

REGULAR MEETING
November 14, 1994

The Regular Meeting of the Annapolis City Council was held on November 14, 1994 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m.

Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, DeGraff, Turner, Moyer

Staff Present: City Attorney Goetzke

Mayor Hopkins presented a Certificate of Distinguished Citizenship to Joseph LaFrance for his dedication to the youth of our community as a martial arts instructor.

Alderman Gilmer moved to approve the Minutes of October 3, 1994, October 10, 1994, October 12, 1994, October 24, 1994, October 24, 1994 (Closed). Seconded. CARRIED on voice vote.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508, this statement is included in these minutes:

A closed session of the City Council was held at 6:30 p.m., Monday, November 14, 1994 in the City Council Chambers.

Members Present: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner, Moyer, City Administrator Mallinoff, City Clerk Bembe, Richard Colaresi, Esquire, David Funk, Esquire.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508 (7)(8). The purpose of the meeting was to discuss the City/County Tobacco Tax issue. The session was closed by unanimous consent. The following action was taken:

Alderman Snowden moved to retain Richard Colaresi and David Funk to file suit regarding the City/County tobacco tax issue with a cap of \$100,000 on funds expended. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Johnson, Gilmer, Tullier, Snowden, Turner, Moyer

CARRIED: 7-0

SPECIAL ORDER OF BUSINESS

1. Jay Schwartz, representing the Severn River Commission, P.O. Box 6675 Heritage Complex, Annapolis, MD and David Blaha, Environment Resource Management, Inc., 2666 Riva, Md presented a management study for the Severn River.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Louise Beauregard
2 Maryland Avenue
Annapolis, MD

Spoke regarding Congressional pay raises.

2. Gilbert Renaut
115 Water Street
Annapolis, MD

Spoke regarding R-94-94

3. Dan Masterson

Community Association of Annapolis
No address given

Spoke regarding CA-1-94

4. Dawn Cane
Common Cause of Maryland
No address given

Spoke in support of CA-3-94

5. Ron Copignari
President City Chapter
Home Builders Association of Maryland

Spoke in support of O-80-94

6. Tedd Biddle
134 Market Street
Annapolis, MD

Spoke in support of O-65-94

7. Arthur Greenbaum
43 Water Street
Annapolis, MD

Spoke regarding O-94-94

ACTION ON APPLICATIONS AND APPEALS

1. **R-65-94** For the purpose of approving the application of Harry Browne's, Inc. and Leon E. Romo for a conditional use to expand an existing restaurant and bar located at 66 State Circle in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-65-94. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Snowden,
Turner, DeGraff, Moyer
CARRIED: 8-0

2. **R-66-94** For the purpose of approving the application of McDonald's Corporation for a conditional use to establish an alteration or modification of the conditional use for the existing McDonald's Restaurant located at 1941 West Street in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Gilmer moved to adopt R-66-94. Seconded.

Alderman Gilmer moved to amend R-66-94 as follows:

On Page 3, strike lines 44 through 49 in their entirety and substitute the following:

"14. The applicant shall agree in writing to contribute a pro-rata share toward the cost of installation of a traffic signal at the intersection of Lee Street with West Street and/or Parole Street and West Street, if the City and State decide one to be necessary."

Seconded.

Alderman Turner moved to amend Alderman Gilmer's amendment to R-66-94 as follows:

No. 1

delete "and/or Parole Street and West Street". Seconded. DEFEATED on voice vote.

Alderman Moyer moved to substitute the following amendment:

No. 1

On Page 3, strike lines 44 through 49 in their entirety and substitute the following:

"14. The applicant shall agree in writing to contribute an amount not to exceed \$9,000 toward the cost of installation of a traffic signal at the intersection of Lee Street with West Street, if the City and State decide one to be necessary."

Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

Alderman Gilmer moved to amend R-66-94 as follows:

No. 2

On Page 3, line 50 add the following:

"15. If the City determines that a cross-easement is desirable to allow access to McDonald's via Parole Street, the applicant agrees to provide an easement for access from its property to the adjoining property of Wendy's Restaurant."

Seconded. CARRIED on voice vote.

LEGISLATIVE ACTION

1. **CA-1-94** Sponsored by Mayor Hopkins and Alderman Snowden

For the purpose of amending the Charter of the City of Annapolis to alter the manner of filling vacancies on the City Council; and all matters relating to said vacancies.

The Rules Committee reported unfavorably on CA-1-94.

There being no voiced objection CA-1-94 was withdrawn.

2. **CA-3-94** Sponsored by Aldermen Hammond, Johnson, Turner

For the purpose of amending the Charter of the City of Annapolis to revise certain time requirements for the notification and filling of a vacancy on the City Council; and all matters relating to said vacancy.

The Rules Committee reported favorably on CA-3-94.

Alderman Snowden moved to adopt CA-3-94 on second reading. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

Alderman Johnson moved to adopt CA-3-94 on third reading. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

3. **CA-6-94** Sponsored by Alderman Turner

For the purpose of amending the Charter of the City of Annapolis to clarify the qualifications for office for the mayor and aldermen.

