

REGULAR MEETING  
November 10, 2008

The Regular Meeting of the Annapolis City Council was held on November 10, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:30 p.m.

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

Staff Present: Acting City Attorney Kling, Planning and Zoning Director Arason, Police Chief Pristoop

- Alderwoman Finlayson moved to approve the Journal of Proceedings for Regular Meeting October 13, 2008 and Special Meeting October 27, 2008. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Annapolis Police Department

Police Chief Pristoop was present and spoke on the new Safe Zone Program started in Ward 4

Public Comment

Arthur Kungle, P.O. Box 365, Annapolis, Maryland 21404-0365 spoke on donations toward historic plaques, star spangled banner, preamble to American Declaration of Rights, and the rights of men, Veteran's Day and the death of President Lincoln

CHARTER AMENDMENT

**CA-01-08 For the purpose of clarifying the role of the Mayor as chief executive officer and the City Administrator as chief administrative officer; enhancing the supervisory powers of City Administrator with respect to departmental directors; barring the Mayor and Aldermen from directing the work of departmental directors; providing that the dismissal of the City Administrator must be approved by the mayor and four or more aldermen; requiring the Mayor to include funding in the annual operating budget to provide professional and administrative assistance to the aldermen; and generally relating to the powers and duties of the elected and appointed officials.**

- Alderman Israel moved to postpone CA-01-08 on second reading until November 24, 2008 for a 2<sup>nd</sup> public hearing and legislative action. Seconded. CARRIED on voice vote.

ORDINANCES

**O-29-06 For the purpose of determining when a traffic impact analysis is required; specifying the procedures to be followed in conducting a required traffic impact analysis; and all matters relating to said traffic impact analyses.**

- Alderman Arnett moved to adopt O-29-08 on second reading. Seconded.
- Alderman Israel moved to substitute O-29-08 Revised. Seconded. CARRIED on voice vote.

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

The Rules and City Government Committee reported favorably on O-29-08 Revised.

- Alderman Stankivic moved to amend O-29-08 Revised as follows:

Amendment #1

Page 3, line 36, strike "400" and replace with "100" DEFEATED for lack of a second.

Amendment #2

Page 4, line 7, strike "too close" and replace with "within 50 feet" DEFEATED for lack of a second.

- Alderman Stankivic moved to postpone O-29-08 Revised on second reading until the Regular Meeting on December 8, 2008. Seconded. DEFEATED on voice vote.

The main motion as Revised CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-29-08 Revised 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

**O-04-08 For the purpose of moving the authority for granting subdivision variances from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to the subdivision variances.**

- Alderman Arnett moved to withdraw O-04-08 on second reading. Seconded. CARRIED on voice vote.

**O-05-08 For the purpose of allowing a freestanding sign in the B3 zoning district which was inadvertently deleted when the Zoning Code (Title 21) was recodified in 2004; and all matters relating to signs.**

- Alderman Arnett moved to adopt O-05-08 on second reading. Seconded.

The Rules and City Government Committee reported favorable on O-05-08.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-05-08 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

**O-18-08 For the purpose of relocating the provisions related to signs in the Eastport Gateway Conservation Overlay district to Chapter 21.70; discontinuing the Planning and Zoning Director's administrative authority in 21.18.030 to adjust sign standards and instead giving the authority to the Board of Appeals; allowing the Board of Appeals to allow adjustments of more than 20 percent in sign standards and to allow approval of more than one additional sign; adding new standards and conditions for the Board of**

**Appeals to grant variances; and all matters related to variances to sign standards and conditions.**

- Alderwoman Hoyle moved to adopt O-18-08 on second reading. Seconded.
- Alderman Israel moved to substitute O-18-08 Revised. Seconded. CARRIED on voice vote.

The Rules and City Government reported favorably on O-18-08 Revised.

- Alderman Stankivic moved to schedule a 2<sup>nd</sup> public hearing on O-18-08 Revised on November 24, 2008 due to the substantial changes. Seconded. DEFEATED on voice vote.

The main motion as Revised CARRIED on voice vote.

- Alderwoman Hoyle moved to adopt O-18-08 Revised 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

**O-22-08 For the purpose or realigning Special Residential Parking Districts 2 and 3 to reflect the construction of Acton's Landing; to provide that eligibility for a residential parking district permit is based on residence on an identified street rather than on inclusion within the boundaries of a district; specifying in the event of a conflict between the map for any district, its boundary description, and/or the listing of streets in the district, the listing of streets shall prevail; specifying that parking in metered spaces, reserved parking, and no parking zones is subject to the signage posted by the City and is not subject to the residential parking districts; making residents of certain portions of West Street eligible for a residential parking permit in District 3 or District 4; allowing the pro rating of the annual fee for residential parking permits; requiring that one member of the Parking Advisory Commission shall be a non-resident who owns or operates a business in the Historic District; the responsibility for managing the residential parking permit program is transferred to the Director of Finance who is given more flexibility in determining eligibility for a residential parking permit; prorating of the annual residential parking permit fee is permitted; and all matters relating to the residential parking districts.**

- Alderman Arnett moved to adopt O-22-08 on second reading. Seconded.

