

A SPECIAL MEETING

November 28, 2011

A Special Meeting of the Annapolis City Council was held on Monday, November 28, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 5:51 p.m.

Present on Roll Call: Mayor Cohen, Alderwoman Finlayson, Aldermen Israel, Paone, Pfeiffer, Arnett

Absent on Roll Call: Aldermen Silverman and Kirby, Alderwoman Hoyle

Staff Present: City Attorney Hardwick

BUSINESS AND MISCELLANEOUS

Proposed Closed Session - Pursuant to State Government Article Sections § 10-508 (a) (7) and (9):

- Alderwoman Finlayson moved to have a closed meeting on Monday, November 28, 2011 immediately following this meeting in accordance with Maryland State Government Article Sections § 10-508 (a) (7) and (9):

To consult with counsel to obtain legal advice on a legal matter, and; to conduct collective bargaining negotiations or consider matters that relate to the negotiations. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderman, Paone, Alderwoman Finlayson, Aldermen Pfeiffer, Arnett, Israel

NAYS:

CARRIED: 6/0

The Council moved into closed session at 5:55 p.m.

- Alderman Paone moved to adjourn the closed session at 7:09 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 7:21 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

THE SPECIAL MEETING
November 28, 2011

The Special Meeting of the Annapolis City Council was held on November 28, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:22 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, Public Works Director Jarrell, Police Chief Pristoop, Transportation Director Newell, Finance Director Miller, Annapolis Police Department SGT Becker, Civil Engineer Burkhardt

*Closed
Session*

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (7) and (9): this statement is included in these minutes:

A closed session of the City Council was held at 5:51 p.m., Monday, November 28, 2011 in the City Council Chamber.

Present: Mayor Cohen, Alderwoman Finlayson, Aldermen Israel, Paone, Pfeiffer, Arnett, Alderman Silverman arrived at 6:02 p.m., Alderwomen Hoyle arrived at 6:07 p.m., Alderman Kirby arrived at 6:22 p.m.

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Human Resources Director Rensted, City Clerk Watkins-Eldridge, Finance Director Miller, Eric Paltell, Esq., Legal Council, Financial Advisory Commission members: Scott Bowling, Lee Finney, Bob Stewart

On a roll call vote by the majority of the members present the session was closed.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (7) and (9):

The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter, and; to conduct collective bargaining negotiations or consider matters that relate to the negotiations.

The session topics were:

*Union negotiations
Pension Fund Liabilities*

Upon motion duly made, seconded and adopted, the session was adjourned at 7:09 p.m.

PRESENTATIONS

Annapolis Thunder Semi-Professional Football Organization

Michael Hicks, 406 Seward Avenue, Brooklyn, Maryland 21225 thanked the City for its support and presented the Mayor and City Council with a plaque.

42nd Annual United States Sailboat & 40th Annual United States Powerboat Shows

Ed Hartman, representing the boat shows presented the City of Annapolis with a check in the amount of \$485,707.00 as the final installment of the rental payment.

PETITIONS, REPORTS AND COMMUNICATIONS

Annapolis Ward Boundary and Redistricting Commission

Commission Chair the Honorable Ron Jarashow gave a brief presentation on the Annapolis Ward Redistricting Commission's Report dated November 16, 2011 and introduced the members of the commission.

Commission Members present were Vice Chair Chris Buchheister, Members Anthony Evans, Lee Finney, Barbara Torreon, and Michael Matthews.

Charter Revision Commission

Commission Chair Michael Fox introduced the commission members and invited Vice Chair Nicholas Berry to present the Charter Revision Commission's Report dated November 28, 2011.

Commission Members present were Faye Currie, Sara Wilkerson, Rhonda Pindell-Charles, and Gilbert Renaut.

Referred to the Rules and City Government Committee

Comments by the General Public

Former Case Manager of the Light House Shelter Sharon Middleton, 617 Broach Court, Annapolis, Maryland 21401 representing Demetria Tasker, 129 Smithville Street, Annapolis, Maryland 21401, Darrika Brown, 129 Smithville Street, Annapolis, Maryland 21401, and Jill Brown-Williams former resident of the Light House Shelter spoke in opposition of the procedures of the Light House Shelter

- Mayor Cohen declared petition, reports and communications closed

CONTINUATION OF PUBLIC HEARINGS

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.

Spoke in opposition to the charter amendment:

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

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.**

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

- Mayor Cohen declared the public hearing closed.

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.

Spoke on the ordinance:

Michael Matthews, 524 Third Street, Annapolis, Maryland 21403
Chair, Sharon Kennedy, 9 Randall Street, Annapolis, Maryland 21401
representing the Historic Preservation Commission

Spoke in opposition to the ordinance:

Hugh Bernard, 601 Burnside Street, Annapolis, Maryland 21403
Corinne Irwin, 137 Porter Drive, Annapolis, Maryland 21401
Karen Jennings, 1022 Park Avenue, Annapolis, Maryland 21403
Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Joe Budge
Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401
Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401
Herman Ellinghausen, 105 Spa Road, Annapolis, Maryland 21401
Robert Worden, 30 Murray Avenue, Annapolis, Maryland 21401 representing the
Murray Hill Residents Association
William Irwin, 137 Porter Drive, Annapolis, Maryland 21401
Frank G. Parent, 57 Cornhill Street, Annapolis, Maryland 21401
Daniel Koerschner, 16 Thompson Street, Annapolis, Maryland 21401

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

- Mayor Cohen declared the public hearing closed.

PUBLIC HEARINGS

**R-55-11 A Fine for Violations of Speed Monitoring Systems in School Zones –
For the purpose of establishing a fine for violations of speed
monitoring systems in school zones.**

Annapolis Police Department SGT Becker gave a brief presentation on the resolution.

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

- Mayor Cohen declared the public hearing closed.

Without objection the public hearing on R-46-11 and O-37-11 were held jointly.

**O-37-11 Water and Sewer Connection and Capital Fees – For the purpose of
modifying the water and sewer connection and capital fees in the
Code of the City of Annapolis.**

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R-46-11 Water and Sewer Connection and Capital Fees - For the purpose of modifying the water and sewer connection and capital fees provided in the FY 2012 fee schedule for the City of Annapolis.

Public Works Director Jarrell gave a brief presentation on the resolution and ordinance.

Civil Engineer Burkhardt was present and answered questions from Council.

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

- Mayor Cohen declared the public hearings closed.
- Alderman Arnett moved to add R-46-11 and O-37-11 on second reader to the Special Meeting agenda for December 19, 2011. Seconded. CARRIED on voice vote.

LEGISLATIVE ACTIONS

ORDINANCES AND RESOLUTIONS – 2ND READING

O-43-11 Establishing Dedicated Office Space in City Hall for Aldermen and Alderwomen – For the purpose of establishing dedicated office space in City Hall for Aldermen and Alderwomen to provide appropriate work and meeting space in order to carry out their public responsibilities such as meeting with constituents.

- Alderman Arnett moved to adopt O-43-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendment on O-43-11.

- Alderman moved to amend O-43-11 as follows:

On page 2, in line 5, after “shall include desk” add “and a secure locker and file cabinet for each Alderwoman and Alderman” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-43-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-33-11 Speed Monitoring Systems in School Zones – For the purpose of authorizing the use of speed monitoring systems in designated school zones; defining certain terms; and setting forth the use of certain fines in accordance with State law.

- Alderman Arnett moved to adopt O-33-11 on second reading. Seconded.

The Public Safety and the Transportation Committees reported favorably on O-

33-11.

The main motion CARRIED on voice vote.

- Alderman Arnett moved to adopt O-33-11 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-55-11 A Fine for Violations of Speed Monitoring Systems in School Zones – For the purpose of establishing a fine for violations of speed monitoring systems in school zones.

- Alderwoman Finlayson moved to adopt R-55-11 on second reading. Seconded.

The Public Safety, Transportation and the Finance Committees reported favorably on R-55-11.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

R-48-11 Charter Amendment Adoption Procedure – For the purpose of requesting that the Maryland General Assembly change the procedure by which the City of Annapolis can amend its Charter from a simple majority to requiring a 2/3 majority of the number of the persons elected to City Council.

- Alderman Israel moved to adopt R-48-11 on second reading. Seconded.

The Rules and City Government Committee and the Charter Revision Commission reported favorably on R-48-11.

- Alderman Israel moved to amend R-48-11 as follows:

Amendment #1

In lines 12, and 13 on the un-numbered first page strike beginning with the word “City” through “Council”. and substitute the following:

“municipal corporations can amend their charters to require an extraordinary majority, not to exceed 2/3’s, of the council to amend the charter.” Seconded. CARRIED on voice vote.

Amendment #2

In lines 35, and 36 on the un-numbered first page strike beginning with the second usage of “City” through the last usage of “Council” and substitute the following:

“municipal corporations can amend their charters to require an extraordinary majority, not to exceed 2/3’s, of the council to amend the charter.” Seconded. CARRIED on voice vote.

Amendment #3

In line 35, on the un-numbered first page strike the word “procure” and substitute “procedure”. Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

ORDINANCE and RESOLUTION – 1st READING

O-25-11 The Definition of a Two-family Dwelling – For the purpose of including “two-family dwelling” in the definition of “single-family attached dwelling.”

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

R-63-11 Increasing Transit Fares for Transportation Services – For the purpose of increasing transit fares for use of transportation services in the City of Annapolis by amending the FY 2012 fee schedule.

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

Transportation Director Newell and Finance Director Miller were present and answered questions from Council.

Referred to the Finance and the Transportation Committees and the Transportation Board

BUSINESS AND MISCELLANEOUS

1. Appointments

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

11/28/11 Planning Commission.....	Robert Waldman
11/28/11 Maritime Advisory.....	Richard H. Pettingill
11/28/11 Historic Markers Commission.....	Robert Worden
11/28/11 Historic Markers Commission.....	John W. Guild
11/28/11 Historic Markers Commission.....	Rockford Toews
11/28/11 Historic Markers Commission.....	Karen Engelke
11/28/11 Historic Markers Commission.....	David W.Haight
11/28/11 Historic Markers Commission.....	Constance Werner Ramirez
11/28/11 Historic Markers Commission.....	Alma H. Cooper
11/28/11 Historic Markers Commission.....	William Jeffrey Holland
11/28/11 Historic Markers Commission.....	Theodore Mack
11/28/11 Historic Markers Commission.....	Jane Wilson McWilliams
11/28/11 Historic Markers Commission.....	Linnell R. Bowen
11/28/11 Historic Markers Commission.....	Robert Worden

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:26 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk