

SPECIAL MEETING
October 5, 2009

The Special Meeting of the Annapolis City Council was held on October 5, 2009 in the Council Chamber. Mayor Moyer called the meeting to order at 7:04 p.m.

Present on Roll Call: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Kling, Planning and Zoning Director Arason, Chief Comprehensive Planning Burke, Land Use/GIS Planner O'Neill, Fire Chief Smith, Police Chief Pristoop, EMS Captain Twigg, Economic Affairs Director Miron

PUBLIC HEARING

O-03-09 For the purpose of permitting in the MX Zoning District indoor theaters, accessory structures and/or architectural features such as clock towers to be up to 100 feet in height if attached to office and/or retail structures that are part of a Planned Development.

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

Spoke on the ordinance:

Wilford Scott, 308 Carriage Run Road, Annapolis, Maryland 21403 representing the Planning Commission
Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401
Rick Cooksey, 34 Murray Avenue, Annapolis, Maryland 21401
Arthur Kungle, P.O. Box 365, Annapolis, Maryland 21404-0365

Spoke in favor of the ordinance:

Brenda Desjardins, 14 German Street, Annapolis, Maryland 21401
Fred Delavan, 170 Jennifer Road, Suite 240, Annapolis, Maryland 21401 representing Jerome J. Parks

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

- Mayor Moyer accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 09/17/09, and Memoranda from Jon Arason, Director, to the Planning Commission dated 05/14/09.
- Mayor Moyer declared the public hearing closed.

O-36-09 For the purpose of repealing the display restriction on phosphorous and phosphate fertilizers.

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

- Mayor Moyer declared the public hearing closed.

O-43-09 For the purpose of defining “may not” as mandatory in the Code of the City of Annapolis.

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

- Mayor Moyer declared the public hearing closed.

- O-44-09** **For the purpose of permitting law enforcement personnel and members of the armed forces to possess and discharge electronic weapons while on duty in the performance of official authorized functions.**

Police Chief Pristoop was present and answered questions from Council.

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

- Mayor Moyer declared the public hearing closed.

- R-49-09** **For the purpose of amending the fines schedule for electronic weapons violations.**

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

- Mayor Moyer declared the public hearing closed.

- O-46-09** **For the purpose of permitting a house barge concentration of two percent in marinas with fifty or more slips.**

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

- Mayor Moyer declared the public hearing closed.

Without objection the public hearing on O-47-09 and R-50-09 were held jointly.

- O-47-09** **For the purposes of prohibiting the use of a taxicab's horn to announce its arrival or departure and specifying taxicab permitting standards.**

&

- R-50-09** **For the purpose of revising the fine for taxicab violations.**

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

- Mayor Moyer declared the public hearing closed.

- O-48-09** **For the purposes of specifying advertisement requirements for Port Wardens hearings and modifying permitting procedures.**

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

- Mayor Moyer declared the public hearing closed.

- O-49-09** **For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2015, to conduct boat shows.**

Spoke on the ordinance:

Timothy Dowling, 1687 Baltimore Annapolis Blvd, Arnold, Maryland 21012
representing City Dock Productions

Spoke in favor of the ordinance:

Ed Hartman, 980 Awald Road, Suite 320, Annapolis, Maryland 21403
representing United States Sailboat Shows, Inc
Suzanne Zellers, 7076 Bembe Beach Road, Annapolis, Maryland 21403
representing Marine Trades Association of Maryland , Inc

Spoke in opposition to the ordinance:

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

- Mayor Moyer declared the public hearing closed.

O-50-09 For the purpose of authorizing a lease of municipal property located in the general harbor area to the Eastport Yacht Club from October 23 – 31, 2009, to conduct the Melges 24 World Championship, a sailing race.

Economic Affairs Director Miron was present and answered questions from Council.

Spoke in favor of the ordinance:

Elvia Thompson, P.O. Box 3376, Annapolis, Maryland 21403-3376 representing
The Eastport Business Association
Elizabeth Merrifield Filter, 215 Slipper Lane, Stevensville, Maryland 21666
representing Eastport Yacht Club and Melges World Championship

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

- Mayor Moyer declared the public hearing closed.

The meeting was recessed at 8:22 p.m. and reconvened at 8:29 p.m.

LEGISLATIVE ACTION
ORDINANCES & RESOLUTIONS – 2ND READING

O-13-09 For the purposes of classifying graffiti as a misdemeanor crime; specifying what acts constitute a violation of the ordinance; and, providing punishment by fine, imprisonment, and order of restitution.

- Alderman Stankivic moved to adopt O-13-09 on second reading. Seconded.

The Public Safety Committee reported favorably on O-13-09.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-13-09 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel,
Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

R-25-09 For the purpose of establishing a fine and term of imprisonment for the crime of graffiti vandalism.

- Alderman Stankivic moved to adopt R-25-09 on second reading. Seconded.
- Alderman Arnett moved to amend R-25-09 as follows:

Remove “Not to exceed” under Initial and repeat offenses. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 9/0

O-14-09 For the purposes of establishing multiple-day and single-day temporary parking permits for persons rendering medical care to a resident in a special residential parking district and directing the Council to set the permit’s fee.

Alderman Shropshire moved to adopt O-14-09 on second reading. Seconded.

The Public Safety Committee reported favorably on O-14-09.

The main motion CARRIED on voice vote.

Alderman Arnett moved to adopt O-14-09 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire, Arnett

NAYS: Aldermen, Stankivic

CARRIED: 8/1

R-27-09 For the purpose of establishing a fee for multiple-day and single-day temporary parking permits for medical personnel.

- Alderman Shropshire moved to adopt R-27-09 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire, Arnett

NAYS: Aldermen Stankivic

CARRIED: 8/1

O-15-09 For the purpose of requiring the removal of refuse containers from public view throughout the City of Annapolis.

- Alderman Arnett moved to adopt O-15-09 on second reading. Seconded.
- Alderman Israel moved to amend O-15-09 as follows:

Amendment #1

On page 2, in line 8, after the word “way” insert “if there is a nearby and convenient place to store such containers”; in the same line strike the semi-colon and insert a period; in the same line strike the word “however” and insert “However” Seconded. DEFEATED on voice vote.

The main motion DEFEATED on voice vote.

O-28-09 For the purposes of establishing billing to hospitals and nursing homes for the use of City emergency medical services and directing the City Council to set the fee for these services in the annual fee schedule.

Fire Chief Smith and EMS Captain Twigg were present and answered questions from Council.

- Alderman Stankivic moved to postpone O-28-09 on second reading until October 12, 2009. Seconded. CARRIED on voice vote.

O-50-09 For the purpose of authorizing a lease of municipal property located in the general harbor area to the Eastport Yacht Club from October 23 – 31, 2009, to conduct the Melges 24 World Championship, a sailing race.

- Alderman Shropshire moved to adopt O-50-09 on second reading. Seconded.

The Economic Matters Committee reported favorable w/amendments on O-50-09.

- Alderman Arnett moved to amend O-50-09 as follows:

Amendment #1

On page 4, beginning at line 14, strike “Section 2.5” Seconded. CARRIED on voice vote.

Amendment #2

On page 4, in line 41 strike “October 1” and substitute “October 8” Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend O-50-09 as follows:

Amendment #1

On page 3, at line 23, strike “Friday, October 23, to Sunday, October 31” and substitute “Thursday, October 22, to Monday, November 1”. Seconded. CARRIED on voice vote.

Amendment #2

On page 3, at line 36 after period insert: “Lessee shall have use of showing facilities located in Harbormaster’s building.” Seconded. CARRIED on voice vote.

Amendment #3

On page 4, at line 5, strike “or running of watercraft propulsion engines”. Seconded. CARRIED on voice vote.

Amendment #4

On page 5, at line 10, strike “Two Million Dollars (\$2,000,000.00)” and substitute “One Million Dollars (\$1,000,000.00).” Seconded. CARRIED on voice vote.

On page 5, beginning at line 11, strike “Eight Million Dollars (\$8,000,000.00)” and substitute “Five Million Dollars (\$5,000,000.00).” Seconded. CARRIED on voice vote.

Amendment #5

On page 5, at line 6, insert:

“Section 2.8 Alcohol and Food Sales: Lessee shall be permitted to sell food and alcohol, provided that lessee has obtained all necessary permits for their lawful sale. Consumption of alcohol shall be limited to a segregated area within that area described in Section 1.1 of this Lease.” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-50-09 amended on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire, Arnett

NAYS: Aldermen Stankivic

CARRIED: 8/1

R-32-09 For the purpose of adopting a new comprehensive plan for the City of Annapolis.

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

The Rules and City Government Committee reported favorable on R-32-09.

- Alderman Arnett moved to adopt R-32-09 on second reading. Seconded.
- Alderman Israel moved to amend R-32-09 as follows:

Amendment #1

On page 2, in line 10, strike “will have held” and substitute “held” Seconded. CARRIED on voice vote.

Amendment #2

On page 2, at line 14, after “Planning Commission” insert “and amended by the City Council. Seconded. CARRIED on voice vote.

Alderman Israel moved to amend R-32-09 as follows:

To accept the Rules and City Governments recommendation to integrate into the Comprehensive Plan by substitution the following pages: 5, 8, 10, 13, 14, 17, 19, 22, 26, 27, 30, 31, 33, 35, 36, 37, 39, 40, 49, 51, 54, 55, 60, 69, 70, 76, 78, 86, 89, 90, 93, 97, 111,112,117,119,125,126 and 140. Seconded. CARRIED on voice vote.

Alderman Stankivic moved to amend R-32-09 as follows:

Amendment #1

Page 111, Grey Box

[The average price does not reflect the true cost of housing. The median price (in this case \$300,000) unequivocally demonstrates that half of the properties on the market are selling below the median price and half are selling above.]

Strike, “average price of \$354,000 for a house in Anne Arundel County in July 2009.” and replace with “median price of \$300,000 for a house in Anne Arundel County in August 2009. Seconded. DEFEATED on voice vote.

[This statement is false based upon the MRIS data]

Strike, “Workforce” families are priced out of the Annapolis housing market even after the effects of the housing downturn of 2009. DEFEATED for lack of a second.

Alderman Finlayson moved to amend R-32-09 as follows:

On page 31, of the Rules and City Governments recommendation to integrate into the Comprehensive Plan by substitution change hatched portions of the amended figure 3-10 from Urban Center Low to “Urban Center” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone,
Cordle, Shropshire, Arnett
NAYS: Aldermen Stankivic
CARRIED: 8/1

R-35-09 For the purposes of increasing towing rates for towing companies licensed by the City of Annapolis and authorizing additional minimum charges.

- Alderman Shropshire moved to adopt R-35-09 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel,
Paone, Cordle, Stankivic, Shropshire, Arnett
NAYS:
CARRIED: 9/0

ORDINANCES & RESOLUTIONS – 1ST READING

O-59-09 For the purpose of revising storm water management standards in conformity with Maryland State law.

- Alderman Arnett moved to adopt O-59-09 on first reading. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters Committee.

R-57-09 For the purpose of declaring the City’s support for the Kids at Hope Program and committing to the principles expressed in this Resolution.

- Alderman Shropshire moved to adopt R-57-09 on first reading. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:03 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk