

REGULAR MEETING
November 14, 2011

The Regular Meeting of the Annapolis City Council was held on November 14, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:43 p.m.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Fire Department Public Information Officer Spencer, Fire Chief Stokes, Deputy Director Emergency Management Simmons, Police Chief Pristoop, Finance Director Miller, Public Works Director Jarrell, Assistant to the Director Patrick, Grants Coordinator Farrow

Closed Session

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (1) (i) (ii) and (7): this statement is included in these minutes:

A closed session of the City Council was held at 2:25 p.m., Thursday, November 3, 2011 in the City Council Chamber.

Present: Mayor Cohen, Alderwomen Hoyle, and Finlayson, Aldermen Paone, Kirby, Pfeiffer, Arnett, and Alderman Israel arrived at 2:54 p.m.

Staff Present Assistant City Attorney, City Manager Mallinoff, City Clerk Watkins-Eldridge, Fire Chief Stokes, Recreation and Park Director Plumber, Program Supervisor Walaski, PIO/ Public Education Assistant Spencer, Community Relations Specialist McKinney, Benefits Administrator Gardner, Human Resources Director Rensted

On a voice vote which was seconded and carried by the majority of the members present the session was closed. Aldermen Paone and Arnett voted in opposition to the proposed closed session.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (1) (i) (ii) and (7):

The purpose of the meeting was to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals; and to consult with counsel to obtain legal advice on a legal matter.

The session topics were:

*The State Pension System
Contractual Employees*

Upon motion duly made, seconded and adopted, the closed session was adjourned at 3:16 p.m.

Approval of Agenda

- Alderman Kirby move to approve the Regular Meeting Agenda as amended to consider business and miscellaneous item number 1 approval of managed competition process for solid waste after the presentations. Seconded. CARRIED on voice vote.
- Alderwoman Hoyle move to amend the Regular Meeting Agenda to include O-51-11 and O-52-11 on first reading. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderman Kirby to present to Crystal Johnson Brown, 989 Highpoint Drive, Annapolis, Maryland 21409 the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis with the Martha Wood Community Leadership Award.

PRESENTATIONS

Chesapeake Bay Local Government Advisory Council Update

Aldерwoman Finlayson gave a brief update on the current projects, green infrastructure plan, the issues before the sector being address related to stormwater management, the source of funding and community partnerships.

Swearing In of Firefighter Paramedics and Police Officers

Mayor Cohen swore in the following uniformed officers:

Firefighter Jim Goetz comes to Annapolis with 20 years of service with the Anne Arundel County Fire Department and 10 years in the Fort Meade Fire Department. He is a National Registered Paramedic as well as a Maryland Paramedic.

Firefighter Lori Luke has served both the Anne Arundel County Fire Department and the Annapolis Fire Department during her four years of service. She is a Registered Nurse and a National Registered Paramedic.

Firefighter Corey Parrott has six years service with the Marion County Fire and Rescue in Florida and one year with the District of Columbia Fire Department. Corey is a National Registered Paramedic.

Firefighter Julia Watson has served the past year with the Loudoun County Fire Department in Virginia and is a National Registered Emergency Medical Technician (EMT) - Intermediate.

Police Officer Dannette Smikle was recruited from the D.C. Metro Area Transit Authority where she spent four years as a police officer. Prior to that, she was a police officer in St. Croix, United States Virgin Islands, for two years.

Police Officer Gustavo Martinez comes to Annapolis from the Baltimore Police Department where he served for 1 1/2 years. Officer Martinez worked for a private security firm for 12 years prior to working with the BPD.

The Annapolis Fire Department has a total of 122 uniform personnel on staff and the Annapolis Police Department has 112.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Israel moved to approve the Journal of Proceedings for the Regular Meeting October 10, 2011 and the Special Meeting October 24, 2011. Seconded. CARRIED on voice vote.

Comments by the General Public

Kevin Sullivan, 7 Cumberland Court, Annapolis, Maryland 21401 spoke on Historic Preservation Commissions administrative approval process

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on disclosure, the racial aspect of outsourcing of the refuse and yard waste, and in opposition to the hemorrhaging of city funds when it comes to the Market House, and in favor of a livable wage

Cynthia Carter, 1311 Colony Drive, Annapolis, Maryland 21403 spoke on the naming of the Roger (Pip) Moyer Recreation Center, and the correction of the plaque to give credit to the 2004 City Council Members who approved R-11-04

Ann Widener, 76 Maryland Avenue, Annapolis, Maryland 21401 representing the Annapolis Business Association, Maryland Avenue & State Circle Business Association and the Parking Commission spoke in favor of O-35-11

Jerome L. Tucker, Jr., 932 Spa Road, Annapolis, Maryland 21401 representing AFSCME Local 3406 spoke in opposition to the outsourcing of refuse and yard waste, spoke on working with the new Public Works Director

Robert Brown, 1356 Almond Drive, Annapolis, Maryland 21409 spoke in opposition to the outsourcing of the refuse and yard waste, and spoke in favor of the Public Works Employees

William Stansbury, 935 Spa Road, Annapolis, Maryland 21401 representing AFSCME Local 3406 spoke in opposition to the outsourcing of the refuse and yard waste

Howard Johnson, Jr., 779 Annapolis Neck Road, Annapolis, Maryland 21401 representing the refuse department spoke in opposition to privatizing refuse collection

Sean O'Neill, 423 Halsey Road, Annapolis, Maryland 21401 representing the Annapolis Business Association spoke on the holiday decorations and the local sponsor of the holiday decorations and the ability to provide the sponsor with designated parking spaces thru the New Year

James Bovis, 260 Defense Highway, Annapolis, Maryland 21401 spoke in opposition to the privatization of city services, dedicated employees of the city, and good customer service

- Mayor Cohen declared petitions, reports and communication closed.

The order of the agenda was amended to allow for business and miscellaneous item number 1 the approval of managed competition process for solid waste.

BUSINESS and MISCELLANEOUS

1. Approval of Managed Competition Process for Solid Waste

City Manager Mallinoff gave a brief presentation on the process and answered questions from Council.

Public Works Director Jarrell and Assistant to the Director Patrick were present and answered questions from Council.

- Alderman Arnett moved to approve the Managed Competition Process for Solid Waste as outlined in the memo dated November 8, 2011 to the Mayor and City Council from Michael D. Mallinoff, ICMA-CM, and City Manager. Seconded. CARRIED on voice vote.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Arnett, Paone, Silverman, Pfeiffer, Israel
NAYS: Alderwomen Hoyle, Finlayson, Aldermen Kirby
CARRIED: 6/3

The order of the agenda was resumed.

PUBLIC HEARING

- O-39-11 Repealing the Sidewalk Fund – For the purpose of repealing the sidewalk fund as established in Section 14.04.090 of the Code of the City of Annapolis and repealing the City’s responsibility for repair and reconstruction of sidewalks located upon the City right of way or upon private property when the general public has traditionally used those sidewalks.**

Public Works Director Jarrell gave a brief presentation on the ordinance and answered questions from Council.

City Manager Mallinoff was present and answered questions from Council.

Spoke in opposition to the ordinance:

Curtis DeStefano, 10 Cheston Avenue, Annapolis, Maryland 21401 representing Murray Hill Residents Association

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

- Mayor Cohen declared the public hearing continued until November 28, 2011.

- CA-08-10 Structure and Procedures of City Government – For the purpose of increasing the number of wards in the City of Annapolis from eight to nine for the purpose of conducting the 2013 primary and general election and all primary and general elections thereafter, and for removing the Mayor as a member of the City Council, and providing for a presiding officer of the City Council to be selected by a majority vote of the City Council from the aldermen and alderwomen representing each of the nine wards, to serve for no more than a term of one year consecutively, and providing for the Mayor to have veto power over proposed ordinances and resolutions and line item veto power with respect to the City’s annual operating budget, and providing for the City Council to have the power to override a veto of the Mayor by a two thirds vote of those present and constituting a quorum and voting.**

- Alderman Israel gave a brief presentation on the charter amendment.

