

THE SPECIAL MEETING
December 21, 2009

The Special Meeting of the Annapolis City Council was held on December 21, 2009 in the Council Chamber. Mayor Cohen called the meeting to order at 7:06 p.m.

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

Absent on Roll Call: Alderman Silverman, Alderman Paone arrived at 7:08 p.m.

Staff Present: City Attorney Hardwick, Chief Administrative Officer Smith, Finance Director Elliott, Chief Environmental Programs Biba, Community Relations Coordinator Spencer

*Closed
Session*

Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-508(a) (1) (i) this statement is included in these minutes:

A closed session of the City Council was held at 7:12 p.m., Monday, December 14, 2009 in the City Council Chamber.

Present: Mayor Cohen, Alderwomen Hoyle, and Finlayson, Aldermen Israel, Paone, Silverman, Kirby, Pfeiffer, and Arnett

Staff Present: Assistant City Attorney Elson, Human Resources Milburn, City Clerk Watkins-Eldridge

A roll call vote was taken by the members present, and the session was closed. The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a) (1) (i). The purpose of the meeting was to discuss the appointments of the City Attorney and Public Information Officer. No Actions were taken in closed session.

Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:23p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

Seth Zirkle, 3115 63rd Avenue, Cheverly, Maryland 20785 expressed his sincere appreciation to the Mayor and City Council for the flowers sent on the occasion of his brothers passing.

PUBLIC HEARING

CA-09-09 For the purpose of establishing a city manager form of government by defining the appointment, powers and responsibilities of the city manager as chief executive of the City; reforming the office and duties of the Mayor; reforming the appointment and duties of the city attorney; and, clarifying the role of the City Council.

Spoke on the charter amendment:

Willford Scott, 308 Carriage Run Road, Annapolis, Maryland 21401

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

- Alderman Arnett moved declared the public hearing would remain open until January 11, 2010 for public comment. Seconded. CARRIED on voice vote.

CA-10-09 **For the purpose of limiting annual property tax revenue increases collected by the City of Annapolis to the lesser of the Consumer Price Index or 4.5 percent.**

- Alderman Paone moved to postpone the public hearing on CA-10-09 until January 11, 2010. Seconded. CARRIED on voice vote.

O-52-09 **For the purposes of requiring the registration of residential properties subject to foreclosure with the Department of Neighborhood and Environmental Programs and providing civil penalties for failure to register.**

- Alderman Paone moved to postpone the public hearing on O-52-09 until January 11, 2010. Seconded. CARRIED on voice vote.

R-56-09 **For the purpose of specifying the fine for failure to register properties subject to foreclosure.**

- Alderman Arnett moved to postpone the public hearing on R-56-09 until January 11, 2010. Seconded. CARRIED on voice vote.

ORDINANCES & RESOLUTIONS – 2ND READING

O-03-09 **For the purpose of permitting in the MX Zoning District indoor theaters, accessory structures and/or architectural features such as clock towers to be up to 100 feet in height if attached to office and/or retail structures that are part of a Planned Development.**

- Alderman Arnett moved to adopt O-03-09 on second reading. Seconded.

The Planning Commission reported favorably with amendments on O-03-09, and Rules and City Government Committee reported favorably.

- Alderman Arnett moved to amend O-03-09 as follows:

Amendment #1

On unnumbered first page, at line 13, strike “100” and substitute “90”.

Amendment # 2

On page 5, at line 2, strike “100” and substitute “90”. After period following “height”, insert “The Director of Planning and Zoning is authorized to evaluate and approve the appropriateness of any incidental structures that may need to exceed the 90-foot height limitation.”

Amendment #3

On page 8, at line 23, strike “100” and substitute “90”.
Seconded. DEFEATED on voice vote.

The main motion CARRIED on voice vote.

- Alderwoman Finlayson moved to adopt O-03-09 on third reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Paone, Kirby, Pfeiffer

NAYS: Aldermen Israel, Arnett
CARRIED: 6/2

O-59-09 For the purpose of revising storm water management standards in conformity with Maryland State law.

- Alderman Arnett moved to adopt O-59-09 on second reading. Seconded.

Chief Environmental Programs Biba was present and answered questions from Council.

The Environmental Matters Committee reported favorably with amendments on O-59-09.

