11-12- Department, Police- Crossing Guard
HR-13-12- Department, Mayor- Public Information Officer
HR-15-12- Department, DNEP- Chief of Code Enforcement
HR-16-12- Department, DNEP- Building Inspector
HR-17-12- Department, Recreation and Parks- Personal Trainer
HR-18-12- Department, Recreation and Parks- Field Monitor
HR-19-12- Department, Recreation and Parks- Latchkey Teachers and Aides
HR-20-12- Department, Recreation and Parks- Front Desk Attendants
HR-21-12- Department, Recreation and Parks- Park Ranger
HR-22-12- Department, Recreation and Parks- Score Keeper
HR-23-12- Department, Planning and Zoning/Historic Preservation Div- Main Street Assistant- Intern
HR-26-12- Department, Finance- Administrative Office Associate
HR-27-12- Department, Finance- Accounting Associate III

- Alderman Arnett moved to approve the Hiring Freeze Exemption Request Forms as approved by the Finance Committee listed above. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

2. CONFIRMATION OF EXEMPT LEVEL APPOINTMENT

City Manager Mallinoff gave a brief presentation on the confirmation and answered questions from Council.

Acting Human Resources Director Rensted answered questions from Council.

Rhonda Wardlaw – Public Information Officer, A18/step 6, \$93,848/year

- Alderman Arnett moved to approve the Mayor's appointment of Rhonda Wardlaw as Public Information Officer, A18/step 6, and \$93,848/year pursuant to the Annapolis Charter, Article VI, Section 2 and City Code, Section 3.08.030 (E). Seconded. CARRIED on voice vote.

(The annual salary reflects the furlough reduction of 1.54% for Ms. Wardlaw)

3. BUDGET REVISION REQUESTS

Finance Director Miller gave a brief description of the budget revision requests and answered questions from Council.

Control Number GT-2-12, Department, Transportation: To fund the five (5) part-time maintenance contracts and one (1) bus driver trainee position in FY 2012.

- Alderman Arnett moved to approve GT-2-12, To fund the five (5) part-time maintenance contracts and one (1) bus driver trainee position in FY 2012. Seconded. CARRIED on voice vote.

Control Number GT-3-12, Department, Public Works Services – General Government Buildings: To cover cost for Phoenix Technologies – security guard services at City Hall.

- Alderman Arnett moved to approve GT-3-12, to cover cost for Phoenix Technologies – security guard services at City Hall. Seconded. CARRIED on voice vote.

Control Number GT-4-12, Department, Transportation: To cover cost of the hardware and software purchase, vehicle purchase, installation and raining of all equipment including a one year warranty and maintenance service contract.

City Manager Mallinoff gave a brief presentation on GT-4-12 and answered questions from Council.

- Alderman Arnett moved to approve GT-4-12, to cover cost of the hardware and software purchase, vehicle purchase, and installation and training of all equipment including a one year warranty and maintenance service contract. Seconded. CARRIED on voice vote.

Control Number GT-6-12, Department, Planning and Zoning: To increase salaries account to pay intern for the Main Street Program.

- Alderman Arnett moved to approve GT-6-12, to increase “salaries” account to pay intern for the Main Street Program. Seconded. CARRIED on voice vote.

4. APPOINTMENTS

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

9/26/12 Public Safety Disability Retirement..... Board James L. Seibert
9/26/12 Alcoholic Beverage Control Board..... Lawrence Harris
9/26/12 Annapolis Conservancy Board..... Thomas Lippert
9/26/11 Environmental Commission..... Suzanne Pogell
9/26/11 Environmental Commission..... Bill O’Leary
9/26/11 Environmental CommissionChristina Pompa
9/26/11 Police and fire Retirement Commission.....M. Kathleen Sulick
Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for O-36-10 on second reader.

O-36-10 Uses in Waterfront Maritime Zoning Districts – For the purpose of permitting certain additional uses in the Waterfront Maritime Conservation (WMC) Zoning District.

- Alderman Israel moved to withdraw O-36-10 on second reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

R-51-11 “Pathways to Opportunities” Family Enhancement and Resident Leaders’ Conference – For the purpose of endorsing and supporting the “Pathways To Opportunities” Family Enhancement and Resident Leaders’ Conference developed by the Housing Authority of the City of Annapolis (HACA).

- Alderman Arnett moved to adopt R-51-11 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-52-11 Honoring Helen Chambers – For the purpose of honoring Helen Chambers for her service to the City of Annapolis and the residents of Annapolis and Anne Arundel County, and resolving that the newly renovated building housing the Annapolis Gardens Head Start Center should be re-named the Helen Chambers Head Start Center, at the expense of the Housing Authority for the City of Annapolis.

- Alderwoman Hoyle moved to adopt R-52-11 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

ORDINANCES and RESOLUTION – 1st READING

O-16-11 Code Consistency Updates Related to the Mayor’s Annual Proposed Operating Budget Submission - For the purpose of amending Section 2.12.020 of the Code of the City of Annapolis to be consistent with Section 6.16.010 of the Code of the City of Annapolis.

Referred to the Rules and City Government Committee

O-24-11 Election Code Revision – For the purpose of revising certain sections of the Annapolis Charter and Code, Title 4 - Elections.

Referred to the Rules and City Government Committee

O-36-11 Amending the Number of Days for Committee Review of Legislation – For the purpose of amending the number of days for Committee review of legislation.

Referred to the Rules and City Government Committee

O-47-11 Fence Permits - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

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

R-53-11 Establishing a Fee for Appealing a Planning Commission Decision to the Board of Appeals – For the purpose of establishing a fee for appealing a Planning Commission decision to the Board of Appeals by amending the FY12 fee schedule for the City of Annapolis.

Referred to the Rules and City Government Committee and the Planning Commission

The order of the agenda was amended to allow for R-54-11 on first reader.

R-54-11 A Public Basketball Court at Annapolis Gardens For the purpose of expressing the dismay of the City Council that the Landex Corporation now refuses to honor its prior commitment to partner with the City and the Housing Authority of the City of Annapolis (HACA) to rebuild the public basketball court at the Annapolis Gardens community.

Referred to the Housing and Human Welfare Committee

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-54-11 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

The order of the agenda was resumed.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:00 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk