

**A SPECIAL MEETING**  
December 19, 2011

A Special Meeting of the Annapolis City Council was held on Monday, December 19, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 6:11 p.m.

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

Absent on Roll Call: Alderwoman Hoyle, Alderman Silverman, Alderman Paone arrived at 6:13 p.m.

Staff Present: City Attorney Hardwick, City Manager Mallinoff

**BUSINESS AND MISCELLANEOUS**

**Proposed Closed Session - Pursuant to State Government Article Sections § 10-508 (a) (7) and (8):**

- Alderwoman Finlayson moved to have a closed meeting on Monday, December 19, 2011 immediately following this meeting in accordance with Maryland State Government Article Sections § 10-508 (a) (7) and (8):

*To consult with counsel to obtain legal advice on a legal matter, and; to consult with staff, consultants, or other individuals about pending or potential litigation. Seconded.*

*A ROLL CALL vote was taken:*

*YEAS: Mayor Cohen, Alderwoman Finlayson, Aldermen Kirby Pfeiffer, Arnett, Israel*

*NAYS:*

*ABSTAIN: Alderman Paone*

*CARRIED: 6/0/1*

The Council moved into closed session at 6:14 p.m.

- Alderman Arnett moved to adjourn the closed session at 6:50 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 6:51p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

SPECIAL MEETING  
December 19, 2011

The Special Meeting of the Annapolis City Council was held on December 19, 2011 in the Council Chamber. Mayor Cohen called the meeting to order at 7:23 p.m.

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

Absent on Roll Call: Alderwoman Hoyle

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Public Works Director Jarrell, Civil Engineer Burkhardt, DNEP Director Broadbent

*Closed  
Session*

*Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (7) and (8): this statement is included in these minutes:*

*A closed session of the City Council was held at 6:10 p.m., Monday, December 19, 2011 in the City Council Chamber.*

*Present: Mayor Cohen, Alderwoman Finlayson, Aldermen Israel, Paone, Silverman, Kirby, Pfeiffer, Arnett*

*Staff Present: City Attorney Hardwick, City Manager Mallinoff, City Clerk Watkins-Eldridge, Finance Director Miller*

*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 (8):*

*The purpose of the meeting to consult with counsel to obtain legal advice on a legal matter, and; to consult with staff, consultants, or other individuals about pending or potential litigation.*

*The session topic was:*

*Annapolis Police Department Litigation*

*Upon motion duly made, seconded and adopted, the closed session was adjourned at 6:50 p.m.*

- Alderman Arnett moved to amend the agenda to include the following Business and miscellaneous items, appointments and re-appointments, budget revision requests and hiring approval request HR-36-12. Seconded. CARRIED on voice vote.

**PETITIONS, REPORTS AND COMMUNICATIONS**

Comments by the General Public

– No Speakers

- Mayor Cohen declared petitions, reports and communication closed.

**LEGISLATIVE ACTIONS**

**CHARTER AMENDMENT**

**ORDINANCES AND RESOLUTION – 2<sup>ND</sup> READING**

**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.**

- Alderman Arnett moved to adopt CA-3-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-3-11. The Charter Revision Commission reported favorable on CA-3-11.

- Alderman Israel moved to amend CA-3-11 as follows:

On page 1, in line 25, after the word “by” insert “this section and by” Seconded. CARRIED on voice vote.

- Alderwoman Finlayson moved to amend CA-3-11 as follows:

On page 1, in lines 12 and 27, after “Alderman” Insert “and Alderwoman” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Kirby moved to adopt CA-3-11 Amended on third reading. Seconded.

*A ROLL CALL vote was taken:*

*YEAS: Mayor Cohen, Alderwoman Finlayson, Aldermen Silverman, Kirby Pfeiffer, Arnett, Israel, Paone*

*NAYS:*

*CARRIED: 8/0*

**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.**

- Alderman Arnett moved to adopt O-37-11 on second reading. Seconded.

Public Works Director Jarrell and DNEP Director Broadbent were present and answered questions from Council.

Civil Engineer Burkhardt gave a brief presentation and answered questions from Council.

The Finance Committee reported favorably with amendments on O-37-11.

- Alderman Arnett moved to amend O-37-11 as follows:

**Amendment #1**

Page 8, Lines 22-23, amended as follows:

The charges for issuance of permits are the sum of a connection charge, a capital facility charge, ~~a capital facility assessment charge~~ a capital facility assessment charge and an installation charge. Seconded. CARRIED on voic vote.

**Amendment #2**

Page 9, Line 43, Insert after “capital facilities”  
“and capital facilities assessment”

**Amendment #3**

Page 10, Line 3, Insert:

C. Capital Facility Assessment Charge. A capital facility assessment charge will continue to be applied after [insert date of ordinance’s adoption] for accounts with remaining capital facility assessment charge balances. For active permits prior to [insert date of ordinance’s adoption], the current structure for capital facility assessment charges will continue to be in effect Seconded. CARRIED on voic vote.

**Amendment #4**

Page 10, Line 3:

Strike “C” and insert “D” for “Installation Charges” and re-letter all following instances in 17.28.090. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Paone moved to adopt O-37-11 amended on third reading. Seconded.

*A ROLL CALL vote was taken:*

*YEAS: Mayor Cohen, Alderwoman Finlayson, Aldermen Silverman, Kirby Pfeiffer, Arnett, Israel, Paone*

*NAYS:*

*CARRIED: 8/0*

**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.**

- Alderman Arnett moved to adopt R-46-11 on second reading. Seconded.

The Finance, Economic Matter and Environmental Matters Committees reported favorably with amendments on R-46-11.

- Alderman Arnett moved to amend R-46-11 as follows:

**Amendment #1**

Found on Pages 2-3

17.28.090	The charges for issuance of plumbing permits are the sum of a connection charge, a capital facility charge, <del>a capital facility assessment charge</del> <u>a capital facility assessment charge</u> and an installation charge.	
	Capital facility assessment charge per Code prior to adoption of ordinance O-37-11:	
	Sewer:	

	<p>Per year, per residential unit, for 30 years (on construction after October 11, 1977)</p> <p><u>Per year, per residential unit, for 30 years (on construction after October 11, 1977)</u></p>	<p>\$25.00</p> <p><u>\$25.00</u></p>
	<p>Per year, per residential unit, for 30 years (on construction after between July 1, 1991 and date of adoption _____) and permits initiated before date of adoption [insert date]</p>	<p>\$50.00</p>
	<p>Water:</p>	
	<p>Per year, per residential unit for 30 years (on construction after October 11, 1977)</p> <p><u>Per year, per residential unit for 30 years (on construction after October 11, 1977)</u></p>	<p>\$20.00</p> <p><u>\$20.00</u></p>
	<p>Per year, per residential unit, for 30 years (on construction after between July 1, 1991 and date of adoption _____) and permits initiated before date of adoption [insert date]</p>	<p>\$50.00</p>

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

**O-16-11 Code Consistency Updates Related to the Mayor’s Annual Proposed Operating Budget Submission - For the purpose of amending Section 2.12.020 of the Code of the City of Annapolis to be consistent with Section 6.16.010 of the Code of the City of Annapolis.**

- Alderman Arnett moved to adopt O-16-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-16-11.

The main motion CARRIED on voice vote.

- Alderman Paone moved to adopt O-16-11 on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

**O-36-11 Amending the Number of Days for Committee Review of Legislation – For the purpose of amending the number of days for Committee review of legislation.**

- Alderman Silverman moved to adopt O-36-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-36-11.

- Alderman Arnett moved to amend O-36-11 as follows:

On page 2, in line 7, un-strike “one hundred eighty” and strike “one-hundred twenty” Seconded. CARRIED on voice vote.

- Mayor Cohen moved to amend O-36-11 as follows:

On page 1, in line 34, un-strike “regular”. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Pfeiffer moved to adopt O-36-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

### ORDINANCE and RESOLUTION – 1<sup>st</sup> READING

**O-54-11 Community Grant Application Review Process for Non-Profit Organizations – For the purpose of modifying the City of Annapolis’ community grant application review process for non-profit organizations.**

Referred to the Finance Committee

**R-64-11 A Parking Garage on Compromise Street – For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage on Compromise Street.**

Referred to the Finance and the Economic Matters Committees

- Mayor Cohen has scheduled R-64-11 for a public hearing with legislative action on January 9, 2012.

The order of the agenda was amended to allow for business and miscellaneous items.

### BUSINESS and MISCELLANEOUS

#### 1. Appointments / Re-Appointments

- Alderman Arnett moved to approve the Mayor’s appointment of the following individual:

12/19/11 Severn River Commission..... Kurt Riegel  
12/19/11 Severn River Commission.....Amy E. Clements  
12/19/11 Severn River Commission.....Alderwoman Finlayson,  
City Council Representative  
12/19/11 Annapolis Environmental Commission.....Tom Zolper  
12/19/11 Board of Appeals.....Teresa Taylor  
12/19/11 Maritime Advisory Board.....Debbie H. Gosselin  
12/19/11 Maritime Advisory Board.....William H. Woodward, Jr  
12/19/11 Maritime Advisory Board.....Scott H. Allan  
12/19/11 Maritime Advisory Board.....Richard O. Franke  
12/19/11 Maritime Advisory Board.....Tarrant H. Lomax  
Seconded. CARRIED on voice vote.

**2. Budget Revision Request – Transfer**

City Manager Mallinoff gave a brief presentation on GT-21-12 and Journal Voucher JV# 60131, activity date 12/19/12, number of lines 2, expected totals: Debits(+) \$ 515,618.23, Credits (-) \$ 515,618.23.

Finance Director Miller was present and answered questions from Council.

The Finance Committee reported favorable on GT-21-12 & JV# 60131.

- Alderman Arnett moved to approve budget revision request control numbers GT-21-12 and JV# 60131. Seconded. CARRIED on voice vote.

**3. Hiring Approval Request**

HR Control Number: HR-36-12, Position: Director, Department: Recreation & Parks

- Alderman Silverman moved to approve HR Control Number: HR-36-12, Position: Director, Department: Recreation & Parks. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:26 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk