

SPECIAL MEETING

November 24, 2008

The Special Meeting of the Annapolis City Council was held on November 24, 2008 in the Council Chamber. Mayor Moyer called the meeting to order at 7:00 p.m.

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

Staff Present: Acting City Attorney Kling, Assistant to the Director Patrick, Planning and Zoning Director Arason

PUBLIC HEARING

The order of the agenda was amended to allow for O-37-08, O-38-08, and O-40-08.

O-37-08 For the purpose of specifying how vacated positions on the Art in Public Places Commission are filled; permitting the mayor and council to make temporary at-large appointments to the Art in Public Places Commission; classifying otherwise wardspecific" positions as "at-large" for the duration of the appointment term; and all other matters concerning the Art in Public Places Commission.

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

Mayor Moyer accepted into the record a letter to the Annapolis City Council from the McShane Glover, Chair, Art in Public Places Commission dated November 24, 2008

Mayor Moyer declared the public hearing closed.

O-38-08 For the purpose of updating the City of Annapolis' recycling code so as to reflect changes in recycling practices; establishing and permitting commercial recycling in the City of Annapolis; and all other matters concerning residential and commercial recycling.

Assistant to the Director Patrick gave a brief presentation on the ordinance.

Spoke in favor of the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

Mayor Moyer declared the public hearing closed.

O-40-08 For the purpose of changing the effective date for the "display provision" for the sale of lawn fertilizer by retailers in the City of Annapolis; and all matters related to the sale and application of lawn fertilizer.

Spoke on the ordinance:

Jared Littmann, 912 Forest Drive, Annapolis, Maryland 21401 representing True Value

Spoke in opposition to the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

Mayor Moyer declared the public hearing closed.

The order of the agenda was resumed.

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").

Executive Director, Eric C. Brown, 1217 Madison Street, Annapolis, Maryland 21401 representing the Housing Authority of the City of Annapolis gave a brief presentation on the resolution.

Spoke on the resolution:

Vonnette Larkin, 801 International Drive, Suite 110., Linthicum, Maryland 21090 Maryland 21401 representing Landex Corporation

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

Mayor Moyer declared the public hearing closed.

The order of the agenda was amended to allow for O-35-08 and O-36-08

Without objection the public hearings on O-35-08 and O-36-08 were held jointly.

O-35-08 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., bodies corporate, for a certain period of time in October 2013 and October 2014, subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

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O-36-08 For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to City Dock Productions, LLC, for a certain period of time in October for the calendar year of 2013 subject to certain terms, provisions and conditions, for the purpose of conducting boat shows; and all matters relating to said lease.

Spoke on the ordinances:

C.Christopher Ledoux, 215 Severn Avenue, Annapolis, Maryland 21403

Spoke in favor of the ordinance:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke in favor of O-36-08

Timothy A. Dowling, 1687 Baltimore Annapolis Blvd, Arnold, Maryland 21012 representing Annapolis Sailing School spoke in favor of O-36-08

David T. Phipps, 1797 West Street, Annapolis, Maryland 21401 representing Gingerville Yachting Center Spoke in favor of O-36-08

Garth Hichens, 7350 Edgewood Road, Annapolis, Maryland 21403 representing Annapolis Yacht Sales spoke in favor of O-35-08

Ed Hartman, 980 Awald Road, Annapolis, Maryland 21403 representing United States Powerboat Shows, Inc., spoke in favor of O-35-08

Rod Jabin, 7310 Edgewood Road, Annapolis, Maryland 21403 spoke in favor of O-35-08

Colin Callahan, 197 Cypress Creek Road, Severna Park, Maryland 21146 representing United States Powerboat Shows, Inc., and Ed Hartman spoke in favor of O-35-08

Robert Davis, 5 Cornerstone Drive, Annapolis, Maryland 21403 spoke in favor of O-35-08

Stephen B. Ripley, 1632 St. Margarets Road, Annapolis, Maryland 21401 spoke in favor

of O-35-08

Jim Barthold, P.O. Box 49997, Annapolis, Maryland 21403 representing City Dock Productions, LLC., spoke in favor of O-36-08

Ed Hartman, 116 Defense Highway, Annapolis, Maryland 21401 spoke in favor of O-35-08

Linda Stillwell- Lawson, 21 Murray Avenue, Annapolis, Maryland 21401 spoke in favor of O-36-08

Spoke in opposition to the ordinance:

Dee Newman, 980 Awald Road, #302., Annapolis, Maryland 21403 spoke in opposition to O-36-08

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

Mayor Moyer declared the public hearings closed.

The meeting was recessed at 8:34 p.m. and reconvened at 8:47 p.m.

The order of the agenda was resumed.

Without objection the public hearings on CA-01-08 and CA-04-08 were held jointly.

CA-01-08 For the purpose of declaring certain principles 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; providing that the aldermen shall have such administrative and professional staff and consulting services as may be provided for in the annual budget; and generally relating to the powers and duties of the elected and appointed officials.

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CA-04-08 For the purpose of amending the Charter of the City of Annapolis to establish the office of City Manager; establishing the prerequisite qualifications of the City Manager; providing for the appointment and termination of the City Manager; specifying the powers and duties of the City Manager; providing for the non-interference by the Mayor and Aldermen with the City Manager in the performance of his duties; providing for the designation of an acting City Manager under certain circumstances; establishing the City Manager as a position within the exempt service; redefining the powers and duties of the Office of the Mayor; and all matters related thereto.

Spoke on the charter amendments:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 spoke on CA-06-08

Trudy McFall, 205 Scott Drive, Annapolis, Maryland 21401

Marcia Marshall, 539 Second Street, Annapolis, Maryland 21403

Linda Stillwell- Lawson, 21 Murray Avenue, Annapolis, Maryland 21401

Don Lamb-Minor, 107 Northwest Street, Annapolis, Maryland 21401

Spoke in favor of the charter amendment:

Bob Noe, 306 Edward Ferry Road, Leesburge, Virginia 20176-2306 representing ICMA spoke in favor of CA-04-08

Paul Foer, 921 Boucher Avenue, Annapolis, Maryland 21403 spoke in favor of CA-04-08

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Association spoke in favor of CA-05-08

Jessica Jordan, 179 Main Street, Annapolis, Maryland 21401 representing the Annapolis Business Association spoke in favor CA-04-08

Gilbert Renaut, 115 Monticello Avenue, Annapolis, Maryland 21403 spoke in favor CA-04-08

Lee Finney, 670 Americana Drive, Annapolis, Maryland 21403 representing the Eastport Civic Association in favor of CA-05-08

- At 9:54 p.m., Mayor Moyer requested Alderman Arnett preside over the meeting during her absence.

Bill Kardash, 1 Action Place, Annapolis, Maryland 21403 representing Annapolitians for a Better Community spoke in favor of CA-05-08

Chuck Walsh, 12 Southgate Ave, Annapolis, Maryland 21401 spoke in favor of CA-05-08

- At 10:06 p.m., Mayor Moyer resumed the duties of the Chair.

Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401 spoke in favor of CA-05-08

(Bill)Willard M. Sweetser, 5 Shipwright Harbor, Annapolis, Maryland 21401 spoke in favor of CA-05-08

Marie Dull'acqua, 238 King George Street, Annapolis, Maryland 21401 representing Eastport Business Association spoke in favor of CA-05-08

Brian Miller, 114 Market Street, Annapolis, Maryland 21401 spoke in favor of CA-05-08

Harvey Poe, 139 Market Street, Annapolis, Maryland 21401 spoke in favor of CA-05-08

Robert (Bob) Slawson, 510 Sixth Street, Annapolis, Maryland 21403 spoke in favor of CA-05-08

Daniel Leahy, 10 Highland Avenue, Annapolis, Maryland 21403 spoke in favor of CA-05-08

Dave Feldman, 1107 Miami Avenue, Annapolis, Maryland 21403 spoke in favor of the CA-05-08

Spoke in opposition to the charter amendment:

Josh Cohen, 310 Monterey Avenue, Annapolis, Maryland 21401

Robert H. Eades 32 Pleasant Street, Annapolis, Maryland 21401

Linda Stillwell- Lawson, 21 Murray Avenue, Annapolis, Maryland 21401 representing Cynthia Carter submitted a letter to the City Council in opposition to CA-04-08

Kevin Sullivan, 7 Cumberland Court, Annapolis, Maryland 21401 spoke in opposition to CA-05-08

Michelle Cross, 6 Georgetown Court, Annapolis, Maryland 21403 representing spoke in opposition to CA-04-08

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

Mayor Moyer declared the public hearings closed.

The order of the agenda was resumed.

- Alderman Cordle moved to suspend to rules to allow for legislative action beyond 11:00 p.m. Seconded. CARRIED on voice vote. A ROLL CALL vote was taken:

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

NAYS: Mayor Moyer, Alderwoman Hoyle, Alderman Arnett

CARRIED: 7/3

LEGISLATIVE ACTION

ORDINANCES

O-31-08 **For the purposes of reducing the Homestead Credit Percentage from one hundred ten percent (110%) to one hundred five percent (105%) in the City of Annapolis; and matters generally relating to said Homestead Credit Percentage.**

- Alderwoman Hoyle moved to table O-31-08 on second reading until after the Finance Committee meets on Wednesday, November 25, 2008. Seconded. A ROLL CALL vote was taken:

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

NAYS: Aldermen Israel, Paone, Cordle, Stankivic

CARRIED: 5/4

O-32-08 **For the purpose of reclassifying certain positions within the exempt service of the City of Annapolis so as to reflect current upgrades; adding new positions to the exempt service by assigning the paralegal, police major, and four (4) police captain positions to the exempt service; permitting department directors to designate salary and exercise oversight over certain exempt positions; and all matters related to the City of Annapolis Exempt Service.**

- Alderman Arnett moved to adopt O-32-08 on second reading. Seconded.

The Finance and Public Safety Committees reported favorably on O-32-08.

- Alderman Israel moved to substitute O-32-08 Revised. Seconded. CARRIED on voice vote.

The main motion as Revised CARRIED on voice vote.

- Alderman Arnett moved to adopt O-32-08 Revised on third reading. Seconded. A ROLL CALL vote was taken:

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

NAYS: Aldermen Paone, Cordle, Stankivic

CARRIED: 6/3

O-34-08 **For the purpose of reducing the Homestead Credit Percentage from one hundred ten percent (110%) to one hundred two percent (102%) in the City of Annapolis; and matters generally relating to said Homestead Credit Percentage.**

- Alderwoman Hoyle moved to table O-34-08 on second reading until after the Finance Committee meets on Wednesday, November 25, 2008. Seconded. A ROLL CALL vote was taken:

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

NAYS: Aldermen Israel, Paone, Cordle, Stankivic

CARRIED: 5/4

O-43-08 **For the purpose of specifying that business community identification signs are permitted in the B2, B3-CD, BCE, I1, B3, BR, and PM2 non-residential zoning districts.**

- Alderman Arnett moved to adopt O-43-08 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and Planning Commission.

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").**

- Alderman Arnett moved to adopt R-62-08 on second reading. Seconded.
- Alderman moved to amend R-62-08 as follows:

On page 1, in line 23, strike "150" and substitute "144" Seconded. CARRIED on voice vote.

The main motion amended 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.**

- Alderwoman Hoyle moved to adopt R-46-08 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire
 NAYS: Aldermen Paone, Cordle, Stankivic, Arnett
 CARRIED: 5/4

R-47-08 **For the purpose of approving the new job description for the Recreation Manager at the Stanton Center.**

- Alderman Paone moved to table and refer R-47-08 on second reading to the Finance Committee. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen, Paone, Cordle, Stankivic, Arnett
 NAYS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Shropshire
 DEFEATED: 4/5

- Alderwoman Hoyle moved to adopt R-47-08 on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Cordle, Shropshire
 NAYS: Alderman Stankivic, Arnett
 CARRIED: 7/2

- Alderman Cordle moved to postpone and refer R-48-08, R-49-08 and R-50-08 to the Finance Committee. Seconded. CARRIED on vice vote.

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 Shropshire moved to adopt R-58-08 on second reading. Seconded.
- Alderwoman Hoyle stepped out before the vote. A ROLL CALL vote was taken:

YEAS: Mayor Moyer, Alderwomen Finlayson, Aldermen Israel, Paone, Cordle, Shropshire

NAYS: Aldermen Stankivic, Arnett

CARRIED: 6/2

- Alderwoman Hoyle returned.

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 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

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:51 p.m.

Regina C. Watkins-Eldridge, CMC
City Clerk