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

- Alderman Arnett requested his name be added as a sponsor to the charter amendment.
- Mayor Cohen declared the public hearing continued until November 28, 2011.

- CA-3-11 The Oath of Office – For the purpose of establishing that each alderman, each other officer and each member of a commission, board or committee shall also uphold the Charter and Code of the City of Annapolis in addition to the Constitution of the United States and the Constitution of the State of Maryland.**

- Alderman Arnett gave a brief presentation on the charter amendment.

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

- Mayor Cohen declared the public hearing continued until November 28, 2011.

LEGISLATIVE ACTION

CHARTER AMENDMENT & ORDINANCES – 2nd READER

CA-01-10 Deputy Department Directors – For the purpose of requiring department directors, subject to mayoral approval, to designate a full-time employee as deputy director.

- Alderman Israel moved to postpone CA-01-11 on second reading until the Regular City Council Meeting on April 9, 2012. Seconded. CARRIED on voice vote.

O-46-11 Market House and Open-Air Market Policy and Vendor Leases – For the purpose of revising and establishing policies with respect to the Market House and open-air markets and authorizing the Mayor to enter into leases with vendors at the Market House on behalf of the City for terms not to exceed five (5) years.

- Alderman Paone moved to postpone O-46-11 on second reading until the Special Meeting on November 17, 2011 at 2:00 p.m. Seconded. CARRIED on voice vote.

O-35-11 Parking on St. John’s Street Between College Avenue and Calvert Street – For the purpose of extending the length of time for parking on St. John’s Street between College Avenue and Calvert Street from two hours to nine hours.

- Alderman Israel moved to adopt O-35-11 on second reading. Seconded.

The Public Safety and the Transportation Committees and the Parking Advisory Commission reported favorably on O-35-11.

The main motion CARRIED on voice vote.

- Alderman Pfeiffer moved to adopt O-35-11 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

ORDINANCE and RESOLUTIONS – 1st READER

O-22-11 Education Commission – Composition – For the purpose of revising the composition of the City of Annapolis Education Commission to increase representation by adding four at-large members, in addition to the existing City Council representative(s) and residents from each of the eight Wards of the City.

Referred to the Rules and City Government Committee

R-61-11 Kids at Hope Week: November 20-26, 2011 – For the purpose of declaring the City's support for designating the week of November 20 – 26, 2011 Kids at Hope Week and committing to the principles expressed in this Resolution.

Tony Spencer, Fire Department Public Information Officer gave a brief presentation on Kids at Hope Program.

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-61-10 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-59-11 Annapolis Commission on Maryland's Constitution of 1864 and the Abolishment of Slavery - For the purpose of establishing the Annapolis Commission on Maryland's Constitution of 1864 and the Abolishment of Slavery to commemorate the understanding of the legacy of slavery and the Constitution of 1864 for its role in abolishing slavery in the State of Maryland through educational programs, celebrations, lectures, and entertainment.

Referred to the Housing and Human Welfare Committee

The order of the agenda was amended to allow for O-51-11 and O-52-11 on first reading.

O-51-11 Use and Redevelopment of Property in C2 Zoning Districts – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.

Referred to the Rules and City Government and the Economic Matters Committees

O-52-11 Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A – For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A to C2, "Conservation Business" Zoning District.

Referred to the Rules and City Government and the Economic Matters Committees

The order of the agenda was resumed.

BUSINESS and MISCELLANEOUS

2. Budget Revision Request – Transfer

City Manager Mallinoff gave a brief presentation on GT-5-12.

Finance Director Miller was present and answered questions from Council.

The Finance Committee reported favorable on GT-5-12.

- Alderman Israel moved to approve budget revision request control number. Seconded. CARRIED on voice vote.

3. Appointment

The Transportation Committee reported favorable on the Mayor's appointment

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

11/14/11 Transportation Board..... Raymond Torreon
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:24 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk