

REGULAR MEETING

October 13, 2003

The Regular Meeting of the Annapolis City Council was held on October 13, 2003 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Hammond, Tolliver, Kelley, Cordle, Alderwomen Hoyle, Carter

Alderman Fox was absent.
Alderman Cohen arrived at 7:37 p.m.

Staff Present: City Attorney Spencer, Human Resources Director Milburn, Transportation Director Matland, Planning and Zoning Director Arason, Director Neighborhood and Environmental Programs Mallinoff

- C Mayor Moyer presented a Glittering Gems of Annapolis Award to David Fogle.
- C Transportation Director Matland presented the Transit Driver of the Year 2003 Award to Dolly Belt.
- C Alderman Tolliver moved to approve the Journal of Proceedings for September 8, 2003 and September 22, 2003. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

-Donna Fabian, 1798A Bay Ridge Avenue, Annapolis, Maryland 21403, regarding parking issues in her neighborhood.

-Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21401 spoke against O-17-03

-Spoke in favor of R-23-03

Ann Fallon, 11 Tucker Street, Annapolis, Maryland 21401
Steven Johnson, 20 Tucker Street, Annapolis, Maryland 21401
John Wells, 11 Tucker Street, Annapolis, Maryland 21401

LEGISLATIVE ACTION

ORDINANCES

O-16-03 For the purpose of deleting the local preference for cast iron in favor of the national standard in the use of PVC in certain circumstances; and matters generally relating to said preference.

Alderman Hammond moved to adopt O-16-03 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-16-03.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-16-03 on third reading. Seconded. CARRIED on voice vote.

O-19-03 For the purpose of amending the Code of the City of Annapolis to provide that an additional public hearing will be held when an ordinance is substantively amended.

Alderman Hammond moved to adopt O-19-03 on second reading. Seconded.

The Rules Committee reported favorably on O-19-03.

The main motion CARRIED on voice vote.

Alderman Tolliver moved to adopt O-19-03 on third reading. Seconded. CARRIED on voice vote.

PUBLIC HEARING AND LEGISLATIVE ACTION

O-26-03 For the purpose of creating a Department of Neighborhood and Environmental Programs (“Department”), creating the position of Director of Neighborhood and Environmental Programs (“Director”), assigning certain duties and granting certain authority to the Department and to the Director, reassigning to the Department and to the Director certain duties and certain authority currently assigned to the City Clerk, and/or the departments and/or directors of Public Works and/or Planning and Zoning, reassigning other duties to the departments and/or directors of Public Works and Planning and Zoning, recodifying with certain revisions existing provisions related to the Environment Commission, clarifying certain provisions relating to the said departments, directors and the City Clerk and the Environmental Commission and all matters related to the creation of the Department of Neighborhood and Environmental Programs and the position of Director of Neighborhood and Environmental Programs.

Planning and Zoning Director Arason and Planning Commission Chairman Chellis 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 Moyer accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 9/18/03.

Mayor Moyer declared the public hearing closed.

C Alderman Tolliver moved to adopt O-26-03 on second reading. Seconded.

Alderman Tolliver moved to amend O-26-03 as follows:

Amendment 1 [*This amendment corrects references in the enactment clause of the bill*]

On page 1 after line 42, insert

“17.60.170” and
“17.60.180”

and on page 5, in lines 37 and 38, strike

“17.60.170” and
“17.60.180”

and

On page 1, in line 36, strike “16.04.040” and

On page 3, after line 4, insert “16.04.040”

and

On page 2, after line 8, insert “2.48.070”

Amendment 2 [*This amendment removes reference to a section to which no changes were made*]

On page 2, strike line 28 and beginning on page 19 strike lines 28 through line 24

on page 20.

Amendment 3 [*Section 10.16.140 is not being changed so does not need to be included.*]

On page 17, delete lines 16 through 21, and
On page 2, in line 25, delete "Section 10.16.140"

Amendment 4

On page 17, delete lines 23 through 27 and insert the following:

"10.16.250 Responsibilities.

The enforcement of all sections of this chapter is the responsibility of the director of neighborhood and environmental programs with the advice and consultation of the health officer."

Amendment 5 [*delete editor's note*]

On page 22, strike lines 13 through 21 and
On page 114, strike lines 24 through 29

Amendment 6 [*Correction of format*]

On page 23, make print bold for section heading, lines 8 and 9.

Amendment 7

On page 28, in lines 12 through 13, delete strikeout from "public works" and insert ", the director of" after "public works"

Amendment 8 [*Restores the correct title of the State law*]

On page 32, in lines 20 through 21, and

On page 32, in line 41, and

On page 33, in line 6, and

On page 33, in line 24, and

On page 34, in line 39, and

On page 35, in line 8, and

On page 35, in line 12, and

On page 42, in lines 12 through 13, and

On page 45, in line 10, and

On page 49, in line 24, and

On page 60, in line 28, and

On page 60, in line 38, and

On page 88, in line 36, strike "Maryland Code Annotated" and insert "Annotated Code of Maryland"

Amendment 9

On page 51, in line 24, delete " neighborhood and environmental programs" and delete strikeout from "public works" and

On page 51, in line 28, delete " neighborhood and environmental programs" and delete strikeout from "public works"

Amendment 10

On page 54, in line 26, strike "neighborhood and environmental programs" and

insert "Maryland Department of Environment"

Amendment 11

On page 61, in line 16, strike "at" and
On page 96, in line 14 strike "at"

Amendment 12

On page 79, in line 39, after "an installation charge." insert "The charges shall be recommended to the city council by the director of public works and collected by the director of neighborhood and environmental programs."

Amendment 13 *[Corrects a typo]*

On page 87, in line 4, strike "appellant" s" and insert "appellant's"

Amendment 14 *[Corrects a typo]*

On page 86, in line 46, and
On page 91 in line 2, and
On page 96, in line 2, and
On page 98, in line 8, and
On page 101, in line 9, strike "waivedif" and insert "waived if"

Amendment 15 *[the word "building is new language]*

On page 92, in line 3, redline "building"

Amendment 16

On page 109, in line 11, after neighborhood and environmental programs" insert "and the director of public works"

Amendment 17 *[New sentence was added, but was not previously shown as redlined]*

On page 109, in lines 29 through 30, apply redlining to "The director of planning and zoning may consult with the department of neighborhood and environmental programs in reviewing any proposed landscaping plan."

Amendment 18 *[Subsections 7 through 20, which are currently in the Code, were inadvertently deleted in the drafting of the first reader.]*

On page 115, between lines 36 and 37 insert

7. "Density" means the number of dwelling units per acre within a defined and measurable area.

8. "Developed woodlands" means those areas of one acre or more in size which predominantly contain trees and natural vegetation and which also include residential, commercial or industrial structures and uses. Within the city of Annapolis, developed woodlands are further defined as those areas where greater than half of the area extent consists of a recognizable canopy of mature species typical of a climax stage of forest succession.

9. "Development activities" means the construction or alteration of residential, commercial, industrial, institutional or transportation facilities or structures.

10. "Forests" means biological communities dominated by trees and other woody plants covering a land area of one acre or more. Within the city of Annapolis, forests exist as isolated, undeveloped tracts dominated by mixed deciduous and coniferous species generally at climax stage. Undeveloped drainage areas and steep slopes dominated by a variety of trees and other woody plants at various successional stages are also considered forests.

11. "Impervious surface" means those areas which do not have a vegetative cover with a natural soil substrate or a stormwater management reservoir.

12. "Intensely developed areas" means those areas where residential, commercial, institutional and/or industrial developed land uses predominate, and where relatively little natural habitat occurs.

13. "Land-disturbing activity" means those activities that involve land surface and/or subgrade that are altered from existing conditions and that are regulated under Titles 14, 15, 17, 19, 20 and 21 of the city code.

14. "Limited development areas" means those areas which are currently developed in low-intensity or moderate-intensity uses. They also contain areas of natural plant and animal habitats.

15. "Marina" means any facility for the mooring, berthing, storing or securing of watercraft, but not including community piers and other noncommercial boat docking and storage facilities.

16. "Mean high water line" means the average level of high tides at a given location.

17. "Natural features" means components and processes present in or produced by nature, including but not limited to soil types, geology, slopes, vegetation, surface water, drainage patterns, aquifers, recharge areas, climate, floodplains, aquatic life and wildlife.

18. "Natural parks" means areas of natural habitat that provide opportunities for those recreational activities that are compatible with the maintenance of natural conditions.

19. "Natural vegetation" means those plant communities that develop in the absence of human activities.

20. "Nature-dominated" means a condition where landforms or biological communities, or both, have developed by natural processes in the absence of human intervention."

Amendment 19

On page 117, in line 19, after "do not significantly affect safety" insert "as determined by the director of public works."

Amendment 20 *[section is not being changed by DNEP]*

On page 120, strike lines 29 through page 121, lines 27

Amendment 21

On page 128, in line 1, delete "neighborhood and environmental programs" and delete strike out of "planning and zoning"

On page 128, in lines 12 and 13, following "~~planning and zoning~~" insert "director of

planning and zoning and the”

Amendment 22 *[stricken wording in lines 25 and 26 was never in code]*

On page 128, delete all of line 25 and
On page 128, in line 26, delete “~~with the director of neighborhood and environmental programs.~~”

Amendment 23 *[This subsection should not be deleted]*

On page 130, delete strike out from lines 38 through 40

Amendment 24 *[Corrects sub-section title, consistent with change of violation from municipal infraction to misdemeanor]*

On page 134, in line 32, strike “**Infraction**” and insert “**Penalty**”

Amendment 25 *[Was inadvertently deleted by staff in earlier version of amendments]*

[This amendment restores the responsibilities of the Health Officer, as required by State law, Annotated Code of Maryland, Health-General, 3-306]

On page 2, beginning in line 14, strike

- “Section 10.12.020
- Section 10.12.030
- Section 10.12.040
- Section 10.12.050
- Section 10.12.060
- Section 10.12.070
- Section 10.12.080
- Section 10.12.090”

and strike the corresponding subsections from the bill beginning in line 13 on page 13 and continuing through line 15 on page 16.

Amendment 26 *[This amendment requires the Director of Neighborhood and Environmental Programs to consult with the Health Officer before rendering advice and information to the mayor and city council on matters of public health.]*

On page 22, in line 10, after “**citizens**” insert “**and on consultation with the health officer of the county.**”

Amendment 27

On page 1, in line 47, delete “10.04”

On page 2, after line 12, insert “**10.04.010**”

On page 12, in line 20, delete “**Reserved**” and insert “**Public Health**”

On page 12, in line 21, insert the following:

“Section 10.04.010 Definition of health officer. For the purposes of this title, ‘health officer’ refers to the State of Maryland or the Anne Arundel County health officer, that by law or by agreement, serves as the health officer for the City of Annapolis.”

On page 16, in line 25, delete “**Anne Arundel County**” and insert “**the Health Officer.**”

On page 21, in lines 27 and 28, delete the strikeout from "health officer" and delete "director of neighborhood and environmental programs"

On page 21, in line 30, delete the strikeout from "health officer"

On page 21, in lines 30 and 31, delete the "director of neighborhood and environmental programs" and insert " shall notify the director of neighborhood and environmental programs who"

On page 22, delete lines 2 and 3, and insert "A. Approving authority' means the health officer and/or the health officer's designated agents."

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

Alderman Tolliver moved to adopt O-26-03 amended on third reading. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

- O-33-03** For the purpose of approving the transfer of land, providing temporary grading easements, and permitting access to City property bordering the Annapolis Ridge development; and matters generally relating to said Annapolis Ridge development.

Alderman Hammond moved to adopt O-33-03 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee

BUSINESS AND MISCELLANEOUS

- C Civil Service Board Recommendations dated September 18, 2003

Alderman Kelley moved to receive the corrected Civil Service Board Recommendations dated August 18, 2003. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

RESOLUTIONS

- R-22-03** For the purpose of approving the job descriptions for the civil service positions in the newly created Department of Neighborhood and Environmental Programs, in the Department of Finance/Management Information Technology for a Management Information Technology Engineer, in the Department of Planning and Zoning for a Comprehensive Planner, and in the Department of Police for the Police Communications Operators; and all matters relating to said job descriptions, pay grades and reclassification.

Alderman Cohen moved to adopt R-22-03 on second reading. Seconded.

Alderman Hammond moved to amend the position descriptions attached to R-23-03 as follows:

ADDITIONAL REQUIREMENTS: The positions of Bureau Chief Code Enforcement, Building Inspector (5202), Mechanical/Safety Inspector (5211), Senior Housing Inspector (5203), Housing and Housing Inspector (5204)... "must possess

International Code Council ("ICC") certification as an International Mechanical Inspector and BOCA certification as a Fire Prevention Inspector-1I or be able to obtain same within 12 months **90 days** of employment." Seconded. CARRIED on voice vote.

The main motion with amended position descriptions CARRIED on voice vote.

R-23-03 For the purpose of stating the City's support for participation by interested Annapolis communities in the State's mosquito spray and management programs.

Alderman Tolliver moved to adopt R-23-03 on second reading. Seconded. CARRIED on voice vote.

R-24-03 For the purpose of authorizing a water service agreement providing for the extension of City water service to certain property located in Anne Arundel County, outside the boundaries of the City of Annapolis; and matters generally relating to said water service agreement.

Without objection, R-24-03 was postponed.

R-21-03 For the purpose of authorizing the negotiation of a payment in lieu of property taxes assessed against the affordable housing units to be constructed by Bates School Limited Partnership; and all matters relating to said payment.

Alderman Cohen moved to adopt R-21-03 on first reading. Seconded. CARRIED on voice vote.

R-25-03 For the purpose of requesting that the Maryland General Assembly repeal section 12-302(c)(3)(v) of the Courts and Judicial Proceedings Article of the Annotated Code of Maryland that mandates that a defendant in a crime of violence must be released on personal recognizance bail while the State appeals the decision of trial court and all matters relating to said unwarranted release of murder suspects.

Alderman Hammond moved to adopt R-25-03 on first reading. Seconded. CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

C Payment of Monthly Bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:49 p.m.

Deborah Heinbuch, CMC/AE
City Clerk