

**CITY OF ANNAPOLIS  
SPECIAL MEETING OF THE CITY COUNCIL**

April 23, 2012 7:00 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call

Mayor Cohen  
Alderman Kirby  
Mayor Cohen  
City Clerk Watkins-Eldridge

**PETITIONS, REPORTS AND COMMUNICATIONS**

City Council Citation to AAMC Auxiliary Clothes Box  
Recognition of Municipal Clerk's Week April 29-May 5, 2012  
Reports by Committees  
Comments by the General Public

Mayor Cohen  
Mayor Cohen

*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**

**R-15-12      A Public Parking Garage and Retail Storefronts on Compromise Street** - For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

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
4/9/12	4/23/12	4/13/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	4/9/12		
Economic Matters	4/9/12		

**O-51-11      Use and Redevelopment of Property in C2 Zoning Districts** – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/11	5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11		
Economic Matters	11/14/11		
Planning Commission	11/14/11 1/23/12	7/21/11	Favorable

**O-52-11      Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A** – For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A to C2, "Conservation Business" Zoning District.

LEGISLATIVE HISTORY

First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/11	5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11		
Economic Matters	11/14/11		
Planning Commission	11/14/11	7/21/11	Favorable

**O-13-12 Lease of Public Parking Lots to FRESHFARM Markets, Inc.** – For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

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
4/9/12	4/23/12	4/18/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/9/12		
Economic Matters	4/9/12		

**R-14-12 A Moratorium on Administrative Approvals for Special Events at City Dock** – For the purpose of declaring a moratorium on administrative approvals for special events at City Dock.

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
4/9/12	4/23/12	4/18/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/9/12		
Rules and City Gov't	4/9/12		

**LEGISLATIVE ACTIONS**

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

**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.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/20/11	2/27/12	1/29/12	12/16/11
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/20/11	3/13/12	Favorable w/ amd.
Planning Commission	6/20/11	12/15/11	Unfavorable

**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.

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	2/14/12 3/13/12	Favorable w/ amd.
Planning Commission	7/11/11	11/17/11	Favorable w/ amd.

**R-47-11 Annexation of Hayes Property** – For the purpose of annexing into the boundaries of the City of Annapolis 7.374 acres of property known as 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.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/25/11	4/9/12	1/23/12	N/A
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/25/11	4/11/12	Favorable
Planning Commission	7/25/11	12/15/11	Favorable w/ amd.
			<b>Travels with O-38-11</b>

**O-38-11 Zoning of Annexed Land – Hayes Property** – For the purpose of establishing zoning classifications of R3 – General Residence District and R1-B – Single-Family Residence District for 7.374 acres of property known as 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.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/25/11	4/9/12	1/23/12	N/A
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	7/25/11	4/11/12	Favorable w/ amd.
Planning Commission	7/25/11	12/15/11	Favorable w/ amd.
			<b>Travels with R-47-11</b>

**O-13-12 Lease of Public Parking Lots to FRESHFARM Markets, Inc.** – For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

LEGISLATIVE HISTORY
<i>Legislative referrals are subject to City Council action at the time of introduction</i>

<i>and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
4/9/12	4/23/12	4/18/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/9/12		
Economic Matters	4/9/12		

**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	4/9/12	3/14/12	6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12	4/16/12	Favorable
Economic Matters	3/12/12	4/16/12	Favorable

**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	4/9/12	3/29/12	6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12	4/16/12	Favorable
Economic Matters	3/12/12	4/16/12	Favorable

**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	4/9/12	3/28/12	6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12	4/16/12	Favorable
Economic Matters	3/12/12	4/16/12	Favorable

**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	4/9/12	3/28/12	6/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	3/12/12	4/16/12	No decision
Economic Matters	3/12/12	4/16/12	Favorable

**R-14-12 A Moratorium on Administrative Approvals for Special Events at City Dock** – For the purpose of declaring a moratorium on administrative approvals for special events at City Dock.

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
4/9/12	4/23/12	4/18/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/9/12		
Rules and City Gov't	4/9/12		

**R-15-12 A Public Parking Garage and Retail Storefronts on Compromise Street** - For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

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
4/9/12	4/23/12	4/13/12	7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	4/9/12		
Economic Matters	4/9/12		

**ORDINANCES and RESOLUTIONS– 1<sup>st</sup> READING**

**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 April 23, 2012.**

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

4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance Committee	4/23/12		
Financial Advisory Commission	4/23/12		

**R-17-12 Position Classifications and Pay Plan** – For the purpose of approving the FY 2013 position classification and pay plan.

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/23/12		
Finance	4/23/12		

**R-13-12 Re-Organization of City Government: Merger of the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning** – For the purpose of expressing the sense of the Annapolis City Council regarding the merger of the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning into the new Department of Planning, Environment and Permits (PEP).

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/23/12		

**O-14-12 The Department of Emergency Preparedness and Risk Management** – For the purpose of establishing the Office of Emergency Preparedness and Risk Management in the Annapolis City Code; authorizing the Mayor to declare and terminate a local state of emergency; defining the powers granted to the Mayor and City Council during a local state of emergency; classifying violations as a misdemeanor punishable by fine and imprisonment; and, codifying the duties of the Office of Emergency Preparedness and Risk Management.

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		

Public Safety	4/23/12		
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**R-16-12 Amending Fines Schedule for Emergency Preparedness Violations** – For the purpose of revising the fines schedule for emergency preparedness violations.

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		
Public Safety	4/23/12		

**O-15-12 Establishing Chapter 14.18 of the City Code on Special Events** – For the purpose of establishing Chapter 14.18 of the City Code on special 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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		
Economic Matters	4/23/12		

**O-16-12 Distribution of Unsolicited Materials** – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12		

**BUSINESS and MISCELLANEOUS**

1. Special event approval: Annapolis City Fair
2. Community Development Block Grant allocations

**UPCOMING CITY COUNCIL EVENTS**

Special Meeting; Monday, April 30, 2012 7:00 p.m. City Council Chambers for public hearing on FY 2013 budget and related legislation

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

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April 19, 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, April 22, 2012 and Monday, April 23, 2012**

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

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**NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, April 23, 2012 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, to consider:

- R-15-12      A Public Parking Garage and Retail Storefronts on Compromise Street** - For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.
- O-51-11      Use and Redevelopment of Property in C2 Zoning Districts** – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.
- O-52-11      Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A** – For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A to C2, “Conservation Business” Zoning District.
- O-13-12      Lease of Public Parking Lots to FRESHFARM Markets, Inc.** – For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.
- R-14-12      A Moratorium on Administrative Approvals for Special Events at City Dock** – For the purpose of declaring a moratorium on administrative approvals for special events at City Dock.

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>

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-15-12**

**Introduced by: Alderman Arnett and Alderwoman Finlayson**

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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	4/9/12		
Economic Matters	4/9/12		

**A RESOLUTION** concerning

**A Public Parking Garage and Retail Storefronts on Compromise Street**

**FOR** the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

**WHEREAS,** long-standing recommendations have been made by urban planners and City residents that valuable City Dock water front space should be transformed into a more pedestrian friendly public space; and

**WHEREAS,** business owners, visitors and residents identify the shortage of adequate parking to be a major impediment to a healthy, sustainable downtown business environment; and

**WHEREAS,** the construction of a moderately-sized parking structure in the downtown area will enable the relocation of some portion of the City Dock parking spaces to provide water-front public space; and

**WHEREAS,** a downtown parking structure located within 2-3 blocks of downtown merchants is a critical first step in un-locking the entire City Dock area for a comprehensive revitalization plan; and

**WHEREAS,** a downtown parking structure will provide alternative downtown parking in preparation for the Hillman Garage re-build; and

**WHEREAS,** constructing first floor retail and upper floor offices along Compromise Street and Newman Street will provide attractive retail storefronts to increase the availability of downtown retail offerings and enable the city to compete more effectively with commercial malls located on the edges of the City; and

1 **WHEREAS,** retail store fronts along Compromise Street will provided a more attractive  
2 gateway entrance for people crossing the bridge from Eastport; and  
3

4 **WHEREAS,** a timing opportunity exists to partner with Anne Arundel County Public School  
5 Board (AACPSB) while they carry out their construction during the two-year  
6 period the Green Street Elementary is closed for remodeling; and  
7

8 **WHEREAS,** construction of the facility would be of no capital expense to the City, no  
9 operating expense to the City, and no maintenance expense to the City; and  
10

11 **WHEREAS,** construction of the facility will generate additional property tax revenue to the City  
12 and sales tax revenue to the State; and  
13

14 **WHEREAS,** the AACPSB has received an unsolicited proposal from Compromise, LLC to  
15 build a structured parking garage fronted by first floor retail and upper floor  
16 offices to be built, managed and maintained by Compromise, LLC in  
17 consideration for payments to the AACPSB and the City; and  
18

19 **WHEREAS,** timing is of the essence to work within the AACPSB remodeling project such that  
20 the City and Compromise, LLC will begin immediately to negotiate the lease  
21 agreement to be concluded on or before May 1, 2012.  
22

23 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
24 consider the lease of City Parcels to Compromise LLC for the purpose of building and operating  
25 the parking and commercial facility.  
26

27  
28 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
29 negotiate, subject to review and approval by the City Council, a Memorandum of Understanding  
30 (MOU) with the AACPSB as soon as possible in order to meet the AACPSB's construction  
31 timing constraints. The MOU will add adjacent City property to increase the size of the proposed  
32 parking and commercial building and set forth all the financial, legal, and logistical conditions of  
33 the agreement between all parties (City, AACPSB, and Compromise, LLC) to be involved with  
34 the project.  
35

36  
37 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
38  
39

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

40  
41  
42 **EXPLANATION**

43 CAPITAL LETTERS indicate matter added to existing law.

44 [brackets] indicate matter stricken from existing law.

45 Underlining indicates amendments.

## **Policy Report**

### **Resolution R-15-12**

#### **A Public Parking Garage and Retail Storefronts on Compromise Street**

The proposed resolution expresses the sense of the City Council regarding a parking garage on Compromise Street.

The City's 2009 Comprehensive Plan calls for clearing City Dock of parking and providing an alternative site for the parking. The 2011 Phase One Report of the City Dock Advisory Committee identifies the Compromise Street corridor as “an important, if somewhat underrated, gateway” needing “mixed use and flexible uses that enhance downtown and the public enjoyment of City Dock.” Proposed resolution R-15-12 states that “the construction of a moderately-sized parking structure in the downtown area will enable the relocation of some portion of the City Dock parking spaces to provide waterfront public space.” The proposed resolution continues, “a downtown parking structure located within 2-3 blocks of downtown merchants is a critical first step in unlocking the entire City Dock area for a comprehensive revitalization plan.”

Compromise, LLC has submitted an unsolicited proposal to build a structured parking garage fronted by first floor retail and upper floor offices to be built, managed and maintained by Compromise, LLC in consideration for payments to the Anne Arundel County Public School Board (AACPSB) and the City. Pursuant to the proposal, construction of the facility would be of no capital expense to the City, no operating expense to the City, and no maintenance expense to the City. Timing is of the essence to work within the AACPSB remodeling project and the City and Compromise, LLC must begin immediately to negotiate the lease agreement.

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

FISCAL IMPACT NOTE

**Legislation No:** R-15-12

**First Reader Date:** 04/09/12

**Note Date:** 04/13/12

**Legislation Title: A Public Parking Garage and Retail Storefronts on Compromise Street**

**Description:** For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

**Analysis of Fiscal Impact:**

Based on the information currently available, this legislation can result in a positive fiscal impact, the value of which is unknown at this time.

The proposal from Compromise, LLC to the Anne Arundel County Public School Board includes payments to the School Board and to the City. The construction of a structured parking garage fronted by first floor retail and upper floor offices can be expected to generate additional property tax revenue to the City and contribute to the revitalization of Compromise Street and the downtown area.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Ordinance No. O-51-11

5 Introduced by: Mayor Cohen Alderwoman Finlayson,  
6 Alderwoman Hoyle and Alderman Kirby  
7  
8

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11			5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11		
Planning Commission	11/14/11		

9  
10 **A ORDINANCE** concerning

11 **Use and Redevelopment of Property in C2 Zoning Districts**

12  
13 **FOR** the purpose of adding certain provisions governing use and redevelopment of property  
14 located in a C2 Zoning District.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
16 City of Annapolis, 2011 Edition  
17 Section 21.42.080  
18

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

21 **Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

22 **21.42.080 - C2 Conservation Business district.**

23 A. Purpose. The C2 Conservation Business district is designed to encourage the preservation  
24 of the old City by allowing a compatible mixture of business and home crafts and shops, unique  
25 to the early development of the City.

26 B. Uses. Uses that may be permitted in the C2 district are set forth in the table of uses for  
27 commercial and industrial districts in Chapter 21.48

28 C. Development Standards. Chapter 21.50 contains the bulk regulations table for the C2  
29 district.

30 D. Additional Standards.

31 1. All business, servicing or processing in the C2 district, except for off-street parking or  
32 loading, shall be conducted within completely enclosed buildings.

33 2. Food service establishment restrictions apply in the C2 district, see Section 21.64.300

3. Off-street loading spaces are not required in the C2 district.

4. Waterfront properties designated as part of the C2 Conservation Business District shall provide a public pedestrian access across the waterway frontage of the property.

5. Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior of the structure(s) on the site, not including decks, windows, doors and façade treatments or other improvements within the existing footprint and building envelope, in excess of fifty percent (50%) of the value of the improvements on the site as of the date of permit requests.

**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.

**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.

## FISCAL IMPACT NOTE

**Legislation No:** O-51-11

**First Reader Date:** 11-14-11

**Note Date:** 11-27-11

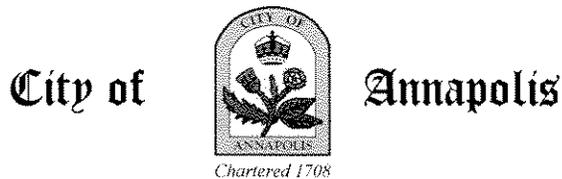
**Legislation Title:** **Use and Redevelopment of Property in C2 Zoning Districts**

### **Description:**

For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.

### **Analysis of Fiscal Impact:**

This legislation will provide for a waterfront pedestrian access across the waterway frontage of property in the C2 Zoning District as well as restore and preserve scenic views. While the legislation produces no significant direct fiscal impact, it could lead to an increase in the tax base, thereby increasing tax revenues.



## PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

March 1, 2012

### MEMORANDUM

**To:** Annapolis City Council

**From:** Planning Commission

**Re:** Findings on Ordinance O-51-11 concerning standards for the development and redevelopment of property in the C2, Conservation Residence District

#### Summary of Ordinance

This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.
2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

Redevelopment means new construction, alterations or renovations to the exterior of a structure in excess of fifty percent of the value of the improvements on the site as of the date of permit requests. Decks, windows, doors or other improvements within the existing footprint are excluded.

This ordinance grew out of the Planning Commission's recommendation on the rezoning request for 110 Compromise Street (aka Fawcett's). Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district will be proposed to address these considerations in conjunction with this rezoning request.

Since the original recommendation to the City Council, the CDAC did recommend the enhancement and maintenance of views from downtown across the harbor.

**Public Hearing**

At its regular meeting on March 1, 2012 the Planning Commission conducted a public hearing on this ordinance.

**Recommendation**

The Planning Commission recommends approval of Ordinance O-51-11 with the following amendments. The Planning Commission recommends two important amendments to the language of the suggested ordinance. As to paragraph 4, the Commission recommends:

“shall provide uninterrupted and unimpeded public pedestrian access...”

As to paragraph 5, the Commission recommends: “...redevelopment shall mean new construction, alterations or exterior renovations to the structures...”

The Commission retaining the scenic view now obstructed by 110 Compromise street is an important condition to progress towards a rejuvenated City Dock.

*Eleanor M. Harris*  
\_\_\_\_\_  
Dr. Eleanor M. Harris, Chair *gmh*



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason *JA*  
Planning Director

**Re:** Ordinance O-51-11 concerning standards for the development and redevelopment of property in the C2, Conservation Residence District

Attachments: 1. Ordinance O-51-11  
2. Planning Commission findings from 110 Compromise zoning map amendment request

**Summary of Ordinance**

This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.
2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

Redevelopment means new construction, alterations or renovations to the exterior of a structure in excess of fifty percent of the value of the improvements on the site as of the date of permit requests. Decks, windows, doors or other improvements within the existing footprint are excluded.

This ordinance grew out of the Planning Commission recommendation on the rezoning request for 110 Compromise Street (aka Fawcett's). The staff report on the rezoning request contained the following:

There are two important considerations in the development/redevelopment of this site. A longstanding consideration is to maintain pedestrian access around City Dock. This is a key parcel for this pedestrian access.

Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Fleet Street street-end right-of-way avoiding a dead-end and creating pedestrian opportunities.

The second consideration has been brought up from time-to-time but not in the context of city policy. This has become an important consideration for the City Dock Advisory Committee (CDAC) and will probably be a part of their final report—the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on subject property blocks a portion of this view and it is proposed that any significant redevelopment of this site be done in a manner that this view shed is restored.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district will be proposed to address these considerations in conjunction with this rezoning request.

Since the writing of this report the CDAC did recommend the enhancement and maintenance of views from downtown across the harbor.

The Planning Commission agreed with this assessment and recommended code changes to address pedestrian access and enhanced views. The language of O-51-11 is the language recommended by the Planning Commission. It has been referred back to the Planning Commission because it was introduced as a new ordinance.

This amendment was recommended by staff and the Planning Commission and is consistent with City plans and policies. Staff recommends approval of Ordinance O-51-11.



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason *JA*  
Planning Director

**Re:** Ordinance O-51-11 concerning standards for the development and redevelopment of property in the C2, Conservation Residence District

Attachments: 1. Ordinance O-51-11  
2. Planning Commission findings from 110 Compromise zoning map amendment request

**Summary of Ordinance**

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This ordinance grew out of the Planning Commission recommendation on the rezoning request for 110 Compromise Street (aka Fawcett's). The staff report on the rezoning request contained the following:

There are two important considerations in the development/redevelopment of this site. A longstanding consideration is to maintain pedestrian access around City Dock. This is a key parcel for this pedestrian access.

Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Fleet Street street-end right-of-way avoiding a dead-end and creating pedestrian opportunities.

The second consideration has been brought up from time-to-time but not in the context of city policy. This has become an important consideration for the City Dock Advisory Committee (CDAC) and will probably be a part of their final report—the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on subject property blocks a portion of this view and it is proposed that any significant redevelopment of this site be done in a manner that this view shed is restored.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district will be proposed to address these considerations in conjunction with this rezoning request.

Since the writing of this report the CDAC did recommend the enhancement and maintenance of views from downtown across the harbor.

The Planning Commission agreed with this assessment and recommended code changes to address pedestrian access and enhanced views. The language of O-51-11 is the language recommended by the Planning Commission. It has been referred back to the Planning Commission because it was introduced as a new ordinance.

This amendment was recommended by staff and the Planning Commission and is consistent with City plans and policies. Staff recommends approval of Ordinance O-51-11.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-51-11**

**Introduced by: Mayor Cohen Alderwoman Finlayson,  
Alderwoman Hoyle and Alderman Kirby**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11			5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't Planning Commission	11/14/11 11/14/11		

9  
10 **A ORDINANCE** concerning

11 **Use and Redevelopment of Property in C2 Zoning Districts**

12  
13 **FOR** the purpose of adding certain provisions governing use and redevelopment of property  
14 located in a C2 Zoning District.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
16 City of Annapolis, 2011 Edition  
17 Section 21.42.080  
18

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

21 **Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

22 **21.42.080 - C2 Conservation Business district.**

23 A. Purpose. The C2 Conservation Business district is designed to encourage the preservation  
24 of the old City by allowing a compatible mixture of business and home crafts and shops, unique  
25 to the early development of the City.

26 B. Uses. Uses that may be permitted in the C2 district are set forth in the table of uses for  
27 commercial and industrial districts in Chapter 21.48

28 C. Development Standards. Chapter 21.50 contains the bulk regulations table for the C2  
29 district.

30 D. Additional Standards.

31 1. All business, servicing or processing in the C2 district, except for off-street parking or  
32 loading, shall be conducted within completely enclosed buildings.

33 2. Food service establishment restrictions apply in the C2 district, see Section 21.64.300





*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

Chartered 1708

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis  
**FROM:** Planning & Zoning Commission  
**RE:** Zoning map amendment of 110 Compromise from WMC, Waterfront Maritime Conservation to C2, Conservation Business District. ZMA2011-001

**SUMMARY**

Subject property is the site of the former Fawcett's marine supply store. The property had been zoned C2, Conservation Business District until the adoption of the Waterfront Maritime Districts in 1987, at which time the property was zoned WMC. Before the property's use as a retail store specializing in marine hardware and operating under the Fawcett's name, the subject property had been used for general retail, including a grocery store. The WMC zone is more restrictive in that non-maritime retail and office uses are severely limited.

C2 is the prevalent zone downtown and is the only general commercial zone used in the historic district. Until 1987 this property had a C2 designation. Adjacent, developed properties affected by the 1987 rezoning had been zoned M1, Light Maritime before being rezoned to WMC.

The zoning map amendment rezones the property back to C2, Conservation Business District consistent with the non-waterfront properties downtown and consistent with the non-conforming uses of several of the neighboring waterfront properties.

**STAFF RECOMMENDATION**

At a regularly scheduled meeting on July 21, 2011, the Planning and Zoning staff presented their analysis and recommended approval of the rezoning request.

Staff reviewed the background of the request and analyzed the request based upon State law and the requirements of the City Code. In addition, staff analyzed the request based upon the Annapolis Comprehensive Plan recommendations and the recommendations of the City Dock Advisory Committee.

Staff found that there had been a change in the social and economic character of the area that would warrant approval of the request for rezoning. Staff also recommended additional legislative changes to the C2 zone. One change would require the provision of a pedestrian access along the water for waterfront properties. The other would require adherence to view cones for redeveloped properties.

**REQUIRED FINDINGS**

Article 66b is the State enabling legislation that grants local governments to power to regulate the use of land through zoning. Art. 66b, Section 4.05 establishes the 'change or mistake' rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

- A. Existing uses and zoning classification of properties within the general area of the property

that is the subject of the application.

In the vicinity of the property there are three zoning classifications. Subject property abuts land zoned C2 and WMC. In the area, but not abutting subject property there is land zoned C1, Conservation Residence District. The WMC zone on the other side of the water consists of the Natural Resources Police building, the Annapolis Harbormaster building, and a large car parking lot. The WMC zone on the side of the subject property consists of the Fleet Reserve building – which is essentially a social and dining club, the Marriott Hotel building – which has no maritime uses and includes a popular waterfront restaurant, the Annapolis Yacht marina, and the Annapolis Yacht Club – both of which are maritime. The Fleet Reserve and the Marriott Hotel are both nonconforming uses though both are in the WMC. The City of Annapolis also owns two small car parking lots in this portion of the WMC zone.

The C-1 zone contains the Annapolis Elementary School, an Anne Arundel Board of Education administration building, a car parking lot, and a playground. The school has coexisted for decades with the surrounding commercial activity. The entire area, known generally as the City Dock area, is intensively commercial.

The Commission finds that a general commercial zone for this will not be discordant with the general commercial tenor of the general area.

**B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.**

As mentioned earlier, the property was zoned from C2, Conservation Business to WMC, Waterfront Maritime Conservation in 1987, no doubt due, at least in part, to the presence of Fawcett's as a tenant. At the time of the WMC zoning, all of the properties abutting City Dock were zoned WMC irrespective of the extant use or whether the properties were or would be rendered nonconforming by the change.

For the non-maritime uses listed there are additional standards that must be met and size limitations for the use to be allowed in the WMC District.

The Planning & Zoning Commission heard testimony and had the benefit of staff expertise. The Commission finds that the nature of City Dock has changed dramatically from supporting the Chesapeake Bay seafood industry to becoming a destination for recreational boaters, land-based day trippers, and local and regional customers of the restaurant and retail establishments. These users of City Dock are not arriving downtown with the specific intent to purchase maritime-related goods. The Maritime Zones were created to concentrate maritime uses so each could take advantage of proximity to another. Current downtown maritime use consists of a marina and a yacht club, which do not create the synergies contemplated. A survey by BBP, LLC found that respondents felt there was a need for specialty food, sporting goods/hobby, clothing and limited service restaurants but not for maritime services and goods.

**C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.**

As noted above area properties were rezoned in 1987 from C2 to WMC with the adoption of the maritime economic and land use strategy. As noted above the nature of City Dock has changed over time from watermen related uses to a visitor destination—both land based and water based. The mix of retail goods sold downtown has changed as well. The C2 zoning designation proposed for the property is consistent with zoning in the area since C2 is the predominant commercial zoning district downtown. City Dock is viewed as the focal point of Annapolis and trends in thinking envision the City Dock area as a gathering place for local residents, regional residents, state employees, county employees, City employees, and visitors who may or may not have business in the City. None of these populations support a maritime business. The mix of uses allowed in the C2 zoning can support visitor, resident and employment populations.

The Commission finds that the trend in development, including the proposed zoning change, will be compatible with current and proposed development in the general area.

**D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.**

The Commission finds that since the adoption of the WMC zoning twenty-four years ago, the business mix and functions in the downtown have undergone change. The so-called hard maritime uses have become concentrated on the Eastport side of Spa Creek and on both sides of Back Creek. Other than the AYC (and the proposed National Sailing Hall of Fame) there are no maritime uses in the WMC zone. As noted above, uses around City Dock are changing to reflect its emerging role as a visitor destination. The Commission finds there has been a substantial change in the character of the neighborhood where the property is located.

**E. The availability of public facilities, present and future transportation patterns.**

The Commission finds there are adequate public facilities in place to support the requested rezoning. The Commission further finds the requested rezoning will have no impact on present or future transportation patterns.

**F. The relationship of the proposed amendment to the City's Comprehensive Plan.**

The Annapolis Comprehensive Plan recommends mixed-use development for this site. The proposed C2 zoning classification is consistent with the comprehensive plan recommendation. The Commission finds that the proposed zoning amendment is compatible with the Comprehensive Plan.

**Other Considerations**

As noted above, staff identified two additional and important considerations in the development/redevelopment of this site. Both can be resolved if the Council adopts two changes to Code requirements.

The first is a longstanding responsibility to maintain pedestrian access around City Dock. This goal is key to the primary recommendation of the City Dock Advisory Committee to make the general City Dock area a pedestrian-friendly place with as much pedestrian access to the water as possible. This parcel is a key parcel for pedestrian access. Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Newman Street street-end right-of-way, thereby avoiding a dead-end and creating some pedestrian opportunities.

Consequently, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.4.:

"Waterfront properties designated as part of the C2 Conservation Business District shall provide a pedestrian access across the waterway frontage of the property."

The second consideration has been brought up from time-to-time but not in the context of city policy. This is an important goal identified by the City Dock Advisory Committee (CDAC) and is a part of their final report—namely, the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on the subject property blocks an important portion of this view. Any significant redevelopment of this site must be done in a manner that restores this significant viewshed.

Hence, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.5.:

Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior

of the structure(s) on the site, not including decks, windows, doors and façade treatments or other improvements within the existing footprint and building envelope, in excess of fifty percent (50%) of the value of the improvements on the site as of the date of permit requests.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district must be proposed to address these considerations in conjunction with this rezoning request.

Additionally, the Planning Commission voted to amend the rezoning map change request to include the city-owned parking lot adjacent to Newman Street, between 110 Compromise and the Fleet Reserve Club, parcel 1248.

**PUBLIC HEARING AND DELIBERATION**

The Planning Commission found that proper notification of the application and hearing was given. In accordance with the Annapolis City Code a public hearing was held and the public was invited to comment on the rezoning request. Additionally, the owner of the property and his agents made a presentation to the Planning Commission.

Upon the close of the public hearing the Planning Commission entered into deliberations. Based on the staff analysis, applicants' presentation and comments received from the public, the Commission found that the requisite findings were met. The Commission further found that the recommended code changes noted above were appropriate in furthering the normal and orderly development of the City and consistent with the Comprehensive Plan.

**RECOMMENDATION**

The Planning & Zoning Commission on July 21, 2011 by a vote of 6-0 held that the requirements of 21.34.040 have been met, that there has been a change in the social and economic character of the area that warrants approval of this request, and that the change in zoning classification will be compatible with current and proposed uses. The Commission by the same vote further recommends that the proposed code changes be enacted coincident with the zoning change.

Chair:



David DiQuinzio

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**CITY COUNCIL OF THE  
City of Annapolis  
Ordinance No. O-52-11**

**Introduced by: Alderwoman Finlayson, Alderwoman Hoyle and Alderman Kirby**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11			5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't Planning Commission	11/14/11 11/14/11		

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**A ORDINANCE** concerning

**Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

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**FOR** the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A to C2, "Conservation Business" Zoning District.

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**BY** repealing and re-enacting with amendments the Zoning District Map contained in Section 21.06.020 of the Code of the City of Annapolis 2011 Edition, to reflect the rezoning of parcels 1244 and 1255, Grid 20, Tax Map 52A to C2 "Conservation Business" Zoning District.

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**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:

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**Chapter 21.06 – ZONING DISTRICTS AND MAPPING**

22

**21.06.020 - Zoning District Map.**

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The location and boundaries of the zoning districts of this Zoning Code are established as shown on the zoning map entitled "City of Annapolis Zoning District Map," which is incorporated in this section and made a part of this Zoning Code. The map, together with everything shown on the map and all amendments to the map, is as much a part of this Zoning Code as though fully set forth and described in this Zoning Code. (Amended during 2007 edition: Ord. O-30-05 Revised Attach., 2006: Ord. O-11-05 Revised Amended § 1 (part), 2005: Ord. O-1-04 Revised (part), 2005). The zoning reflected on the Zoning District Map is amended to reflect the zoning of parcels 1244 and 1255, Grid 20, Tax Map 52A as C2 "Conservation Business" Zoning District located at 110 Compromise Street in Annapolis as contained in Exhibit A attached to this ordinance.

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**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that having considered the application, testimony and evidence presented, and the report and recommendations of the Planning Commission, and having

1 weighed the evidence and judged the credibility of witnesses appearing before it, the City  
2 Council in accordance with Section 4.05, Article 66B of the Annotated Code of Maryland, and  
3 Section 21.34.040 of the City Code of Annapolis, makes the following findings of fact concerning  
4 the rezoning of the parcels located at 110 Compromise Street.

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6 **FINDINGS**  
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8 Article 66B is the State enabling legislation that grants local governments to power to regulate  
9 the use of land through zoning. Article 66B, Section 4.05 establishes the 'change or mistake'  
10 rule wherein a zoning map amendment can only be granted based on a finding that there was a  
11 substantial change in the character of the neighborhood where the property is located, or that  
12 there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth  
13 the six criteria and findings that must be made in order to make the finding for change or  
14 mistake in considering a rezoning. They are as follows:  
15

16 **A. Existing uses and zoning classification of properties within the general area of the  
17 property that is the subject of the application.**

18 In the vicinity of the property there are three zoning classifications. Subject property abuts land  
19 zoned C2 and WMC. In the area, but not abutting subject property there is land zoned C1,  
20 Conservation Residence District. The WMC zone on the other side of the water consists of the  
21 Natural Resources Police building, the Annapolis Harbormaster building, and a large car parking  
22 lot. The WMC zone on the side of the subject property consists of the Fleet Reserve building -  
23 which is essentially a social and dining club, the Marriott Hotel building - which has no maritime  
24 uses and includes a popular waterfront restaurant, the Annapolis Yacht marina, and the  
25 Annapolis Yacht Club - both of which are maritime. The Fleet Reserve and the Marriott Hotel  
26 are both nonconforming uses though both are in the WMC. The City of Annapolis also owns two  
27 small car parking lots in this portion of the WMC zone.  
28

29 The C-1 zone contains the Annapolis Elementary School, an Anne Arundel Board of Education  
30 administration building, a car parking lot, and a playground. The school has coexisted for  
31 decades with the surrounding commercial activity. The entire area, known generally as the City  
32 Dock area, is intensively commercial.  
33

34 The Commission finds that a general commercial zone for this will not be discordant with the  
35 general commercial tenor of the general area.  
36

37 **B. The suitability of the property in question to the uses permitted under the existing  
38 zoning classification compared to the uses permitted under the proposed zoning  
39 classification.**

40 As mentioned earlier, the property was zoned from C2, Conservation Business to WMC,  
41 Waterfront Maritime Conservation in 1987, no doubt due, at least in part, to the presence of  
42 Fawcett's as a tenant. At the time of the WMC zoning, all of the properties abutting City Dock  
43 were zoned WMC irrespective of the extant use or whether the properties were or would be  
44 rendered nonconforming by the change.  
45

46 For the non-maritime uses listed there are additional standards that must be met and size  
47 limitations for the use to be allowed in the WMC District.  
48

49 The Planning & Zoning Commission heard testimony and had the benefit of staff expertise. The  
50 Commission finds that the nature of City Dock has changed dramatically from supporting the  
51 Chesapeake Bay seafood industry to becoming a destination for recreational boaters, land-

1 based day trippers, and local and regional customers of the restaurant and retail  
2 establishments. These users of City Dock are not arriving downtown with the specific intent to  
3 purchase maritime-related goods. The Maritime Zones were created to concentrate maritime  
4 uses so each could take advantage of proximity to another. Current downtown maritime use  
5 consists of a marina and a yacht club, which do not create the synergies contemplated. A  
6 survey by BBP, LLC found that respondents felt there was a need for specialty food, sporting  
7 goods/hobby, clothing and limited service restaurants but not for maritime services and goods.  
8

9 **C. The trend of development in the general area, including any changes in zoning  
10 classification of the subject property or other properties in the area and the compatibility  
11 with existing and proposed development for the area.**

12 As noted above area properties were rezoned in 1987 from C2 to WMC with the adoption of the  
13 maritime economic and land use strategy. As noted above the nature of City Dock has changed  
14 over time from watermen related uses to a visitor destination--both land based and water based.  
15 The mix of retail goods sold downtown has changed as well. The C2 zoning designation  
16 proposed for the property is consistent with zoning in the area since C2 is the predominant  
17 commercial zoning district downtown. City Dock is viewed as the focal point of Annapolis and  
18 trends in thinking envision the City Dock area as a gathering place for local residents, regional  
19 residents, state employees, county employees, City employees, and visitors who may or may  
20 not have business in the City. None of these populations support a maritime business. The mix  
21 of uses allowed in the C2 zoning can support visitor, resident and employment populations.  
22

23 The Commission finds that the trend in development, including the proposed zoning change, will  
24 be compatible with current and proposed development in the general area.  
25

26 **D. Whether there has been a substantial change in the character of the neighborhood  
27 where the property is located or that there was a mistake in the existing zoning  
28 classification.**

29 The Commission finds that since the adoption of the WMC zoning twenty-four years ago, the  
30 business mix and functions in the downtown have undergone change. The so-called hard  
31 maritime uses have become concentrated on the Eastport side of Spa Creek and on both sides  
32 of Back Creek. Other than the AYC (and the proposed National Sailing Hall of Fame) there are  
33 no maritime uses in the WMC zone. As noted above, uses around City Dock are changing to  
34 reflect its emerging role as a visitor destination. The Commission finds there has been a  
35 substantial change in the character of the neighborhood where the property is located.  
36

37 **E. The availability of public facilities, present and future transportation patterns.**

38 The Commission finds there are adequate public facilities in place to support the requested  
39 rezoning. The Commission further finds the requested rezoning will have no impact on present  
40 or future transportation patterns.  
41

42 **F. The relationship of the proposed amendment to the City's Comprehensive Plan.**

43 The Annapolis Comprehensive Plan recommends mixed-use development for this site. The  
44 proposed C2 zoning classification is consistent with the comprehensive plan recommendation.  
45 The Commission finds that the proposed zoning amendment is compatible with the  
46 Comprehensive Plan.  
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49 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE  
50 ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon the date of adoption.  
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**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

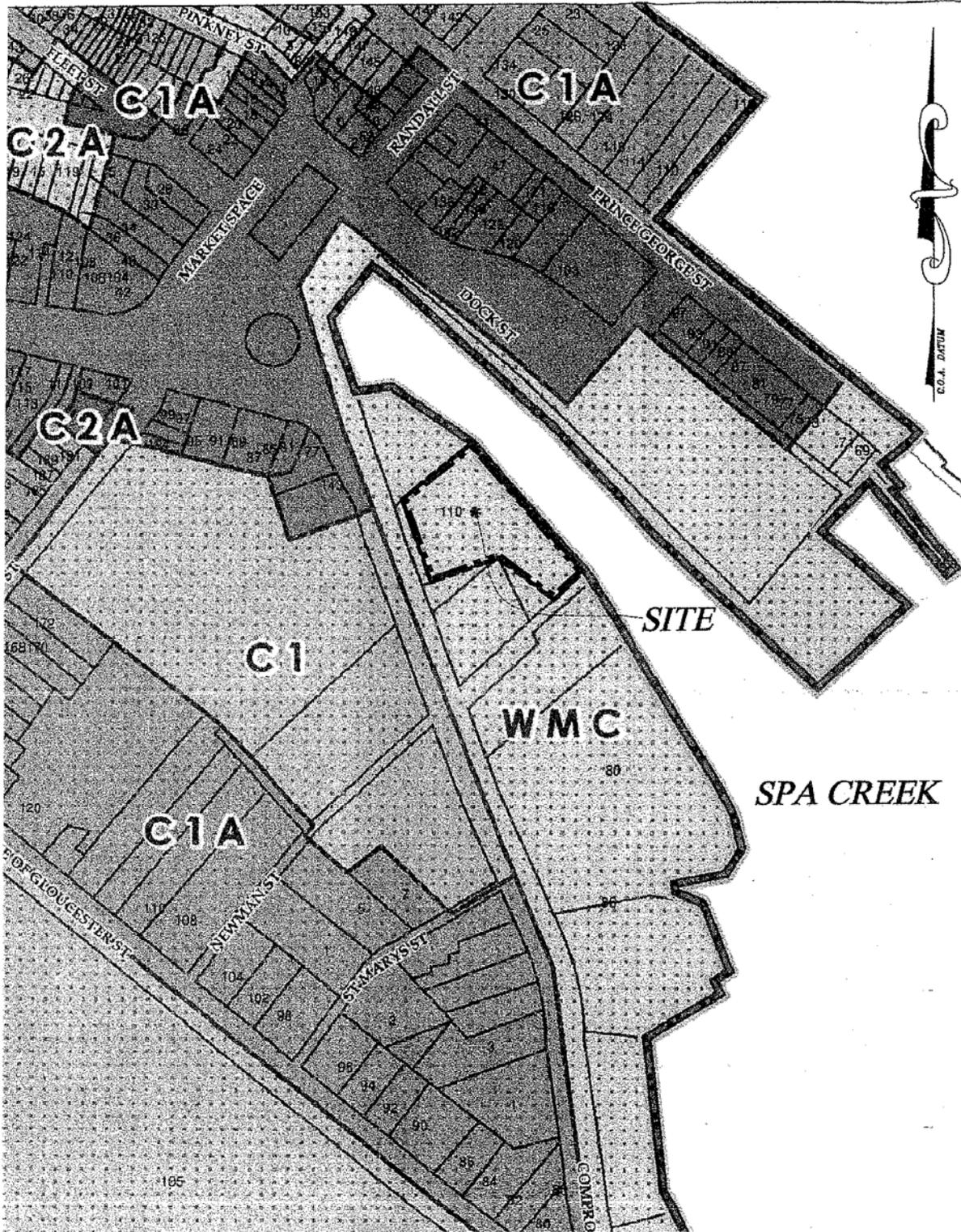
\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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<p style="text-align: center;"><b>EXPLANATION:</b> Highlighting indicates matter added to existing law. <del>Strikeout indicates matter deleted from existing law.</del> <u>Underlining indicates amendments.</u></p>
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Exhibit A



## **Policy Report**

### **Ordinance O-52-11**

#### **Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

The proposed ordinance would rezone parcels 1244 and 1255, Grid 20, Tax Map 52A from WMC (Waterfront Maritime Conservation) to C2 (Conservation Business) Zoning District.

Article 66B is the State enabling legislation that grants local governments the authority to regulate the use of land through zoning. Article 66B, Section 4.05 establishes the 'change or mistake' rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning.

Chapter 21.34 of the Annapolis City Code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

- A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.
- B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
- C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
- D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
- E. The availability of public facilities, present and future transportation patterns.
- F. The relationship of the proposed amendment to the City's Comprehensive Plan.

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

## FISCAL IMPACT NOTE

**Legislation No:** O-52-11

**First Reader Date:** 11-14-11

**Note Date:** 11-27-11

**Legislation Title:** **Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

### **Description:**

For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A

### **Analysis of Fiscal Impact:**

This legislation changes the zoning for this vacant commercial property, currently zoned Waterfront Maritime Conservation, to C2, " Conservation Business" Zoning District. The effect of the zoning change will allow non-maritime use of the property. According to the report and recommendations of the Planning Commission, the zoning change is not discordant with the general commercial tenor of the area and most users of the area are not arriving there with the intention of purchasing maritime-related goods. While the legislation produces no significant direct fiscal impact, by adding to potential uses, the City's tax base could increase, thereby increasing tax revenues.



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

Chartered 1708

JON ARASON, AICP  
DIRECTOR

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis

**FROM:** Planning & Zoning Commission

**RE:** Zoning map amendment of 110 Compromise from WMC, Waterfront Maritime Conservation to C2, Conservation Business District. ZMA2011-001

**SUMMARY**

Subject property is the site of the former Fawcett's marine supply store. The property had been zoned C2, Conservation Business District until the adoption of the Waterfront Maritime Districts in 1987, at which time the property was zoned WMC. Before the property's use as a retail store specializing in marine hardware and operating under the Fawcett's name, the subject property had been used for general retail, including a grocery store. The WMC zone is more restrictive in that non-maritime retail and office uses are severely limited.

C2 is the prevalent zone downtown and is the only general commercial zone used in the historic district. Until 1987 this property had a C2 designation. Adjacent, developed properties affected by the 1987 rezoning had been zoned M1, Light Maritime before being rezoned to WMC.

The zoning map amendment rezones the property back to C2, Conservation Business District consistent with the non-waterfront properties downtown and consistent with the non-conforming uses of several of the neighboring waterfront properties.

**STAFF RECOMMENDATION**

At a regularly scheduled meeting on July 21, 2011, the Planning and Zoning staff presented their analysis and recommended approval of the rezoning request.

Staff reviewed the background of the request and analyzed the request based upon State law and the requirements of the City Code. In addition, staff analyzed the request based upon the Annapolis Comprehensive Plan recommendations and the recommendations of the City Dock Advisory Committee.

Staff found that there had been a change in the social and economic character of the area that would warrant approval of the request for rezoning. Staff also recommended additional legislative changes to the C2 zone. One change would require the provision of a pedestrian access along the water for waterfront properties. The other would require adherence to view cones for redeveloped properties.

**REQUIRED FINDINGS**

Article 66b is the State enabling legislation that grants local governments to power to regulate the use of land through zoning. Art. 66b, Section 4.05 establishes the 'change or mistake' rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

**A. Existing uses and zoning classification of properties within the general area of the property**

**that is the subject of the application.**

In the vicinity of the property there are three zoning classifications. Subject property abuts land zoned C2 and WMC. In the area, but not abutting subject property there is land zoned C1, Conservation Residence District. The WMC zone on the other side of the water consists of the Natural Resources Police building, the Annapolis Harbormaster building, and a large car parking lot. The WMC zone on the side of the subject property consists of the Fleet Reserve building – which is essentially a social and dining club, the Marriott Hotel building – which has no maritime uses and includes a popular waterfront restaurant, the Annapolis Yacht marina, and the Annapolis Yacht Club – both of which are maritime. The Fleet Reserve and the Marriott Hotel are both nonconforming uses though both are in the WMC. The City of Annapolis also owns two small car parking lots in this portion of the WMC zone.

The C-1 zone contains the Annapolis Elementary School, an Anne Arundel Board of Education administration building, a car parking lot, and a playground. The school has coexisted for decades with the surrounding commercial activity. The entire area, known generally as the City Dock area, is intensively commercial.

The Commission finds that a general commercial zone for this will not be discordant with the general commercial tenor of the general area.

**B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.**

As mentioned earlier, the property was zoned from C2, Conservation Business to WMC, Waterfront Maritime Conservation in 1987, no doubt due, at least in part, to the presence of Fawcett's as a tenant. At the time of the WMC zoning, all of the properties abutting City Dock were zoned WMC irrespective of the extant use or whether the properties were or would be rendered nonconforming by the change.

For the non-maritime uses listed there are additional standards that must be met and size limitations for the use to be allowed in the WMC District.

The Planning & Zoning Commission heard testimony and had the benefit of staff expertise. The Commission finds that the nature of City Dock has changed dramatically from supporting the Chesapeake Bay seafood industry to becoming a destination for recreational boaters, land-based day trippers, and local and regional customers of the restaurant and retail establishments. These users of City Dock are not arriving downtown with the specific intent to purchase maritime-related goods. The Maritime Zones were created to concentrate maritime uses so each could take advantage of proximity to another. Current downtown maritime use consists of a marina and a yacht club, which do not create the synergies contemplated. A survey by BBP, LLC found that respondents felt there was a need for specialty food, sporting goods/hobby, clothing and limited service restaurants but not for maritime services and goods.

**C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.**

As noted above area properties were rezoned in 1987 from C2 to WMC with the adoption of the maritime economic and land use strategy. As noted above the nature of City Dock has changed over time from watermen related uses to a visitor destination—both land based and water based. The mix of retail goods sold downtown has changed as well. The C2 zoning designation proposed for the property is consistent with zoning in the area since C2 is the predominant commercial zoning district downtown. City Dock is viewed as the focal point of Annapolis and trends in thinking envision the City Dock area as a gathering place for local residents, regional residents, state employees, county employees, City employees, and visitors who may or may not have business in the City. None of these populations support a maritime business. The mix of uses allowed in the C2 zoning can support visitor, resident and employment populations.

The Commission finds that the trend in development, including the proposed zoning change, will be compatible with current and proposed development in the general area.

**D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.**

The Commission finds that since the adoption of the WMC zoning twenty-four years ago, the business mix and functions in the downtown have undergone change. The so-called hard maritime uses have become concentrated on the Eastport side of Spa Creek and on both sides of Back Creek. Other than the AYC (and the proposed National Sailing Hall of Fame) there are no maritime uses in the WMC zone. As noted above, uses around City Dock are changing to reflect its emerging role as a visitor destination. The Commission finds there has been a substantial change in the character of the neighborhood where the property is located.

**E. The availability of public facilities, present and future transportation patterns.**

The Commission finds there are adequate public facilities in place to support the requested rezoning. The Commission further finds the requested rezoning will have no impact on present or future transportation patterns.

**F. The relationship of the proposed amendment to the City's Comprehensive Plan.**

The Annapolis Comprehensive Plan recommends mixed-use development for this site. The proposed C2 zoning classification is consistent with the comprehensive plan recommendation. The Commission finds that the proposed zoning amendment is compatible with the Comprehensive Plan.

**Other Considerations**

As noted above, staff identified two additional and important considerations in the development/redevelopment of this site. Both can be resolved if the Council adopts two changes to Code requirements.

The first is a longstanding responsibility to maintain pedestrian access around City Dock. This goal is key to the primary recommendation of the City Dock Advisory Committee to make the general City Dock area a pedestrian-friendly place with as much pedestrian access to the water as possible. This parcel is a key parcel for pedestrian access. Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Newman Street street-end right-of-way, thereby avoiding a dead-end and creating some pedestrian opportunities.

Consequently, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.4.:

"Waterfront properties designated as part of the C2 Conservation Business District shall provide a pedestrian access across the waterway frontage of the property."

The second consideration has been brought up from time-to-time but not in the context of city policy. This is an important goal identified by the City Dock Advisory Committee (CDAC) and is a part of their final report—namely, the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on the subject property blocks an important portion of this view. Any significant redevelopment of this site must be done in a manner that restores this significant viewshed.

Hence, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.5.:

Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior

of the structure(s) on the site, not including decks, windows, doors and façade treatments or other improvements within the existing footprint and building envelope, in excess of fifty percent (50%) of the value of the improvements on the site as of the date of permit requests.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district must be proposed to address these considerations in conjunction with this rezoning request.

Additionally, the Planning Commission voted to amend the rezoning map change request to include the city-owned parking lot adjacent to Newman Street, between 110 Compromise and the Fleet Reserve Club, parcel 1248.

#### **PUBLIC HEARING AND DELIBERATION**

The Planning Commission found that proper notification of the application and hearing was given. In accordance with the Annapolis City Code a public hearing was held and the public was invited to comment on the rezoning request. Additionally, the owner of the property and his agents made a presentation to the Planning Commission.

Upon the close of the public hearing the Planning Commission entered into deliberations. Based on the staff analysis, applicants' presentation and comments received from the public, the Commission found that the requisite findings were met. The Commission further found that the recommended code changes noted above were appropriate in furthering the normal and orderly development of the City and consistent with the Comprehensive Plan.

#### **RECOMMENDATION**

The Planning & Zoning Commission on July 21, 2011 by a vote of 6-0 held that the requirements of 21.34.040 have been met, that there has been a change in the social and economic character of the area that warrants approval of this request, and that the change in zoning classification will be compatible with current and proposed uses. The Commission by the same vote further recommends that the proposed code changes be enacted coincident with the zoning change.

Chair:



David DiQuinzio



City of Annapolis City Council  
Committee & Commission Referral Action Report

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Date: January 5, 2012

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Maritime Advisory Board has reviewed O-52-11, rezoning of Parcels 1244 and 1255 (Chandler, LLC) and has taken the following action:

Favorable

Favorable with amendments

Unfavorable (7-3)

No Action

Other

Comments:

The Board again recognized that substantive inconsistencies exist between the 4 maritime zoning districts which demonstrate the need for a comprehensive, not piecemeal, review of those zoning districts. Such a comprehensive review was recommended by the 1996 Comprehensive Plan<sup>1</sup> but not implemented. In the 2009 Comprehensive Plan, the Planning Commission and City Council in Land Use and Economic Development Policy 7 (p. 36) stated:

Acknowledging the importance of the Maritime Industry to Annapolis' character, identity and economy, strive to ensure the Maritime Industry's sustained health and viability.

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<sup>1</sup> 7C-3, page 59: "Maintain The Existing Maritime Zones And Evaluate Whether Any Changes Are Needed To Strengthen The Maritime Industry"; [T]he existing maritime zones could be evaluated to identify whether any adjustments should be made to enhance maritime businesses without altering the intent of the zoning."

Piecemeal elimination of maritime zoning, particularly where it is directed to single properties, is inconsistent with the mandates of the Comprehensive Plan and adversely affects the "character, identity and economy" of Annapolis.

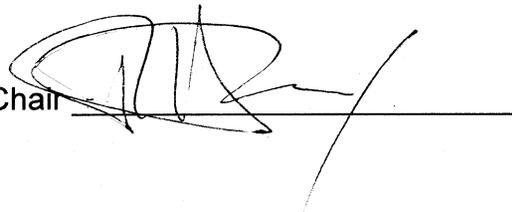
The Board also notes that Policy 6 of the 2009 Comprehensive Plan notes that a plan for the future of City Dock "must be developed with broad participation by the entire community". The City Dock Advisory Committee has not completed its recommendations and there is an on-going study of the Compromise Street corridor. Zoning changes to properties located along Compromise Street, and in the City Dock area, should only be done in conjunction with the implementation of broader plans for Compromise Street and the City Dock area.

The City must continue to act to preserve and promote the maritime industry, and the City's maritime character, so that it does not die by attrition. Accordingly, any change in the zoning (or a zoning text amendment) that affects properties in the maritime zones should only be undertaken in connection with a comprehensive review. The Board recommends that the appropriate City agencies commence that review within the next 120 days and make recommendations based upon that review to the Planning Commission and City Council within 180 days thereafter. Piecemeal changes should not be undertaken or approved.

cc: Members, Maritime Advisory Board

Legislative Referral - O-51-11 (Chandler rezoning)

Meeting Date: December 20, 2011      Signature of Chair

A handwritten signature in black ink, appearing to be "D. R. ...", is written over a horizontal line. The signature is stylized and somewhat illegible.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-13-12**

**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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/9/12		
Economic Matters	4/9/12		

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**An ORDINANCE** concerning

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**Lease of Public Parking Lots to FRESHFARM Markets, Inc.**

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**FOR** the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

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**WHEREAS,** FRESHFARM Markets, Inc. ("Lessee"), desires to lease certain municipal property for the purpose of conducting an open-air farmers market; and

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**WHEREAS,** the Annapolis City Council finds that a farmers market would be a desired public mercantile use for City residents; and

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**WHEREAS,** a lease setting forth terms of the rental has been prepared and is considered satisfactory; and

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**WHEREAS,** the Annapolis City Council finds that the lease of the property is authorized by Section 7.28.010 of the Annapolis City Code; and

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**WHEREAS,** the Annapolis City Council finds that the lease of the property for a farmers market will better serve the public need for which the property was acquired; and

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25

**WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize the leasing of City-owned property.

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**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the proposed Lease Agreement between the City of Annapolis and Lessee for the rental of certain municipal property located at 110 Compromise Street, also known as the Donner Lot and the Public Parking Lot between the Fleet Reserve and the site formerly known as Fawcett Boat Supplies, from May 6, 2012 to November 18, 2012, a copy of which is attached

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1 hereto and made a part hereof, is hereby approved, and the Mayor is authorized to execute the  
2 Lease Agreement on behalf of the City of Annapolis.

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4 **SECTION II: AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that pursuant to Section 6.04.210D3 of the City Code, the  
6 Annapolis City Council hereby waives that portion of each monthly fee for permits and approvals  
7 in excess of \$50.00 associated with Lessee's use of City facilities and services in connection  
8 with the use of the property, except as otherwise specified in the Lease Agreement.

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10 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
11 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

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15 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

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17  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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19 **EXPLANATION**

20 CAPITAL LETTERS indicate matter added to existing law.

21 [brackets] indicate matter stricken from existing law.

22 Underlining indicates amendments.

LEASE

This Lease is made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of Annapolis, a municipal corporation of the State of Maryland ("Lessor") and Freshfarm Markets, Inc., a Washington, D. C. non-profit corporation ("Lessee").

Whereas, the Lessee is a regionally recognized nonprofit organization building a vibrant local food movement in the greater metro DC area that supports the region's farmers; and

Whereas, the Lessee's mission is to connect city dwellers with farmers and their locally-grown food, to educate the public about food and farming issues and to provide economic opportunities for farmers; and

Whereas, the parties desire to enter into a lease for that purpose and to set forth their respective responsibilities; and

Whereas, the City is authorized to lease land pursuant to Article III, Section 8, of the City Charter to better serve the public need for which the land was acquired.

Now, therefore, in consideration of these premises and the mutual terms and conditions of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Premises and Term

a. The Lessor leases to the Lessee, and the Lessee leases from the Lessor, for the purpose of holding the Annapolis City Dock Fresh Farm Market, that land known as the Donner Parking Lot and Public Parking Lot between the Fleet Reserve and property owned by Chandler, LLC, as shown in Exhibit A attached to this Agreement ("Premises"), each and every Sunday from May 6, 2012 through November 18, 2012, from 6 am to 2 pm, except October 7, 2012 and October 14, 2012, when the Lessee shall not have access to the Premises during the Sundays of the United States Sailboat and Power Boat Shows.

2. 9 St. Mary's Street

a. The Lessee shall have access to the interior space of Lessor's property located at 9 St. Mary's Street for purposes related to this Lease.

3. Rent

a. Rent shall be Fifty Dollars (\$50.00) per month.

b. Pursuant to City Code, Section 6.04.210.D.3., the Lessor hereby waives any additional rent, including but not limited to fees for traffic control services if any are provided, parking meters authorized for use by Lessee, inspections, permit applications and rental beyond that stated above, except as provided herein.

4. Use of Premises

1 a. The Premises may be used by the Lessee for activities authorized by the Lessee  
2 and identified in this Lease.

3 b. This Lease in no way creates an obligation upon the Lessor to furnish any  
4 services, materials or equipment for the Lessee's farmer's market, except as specifically  
5 provided in this Lease.

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7 5. Exhibitors  
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9 a. The Lessee shall provide to the Lessor, not later than May 1, 2012, a complete list  
10 of all exhibitors, vendors displays, activities, festivities, and operations associated with this  
11 Lease, which shall not be amended without the Lessor's written consent.

12  
13 b. The Lessee shall use its best efforts to contract with Annapolis/Anne Arundel  
14 County area farmers in all matters related to the farmers market.

15  
16 6. Licenses/Taxes  
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18 a. Exhibitors or vendors who are permitted to sell any item at the farmers market  
19 shall obtain and produce to the Lessor upon request all required non-City licenses and pay all  
20 required Federal, State, County and City taxes and fees.

21  
22 b. The Lessee shall satisfy any of the Lessor's licensing requirements for such  
23 exhibitors or vendors.

24  
25 7. Transportation & Parking Plan  
26

27 a. The Lessee shall prepare and submit to the Lessor's Director of Transportation,  
28 no later than May 1, 2012, a transportation plan with a parking element, which shall address  
29 matters specified by the Director.

30  
31 b. Except for public ways within the Premises, the plan shall not provide for the  
32 closure of any street or restrict parking to those associated with the farmers market.

33  
34 c. Upon receipt of the plan, the Director shall make copies available to relevant  
35 agencies and to interested parties who have requested a copy and shall arrange for a meeting,  
36 if determined to be necessary by the Director, with relevant agencies and representatives of  
37 interested parties to review the plan.

38  
39 d. The Director shall approve the plan before this Lease commences.  
40

41 8. Pre-Market Inspection  
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43 a. Before the farmers market opens to the public, the Lessee's representative shall  
44 meet with representatives of Lessor's Police Department, Fire Department, Emergency  
45 Management, Harbormaster, Department of Central Services, Department of Neighborhood and  
46 Environmental Programs and Department of Public Works to inspect the Premises and nearby  
47 areas to determine compliance with the Lessor's requirements.  
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2           b. Written approval by all such representatives is required before the Lessee may  
3 open the farmers market to the public.  
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5           c. The Lessor shall not unreasonably refuse permission to open the farmers market  
6 unless a threat to health or safety has been identified by the Lessor to the Lessee.  
7

8           d. Following the pre-market inspection, at all times during this Lease, the Lessee  
9 shall promptly comply with all reasonable directives of the Lessor which the Lessor determines  
10 in its sole discretion are necessary to bring the Lessee and activities on the Premises into  
11 compliance with this Lease, the City Code, and the Lessor's public safety requirements.  
12

13           9. Interior Construction.  
14

15           a. The Lessee shall have the right to construct, install or erect upon the Premises  
16 such seats, booths, tents, exhibits and any other apparatus or structure which the Lessee may  
17 deem necessary or desirable for purposes related to this Lease.  
18

19           b. The Lessee shall not enclose the Premises in such a manner as to limit entry onto  
20 the Premises or any part thereof.  
21

22           10. Permits  
23

24           a. The Lessee shall obtain any and all zoning permits, licenses and authorizations  
25 required to be obtained from the Lessor for the purpose of constructing or erecting temporary  
26 structures on the Premises and for operating the farmers market.  
27

28           b. All other Federal, State or County permits which may be required shall be the  
29 responsibility of Lessee.  
30

31           11. Alcohol  
32

33           a. There shall be no beer, wine or liquor consumption or other open containers of  
34 alcoholic beverages on the Premises.  
35

36           12. Food Sales  
37

38           a. The Lessee may offer traditional farmers market food, beverages and produce for  
39 sale during hours of operation.  
40

41           13. Music  
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43           a. The Lessee may play non-amplified music during the hours of operation.  
44

45           14. Conduct of Operations  
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47           a. The Lessee shall conduct its operations in an orderly and commercially  
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1 reasonable manner so as not to annoy, disturb, whether by noise or otherwise, endanger or be  
2 offensive to others.

3  
4 b. The Lessee shall use and maintain the Premises in such manner so as to avoid  
5 the creation of any nuisance from obnoxious odors, smoke, noxious gases, vapors, dust, noise  
6 or otherwise, and shall not keep, store, display or use any explosives or explosive devices at the  
7 Premises.

8  
9 c. The Lessee shall maintain the Premises in a clean, orderly and safe condition so  
10 as to avoid injury to persons and property.

11  
12 d. If the Lessee fails to comply with the terms of this provision, the Lessor shall have  
13 the authority to require the Lessee to immediately cease and desist all activities and operations  
14 on the Premises and may immediately declare the Lessee in breach of this Lease and  
15 immediately terminate this Lease without prior notice to the Lessee.

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17 15. Trash and Recycling

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19 a. The Lessee, at its sole expense, shall provide the number of trash and recycling  
20 containers within the Premises as required by the Lessor's Director of Public Works in his sole  
21 discretion during this Lease and shall provide for the prompt removal of these containers by  
22 contractors approved by the Lessor.

23  
24 b. The Lessor, if necessary, shall aid the Lessee in obtaining trash and recycling  
25 containers.

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27 16. Cleanliness

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29 a. The Lessee, at its sole expense, shall be responsible for keeping the Premises  
30 free of trash and shall place all in trash containers.

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32 b. The Lessee shall at all times police the Premises for trash removal.

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34 17. Security Services

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36 a. The Lessee shall be solely responsible for security within the Premises during  
37 hours of operation.

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39 b. The Lessee shall establish a security liaison with the Lessor's Police Department  
40 and coordinate all Premises security with the Lessor's Police Department according to it  
41 requirements.

42  
43 c. In addition to such other requirements as the Lessor's Police Department may  
44 impose, the Lessee shall, at its sole expense, hire licensed professional security officers who  
45 shall provide security within the Premises during hours of operation at such staffing levels as the  
46 the Lessor's Police department may, in its sole discretion, require.

1 d. The Lessee shall produce to the Lessor at any time the Lessor requests all  
2 credentials of the security officers retained by the Lessee and may reject the hiring or retention  
3 of any security officer for reasonable cause.  
4

5 18. Fire Services  
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7 a. Following the erection of all booths and other structures at the Premises, but  
8 before the farmers market opens to the public, the parties shall meet at the Premises to assure  
9 compliance with the Lessor's Fire Department regulations and accessibility of fire lanes and  
10 turning radius.  
11

12 19. Utility Services  
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14 a. The Lessor shall make available to the Premises existing water and electricity  
15 facilities.  
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17 b. The Lessee, at its own expense, shall install any temporary electrical equipment,  
18 lines and devices required to provide power to the Premises, in compliance with the City Code  
19 and the National Electric Code.  
20

21 c. The Lessee shall not operate any such equipment, lines or devices until inspected  
22 and approved by the Lessor's Department of Neighborhood and Environmental Programs.  
23

24 20. Other Services  
25

26 a. The parties, if necessary, shall coordinate other services in advance of the term of  
27 this Agreement.  
28

29 21. Removal of Lessee's Property  
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31 a. No later than 1 p.m. of every market day, the Lessee shall remove all of its  
32 property from the Premises with the exception of such signs as approved by the Lessor's  
33 Historic Preservation Commission.  
34

35 b. If the Lessee fails to remove any of its property, either during or at the termination  
36 of this Lease, the Lessor reserves the right to remove and store it at the Lessee's sole expense  
37 or, as an alternative, to leave it at the Premises.  
38

39 c. In either case, the Lessor shall charge the Lessee a per diem rental for storage of  
40 its property at a rate generally charged by private storage companies in Anne Arundel County,  
41 Maryland.  
42

43 d. The Lessor shall bear no responsibility or liability for damage to or expense  
44 incurred as a result of property left, removed or stored under the provisions of this paragraph.  
45

46 e. The Lessee shall pay to the Lessor any expenses or charges under this paragraph  
47 within 30 days after delivery of any bill by the Lessor to the Lessee.

