

REGULAR MEETING

November 19, 2007

The Regular Meeting of the Annapolis City Council was held on November 19, 2007 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, Cordle, Stankivic, Shropshire, Arnett

Staff Present: City Attorney Spencer, Department of Neighborhood and Environmental Programs Director Mallinoff

- Alderman Arnett moved to approve the Journal of Proceedings for October 8, 2007 Regular Meeting and October 22, 2007 Special Meeting. Seconded. CARRIED on voice vote.
- Alderman Stankivic moved to amend the minutes of October 8, 2007 to show GT-5-08 being moved by Alderman Shropshire. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for a Business and Miscellaneous item.

1. Appointments

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

11/19/07 Education Advisory Committee Diane Bragdon
11/19/07 Education Advisory Committee Sally Erber
11/19/07 Education Advisory Committee Deborah Makell Gideon
11/19/07 Education Advisory Committee Sue Myers
11/19/07 Education Advisory Committee Rani Jenkins
11/19/07 Education Advisory Committee Steven Johnson
11/19/07 Education Advisory Committee Kelly Kaulfuss
11/19/07 Education Advisory Committee Enid Collison-Lee
11/19/07 Education Advisory Committee Jeffrey R. Macris
11/19/07 Education Advisory Committee Christopher Truffer
11/19/07 Education Advisory Committee Jennifer Shearer
11/19/07 Education Advisory Committee Wayne Taylor

Seconded. CARRIED on voice vote.

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

11/19/07 Human Relations Commission Timothy Boston
11/19/07 Environmental Commission Daniel B. Haas
11/19/07 Parking Advisory Commission Jennifer West-Miser
11/19/07 Parking Advisory Commission Emmy Harbo
11/19/07 Historic Preservation Commission Patricia L. Zeno
11/19/07 Historic Preservation Commission Ginger M. Doyle

Seconded. CARRIED on voice vote

The order of the agenda was resumed.

PETITIONS, REPORTS AND COMMUNICATIONS

Arthur Kungle, P.O. Box 365, Annapolis, Maryland 21404 spoke on the History of Annapolis

Kelly Davis, 449 Delso Court, Annapolis, Maryland 21409 representing Aloha Aina Environmental spoke in favor of 0-27-07

William Small, 702 Severn Avenue, Annapolis, Maryland 21403 spoke in favor of 0-27-07

Tracy Bowen, 1825 Connecticut Avenue, NW., Washington, DC 2009 representing the Alice Ferguson Foundation spoke on 0-27-07

David Posten, 3120 Munz Drive, Annapolis, Maryland 21403 representing the Anne Arundel Sierra Club spoke in favor of 0-27-07

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on the We Care and Friends Holiday Event, Quakers, affirmation and in favor of 0-27-07

Bruce Bereano, 191 Duke of Gloucester Street, Annapolis, Maryland 21401 representing Safeway Inc., spoke in opposition to 0-27-07

Gilbert Renault, 115 Monticello Avenue, Annapolis, Maryland 21401 in opposition to 0-23-07 and in favor of R-56-07

Josh Malter, 1222 Young Farm Road, Annapolis, Maryland 21403 representing OBrien's and Middleton Restaurants spoke on measures taken to ensure that alcohol is sold responsibly

Dwayne Apkins, 2 Market Space, Annapolis, Maryland 21403 representing and Middleton Restaurants spoke on measures taken to ensure that alcohol is sold responsibly

Jebb Zellmer, 171 Conduit Street, Annapolis, Maryland 21401 representing Maryland Retailers Association spoke in opposition to 0-27-07

Brian Cahalan, 49 West Street, Annapolis, Maryland 21401 spoke in favor of 0-27-07

Carolyn Hill, 83 Gentry Court, Annapolis, Maryland 21403 spoke in favor of 0-27-07

Donna Dempsey, 14213 Greenbriar Drive, Laurel, Maryland 20708 representing Progressive Bag Alliance spoke in favor of 0-55-07

Keith Christman, 1300 Wilson Blvd., Arlington, VA 22209 representing American Chemistry Council Plastic Division spoke in opposition 0-27-07

- Alderwoman Finlayson moved to amend the agenda by adding 0-55-07, and to change to order of the agenda to make R-63-07 first item. Seconded. CARRIED on voice vote.

The order of the agenda was amended to allow for R-63-07

R-63-07 For the purpose of approving the reclassification of Pre-Treatment Inspector to Environmental Program Coordinator in the Department of Neighborhood and Environmental Programs, the creation of the new position of Public Works Analyst in the Department of Public Works, and the reclassification of Water Plant Technician I, II, and III in the Department of Public Works to replace Water Plant Journeyman 7413.

- Alderman Arnett moved to adopt R-63-07 on first reading. Seconded. CARRIED on voice vote.

Department of Neighborhood and Environmental Programs Director Mallinoff was present and answered questions from Council.

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-63-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Shropshire, Arnett

NAYS: Alderman Stankivic

CARRIED: 7/1

The order of the agenda was resumed.

LEGISLATIVE ACTION
CHARTER AMENDMENT

CA-01-07 For the purpose of amending the Charter of the City of Annapolis to create a new Department of Economic Development; specify basic duties and responsibilities; and all matters generally related to the operation portion of the City Charter.

- Alderman Arnett moved to adopt CA-01-07 on second reading. Seconded.

The Rules and City Government and Economic Matters Committees reported favorable with amendments on CA-01-07.

- Alderman Israel moved to amend CA-01-07 as follows:

Amendment #1

On page 1, strike lines 5 through 35 and on page 2, strike lines 1 through 3 and substitute the following:

Sec. 5. Department of Economic Affairs.

(a) The Department of Economic Affairs shall be administered by the Director of Economic Affairs.

(b) The Department of Economic Affairs shall have the powers and duties as set forth in the City Code. Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

- Alderman Stankivic moved to adopt CA-01-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

O-11-07 For the purpose of establishing the Department of Economic Development and specifying its duties and responsibilities; establishing an Economic Development Advisory Commission; establishing an Economic Development Fund; and matters generally relating to Economic Development.

- Alderman Arnett moved to adopt O-11-07 on second reading. Seconded.

The Economic Matters Committee reported favorable on O-11-07 Revised C .

- Alderman Arnett moved to adopt O-11-07 Revised C on second reading. Seconded.

The main motion revised CARRIED on voice vote.

- Alderman Stankivic moved to consider O-11-07 Revised C a substitutive change. Seconded. DEFEATED on voice vote.
- Alderman Arnett moved to postpone the vote on O-11-07 Revised C until November 26, 2007 Special Meeting for legislative action. Seconded. CARRIED on voice vote.

O-56-06 For the purpose of adding Compromise Street to Special Residential Parking District No. 2; and matters generally relating to Special Residential Parking District No. 2.

- Alderman Arnett moved to adopt O-56-07 on second reading. Seconded.

The Public Safety Committee reported favorably on O-56-07.

The main motion CARRIED on voice vote.

- Alderman Israel moved to adopt O-56-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

O-14-07 For the purpose of saving lives, reducing injuries and reducing property damage that could result from fires in the Historic District by adopting the National Fire Protection Association Code for Fire Protection of Historic Structures.

- Alderman Stankivic moved to postpone until the January 14, 2008 Regular Meeting. Seconded. CARRIED on voice vote.

O-22-07 For the purpose of requiring public notice of applications for sign permits; providing an opportunity whereby a notified public can provide comments to the City concerning the review of applications for sign permits; minimizing the likelihood of adverse financial impact to applicants whose permits are later challenged after City approval; and all matters related to public notification on sign applications.

- Alderman Arnett moved to adopt O-22-07 on second reading. Seconded.

The Rules and City Government Committee reported favorable with amendments on O-22-07.

- Alderman Israel moved to amend O-22-07 as follows:

Amendment #1

Strike the lines beginning on page 1, line 29, through page 2, line 2, and substitute the following:

“Section 21.70.030 Sign permit.

A. Application for a sign permit shall be made to the Department of Neighborhood and Environmental Programs pursuant to Chapter 17.60. The Department of Planning and Zoning will review the sign permit application for consistency with the Zoning Code.

B. Posting of Property. Except as provided below, notice must be posted on the property that is the subject of an application for a new sign in accordance with the requirements in Section 21.10.020(A).

C. Notice of applications for sign permits shall be in accordance with the following requirements:

1. All sign applications located in the Historic District, the Office and Commercial Design District or the Eastport Gateway Conservation Overlay Districts shall be posted for public notice.

2. In all other districts, where the sign area applied for is less than 25 percent of the maximum sign area allowed for the type of sign under this chapter, posting of the sign application for public notice is not required.

3. Posting of a sign for public notice shall not be required where a sign program has been approved in conjunction with the approval of a Site Design Plan under 21.70.080.

~~B. Chapter 17.60 contains additional regulations for signs that should be consulted together with the regulations in this chapter.~~ Seconded. CARRIED on voice vote.