The Public Safety Committee reported favorably as amended on O-22-08.

- Alderman Israel moved to amend O-22-08 as follows:

Amendment #1

In line 28, on page 5, strike the word "Residences" and insert the following words "A resident in a dwelling unit in a building". In line 29, on the same page after the word "both." add the following sentence: The building must have been constructed before 1960, the ground must be used for commercial purposes, and there must be no on-site parking."

Amendment #2

In line 12, on page 8, strike the word "King Charles"

Amendment #3

In line 35, on page 8, of the bill strike the word "Residences" and insert the following words "A resident in a dwelling unit in a building". In line 36, on the same page after the word "both." add the following sentence "The building must have been constructed before 1960, the ground floor must be used for commercial purposes; and there must be no on site parking."

Amendment #4

In line 24, on page 12, following the word "districts." add the following sentence "The building must have been constructed prior to the establishment of the MX zone, the ground floor must be used for commercial purposes, and there must be no on-site parking" Seconded. CARRIED on voice vote.

- Alderman Stankivic moved to amend O-22-08 as follows:

Amendment #1

Page 4, line 32, following the words "based on the number of months that a resident requires a permit" add "from the date of issue to the end of the fiscal year based on the number of months that a resident requires a permit. However, the City shall not refund any permit issued due to disuse." Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-22-08 Amended 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

## RESOLUTIONS

**R-62-07 For the purpose of approving the redevelopment of Annapolis Gardens and Bowman Court public housing in Annapolis, Maryland to be financed either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Department's Community Development Administration (the "Administration").**

- Alderwoman Hoyle moved to postpone R-62-08 on second reading until November 24, 2008 Special Meeting for a public hearing with legislative action. Seconded. CARRIED on voice vote.

**R-42-08 For the purpose of declaring the City of Annapolis' support of the MML Geocache Trail.**

- Alderman Arnett moved to adopt R-42-08 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

**R-46-08 For the purpose of reclassifying the job of Transportation Parking/Grants Coordinator to Transportation Grants Specialist in the Department of Transportation.**

- Mayor Moyer moved to postpone R-46-08 on second reading until November 24, 2008 Special Meeting for legislative action. Seconded. CARRIED on voice vote.

**R-55-08 For the purpose of requesting that the Maryland Transit Administration continues the operation of commuter bus route 921 from Annapolis to New Carrollton.**

- Alderman Shropshire moved to adopt R-55-08 on first reading. 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-55-08 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

**R-56-08 For the purpose of honoring former Alderman Samuel L. Gilmer upon his passing.**

- Alderman Arnett moved to adopt R-56-08 on first reading. 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-56-08 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

**R-58-08 For the purpose of excepting parking fees at all Park Place facilities during the hours of the Annapolis Tree Lighting Ceremony on November 29, 2008, Midnight Madness on December 4 and 11, 2008, and the Circle to Circle Celebration on December 7, 2008.**

- Alderman Arnett moved to adopt R-58-08 on first reading. Seconded. CARRIED on voice vote.

**R-59-08 For the purpose of establishing the Economic Affairs Advisory Commission, as required by O-11-07, as passed November 29, 2007.**

- Alderman Arnett moved to adopt R-59-08 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for the reconsideration of O-14-08

**O-14-08 For the purpose of specifying that in making its funding recommendations for Community Grants as part of annual budget process, the Mayor and the Finance Committee shall numerically rank projects according to specified factors; and all other matters concerning Community Grants funding.**

- Alderman Arnett moved to reconsider O-14-08. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to adopt O-14-08 on second reading. Seconded.
- Alderman Arnett moved to amend O-14-08 as follows:

Amendment #1

Option would be added on page 2, line 9, after the semicolon.

Option 2:

“Reviewer shall award up to the maximum number of points indicated for each standard.”Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-14-08 Amended 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

The order of the agenda was resumed.

**BUSINESS AND MISCELLANEOUS**

1. Appointments

- Alderman Cordle moved the approval the Mayor’s appointment of the following individuals:

11/10/08 Annapolis Conservancy Board	Joel E. Dunn
11/10/08 Housing Authority Commission	Richard B. Callahan
11/10/08 Human Relations Commission	Martha G. Scott
11/10/08 Human Relations Commission	Joanne Basinger Mendelman
11/10/08 Human Relations Commission	Ida Mae Sims
11/10/08 Human Relations Commission	Michael Keller

Seconded. CARRIED on voice vote.

2. **Budget Revisions - GT-6-09**

- Alderman Shropshire moved to accept budget revision GT-6-09. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:07 p.m.

Regina C. Watkins-Eldridge, CMC  
City Clerk