The Rules Committee reported favorably on CA-6-94.

Alderman Turner moved to adopt CA-6-94 on second reading. Seconded.

Alderman Turner moved to amend CA-6-94 as follows:

No. 1

On Page 2, line 12 strike the brackets before "and" and after "years"; on that same page, line 19, strike the brackets before "and" and after "city".

No. 2

On Page 2, line 21, immediately following "months" add "AND MUST HAVE RESIDED IN THAT WARD FOR AT LEAST SIX (6) MONTHS".

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt CA-6-94 as amended on second reading. Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt CA-6-94 as amended on third reading. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

4. **CA-7-94** Sponsored by Alderman Turner

For the purpose of amending the Charter of the City of Annapolis to require the City Central Committees to nominate candidates for the Board of Supervisors of Elections; establishing that the Mayor shall make said nominations if that requirement is not met; and all matters relating to said nominations.

Alderman Turner moved to adopt CA-7-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

5. **O-30-94** Sponsored by Mayor Hopkins

For the purpose of clarifying the circumstances under which a use permit may be issued; and all matters relating to said use permits.

There being no voiced objection, O-30-94 was postponed.

6. **O-65-94** Sponsored by Aldermen Johnson, Snowden, Moyer

For the purpose of allowing the retail sale of seafood at City docks; and all matters relating to said retail sale of seafood.

The Economic Matters Committee made no recommendation on O-65-94.

Alderman Snowden moved to adopt O-65-94 on second reader. Seconded.

A ROLL CALL vote was taken:

Yeas: Aldermen Snowden, Moyer

Nays: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Turner, DeGraff

DEFEATED: 7-2

7. **O-75-94 Revised** Sponsored by Mayor Hopkins

For the purpose of repealing the fines imposed for certain parking violations on certain streets in order to create consistency with other recently revised fines in Ward One; and all matters relating to said fines.

The Rules Committee reported favorably on O-75-94 as revised.

Alderman Johnson moved to adopt O-75-94 Revised on second reader. Seconded. CARRIED on voice vote.

Alderman Johnson moved to adopt O-75-94 Revised on third reader. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

8. **O-80-94** Sponsored by Mayor Hopkins

For the purpose of establishing a fee schedule for conducting plan reviews to ensure compliance with City of Annapolis Fire Prevention Code and Fire Code inspections; and all matters relating to said fee schedule.

The Rules Committee reported favorably on O-80-94.

Alderman Johnson moved to adopt O-80-94 on second reader. Seconded. CARRIED on voice vote.

Alderman Tullier moved to adopt O-80-94 on third reader. Seconded. A ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden
Nays: Aldermen Turner, DeGraff, Moyer
CARRIED: 6-3

9. **O-84-94** Sponsored by Mayor Hopkins

For the purpose of authorizing the City of Annapolis to lease certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for a certain period of time, at a certain rental, and under certain terms and conditions, for the purpose of docking and mooring certain boats at the City Dock; and all matters relating to said lease.

The Finance Committee gave a favorable report with the following amendment:

No. 1

Substitute the attached Agreement for the one previously submitted with O-84-94.
CARRIED on voice vote.

Alderman DeGraff moved to adopt O-84-94 as amended on second reader. Seconded.
CARRIED on voice vote.

Alderman Johnson moved to adopt O-84-94 as amended on third reader. Seconded. A
ROLL CALL vote was taken:

Yeas: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Tullier, Snowden,
Turner, DeGraff, Moyer
CARRIED: 9-0

10. **O-88-94** Sponsored by Mayor Hopkins

For the purpose of authorizing certain civil service employees to receive certain personal leave days during 1995; and all matters relating to said personal leave days.

Alderman Snowden moved to adopt O-88-94 on first reading. Seconded. CARRIED on
voice vote.

Referred to the Rules Committee.

11. **O-89-94** Sponsored by Mayor Hopkins

For the purpose of changing the time of the regular monthly meetings of the City Council; and all matters relating to said time change.

Alderman Snowden moved to adopt O-89-94 on first reading. Seconded. CARRIED on
voice vote.

Referred to the Rules Committee.

12. **O-91-94** Sponsored by Alderman Turner

For the purpose of regulating the setback of electric substations from residential land uses; and all matters relating to said setbacks.

Alderman Snowden moved to adopt O-91-94 on first reading. Seconded. CARRIED on
voice vote.

Referred to the Environmental Committee and Planning Commission.

13. **O-92-94** Sponsored by Alderman Moyer

For the purpose of amending the provisions governing the continuance and expansion of legally nonconforming uses; regulating the bulk of accessory structures; and amending the boundaries for the Residential Conservation Overlay District; and all matters relating to said District.

Alderman Snowden moved to adopt O-92-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission.

14. **O-93-94** Sponsored by Mayor Hopkins

For the purpose of deleting the planned unit development requirement for certain buildings having a floor area ratio greater than two; and all matters relating to said requirement.

Alderman Snowden moved to adopt O-93-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission and the Rules Committee.

15. **O-94-94** Sponsored by Mayor Hopkins

For the purpose of increasing the membership, revising the requirements for membership of the Historic District Commission and specifying that Commission rules of procedure shall be consistent with state and local laws; and all matters relating to said Commission.

There being no voiced objection O-94-94 was postponed.

16. **O-95-94** Sponsored by Mayor Hopkins

For the purpose of changing the use of the proceeds of the Public Improvement Bonds of 1993 dated November 1, 1993 issued by the Mayor and City Council of the City of Annapolis; authorizing the transfer of \$53,060 from funds for Newtowne/Forest Drive Signal, Capital Project #418, \$12,650 from funds for Calvert Street Signal, Capital Project #419, \$72,200 from funds for 20" Water Main, Capital Project #950, and \$307,600 from funds for Bates High Senior Housing, Capital Project #603; \$65,710 to funds for Main Street Reconstruction, Capital Project #420, \$72,200 to funds for Bay Ridge/Chesapeake Storm Drain Improvements, Capital Project #109, and \$307,600 to funds for Wardour Storm Drains, Capital Project #110; and all matters relating to said use.

Alderman DeGraff moved to adopt O-95-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

17. **O-96-94** Sponsored by Mayor Hopkins

For the purpose of revising the fine for parking meter violations if paid within a certain time; and all matters relating to said fines.

Alderman Snowden moved to adopt O-96-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

18. **O-97-94** Sponsored by Mayor Hopkins

For the purpose of correcting certain codification enumeration inaccuracies in the City Code provision regarding restaurants in the conservation districts; and all matters relating to said corrections.

Alderman Snowden moved to adopt O-97-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning Commission.

19. **O-98-94** Sponsored by Mayor Hopkins

For the purpose of revising the cost of special all-day parking permits issued to owners of vehicles used to transport merchandise or materials and contractors; and all matters relating to said special parking permit.

Alderman Snowden moved to adopt O-98-94 on first reading. Seconded. CARRIED on voice vote.

Referred to the Finance Committee.

BUSINESS AND MISCELLANEOUS

1. **R-15-93** For the purpose of abolishing the requirement that certain businesses in Annapolis purchase transit passes from the City of Annapolis; and all matters related to said transit passes.

There being no voiced objection, R-15-94 was withdrawn.

2. **R-48-94 Revised** Sponsored by Alderman Turner

For the purpose of establishing a volunteer position entitled "Fireworks Marshal"; and all matters relating to said volunteer position.

Alderman Turner moved to adopt R-48-94 Revised. Seconded. CARRIED on voice vote.

Alderman moved to amend R-48-94 Revised as follows:

On page 1, line 35, strike "Fireworks Marshall may" and substitute "Mayor shall".

3. **R-55-94 Revised** 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.

Alderman DeGraff moved to adopt R-55-94 Revised. Seconded. CARRIED on voice vote.

4. **R-64-94** Sponsored by Aldermen Tullier and Moyer

For the purpose of designating the space at the foot of Francis Street

at Main Street as "Royal Governor Francis Nicholson Town Park"; and all matters relating to said designation.

Alderman Snowden moved to adopt R-64-94. Seconded. CARRIED on voice vote.

5. **R-67-94** Sponsored Mayor Hopkins

For the purpose of amending the hours of meter operation; and all matters relating to said parking meter operation.

Alderman Snowden moved to adopt R-67-94. Seconded. CARRIED on voice vote.

6. Alderman Snowden moved to approve the Record Plat - Condominium Apartment Subdivision Conte Gardens: 934-938 Bay Ridge Avenue. Seconded. CARRIED on voice vote.

7. Alderman DeGraff moved to purchase 7.7 Acres of Flood Plain Property from the Baldwin Family. Seconded. CARRIED on voice vote.

8. Alderman Snowden moved to adopt the Rules Committee Minutes of 9/21/94. Seconded. CARRIED on voice vote.

9. Alderman Snowden moved to adopt the Risk Management Committee Minutes of 10/19/94. Seconded. CARRIED on voice vote.

10. Alderman Snowden moved to adopt the Economic Matters Committee Minutes of 10/20/94. Seconded. CARRIED on voice vote.

11. Alderman DeGraff moved to adopt the Finance Committee Minutes of 10/27/94. Seconded. CARRIED on voice vote.

12. Alderman Snowden moved to pay of the monthly bills. Seconded. CARRIED on voice vote.

13. Alderman Snowden moved to confirm the Mayor's Appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 10/25/94, 10/26/94, 11/7/94, and 11/8/94:

Transportation Advisory Board:

Board of Appeals:

Environmental Commission:

Housing Authority:

James Eastland, Jr.

Kimberly F. Noel

Vincent J. Pito

Mary G. Haselton

Dorothy E. Howard

Seconded. CARRIED on voice vote.

14. Alderman Turner moved to adopt the Housing and Community Development Committee minutes of 10/26/94.

Upon motion duly made, seconded and adopted, the meeting adjourned at 10:45 p.m.

**DEBORAH HEINBUCH, CMC
DEPUTY CITY CLERK**