

SPECIAL MEETING
October 22, 2012

The Special Meeting of the Annapolis City Council was held on October 22, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:13 p.m.

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

Absent on Roll Call: Alderman Pfeiffer

Staff Present: Assistant City Attorney Elson, City Manager Mallinoff, Finance Director Miller, DNEP Director Broadbent, Planning and Zoning Arason, Development/Special Projects Coordinator LeFurge, Boards and Commissions Coordinator Raftovich

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 6:09 p.m., Monday, October 22, 2012 in the City Council Chamber.

Present: Mayor Cohen, Alderman Israel, Alderwomen Hoyle, Finlayson, Aldermen Kirby, Arnett, Alderman Silverman arrived at 6:15 p.m. and Alderman Paone arrived at 6:25 p.m.,

Staff Present: Assistant City Attorney Elson, City Manager Mallinoff, Finance Director Miller, City Clerk Watkins-Eldridge, Recreation and Parks Director Woodward, Procurement Officer Snyder, Boards and Commission Coordinator Raftovich

A roll call vote was taken by the members present, and 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 a legal matter.

Discussion Topic:

The city's legal interest in the Eisenhower Golf Course

No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 6:48 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

Maritime Republic of Eastport (MRE) "Declaration of War"

Stephany Moore, Minister of Moore representing the Maritime Republic of Eastport by the power vested in her by the Maritime Republic of Eastport and by unanimous vote of the Revolutionary Council, did declare (tug of) War against the United States, Maryland, The City of Annapolis, and all who remain loyal to them.

Recognition of R-59-11

Janice Hayes-Williams gave a brief presentation on the Commission on the Constitution of 1864 and the Abolishment of Slavery.

Comments by the General Public

Anthony J. Spencer, 8, Streamwood Court, Annapolis, Maryland 21403 representing Kids at Hope gave a brief presentation on the program.

Rick Miller, 2400 W. Dunlap Avenue, Suite 135, Phoenix, Arizona 85021 representing Kids at Hope spoke on the program.

Deborah Wood, 25 Spa Drive, Annapolis, Maryland 21401 spoke in support of the Kids at Hope Program.

Sascha Lipczenko, 92 West Street, Annapolis, Maryland 21401 spoke on the Kids at Hope Program and the Stanton Center.

Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21401 spoke on the Eisenhower Golf Course, redevelopment and open space.

- Mayor Cohen declared petitions, reports and communication closed.

PUBLIC HEARINGS

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.

Nicholas Berry, 517 Third Street, Annapolis, Maryland 21403 representing the City Charter Revision Commission gave a brief presentation and answered questions from Council.

Commission Member Gilbert Renault, 115 Monticello Avenue, Annapolis, Maryland 21401 was also present and answered questions from Council.

Spoke on the charter amendment:

Mike Dye, 1315 Hawkins Lane, Annapolis, Maryland 21401

Spoke in favor of the charter amendment:

Dough Smith, 5 Revell Street, Annapolis, Maryland 21401

Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

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.

Nicholas Berry, 517 Third Street, Annapolis, Maryland 21403 representing the City Charter Revision Commission gave a brief presentation 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.

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.

Nicholas Berry, 517 Third Street, Annapolis, Maryland 21403 representing the City Charter Revision Commission gave a brief presentation and answered questions from

Council

Finance Director Miller answered questions from Council.

Spoke on the charter amendment:

Mike Dye, 1315 Hawkins Lane, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

Without objection the public hearing on O-30-12 and R-39-12 were held jointly.

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.

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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.

DNEP Director Broadbent gave a brief presentation on the ordinance and resolution and answered questions from Council.

Spoke in opposition:

Cheryl Jersey Lecoft, 800 Highland Avenue, Annapolis, Maryland 21403

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

- Mayor Cohen declared the public hearing closed.
- Alderman Kirby requested his name be added as a cosponsor to R-39-12

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.

Planning and Zoning Director Arason gave a brief presentation on the ordinance and answered questions from Council.

Spoke in favor of the ordinance:

Brian Calahan, 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.

LEGISLATIVE ACTIONS

ORDINANCE and RESOLUTIONS – 2ND READING

Without objection, the order of the agenda was amended to allow for R-45-12.

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 second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- Alderwomen Hoyle and Finlayson requested their names be added as co-sponsors to R-45-12.

The order of the agenda was resumed.

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.

- Alderman Israel moved to postpone O-16-12 on second reading until the Special Meeting of April 22, 2013. Seconded. DEFEATED on voice vote.

A ROLL CALL vote was taken:

YEAS: Alderman Israel, Alderwomen Hoyle, Finlayson, Aldermen Silverman,
Kirby

NAYS: Mayor Cohen, Aldermen Arnett, Paone

CARRIED: 5/3

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 April 22, 2013. Seconded. CARRIED on voice vote.
- Alderwoman Finlayson moved to have the Office of Law proceed with the Memorandum of Understanding between the Baltimore Sun, Annapolis Capital and the Washington Post (“Publishers”) and the City of Annapolis, a Municipal Corporation of the State of Maryland as directed by the Public Safety Committee. Seconded. CARRIED on voice vote.

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.

- Alderman Israel moved to adopt O-28-12 on second reading to postpone until Nov 5, 2012. Seconded. CARRIED on voice vote.

R-36-12 A Request to the Maryland General Assembly Regarding the Residency Requirement for Alcoholic Beverage License Holders – For the purpose of respectfully requesting that the Maryland General amend Article 2B of the Annotated Code of Maryland (Alcoholic Beverages) to allow the alcoholic

beverage residency requirement for a City of Annapolis alcoholic beverage license to be fulfilled by a resident of Anne Arundel County.

Whitney Chellis, 18 Lafayette Avenue, Annapolis, Maryland 21401 representing the Citizen Committee to Review Alcoholic Beverage Laws was present and answered questions for the City Council.

- Alderman Paone moved to adopt R-36-12 on second reading. Seconded.

The Economic Matter Committee reported favorably on R-36-12.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 7/0

- Alderman Silverman out of the room during the vote R-36-12.

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 second reading. Seconded.

Development/Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

Jonathan Brianas 15 ½ Hill Street, Annapolis, Maryland 21401 representing R-42-12 was present and answered questions from Council.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 7/0

- Aldermen Silverman out of the room during the vote.

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.

Development/Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

- Alderman Arnett moved to adopt R-43-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- 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.**

Development/Special Projects Coordinator LeFurge gave a brief presentation and answered questions from Council.

Craig Harrison and Lisa Fontaine, 264 King George Street, Annapolis, Maryland 21401 representing the marathon were present and answered questions from Council.

- Alderman Israel moved to adopt R-44-12 on second reading. Seconded.

The Economic Matters Committee reported favorably on R-44-12.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

ORDINANCE and RESOLUTIONS – 1st READER

- O-39-12 Issuance of Bonds – Water Treatment Plant - For the purpose of authorizing and empowering the City of Annapolis (the “City”) to finance and refinance the construction, renovation and equipping of a water treatment plant through the issuance and sale, upon its full faith and credit, of general obligation bonds or notes in an aggregate principal amount not to exceed Thirty Five Million Dollars (\$35,000,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), as amended, and Article VII, Section 11 of the Charter of the City, as amended; prescribing the form and tenor of said bonds or notes; determining the method of sale of said bonds or notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.**

Finance Director Miller gave a brief presentation and answered questions from Council.

- Alderman Arnett moved to adopt O-39-12 on first reader. Seconded. CARRIED on voice vote.

Referred to the Environmental Matters and the Finance Committees and the Financial Advisory Commission.

- R-47-12 Revision to the Capital Improvement Budget and Program: FY 2013 to FY 2018 – For the purposes of the purposes of revising the capital improvement budget for the Fiscal Year 2013, and the capital improvement program (Water Treatment Plant) for the six-year period from July 1, 2012, to June 30, 2018.**

Finance Director Miller gave a brief presentation and answered questions from Council.

- Alderman Paone moved to adopt R-47-12 on first reader. Seconded. CARRIED

on voice vote.

Referred to the Environmental Matters and the Finance Committees and the Financial Advisory Commission.

O-40-12 Lease of City Property: Fall Boat Shows in 2013 - For the purpose of authorizing an amendment to the lease of certain municipal property located in the general harbor to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., in the following manner-Line eight of *ARTICLE I, SECTION 1.1, PREMISES and TERM* of the original Lease Agreement reading: “2013 – October 7 through October 22, inclusive” shall be and is hereby deleted and is hereby replaced with the following language: “2013 – September 30 through October 15.”

- Alderman Arnett moved to adopt O-39-12 on first reader. Seconded. CARRIED on voice vote

Referred to the Economic Matters Committee.

R-48-12 The Maritime Republic of Eastport (MRE) Tug-of-War 2012 - For the purpose of designating dates for the sale of food, beverages and merchandise in the Historic District on the Annapolis side of The Maritime Republic of Eastport (MRE) Tug of War 2012 and the waiving of full fees to the City for the cost associated with the events.

- Alderman Arnett moved to adopt R-48-12 on first reader. Seconded. CARRIED on voice vote.

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-48-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

BUSINESS and MISCELLANEOUS

1. Appointments and Reappointments

Boards and Commissions Coordinator Raftovich was present and answered questions from Council.

The Housing and Human Welfare Committee reported favorably on the Mayor's appointments to the Education Commission.

The Economic Matters Committee reported favorably on the Mayor's appointment to the Building Board of Appeals.

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

10/22/12 Education Commission
10/22/12 Education Commission

Julie Kizer Ball
Trisha Irvin
Janet Norman
Jeffrey Macris
Randi Jenkins
Heather Macintosh

10/22/12 Education Commission
10/22/12 Education Commission
10/22/12 Education Commission
10/22/12 Building Board of Appeals
Seconded. CARRIED on voice vote.

Pamela Bukowski
Matthew Evans
Enid Collison-Lee
Mark Hall

2. Budget Revision Requests

GT-5-13: Activity Date 10/16/12, Department Public Works, Explanation for request to purchase equipment for sidewalk gum removal.

Finance Director Miller was present and answered questions from Council.

The Finance Committee reported favorably on GT-5-13.

- Alderman Arnett moved to approve budget revision request GT-5-13. Seconded. CARRIED on voice vote.

GT-6-13: Activity Date 10/16/12, Office of Law/City Clerk, Explanation for request to cover salary for Election Administrative Assistant.

Finance Director Miller was present and answered questions from Council.

The Finance Committee reported favorably on GT-6-13.

- Alderman Arnett moved to approve budget revision request GT-6-13. Seconded. CARRIED on voice vote. Send HR Form

3. O-34-93 Beal Street Property Quick Claim Deed

Alderman Kirby moved to postpone action on the quick claim deed until the Regular Meeting on November 5, 2012. Seconded. CARRIED on voice vote.

4. City Hall Renovations - No action taken.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:07 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk