

## **REGULAR MEETING**

**October 10, 1994**

The Regular Meeting of the Annapolis City Council was held on October 10, 1994 in the Council Chamber. Having been previously designated as Acting Mayor, Alderman Gilmer called the meeting to order at 7:30 p.m.

Present: Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer

Staff Present: City Attorney Goetzke

Mayor Hopkins was absent due to illness.

Alderman Snowden moved to approve the Minutes of July 11, 1994, July 18, 1994, July 25, 1994 (Closed), July 25, 1994, September 12, 1994, September 19, 1994 (Closed), September 19, 1994, September 26, 1994. Seconded. CARRIED on voice vote.

Acting Mayor Gilmer presented a Certificate of Distinguished Citizenship to John S. Clark and a Certificate of Honorary Citizenship to Ashley Thompson.

### **SPECIAL ORDER OF BUSINESS**

1. Richard Josephson, Chief of Long Range Planning for Anne Arundel County, spoke regarding the Parole Urban Design Concept Summary Plan.
2. Jonathan A. Hodgson, Esq., representing the City, presented a written report on the McNasby property proposals.

Alderman Moyer moved to accept the confidential written report and that a closed meeting be scheduled in order to consult with legal council to obtain legal advice on a legal matter. Seconded. CARRIED on voice vote.

3. **R-56-94** For the purpose of annexing certain property lying near Harness Creek View Road, contiguous to the existing boundary of the City of Annapolis.

Alderman Moyer moved that the applicants work with the Public Works and Planning and Zoning Departments to provide the necessary studies for proper consideration of this petition. Seconded. CARRIED on voice vote.

### **PETITIONS, REPORTS AND COMMUNICATIONS**

1. The Honorable Dennis Callahan  
300 Burnside Drive  
Annapolis, Md

Spoke requesting reinstatement of the Annapolis Tutorial Program funds in the amount of \$5,000.

2. Reverend J. R. Williams  
no address given

Spoke and presented a petition requesting reinstatement of the Annapolis Tutorial Program funds in the amount of \$5,000.

3. Michael Culley  
Annapolis Middle School

Spoke requesting reinstatement of the Annapolis Tutorial Program funds in the amount of \$5,000.

4. Betty Power  
no address given

Spoke requesting reinstatement of the Annapolis Tutorial Program funds in the amount of \$5,000.

5. Bob Rice  
East Street  
Annapolis, MD

Spoke regarding parking meter rates.

6. Reverend Bray  
Eastport United Methodist Church  
926 Bay Ridge Avenue  
Annapolis, MD

Spoke regarding the flooding problem at Eastport United Methodist Church.

7. Tom Davies  
Ward One Residents Association  
16 College Avenue  
Annapolis, MD

Spoke regarding R-55-94, R-59-94 and R-60-94.

8. Hans Froelicher  
110 Market Street  
Annapolis, MD

Spoke against R-59-94.

9. Paul Elder  
Green Street  
Annapolis, MD

Spoke against R-59-94.

10. Jeffrey Weber  
CAC Chairman  
Annapolis Elementary School  
Annapolis, MD

Spoke against R-59-94.

11. Art Rouse  
Franklin Street  
Annapolis, MD

Spoke against R-59-94.

The order of the Agenda was amended to allow for a business item.

### **BUSINESS AND MISCELLANEOUS**

#### **Annapolis Tutorial Program**

Alderman Snowden moved to resolve into a committee of the whole to discuss moving \$5,000 from the contingency fund for the purpose of funding the Annapolis Tutorial Program. Seconded. CARRIED on voice vote.

The committee of the whole rose and reported to the City Council.

Alderman Johnson moved to allocate \$5,000 from the contingency fund to the Annapolis Tutorial Program. Seconded. CARRIED on voice vote.

The regular order of the Agenda was resumed.

### **ACTION ON APPLICATIONS AND APPEALS**

1. **R-57-94** Application of Anders and Barbara Ekbladh (business owners) and Circle Properties, Inc., (property owners) for a conditional use to establish a standard restaurant and delicatessen on property located at 47 State Circle, Annapolis.

Alderman Snowden moved to adopt R-57-94. Seconded.

Alderman Johnson moved to amend R-57-94 as follows:

line 8 page 2 immediately following Commission, strike "hereby adopts" and substitute "DOES NOT ADOPT". Seconded. A roll call vote was taken:

Yeas: Aldermen Hammond, Johnson, Snowden,  
Nays: Aldermen Gilmer, Tullier, DeGraff, Moyer  
Failed: 4 - 3

Alderman Snowden moved to adopt the main motion. Seconded. CARRIED on voice vote.

2. **R-58-94** Application of Atwater Development Company and Resolution Trust Corporation, as conservator for Second National Federal Savings and Loan, owners, for a conditional use to establish a Planned Unit Development (known as Annapolis Meadows) consisting of 185 residential units on an 18 acre parcel of land located at Belle Drive, Bywater Road and Greenbriar Lane, Annapolis.

Alderman Snowden moved to adopt R-58-94. Seconded. A roll call vote was taken:

Yeas: Aldermen Johnson, Gilmer, Tullier, Snowden, DeGraff, Moyer  
Nays: Alderman Hammond  
Carried: 6 - 1

**LEGISLATIVE ACTION**

1. **O-43-94** Sponsored by Alderman Moyer

For the purpose of prohibiting and creating penalties for certain acts relating to the intentional mutilation of an animal; and all matters relating to said penalty for intentional mutilation of animals.

The Rules Committee reported favorably on O-43-94.

Alderman Snowden moved to adopt O-43-94 on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-43-94 on third reading. Seconded. CARRIED on voice vote.

2. **O-76-94** Sponsored by Mayor Hopkins

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.

The Rules Committee reported favorably on O-76-94.

The Finance Committee reported favorably on O-76-94.

Alderman DeGraff moved to adopt O-76-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-76-94 on third reading. Seconded. CARRIED on voice vote.

3. **O-78-94** Sponsored by Alderman DeGraff

For the purpose of removing the set back requirement for fueling stations for watercrafts; and all matters relating to said set back requirement.

The Rules Committee reported favorably on O-78-94.

The Port Wardens reported favorably on O-78-94.

Alderman DeGraff moved to adopt O-78-94 on second reading. Seconded. CARRIED on voice vote.

Alderman DeGraff moved to adopt O-78-94 on third reading. Seconded. CARRIED on voice vote.

4. **O-64-94** Sponsored by Mayor Hopkins

For the purpose of revising the annual operating budgetary process; amending the deadlines for the submittal of the budget; and all matters relating to said budgetary process.

Alderman Snowden moved to adopt O-64-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance and Rules Committees.

5. **O-79-94** Sponsored by Mayor Hopkins

For the purpose of revising certain Markethouse policies; establishing that the Central Services Officer shall administer markethouse leases; establishing procedures for resolving tenants' disputes arising under the terms of such leases including the right of appeal; and all matters relating to said Markethouse policies.

Alderman Moyer moved to adopt O-79-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Economic Matters Committee.

**BUSINESS AND MISCELLANEOUS**

1. **R-48-94** 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, R-48-94 was postponed.

2. **R-54-94** Sponsored by Aldermen Johnson, Tullier, Snowden

For the purpose of creating a special committee to conduct a study of salary and other related issues of noncontractual exempt service positions and make recommendations to the City Council within a certain period; and all matters relating to said special committee.

Alderman DeGraff moved to adopt R-54-94. Seconded. CARRIED on voice vote.

3. **R-55-94** Sponsored by Alderman DeGraff

For the purpose of creating a special committee to study the merits of a transition from a mayoral to city-manager system of government in the City of Annapolis and make recommendations to the City Council within a certain period; and all matters relating to said special committee.

There being no voiced objection, R-55-94 was postponed.

4. **R-59-94** Sponsored by Alderman Moyer

For the purpose of requesting the Anne Arundel County Board of Education to lease the property behind the Green Street Elementary School to the City for the duration of the Main Street reconstruction project; and all matters relating to said request.

Alderman Moyer moved to adopt R-59-94. Seconded.

Alderman Tullier moved to amend R-59-94 as follows:

line 18, immediately following "School" add the following: "and other Board of Education properties"; and on line 38 immediately following "School" add the following: "and other Board of Education properties." Seconded.

Alderman Tullier moved to adopt R-59-94 amended. Seconded. A roll call vote was taken:

Yeas: Aldermen Gilmer, Snowden, DeGraff, Moyer  
Nays: Aldermen Hammond, Johnson  
Carried: 5 - 2

5. **R-60-94** Sponsored by Alderman Moyer

For the purpose of creating a committee to review the Ward One Sector Study parking plan, to explore the issue of City-wide resident parking permits, to consider the feasibility of eliminating parking meters altogether and other matters regarding parking; and all matters relating to said committee.

Following discussion, there being no voiced objection the Resolution was withdrawn. Unresolved parking issues were referred to the Economic Matters Committee for further consideration.

6. **R-63-94** Sponsored by Alderman Tullier

For the purpose of requesting that the Mayor direct the Department of Planning and Zoning to conduct a corridor study of Forest Drive from MD 665 at Rt. 2 to Forest Drive to Edgewood Road; and all matters relating to said request.

Alderman Snowden moved to adopt R-63-94. Seconded.

Alderman Johnson moved to amend R-63-94 as follows: on page 1 line 20, immediately following "Zoning" add "in consultation with the authorities of Anne Arundel County and the State of Maryland" and on page 2 line 8, immediately following "Zoning" add "in consultation with the authorities of Anne Arundel County and the State of Maryland"  
Seconded. CARRIED on voice vote.

Acting Mayor Gilmer ruled to withdraw R-63-94.

Alderman Snowden moved to appeal the decision of the chair to withdraw R-63-94. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt the main motion as amended. Seconded. CARRIED on voice vote.

7. Housing and Community Development Committee Minutes of 9/14/94

Alderman DeGraff moved to adopt the Housing and Community Development Committee Minutes of 9/14/94. Seconded. CARRIED on voice vote.

8. Risk Management Committee Minutes of 8/17/94, 9/14/94

Alderman DeGraff moved to adopt the Risk Management Committee Minutes of 8/17/94 and 9/14/94. Seconded. CARRIED on voice vote.

9. Finance Committee Minutes of 9/29/94

Alderman Snowden moved to adopt the Finance Committee Minutes of 9/29/94. Seconded. CARRIED on voice vote.

10. 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 10:15 p.m.

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