- Alderman Stankivic moved to reconsider amendment #1. Seconded. DEFEATED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-22-07 amended on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Shropshire, Arnett

NAYS: Alderman Stankivic

CARRIED: 7/1

O-23-07 For the purpose of permitting the holder of any alcoholic beverage license to serve alcoholic beverages until 2 a.m.; and all matters related to permitted hours for serving alcoholic beverages.

- Alderwoman Hoyle moved to postpone until after the completion of the comprehensive plan. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Arnett

NAYS: Aldermen Israel, Cordle, Stankivic, Shropshire

DEFEATED: 4/4

- Alderman Arnett moved to adopt O-23-07 on second reading. Seconded.

The Economic Matters, Public Safety and Rules and City Government Committees reported unfavorably on O-23-07.

The main motion DEFEATED on voice vote.

R-30-07 For the purpose of adding two a.m. alcoholic beverage licensing fees for those license categories that do not currently permit such licenses; and all matters relating to said fees.

Failure of 0-23-07 renders R-30-07 moot.

O-26-07 For the purpose of eliminating a grandfather provision so as to limit alcohol sales by restaurants in the C2 and C2A zoning; prohibiting the Alcoholic Beverage Control Board from renewing any licenses if restaurant alcohol sales in zoning districts C2 and C2A exceed the limitation; and all matters related to exceeding a fifty percent limitation on alcohol sales.

- Alderman Stankivic moved to adopt O-26-07 on second reading. Seconded.
- Alderman Arnett moved to postpone 0-26-07 until after the completion of the comprehensive plan. Seconded. CARRIED on voice vote.

O-27-07 For the purpose of prohibiting the distribution of plastic checkout bags; defining certain terms; assigning the responsibility for implementing and enforcing this ordinance to the Director of Neighborhood and Environmental Programs; establishing penalties for violations; and matters generally relating to said prohibitions on plastic checkout bags.

- Alderman Shropshire moved to adopt O-27-07 on second reading. Seconded.
- Alderman Arnett moved to substitute 0-27-07 revised. Seconded.

The main motion revised CARRIED on voice vote.

- Alderman Stankivic moved to consider 0-27-07 revised a substitutive change and to schedule a public hearing in December. Seconded. CARRIED on voice vote.

R-34-07 For the purpose of establishing penalties for the distribution of plastic checkout bags as prohibited by O-27-07.

The adoption of 0-27-07 Revised renders R-34-07 moot.

O-38-07 For the purpose of permitting the making of candy as a permitted use subject to standards in the C2, Conservation Business, zoning district; and matters generally relating to candy making in C2.

- Alderman Arnett moved to adopt O-38-07 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-38-07.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-38-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

O-40-07 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Maryland Maritime Heritage Festival, Inc., a body corporate, from April 30 to May 5, 2008, subject to certain terms, provisions, and conditions, for the purpose of conducting a maritime festival; and all matters relating to said lease.

- Alderman Arnett moved to adopt O-40-07 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-40-07.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-40-07 on third reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Arnett

NAYS: Alderman Stankivic

ABSENT: Alderman Shropshire

CARRIED: 6/1/1

O-51-07 For the purpose of requiring a building permit for construction projects that are non-structural like-kind replacement and/or repair of windows, doors and siding; and matters generally relating to said building permits.

- Alderwoman Hoyle moved to adopt O-51-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters and Finance

R-60-07 For the purpose of establishing the amount of a fee to be charged for quick building permits to be issued for construction projects that are non structural like-kind replacement and/or repair of windows, doors and siding; and all matters relating to said fee.

- Alderwoman Hoyle moved to adopt R-60-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Finance Committee

O-52-07 For the purpose of establishing an Historical Markers Commission to identify buildings and sites within the boundaries of the city which have architectural or historical significance, to approve designs for historical markers, to approve the accuracy of the description on the marker, to consider the feasibility of adding an audio component to an approved historical marker, and to submit an annual report to the City Council; and matters generally relating to said Historical Marker Commission.

- Alderman Israel moved to adopt O-52-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Rules and City Government Committee

O-53-07 For the purpose of establishing policies for when the City may close public sidewalks and streets; and all matters relating to the closing of streets and sidewalks.

- Alderman Arnett moved to adopt O-53-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Environmental Matters Committee

O-54-07 For the purpose of making electrical systems upgrades eligible for funding under the Sprinkler Assistance Revolving Fund; and all matters relating to the Sprinkler Assistance Revolving Fund.