- Alderman Paone moved to amend O-59-09 as follows:

Amendment #1

On unnumbered first page, after line 28, insert:

17.10.010 Purpose, application and authority.

A. The purpose of storm water management is to protect and promote the public health, safety and general welfare through the management of storm water, to protect public and private property from damage, to reduce the effects of land use changes on stream channel erosion, to maintain and assist in the improvement of water quality, and to preserve and enhance the environmental quality of streams and stream valleys. It is the expressed intent of this chapter to require that storm water management, as it addresses water quality, be provided for all developed land within the City. The provisions of this chapter are adopted pursuant to Annotated Code of Maryland, Environment Article, Title 4, Subtitle 2, (or its successors) and the Charter of the City of Annapolis and shall apply to all development occurring within the corporate limits of the City of Annapolis.

B. The application of this chapter and the requirements set forth herein shall be the minimum storm water management requirements applicable in the City and shall not be deemed a limitation or repeal of any other powers granted by State statute.

C. The City of Annapolis, Department of Neighborhood and Environmental Programs shall be responsible for the administration and enforcement of the provisions of this chapter.

D. This chapter applies to all new and redevelopment projects that have not received final approval for erosion and sediment control and storm water management plans by May 4, 2010.

Amendment #2

On page 3, at line 22, after “includes”, strike “the information necessary” and substitute “all required documentation”.

Amendment #3

On page 4, beginning in line 24, strike “with” through the end of the sentence and substitute “and existing site impervious area exceeds 40 percent.”

Amendment #4

On page 4, strike semicolon in line 42 and continue strikeout through line 3 on page 5, and substitute: “any tract, lot, or parcel of land, or combination of tracts, lots, parcels of land that are in one ownership, or are contiguous and in diverse

ownership, where development is to be performed as part of a unity, subdivision, or project.”

Amendment #5

On page 5, strike lines 28 through 31 and renumber remaining definitions as necessary.

Amendment #6

On page 5, at line 32, strike “relinquishment” and substitute “reduction”.
On page 5, at line 37, strike “relinquishment” and substitute “reduction”.

Amendment #7

On page 6, at line 44, capitalize “design manual”.

Amendment #8

On page 7, at line 3, strike parenthetical clause.
On page 7, at line 6, strike parenthetical clause.

Amendment #9

On page 7, at line 22, after “The” insert “ESD planning techniques and practices and”.

Amendment #10

On page 8, at line 34, strike period after “owners” and substitute comma. After comma, insert “unless” and uncapitalize “Prior”.
On page 8, at line 36, strike “shall be” and substitute “is”.

Amendment #11

On page 12, at line 9, strike “Design” and substitute “Department”.

Amendment #12

On page 12, at line 45, strike “Maryland Department of Environment” and substitute “Department of Neighborhood and Environmental Programs”.

Amendment #13

On page 15, at line 6, strike “17.10.075F” and substitute “17.10.120F”.
On page 15, at line 31, strike “17.10.078”.

Amendment #14

On page 16, beginning at line 39, strike “planning” through “practice” and substitute “system”.
On page 16, at line 42, insert “system” after “ESD”.
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-59-09 amended on third reading.
Seconded. A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

R-57-09 For the purpose of declaring the City's support for the Kids at Hope Program and committing to the principles expressed in this Resolution.

- Alderwoman Hoyle moved to postpone R-57-09 on second reading until January 25, 2010 and to schedule R-57-09 for the January 21, 2010 work session. Seconded. CARRIED on voice vote.

R-63-09 For the purpose of authorizing the Mayor to enter into a Memorandum of Understanding with the Aerotropolis Renewable Energy Group, for creation of The Annapolis Renewable Energy Park.

- Alderman Arnett moved to adopt R-63-09 on second reading. Seconded.

Chief Administrative Officer Smith was present and answered questions from Council.

- Alderman Arnett moved to amend R-63-09 as follows:

Amendment #1

On unnumbered first page, at line 13, strike "with the Aerotropolis Renewable Energy Group".

Amendment #2

On unnumbered first page, at line 21, strike "for" and substitute "and desirable that". In same sentence, strike "to".

Amendment #3

On unnumbered first page, beginning in line 22, strike "with the Annapolis Renewable Energy Group".

Amendment #4

On unnumbered first page, at line 23, strike "ensure successful operation of" and substitute "move forward with".

Amendment #5

On unnumbered first page, at line 27, strike "the accompanying" and substitute "a".

Amendment #6

On unnumbered first page, strike "the Annapolis Renewable Energy Group for" and substitute "one or more third parties to proceed with".
Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

BUSINESS AND MISCELLANEOUS

1. Budget Amendment – GT-14-10

Finance Director Elliott was present and answered questions form Council.

- Alderwoman Hoyle moved to accept budget revision request control number GT-14-10. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:43 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk