

REGULAR MEETING
December 13, 2004

The Regular Meeting of the Annapolis City Council was held on December 13, 2004 in the Council Chamber. Mayor Moyer called the meeting to order at 8:15 p.m.

Present on Roll Call: Mayor Moyer, Aldermen Tolliver, Kelley, Cordle, Fox, Cohen, Alderwomen Hoyle, Carter

Alderman Hammond was absent.

Staff Present: City Attorney Spencer, Finance Director Elliott, Fire Chief Lonergan, Human Resources Director Milburn, Coordinator of Community and Social Programs Spencer

- Alderman Fox moved to approve the Journal of Proceedings for November 8, 2004. Seconded. CARRIED on voice vote.

PETITIONS, REPORTS AND COMMUNICATIONS

Bill Gibbons, Arundel Community Development Services, Inc., 921 Galesville Road, Galesville, Maryland 20765 spoke in favor of R-26-04.

LEGISLATIVE ACTION

ORDINANCES

O-23-04 For the purpose of increasing the threshold required for obtaining a building permit; and matters generally relating to said building permit.

- Alderman Cohen moved to adopt O-23-04 on second reading. Seconded.

The Economic Matters Committee reported favorably with an amendments on O-23-04.

- Alderman Tolliver moved the Economic Matters Committee amendments to O-23-04 as follows:

Amendment #1 [O-23-04 is only intended to increase the threshold at which point a building permit is required. The amendment below will clarify that the current procedure for exterior projects in the Historic District remains exactly the same. That is, a Certificate of Approval under Chapter 21.62 is still required regardless of whether or not a building permit is required.]

On page 1, strike lines 37 through 39 and substitute the following:

"B. All exterior projects in the Historic District, whether or not exempted from a building permit under Section 17.12.022.A still require a certificate of approval in accordance with Chapter 21.62."

Amendment #2 [This amendment is intended to define the term "in-kind" as used in Section 17.12.022.]

On page 1, in line 16, insert the following:

BY adding the following new sections to the Code of the City of Annapolis, 2005 Edition:
Section 17.04.535

On page 1, in line 24, insert the following:

Section 17.04.535 Like-kind.

“Like-kind” means that the construction project is of the same nature or character. A mere difference in grade or quality does not disqualify the construction project.”

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Fox moved to adopt O-23-04 amended on third reading. Seconded. CARRIED on voice vote.

O-24-04 For the purpose of authorizing a lease of certain municipal property located in the harbor and Dock Street areas to the Maritime Heritage Festival, Inc., a body corporate, for a certain period of time, subject to certain terms, provisions, and conditions, for the purpose of conducting a maritime festival; and all matters relating to said lease.

Alderman Fox moved to adopt O-24-04 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-24-04.

The main motion CARRIED on voice vote.

Alderman Fox moved to adopt O-24-04 on third reading. Seconded. CARRIED on voice vote.

O-26-04 For the purpose of establishing a property tax credit to preserve the historic character of the community and to encourage the preservation, restoration and rehabilitation of structures in the Annapolis Historic district and designated Annapolis landmarks having historic or architectural value located within the City limits and to encourage architecturally compatible new construction as authorized by Section 9-204 of the Tax Property Article 9-204 of the Annotated Code of Maryland; and matters generally relating to said tax credit.

- Alderman Cohen moved to adopt O-26-04 on second reading. Seconded.

The Economic Matters and Finance Committees reported favorably with amendments to O-26-04.

- Alderman Fox moved the Finance Committee and Economic Matters Committee amendment to O-26-04 as follows:

Amendment #1 *[To reduce the \$1 million cap on Historic Preservation Tax Credits to \$150,000. Experience in other jurisdictions and the number of eligible properties indicates that the \$150,000 cap will be sufficient to meet the demand for this program.]*

On page 1, in lines 33 and 34, strike “\$1 million” and substitute “\$150,000”

Seconded. CARRIED on voice vote.

- Alderman Fox moved the Economic Matters Committee amendment as follows:

Amendment #2 *[The word “next” is used twice in the same sentence creating confusion and incorrectly implying that the approved tax credit is applied to the next property owner’s tax bill. It is fully intended that the tax credit is to be carried over to next year’s tax bill for the same property owner.]*

On page 2, in line 19, after "tax credit to the "strike "next"

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Fox moved to adopt O-26-04 amended on third reading. Seconded. CARRIED on voice vote.

O-27-04 For the purpose of establishing a Sprinkler Assistance Revolving Fund to encourage the installation of sprinklers in older building throughout the City; and matters generally relating to said revolving fund.

- Alderman Cohen moved to adopt O-27-04 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-27-04.

- Alderman Cordle moved to amend O-27-04 as follows:

On page 2, line 4, following the word "sprinklers" *add* "initial installation of associated central monitoring systems"

Fire Chief Lonergan answered questions from Council.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Fox moved to adopt O-27-04 amended on third reading. Seconded. CARRIED on voice vote.

O-28-04 For the purpose of updating the references in the City Code to reflect new editions of the various international construction codes upon which Title 17 is based; changing the term "building official" to "Code Official" to more accurately reflect the many types of inspections conducted; capitalizing proper titles; reorganizing and editing various sections for improving clarity and understanding; and matters generally relating to said chapter.

Alderman Cohen moved to adopt O-28-04 on second reading. Seconded.

The Economic Matters Committee reported favorably on O-28-04.

The main motion CARRIED on voice vote.

Alderman Fox moved to adopt O-28-04 on third reading. Seconded. CARRIED on voice vote.

O-37-04 For the purpose of amending the existing zoning classification for the split-zoned parcels located in the eastern quadrant of the intersection of Tyler Avenue and Forest Drive from its current zoning of R2, Single Family Residence District, R3, General Residence District, and B2, Community Shopping District; to all one zoning district of B2, Community Shopping District; and matters generally relating to said zoning map amendment.

Alderwoman Carter moved to adopt O-37-04 on first reading. Seconded. CARRIED on voice vote.

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

- O-38-04** **Rezoning of 1244 and 1248 Tyler Avenue - For the purpose of amending the existing zoning classification for the property located at 1244 and 1248 Tyler Avenue from R2, Single Family Residence District, to B2, Community Shopping District; and matters generally relating to said zoning map amendment.**

Alderwoman Carter moved to adopt O-38-04 on first reading. Seconded. CARRIED on voice vote.

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

- O-39-04** **For the purpose of authorizing a lease of certain municipal property located in the Compromise Street, general harbor and Dock Street areas to Ocean Race Chesapeake, Inc., a body corporate, for a certain period of time in May 2006, subject to certain terms, provisions, and conditions, for the purpose of conducting sailboat race festivities; and all matters relating to said lease.**

Alderman Cohen moved to adopt O-39-04 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

PARK PLACE DEVELOPMENT DISTRICT

- O-40-04** **For the purpose of the creating tax increment development districts, and coincident thereto, special taxing districts, relating to the Park Place Development District created by R-8-01 and O-14-01, and providing for and determining certain matters in connection with Park Place Development District and the special obligation bonds authorized by such Resolution and Ordinance; and matters generally relating to said uses.**

Alderwoman Carter moved to adopt O-40-04 on first reading. Seconded. CARRIED on voice vote.

Referred to Economic Matters Committee

- R-22-04** **For the purpose of (1) approving the methodology for establishing the special tax to be charged within Park Place Development District in connection with the issuance of not to exceed \$25,000,000 of special obligation bonds of the City authorized by Ordinance 0 14 01, (2) approving the net operating revenues derived by the City from the operation of the parking garage to be constructed within Park Place Development District to be pledged to the payment of such special obligation bonds, (3) approving the form of the Indenture of Trust pursuant to which the City shall issue such special obligation bonds, (4) approving the form of the Development Agreement pursuant to which such parking garage shall be constructed within Park Place Development District, (5) approving the form of the Declaration of Condominium and Condominium Bylaws pursuant to which the public portion of such parking garage shall be owned, operated and maintained by the City, (6) approving the form of the County**

Contribution Agreement pursuant to which Anne Arundel County, Maryland shall apply its portion of the tax increment revenues derived from Park Place Development District to the payment of such special obligation bonds, (7) authorizing the Mayor to execute and deliver such documents, and (8) generally providing for and determining various other matters in connection with the issuance and sale of such special obligation bonds, the execution and delivery of such documents, and the development of Park Place Development District.

- Alderman Cohen moved to adopt R-22-04 on second reading. Seconded.
- Alderman Fox moved to amend R-22-04 as follows:

Amendment #1 [To clarify that specified project documents may be corrected or changed by the Mayor without further legislative action.]

On page 3, in line 98, after “records of the City.” insert the following:

“The changes, omissions, insertions and revisions to the Project Documents which the Mayor is authorized by this Resolution to make shall include, without limitation, changes, omissions, insertions and revisions to the Association Percentage Interests in Schedule D-1 to the Declaration of Condominium, the Special Maintenance Cost Items and Alternative Percentage Allocations in Schedule D-2 to the Declaration of Condominium, and the Budgeted Garage Construction Costs in Exhibit Three to the Development Agreement.”

Seconded. CARRIED on voice vote.

- Alderman Tolliver moved to amend R-22-04 as follows:

On page 3, line 100 *add* a new “Section II” - renumber the sections that follow - and *add* the following:

“Be it further resolved that upon issuance of the bond(s), the Mayor shall report to the council omissions, changes, insertions and revisions made to this agreement. Also, the Mayor shall report semiannually on the progress of this project, including financial details.

Finance Director Elliott and Stewart Diana, Esq., Piper Rudnick, 6225 Smith Avenue, Baltimore, MD 21209-3600 answered questions from Council.

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

- The meeting was recessed at 8:45 p.m. and reconvened at 9:02 p.m.

RESOLUTIONS

R-26-04 For the purpose of the City of Annapolis waiving all building and grading permit fees for all applications submitted as part of the redevelopment of the former Wiley H. Bates High School on Smithville Street in Annapolis, Maryland; and matters generally relating to said waiving of fees.

- Alderman Cohen moved to adopt R-26-04 on first reading. Seconded. CARRIED on voice vote.

- Alderman Kelley moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.

Finance Director Elliott answered questions from Council.

- Alderman Kelley moved to adopt R-26-04 on second reading. Seconded.
- Alderman Tolliver moved to amend R-26-04 as follows:

on page 2, line 2 after the word "park" *add* "not to exceed \$63,000"

Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

R-27-04 For the purpose of updating the Fines Schedule to reduce to the penalty for parking in a metered space for more than two hours, but less than four hours; and all matters relating to said penalty.

- Alderman Tolliver moved to adopt R-27-04 on first reading. Seconded. CARRIED on voice vote.
- Alderman Tolliver moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. CARRIED on voice vote.
- Alderman Tolliver moved to adopt R-27-04 on second reading. Seconded. CARRIED on voice vote.

■ Without objection, R-28-04 was added to the agenda.

R-28-04 For the purpose of reclassification of the proposed Deputy Fire Chief of the Annapolis Fire Department; and all matters relating to said reclassification.

- Alderman Tolliver moved to adopt R-28-04 on first reading. Seconded.

Fire Chief Lonergan gave a brief presentation and answered questions from Council.

Human Resources Director Milburn, Finance Director Elliott and Coordinator of Community and Social Programs Spencer answered questions from Council.

- Alderman Tolliver moved to call the question. Seconded. A ROLL CALL vote was taken:

YEAS: Aldermen Tolliver, Kelley, Cordle, Alderwomen Hoyle, Carter

NAYS: Mayor Moyer, Aldermen Fox, Cohen

CARRIED: 5-3

- Alderman Tolliver moved to suspend the rules to allow passage of the resolution at the meeting of its introduction. Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

BUSINESS AND MISCELLANEOUS

1. Finance Committee Meeting Recommendations for Action dated November 18, 2004

- Alderwoman Hoyle moved to receive the Finance Committee Recommendations dated November 18, 2004. Seconded.
- Alderman Tolliver moved to amend GT-5-05 as follows:

strike "Re-organization of Fire Department staffing per the attached. Changes include new positions of Deputy Fire Chief and four Firefighters and relocation of Community Services position from Economic Development to the Fire Department."; and *add* following "transaction" "relocates the Community Services position and accounts.." Seconded. CARRIED on voice vote.

The main motion amended CARRIED on voice vote.

2. Payment of Monthly Bills

Alderman Tolliver moved to pay the monthly bills. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:52 p.m.

Deborah Heinbuch, MMC
City Clerk