

LEGISLATIVE PACKET

REGULAR MEETING OF THE
ANNAPOLIS CITY COUNCIL

MARCH 12, 2012

Note: First Readers O-8-12, R-7-12, R-9-12, O-10-12, and R-11-12 will be available on Monday, March, 12.

**CITY OF ANNAPOLIS
REGULAR MEETING OF THE CITY COUNCIL**

March 12, 2012 7:30 p.m.

Call to Order
Invocation
Pledge of Allegiance
Roll Call
Approval of Agenda

Mayor Cohen
Alderman Paone
Mayor Cohen
City Clerk Watkins-Eldridge

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award to Laura Collins and Janice Adams

Mayor Cohen

PETITIONS, REPORTS AND COMMUNICATIONS

State of the City Address
Approval of Journal of Proceedings

Mayor Cohen

Regular Meeting February 13, 2012
Special Meeting February 27, 2012

Update from the Chesapeake Bay Local Government Advisory Committee

Alderman Finlayson

Reports by Committees

Comments by the General Public

A person appearing before the City Council with a petition, report or communication shall be limited to a presentation of not more than three minutes.

PUBLIC HEARING

O-4-12 Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits – For the purpose of expanding the eligibility for multiple-day or single-day parking permits to include those that render personal or child care to a resident in a special residential parking district.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/13/12	3/12/12	2/21/12	5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	2/13/12		
Transportation	2/13/12		

O-5-12 Re-Instituting a City Council Vote at the First Reader Introduction of Legislation – For the purpose of re-instituting a City Council vote at the first reader introduction of legislation.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/13/12	3/12/12	2/16/12	5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	2/13/12		

LEGISLATIVE ACTION
ORDINANCE – 2nd READER

O-6-12

Issuance of Bonds and Notes – For the purpose of authorize and empower the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as the “Public Improvements Refunding Bonds, 2012 Series”, and said bonds to be issued and sold for the public purpose of refunding all or a portion of certain outstanding general obligation bonds of the City, as provided in this Ordinance; authorizing the City to issue and sell, upon its full faith and credit, taxable general obligation notes in the aggregate principal amount not to exceed the maximum amount authorized to be issued under Article VII, Section 8 of the Charter of the City of Annapolis, as amended, to be designated as “Taxable General Obligation Notes, 2012 Series” and said notes to be issued and sold for the public purpose of financing working capital expenses of the City as provided in this Ordinance; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council’s adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/13/12	2/27/12	2/27/12	5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	2/13/12	3/12/12	
Finance	2/13/12	3/12/12	
Financial Advisory Commission	2/27/12	3/8/12	

ORDINANCES and RESOLUTIONS – 1st READER

O-8-12

Annual Operating Budget: FY 2013 – For the purposes of adopting an operating budget for the City of Annapolis for the Fiscal Year 2013; appropriating funds for expenditures for the Fiscal Year 2013; defraying all expenses and liabilities of the City of Annapolis and levying same for the purposes specified; specifying certain duties of the Director of Finance; and, specifying a rate of interest to be charged upon overdue property taxes. **Available Monday, March 12.**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council’s adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12	4/9/12		6/12/12
Referred to	Referral Date	Meeting Date	Action Taken

Finance Committee	3/12/12		
Financial Advisory Commission	3/12/12		

R-7-12 **FY 2013 Fees Schedule Effective July 1, 2012** – For the purpose of specifying fees that will be charged for the use of City services for FY 2013. **Available Monday, March 12.**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12	4/9/12		6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance Committee	3/12/12		
Financial Advisory Commission	3/12/12		

R-9-12 **Capital Improvement Budget and Program: FY 2013 to FY 2018** – For the purposes of adopting a capital improvement budget for the Fiscal Year 2013, and a capital improvement program for the six-year period from July 1, 2012, to June 30, 2018. **Available Monday, March 12.**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12	4/9/12		6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance Committee	3/12/12		
Planning Commission	3/12/12		
Financial Advisory Commission	3/12/12		

O-10-12 **Positions Added to the Exempt Service** – For the purpose of adding the positions of Assistant City Attorney, Community Relations Specialist, Development/Events Specialist, Human Services Officer, Administrative Assistant, Assistant City Manager, and Public Information Officer and Quartermaster, to the exempt service and changing the position title from Public Information Officer to Communications Officer. **Available Monday, March 12.**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12

Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/12/12		

R-11-12 Updated Job Descriptions – For the purpose of approving the new job descriptions for the GIS Coordinator (MIT), GIS Technician (MIT), MIT Administrative Support Analyst (MIT), Facilities Maintenance Engineer I and II (Public Works), Fleet Maintenance/Asset Forfeiture (Police), Mobility and Parking Specialist (Transportation), Facility Supervisor (Recreation and Parks), Front Desk Supervisor (Recreation and Parks), Marketing/Membership Coordinator (Recreation and Parks), Dance and Fitness Coordinator (Recreation and Parks), Harbormaster (Recreation and Parks), Fire Administrative Specialist (Fire), City Council Associate (City Clerk), and Facilities Maintenance Supervisor (Public Works). **Available Monday, March 12.**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/12/12		

R-10-12 Submission of Proposed Union Agreements – For the purpose of postponing until after March 6, 2012, the submission to the Mayor of proposed memoranda of understanding between employee organizations and the City.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/12/12		
Finance	3/12/12		

O-9-12 Exempting Members of the City Central Committees from Holding More Than One City or City-Connected Position – For the purpose of exempting members of the City Central Committees from holding more than one position as defined in Section 2.04.040 of the City Code.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken

Rules and City Gov't	3/12/12		
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R-3-12 First Sundays Festival 2012 – For the purpose of designating dates for the sale of arts-related merchandise in the Historic District at the First Sunday events and the reimbursement of full fees to the City for the cost associated with the events.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

R-4-12 Four Rivers Garden Club Flower Mart – For the purpose of designating dates for the sale of floral merchandise in the Historic District at the Four Rivers Garden Club Flower Mart on April 30 and the reimbursement of full fees to the City for the cost associated with the events.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

R-5-12 Race Across America 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the Race Across America event from June 21-25, 2012 and the reimbursement of full fees to the City for the cost associated with the event.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

R-6-12 TriRock Annapolis 2012 – For the purpose of designating dates for the sale of merchandise in the Historic District at the TriRock Annapolis 2012 event and the reimbursement of full fees to the City for the cost associated with the events.

LEGISLATIVE HISTORY <i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

BUSINESS and MISCELLANEOUS

1. Proposed to be withdrawn: O-39-11 on sidewalks.
2. Additional legislative referrals of O-4-12 to the Parking Advisory Commission and Transportation Board.
3. Budget transfer.
4. Hiring approval request (available Monday, March 12)

UPCOMING CITY COUNCIL EVENTS

Work Session; Thursday, March 15, 2012 1:30-4:30 p.m. City Council Chambers
Special Meeting; Monday, March 19, 2012 7:00 p.m. City Council Chambers

Jessica Cowles
Legislative and Policy Analyst
City of Annapolis Office of Law
E) JCCowles@annapolis.gov
P) 410-263-1184
F) 410-268-3916

March 7, 2012

TO: The Capital Legal Notices: legalad@capgaz.com
FROM: Jessica Cowles, Legislative and Policy Analyst
RE: Notice of Public Hearing
PUBLISH: Please publish on: **Sunday, March 11, 2012 and Monday, March 12, 2012**

Please send bill and certificate of publication to the City of Annapolis Office of Law, 93 Main Street, 3rd Floor, Annapolis, MD 21401.

NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, March 12, 2012 at 7:30 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, to consider:

- O-4-12 Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits** – For the purpose of expanding the eligibility for multiple-day or single-day parking permits to include those that render personal or child care to a resident in a special residential parking district.
- O-5-12 Re-Instituting a City Council Vote at the First Reader Introduction of Legislation** – For the purpose of re-instituting a City Council vote at the first reader introduction of legislation.

The above legislation on the City Council agenda for public hearing can be viewed on the City's website at: <http://www.annapolis.gov/Government/Departments/LawOffice/PendingLegis.aspx>

A SPECIAL MEETING
February 13, 2012

A Special Meeting of the Annapolis City Council was held on Monday, February 13, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 6:32 p.m.

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

Absent on Roll Call: Alderman Kirby arrived at 6:39 p.m.

Staff Present: City Attorney Hardwick

BUSINESS AND MISCELLANEOUS

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

Alderwoman Hoyle moved to have a closed meeting on Monday, February 13, 2012 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, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Silverman, Kirby, Pfeiffer, Arnett

NAYS:

CARRIED: 9/0

The Council moved into closed session at 6:41 p.m.

- Alderman Arnett moved to adjourn the closed session at 7:44 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 7:45 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

REGULAR MEETING
February 13, 2012

The Regular Meeting of the Annapolis City Council was held on, February 13, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 8:02 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, Civil Engineer Burkhardt, Civil Engineer Grieco, Market House Manager Sharoff, Planning and Zoning Director Arason, Personal Transportation & Parking Specialist Banks, GIS Coordinator Wampler, APD Captain Howard

Approval of Agenda

- Alderman Israel moved to approve the Regular Meeting Agenda as amended to postpone O-32-11 and R-45-11 on second reading until the Special Meeting on February 27, 2012, and; to add O-31-11 on second reading for legislative action. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderwoman Hoyle to present to Pastor Sheryl Menendez, 1418 Regent Street, Annapolis, MD 21403 the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the twentieth recipient of the prestigious Martha Wood Leadership Award.

PETITIONS, REPORTS AND COMMUNICATIONS

Local Government Insurance Trust

Executive Director Timothy Ailsworth representing Local Government Insurance Trust presented Annapolis Police Department representative Captain Howard with a check in the amount of \$1,843.00.

Approval of Journal of Proceedings

The approval of the Journal of Proceedings for the Regular Meeting January 9, 2012 and the Special Meetings of January 23, 2012 were postponed until the Special Meeting on February 27, 2012.

Comments by the General Public

Cindy Reiner, 1708 Smugglers Run, Annapolis, Maryland 21401 representing the Annapolis Business Association spoke in opposition to the elimination of parking spaces on Main Street.

Frank Bradley, 815 Park Wood Avenue spoke on the costs associated with the office relocation

Tony Evans, 3 Constitution Square, Annapolis, Maryland 21401 spoke on Dennis Callahan and his relationship with the Quiet Waters Park

PUBLIC HEARING

O-1-12 Election Ward Boundaries – For the purpose of altering the eight election wards of the City of Annapolis; and all matters generally relating to said wards.

GIS Coordinator Wampler was present and answered questions from Council.

Spoke in favor of the ordinance:

Doug Smith, 5 Revell Street, Annapolis, Maryland 21401 representing Ward One Residents Association

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

- Mayor Cohen declared the public hearing closed.
- Mayor Cohen requested O-1-12 be added to the Special Meeting Agenda for February 27, 2012 for legislative action.

O-31-11 Amended Planning Commission and Board of Appeals Roles and Responsibilities Regarding Planned Developments and Special Exceptions—For the purpose of changing the roles and responsibilities of the Planning Commission and Board of Appeals as they relate to planned developments and special exceptions to maximize efficiencies in the public hearing process as allowed under Article 66B of the Annotated Code of Maryland.

Planning and Zoning Director Arason gave a brief presentation on the ordinance and answered questions from Council.

Spoke on the ordinance:

Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21401 representing Save Your Annapolis Neck
Denise Worthen, 65 Southgate Avenue, Annapolis, Maryland 21401

Spoke in favor of the ordinance:

Chuck Walsh, 12 Southgate Avenue, Annapolis, Maryland 21401 representing the Annapolis Economic Development Corporation
Robert Brilliant, 66 Franklin 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.

LEGISLATIVE ACTION

ORDINANCES and RESOLUTIONS – 2nd READER

O-22-11 Education Commission – Composition – For the purpose of revising the composition of the City of Annapolis Education Commission to increase representation by adding four at-large members, in addition to the existing City Council representative(s) and residents from each of the eight Wards of the City.

- Alderwoman Finlayson moved to adopt O-22-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-22-11.

- Alderman Israel moved to amend O-22-11 as follows:

On page 1, in line 26, after “who” add “reside in the Annapolis cluster schools as defined by Anne Arundel County Public Schools and” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-22-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- *Alderman Silverman was out of the room during the vote.*

O-24-11 Election Code Revision – For the purpose of revising certain sections of the Annapolis Charter and Code, Title 4 - Elections.

- Alderman Arnett moved to adopt O-24-11 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-22-11.

- Alderman Israel moved to amend O-24-11 as follows:

On page 2, in line 2, between “public” and “party office” strike the word “or” and add “office or election to any”

On page 2, in line 20, after “city office” add “or election to a party office”
Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Israel moved to adopt O-24-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

O-32-11 Outdoor Dining in the B1 and B2 Zoning Districts – For the purpose of clarifying the contradiction in use standards related to outdoor dining in the B1 and B2 zoning districts in Chapters 21.64 and specific provisions in 21.42 of the Code of the City of Annapolis.

- Alderman Israel moved to postpone O-32-11 on second reading until the Special Meeting on February 27, 2012. Seconded. CARRIED on voice vote.

R-45-11 Annexation Plan – Hayes Property – For the purpose of adopting an annexation plan for the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City’s jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

- Alderman Israel moved to postpone R-45-11 on second reader until the Special Meeting on February 27, 2012.

R-58-11 2011 Bicycle Master Plan – For the purpose of adopting the 2011 Bicycle Master Plan as an addendum to the 2009 Comprehensive Plan for the City of Annapolis.

Personal Transportation & Parking Specialist Banks was present and answered questions from Council.

- Alderwoman Hoyle moved to adopt R-58-11 on second reading. Seconded.
- Mayor Cohen moved to amend R-58-11 as follows:

Page 2, line 36 insert:

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the purpose of adopting this resolution is to endorse the vision of the bicycle master plan but it does not signify the City Council approval of any specific recommendations. Seconded. Withdrawn.

- Alderman Arnett moved to amend R-58-11 as follows:

On page 2, in line 23, strike “WHEREAS” and insert “NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that” Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

The order of the agenda was amended to allow for O-31-11 Amended 1/23/12.

O-31-11 Planning Commission and Board of Appeals Roles and Responsibilities Regarding Planned Developments and Special Exception – FOR the purpose of changing the roles and responsibilities of the Planning Commission and Board of Appeals as they relate to planned developments and special exceptions to maximize efficiencies in the public hearing process as allowed under Article 66B of the Annotated Code of Maryland.

- Alderman moved to adopt O-31-11 amended 1/23/12 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on O-31-11.

- Alderman Arnett moved to substitute in the form of an amendment O-31-11 as revised by the Rules and City Government Committee as follows:

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-31-11 Amended

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/11/11	1/9/12	12/9/11	1/13/12
Referred to	Referral Date	Meeting Date	Action Taken

Rules and City Gov't	7/11/11	1/23/12	Favorable w/ amd.
Planning Commission	7/11/11	11/17/11	Favorable w/ amd.
Annapolis EDC	7/11/11		Comments

A ORDINANCE concerning

**Planning Commission and Board of Appeals Roles and Responsibilities
Regarding Planned Developments and Special Exceptions**

FOR the purpose of changing the roles and responsibilities of the Planning Commission and Board of Appeals as they relate to planned developments and special exceptions to maximize efficiencies in the public hearing process as allowed under Article 66B of the Annotated Code of Maryland.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition

Section 20.24.040

Chapter 21.08

Section 21.08.030

Section 21.08.040

Section 21.10.020

Section 21.24.010

Section 21.24.020

Section 21.24.030

Section 21.24.050

Section 21.24.070

Section 21.24.080

Section 21.24.090

Section 21.24.110

Section 21.24.130

Section 21.26.030

Section 21.26.050

Section 21.26.060

Section 21.30.010

Section 21.48.030

Section 21.64.510

Section 21.68.070

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

20.24.040 - Right-of-way width.

I. In the case of any planned development developed pursuant to the requirements of Chapter 21.24, the Planning Commission may recommend and the Board of Appeals may authorize reductions in right-of-way and paving width pursuant to the standards set forth in Chapter 21.24 or its successor.

Chapter 21.08 Decision Making Bodies and Officials

Annapolis Zoning Code Summary of Review and Decision-Making Authority

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
Administrative							
Administrative Adjustments	Decision			Appeal			
Administrative	Decision			Appeal			

<u>Interpretations</u>							
<u>Change of Nonconforming Use</u>	<u>Decision</u>				<u>Appeal</u>		
<u>Demolition Permits (selected, per Chapter 21.14)</u>	<u>Decision</u>				<u>Appeal</u>		
<u>Determination of Nonconforming Use</u>	<u>Decision</u>				<u>Appeal</u>		
<u>Major and Minor Site Design Plans</u>	<u>Decision</u>				<u>Appeal</u>		
<u>Use and Occupancy Permit</u>	<u>Review</u>	<u>Decision</u>			<u>Appeal</u>		
<u>Sign Permit</u>	<u>Review</u>	<u>Decision, pursuant to Chapter 17.60</u>			<u>Appeal</u>		
<u>Stop Work Order, Corrective Measures Orders</u>		<u>Decision, Appeals pursuant to Title 17</u>					
<u>Revocation of Permits</u>		<u>Decision, Appeals pursuant to Title 17</u>					
<u>Planning Commission</u>							
<u>Business Planned Development</u>	<u>Review</u>		<u>Recommendation</u>	<u>Decision</u>			<u>Appeal</u>
<u>Residential Planned Development</u>	<u>Review</u>		<u>Recommendation</u>	<u>Decision</u>			<u>Appeal</u>
<u>Board of Appeals</u>							
<u>Appeal</u>	<u>Review</u>			<u>Decision</u>			<u>Appeal</u>
<u>Expansion of Nonconforming Use</u>	<u>Review</u>		<u>Recommendation</u>	<u>Decision</u>			<u>Appeal</u>
<u>Special Mixed Planned Development</u>	<u>Review</u>		<u>Recommendation</u>	<u>Decision</u>	<u>Appeal</u>		<u>Appeal</u>
<u>Special Exception</u>	<u>Review</u>		<u>Recommendation</u>	<u>Decision</u>			<u>Appeal</u>
<u>Variance</u>	<u>Review</u>			<u>Decision</u>			<u>Appeal</u>
<u>Zoning District Boundary Adjustments</u>	<u>Review</u>			<u>Decision</u>			<u>Appeal</u>
<u>Historic Preservation Commission</u>							
<u>Certificate of Approval</u>	<u>Review</u>				<u>Decision</u>		<u>Appeal</u>

City Council							
<u>Zoning Map Amendment</u>	<u>Review</u>		<u>Recommendation</u>			<u>Decision</u>	<u>Appeal</u>
<u>Zoning Text Amendment</u>	<u>Review</u>		<u>Recommendation</u>			<u>Decision</u>	<u>Appeal</u>

21.08.030 - Planning Commission.

- A. Establishment. The Planning Commission is established under Article 66B of the Annotated Code of Maryland.
- B. Membership. The Planning Commission shall consist of seven residents of the City who have a demonstrated interest with regard to planning policy and with regard to land use matters and procedures of the City. The members shall be appointed by the Mayor and confirmed by the City Council.
- C. Term. The term of office of each member of the Planning Commission shall be as provided in Article 66B of the Annotated Code of Maryland. The term of each member shall commence on July 1st of the year in the appointment is made.
- D. Rules. The Planning Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code.
- E. Duties. The Planning Commission shall have the following powers and duties:
 - ~~1. Review all applications for special exceptions and report the findings and recommendations to the Board of Appeals in the manner prescribed in this Zoning Code, Chapter 21.26~~
 - 2 1. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, Chapter 21.32 and Chapter 21.34
 - 3 2. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.
 - 4 3. Hear and ~~make recommendations~~ decide applications on planned developments pursuant to the provisions of Zoning Code Chapter 21.24
 - 5 4. Execute all powers conferred to Planning Commissions under Article 66B of the Annotated Code of Maryland.
 - 5. On referral by the Director of Planning and Zoning of a major site design the Planning Commission shall hold a public hearing and make recommendations.
 - 6. On referral by the Director of Planning and Zoning on structures greater than 3250 square feet in R2-NC zoning districts the Planning Commission shall hold a public hearing and make recommendations.

21.08.040 - Board of Appeals.

- A. Establishment. The Board of Appeals is established pursuant to and has the authority to execute all of the powers granted to Boards of Appeals by Article 66B of the Annotated Code of Maryland.
- B. Membership. The Board of Appeals shall consist of five members who shall be residents and registered voters of the City of Annapolis and who shall serve without compensation. The regular members and one alternate member shall be appointed by the Mayor and confirmed by the City Council and be removable for cause, upon written charges, and after public hearing. When an alternate member is absent, the Mayor with the confirmation of the City Council may designate a temporary alternate.
- C. Term. The term of office of each member of the Board of Appeals shall be for three years, as provided in Article 66B of the Annotated Code of Maryland. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.
- D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this section and in accordance with the provisions of Article 66B of the Annotated Code of Maryland. The Board shall adopt and amend rules as follows:
 - 1. After a public session to consider the proposed rules or amendments, the Board shall adopt and periodically amend rules of practice and procedure.
 - 2. The Board shall give reasonable notice of the date, time, and place of the public session and the category of rule or amendment to be considered at the session.

3. After approval by the Board, the rules of the Board of Appeals shall be published and shall be available to the public through the Department of Planning and Zoning.

E. Duties. The Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter 21.30 where it is alleged there is error in any order, requirement, decision or determination made by an administrative official or body in the enforcement of: (a) this Zoning Code; or (b) any ordinance adopted pursuant to this Zoning Code.
2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of this Zoning Code.
3. To hear and decide applications for variances from the terms of this Zoning Code, pursuant to the provisions of Chapter 21.28
4. ~~To hear and decide applications for planned developments pursuant to the provisions of Zoning Code Chapter 21.24~~
5. To hear and decide applications for zoning district boundary adjustments pursuant to the provisions of Zoning Code Chapter 21.20
6. To hear and decide applications for physical alteration of a nonconforming use pursuant to the provisions of Chapter 21.68
7. To hear and decide all matters referred to it or upon which it is required to decide by this Zoning Code, and as prescribed by Article 66B of the Annotated Code of Maryland.

F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section 21.08.040E of this Code and extensions thereof which are active and valid as of December 31, 2010, shall be tolled until June 30, 2012, so that all such approvals and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2012.

G. Meetings. The meetings of the Board of Appeals shall be held at the call of the chair and at other time determined by the Board. The Board shall provide public notice of any meeting by publication in at least one newspaper of general circulation in the City not less than seven days prior to the meeting. The chair or the acting chair may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall make a transcript of all proceedings, showing the vote of each member on each question, or the member's absence or failure to vote. The board shall immediately file the transcript of its proceedings in the Office of Planning and Zoning. Each transcript shall be a public record. If a recording or a transcript of a recording is not prepared in the normal course of the Board's proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of preparing the recording or transcript.

21.10.020 - Notice requirements.

Summary of Public Meetings (PM) and Public Hearings (PH)

Type of Application	Planning and Zoning Director	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council
Administrative Adjustment	Optional PH				
Appeal			PH		
Certificate of Approval				PH	
Change of Nonconforming Use	PH				
Demolition Permits	Optional PM				
Expansion of Nonconforming Use		PH	PH		
Minor Site Design Plan	Optional PM				
Major Site Design Plan	Optional PM				

<u>Planned Developments</u>	<u>Optional PM</u>	<u>PH</u>	<u>PH</u>		
<u>Special Exceptions With Major Site Design Plan</u>		<u>PH*</u> <u>*if referred by Planning and Zoning Director</u>	<u>PH</u>		
<u>Variance</u>			<u>PH</u>		
<u>Zoning District Boundary Adjustment</u>			<u>PH</u>		
<u>Zoning Text Amendment</u>		<u>PH</u>			<u>PH</u>
<u>Zoning Map Amendment</u>		<u>PH</u>			<u>PH</u>
<u>Site Design Review of R2-NC Structures > 3250 sq. ft.</u>		<u>PH</u>			

21.24.010 - Purposes, authority and types.

A. Purposes. The purposes of planned developments are as follows:

1. To allow greater flexibility in order to encourage more creative design for the development of land than is generally possible under conventional zoning district regulations.
2. To promote orderly and thorough planning and review procedures that will result in quality design and counteract the negative effects of monotonous design.
3. To allow the grouping of buildings and a mix of land uses with an integrated design and a coordinated physical plan.
4. To promote development in a manner that protects significant natural resources and integrates natural open spaces into the design of a development project.
5. To encourage a design that takes into account the natural characteristics of the site in the placement of structures.
6. To promote development that is compatible with the goals of the Comprehensive Plan.

B. Types of Planned Developments, Where Permitted.

1. There are three types of planned developments: residential planned developments, business planned developments, and special mixed planned developments.
2. Planned developments may be permitted only where listed in the use tables for specific zoning districts in Chapter 21.48 of this Zoning Code.

C. Authority to Approve. The Board of Appeals Planning Commission is authorized to decide applications for planned developments.

21.24.020 - Use regulations for planned developments.

A. Residential Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a residential planned development may consist of the following uses:

- a. Uses that are allowed as permitted uses, uses subject to standards or special exception uses in any residential district, which uses are allowed as permitted uses if included within and approved as part of a residential planned development.
- b. Up to ten percent of the ground area or gross floor area of a residential planned development may consist of uses that are allowed as permitted uses or as uses subject to standards in the B1 District.

2. No more than thirty percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

B. Business Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a business planned development may consist of the following uses:

a. All uses allowed as a permitted use, or use subject to standards, or special exception use in the zoning district in which the business planned development is located, which uses are allowed as permitted uses if included within and approved as part of a business planned development.

b. For business planned developments located in the B1, B2, B3, BCE, P, and MX districts, a business planned development may include all uses allowed in any residential district as a permitted use, use subject to standards, or as a special exception.

2. No more than fifteen percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

C. Special Mixed Planned Development.

1. Except for uses specifically prohibited by the Zoning Code in the district that is the subject of the application, a special mixed planned development may consist of all uses allowed as a permitted use, use subject to standards, or as a special exception in any zoning district, which uses are allowed as permitted uses if included within and approved as part of a special mixed planned development.

2. No more than thirty percent of the ground area or of the gross floor area of the development may be devoted to planned development uses.

21.24.030 - Phasing of nonresidential uses.

Proposed phases of the planned development must be designed so that no separate building or structure designed or intended to be used, in whole or in part, for business purposes as a planned development use within a residential planned development may be constructed prior to the construction of at least thirty issuance of building permits for at least ten percent of the dwelling units proposed in the planned development plan.

21.24.050 - Bulk and density standards.

A. Bulk Standards. The ~~Board of Appeals~~ Planning Commission may adjust bulk standards, other than height, that are otherwise applicable in the zoning district. ~~except as follows:~~

~~1. Except in the case of single family detached dwellings in residential planned developments, the spacing between principal buildings shall be at least equivalent to the spacing which would be required between buildings similarly developed under the terms of this Zoning Code, on separate zoning lots, due consideration being given to the openness normally afforded by intervening streets and alleys.~~

~~2. Along the periphery of the planned development, yards will at a minimum be provided as required by the regulations of the district in which the development is located.~~

B. Density Standards. The following density standards shall apply to planned developments:

1. In a residential planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross development area by the minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is proposed) required by the district or districts in which the development is located. Gross development area shall be the area of the zoning lot as a whole. The area of land set aside for common open space or recreational use may be included in determining the number of dwelling units permitted. If the gross development area of the property includes property within the Resource Conservation Area of the Critical Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).

2. In a business or special mixed planned development, the maximum number of dwelling units may not exceed the number of units determined by dividing the gross residential development area by the minimum lot area per dwelling unit required by the R4 district.

21.24.070 - Procedures for planned developments.

A. Application Procedures. All planned development applications must be submitted to the Planning and Zoning Director in accordance with the requirements of Section

21.10.010 Common Procedures for Review of Applications. Applications must be submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals.

B. Application Options. An applicant may elect one of the following procedural options:

1. An applicant may submit a preliminary plan for informal review by the Planning and Zoning Director and other City departments the Director deems appropriate, prior to the submission of a final planned development application.
2. An applicant may submit a preliminary plan for formal review and decision by the ~~Board of Appeals~~ Planning Commission.
3. An applicant may elect to submit only a complete final planned development application.

C. Review of Preliminary Planned Development Plans. The following procedures shall apply to the review of preliminary planned development plans.

1. Staff Review. The Planning and Zoning Director may distribute copies of a preliminary plan for review by the appropriate City departments.
2. Staff Comments on Preliminary Plan. Following review of any preliminary plan, the Planning and Zoning Director and any other City department reviewing the preliminary plan will provide the applicant with any written comments prepared in connection with the review of the preliminary plan and will transmit a copy of any written comments to the ~~Board of Appeals~~ Planning Commission.
3. Optional Work Session or Public Meeting. If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the preliminary plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(D).
4. Public Hearing. If the applicant requests action on a preliminary plan by the ~~Board of Appeals~~ Planning Commission, the ~~Board of Appeals~~ Planning Commission shall schedule and hold a public hearing on a preliminary planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the ~~Board of Appeals~~ Planning Commission.
5. Decision on Preliminary Plan. Within thirty days of the conclusion of the public hearing, the ~~Board of Appeals~~ Planning Commission shall decide to: (1) approve the preliminary plan, (2) approve the preliminary plan subject to specific conditions; or (3) deny the preliminary plan.

D. Review of Final Plans and Application. The following procedures shall apply to the review of final planned development plans.

1. Staff Review. The Planning and Zoning Director shall distribute copies of a final planned development application to appropriate City departments for review after having determined that the submission is complete.
2. Staff Report. Following review of any complete final planned development application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the final planned development application and transmit the staff report to the Planning Commission and the ~~Board of Appeals~~ prior to the required Planning Commission public hearing and ~~Board of Appeals~~ public hearing on the application.
3. ~~Planning Commission Public Hearing. The Planning Commission will consider the application at a regular monthly public meeting. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(D). At this meeting the Planning Commission shall accept evidence and testimony as it may judge to be relevant to the proper consideration of the case.~~
4. ~~Planning Commission Recommendation. Within thirty days after the Planning Commission has completed its review of the application, it shall forward its written findings of fact and recommendations on the application to the Board of Appeals. In no case may the Planning Commission forward its findings and recommendations to the Board of Appeals more than ninety days after first placing the application on the agenda of a Planning Commission meeting.~~
5. Public Hearing. The ~~Board of Appeals~~ Planning Commission shall schedule and hold a public hearing on the complete final planned development application. The applicant shall give notice of the hearing in accordance with the notice

requirements set forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the ~~Board of Appeals~~ Planning Commission.

6. Decision on Final Plan and Application. Any staff reports received by the ~~Board of Appeals~~ Planning Commission will be considered at the public hearing. Within thirty days of the conclusion of the public hearing, the ~~Board of Appeals~~ Planning Commission shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.

21.24.080 - Rights-of-way.

The ~~Board of Appeals~~ Planning Commission may authorize reductions in the right-of-way width and paving width based on the following findings:

- A. The proposed width will promote the public welfare and will not endanger public safety.
- B. The proposed width will not impede normal and orderly development and improvement of surrounding property.
- C. The proposed width will not impair the provision of adequate ingress, egress and access within the planned development.
- D. The proposed width of right-of-way has been approved by the Department of Public Works, the Fire Department or other appropriate City agencies.

21.24.090 - Planned development review criteria and findings.

In deciding planned development applications the ~~Board of Appeals~~ Planning Commission shall make written findings based on the following:

- A. The planned development is compatible with the character of the surrounding neighborhood and the Comprehensive Plan and the purposes of planned developments.
- B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.
- C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.
- D. The planned development complies with the planned development use standards and bulk and density standards.
- E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080
- F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

21.24.110 - Expiration.

A. Expiration.

1. A preliminary planned development approval shall expire ~~within~~ within one year ~~of~~ from the date of final approval if the applicant has not submitted a final planned development application prior to that ~~expiration~~ expiration date.

2. A final planned development approval shall expire ~~within one~~ within one ~~two~~ two years ~~of~~ from the date final approval if a building permit is not obtained prior to that ~~expiration~~ expiration date. If substantial site development has not commenced within a period of three years ~~of from~~ of from the date of ~~final~~ final approval, or in the case of larger developments, for each phase of the project indicated on the planned development plan, the planned development approval shall expire.

B. Extension. If an extension is requested prior to the expiration of a preliminary or final planned development approval, the Planning and Zoning Director may extend a preliminary or final planned development approval, and the corresponding expiration dates in subsection A. above, for a period not to exceed up to three years from the date or dates on which the approval would otherwise have expired, of initial approval by the Board of Appeals Planning Commission subject to the notification requirements of Section 21.10.020A.

C. Abandonment. If, within any continuous three year period after approval of a planned development, no building permits are issued for that planned development, then that planned development shall be deemed to be abandoned.

D. Abandoned or Expired Planned Developments. In the event that a planned development is abandoned or expires, no building permits shall be issued for the planned development unless it is determined by the Planning and Zoning Director that the planned development complies with the current Comprehensive Plan, site design standards and zoning regulations. Should the Planning and Zoning Director decline to make a determination that an abandoned or expired planned development complies with the current Comprehensive Plan, site design standards and zoning regulations, the An abandoned or expired planned development may be reinstated in the same manner as a new planned development.

E. Conditions. Any conditions of approval related to those phases of the planned development which were complete prior to the abandonment of the planned development shall remain in full effect and shall be enforceable.

21.24.130 - Appeals.

Appeal of ~~Board of Appeals~~ Planning Commission Decision. An appeal from a decision of the ~~Board of Appeals~~ Planning Commission under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County Board of Appeals Circuit Court of Maryland for Anne Arundel County.

21.26.030 – Procedures for Special Exceptions.

A. Application Procedures. All applications for special exceptions shall be filed with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications.

B. Review Procedures for Special Exception Applications. In the review and decision of special exception applications, the following procedures shall apply:

1. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete pursuant to Section 21.10.010, may distribute copies of the application to appropriate City departments for review.

2. Staff Report. Following review of any special exception application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the application and transmit the staff report to the ~~Planning Commission~~ Board of Appeals prior to the required ~~Planning Commission~~ Board of Appeals public hearing on the application.

~~3. Public Hearing. The Planning Commission will consider the application at a regular monthly public meeting. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(D). At this hearing the Planning Commission shall accept evidence and testimony as it may judge to be relevant to the proper consideration of the case.~~

~~4. Planning Commission Recommendation. Within thirty days after the Planning Commission has completed its review of the application, it shall forward its written findings of fact and recommendations on the application to the Board of Appeals. In no case may the Planning Commission forward its findings and recommendations to the Board of Appeals more than ninety days after first placing the application on the agenda of a Planning Commission meeting.~~

§ 3. Public Hearing. The Board of Appeals shall hold a public hearing on each application. The hearing shall be conducted, and a record of the proceedings shall be preserved, in the manner the Board of Appeals, by rule, prescribes from time to time. Notice of the public hearing must be given by the applicant in accordance with the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C). At the hearing, ~~the Planning Commission's findings and recommendations and a~~ report from the Planning and Zoning Director shall be placed in evidence.

6 4. Action on Application. Within thirty days of the conclusion of the public hearing, the Board of Appeals shall decide to: (1) approve the application, (2) approve the application subject to specific conditions; or (3) deny the application.

7 5. Conditions of Approval. ~~The Planning Commission may recommend, and~~ the Board of Appeals may stipulate, conditions and restrictions upon the establishment, location, construction, maintenance and operation of the special exception as are deemed necessary for the protection of the public interest and to secure compliance with the requirements specified in Section 21.26.050. However, the Board of Appeals may not impose any condition, or enforce any

condition previously imposed, which restricts the applicability or approval of a special exception to a particular applicant, owner or operator.

21.26.050 - Review criteria and findings.

The ~~recommendation of the Planning Commission and~~ decision by the Board of Appeals must be based upon written findings with respect to the following:

A. The establishment, maintenance or operation of the special exception will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare.

B. The special exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

C. The establishment of the special exception will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

D. Adequate utilities, access roads, drainage and necessary facilities have been or are being provided.

E. Adequate measures have been or will be taken to provide ingress and egress designed to minimize traffic congestion in the public streets.

F. The special exception shall, in all other respects, conform to the applicable regulations of the district in which it is located, including any use provisions or standards set forth in Chapter 21.64

G. In the case of food service establishments, the following additional standards for review apply. The review of the proposed food service operation shall be based upon an analysis of the proposed use's impact in the following areas:

1. Environmental:

a. Noise, including the noise of the mechanical equipment and of the patrons while on the premises,

b. Odors: control of odors from the cooking process and from the storage of garbage,

c. Trash and litter: the type of trash and garbage the food service operation will generate; the precautions to be taken to prevent littering of the streets,

2. Traffic:

a. Streets: adequacy of the street system to handle additional traffic,

b. Loading/unloading: off-street loading facilities available and adequate to handle the intensity and the type of trucks needed to service the proposed use; if on-street loading facilities are used, whether the use will impede traffic flow,

c. Parking: adequate parking available either on-site or within the area for employees and patrons,

3. Neighborhood:

a. Hours: the hours of operation are compatible with the surrounding commercial and/or residential neighborhood,

b. Loitering: the measures the restaurant will employ to discourage loitering; whether the type of use is compatible with the surrounding commercial and residential neighborhood,

4. Adequacy of public facilities:

a. Water and sewer: excess capacity exists and is available,

b. Police: police coverage is available,

c. Fire: the Fire Department has access to the site; sufficient water pressure for firefighting purposes is available and the building meets life safety standards,

5. Community need: a community need for the use has been established.

H. An appeal from a decision of the Board of Appeals shall be made to the Circuit Court of Maryland for Anne Arundel County.

21.26.060 - Reapplication after denial.

No application for a special exception, which has been denied wholly or in part by the Board of Appeals, shall be resubmitted for a period of one year from the date of the order of denial, except on the grounds of new evidence or proof of change of conditions found to be valid by ~~the Planning Commission and~~ the Board of Appeals.

21.30.010 - Purpose and authority.

An appeal may be taken to the Board of Appeals by a person aggrieved or by an officer, department, board or bureau of the City aggrieved by a decision of the Planning and Zoning Director or an enforcement action of the Director of Neighborhood and Environmental Programs other than the issuance of a misdemeanor citation.

21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.

[Table Notes]

3. Uses and combinations of uses located on zoning lots of 40,000 square feet or more require special exception approval, unless such uses are approved as part of a planned development.

21.64.510 - Planned developments.

Planned developments are permitted subject to approval by the ~~Board of Appeals~~ Planning Commission pursuant to regulations and procedures set forth in Chapter 21.24.

21.68.070 - Expansion of nonconforming uses.

No nonconforming use may be expanded except in the manner provided in this section.

A. Applications for Expansion.

1. Applications for expansion of nonconforming uses shall be subject to the procedures established in Section 21.26.030 (special exceptions).

2. Upon approval by the Board of Appeals, a nonconforming use of a structure may be expanded throughout the same structure to occupy a part of a structure that it did not occupy on the effective date of this Zoning Code.

B. Application Requirements. All applications for expansion of nonconforming uses shall be accompanied by plans and on any forms prescribed by the Planning and Zoning Director and shall at a minimum include the following:

1. A statement in writing by the applicant and adequate evidence showing that the expanded nonconforming use will conform to the standards set forth in this chapter.

2. Applicants shall provide the names and addresses of all persons having a financial or vested interest in the project and in the case of firms, partnerships and corporations, the names and addresses of all principals of the firm, partnership or corporation, who have a financial or vested interest in the project for which the application is made.

C. Review Criteria and Findings. ~~The recommendation of the Planning Commission and~~ decision by the Board of Appeals must be based upon written findings with respect to the following:

1. Compared with the existing nonconforming use, the expanded use will not be substantially more detrimental to the public health, safety, or general welfare.

2. The expanded use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or substantially diminish and impair property values within the neighborhood.

3. The expanded use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.

4. Adequate utilities, road access, drainage and necessary facilities have been or are being provided.

5. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

D. Expiration of Approval. No approvals of expansion of a nonconforming use shall be valid for a period longer than one year from the date of the approval, unless the building permit is obtained within that period and the expansion of the use is commenced within that period. However, the Planning and Zoning Director, upon a showing of good cause, may grant up to two successive extensions of the approval for periods not longer than six months each, provided that a written application for each extension is filed while the prior approval is still valid.

E. Appeals. Appeals from decisions of the Board of Appeals under this section shall be made to the Circuit Court of Maryland for Anne Arundel County.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect from the date of its passage, and it shall apply to all future and all pending applications for planned development and/or special exception approvals, except that with regard to a planned development application for which the Planning Commission has opened the public hearing pertaining thereto as of the date of passage of this Ordinance, the Planning Commission shall complete the public hearing and its review of the planned development application and shall issue a recommendation on such planned development application, and the Board of Appeals shall consider and decide the planned development application in accordance with the procedures in place prior to the passage of this Ordinance.

ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City
Clerk

Joshua J. Cohen, Mayor

EXPLANATION:
Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Arnett moved to adopt O-31-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- Alderman Paone left the meeting for the evening prior to the vote on O-31-11 amended 1/23/12.

ORDINANCES and RESOLUTION – 1ST READER

O-4-12 Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits – For the purpose of expanding the eligibility for multiple-day or single-day parking permits to include those that render personal or child care to a resident in a special residential parking district.

Referred to the Public Safety and the Transportation Committees

O-5-12 Re-Instituting a City Council Vote at the First Reader Introduction of Legislation – For the purpose of re-instituting a City Council vote at the first reader introduction of legislation.

Referred to the Rules and City Government Committee

O-6-12 Issuance of Bonds and Notes – For the purpose of authorize and empower the City of Annapolis (the “City”) to issue and sell, upon its

full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as the "Public Improvements Refunding Bonds, 2012 Series", and said bonds to be issued and sold for the public purpose of refunding all or a portion of certain outstanding general obligation bonds of the City, as provided in this Ordinance; authorizing the City to issue and sell, upon its full faith and credit, taxable general obligation notes in the aggregate principal amount not to exceed the maximum amount authorized to be issued under Article VII, Section 8 of the Charter of the City of Annapolis, as amended, to be designated as "Taxable General Obligation Notes, 2012 Series" and said notes to be issued and sold for the public purpose of financing working capital expenses of the City as provided in this Ordinance; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

Referred to the Economic Matters and the Finance Committees

- R-1-12** **Submission of Proposed Union Agreements – For the purpose of postponing until after February 6, 2012, the submission to the Mayor of proposed memoranda of understanding between employee organizations and the City.**

City Manager Mallinoff was present and answered questions from Council.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderwoman Finlayson move to have the union agreement concluded by March 6, 2012. Seconded. CARRIED on voice vote.
- Alderman Arnett moved to adopt R-1-12 on second reading. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 8/0

- R-2-11** **City Water Treatment Plant – For the purpose of expressing the sense of the City Council to select the City-only alternative for construction of a new water treatment capacity.**

Public Works Director Jarrell gave a brief presentation on the resolution answered questions from Council.

Civil Engineer Burkhardt was present and answered questions from council.

- Mayor requested R-2-11 be added to the Special Meeting Agenda for February 27, 2012 for a public hearing with legislative action.

- Alderwoman Finlayson move to extend the meeting beyond 11:00 p.m. to allow for the consideration of new business items. Seconded. CARRIED on voice vote.

BUSINESS and MISCELLANEOUS

1. Budget Revisions Requests

City Manager Mallinoff gave a brief presentation on the budget revision requests and answered questions from Council.

The Finance Committee reported favorable on budget amendments GT-35-12 through GT- 45-12.

Control Number **GT-35-12**, Department GT-35-12 Emergency Management
Justification for request: To establish working budgets for new FY11 FEMA SHSP Funding

Control Number **GT-36-12**, Department Police
Justification for request: The police Department needs to move \$20,000.00 from the State Asset Forfeiture Account to our repair and maintenance account.

Control Number **GT-37-12**, Department Fire
Justification for request: To establish working budgets for additional Sen Amoss 508 Funds.

Control Number **GT-38-12**, Department Fire
Justification for request: To fund needed repairs and maintenance of equipment in our maintenance account.

Control Number **GT-39-12**, Department Recreation
Justification for request: The department received a \$10,000 grant to run the Mighty Milers after school running program.

Control Number **GT-40-12**, Department Recreation
Justification for request: This is the second \$10,000 (of 3 total) for the Achieve Healthy Communities Grant.

Control Number **GT-41-12**, Department Fire
Justification for request: To fund invoices to Fire Protection review process with revenue from citizen payments.

Control Number **GT-42-12**, Department Mayor
Justification for request: No funds in the Mayor's budget for repair and maintenance of the City vehicle assigned to City Manager.

Control Number **GT-43-12**, Department Finance
Justification for request: To provide funds to cover cost of Kelly Services Personnel hired to assist with Finance Department functions.

Control Number **GT-44-12**, Department Police
Justification for request: Revision is necessary to purchase the ADCOR AR-15 patrol rifle which is needed to ensure that patrol officers are adequately armed to respond to active shooter incidents.

Control Number **GT-45-12**, Department Police
Justification for request: Revision is necessary to fund the Materials & supplies account which was under funded at the beginning of the fiscal year FY12.

- Alderman Arnett moved to approve budget revision requests GT-35-12 through GT- 45-12. Seconded. CARRIED on voice vote.

Control Number **GT-46-12**, Department Public Works

Justification for request: To reallocate additional 2009 Bond Funds to complete renovations of Market House.

Public Works Director Jarrell, Civil Engineer Burkhardt, Civil Engineer Grieco and Market House Manager Sharoff were present and answered questions from Council.

- Alderman Arnett move to refer GT-46-12 to the Finance Committee. Seconded. CARRIED on voice vote.

2. Hiring Approval Requests

City Manager Mallinoff gave a brief presentation on hiring approval request forms HR-42-12, HR-43-12, HR-44-12, and HR-45-12.

- Alderman Arnett moved to approve hiring approval requests HR-42-12, HR-43-12, HR-44-12, and HR-45-12. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 11:43 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

SPECIAL MEETING
February 27, 2012

The Special Meeting of the Annapolis City Council was held on February 27, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:09 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, Planning and Zoning Director Arason, Finance Director Miller, Public Works Director Jarrell, Civil Engineer Grieco, Market House Manager Sharoff

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 6:41 p.m., Monday, February 13, 2012 in the City Council Chamber.

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

Staff Present: City Attorney Hardwick, City Manager Mallinoff, City Clerk Watkins-Eldridge, Human Resources Director Rensted, Board and Commission Coordinator Raftovich

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:

*Update on Collective Bargaining Negotiations and;
The Law as it Relates to Residency of Elected City Officials*

Upon motion duly made, seconded and adopted, the closed session was adjourned at 7:44 p.m.

PETITIONS, REPORTS AND COMMUNICATIONS

Swearing In of Lateral Firefighters

Postponed

City Council Citation

Mayor Cohen invited Alderman Arnett to present to Mrs. Coleman a City of Annapolis Citation honoring her husband the late James Coleman for his work on the City of Annapolis Maritime Board.

Approval of Journal of Proceedings

- Alderman Israel moved to approve the Journal of Proceedings for the

Regular Meeting January 9, 2012 and the Special Meeting January 23, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

William Clatanoff, 66 Franklin Street, Unit #44, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12, spoke on his business at 34 Market Space
Joe Budge, 9 Randall Court, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12, and on the recommendations of the CCRABLE Committee
Lilly Odessa Ellis, 110 Dorsey Drive, Edgewater, Maryland 21037 spoke in opposition to R-45-11
Bevin Buchheister, Wagner Street, Annapolis, Maryland 21401 representing Ward One Residents Association spoke in opposition to R-45-11
Lynell Reed, 102 Dorsey Drive, Edgewater Maryland 21037 representing the residents of Dorsey Heights spoke in opposition to R-45-11
Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21403 spoke regarding his 2 prior requests for information
Sharon Kennedy, 9 Randall Court, Annapolis, Maryland 21401 spoke in favor of budget revision request GT-46-12
Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403 spoke in opposition to budget revision request GT-46-12, O-6-12 and the Hayes Annexation
Ray Sullivan, 119 Meade Drive, Annapolis, Maryland 21403 spoke on R-45-11, O-29-11 and in opposition to city document being created by non-city offices
Seth Zirkle, 200 Westgate Circle, Suite 500, Annapolis, Maryland 21401 representing HYATT & WEBER, P.A., and Hogan Holding Company LLC

PUBLIC HEARINGS

Without objection the public hearing on O-29-11 and R-33-11 were held jointly.

O-29-11 The Length of Time for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of extending the length of time for filing an appeal of an administrative decision to the Board of Appeals from fifteen days to thirty days.

&

R-33-11 Reducing the FY 2011 Fee for Filing an Appeal of an Administrative Decision to the Board of Appeals – For the purpose of reducing the fee for FY 2011 for filing an appeal of an administrative decision to the Board of Appeals from \$620.00 to \$150.00.

Planning and Zoning Director Arason gave a brief presentation on the ordinance and resolution.

Spoke in favor of the ordinance and resolution:

Burton Blisten, 17 Munroe Court, Annapolis, Maryland 21401
Janet Norman, 787 Annapolis Neck Road, Annapolis, Maryland 21403
Gilbert Renault, 115 Monticello Avenue, Annapolis, Maryland 21401

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

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 12/15/11, and Memoranda from Jon Arason, Director, to the Planning Commission dated 08/26/11.
- Mayor Cohen declared the public hearings closed.

- O-2-12 Lease of City Dock Space to Chesapeake Marine Tours – For the purpose of authorizing for fiscal year 2018 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.**

Spoke in favor of the ordinance:

Debbie Gosselin, 980 Awald Road, Annapolis, Maryland 21403 representing Chesapeake Marine Tours, Inc

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

- Mayor Cohen declared the public hearing closed.

- O-3-12 Lease of City Property: Boat Shows in 2017 – 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., for a certain period of time in October 2017, to conduct boat shows.**

Spoke in favor of the ordinance:

Ed Hartman, 980 Awald Road, Annapolis, Maryland 21403

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

- Mayor Cohen declared the public hearing closed.

- O-6-12 Issuance of Bonds and Notes – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as the “Public Improvements Refunding Bonds, 2012 Series”, and said bonds to be issued and sold for the public purpose of refunding all or a portion of certain outstanding general obligation bonds of the City, as provided in this Ordinance; authorizing the City to issue and sell, upon its full faith and credit, taxable general obligation notes in the aggregate principal amount not to exceed the maximum amount authorized to be issued under Article VII, Section 8 of the Charter of the City of Annapolis, as amended, to be designated as “Taxable General Obligation Notes, 2012 Series” and said notes to be issued and sold for the public purpose of financing working capital expenses of the City as provided in this Ordinance; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.**

Finance Director Miller gave a brief presentation on the ordinance and answered questions from Council.

City Manager Mallinoff was present and answered questions from Council.

Paul D. Shelton, Esq., representing McKennon, Shelton & Henn, LLP, 401 East Pratt Street, Suite 2315, Baltimore, Maryland 21202 was present and answered questions from Council

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

- Mayor Cohen referred O-6-12 to the Financial Advisory Commission.
- Mayor Cohen declared the public hearing closed.

R-2-11 City Water Treatment Plant – For the purpose of expressing the sense of the City Council to select the City-only alternative for construction of a new water treatment capacity.

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

Finance Director Miller and Civil Engineer Burkhardt were present and answered questions from Council.

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

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS
ORDINANCES AND RESOLUTIONS – 2ND READING

O-26-11 Alarm System Registration – For the purpose of establishing a registration requirement for alarm systems.

- Mayor Cohen requested O-26-11 on second reading be withdrawn.

R-45-11 Annexation Plan – Hayes Property – For the purpose of adopting an annexation plan for the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City’s jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

- Alderwoman Hoyle moved to adopt R-45-11 on second reading. Seconded.
- Alderman Israel moved the revised version of R-45-11 which reflects the Rules Committee Amendments as follows:

CITY COUNCIL OF THE
City of Annapolis

Resolution No. R-45-11
Introduced by: Mayor Cohen and Alderwoman Hoyle

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/25/11	1/9/12		N/A
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov’t Planning Commission	7/25/11 7/25/11	1/12/12 11/17/11, 12/1/11	

A RESOLUTION concerning

Annexation Plan – Hayes Property

FOR the purpose of adopting an annexation plan for the Hayes Property, which property is contiguous to the existing boundary of the City and which property is generally located south of the City's jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

WHEREAS, on January 14, 2011, K. Hovnanian Homes of Maryland, L.L.C., Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes submitted a Petition for Annexation to the City of Annapolis for 7.374 acres of property known as the Hayes Property, which Petition for Annexation shall be addressed by the City Council in Resolution No. R-47-11 after the Annexation Plan is ratified; and

WHEREAS, the annexation proposal was that the Hayes Property be zoned upon annexation within the R3 – General Residence District and within the R1-B – Single-Family Residence District, with the zoning classifications to be addressed by the City Council in Ordinance No. O-38-11 after the Annexation Plan is ratified; and

WHEREAS, on October 28, 2011, Petitioner K. Hovnanian Homes of Maryland, L.L.C. withdrew itself as a Petitioner, while the remaining four Petitioners, Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes (collectively, "Petitioners"), continue to pursue annexation; and

WHEREAS, following the Planning Commission's review of and recommendations regarding the proposed annexation and the conceptual plan of development, and so as to better protect the slopes on the eastern portion of the Hayes Property, Petitioners have modified the conceptual plan of development and a portion of the zoning proposal from R3 - General Residence District to R4 - General Residence District; and

WHEREAS, as required by § 19 (o) of Article 23A of the Annotated Code of Maryland, an annexation plan shall be adopted by the City Council in connection with the annexation of the Hayes Property; and

WHEREAS, following the City Council's adoption of this Resolution and the attached Annexation Plan, the City Council will conduct a public hearing on the proposed annexation of the Hayes Property, at which time the annexation plan will be open to public review and discussion, which annexation plan will have been provided to Anne Arundel County and to the Maryland Department of Planning at least thirty (30) days prior to the public hearing; and

WHEREAS, having considered the proposed annexation, the proposed zoning, the testimony and evidence presented thereon, the reports and recommendations of the Planning Commission and the Department of Planning and Zoning, and the information and opinions provided by other persons, departments, and agencies, having weighed the information, and having completed and finalized the annexation plan so as to appropriately plan for the incorporation into and the potential development of the Hayes Property within the City, the Council now adopts an annexation plan for the Hayes Property; and

WHEREAS, the obligations of the parties hereto set forth herein are contingent upon the adoption of an annexation resolution and shall be void in the event the City Council fails to effect such annexation or such annexation is invalidated by referendum or otherwise.

NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the Annexation Plan for the Hayes Property attached hereto be, and it is hereby, adopted.

AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that this Resolution shall take effect on the date of adoption, and that all parties to the Annexation Plan shall cooperatively endeavor to ratify the Annexation Plan in as prompt a manner as is possible.

ADOPTED this ____ day of _____, 2012.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City
Clerk

Joshua J. Cohen, Mayor

EXPLANATION:

Highlighting indicates matter added to existing law.

~~Strikeout indicates matter deleted from existing law.~~

Underlining indicates amendments.

ANNEXATION PLAN

THIS ANNEXATION PLAN (the "Plan") is made this _____ day of _____, 2012, by and between THE CITY OF ANNAPOLIS, MARYLAND, a municipal corporation of the State of Maryland (the "City"), and HOGAN HOLDING COMPANY, LC, JAMES J. BLACKWELL, ROXANNE WINN, and BUCKLEY W. HAYES (collectively, "Petitioners").

Recitals

- A. WHEREAS, on January 14, 2011, the Petitioners filed with the City a Petition for Annexation (the "Petition"), which Petition the Office of the City Clerk determined to have satisfied all laws and regulations pertaining to the preparation, execution, notification, and filing thereof codified within the Code of the City of Annapolis (the "City Code") and within the Annotated Code of Maryland (the "State Code");
- B. WHEREAS, the properties proposed for annexation in the Petition are fully and accurately identified in the Petition and its supporting exhibits, are contiguous to and adjoin the existing corporate boundary of the City, collectively contain 7.374 acres, more or less, and are known as the Hayes Property (the "Property");
- C. WHEREAS, as described in detail in the Petition, the owners of the various parcels comprising the Property are James J. Blackwell, Roxanne Winn, and Buckley W. Hayes. Hogan Holding Company, LC is the contract purchaser of the Property. Hogan Holding Company, LC is referred to herein in the singular as "Petitioner";
- D. WHEREAS, in accordance with § 19 (o) of Article 23A of the State Code, which requires that an annexation plan shall be adopted by the City Council of the City of Annapolis (the "Council") in connection with the annexation of the Property, this annexation plan was prepared and adopted following a public hearing, and shall be open to public review and discussion at the Council's public hearing on the proposed annexation of the Property, and shall have been provided to Anne Arundel County and to the Maryland Department of Planning at least thirty (30) days prior to the Council's public hearing on the annexation;
- E. WHEREAS, the Property was included within Growth Area "A" in the 2009 Annapolis Comprehensive Plan, which designated the area as eligible for annexation and appropriate for establishing a logical boundary for the City's jurisdictional limits; and
- F. WHEREAS, the City and the Petitioners desire to appropriately plan for the incorporation into and the potential development of the Property within the City of Annapolis; and

G. WHEREAS, the City and the Petitioners voluntarily enter into this Plan to ensure such circumstances and to fulfill the requirements of § 19 (o) of Article 23A of the State Code, and the parties hereto covenant that they have the full right, power, and authority to enter into, carry out, perform, and execute this Plan.

NOW, THEREFORE, in consideration of the mutual interests, covenants, promises, agreements, and undertakings set forth herein, including the preceding Recitals, the accuracy and sufficiency of which is expressly acknowledged, the City and the Petitioners mutually agree as follows:

1. Conceptual Plan of Development. The City and the Petitioner contemplate that development of the Property shall generally take the form illustrated on the conceptual site plan identified as "Conceptual Site Plan", prepared by Bay Engineering, Inc., dated November, 2011, and attached hereto as Exhibit "A". The City and the Petitioner acknowledge that changes to this layout may be made as part of the application, approval, and permitting processes. The City and the Petitioner further acknowledge that, in accordance with § 9 (c) (1) of Article 23A of the State Code, for a period of five years following the annexation of the Property, the City may not permit development of the Property for land uses substantially different than the use authorized, or at a substantially higher, not to exceed 50%, density than could be granted for the proposed development, in accordance with the zoning classification of Anne Arundel County applicable at the time of the annexation without the express approval of Anne Arundel County.
2. Conservation Easement Area. The "Conceptual Site Plan" at Exhibit "A" depicts a Conservation Easement for areas of the site that are in steep slopes. The demarcation of the upper boundaries of the Conservation Easement area is approximate and shall be adjusted during the development review process to include all areas of steep slopes.
3. Restrictions on Site Development. Development of the site is subject to the following restrictions:
 - a. The maximum number of dwelling units shall not exceed 159.
 - b. The maximum lot coverage shall be 45% for structures and parking.
 - c. The maximum structural height shall be 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet.
 - d. Access to the site shall be from the existing easement at the intersection of Dorsey Drive and Old Solomons Island Road and the existing right-of-way for Neal Street.
 - e. Development of the site shall only proceed if it is in compliance with any and all applicable provisions of the City's Adequate Public Facilities laws regarding the preparation of traffic impact analyses.
 - f. Development of the site shall be designed to provide appropriate screening and buffering between the site and adjacent residences, which screening and buffering may require plantings, fencing, or similar features.
 - g. Any development design for the site shall be in harmony with the character of the surrounding neighborhood and the Comprehensive Plan and shall achieve a maximum of compatibility, safety, efficiency, and attractiveness.

- h. Any development applications pertaining to the site shall proceed in accordance with all applicable notice requirements in the Annapolis City Code, which notice requirements generally require (i) that the developer must post notice on the property that is the subject of an application at least fifteen days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director, (ii) that written notification must be mailed to all property owners within two hundred feet of the property boundary – regardless of whether such property owners reside within the City of Annapolis or within Anne Arundel County – not less than fifteen days prior to the date of hearing on the application, and (iii) that notice of the application and any required public hearings at which the application will be considered must be published in a newspaper of general circulation in the City no fewer than once each week for two successive weeks, with the first notice of the hearing at least fifteen days before the hearing.
 - i. Public housing, as owned and operated by The Housing Authority of the City of Annapolis, shall be prohibited.
 - j. There shall be some recognition on the Property regarding its historical heritage and relationship to the Dorsey Heights community.
 - k. Prior to submitting any site plan approval to the City of Annapolis, the Property owner (or contract purchaser, as the case may be) shall invite members of the Dorsey Heights community, with appropriate city staff in attendance to a meeting for the purposes of discussing the proposed site development plan.
 - l. If permitted by the City, a walking path shall be installed within the Conservation Easement Area, as part of the site plan, which will be available for the use of the neighboring community.
 - m. In the event the Property is approved for apartment dwellings, the amenities within an apartment community (including, to the extent installed, a fitness center, meeting room, pool, business center, cyber cafe, etc.) shall be available for use by the Dorsey Heights residents at a fair market value.
 - n. Chapter 20.30 of the City Code applies to any development on this Property.
 - o. The project shall be a planned development subject to planned development procedures as outlined in Chapter 21.24, "Procedures for Planned Developments."
4. Provision of Public Services. The City shall not be obligated to provide public services, including, but not limited to, street maintenance, snow removal, solid waste removal (refuse, yard waste recycling, recycling), to the Property unless the Property is properly permitted for and developed with a public roadway for which the City has accepted a fee simple deed for the right-of-way ownership, and the City shall not be obligated to provide such public services on any existing or subsequently developed private rights-of-way, easements, and/or driveways.
5. Infrastructure Fees and Facilities. The Petitioner shall be solely and jointly and severally responsible for all costs, including but not limited to all engineering and construction costs, associated with the extension of utility mains, the water distribution system, the wastewater collection system, wastewater pumping stations, water booster stations, tap fees, connection charges, capital facility fees, capital assessment charges, and construction inspection fees. The parties acknowledge that, while preliminary studies indicate that water and sewer

facilities will be adequate for development of the Property and that sewer service can and should be handled by gravity flow, Petitioner shall comply with all applicable City laws and policies related to the adequacy of public facilities in connection with the development of the Property. The Petitioner shall be required to connect to both the City's water distribution and wastewater collection system located near the intersection of Old Solomons Island Road and Neal Street. Where applicable, all work shall be in accordance with the City of Annapolis Standard Specifications and Details. The City, and other applicable agencies, will review and approve all infrastructure for compliance with all applicable requirements.

6. Facilities Improvements and Ownership. The Petitioner shall pay and shall be solely and jointly and severally responsible for all costs, including, but not limited to all engineering and construction costs, associated with the construction of internal roadways, curb and gutters, sidewalks, street lighting, storm drain systems and stormwater management facilities, and shall be the owner of all such internal facilities, unless one or more of such facilities are made public and the same are accepted by the City. Stormwater management facilities shall be owned, inspected, maintained, repaired, and replaced by the Petitioner in accordance with City and State requirements. Petitioner shall be solely responsible for paying for all costs, including right-of-way acquisition costs, associated with any capacity increase, alignment change and/or any alignment change to new or existing roadways should said increase be required by the City, County, or State. Where applicable, all work shall be in accordance with City of Annapolis Standard Specifications and Details. The City and other applicable agencies shall review and approve all infrastructure and facilities for compliance with applicable requirements.
7. Street Lights. The Petitioner shall be responsible for the installation of street lighting for the property. All street lights require approval by the City of Annapolis, for style, type and luminosity. If the roadways are to be owned by the City of Annapolis, the street light must be selected from the models offered for lease by BGE, and street lighting maintenance will be by lease arrangement between BGE and the City of Annapolis. If the roadways are to remain private, the petitioner may select lighting from another source provided it is approved by the City of Annapolis for style, type and luminosity. The Petitioner shall pay for all costs associated with street lighting until the release of the maintenance bond and the conveyance and acceptance of the road rights-of-way by either the Homeowners Association or the City of Annapolis. Additionally, the Petitioner shall prepay, to the City or the Homeowners Association, as appropriate, for an additional one year of energy costs immediately prior to the release of the Maintenance Bond.
8. Traffic Signs and Signals. The Petitioner shall solely pay and be jointly and severally responsible for all costs associated with traffic signs and/or signals which may be required in connection with the development of the Property. The City and other applicable agencies shall review and approve all such traffic-related improvements for compliance with applicable requirements. Access to the site shall be as noted on the Conceptual Site Plan.
9. Infrastructure ("Performance") Bond. The Petitioner, in a format to be provided by the City and to the satisfaction of the City, shall jointly and severally bond all infrastructure and facility improvements for the full cost of the improvements so that, in the event that the

Petitioner cannot complete the work for any reason, the City will have the financial resources to do so. Once the infrastructure and facilities have been conditionally accepted by the City, and after all requirements of the City and all other applicable agencies have been fulfilled, the bond may, in the City's sole discretion, be reduced to a one-year maintenance bond at a minimum of ten percent (10%) of the full bond. The Petitioner shall jointly and severally guarantee all costs of infrastructure improvements which exceed the amount of bond coverage.

10. Infrastructure Inspection, Maintenance, Repair and Replacement. The City shall not be responsible for infrastructure or facilities operational inspection, maintenance, repair or replacement during construction, including snow removal and solid waste removal (i.e., refuse, yard waste, and recycling collection), water distribution and wastewater collection systems operations and maintenance, pump station operations and maintenance, and road repairs and operation. If the rights-of-way are to be owned by the City, which shall occur in the City's sole discretion, the City's responsibility for inspection, maintenance, repair or replacement of such infrastructure or facilities shall not be activated until the City's final and complete infrastructure inspection and approval, acceptance of deeds or other instruments of conveyance, and final release of maintenance bond. The City shall not be responsible for infrastructure or facilities operational inspection, maintenance repair or replacement during or after construction if the rights-of-way remain private.

11. Natural Features. The City and the Petitioners acknowledge that the Property contains significant steep slopes toward the southern and southeastern property boundaries and the parties further recognize that, due to the slopes' environmental significance to Church Creek, it may not be suitable for buildings and/or utilities to be constructed in these areas. This general area of the site shall be placed in a Conservation Easement area as discussed in Paragraph 2 above. Petitioner shall undertake or cause or allow to be caused minimal disturbance to these features, and shall utilize sediment control measures, approved by the Anne Arundel Soil Conservation District, in the development process, and shall comply with all applicable City and State Critical Areas laws and regulations.

12. Binding Effect. The terms, conditions, and provisions of this Plan shall be deemed as covenants running with the Property and shall be binding upon and shall inure to the benefit of the parties hereto, any successor municipal authorities of the City, successor owners of record of the Property, and their respective heirs, personal representatives, successors, grantees, and assigns. It is expressly understood and agreed by the parties that the benefits, rights, duties, and obligations hereunder are conferred and imposed upon the parties only upon and contingent upon the City's annexation of the Property. It is further expressly understood and agreed that the Petitioner may assign its benefits, rights, duties, and obligations hereunder either as part of the conveyance of the Property as an entirety or severally as part of the conveyances of portions of the Property, that any such conveyance or assignment is permissible without the consent of the City, any of its elected official, employees, or agents, that the obligations and responsibilities expressed in this Plan shall be binding upon and applicable to the owner of the Property as may exist from time to time, and that such owner of the Property shall undertake, perform, or otherwise meet each obligation

or responsibility when the same may arise. No provision of this Plan shall create any third party beneficiary rights or other rights in any person or entity not a party hereto.

At such time as Hogan Holding Company, LC ("Hogan"), or any of its affiliated entities, acquires title to the Property, Hogan (or its affiliated entity, as the case may be) shall be the sole party that the City shall require to perform hereunder. Hogan, or the Petitioners, may assign their respective rights arising out of the Property, however, prior to such assignment, if done prior to the development of the Property contemplated herein, the City must consent to the assignment, which consent shall not be unreasonably withheld.

13. Cooperation of Parties. The parties shall take all reasonable actions and do all things reasonably necessary or appropriate to carry out and to expedite the terms and provisions of this Plan and to generally enable the parties' compliance with the terms and provisions of this Plan.
14. Recordation. This Plan shall be recorded among the Land Records of Anne Arundel County by and at the expense of the Petitioner, following which the Petitioner shall provide the original of the recorded Plan to the City.
15. Modification of Plan. No portion of this Plan shall be amended, waived, modified, discharged, or terminated except by an instrument in writing signed by all parties hereto or their successors, grantees, or assigns and witnessed and notarized.
16. Headings. Descriptive headings herein are for convenience only and shall not control or affect the meaning or construction of any provision of this Plan.
17. Severability. In the event that any one or more of the provisions contained in this Plan shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions hereof, and this Plan shall be construed as if such invalid, illegal, or unenforceable provision had never been herein contained.
18. Enforceability. This Plan shall be specifically enforceable in any court of competent jurisdiction by any of the parties hereto by any appropriate action or suit at law or in equity to secure the performance of the covenants herein contained. Venue for all actions arising from this Plan shall be the Courts of Anne Arundel County, Maryland. In any such action, the parties waive their right, if any, to trial by jury.

IN WITNESS WHEREOF, the parties have executed and sealed this Plan as of the day and year first above written.

SIGNATURE PAGES FOLLOW

ATTEST:

THE CITY OF ANNAPOLIS

Regina Watkins-Eldridge, City Clerk

By: _____
Joshua J. Cohen, (Seal)
Mayor of the City of Annapolis

Approved as to form and legal sufficiency:

Karen Hardwick, Esq., City Attorney

State of Maryland, Anne Arundel County, to wit:

I hereby certify that on this _____ day of _____, 2012 before me, a notary public, in and for the State and County aforesaid, did personally appear, Joshua J. Cohen, Mayor of the City of Annapolis, Maryland, who acknowledged that he is authorized to execute this Annexation Plan on behalf of the City of Annapolis, and being authorized to do so, executed the foregoing instrument for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My commission expires: _____

Witness:

~~K. Hovnanian Homes of Maryland, L.L.C.
A Maryland limited liability company~~

By: _____
A. Hugo DeCesaris, _____ (Seal)
Region President

STATE OF _____, _____ COUNTY, TO WIT:

~~I, the undersigned, Notary Public in and for the State of _____, do hereby certify that on this _____ day of _____, 2011 before me personally appeared A. Hugo DeCesaris, Region President of K. Hovnanian Homes of Maryland, L.L.C., and acknowledged that, being authorized to so do, he has executed this Annexation Plan as the act and deed of K. Hovnanian Homes of Maryland, L.L.C. for the purposes therein contained.~~

~~_____ Witness my hand and notarial seal.~~

Notary Public

My Commission Expires: _____

Witness:

Hogan Holding Company, LC
A Maryland limited company

By:

Timothy S. Hogan, (Seal)
Member

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do
hereby certify that on this _____ day of _____, 2012
before me personally appeared Timothy S. Hogan, Member of Hogan Holding Company, LC,
and he acknowledged that, being authorized to so do, he has executed this Annexation Plan as
the act and deed of Hogan Holding Company, LC for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

James J. Blackwell (Seal)

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do hereby certify that on this _____ day of _____, 2012 before me personally appeared James J. Blackwell, and he acknowledged that he has executed this Annexation Plan as his act and deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

Roxanne Winn (Seal)

STATE OF _____, _____ COUNTY, TO WIT:

I, the undersigned, Notary Public in and for the State of _____, do hereby certify that on this _____ day of _____, 2012 before me personally appeared Roxanne Winn, and she acknowledged that she has executed this Annexation Plan as her act and deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public

My Commission Expires: _____

Witness:

(Seal) Buckley W. Hayes

STATE OF _____, _____ COUNTY, TO
WIT:

I, the undersigned, Notary Public in and for the State of _____
_____, do hereby certify that on this _____ day of
_____, 2012 before me personally appeared Buckley
W. Hayes, and he acknowledged that he has executed this Annexation Plan as his act and
deed for the purposes therein contained.

Witness my hand and notarial seal.

Notary Public
My Commission Expires:

Seconded. CARRIED on voice vote.

The main motion amended A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Arnett, Israel, Paone, Alderwomen Hoyle,
Finlayson, Aldermen Silverman, Kirby, Pfeiffer*
NAYS:
CARRIED: 9/0

**R-2-12 City Water Treatment Plant – For the purpose of expressing the sense
of the City Council to select the City-only alternative for construction
of a new water treatment capacity.**

City Manager Mallinoff was present and answered questions from Council.

- Alderman Pfeiffer moved to adopt R-2-12 on second reading. Seconded.

A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Arnett, Israel, Alderwomen Hoyle, Finlayson,
Aldermen Silverman, Kirby, Pfeiffer*
NAYS: Alderman, Paone
CARRIED: 8/1

ORDINANCE – 1st READING

**O-7-12 Variances for Subdivisions – For the purpose of moving the authority
for granting subdivision variances from the Planning Commission to
the Board of Appeals to comply with the Annotated Code of
Maryland and a recent court decision; and all matters relating to
variances for subdivisions.**

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

BUSINESS and MISCELLANEOUS

1. Hiring Approval Requests

Finance Director Miller gave a brief presentation on the hiring approval request and answered questions from Council.

The Finance Committee reviewed and voted favorable on HR-46-12.

HR Control Number: HR-46-12, Department Transportation, Position Title: Parking Enforcement Officer

- Alderman Arnett moved to approve HR-46-12. Seconded.

A ROLL CALL vote was taken:

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

NAYS:

CARRIED: 9/0

2. Budget Revision Request

Finance Director Miller gave a brief presentation on GT-46-12 and answered questions from Council.

Public Works Director Jarrell, Civil Engineer Grieco and Market House Manager Sharoff were present.

Control Number GT-46-12, Department Finance, and Justification for request: To provide additional funds to renovate the Market House

- Alderman Israel moved to approve budget revision request control number GT-46-12 with the Finance Committee supporting GT-46-12 with a provision that the revenue from the Market House be deposited into a sinking fund from which the related debt service will be paid. Seconded.

A ROLL CALL vote was taken:

YEAS: Mayor Cohen, Aldermen Israel, Alderwomen Hoyle, Finlayson, Aldermen Kirby

NAYS: Aldermen Paone, Silverman, Pfeiffer, Arnett

CARRIED: 5/4

3. Withdraw R-53-11

Without objection, Mayor Cohen withdrew R-53-11.

4. Appointments

The Economic Matters Committee voted favorably on the Mayor's appointment of David Iams.

- Alderman Paone moved to approve the Mayor's appointment of the following individual:

2/27/12 Planning Commission.....David Iams
Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 9:34 p.m.

Regina C. Watkins-Eldridge, MMC
City Clerk

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-4-12

Introduced by: Alderman Israel and Alderman Pfeiffer

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
2/13/12			5/14/12
Public Safety	2/13/12		
Transportation	2/13/12		

8
9 **A ORDINANCE** concerning

10 **Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits**

11 **FOR** the purpose of expanding the eligibility for multiple-day or single-day parking permits to
12 include those that render personal or child care to a resident in a special residential
13 parking district.

14 **BY** repealing and re-enacting with amendments the following portions of the Code of the
15 City of Annapolis, 2011 Edition
16 Section 12.32.140
17

18 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
19 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

20 **CHAPTER 12.32 – SPECIAL RESIDENTIAL PARKING DISTRICTS.**

21 **12.32.140 - Permit—Temporary.**

22 A. The Police Chief or his/her designee shall issue a multiple-day or single-day temporary
23 residential parking permit for use by a bona fide visitor to or a person having business at a
24 residence within a residential parking district. Multiple-day permits may be purchased by an
25 applicant when needed and shall be used for predetermined dates. Up to ten single-day permits
26 may be purchased per month for undetermined dates; upon usage, the resident shall validate
27 the single-day permit by entering the date of the day for which the single-day permit is being
28 used. An application for a temporary permit shall be made by a resident of a district on a form
29 as shall be prescribed by the Director of Transportation. The fee for a temporary residential
30 parking permit shall be established by resolution of the City Council.

31 B. A multiple-day or single-day parking permit may be issued for the vehicle of a person who
32 is rendering medical, PERSONAL OR CHILD care to a resident in a special residential parking
33 district. The Chief of Police or the Chief's designee shall determine eligibility for such a permit.

1 In the discretion of the Chief of Police or the Chief's designee, the permit is transferable. The
2 permit is valid for up to one month, but may be renewed. The fee shall be established by the
3 City Council but may for good cause be waived.
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6 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
7 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

8

9 **ADOPTED** this _____ day of _____, _____.

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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION:
CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter deleted from existing law.
Underlining indicates amendments.

Policy Report

Ordinance O-4-12

Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits

The proposed ordinance would expand the eligibility for multiple-day or single-day parking permits to include those that render health, personal or child care to a resident in a special residential parking district. The Code currently allows the issuance of multiple-day and single-day parking passes for those that render medical care only. The fee for multiple-day and single-day parking passes is set by resolution of the City Council but may be waived for good cause.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law (JCCowles@annapolis.gov).

FISCAL IMPACT NOTE

Legislation No: O-04-12

First Reader Date: 2-13-12

Note Date: 2-21-12

Legislation Title: Expanding the Eligibility for Multiple-Day or Single-Day Parking Permits

Description: For the purpose of expanding the eligibility for multiple-day or single-day parking permits to include those that render personal or child care to a resident in a special residential parking district.

Analysis of Fiscal Impact: This legislation produces no fiscal impact unless there is a determination that the daily fee, currently \$2.00, is 'waived for good cause.' Any time that determination is made, the City will not collect the \$2.00 per day multiple-day or single-day parking permit fee. The legislation does not provide a definition of or criteria to be met to determine 'good cause.' The negative fiscal impact depends on the number of fees waived.

Although the fiscal impact is not quantifiable, per se, there should be concern relative to the unintended consequences that the approval of this ordinance may have, including the opportunity cost of managing to this ordinance, the potential abuse that may result and therefore the negative impact this potential will have on City revenues, and finally the lack of definition and therefore the potential of staff making arbitrary decisions.

Another concern is that there are a greater number of permits than there are parking spaces. Since this ordinance does not specify times, this ordinance will increase the demand on limited residential parking spaces.

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Ordinance No. O-5-12

4 Introduced by: Alderwoman Finlayson and Alderman Arnett
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LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/13/12			5/14/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	2/13/12		

8
9 **A ORDINANCE** concerning

10 **Re-Instituting a City Council Vote at the First Reader Introduction of Legislation**

11 **FOR** the purpose of re-instituting a City Council vote at the first reader introduction of
12 legislation.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the
14 City of Annapolis, 2011 Edition
15 Section 2.16.090
16
17

18 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
19 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

20 **CHAPTER 2.16 – CITY COUNCIL.**

21 **2.16.090 - Reading, amendment and passage of ordinances, etc.**

22 A. All laws shall be enacted by ordinance. Every ordinance and every charter amendment
23 shall be read three times by its title before a final vote is taken for its passage. However, by
24 unanimous consent of the council in session, this procedure may be waived and the ordinance
25 read two times by title only and the third reading shall not be held. No ordinance or charter
26 amendment shall be amended except upon its second reading. Every ordinance and every
27 charter amendment shall be read the first time at the meeting at which it is introduced[,] AND A
28 VOTE SHALL BE TAKEN ON THE FIRST READING. [and t] The ordinance or charter
29 amendment shall then lie on the table, after which it shall be read the second and third time and
30 final action taken. All three readings of an ordinance and charter amendment shall occur during
31 the same term of the Council.
32

33 B. With the exception of referrals to the Planning Commission, all ordinances, resolutions and
34 charter amendments shall be discharged without the necessity of a motion from any committee
35 or commission to which it has been referred ninety days after first reading. The ordinance or
36 charter amendment shall thereafter be placed on the agenda of the next regular City Council
37 meeting and all subsequent Council meetings until the Council votes to postpone consideration

1 for a specific amount of time not to exceed 90 days, or votes to adopt or defeat the legislation.
2 All legislation referred to the Planning Commission shall be by way of the Department of
3 Planning and Zoning which shall complete its review, make recommendations, and place the
4 legislation on the agenda of the Planning Commission meeting that is to take place within sixty
5 days of the first reading by the City Council. An ordinance that proposes to amend the zoning of
6 any piece of property shall be referred to the Planning Commission and may not be placed upon
7 a City Council agenda until the findings and recommendations of the Planning Commission
8 have been received consistent with Chapter 21.34. Other legislation referred to the Planning
9 Commission shall be discharged without the necessity of a motion from the Planning
10 Commission one hundred eighty days after first reading by the City Council. The legislation shall
11 thereafter be placed on the agenda of the next meeting and all subsequent regular meetings
12 until the City Council votes to postpone consideration for a specific amount of time not to
13 exceed 90 days, or votes to adopt or defeat the legislation.
14

15 C. All resolutions shall be read twice by title and may be passed after the second reading.
16 Every resolution shall be read the first time at the meeting at which it is introduced[,] AND A
17 VOTE SHALL BE TAKEN ON THE FIRST READING. [and t] The resolution shall then lie on the
18 table after which it shall be read a second time and final action taken. Both readings of a
19 resolution shall occur during the same term of the Council.
20

21 D. The foregoing notwithstanding, by a unanimous consent of the council in session, any
22 ordinance or resolution may be passed at the meeting of the introduction.
23

24 E. A fiscal impact note shall be submitted by the Finance Director on every ordinance, charter
25 amendment, and resolution no later than the date such ordinance, charter amendment, or
26 resolution is to be heard at public hearing. Any ordinance or resolution waiving or reducing City
27 fees shall be referred to the Finance Committee and then lie on the table after which shall be
28 read the second time and final action taken.
29

30 F. The member or members of the City Council who have requested the drafting and
31 introduction of a charter amendment, ordinance, or resolution shall be identified by title and
32 name following the heading "Introduced by." The first member requesting the drafting of a
33 specific piece of legislation may make a determination as to whether any other members of the
34 City Council may be listed under "Introduced by" and the order in which those members are to
35 be introduced. Any other member of the City Council who requests identification on the
36 legislation shall be listed under the heading "Co-sponsored by" in the chronological order in
37 which that member's request is made to the Office of Law or on the floor of the City Council.
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40 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
41 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
42

43 **ADOPTED** this _____ day of _____, _____.
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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION:
CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter deleted from existing law.
Underlining indicates amendments.

Policy Report
Ordinance O-5-11

Re-Instituting a City Council Vote at the First Reader Introduction of Legislation

The proposed ordinance would re-institute a City Council vote at first reader introduction of legislation. A City Council vote on first reader legislation was in effect prior to the adoption of O-68-09 in April 2010.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law, JCCowles@annapolis.gov.

FISCAL IMPACT NOTE

Legislation No: O-05-12

First Reader Date: 2-13-12

Note Date: 2-16-12

Legislation Title: Re-Instituting a City Council Vote at the First Reader Introduction of Legislation

Description: For the purpose re-instituting a City council vote at the first reader introduction of legislation.

Analysis of Fiscal Impact: This legislation produces no fiscal impact.

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**CITY COUNCIL OF THE
City of Annapolis**

Ordinance No. O-6-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
2/13/12			5/14/12
Economic Matters	2/13/12		

8
9 **A ORDINANCE** concerning

10 **ISSUANCE OF BONDS AND NOTES**

11 **FOR** the purpose of authorizing and empowering the City of Annapolis (the "City") to issue
12 and sell, upon its full faith and credit, general obligation bonds in the aggregate principal
13 amount not to exceed Twenty-One Million Five Hundred Thousand Dollars
14 (\$21,500,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the
15 Annotated Code of Maryland (2011 Replacement Volume), Section 24 of Article 31 of
16 the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement),
17 and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be
18 designated as the "Public Improvements Refunding Bonds, 2012 Series", and said
19 bonds to be issued and sold for the public purpose of refunding all or a portion of certain
20 outstanding general obligation bonds of the City, as provided in this Ordinance;
21 authorizing the City to issue and sell, upon its full faith and credit, taxable general
22 obligation notes in the aggregate principal amount not to exceed the maximum amount
23 authorized to be issued under Article VII, Section 8 of the Charter of the City of
24 Annapolis, as amended, to be designated as "Taxable General Obligation Notes, 2012
25 Series" and said notes to be issued and sold for the public purpose of financing working
26 capital expenses of the City as provided in this Ordinance; prescribing the form and
27 tenor of said bonds and notes; determining the method of sale of said bonds and notes
28 and other matters relating to the issuance and sale thereof; providing for the
29 disbursement of the proceeds of said bonds and notes; covenanting to levy and collect
30 all taxes necessary to provide for the payment of the principal of and interest on said
31 bonds and notes; and generally providing for and determining various matters relating to
32 the issuance, sale and delivery of all said bonds and notes.

1 The Refunding Act authorizes the City to issue bonds for the purpose of refunding
2 outstanding bonds issued by the City in order to (i) realize debt service savings on either a
3 direct comparison or present value basis, or (ii) restructure debt that (1) in the aggregate effects
4 such a reduction in the cost of debt service or (2) is determined to be in the best interests of the
5 City, to be consistent with the City's long-term financial plan, and to realize a financial objective
6 including improving the relationship of debt service to a source of payment such as taxes,
7 assessments or other charges.

8 The City has determined that it is in the best interest of the City to refund the Refunded
9 Bonds in order to realize savings to the City in the aggregate cost of debt service.

10 Section 8 of the Charter provides that the City may borrow upon its faith and credit for a
11 period not to exceed one (1) year such sum or sums from time to time as may be deemed
12 necessary to provide for the payment of any obligations of the City. The aggregate principal
13 amount of the sums borrowed outstanding and unpaid at any one time (i) shall not exceed ten
14 million dollars (\$10,000,000) through June 30, 2014; and (ii) after July 1, 2014, shall not exceed
15 eight million dollars (\$8,000,000) as adjusted annually thereafter for inflation based on the
16 municipal cost index. The Municipal Cost Index is derived from American City & County. The
17 City may issue notes to secure payment of sums borrowed. The City proposes to spend the
18 proceeds of the notes authorized pursuant to this Ordinance for purposes of financing working
19 capital expenses (including refinancing notes previously issued for the purposes of financing
20 working capital) and paying the costs of issuing such notes and has determined that it is in the
21 best interest of the City to issue such notes in order to finance working capital expenses.

22 The Charter contains no limitations upon the rate at which *ad valorem* taxes may be
23 levied by the City for the payment of the principal of and interest on said indebtedness.

24 Since the adoption of Article XI-E as an amendment of the Constitution of Maryland, the
25 General Assembly of Maryland has passed no law proposing a limitation upon the rate at which
26 taxes may be levied by the City, or a limitation upon the amount of bonded indebtedness which
27 may be incurred by the City different from that set forth in the Charter.

28
29 **NOW THEREFORE, BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
30 **CITY COUNCIL** that

31 SECTION 1. All terms used herein which are defined in the Recitals hereof shall have
32 the meanings given such terms therein.

33 SECTION 2. It is in the best interest of the City to borrow money and incur indebtedness
34 and the City is authorized and empowered to issue and sell, upon its full faith and credit its

1 general obligation, fully registered bonds in the aggregate principal amount not to exceed
2 Twenty-One Million Five Hundred Thousand Dollars (\$21,500,000) to be known as the “Public
3 Improvements Refunding Bonds, 2012 Series” (the “2012 Series Bonds”) or such other
4 designation as deemed appropriate by the Mayor or City Manager for the purposes of refunding
5 all or a portion of the Refunded Bonds and paying the costs of issuing such 2012 Series Bonds.

6 SECTION 3. It is in the best interest of the City to borrow money and incur indebtedness
7 and is authorized and empowered to issue and sell, upon its full faith and credit its general
8 obligation, fully registered notes or other obligations in the aggregate principal amount not to
9 exceed the amount authorized under Article VII, Section 8 of the Charter, to be known as
10 “Taxable General Obligation Notes, 2012 Series” (the “Notes”) or such other designation as
11 deemed appropriate by the Mayor or City Manager for the purposes of financing working capital
12 expenses (including refinancing notes previously issued for the purposes of financing working
13 capital) and paying the costs of issuing such Notes. The Notes authorized to be issued and
14 reissued pursuant to the provisions of this Ordinance may be issued and reissued from time to
15 time as notes or other obligations in connection with a line of credit or other similar financial
16 arrangement provided by a financial institution. Such Notes may be issued as a revolving debt
17 obligation, term loan or other structure, shall be payable within one (1) year of any advance or
18 issuance of such debt obligation, and may bear interest at fixed or variable rates not to exceed
19 7.5% per annum, in each case as approved by the Mayor in an executive order.

20 SECTION 4. The City hereby covenants that any 2012 Series Bonds and Notes issued
21 hereunder shall comply with all limitations of the Charter. No 2012 Series Bonds shall be issued
22 by the City if, by the issuance thereof, the total bonded indebtedness of the City incurred, less
23 the amount of sinking funds established for the retirement thereof, would then exceed ten per
24 centum (10%) of the assessed value of all real and personal property in the City taxable for
25 municipal purposes. No Notes shall be issued by the City under this Ordinance in excess of the
26 amount authorized under Article VII, Section 8 of the Charter less any other indebtedness
27 issued and outstanding under Article VII, Section 8 of the Charter.

28 SECTION 5. The 2012 Series Bonds authorized by this Ordinance shall be dated the
29 date of their delivery, shall be fully registered bonds without coupons in the denomination of
30 Five Thousand Dollars (\$5,000) each or any integral multiple thereof and shall bear interest at
31 the interest rate or rates fixed at the time of the awarding of the 2012 Series Bonds in
32 accordance with an executive order of the Mayor and the provisions of this Ordinance as
33 hereinafter provided. Interest on the 2012 Series Bonds shall be payable semi-annually on the

1 dates and in the years as may be determined by the Mayor in an executive order. The 2012
2 Series Bonds shall mature, subject to the option of prior redemption, in annual installments,
3 including any mandatory sinking fund installments, in the years as shall be determined by the
4 Mayor pursuant to an executive order; provided however, that the final maturity of the 2012
5 Series Bonds shall not exceed 30 years from the date of delivery of the 2012 Series Bonds.
6 Each 2012 Series Bond shall bear interest from the interest payment date next preceding the
7 date on which it is authenticated, unless authenticated upon an interest payment date, in which
8 event it shall bear interest from such interest payment date, or unless authenticated prior to the
9 first interest payment date, in which event it shall bear interest from the date of the 2012 Series
10 Bonds; provided, however, that if at the time of authentication of any bond interest is in default,
11 such bond shall bear interest from the date to which interest has been paid.

12 SECTION 6. The 2012 Series Bonds may be subject to redemption prior to maturity as
13 may be determined by the Mayor in an executive order. The 2012 Series Bonds so subject to
14 redemption, if any, the redemption dates and the redemption prices shall be specified in an
15 executive order by the Mayor.

16 The 2012 Series Bonds shall be redeemed only in integral multiples of \$5,000. If less
17 than all of the 2012 Series Bonds of any one maturity are called for redemption, the particular
18 bonds to be redeemed from such maturity shall be selected by lot by the Bond Registrar (as
19 hereinafter defined) in such manner as the Bond Registrar in its sole discretion may determine
20 or under the procedures for book-entry bonds if the 2012 Series Bonds are under a book-entry
21 system.

22 When less than all of a 2012 Series Bond in a denomination in excess of \$5,000 shall be
23 so redeemed, then upon the surrender of such 2012 Series Bond, there shall be issued to the
24 registered owner thereof, without charges, for the unredeemed balance of the principal amount
25 of such 2012 Series Bond, at the option of such owner, 2012 Series Bonds in any of the
26 authorized denominations, the aggregate face amount of such 2012 Series Bonds not to exceed
27 the unredeemed balance of the 2012 Series Bond so surrendered, and to bear the same
28 interest rate and to mature on the same date as said unredeemed balance.

29 If the City elects to redeem all or a portion of the 2012 Series Bonds outstanding, it shall
30 give a redemption notice by first class mail, postage prepaid, at least 30 days prior to the date
31 fixed for redemption to each registered owner appearing on the books kept by the Bond
32 Registrar. Notwithstanding the foregoing, so long as all of the Bonds are registered in the name
33 of Cede & Co., as nominee for the Depository Trust Company, New York, New York ("DTC"),
34 such notice shall be given by a secure means (e.g. legible facsimile transmission, registered or

1 certified mail or overnight express delivery) in a timely manner designed to assure that such
2 notice is in DTC possession no later than the close of business on such thirtieth day; provided,
3 however, that the failure to mail the redemption notice or any defect in the notice so mailed or in
4 the mailing thereof shall not affect the validity of the redemption proceedings. The redemption
5 notice shall state (i) whether the 2012 Series Bonds are to be redeemed in whole or in part and,
6 if in part, the maturities and numbers of the 2012 Series Bonds to be redeemed, (ii) the date
7 fixed for redemption and the redemption price or prices, (iii) that the 2012 Series Bonds to be
8 redeemed shall be presented for redemption at the office of the Bond Registrar, and (iv) that
9 interest on the 2012 Series Bonds called for redemption shall cease to accrue on the date fixed
10 for redemption.

11 From and after the date fixed for redemption, if notice has been duly and properly given
12 and if funds sufficient for the payment of the redemption price of the 2012 Series Bonds called
13 for redemption plus accrued interest due thereon are available on such date, the 2012 Series
14 Bonds so called for redemption shall become due and payable at the redemption price or prices
15 provided for redemption of such 2012 Series Bonds on such date, interest on the 2012 Series
16 Bonds shall cease to accrue and the registered owners of the 2012 Series Bonds so called for
17 redemption shall have no rights in respect thereof except to receive payment of the redemption
18 price plus accrued interest to the date fixed for redemption. Upon presentation and surrender of
19 a 2012 Series Bond called for redemption in compliance with the redemption notice, the Bond
20 Registrar shall pay the redemption price of such bond plus accrued interest thereon to the date
21 fixed for redemption. If bonds so called for redemption are not paid upon presentation and
22 surrender as described above, such bonds shall continue to bear interest at the rates stated
23 therein until paid.

24 SECTION 7. The Notes authorized by this Ordinance shall be dated the date of their
25 delivery, shall be fully registered notes without coupons in the denomination of Five Thousand
26 Dollars (\$5,000) each or any integral multiple thereof and shall bear interest at the interest rate
27 or rates fixed at the time of the awarding or issuance of the Notes in accordance with an
28 executive order of the Mayor and the provisions of this Ordinance as hereinafter provided.
29 Interest on the Notes shall be payable on such dates as may be determined by the Mayor in an
30 executive order. The final maturity of the Notes shall not exceed one year from the date of any
31 advance or delivery of the Notes. Each Note shall bear interest on the outstanding amounts
32 from the date of Notes to the date of maturity.

33 SECTION 8. The Notes may be subject to redemption or prepayment prior to maturity
34 as determined by the Mayor pursuant to an executive order.

1 SECTION 9. The 2012 Series Bonds and Notes shall be executed in the name of the
2 City and on its behalf by the Mayor of the City. Such signature of the Mayor shall be imprinted
3 on such 2012 Series Bonds and Notes manually or by facsimile and a facsimile of the corporate
4 seal of Annapolis shall also be imprinted thereon, attested by the manual or facsimile signature
5 of the City Clerk of Annapolis, all in accordance with and pursuant to the authority of the
6 Maryland Uniform Facsimile Signature of Public Officials Act, being Sections 2-301 through 2-
7 306 of the State Finance and Procurement Article of the Annotated Code of Maryland.

8 In the event any official whose signature shall appear on such Notes or 2012 Series
9 Bonds shall cease to be such official prior to the delivery of the Notes or 2012 Series Bonds, or,
10 in the event any such official whose signature shall appear on such Notes or 2012 Series Bonds
11 shall have become such after the date of issue thereof, the Notes or 2012 Series Bonds shall
12 nevertheless be valid and legally binding obligations of Annapolis in accordance with their
13 terms.

14 All 2012 Series Bonds and Notes shall be registered in the name or names of the owner
15 or owners thereof on books kept for such purpose at the principal office of the Bond Registrar or
16 Note Registrar, as hereinafter defined (collectively, the "Registrar"). The 2012 Series Bonds
17 initially will be issued in book-entry form without any physical distribution of certificates made to
18 the public. DTC will act as securities depository for the 2012 Series Bonds, and the 2012 Series
19 Bonds will be registered in the name of DTC's partnership nominee, Cede & Co. The City
20 reserves the right to terminate maintenance of the 2012 Series Bonds in a book-entry only
21 system and to issue fully certificated bonds. The Mayor or his designee is hereby authorized to
22 appoint a financial institution to act as bond registrar (the "Bond Registrar" or as note registrar,
23 the "Note Registrar") and as paying agent (the "Paying Agent") for the 2012 Series Bonds,
24 unless the Mayor determines after consulting with the Financial Advisor to the City that the City
25 shall act as the Bond Registrar or the Paying Agent or both. Payment of the principal of and
26 interest on the 2012 Series Bonds or Notes shall be made to the person appearing on the
27 registration books maintained by the Registrar as the registered owner thereof, such principal to
28 be payable at the principal office of the Paying Agent upon presentation and surrender of such
29 bonds or notes as the same become due and payable, and such interest to be payable by check
30 mailed by the Paying Agent to the persons in whose names the bonds or notes are registered
31 on the regular record date which shall be the fifteenth day of the month immediately preceding
32 each regular interest payment date or such other date specified in the bond or note (the
33 "Regular Record Date") at the registered owner's address as shown on the registration books
34 maintained by the Registrar.

1 SECTION 10. Any interest on any 2012 Series Bonds or Notes which is payable but is
2 not punctually paid or provision for the payment of which has not been made (“Defaulted
3 Interest”) shall forthwith cease to be payable to the registered owner on the relevant Regular
4 Record Date solely by virtue of such registered owner having been such registered owner; and
5 such Defaulted Interest may be paid by the City, at its election in each case, as provided in
6 paragraph (1) or (2) below:

7 (1) The City may elect to make payment of any Defaulted Interest on the 2012
8 Series Bonds or Notes to the persons in whose names such 2012 Series Bonds or Notes is
9 registered at the close of business on a record date for the payment of such Defaulted Interest
10 (the “Special Record Date”), which shall be fixed in the following manner. The City shall notify
11 the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the 2012
12 Series Bonds or Notes and the date of the proposed payment (which date shall be such as will
13 enable the Paying Agent to comply with the next sentence hereof), and at the same time the
14 City shall deposit or cause to be deposited with the Paying Agent an amount of money equal to
15 the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make
16 arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed
17 payment, such money when deposited to be held in trust for the benefit of the persons entitled
18 to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix
19 a Special Record Date for the payment of such Defaulted Interest which shall be not more than
20 fifteen (15) nor less than ten (10) days prior to the date after the receipt by the Paying Agent of
21 the notice of the proposed payment. The Paying Agent shall promptly notify the City of such
22 Special Record Date and, in the name of the City, shall cause notice of the proposed payment
23 of such Defaulted Interest and the Special Record Date therefore to be mailed, first-class
24 postage prepaid, to each registered owner at his address as it appears in the registration books
25 maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date.
26 The Paying Agent may, in its discretion, in the name of the City, cause a similar notice to be
27 published at least once in a newspaper of general circulation in Annapolis, Maryland but such
28 publication shall not be a condition precedent to the establishment of such Special Record Date.
29 Notice of the proposed payment of such Defaulted Interest and the Special Record Date
30 therefor having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered
31 owners of the 2012 Series Bonds or Notes as of the close of business on such Special Record
32 Date.

33 (2) The City may make payment of any Defaulted Interest in any other lawful manner
34 not inconsistent with the requirements of any securities exchange on which the 2012 Series

1 Bonds or Notes may be listed, and upon such notice as may be required by such exchange, if,
2 after notice given by the City to the Paying Agent of the proposed payment pursuant to this
3 paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying
4 Agent.

5 SECTION 11. Except as provided hereinafter or in ordinances of the Mayor and
6 Aldermen of the City of Annapolis adopted prior to the issuance and delivery of the 2012 Series
7 Bonds or Notes, all 2012 Series Bonds or Notes shall be substantially in the following forms,
8 with appropriate insertions as therein indicated and such other modifications as shall be
9 approved by the Mayor, which forms and all of the covenants therein contained are hereby
10 adopted by Annapolis as and for the forms of obligation to be incurred by Annapolis, and said
11 covenants and conditions are hereby made binding upon Annapolis, including the promise to
12 pay therein contained:

1 No. R-____
2 \$ _____
3

4 (Form of 2012 Series Bond)
5

6
7 UNITED STATES OF AMERICA
8 STATE OF MARYLAND
9 CITY OF ANNAPOLIS, MARYLAND
10 GENERAL OBLIGATION BONDS
11 PUBLIC IMPROVEMENTS REFUNDING BONDS,
12 2012 Series
13

14 Interest Rate Per Annum Maturity Date Date of Original Issue CUSIP

15 REGISTERED OWNER: CEDE & CO.

16 PRINCIPAL AMOUNT DOLLARS
17

18
19
20 CITY OF ANNAPOLIS (the "City"), a municipal corporation created and existing under the laws
21 of the State of Maryland, hereby acknowledges itself indebted, and, for value received,
22 promises to pay to the Registered Owner shown above or registered assigns or legal
23 representatives on the Maturity Date shown above (unless this bond shall be redeemable, shall
24 have been called for prior redemption and payment of the redemption price made or provided
25 for), the Principal Amount shown above or so much thereof as shall not have been paid upon
26 prior redemption in any coin or currency which, at the time of payment, is legal tender for the
27 payment of public and private debts upon presentation and surrender of this bond on the date
28 such principal is payable or if such date is not a Business Day (hereinafter defined) then on the
29 next succeeding Business Day at the principal office of the Paying Agent, and to pay to the
30 registered owner hereof by check or draft, mailed to such registered owner at his address as it
31 appears on said registration books (the "Bond Register") maintained by the Bond Registrar
32 interest on said principal amount at the Interest Rate shown above until payment of such
33 principal amount, or until the prior redemption hereof, such interest being payable semi-annually
34 on the first days of _____ and _____ in each year, in like coin or currency to the registered
35 owner in whose name this bond is registered on the Bond Register as of the close of business
36 on the regular record date, which shall be the fifteenth day of the month immediately preceding
37 each regular interest payment date (the "Regular Record Date"). Any such interest not so
38 punctually paid or duly provided for shall forthwith cease to be payable to the registered owner
39 on the Regular Record Date, and may be paid to the person in whose name this bond is
40 registered at the close of business on a date fixed by the Paying Agent for such defaulted
41 interest payment (the "Special Record Date"), notice of which is given to the registered owner
42 hereof not less than ten (10) days prior to such Special Record Date, or may be paid at any time
43 in any other lawful manner not inconsistent with the requirement of any securities exchange on

1 which the bonds of this series may be listed and upon such notice as may be required by such
2 exchange.

3
4 “Business Day” means a day other than a Saturday, Sunday or day on which banking
5 institutions under the laws of the State governing the Paying Agent are authorized or obligated
6 by law or required by executive order to remain closed.

7
8 This bond shall not be valid or become obligatory for any purpose, until this bond shall have
9 been authenticated by an authorized officer of the Bond Registrar.

10
11 This bond is one of a duly authorized issue of general obligation bonds of the City aggregating
12 _____ Dollars (\$_____) in principal amount, which are in
13 denominations of \$5,000 or any integral multiple thereof, mature serially in installments on the
14 first day of ____ in each of the years 20_ to 20_, inclusive, and bear interest per annum as
15 follows:

17	Year of	Principal	Interest	Year of	Principal	Interest
18	<u>Maturity</u>	<u>Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Amount</u>	<u>Rate</u>

19
20
21
22
23
24 The bonds are numbered from one consecutively upwards prefixed by the letter “R” and are of
25 like tenor and effect except as to maturity, number, interest rate, denomination and redemption
26 provisions, and are issued pursuant to and in full conformity with the provisions of Sections 31
27 to 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume),
28 as amended, Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement
29 Volume and 2011 Supplement) and Article VII, Section 11 of the Annapolis City Charter, and by
30 virtue of due proceedings had and taken by the Mayor and Aldermen of the City of Annapolis
31 particularly an Ordinance adopted on the _____ day of _____, 2012 (approved
32 _____ 2012) (the “Ordinance”).

33
34 [The bonds which mature on or before _____ are not subject to redemption prior to their
35 maturities. The bonds which mature on or after _____ are subject to redemption prior to
36 their maturities on or after _____ at the option of the City either as a whole or in part at any
37 time, in any order of maturities, at a redemption price expressed as a percentage of the principal
38 amount of the bonds to be redeemed, set forth in the table below, together with interest accrued
39 to the date fixed for redemption:

41	<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
----	---	-------------------------

42
43
44
45 If less than all of the bonds of any one maturity of this issue shall be called for redemption, the
46 bonds to be redeemed shall be selected by lot by the Bond Registrar in such manner as, in its
47 discretion, it shall determine.

48
49 When less than all of a bond in a denomination in excess of \$5,000 shall be so redeemed, then,
50 upon the surrender of such bond, there shall be issued to the registered owner thereof, without
51 charge, for the unredeemed balance of the principal amount of such bond, at the option of such

1 owner, bonds in any of the authorized denominations, the aggregate face amount of such bonds
2 not to exceed the unredeemed balance of the bond so surrendered, and to bear the same
3 interest rate and to mature on the same date as said unredeemed balance.
4

5 If the City elects to redeem all or a portion of the Bonds outstanding, it shall give a redemption
6 notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption
7 to each registered owner appearing on the books kept by the Bond Registrar. Notwithstanding
8 the foregoing, so long as all of the Bonds are registered in the name of Cede & Co., as nominee
9 for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by
10 a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight
11 express delivery) in a timely manner designed to assure that such notice is in DTC possession
12 no later than the close of business on such thirtieth day; provided, however, that the failure to
13 mail the redemption notice or any defect in the notice so mailed or in the mailing thereof shall
14 not affect the validity of the redemption proceedings. The redemption notice shall state (i)
15 whether the Bonds are to be redeemed in whole or in part and, if in part, the maturities and
16 numbers of the Bonds to be redeemed, (ii) the date fixed for redemption and the redemption
17 price or prices, (iii) that the Bonds to be redeemed shall be presented for redemption at the
18 office of the Bond Registrar, and (iv) that interest on the Bonds called for redemption shall
19 cease to accrue on the date fixed for redemption.
20

21 From and after the date fixed for redemption, if notice has been duly and properly given and if
22 funds sufficient for the payment of the redemption price of the bonds called for redemption plus
23 accrued interest due thereon are available on such date, the bonds so called for redemption
24 shall become due and payable at the redemption price or prices provided for redemption of such
25 bonds on such date interest on the bonds shall cease to accrue and the registered owners of
26 the bonds so called for redemption shall have no rights in respect thereof except to receive
27 payment of the redemption price plus accrued interest to the date fixed for redemption. Upon
28 presentation and surrender of a bond called for redemption in compliance with the redemption
29 notice, the Bond Registrar shall pay the redemption price of such Bond plus accrued interest
30 thereon to the date fixed for redemption. If bonds so called for redemption are not paid upon
31 presentation and surrender as described above, such bonds shall continue to bear interest at
32 the rates stated therein until paid.
33

34 This bond is transferable only upon the registration books kept at the principal office of the Bond
35 Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing,
36 upon surrender hereof together with a written instrument of transfer in the form attached hereto
37 and satisfactory to the Bond Registrar duly executed by the registered owner or his duly
38 authorized attorney, and thereupon, within a reasonable time, the City shall issue in the name of
39 the transferee a new registered bond or bonds of any authorized denominations in aggregate
40 principal amount equal to the principal amount of this bond or the unredeemed portion hereof,
41 and maturing on the same date and bearing interest at the same rate. Said new bond or bonds
42 shall be delivered to the transferee only after payment of any tax or governmental charge
43 required to be paid with respect to and any shipping expenses or insurance relating to, such
44 transfer and only after due authentication thereof by an authorized officer of the Bond Registrar.
45 The City shall not be required to issue, transfer or exchange any bond during the period
46 beginning fifteen days before any selection of bonds to be redeemed and ending on the day of
47 publication and mailing of the notice of redemption or to transfer or exchange any bond called or
48 being called for redemption in whole or in part. The City may deem and treat the person in
49 whose name this bond is registered as the absolute owner hereof for the purpose of receiving
50 payment of or on account of the principal or redemption price hereof and interest due hereon
51 and for all other purposes.

1 The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to
2 the prompt payment of the principal of and interest on this bond according to its terms, and the
3 City does hereby covenant and agree to pay the principal of this bond and the interest thereon,
4 at the dates and in the manner mentioned herein, according to the true intent and meaning
5 thereof.
6

7 It is hereby certified and recited that all conditions, acts and things required by the Constitution
8 or statutes of the State of Maryland, the Charter of the City and the Ordinance to exist, to have
9 happened or to have been performed precedent to or in the issuance of this bond, exist, have
10 happened and have been performed, and that the issue of bonds of which this is one, together
11 with all other indebtedness of the City, is within every debt and other limit prescribed by said
12 Constitution or statutes or Charter, and that due provision has been made for the levy and
13 collection of an *ad valorem* tax or taxes upon all legally assessable property within the corporate
14 limits of the City in rate and amount sufficient to provide for the payment, when due, of the
15 principal of and interest on this bond.
16

17 IN WITNESS WHEREOF, this bond has been executed by the facsimile signature of the Mayor
18 of the City, which signature has been imprinted hereon, a facsimile of the corporate seal of the
19 City has been imprinted hereon, attested by the manual or facsimile signature of the City Clerk
20 as of the first day of _____, 2012.
21

22 ATTEST:

CITY OF ANNAPOLIS

23
24
25 _____
26 City Clerk

By: _____
Mayor

27
28 CERTIFICATION OF AUTHENTICATION

29
30 The undersigned hereby certifies that this bond is one of the registered bonds
31 of the City of Annapolis.
32

33 _____
34 [Authorized Officer of Bond Registrar]

(Form of Assignment)

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FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within bond and all rights thereunder, and does hereby constitute and appoint _____ to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

1 No. R-_____
2 \$ _____
3

4 (Form of Note)
5

6
7 UNITED STATES OF AMERICA
8 STATE OF MARYLAND
9 CITY OF ANNAPOLIS, MARYLAND
10 TAXABLE GENERAL OBLIGATION NOTES,
11 2012 Series
12

13 Interest Rate Per Annum Maturity Date Date of Original Issue CUSIP
14

15 REGISTERED OWNER:
16

17 PRINCIPAL AMOUNT DOLLARS
18

19 CITY OF ANNAPOLIS (the "City"), a municipal corporation created and existing under the laws
20 of the State of Maryland, hereby acknowledges itself indebted, and, for value received,
21 promises to pay to the Registered Owner shown above or registered assigns or legal
22 representatives on the Maturity Date shown above (unless this note shall be redeemable, shall
23 have been called for prior redemption and payment of the redemption price made or provided
24 for), the Principal Amount shown above or so much thereof as shall not have been paid upon
25 prior redemption in any coin or currency which, at the time of payment, is legal tender for the
26 payment of public and private debts upon presentation and surrender of this note on the date
27 such principal is payable or if such date is not a Business Day (hereinafter defined) then on the
28 next succeeding Business Day at the principal office of the Paying Agent, and to pay to the
29 registered owner hereof by check or draft, mailed to such registered owner at his address as it
30 appears on said registration books (the "Note Register") maintained by the Note Registrar
31 interest on said principal amount at the Interest Rate shown above until payment of such
32 principal amount, or until the prior redemption hereof, such interest being payable semi-annually
33 on the first days of _____ and _____ in each year, in like coin or currency to the registered
34 owner in whose name this note is registered on the Note Register as of the close of business on
35 the regular record date, which shall be the fifteenth day of the month immediately preceding
36 each regular interest payment date (the "Regular Record Date"). Any such interest not so
37 punctually paid or duly provided for shall forthwith cease to be payable to the registered owner
38 on the Regular Record Date, and may be paid to the person in whose name this note is
39 registered at the close of business on a date fixed by the Paying Agent for such defaulted
40 interest payment (the "Special Record Date"), notice of which is given to the registered owner
41 hereof not less than ten (10) days prior to such Special Record Date, or may be paid at any time
42 in any other lawful manner not inconsistent with the requirement of any securities exchange on
43 which the notes of this series may be listed and upon such notice as may be required by such
44 exchange.
45

46 "Business Day" means a day other than a Saturday, Sunday or day on which banking
47 institutions under the laws of the State governing the Paying Agent are authorized or obligated
48 by law or required by executive order to remain closed.
49

50 This note shall not be valid or become obligatory for any purpose, until this note shall have been
51 authenticated by an authorized officer of the Note Registrar.

1
2 This note is one of a duly authorized issue of general obligation notes of the City aggregating
3 _____ Dollars (\$_____) in principal amount, which are in
4 denominations of \$5,000 or any integral multiple thereof, mature serially in installments on the
5 first day of _____ in each of the years 20__ to 20__, inclusive, and bear interest per annum as
6 follows:

7
8 Year of Principal Interest Year of Principal Interest
9 Maturity Amount Rate Maturity Amount Rate
10
11
12
13
14
15

16 The notes are numbered from one consecutively upwards prefixed by the letter "R" and are of
17 like tenor and effect except as to maturity, number, interest rate, denomination and redemption
18 provisions, and are issued pursuant to and in full conformity with the provisions of Article VII,
19 Section 8 of the Annapolis City Charter, and by virtue of due proceedings had and taken by the
20 Mayor and Aldermen of the City of Annapolis particularly an Ordinance adopted on the
21 _____ day of _____, 2012 (approved _____ 2012) (the "Ordinance").
22

23 [The notes are [not] subject to redemption prior to their maturities [at the option of the City either
24 as a whole or in part at anytime.]
25

26 When less than all of a note in a denomination in excess of \$5,000 shall be so redeemed, then,
27 upon the surrender of such note, there shall be issued to the registered owner thereof, without
28 charge, for the unredeemed balance of the principal amount of such note, at the option of such
29 owner, notes in any of the authorized denominations, the aggregate face amount of such notes
30 not to exceed the unredeemed balance of the note so surrendered, and to bear the same
31 interest rate and to mature on the same date as said unredeemed balance.
32

33 If the City elects to redeem all or a portion of the Notes outstanding, it shall give a redemption
34 notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption
35 to each registered owner appearing on the books kept by the Note Registrar. Notwithstanding
36 the foregoing, so long as all of the Notes are registered in the name of Cede & Co., as nominee
37 for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by
38 a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight
39 express delivery) in a timely manner designed to assure that such notice is in DTC possession
40 no later than the close of business on such thirtieth day; provided, however, that the failure to
41 mail the redemption notice or any defect in the notice so mailed or in the mailing thereof shall
42 not affect the validity of the redemption proceedings. The redemption notice shall state (i)
43 whether the Notes are to be redeemed in whole or in part and, if in part, the maturities and
44 numbers of the Notes to be redeemed, (ii) the date fixed for redemption and the redemption
45 price or prices, (iii) that the Notes to be redeemed shall be presented for redemption at the
46 office of the Note Registrar, and (iv) that interest on the Notes called for redemption shall cease
47 to accrue on the date fixed for redemption.
48

49 From and after the date fixed for redemption, if notice has been duly and properly given and if
50 funds sufficient for the payment of the redemption price of the notes called for redemption plus
51 accrued interest due thereon are available on such date, the notes so called for redemption

1 shall become due and payable at the redemption price or prices provided for redemption of such
2 notes on such date interest on the notes shall cease to accrue and the registered owners of the
3 notes so called for redemption shall have no rights in respect thereof except to receive payment
4 of the redemption price plus accrued interest to the date fixed for redemption. Upon
5 presentation and surrender of a note called for redemption in compliance with the redemption
6 notice, the Note Registrar shall pay the redemption price of such note plus accrued interest
7 thereon to the date fixed for redemption. If notes so called for redemption are not paid upon
8 presentation and surrender as described above, such notes shall continue to bear interest at the
9 rates stated therein until paid.]

10
11 This note is transferable only upon the registration books kept at the principal office of the Note
12 Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing,
13 upon surrender hereof together with a written instrument of transfer in the form attached hereto
14 and satisfactory to the Note Registrar duly executed by the registered owner or his duly
15 authorized attorney, and thereupon, within a reasonable time, the City shall issue in the name of
16 the transferee a new registered note or notes of any authorized denominations in aggregate
17 principal amount equal to the principal amount of this note or the unredeemed portion hereof,
18 and maturing on the same date and bearing interest at the same rate. Said new note or notes
19 shall be delivered to the transferee only after payment of any tax or governmental charge
20 required to be paid with respect to and any shipping expenses or insurance relating to, such
21 transfer and only after due authentication thereof by an authorized officer of the Note Registrar.
22 The City shall not be required to issue, transfer or exchange any note during the period
23 beginning fifteen days before any selection of notes to be redeemed and ending on the day of
24 publication and mailing of the notice of redemption or to transfer or exchange any note called or
25 being called for redemption in whole or in part. The City may deem and treat the person in
26 whose name this note is registered as the absolute owner hereof for the purpose of receiving
27 payment of or on account of the principal or redemption price hereof and interest due hereon
28 and for all other purposes.

29
30 The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to
31 the prompt payment of the principal of and interest on this note according to its terms, and the
32 City does hereby covenant and agree to pay the principal of this note and the interest thereon,
33 at the dates and in the manner mentioned herein, according to the true intent and meaning
34 thereof.

35
36 It is hereby certified and recited that all conditions, acts and things required by the Constitution
37 or statutes of the State of Maryland, the Charter of the City and the Ordinance to exist, to have
38 happened or to have been performed precedent to or in the issuance of this note, exist, have
39 happened and have been performed, and that the issue of notes of which this is one, together
40 with all other indebtedness of the City, is within every debt and other limit prescribed by said
41 Constitution or statutes or Charter, and that due provision has been made for the levy and
42 collection of an *ad valorem* tax or taxes upon all legally assessable property within the corporate
43 limits of the City in rate and amount sufficient to provide for the payment, when due, of the
44 principal of and interest on this note.

45
46 IN WITNESS WHEREOF, this note has been executed by the facsimile signature of the Mayor
47 of the City, which signature has been imprinted hereon, a facsimile of the corporate seal of the
48 City has been imprinted hereon, attested by the manual or facsimile signature of the City Clerk
49 as of the first day of _____, 2012.

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ATTEST:

CITY OF ANNAPOLIS

City Clerk

By: _____
Mayor

CERTIFICATION OF AUTHENTICATION

The undersigned hereby certifies that this note is one of the registered notes of the City of Annapolis.

[Authorized Officer of Note Registrar]

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within note and all rights thereunder, and does hereby constitute and appoint _____ to transfer the within note on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within note in every particular, without alteration or enlargement or any change whatever.

1
2 SECTION 12. All of the 2012 Series Bonds and Notes authorized by this Ordinance
3 may be sold by solicitation of competitive sealed proposals at public sale in accordance with the
4 provisions of the following Notice of Sale at the principal office of the City, on such date as may
5 be selected by the Mayor pursuant to an executive order for cash at no less than par, to the
6 bidder therefor whose bid is deemed to be for the best interests of Annapolis. Bids shall be
7 received as provided in the Notice of Sale. The 2012 Series Bonds and Notes authorized by
8 this Ordinance may also be sold, if the Mayor determines that it would be in the best interest of
9 the City, at private (negotiated) sale without advertisement, publication, notice of sale, or
10 solicitation of competitive bids. The Mayor shall award the sale of the 2012 Series Bonds and
11 Notes by executive order.

12 Unless a referendum petition shall be filed as provided hereinafter or the 2012 Series
13 Bonds or Notes are sold at private (negotiated) sale, the City Clerk of Annapolis is authorized
14 and directed to publish a notice of sale at least twice in a daily or weekly newspaper having
15 general circulation in Annapolis. The publication of such notice of sale shall be made once at
16 least ten (10) days prior to the date of sale. The City Clerk may give such other notice of the
17 sale of such 2012 Series Bonds and Notes, within or without this State, by publication or
18 otherwise, as the Mayor may deem appropriate.

19 The Finance Director of Annapolis is hereby authorized and directed to make all
20 necessary arrangements for the tabulation and comparison of the proposals received, including
21 the employment of specially qualified personnel, if necessary, so that he will be able promptly to
22 advise the Mayor as to the proposal which produces the lowest true interest cost for the 2012
23 Series Bonds and Notes sold.

24 The Mayor, City Manager and Finance Director are hereby authorized to prepare and
25 distribute a preliminary official statement and final official statement in connection with the sale
26 of the 2012 Series Bonds and Notes.

27 The Notice of Sale if used for the issue of 2012 Series Bonds and Notes authorized by
28 this Ordinance shall be in substantially the form hereinafter set forth, with the insertions therein
29 indicated. The terms and conditions stated in such Notice of Sale are hereby adopted and
30 approved as the terms and conditions under which and the manner in which such 2012 Series
31 Bonds and Notes shall be sold, issued and delivered at public sale, subject to such insertions,
32 alterations, additions or deletions as the Mayor may deem advisable due to financial or market
33 conditions prevailing at the time and based upon the advice of the Financial Advisor to the City.

(Form of Notice of Sale)

NOTICE OF SALE

\$ _____

**CITY OF ANNAPOLIS, MARYLAND
General Obligation Bonds
Public Improvements Refunding Bonds, 2012 Series**

\$ _____

**CITY OF ANNAPOLIS, MARYLAND
Taxable General Obligation Notes,
2012 Series**

Electronic bids via the BiDCOMP/Parity Competitive Bidding System ("PARITY") will be received until _____, prevailing Eastern time, on _____ (unless postponed as described herein) by the City of Annapolis, Maryland (the "City") for the City of Annapolis, Maryland General Obligation Bonds, Public Improvements Refunding Bonds, 2012 Series (the "2012 Series Bonds") and the City of Annapolis, Maryland Taxable General Obligation Notes, 2012 Series (the "Notes" and collectively with the 2012 Series Bonds, the "Obligations").

Terms of the 2012 Series Bonds

The 2012 Series Bonds shall be dated the date of their delivery.

Interest on the 2012 Series Bonds is payable on _____ and semi-annually thereafter on _____ and _____ until maturity. The 2012 Series Bonds will mature on _____ in the following respective years and principal amounts:

Maturing [Date]*	Principal Amount*
-----------------------------	------------------------------

*Preliminary, subject to change. See "Adjustments of Principal Amounts."

The proceeds of the 2012 Series Bonds will be used to refund all or a portion of the City's Public Improvements Bonds, 2005 Series and Public Improvements Bonds, 2007 Series, and to pay the costs of issuing such 2012 Series Bonds.

Terms of the Notes

The Notes shall be dated the date of their delivery.

1 Interest on the Notes is payable on _____ and at maturity. The Notes will mature
2 on _____ in the principal amount(s) of _____.

3
4
5 The proceeds of the Notes will be used to finance working capital expenses and to pay
6 costs of issuing such Notes.

7
8
9 **Authority**

10
11 The 2012 Series Bonds are issued pursuant to Sections 31 through 39, inclusive, of
12 Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), Section 24 of
13 Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011
14 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended.

15
16 The Notes are issued pursuant to Article VII, Section 8 of the Charter of the City of
17 Annapolis, as amended.

18
19 The Obligations are general obligations of the City, and will constitute an irrevocable
20 pledge of its full faith and credit and unlimited taxing power.

21
22 **Book-Entry System**

23
24 One bond or note representing each maturity of the Obligations will be issued to and
25 registered in the name of Cede & Co., as nominee of The Depository Trust Company, New
26 York, New York ("DTC"), as registered owner of the Obligations and each such bond or note
27 shall be held in the custody of DTC. DTC will act as securities depository for the Obligations.
28 Individual purchases will be made in book-entry form only, in the principal amount of \$5,000 or
29 any integral multiple thereof. Purchasers will not receive physical delivery of certificates
30 representing their interest in the Obligations purchased. The winning bidder, as a condition to
31 delivery of the Obligations, will be required to deposit the bond or note certificates representing
32 each maturity with DTC.

33
34 Interest on the Obligations will be payable when due and the principal or redemption price
35 of the Obligations will be payable at maturity or upon earlier redemption to DTC or its nominee as
36 registered owner of the Obligations, in accordance with the authority above. Transfer of principal
37 and interest payments to beneficial owners of the Obligations by participants of DTC
38 ("Participants") will be the responsibility of Participants and other nominees of beneficial owners.
39 The City will not be responsible or liable for such transfers of payments or for maintaining,
40 supervising or reviewing the records maintained by DTC, Participants or persons acting through
41 Participants.

42
43 **Optional Redemption of the 2012 Series Bonds and Notes**

44
45 The Notes are [not] redeemable prior to their stated maturity.

46
47 2012 Series Bonds maturing on or before _____ are not subject to redemption prior
48 to their stated maturities. 2012 Series Bonds maturing on or after _____ are subject to
49 redemption prior to their maturities at the option of the City on or after _____ either as a
50 whole or in part at any time in any order of maturity at the option of the City, at par plus accrued
51 interest thereon to the date fixed for redemption.

1 **Adjustments of Principal Amounts**
2

3 The preliminary aggregate principal amount of the 2012 Series Bonds and the
4 preliminary principal amount of each annual payment on the 2012 Series Bonds as set forth in
5 this Notice of Sale (the "Preliminary Aggregate Principal Amount" and the "Preliminary Annual
6 Principal Amount", and collectively the "Preliminary Amounts") may be revised before the receipt
7 and opening of the bids for their purchase. Such revisions may include the addition or deletion
8 of maturities of the 2012 Series Bonds. **ANY SUCH REVISIONS** made prior to the opening of
9 the bids (the "Revised Aggregate Principal Amount" and the "Revised Annual Principal Amount",
10 and collectively the "Revised Amounts") **WILL BE PUBLISHED ON THOMPSON MUNICIPAL**
11 **MARKET MONITOR ("TM3") (www.tm3.com) NOT LATER THAN ____ A.M. (LOCAL**
12 **BALTIMORE, MARYLAND TIME) ON THE BUSINESS DAY PRIOR TO THE ANNOUNCED**
13 **DATE FOR RECEIPT OF BIDS FOR THE OBLIGATIONS.**
14

15 In the event that no such revisions are made, the Preliminary Amounts will constitute the
16 Revised Amounts. Bidders shall submit bids based on the Revised Amounts and the Revised
17 Amounts will be used to compare bids and select a winning bidder.
18

19 Such Revised Amounts, among other things, will be used by the City to calculate the final
20 aggregate principal amount of the 2012 Series Bonds and the final principal amount of each
21 annual payment on the 2012 Series Bonds (the "Final Aggregate Principal Amount" and the "Final
22 Principal Amount" of each annual payment, respectively, and collectively, the "Final Amounts"). In
23 determining the Final Amounts the City reserves the right to increase or decrease the aggregate
24 amount of the 2012 Series Bonds by an amount not to exceed ten percent (10%) and
25 correspondingly adjust the issue size, with all calculations to be rounded to the nearest \$5,000.
26

27 In the event of any such adjustment, no rebidding or recalculation of the bid submitted will
28 be required or permitted. If necessary, the total purchase price of the 2012 Series Bonds will be
29 increased or decreased in direct proportion to the ratio that the adjustment bears to the aggregate
30 principal amount of the 2012 Series Bonds specified herein; and the 2012 Series Bonds of each
31 maturity, as adjusted, will bear interest at the same rate and must have the same initial reoffering
32 yields as specified in the bid of the successful bidder. However, the award will be made to the
33 bidder whose bid produces the lowest true interest cost, calculated as specified in the section
34 entitled "Basis of Award" herein. **THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID**
35 **OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING PRICES AS A**
36 **RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS.**
37 **IN READJUSTING THE PRINCIPAL AMOUNT OF THE OBLIGATIONS FOLLOWING THE**
38 **AWARD, THE CITY WILL HOLD CONSTANT THE BIDDER'S GROSS SPREAD PER \$1,000**
39 **2012 SERIES BONDS AS INDICATED IN THE ORIGINAL BID.** In this process, however, the City
40 reserves the right to adjust the actual dollar amount of Bidder's gross spread resulting from an
41 upward or downward adjustment of the principal amount of the 2012 Series Bonds.

Change of Bid Date and Closing Date

42 The City reserves the right to postpone, from time to time, the date established for the
43 receipt of bids and will undertake to notify registered prospective bidders via notification published
44 on [TM3](http://www.tm3.com).
45

46 A postponement of the bid date will be announced via TM3 not later than 4:00 P.M.,
47 prevailing Eastern Time, on the last business day prior to any announced date for receipt of bids,
48 and an alternative sale date and time will be announced via TM3 at that time or at a later date.

1 On any such alternative date and time for receipt of bids, the City will accept electronic
2 bids for the purchase of the Obligations, such bids to conform in all respects to the provisions of
3 this Notice of Sale, except for the changes in the date and time for receipt of bids and any other
4 changes announced via TM3.

5
6 The City may change the scheduled delivery date for the Obligations by notice given in
7 the same manner as that set forth for a change in the date for the receipt of bids. See "Delivery"
8 below.

9
10 **Bid Parameters for the 2012 Series Bonds**

11
12 No bid of less than 100% of par or more than 110% on an "all-or-none" basis, no oral bid
13 and no bid for less than all of the 2012 Series Bonds described in this Notice of Sale, will be
14 considered. The 2012 Series Bonds are expected to be awarded by approximately ___ p.m.,
15 prevailing Eastern Time, on _____. All proposals shall remain firm until the time
16 of award.

17
18 Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%,
19 and the highest rate may not exceed the lowest rate by more than 3% and no interest rate may
20 exceed 5.50%. A zero rate may not be named. No 2012 Series Bond shall bear more than one
21 rate of interest which rate shall be uniform for the life of the 2012 Series Bond.

22
23 **Bid Parameters for the Notes**

24
25 No bid of less than 100% of par on an "all-or-none" basis, no oral bid and no bid for less
26 than all of the Notes described in this Notice of Sale, will be considered. The Notes are
27 expected to be awarded by approximately ___ p.m., prevailing Eastern Time, on _____.
28 All proposals shall remain firm until the time of award.

29
30 Bidders are requested to name one interest rate in multiples of 1/8 or 1/20 of 1%. The
31 Notes shall bear one rate of interest which rate shall be uniform for the life of the Notes.

32
33 **Basis of Award**

34
35 The Mayor of the City will not accept and will reject any bid for less than all of the 2012
36 Series Bonds or all of the Notes. The City will award all of the 2012 Series Bonds or all of the
37 Notes to one bidder for each of the Obligations. The City reserves the right to reject any and all
38 bids and to waive any irregularities in any of the bids. The judgment of the City shall be final
39 and binding upon all bidders with respect to the form and adequacy of any proposal received
40 and as to its conformity with the terms of this Notice of Sale.

41
42 Each of the Obligations will be awarded to the bidder naming the lowest true interest
43 cost (TIC) for the Obligations in any legally acceptable proposal and offering to pay not less
44 than par. The lowest true interest cost with respect to the Obligations will be determined by
45 doubling the semiannual interest rate, compounded semi-annually, necessary to discount the
46 debt service payments from the payment dates to the date of the Obligations and to the amount
47 bid.

48
49 Where the proposals of two or more bidders result in the same lowest true interest cost
50 for any Obligations, such Obligations may be apportioned between such bidders, but if this shall
51 not be acceptable, the City shall have the right to award all of each Obligation to one bidder.

1 There will be no auction. The right is reserved to the City to reject any or all proposals and to
2 waive any irregularity or informality in any proposal. The City's judgment shall be final and
3 binding upon all bidders with respect to the form and adequacy of any proposal received and as
4 to its conformity to the terms of this Notice of Sale. Any award of the Obligations may be made
5 as late as 3:00 p.m., prevailing Eastern Time, on the sale date. All bids remain firm until an
6 award is made. Upon notice of such award, the winning bidder shall advise the City of the initial
7 reoffering prices to the public of each maturity of the Obligations and the names of the members
8 of the underwriting groups.

9
10 **Procedures for Electronic Bidding**

11
12 **Bidders to Submit Bids by PARITY**

13
14 Bids must be submitted electronically via PARITY pursuant to this Notice of Sale until
15 _____ a.m., for the 2012 Series Bonds and _____ a.m. for the Notes, prevailing Eastern
16 time, on the sale date, but no bid will be received after the time for receiving bids specified
17 above. To the extent any instructions or directions set forth in PARITY conflict with this Notice
18 of Sale, the terms of this Notice of Sale shall control. For further information about PARITY,
19 potential bidders may contact i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York
20 10018, telephone (212) 849-5021.

21
22 **Disclaimer**

23
24 Each prospective electronic bidder shall be solely responsible to submit its bid via
25 PARITY as described above. Each prospective electronic bidder shall be solely responsible to
26 make necessary arrangements to access PARITY for the purpose of submitting its bid in a
27 timely manner and in compliance with the requirements of this Notice of Sale. Neither the City
28 nor PARITY shall have any duty or obligation to provide or assure access to PARITY to any
29 prospective bidder, and neither the City nor PARITY shall be responsible for proper operation
30 of, or have any liability for any delays or interruptions of, or any damages caused by PARITY.
31 The City is using PARITY as a communication mechanism, and not as the City's agent, to
32 conduct the electronic bidding for the Obligations. The City is not bound by any advice and
33 determination of PARITY to the effect that any particular bid complies with the terms of this
34 Notice of Sale and in particular the "Bid Parameters" set forth herein. All costs and expenses
35 incurred by prospective bidders in connection with their submission of bids via PARITY are the
36 sole responsibility of the bidders; the City is not responsible, directly or indirectly, for any of such
37 costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or
38 withdrawing a bid for the Obligations, such bidder should telephone i-Deal LLC at (212) 849-
39 5021 and notify Davenport & Company LLC by facsimile at (866) 932-6660.

40
41 **Electronic Bidding Procedures**

42
43 Electronic bids must be submitted for the purchase of the 2012 Series Bonds or the
44 Notes (in each case, all or none) via PARITY. Bids will be communicated electronically to the
45 City at _____ a.m. for the 2012 Series Bonds and _____ a.m. for the Notes, prevailing Eastern
46 time, on _____. Prior to that time, a prospective bidder may (1) submit
47 the proposed terms of its bid via PARITY, (2) modify the proposed terms of its bid, in which
48 event the proposed terms as last modified will (unless the bid is withdrawn as described herein)
49 constitute its bid for the Obligations, or (3) withdraw its proposed bid. Once the bids are
50 communicated electronically via PARITY to the City, each bid will constitute an irrevocable offer

1 to purchase the Obligations on the terms therein provided. For purposes of the electronic
2 bidding process, the time as maintained on PARITY shall constitute the official time.

3 **Good Faith Deposit**

4
5 A good faith deposit in the amount of \$_____ is required of the winning
6 bidder for the 2012 Series Bonds. A good faith deposit in the amount of \$_____ is
7 required of the winning bidder for the Notes. The winning bidder for each of the Obligations is
8 required to submit such good faith deposit payable to the order of the City in the form of a wire
9 transfer in federal funds as instructed by the City's Financial Advisor, Davenport & Company
10 LLC or a financial surety bond. The winning bidder shall submit the good faith deposit not more
11 than two hours after verbal award is made. The winning bidder should provide as quickly as it is
12 available, evidence of wire transfer by providing the City the federal funds reference number. If
13 the good faith deposit is not received in the time allotted, the bid of the winning bidder may be
14 rejected and the City may direct the next lowest bidder to submit a good faith deposit and
15 thereafter may award the sale of the Obligations to the same. If the winning bidder fails to
16 comply with the good faith deposit requirement as described herein, that bidder is nonetheless
17 obligated to pay to the City the sum of \$_____ as liquidated damages due to the failure
18 of the winning bidder to timely deposit the good faith deposit.
19

20 A bidder may submit a financial surety bond from an insurance company acceptable to
21 the City, the claims paying ability of which is rated AAA by Standard & Poor's, a Division of the
22 McGraw-Hill Companies, Inc., or Aaa by Moody's Investors Service, Inc. and licensed to issue
23 such a bond in the State of Maryland and such surety bond must be submitted to the Director of
24 Finance of the City prior to 11:00 a.m., prevailing Eastern Time, on the date of sale. The financial
25 surety bond must identify each bidder whose good faith deposit is guaranteed by such financial
26 surety bond. If the Obligations are awarded to a bidder utilizing a financial surety bond, then the
27 successful bidder is required to submit its good faith deposit to the Director of Finance of the City
28 not later than 12:00 noon, prevailing Eastern Time, on the next business day following the award
29 either in the form of a wire transfer as described above in accordance with the City's instructions
30 to such successful bidder. If such good faith deposit is not received by that time, the financial
31 surety bond may be drawn by the City to satisfy the good faith deposit requirement.
32

33 ***Submission of a bid to purchase the Obligations serves as acknowledgement and***
34 ***acceptance of the terms of the good faith deposit requirement.***

35
36 The good faith deposit will be retained by the City until the delivery of the respective
37 Obligations, at which time the good faith deposit will be applied against the purchase price of the
38 Obligations or the good faith deposit will be retained by the City as partial liquidated damages in
39 the event of the failure of the successful bidder to take up and pay for such Obligations in
40 compliance with the terms of this Notice of Sale and of its bid. No interest on the good faith
41 deposit will be paid by the City. The balance of the purchase price must be wired in federal funds
42 to the account detailed in the closing memorandum, simultaneously with delivery of the
43 Obligations.
44

45 **Approving Legal Opinion**

46
47 The approving legal opinion of McKennon Shelton & Henn LLP, Baltimore, Maryland,
48 Bond Counsel, will be furnished to the purchasers without cost. There will also be furnished the
49 usual closing papers and, in addition, a certificate signed by appropriate officers of the City,
50 certifying that there is no litigation pending or, to the knowledge of the signers of such
51 certificate, threatened affecting the validity of the Obligations and that on the date of the Official

1 Statement mentioned below and at the time of delivery of the Obligations the statements and
2 information contained in such Official Statement which are made and provided by the City are
3 and will be true, correct and complete in all material respects and the Official Statement does
4 not and will not omit any statement or information which is required to be stated therein or
5 necessary to make the statements and information therein, in the light of the circumstances
6 under which they were made, not misleading or incomplete in any material respect.
7

8 **Preliminary Official Statement; Continuing Disclosure**

9

10 The City has deemed the Preliminary Official Statement with respect to the Obligations
11 dated _____ (the "Preliminary Official Statement") to be final as of its date for
12 purposes of Rule 15c2-12 of the United States Securities and Exchange Commission (the
13 "SEC"), except for the omission of certain information permitted to be omitted by said Rule. The
14 City agrees to deliver to the successful bidder for its receipt no later than seven business days
15 after the date of sale of the Obligations such quantities of the final official statement as the
16 successful bidder shall request; provided, that the City shall deliver up to 300 copies of such
17 official statement without charge to the successful bidder.
18

19 The City has made certain covenants for the benefit of the holders from time to time of
20 the Obligations to provide certain continuing disclosure, in order to assist bidders for the
21 Obligations in complying with Rule 15c2-12(b)(5) of the SEC. Such covenants are described in
22 the Preliminary Official Statement.
23

24 **Delivery**

25

26 The Obligations will be delivered on or about _____ (UNLESS A
27 NOTICE OF A CHANGE IN THE DELIVERY DATE IS ANNOUNCED ON TM3 NOT LATER
28 THAN 4:00 P.M., PREVAILING EASTERN TIME, ON THE LAST BUSINESS DAY PRIOR TO
29 ANY ANNOUNCED DATE FOR RECEIPT OF BIDS) through the facilities of DTC in New York,
30 New York, against payment therefor in federal or other immediately available funds.

31 **Reoffering Price Certificate**

32

33 SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE 2012 SERIES BONDS,
34 THE SUCCESSFUL BIDDER SHALL FURNISH TO THE CITY A CERTIFICATE ACCEPTABLE
35 TO BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A
36 BONA FIDE PUBLIC OFFERING OF EACH MATURITY OF THE 2012 SERIES BONDS AT
37 THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE 2012
38 SERIES BONDS, THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A
39 SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE 2012 SERIES BONDS TO THE
40 PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT
41 THEIR RESPECTIVE REOFFERING PRICES, AND (III) A SUBSTANTIAL AMOUNT OF EACH
42 MATURITY OF THE 2012 SERIES BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND
43 HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL
44 REOFFERING PRICES OR SUCH OTHER FACTS REGARDING THE ACTUAL SALE OF THE
45 2012 SERIES BONDS AS BOND COUNSEL SHALL REQUEST, AS DESCRIBED BELOW.
46 Bond Counsel advises that (i) such certificate must be made on the best knowledge, information
47 and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of
48 each maturity of the 2012 Series Bonds at the initial reoffering prices would be sufficient to
49 certify as of the sale of a substantial amount of the bonds, and (iii) reliance on other facts as a
basis for such certification would require evaluation by Bond Counsel to assure compliance with

1 the statutory requirement to avoid the establishment of an artificial price for the 2012 Series
2 Bonds.

3 **Miscellaneous**

4
5 It is expected that CUSIP numbers will be printed on the Obligations. However, the
6 validity, sale, delivery or acceptance of the Obligations will not be affected in any manner by any
7 failure to print, or any error in printing, the CUSIP numbers on said Obligations, or any of them.

8
9 The right to reject any or all bids, or to waive any irregularity or informality in any bid, is
10 reserved.

11
12
13
14
15
16 CITY OF ANNAPOLIS, MARYLAND

17
18
19 By: _____
20 Mayor

21
22 By: _____
23 Director of Finance
24
25

1
2 SECTION 13. If any 2012 Series Bonds or Notes are sold pursuant to the foregoing
3 Notice of Sale, the award shall be made by order of the Mayor. Such action of the Mayor shall
4 also fix the interest rate or rates payable on the 2012 Series Bonds and Notes in accordance
5 with the accepted proposal. The Mayor shall also be authorized to make all changes necessary
6 to the form of the 2012 Series Bonds or Notes to comply with a book-entry only system. All or a
7 portion of the proceeds from the sale of the 2012 Series Bonds may be deposited with and used
8 by the Escrow Deposit Agent as set forth in the paragraph below. The proceeds of the 2012
9 Series Bonds and Notes shall be paid to the Finance Director of the City. Upon approval of the
10 appropriate vouchers, in accordance with the established procedure of the City, the Finance
11 Director shall pay, from the proceeds of the 2012 Series Bonds and Notes in his hands, all
12 expenses incurred in the issuance of the 2012 Series Bonds and Notes, including costs of
13 advertising, printing, document reproduction and counsel fees and expenses. Prior to
14 expenditure of such proceeds, the same or any part thereof shall be invested by the Finance
15 Director, with the approval of the Mayor, in any authorized investment of the City. If the funds
16 derived from the sale of the 2012 Series Bonds and Notes shall exceed the amount needed to
17 finance any of the purposes described in this Ordinance, the funds so borrowed and not
18 expended for the purposes provided by this Ordinance shall be set apart in a separate fund by
19 the Finance Director of Annapolis and applied in payment of the debt service on the respective
20 2012 Series Bonds and Notes.

21 The proceeds of the 2012 Series Bonds which will be used to refund all or a portion of
22 the Refunded Bonds, shall be used to purchase direct obligations of, or obligations the principal
23 of and interest on which are unconditionally guaranteed by, the United States of America or
24 certificates of deposit or time deposits fully collateralized by direct obligations of, or obligations
25 the principal of and the interest on which are unconditionally guaranteed by, the United States of
26 America in such amounts and maturing at stated fixed prices as to principal and interest at such
27 times so that sufficient moneys will be available from such maturing principal and interest,
28 together with any initial cash deposit, to pay at maturity or redeem, as the case may be, the
29 Refunded Bonds, to pay any applicable redemption premiums, and to pay interest when due on
30 the Refunded Bonds. Such portion of the net proceeds of the 2012 Series Bonds will be
31 deposited in trust with the escrow deposit agent for the 2012 Series Bonds, pursuant to an
32 escrow deposit agreement. The Mayor is hereby authorized to appoint an escrow deposit agent
33 for the 2012 Series Bonds.

1 SECTION 14. In order to provide for the payment of the principal of and interest on the
2 2012 Series Bonds and Notes hereby authorized when due, there shall be appropriated in the
3 next ensuing fiscal year of Annapolis and in each fiscal year thereafter, so long as any of the
4 2012 Series Bonds and Notes are outstanding and unpaid, or until a sufficient funds had been
5 accumulated and irrevocably set aside for the purpose, an amount sufficient to meet the debt
6 service on the 2012 Series Bonds and Notes coming due in such fiscal year and there shall be
7 levied ad valorem taxes upon all property within the corporate limits of the City subject to
8 assessment for full City taxes, in rate and amount sufficient in each such year to fund such
9 appropriations and to provide for the payment when due of the principal of and interest on all
10 2012 Series Bonds and Notes maturing in each such fiscal year. In the event the proceeds from
11 the taxes so levied in each such fiscal year shall prove inadequate for the above purposes,
12 additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.
13 Thereafter, prior to each interest payment date, the Finance Director shall deposit with the
14 Paying Agent, from the tax proceeds above described, the amounts needed to pay the principal
15 of and interest on the 2012 Series Bonds and Notes coming due on each such interest payment
16 date. All moneys so deposited with the Paying Agent shall be deemed and treated by the
17 Paying Agent as trust funds for the use and benefit of the holders from time to time of the 2012
18 Series Bonds or the Notes hereby authorized. Any such trust funds so held by the Paying
19 Agent for the payment of particular 2012 Series Bonds and Notes for periods of more than two
20 (2) years respectively from the dates of such 2012 Series Bonds and Notes upon the expiration
21 of any such two-year period, and the failure of the holders of said 2012 Series Bonds and Notes
22 to present the same for payment within such period, shall be returned by the Paying Agent to
23 the City and, therefore, the holders of any such 2012 Series Bonds and Notes shall have claims
24 only against the City for payment of the obligations held by them and the Paying Agent shall be
25 relieved of the trust hereby imposed.

26 To assure the performance by the City of the provisions of this Section, the full faith and
27 credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to
28 maturity of the principal of and interest on the 2012 Series Bonds and the Notes hereby
29 authorized as and when the same respectively mature and become payable and to the levy and
30 collection of the taxes hereinabove described as and when such taxes may become necessary
31 in order to provide sufficient funds to meet the debt service requirements of the 2012 Series
32 Bonds and Notes hereby authorized to be issued. This pledge is made hereby for the benefit of
33 the holders, from time to time, of the 2012 Series Bonds and Notes hereby authorized.

1 The City hereby solemnly covenants and agrees with each holder of any of the 2012
2 Series Bonds and Notes hereby authorized to levy and collect the taxes hereinabove described
3 and to take any other action that may be appropriate from time to time during the period that any
4 of such 2012 Series Bonds and Notes remain outstanding and unpaid to provide the funds
5 necessary to make principal and interest payments thereon when due.

6 SECTION 15. This Ordinance and the question of the issuance of 2012 Series Bonds
7 hereunder shall not be submitted to a referendum of the registered voters of Annapolis, as
8 permitted by law, unless, within ten (10) days after the passage of this Ordinance, there shall be
9 served upon the Mayor a notice signed by not fewer than two hundred (200) of the registered
10 voters of Annapolis, advising that a petition for a referendum on the issuance of said bonds is
11 being circulated by one or more of the persons signing said notice and unless, within twenty
12 (20) days after the delivery of such notice, there shall also be filed with the Mayor a petition or
13 petitions requesting the holding of such a referendum, properly signed as required by the
14 Charter, by not fewer than twenty-five per centum (25%) of the registered voters of Annapolis,
15 as shown by the registered voters books of Annapolis, maintained by the Board of Supervisors
16 of Elections. In view of the foregoing, no action shall be taken by Annapolis pursuant to this
17 Ordinance for a period of ten (10) days following its passage. If, within such ten (10) day period,
18 the notice above described is filed as aforesaid, then no action shall be taken by Annapolis
19 pursuant to this Ordinance for a period of twenty (20) days following the filing of such notice. If,
20 within such twenty (20) day period, a petition for referendum, as above-described, shall be filed
21 as aforesaid, then no action shall be taken by Annapolis under this Ordinance unless and until
22 the Mayor shall receive written advice from the City Attorney and the Board of Supervisors of
23 Elections that such referendum petition does not meet the requirements of the Charter or unless
24 and until the referendum requested in such petition shall be duly held in accordance with law
25 and the Board of Supervisors of Elections shall certify to Annapolis that, in the election at which
26 such referendum is held, a majority of the registered voters of Annapolis voting on the question
27 referred duly cast their ballots in favor of the issuance of the 2012 Series Bonds hereby
28 authorized. If this Ordinance shall be ratified or approved on any such referendum, then the
29 Mayor and City Clerk may proceed with the issuance of the 2012 Series Bonds hereby
30 authorized, without further action by Annapolis.

31 SECTION 16. That CUSIP numbers may be printed on the 2012 Series Bonds and
32 Notes; provided, however, that the printing of CUSIP numbers on the 2012 Series Bonds and
33 Notes (even if incorrect) shall have no legal effect and shall not in any way affect the
34 enforceability or validity of any 2012 Series Bonds and Notes. Any expenses in relation to the

1 printing of CUSIP numbers on the 2012 Series Bonds and Notes, including any CUSIP Service
2 Bureau charge for the assignment of such numbers, in the discretion of the Finance Director,
3 may be paid for by the City from the proceeds of the 2012 Series Bonds and Notes.

4 SECTION 17. In addition to the insertions and variations prescribed by this Ordinance,
5 the Mayor is hereby authorized to make such further modifications in such forms as will not alter
6 the substance of such forms. In connection with the issuance of any 2012 Series Bonds or
7 Notes pursuant to this Ordinance, the City is hereby authorized to enter into one or more
8 agreements as the Mayor shall deem necessary or appropriate for the issuance, sale, delivery
9 or security of such 2012 Series Bonds and Notes, which may include (without limitation) (i)
10 underwriting, purchase or placement agreements for 2012 Series Bonds or Notes sold at private
11 (negotiated) sale in accordance with the provisions of this Ordinance; (ii) trust agreements with
12 commercial banks or trust companies providing for the issuance and security of such 2012
13 Series Bonds and Notes; (iii) any dealer, remarketing or similar agreements providing for the
14 placement or remarketing of 2012 Series Bonds or Notes; (iv) agreements providing for any
15 credit or liquidity facilities supporting any 2012 Series Bonds or Notes; (v) agreements with
16 commercial banks or trust companies providing for the deposit of proceeds of any 2012 Series
17 Bonds or Notes; (vi) agreements with fiscal agents providing for the issuance of 2012 Series
18 Bonds or Notes, their authentication, registration, verification of amounts and earnings set aside
19 to pay the Refunded Bonds or payment or other similar services; (vii) Loan agreements,
20 financing documents and similar agreements and documents in connection with the issuance of
21 Notes; and (viii) continuing disclosure agreements, including any such agreements required to
22 enable the underwriters of any 2012 Series Bonds and Notes to meet the requirements of
23 paragraph (b)(5) of Rule 15c2-12 promulgated by the United States Securities and Exchange
24 Commission. Each such agreement shall be in such form as shall be determined by the Mayor
25 by executive order. The execution and delivery of each such agreement by the Mayor shall be
26 conclusive evidence of the approval of the form of such agreement on behalf of the City.

27 SECTION 18. The Mayor and the Finance Director shall be the officers of the City
28 responsible for the issuance of the 2012 Series Bonds within the meaning of the "Arbitrage
29 Regulations" (defined herein).

30 The Mayor and the Finance Director shall also be the officers of the City responsible for
31 the execution and delivery (on the date of issuance of the 2012 Series Bonds) of a certificate of
32 the City (the "Tax and Section 148 Certificate") which complies with the requirements of Section
33 148 of the Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable
34 regulations thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized

1 and directed to execute the Tax and Section 148 Certificate and to deliver the same to Bond
2 Counsel on the date of the issuance of the 2012 Series Bonds.

3 The City shall set forth in the Tax and Section 148 Certificate its reasonable
4 expectations as to relevant facts, estimates and circumstances relating to the use of the
5 proceeds of the 2012 Series Bonds, or of any moneys, securities or other obligations to the
6 credit of any account of the City which may be deemed to be proceeds of the 2012 Series
7 Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "2012 Series Bond
8 Proceeds"). The City covenants with each of the holders of any of the 2012 Series Bonds that
9 the facts, estimates and circumstances set forth in the Tax and Section 148 Certificate will be
10 based on the City's reasonable expectations on the date of issuance of the 2012 Series Bonds
11 and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

12 In the event that 2012 Series Bonds are issued pursuant to this Ordinance with the
13 expectation that interest on such 2012 Series Bonds be excludable from gross income for
14 federal income tax purposes, the City covenants with each of the registered owners of any of
15 the 2012 Series Bonds that it will not make, or (to the extent that it exercises control or direction)
16 permit to be made, any use of the 2012 Series Bond Proceeds which would cause the 2012
17 Series Bonds to be "arbitrage bonds" within the meaning of Section 148 and the Arbitrage
18 Regulations. The City further solemnly covenants that it will comply with Section 148 and the
19 regulations thereunder which are applicable to the 2012 Series Bonds on the date of issuance
20 of the 2012 Series Bonds and which may subsequently lawfully be made applicable to the 2012
21 Series Bonds as long as the 2012 Series Bonds remain outstanding and unpaid. The Mayor,
22 City Manager, and the Finance Director are hereby authorized and directed to prepare or cause
23 to be prepared and to execute, respectively, any certification, opinion or other document,
24 including, without limitation, the Tax and Section 148 Certificate, which may be required to
25 assure that the 2012 Series Bonds will not be deemed to be "arbitrage bonds" within the
26 meaning of Section 148 and the regulations thereunder.

27 The City further covenants with each of the registered owners of any of the 2012 Series
28 Bonds (i) that it will not take any action or (to the extent that it exercises control or direction)
29 permit any action to be taken that would cause the 2012 Series Bonds or a portion of the 2012
30 Series Bonds to be "federally guaranteed" within the meaning of Section 149(b) of the Internal
31 Revenue Code of 1986, as amended, and (ii) that it will not make, or (to the extent that it
32 exercises control or direction) permit to be made, any use of the proceeds of the 2012 Series
33 Bonds or a portion of such proceeds that would cause the 2012 Series Bonds or a portion of the

1 2012 Series Bonds to be “private activity bonds” within the meaning of Section 141 of the
2 Internal Revenue Code of 1986, as amended.

3 In the event that the 2012 Series Bonds are being issued hereunder with the expectation
4 that interest on such 2012 Series Bonds will be exempt from federal income taxation, the Mayor
5 may make such covenants or agreements in connection with the issuance of such 2012 Series
6 Bonds as he shall deem advisable in order to assure the registered owners of such 2012 Series
7 Bonds that interest thereon shall be and remain excludable from gross income for federal
8 income tax purposes and such covenants or agreements shall be binding on the City so long as
9 the observance by the City of any such covenants or agreements is necessary in connection
10 with the maintenance of the exclusion of the interest on such 2012 Series Bonds from gross
11 income for federal income tax purposes. The foregoing covenants or agreements may include
12 such covenants or agreements on behalf of the City regarding compliance with the provisions of
13 the Internal Revenue Code of 1986, as amended, as the Mayor shall deem advisable in order to
14 assure the registered owners of the 2012 Series Bonds that the interest thereon is and shall
15 remain excludable from gross income for federal income tax purposes, including (without
16 limitation) covenants or agreements relating to the investment of 2012 Series Bond Proceeds,
17 the payment of certain earnings resulting from such investment to the United States, limitations
18 on the times within which, and the purposes for which, 2012 Series Bond Proceeds may be
19 expended, or the use of specified procedures for accounting for and segregating 2012 Series
20 Bond Proceeds. Any covenant or agreement made by the Mayor pursuant to this paragraph
21 may be set forth in or authorized by the Tax and Section 148 Certificate or an order executed by
22 the Mayor.

23 SECTION 19. The Mayor or his designee is expressly authorized to approve the form
24 of, and execute and deliver and on behalf of the City, a continuing disclosure agreement to
25 assist bidders in complying with Securities and Exchange Commission Rule 15c2-12(b)(5).

26 SECTION 20. The City is hereby authorized to issue and reissue the Notes from time
27 to time, provided, however, that at no time shall the aggregate principal amount of Notes
28 outstanding exceed the aggregate principal amount of Notes authorized to be issued hereby.
29 Any such Notes issued or reissued pursuant to this Ordinance shall be for the purposes set forth
30 herein, shall be repaid within one (1) year of the date of any advance or delivery of the Notes
31 and shall otherwise comply with the provisions herein. Not more than 30 and not less than 15
32 days prior to the date established by the Mayor for the sale of any Notes, the Mayor shall give to
33 the members of the City Council written notice at the location which City Council customarily
34 receives notices regarding City Council matters, of the date established for the sale of such

1 Notes, the estimated aggregate principal amount of such Notes, the purpose for which the
2 Notes are being issued, the estimated dates on which such Notes mature and the estimated
3 amount maturing on such date and any applicable redemption provisions pertaining to the
4 Notes. The failure of the Mayor to give such notice, or any defect in such notice, shall not affect
5 the validity of the Notes, the sale of the Notes or any proceedings relating thereto.

6 SECTION 21. This Ordinance shall take effect from the date of its approval by the
7 Mayor, on or following the date of its final adoption and, thereafter, within not more than three
8 calendar days of such approval, notice of the adoption of this Ordinance shall be duly given by
9 publication of the title hereof at least once in "The Capital," or another newspaper published and
10 of general circulation in the City.

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ADOPTED this _____ day of _____, _____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY _____

Regina C. Watkins-Eldridge, MMC, City
Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

FISCAL IMPACT NOTE
Issuance of Bonds and Notes
Ordinance No. 6-12
As of February 27, 2012

revised

This ordinance is seeking authority not to exceed \$21.5 million for the purpose of refunding Series 2005 and Series 2007 bonds. The purpose of this refunding is to recognize interest savings by selling tax exempt bonds. Unlike the 2011 issuance whereby the bond structure, rate and terms were restructured, this issuance is exclusively for the purpose of realizing interest savings. Based on current market conditions, which can change daily, the estimated net present savings totals \$476,416.01 which represents a percentage savings of 2.78. The average remaining life of the bonds is approximately 8.5 years. It is further recommended that these bonds will be sold as tax exempt general obligations.

Additionally, this ordinance contains a provision that allows the City to borrow on a short-term basis, not to exceed one year, an aggregate amount not to exceed \$10 million through June 30, 2014 and thereafter \$8 million adjusted annually for inflation based on the Municipal Cost Index. These Notes may bear interest at fixed or variable rates not to exceed 7.5% per annum, in each case as approved by the Mayor in an executive order. The purpose of this provision is to provide a source of working capital. This provision will allow the City the needed flexibility to secure working capital on an as-needed basis, while also restricting the aggregate amount of the borrowing. This provision recognizes an important debt /working capital policy that provides the ability to access working capital on a timely basis and eliminates budgetary and fiscal uncertainty. An important aspect of municipal budgeting is flexibility when addressing unforeseen and unexpected outcomes and the ability to respond to cash flow demands these outcomes may have. When combined with increased fund balances, this provision will provide the City the needed flexibility it should have on an ongoing basis. Furthermore, this should address concerns with some of the rating agencies as it provides a plan to address the City's cash flow needs on an ongoing basis.

Policy Report

Ordinance O-6-12

Issuance of Bonds and Notes

The proposed ordinance O-6-12 would authorize the City of Annapolis (the "City") to 1) spend the proceeds of the general obligation bonds authorized thereby to refund all or a portion of the City's Public Improvements Bonds, 2005 Series and Public Improvements Bonds, 2007 Series (collectively, the "Refunded Bonds") and 2) issue and sell, upon its full faith and credit, notes or other obligations in the aggregate principal amount not to exceed the amount authorized in Article VII, Section 8 of the City's charter.

Section 24 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2011 Supplement) authorizes municipal corporations, such as the City, to issue bonds for the purpose of refunding outstanding bonds issued by the City, among other things, in order to realize debt service savings on either a direct comparison or present value basis. The City has determined that it is in the best interest of the City to refund the Refunded Bonds in order to realize savings in the aggregate cost of debt service.

Regarding the issuance of notes, the proposed ordinance makes the determination that it is in the best interest of the City and authorizes the City to issue and sell fully registered notes or other obligations as deemed appropriate by the Mayor or City Manager for the purposes of financing working capital expenses (including refinancing notes previously issued for the purposes of financing working capital) and paying the costs of issuing such notes. The proposed ordinance authorizes notes to be issued and reissued from time to time as notes or other obligations in connection with a line of credit or other similar financial arrangement provided by a financial institution. The proposed ordinance provides that the notes may be issued 1) as a revolving debt obligation, term loan or other structure, 2) payable within one (1) year of any advance or issuance of such debt obligation, and 3) may bear interest at fixed or variable rates not to exceed 7.5% per annum, in each case as approved by the Mayor in an executive order. Under the proposed ordinance, the City would provide to the Council advance notice of future issuances of notes but would not require further Council approval of such note issuances.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or JCCowles@annapolis.gov.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-10-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/12/12		
Finance	3/12/12		

A RESOLUTION concerning

Submission of Proposed Union Agreements

FOR the purpose of postponing until after March 6, 2012, the submission to the Mayor of proposed memoranda of understanding between employee organizations and the City.

WHEREAS, Section 3.32.060D of the Annapolis City Code directs submission of proposed memoranda of understanding of collective bargaining agreements to the Mayor by the first Monday in February prior to a fiscal year; and

WHEREAS, continued good-faith negotiations render conformity to this directive improbable; and

WHEREAS, in the course of adopting R-1-12 on February 13, 2012, the City Council sought to impose a deadline of March 6, 2012 for the Mayor's receipt of proposed union memoranda of understanding; and

WHEREAS, the Maryland Court of Appeals has held that directive language enacted by a legislature may be read as permissive when binding upon the same body.

NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL that the City Council waives the directive of Section 3.32.060D of the City Code and postpones the submission to the Mayor of any proposed union memoranda of understanding until after March 6, 2012.

ADOPTED this ____ day of _____, ____.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

1 CITY COUNCIL OF THE
2 City of Annapolis

3 Ordinance No. O-9-12

4 Introduced by: Mayor Cohen
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LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	3/12/12		

8
9 **A ORDINANCE** concerning

10 **Exempting Members of the City Central Committees**
11 **from Holding More Than One City or City-Connected Position**

12 **FOR** the purpose of exempting members of the City Central Committees from holding more
13 than one position as defined in Section 2.04.040 of the City Code.

14 **BY** repealing and re-enacting with amendments the following portions of the Code of the
15 City of Annapolis, 2011 Edition
16 Section 2.04.040
17

18 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
19 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

20 **CHAPTER 2.04 – GENERAL ADMINISTRATIVE REGULATIONS.**

21 **2.04.040 - Holding more than one position.**

22 No person shall hold more than one City or City-connected position of any kind at the same
23 time. This restriction applies to all committees, commissions, authorities, agencies or bodies
24 corporate or politic which are in any way connected with the City, whether autonomous,
25 semiautonomous or nonautonomous. This section does not apply to members of the City
26 Council or to a person who is permitted to hold two positions by virtue of another law. THIS
27 SECTION DOES NOT APPLY TO MEMBERS OF THE CITY CENTRAL COMMITTEES.
28 Appointments to Mayoral ad hoc committees shall not be considered under this provision in
29 determining the number of positions held by a person.
30

31 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
32 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.
33

34 **ADOPTED** this _____ day of _____, _____.
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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

Policy Report

O-9-12

Exempting Members of the City Central Committees from Holding More Than One City or City-Connected Position

The proposed ordinance would exempt members of the City Central Committees from the provisions of Section 2.04.040 of the City Code regarding holding more than one City or City-connected position.

City Central committees are unique among boards and commissions because the members are independently elected. The proposed ordinance would reaffirm that City employees and City board members have the right to participate civically through holding local Party office.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at JCCowles@annapolis.gov or 410.263.1184.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-3-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

8
9 **A RESOLUTION** concerning

10 **First Sundays Festival 2012**

11 **FOR** the purpose of designating dates for the sale of arts-related merchandise in the Historic
12 District at the First Sunday events and the reimbursement of full fees to the City for the
13 cost associated with the events.

14 **WHEREAS,** the Inner West Street Business Association seeks the City's approval through
15 the City's Special Event Application to hold an event on the first Sunday of
16 each month from May through October, 2012, on West Street based on the
17 following:

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- 20 ■ Time of arts related activities: noon to 5 p.m.
 - 21 ■ Amplified entertainment from: noon to 5 p.m. (no testing outside these hours
22 is permitted).
 - 23 ■ Festival is open to the public free of charge.
 - 24 ■ Setup and breakdown time: 8:30 a.m. to 7:00 p.m. on the first Sunday of
25 each month.
 - 26 ■ Location: West Street between Church Circle and Cathedral and Calvert
27 Streets; at Whitmore Park on Calvert St.
 - 28 ■ Street closing: West Street between Church Circle and Calvert Street during
29 First Sunday events on May 6, June 3, July 1, August 5, September 2, and
30 October 7, 2012.
 - 31 ■ Stage for First Sundays is to be located in the Stan and Joe's Saloon
32 parking lot at 37 West Street for entertainment that consists of music,
33 folklore, and literary readings. An additional stage may be located in the
34 Whitmore Park on Calvert Street with permission of Anne Arundel County.
 - 35 ■ The Inner West Street Business Association, or its designee, is required to
36 obtain all City permits for temporary structures, electrical connections and
37 pre/post event inspections determined necessary for the safe execution of
38 the event when those elements are required for the execution of the day's
39 activities.
 - Vendors will be located in consultation with the Special Events Coordinator;

1 each vendor must obtain a City vendor’s permit and must post applicable
2 business licenses.

3
4 **WHEREAS,** Section 7.40.090 of the City Code allows the City Council to designate certain
5 days when peddlers, hawkers and itinerant merchants may sell in the Historic
6 District or a nonresidential area; and

7
8 **WHEREAS,** Section 6.04.210 of the City Code states that “whenever a person leases, uses
9 or occupies a City facility, the person shall be charged and pay a minimum of
10 full fees for the use of the facility.” Examples of City facilities include public
11 spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips,
12 moorings, developable waters, buildings, motor vehicles, equipment,
13 structures, rooms or other parts of public buildings. Examples of City services
14 include traffic control, crowd control, public safety support (police or fire), trash
15 removal, sanitary services, recycling, bulk pick-up, the provision of water,
16 sewer, electricity, communications or other utilities, transportation, and labor.
17 Full fees “means the value of the right to lease, use or occupy the City facility
18 as determined by the Finance Director in a fiscal impact note, plus all costs
19 incurred by the City... including but not limited to utility costs and costs
20 associated with municipal services (public safety, public works, custodial,
21 renovations, repairs, maintenance, transportation and parking)...”

22
23 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
24 arts and crafts may be sold on West Street between Church Circle and Calvert and Cathedral
25 Streets by those entities associated with the First Sunday events to be held May 6, June 3, July
26 1, August 5, September 2, and October 7, 2012.

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28 **AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
29 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other
30 provision of law, the Director of Finance shall determine the full fees incurred by the City
31 government and the organizers of the event shall reimburse the City for full fees.

32
33 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
34 representative of the City will be present to resolve matters relating to this special event and
35 his/her cell phone number shall be posted on the City’s website during the hours the event is
36 open to the public.

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39 **ADOPTED** this ____ day of _____, ____.

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ATTEST: THE ANNAPOLIS CITY COUNCIL

BY _____
Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

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43 **EXPLANATION**
44 CAPITAL LETTERS indicate matter added to existing law.
45 [brackets] indicate matter stricken from existing law.
46 Underlining indicates amendments.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-4-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

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A RESOLUTION concerning

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Four Rivers Garden Club Flower Mart

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FOR the purpose of designating dates for the sale of floral merchandise in the Historic District at the Four Rivers Garden Club Flower Mart on April 30 and the reimbursement of full fees to the City for the cost associated with the events.

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WHEREAS, the Four Rivers Garden Club seeks the City's approval through the City's Special Event Application to hold an event at City Dock based on the following:

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- Time of floral related activities: 8:30 to 2:30 p.m.
- Event is open to the public free of charge.
- Setup and breakdown time: 7:30 a.m. to 3:00 p.m. on April 30.
- Location: City Dock.
- The Four Rivers Garden Club, or its designee, is required to obtain all City permits for temporary structures, electrical connections and pre/post event inspections determined necessary for the safe execution of the event when those elements are required for the execution of the day's activities.
- Vendors will be located in consultation with the Special Events Coordinator; each vendor must obtain a City vendor's permit and must post applicable business licenses.

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WHEREAS, Section 7.40.090 of the City Code allows the City Council to designate certain days when peddlers, hawkers and itinerant merchants may sell in the Historic District or a nonresidential area; and

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WHEREAS, Section 6.04.210 of the City Code states that "whenever a person leases, uses or occupies a City facility, the person shall be charged and pay a minimum of full fees for the use of the facility." Examples of City facilities include public spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips, moorings, developable waters, buildings, motor vehicles, equipment,

1 structures, rooms or other parts of public buildings. Examples of City services
2 include traffic control, crowd control, public safety support (police or fire), trash
3 removal, sanitary services, recycling, bulk pick-up, the provision of water,
4 sewer, electricity, communications or other utilities, transportation, and labor.
5 Full fees “means the value of the right to lease, use or occupy the City facility
6 as determined by the Finance Director in a fiscal impact note, plus all costs
7 incurred by the City... including but not limited to utility costs and costs
8 associated with municipal services (public safety, public works, custodial,
9 renovations, repairs, maintenance, transportation and parking)...”

10
11 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
12 floral merchandise may be sold on City Dock by those entities associated with the Four Rivers
13 Garden Club Flower Mart on April 30, 2012.

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15 **AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
16 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other
17 provision of law, the Director of Finance shall determine the full fees incurred by the City
18 government and the organizers of the event shall reimburse the City for full fees.

19
20 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
21 representative of the City will be present to resolve matters relating to this special event and
22 his/her cell phone number shall be posted on the City’s website during the hours the event is
23 open to the public.

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26 **ADOPTED** this ____ day of _____, _____.

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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

29
30 **EXPLANATION**

31 CAPITAL LETTERS indicate matter added to existing law.

32 [brackets] indicate matter stricken from existing law.

33 Underlining indicates amendments.

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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-5-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
3/12/12			6/12/12
Finance	3/12/12		
Economic Matters	3/12/12		

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9 **A RESOLUTION** concerning

10 **Race Across America 2012**

11 **FOR** the purpose of designating dates for the sale of merchandise in the Historic District at
12 the Race Across America event from June 21-25, 2012 and the reimbursement of full
13 fees to the City for the cost associated with the event.

14 **WHEREAS,** the Race Across America seeks the City's approval through the City's Special
15 Event Application to hold an event at Susan Campbell Park and City Dock
16 based on the following:

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- 19 ■ Date of activities: June 21- June 25.
 - 20 ■ Event is open to the public free of charge.
 - 21 ■ Setup and breakdown time: 4:00 a.m. on June 21 - to 10:00 p.m. on June 25.
 - 22 ■ Location: Susan Campbell Park and City Dock.
 - 23 ■ No street closing.
 - 24 ■ Race Across America, or its designee, is required to obtain all City permits for temporary structures, electrical connections and pre/post event inspections determined necessary for the safe execution of the event when those elements are required for the execution of the day's activities.
 - 25 ■ Vendors will be located in consultation with the Special Events Coordinator; each vendor must obtain a City vendor's permit and must post applicable business licenses.
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32 **WHEREAS,** Section 7.40.090 of the City Code allows the City Council to designate certain
33 days when peddlers, hawkers and itinerant merchants may sell in the Historic
34 District or a nonresidential area; and

35
36 **WHEREAS,** Section 6.04.210 of the City Code states that "whenever a person leases, uses
37 or occupies a City facility, the person shall be charged and pay a minimum of

1 full fees for the use of the facility.” Examples of City facilities include public
2 spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips,
3 moorings, developable waters, buildings, motor vehicles, equipment,
4 structures, rooms or other parts of public buildings. Examples of City services
5 include traffic control, crowd control, public safety support (police or fire), trash
6 removal, sanitary services, recycling, bulk pick-up, the provision of water,
7 sewer, electricity, communications or other utilities, transportation, and labor.
8 Full fees “means the value of the right to lease, use or occupy the City facility
9 as determined by the Finance Director in a fiscal impact note, plus all costs
10 incurred by the City... including but not limited to utility costs and costs
11 associated with municipal services (public safety, public works, custodial,
12 renovations, repairs, maintenance, transportation and parking)...”
13

14 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that
15 merchandise may be sold at Susan Campbell Park and City Dock in connection with the Race
16 Across America event from June 21-25, 2012.
17

18 **AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
19 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other
20 provision of law, the Director of Finance shall determine the full fees incurred by the City
21 government and the organizers of the event shall reimburse the City for full fees.
22

23 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
24 representative of the City will be present to resolve matters relating to this special event and
25 his/her cell phone number shall be posted on the City’s website during the hours the event is
26 open to the public.
27

28 **ADOPTED** this ___ day of ____, ____.

29 ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

32 **EXPLANATION**

33 CAPITAL LETTERS indicate matter added to existing law.

34 [brackets] indicate matter stricken from existing law.

35 Underlining indicates amendments.
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**CITY COUNCIL OF THE
City of Annapolis**

Resolution No. R-6-12

Introduced by: Mayor Cohen

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/12/12			6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12		
Economic Matters	3/12/12		

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A RESOLUTION concerning

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TriRock Annapolis 2012

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FOR the purpose of designating dates for the sale of merchandise in the Historic District at the TriRock Annapolis 2012 event and the reimbursement of full fees to the City for the cost associated with the events.

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WHEREAS, the TriClub of Annapolis and the Competitor Group, Inc. seeks the City's approval through the City's Special Event Application to hold an event on May 12, 2012 based on the following:

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- Time of activities: 6:00 a.m. to 1:00 p.m.
- Amplified entertainment from: 7:00 a.m. (no testing outside these hours is permitted).
- Event is open to the public free of charge.
- Setup and breakdown time: 8:00 a.m. on May 10 to 5:00 p.m. on May 12.
- Location: Susan Campbell Park and City Dock and the attached route map.
- Street closing: See attached route map.
- TriClub of Annapolis and the Competitor Group, Inc., or its designee, is required to obtain all City permits for temporary structures, electrical connections and pre/post event inspections determined necessary for the safe execution of the event when those elements are required for the execution of the day's activities.
- Vendors will be located in consultation with the Special Events Coordinator; each vendor must obtain a City vendor's permit and must post applicable business licenses.

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WHEREAS, Section 7.40.090 of the City Code allows the City Council to designate certain days when peddlers, hawkers and itinerant merchants may sell in the Historic District or a nonresidential area; and

1 **WHEREAS,** Section 6.04.210 of the City Code states that “whenever a person leases, uses
2 or occupies a City facility, the person shall be charged and pay a minimum of
3 full fees for the use of the facility.” Examples of City facilities include public
4 spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips,
5 moorings, developable waters, buildings, motor vehicles, equipment,
6 structures, rooms or other parts of public buildings. Examples of City services
7 include traffic control, crowd control, public safety support (police or fire), trash
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9 sewer, electricity, communications or other utilities, transportation, and labor.
10 Full fees “means the value of the right to lease, use or occupy the City facility
11 as determined by the Finance Director in a fiscal impact note, plus all costs
12 incurred by the City... including but not limited to utility costs and costs
13 associated with municipal services (public safety, public works, custodial,
14 renovations, repairs, maintenance, transportation and parking)...”
15

16 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of
17 merchandise may be sold in connection with the TriRock Annapolis 2012 at Susan Campbell
18 Park and City Dock on May 12, 2012.
19

20 **AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
21 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other
22 provision of law, the Director of Finance shall determine the full fees incurred by the City
23 government and the organizers of the event shall reimburse the City for full fees.
24

25 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a
26 representative of the City will be present to resolve matters relating to this special event and
27 his/her cell phone number shall be posted on the City’s website during the hours the event is
28 open to the public.
29

30
31 **ADOPTED** this ___ day of ____, ____.
32
33

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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EXPLANATION
CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

TriRock Route Map