- Alderman Arnett moved to adopt O-54-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

The order of the agenda was amended to allow for O-55-07

O-55-07 For the purpose of establishing that the goal of the City is to encourage residents and business owners to use reusable and recyclable materials and to purchase goods from companies that practice energy use reduction and sequestration of carbon dioxide; to establish an Environmental Review Committee to review existing practices of the City to assure that its policies and procedures foster the use of materials that are compostable, recyclable, and reusable, to assist the various City offices to ensure that contracting procedures do not discriminate against reusable, recycled, or environmentally preferable products with sufficient justification, to evaluate environmentally preferable products to determine the extent to which they may be used by the City and its contractors, to review and revise contracting procedures to maximize the specification of designated environmentally preferable products where practicable, to facilitate data collection on purchases of designated environmentally preferable products, and to monitor compliance with a number of environmentally friendly standards and practices; and all matters related to the use by the City of environmentally friendly standards and practices.

- Alderman Arnett moved to withdraw O-55-07 on first reading. Seconded. CARRIED on voice vote.

The order of the agenda was resumed.

RESOLUTIONS

R-22-07 For the purpose of coordinating the adoption of an adequate facilities ordinance (APFO) with the adoption of the City's Comprehensive Plan.

- Alderman Arnett moved to adopt R-22-07 on second reading. Seconded.
- Alderman Stankivic moved to withdraw R-22-07. Seconded. CARRIED on voice vote.

R-24-07 For the purpose of approving the extension of City water service to the Annapolis Neck Fire Station which is located in Anne Arundel County, outside the boundaries of the City of Annapolis; and matters generally relating to said water extension.

- Mayor Moyer moved to refer R-24-07 to Finance Committee. Seconded. CARRIED on voice vote.

R-36-07 For the purpose of limiting to certain activities the use of overtime by the staff of the Utilities Division of the Department of Public Works.

- Alderman Stankivic moved to adopt R-36-07 on second reading. DEFEATED for lack of a Second.

R-42-07 For the purpose of increasing the various fees for private moorings, fees for the Stormwater Utility Fund, and connection charges for water and sewer connections; making the amount to be charged as the amount currently approved by Medicare; and matters generally relating to said fees.

- Alderman Stankivic moved to adopt R-42-07 on second reading. Seconded.
- Mayor Moyer moved to refer to Finance Committee. Seconded. CARRIED on voice vote.

R-53-07 For the purposes of increasing the fines to be charged for fire prevention code violations, to update section references based on the adoption of O-13-07, and to establish a fine for negligent or accidental activation of fire alarm system.

- Alderman Arnett moved to adopt R-53-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

R-54-07 For the purpose of waiving the fees charged by the City to First Night Annapolis, Inc., for an event held December 31, 2006 to January 1, 2007.

- Alderman Shropshire moved to adopt R-54-07 on second reading. DEFEATED for lack of a Second.

R-55-07 For the purpose of approving Annapolis Alive! New Year's Eve 2008 event to be coordinated by the City and supported by a variety of organizations.

- Alderwoman Hoyle moved to adopt R-55-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire

NAYS: Alderman Arnett

CARRIED: 7/1

R-56-07 For the purpose of acknowledging the dedicated public service of John Patmore to the City of Annapolis as Director of Public Works.

- Alderman Shropshire moved to adopt R-56-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwoman Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

ABSTAIN: Alderwoman Hoyle

CARRIED: 7/0/1

R-57-07 For the purpose of correcting Zoning Code references in the Fines Schedule that were not made when the Zoning Code was revised in 2004.

- Alderman Arnett moved to adopt R-57-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

R-58-07 For the purpose of designating Richmond, North Yorkshire, United Kingdom as a sister city for the City of Annapolis; and all matters relating to said sister city designation.

- Alderman Shropshire moved to adopt R-58-07 on second reading. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Cordle, Stankivic, Shropshire, Arnett

NAYS:

CARRIED: 8/0

R-61-07 For the purpose of commemorating President Lincoln's presence and walk through Annapolis with the erection of a historical marker and to direct the Mayor to appoint a nine member Lincoln Bicentennial Commission.

- Alderman Shropshire moved to adopt R-61-07 on first reading. Seconded. CARRIED on voice vote.

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 adopt R-62-07 on first reading. Seconded. CARRIED on voice vote.

Referred to Housing and Community Development Committee

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:12 p.m.

Regina C. Watkins-Eldridge, CMC

City Clerk