1 f. If any property is not claimed by the Lessee within 60 days after the termination of  
2 this Lease, the Lessor, in its sole discretion, may sell such property at private or public sale  
3 under such terms as the Lessor may deem appropriate and apply such proceeds as it may  
4 deem appropriate in its sole discretion.

5  
6 22. Liens  
7

8 a. The Lessee hereby consents to and the Lessor shall have a lien upon all goods,  
9 personal property and fixtures of the Lessee located upon the Premises for any and all unpaid  
10 rent or charges which arise under this Lease.

11  
12 b. The Lessee hereby consents to and the Lessor shall have the power to impound  
13 and retain possession of such goods, personal property and fixtures until all such rent and  
14 charges due under this Lease have been paid, in full, to the satisfaction of the Lessor.

15  
16 c. If such charges remain unpaid 30 days after the termination of the term of this  
17 Lease, the Lessor shall have the power to sell such property at public auction and apply the  
18 receipts from such auction to all such unpaid charges.

19  
20 23. Quiet Enjoyment  
21

22 a. As long as the Lessee is not in material breach of this Lease, the Lessee shall be  
23 entitled to peacefully hold and quietly enjoy the Premises in a manner consistent with and  
24 subject to this Lease without any disturbance or hindrance from the Lessor or from any other  
25 person claiming through the Lessor, except that the Lessor or others claiming through the  
26 Lessor may enter onto the Premises to effect necessary repairs to their own facilities for public  
27 safety and City Code compliance reasons.

28  
29 b. The Lessee shall cooperate with the Lessor to effect this access to the Premises.  
30

31 24. Payment  
32

33 a. The Lessee shall make all payments due under this Lease by check, payable to  
34 the City of Annapolis, and deliver the payments to the Lessor's Director of Finance, 160 Duke of  
35 Gloucester Street, Annapolis, Maryland, 21401.

36  
37 b. In addition to all other amounts due pursuant to this Lease, the Lessee shall pay  
38 the Lessor a monthly late fee of 1.5% (18% per annum) of any payment required that is more  
39 than 60 days past due, until paid.  
40

41 25. Remedies  
42

43 a. Any and all duties, liabilities and/or obligations imposed upon or assumed by the  
44 Lessee by this Lease shall be taken or construed as cumulative and not as a limitation or  
45 restriction upon any or all of the other duties, liabilities, or obligations imposed upon or assumed  
46 by Lessee under this Lease.

47 b. All remedies allowed by this Lease shall be construed to be cumulative and in  
48 addition to any other remedies provided in law or equity.

1  
2 c. The parties shall have the right to seek and obtain in any court of competent  
3 jurisdiction an injunction, without the necessity of posting a bond, to restrain a violation by the  
4 other party of any term of this Lease.

5  
6 d. In no case shall a waiver by either party of the right to seek a remedy under this  
7 paragraph constitute a waiver of any other or further such right.

8  
9 26. Venue, Waiver of Jury Trial and Governing Law

10  
11 a. Venue for all administrative and judicial proceedings which result from this Lease  
12 shall be the courts of Anne Arundel County, Maryland.

13  
14 b. The parties hereby expressly waive trial by jury in any such judicial proceeding.

15  
16 c. The laws of the State of Maryland shall govern all matters relating to this  
17 Agreement.

18  
19 27. Authority to Lease.

20  
21 a. If it is ever determined by a court of competent jurisdiction that the Lessor lacks  
22 the authority to lease any portion or all of the Premises, the Lessor shall not be liable for any  
23 losses or damages sustained by the Lessee as a result thereof.

24  
25 28. Impossibility of Performance

26  
27 a. If, for any reason, an unforeseen event not the act of the Lessor occurs, including  
28 but not limited to flood, severe weather, fire, casualty, act of God, labor strike or other  
29 unforeseen occurrence which renders use of the Premises impossible for any period of this  
30 Lease, the Lessee shall have no right to any claim for damages against the Lessor, but the  
31 Lessee shall not be liable for the payment of rent for the period that it cannot use the Premises.

32  
33 29. Insurance

34  
35 a. The Lessee shall, at its own expense, obtain and keep in full force and effect a  
36 policy of comprehensive commercial general liability insurance for all loss, costs, damages and  
37 expenses suffered by any person due to personal injury arising out of the activities permitted by  
38 this Lease in the amount of One Million Dollars (\$1,000,000.00) per person and Three Million  
39 Dollars (\$3,000,000.00) in the aggregate per occurrence, and One Million Dollars  
40 (\$1,000,000.00) for damage to any property, including the Premises and property owned by  
41 Lessor, due to or alleged to be due to (1) an act, omission or the negligence of the Lessee, its  
42 officers, agents, employees contractors, patrons, guests or invitees, or (2) to the use of the  
43 Premises or any part thereof by the Lessee, its officers, agents, employees, contractors,  
44 patrons, guests or invitees.

45  
46 b. The insurance policy shall specifically name the City of Annapolis, and in their  
47 capacity as such, the Mayor, council members, department directors, and all other officers,  
48 employees, contractors and agents of the City of Annapolis, as additional insureds.

1  
2 c. The insurer shall be authorized to write the required insurance, approved by the  
3 Insurance Commissioner of the State of Maryland, and subject to the reasonable approval of  
4 Lessor's City Attorney.  
5

6 d. The form and substance of the policy shall be subject to reasonable approval by  
7 Lessor's City Attorney and shall be submitted to the City Attorney for such approval not later  
8 than May 1, 2012.  
9

10 e. The policy or the Certificate for the policy shall contain a statement that the insurer  
11 shall not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or  
12 otherwise, whether at the request of the Lessee or for any other reason, except after 30  
13 calendar days advance written notice sent by the insurer to the City Attorney by certified mail,  
14 postage prepaid, with return receipt requested.  
15

16 f. If the policy is cancelled during the term of this Lease and the Lessee is unable to  
17 obtain an equivalent policy, the Lessor may immediately declare Lessee in breach of this Lease  
18 and immediately terminate this Lease without prior notice to Lessee.  
19

### 20 30. Vendor Insurance

21  
22 a. The Lessee shall provide documentation to the Lessor's City Attorney not later  
23 than May 1, 2011, that each participating vendor at the farmers market is adequately covered to  
24 the satisfaction of the City Attorney by general and product liability insurance.  
25

26 b. All terms that apply in paragraph 17 shall apply in this paragraph.  
27

28 c. For vendors added after May 1, 2012, the Lessee shall provide the same  
29 documentation at least one full calendar week prior to the commencement date of the vendor's  
30 participation in the farmers market and such vendors shall not be permitted to participate in the  
31 farmers market until the City Attorney approves the policy.  
32

### 33 31. Indemnification

34  
35 a. The Lessee shall forever indemnify, defend and hold the Lessor, its Mayor, council  
36 members, department directors, and all of its other officers, employees, contractors and agents  
37 harmless from and against any and all claims, suits, actions, judgments, and liability for loss,  
38 injury, damages and/or expenses suffered or alleged to have been suffered by any person or to  
39 the Premises or to any property due to or alleged to be due to (1) an act, omission or the  
40 negligence of the Lessee, its officers, agents, employees, contractors, patrons, guests or  
41 invitees, or (2) the use of the Premises or any part thereof by the Lessee, its officers, agents,  
42 employees, contractors, patrons, guests or invitees.  
43

44 b. The Lessee shall reimburse the Lessor, within 30 days after demand for such  
45 reimbursement, for any damage done to the Lessor's buildings, facilities, equipment or property  
46 caused by the negligence of the Lessee, its officers, agents, employees, contractors, patrons,  
47 guests or invitees during the Lessee's use and/or occupancy of the Premises or any part thereof  
48 or to any other property.

1  
2 c. Such indemnification does not limit any immunity to which the Lessor or its Mayor,  
3 council members, department directors and all of its other officers employees, contractors and  
4 agents, and includes all costs and expenses, including attorney's fees, whether or not related to  
5 administrative or judicial litigation.  
6

7 32. Immunities  
8

9 a. The Lessor reserves any and all immunities, partial or total, statutory or common  
10 law, in any proceeding related to this Lease, to the activities referred to in this Lease or to the  
11 use of the Premises or any part thereof before, during or after the term of this Lease. Such  
12 reservation of rights shall extend to any claim made by or through the Lessee and to any claim  
13 made by or through any third party  
14

15 33. Assignment  
16

17 a. The Lessee shall not assign or transfer its interest in or its rights or obligations  
18 pursuant to this Lease without the prior written consent of the Lessor.  
19

20 34. Non Agent  
21

22 a. The Lessee acknowledges it is an independent contracting party and not the  
23 agent or employee of Lessor.  
24

25 35. Compliance with All Laws  
26

27 a. The Lessee shall comply with all laws, ordinances and statutes applicable to the  
28 Premises, or any part thereof, and the use thereof, and to pay all taxes or charges imposed by  
29 law in connection with Lessee's use and occupancy of the Premises.  
30

31 36. Contact Persons  
32

33 a. For purposes of coordinating inspections, providing notices and other matters set  
34 forth under this Lease, except as otherwise provided, the parties designate the following contact  
35 persons:  
36

37 Lessor: Department of Neighborhood and  
38 Environmental Programs  
39 City of Annapolis  
40 160 Duke of Gloucester Street  
41 Annapolis, Maryland 21401  
42 Phone No. 410-263-7946  
43  
44 Lessee: FRESHFARM Markets Inc  
45 PO Box 15691  
46 Washington, DC 20003  
47 Attention; Ann Harvey Yonkers  
48 Phone No. 202-362-8889

1  
2           37. General Powers  
3

4           a. Nothing herein shall be construed to preclude the Lessor from exercising its  
5 general public safety powers as it deems appropriate to protect the public safety, interest and  
6 welfare.  
7

8           38. Termination for Breach or Violation  
9

10          a. The Lessor shall be entitled to immediately terminate this Lease for any breach or  
11 violation by the Lessee of this Lease.  
12

13          39. Termination for Other Reasons  
14

15          a. If the Lessor, in its sole discretion, determines that, for purposes and  
16 conveniences related to the public interest of the City of Annapolis, it is necessary to terminate  
17 this Lease before the end of its term, the Lessor shall provide 30 days written notice, by certified  
18 mail, postage prepaid, to the Lessee to vacate, and shall be entitled to take possession and  
19 control of the Premises immediately upon the 31<sup>st</sup> day after such notice.  
20

21          b. The Lessee shall comply with all terms of this Lease that otherwise relate to its  
22 vacating the Premises upon the expiration of the Lease.  
23

24          c. The Lessor shall make reasonable attempts to relocate the Lessee's farmers  
25 market to another location for the balance of the term of this Lease.  
26

27          d. If Lessee does not accept any relocation offered by the Lessor with 7 days of the  
28 date offered, this Lease shall terminate at such time.  
29

30          40. Condition of Premises At End of Lease  
31

32          a. At the end of this Lease, the Lessee, at its sole expense, shall return the Premises  
33 to the same or superior condition than received, natural wear and tear excepted.  
34

35          41. Time is of the Essence  
36

37          a. Time is of the essence in the performance of this Lease.  
38

39          b. Time for performance shall not be extended for any reason, except by mutual  
40 agreement of the parties.  
41

42          42. Modifications  
43

44          a. The parties may, at any time, in writing, mutually modify only the following terms  
45 of this Lease:  
46

47                  1. the location of the Premises to be leased, provided such modifications do not  
48 result in an increase or enlargement of the area of the Premises;

1  
2 2. the dates and hours during which the Premises will be used, provided such  
3 modifications do not result in an increase or enlargement of the dates or times set forth in  
4 paragraph 1a;

5  
6 3. the Lessee's obligations with regard to security on the Premises and the  
7 payment of fees for City inspections of the Premises.

8  
9 b. Following a request by either party for modification, pursuant to Article III, Section  
10 8 of the City Charter, the Lessor's Mayor may negotiate and agree to any modification which the  
11 Lessee may propose without the necessity of an additional ordinance approving the  
12 modification.

13  
14 c. Any modification shall be set forth in writing executed by the parties, but shall not  
15 take effect until the City Council has approved the modification.

16  
17 43. Binding Effect

18  
19 a. This Lease is binding upon the parties and their respective successors and  
20 assigns.

21  
22 44. Integration. This Lease constitutes the entire agreement between the parties  
23 regarding its subject matter. There are no other terms or understandings, oral or written,  
24 between the parties with respect thereto.

25  
26 Witness the signatures and seals of the parties.

27  
28 Freshfarm Markets, Inc.

29  
30  
31 \_\_\_\_\_ By: \_\_\_\_\_  
32 Witness Ann Harvey Yonkers, (Seal)  
33 Co- Executive Director

34  
35 State of Maryland, County of Anne Arundel, to wit:

36  
37 I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber,  
38 a Notary Public in and for the State and County aforesaid, personally appeared Ann Harvey  
39 Yonkers, known to me or satisfactorily proven to be the person who has signed this Agreement,  
40 and she has signed this Agreement in my presence and acknowledged that she is co-Director of  
41 Freshfarm Markets, Inc., and authorized to sign this Agreement on its behalf and to bind it  
42 thereby, and that this Agreement is her free and voluntary act and the free and voluntary act of  
43 Freshfarm Markets, Inc. made for the purposes set forth therein.

44  
45 Witness my signature and Notary Seal.

46  
47 \_\_\_\_\_  
48 Notary Public  
My Commission expires:

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\_\_\_\_\_  
Witness By: \_\_\_\_\_  
Bernadine Prince, (Seal)  
Co-Director

State of Maryland, County of Anne Arundel, to wit:

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Bernadine Prince, known to me or satisfactorily proven to be the person who has signed this Agreement, and she has signed this Agreement in my presence and acknowledged that she is co-Director of Freshfarm Markets, Inc., and authorized to sign this Agreement on its behalf and to bind it thereby, and that this Agreement is her free and voluntary act and the free and voluntary act of Freshfarm Markets, Inc. made for the purposes set forth therein.

Witness my signature and Notary Seal.

\_\_\_\_\_  
Notary Public  
My Commission expires:

ATTEST: City of Annapolis

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC By: \_\_\_\_\_  
City Clerk Joshua J. Cohen, Mayor (Seal)

State of Maryland, County of Anne Arundel, to wit:

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Joshua J. Cohen, known to me or satisfactorily proven to be the person who has signed this Agreement, and he has signed this Agreement in my presence and acknowledged that he is the Mayor of the City of Annapolis and authorized to sign this Agreement on its behalf and to bind it thereby, and that this Agreement is his free and voluntary act and the free and voluntary act of the City of Annapolis made for the purposes set forth therein.

Witness my signature and Notary Seal.

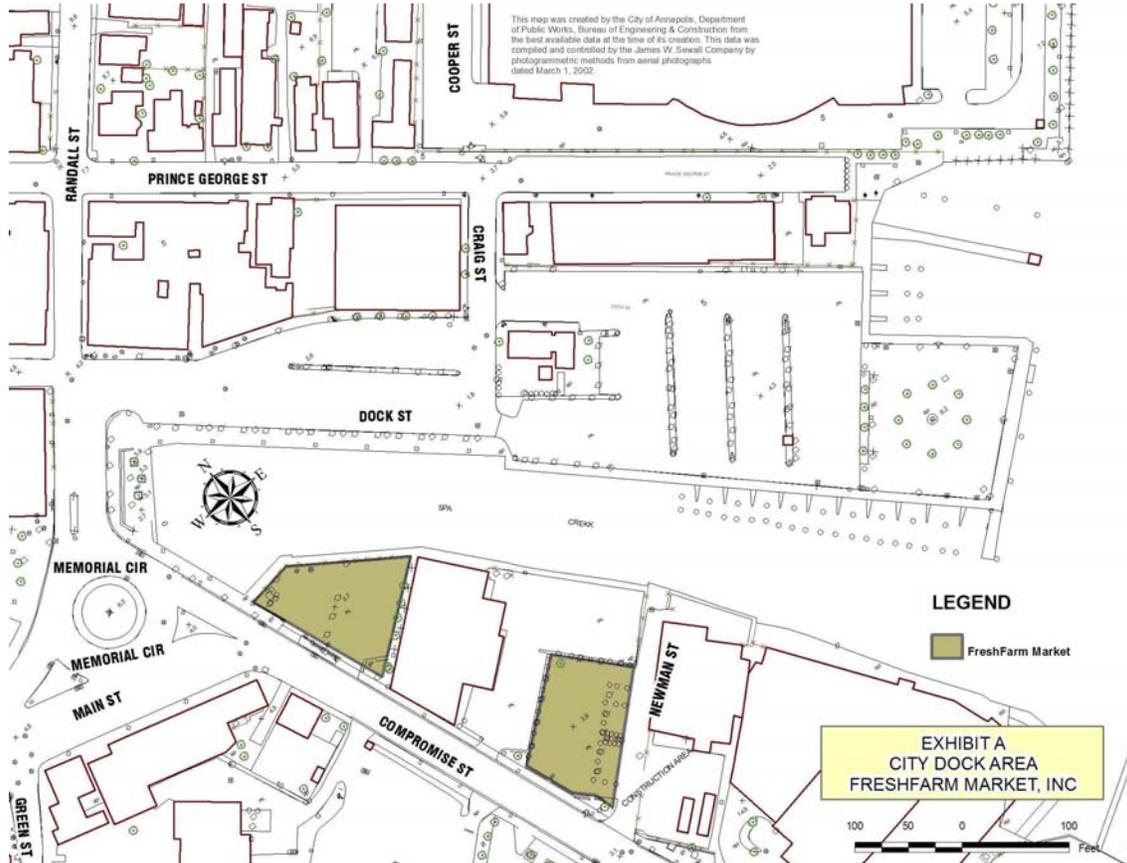
\_\_\_\_\_  
Notary Public  
My Commission expires:

Approved for form and legal sufficiency:



### Lease of the Donner Lot to FRESHFARM Markets Inc.

#### Attachment A



**Policy Report**

**Ordinance O-13-12**

**Lease of Public Parking Lots to FRESHFARM Markets, Inc.**

O-13-12 authorizes a lease of municipal property located at 110 Compromise Street from May 6, 2012 through November 18, 2012 to FRESHFARM Markets, Inc. 110 Compromise Street is also known as the Donner Lot and the Public Parking Lot between the Fleet Reserve and the site formerly known at Fawcett Boat Supplies. FRESHFARM Markets, inc. desires to lease the property for the purpose of conducting an open-air farmers market.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law; JCCowles@annapolis.gov and 410-263-1184.

## FISCAL IMPACT NOTE

**Legislation No:** O-13-12

**First Reader Date:**

4-9-12

**Note Date:**

4-18-12

**Legislation Title:** Lease of Public Parking Lots to FRESHFARM Markets, Inc.

**Description:** For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

### **Analysis of Fiscal Impact:**

There are approximately 50 parking metered spaces being leased under this legislation. The meters would be in operation for 6 hours of the 8 hour time frame being leased. The maximum amount of revenue that could be collected by these meters at \$1 per hour for 6 hours for the 50 meters would be \$300 per day or a total of \$8,100 for the 27 Sundays. The City does not track the meter collections for these lots specifically, but there is no assumption that the City collects maximum revenue and therefore the true fiscal impact would be considerably less especially on a Sunday morning. There is not expected to be any other costs associated with the leased property except the inspection services provided by DNEP and the Fire Department. These services are not expected to exceed \$500 in total.

The lease requires a rent of \$50 per month be paid to the City. For the seven months of the lease, the total rent would be \$350.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Resolution No. R-14-12

5 Introduced by: Alderman Arnett and Alderman Israel

6  
7 Co-Sponsored by: Mayor Cohen

8  
9

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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/9/12		
Rules and City Gov't	4/9/12		

10  
11  
12 **A RESOLUTION** concerning

13 **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

14 **FOR** the purpose of declaring a moratorium on administrative approvals of major special  
15 events at City Dock.

16  
17 **WHEREAS,** City Dock has been defined as the area of public property bounded by Spa  
18 Creek, Prince George Street, Randall Street, Market Space and Compromise  
19 Street; and

20  
21 **WHEREAS,** City Dock has been declared the civic gathering place of the residents of  
22 Annapolis; and

23  
24 **WHEREAS,** City Dock is in the First Ward but is owned by residents in all eight wards; and

25  
26 **WHEREAS,** City Dock is an increasingly popular site for special events; and

27  
28 **WHEREAS,** high impact special events which pre-empt parking and/or require road closings  
29 have a disruptive effect on nearby residents and businesses; and

30  
31 **WHEREAS,** it is desirable to have a moratorium on administrative approvals for special  
32 events at City Dock to give the City Council the opportunity to enact legislation  
33 concerning special events.

34  
35 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that that there is  
36 hereby declared a moratorium on administrative approvals of major special events at City Dock.  
37

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that certain events  
2 shall be considered a major special event where the estimated size, scope or nature of the  
3 proposed event will likely have significant impacts on public services, has multiple permits or  
4 approvals required by the City, involves consultation with multiple city, county or state  
5 departments or agencies, or shall be best served by input from residents and businesses.  
6

7 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a special event  
8 shall be considered to be major for purposes of this resolution if it meets one or more of the  
9 following criteria:

- 10 - Occupancy of 10 or more on-street parking spaces
- 11 - Expected attendance of 1,000 or more participants per day of the event
- 12 - Road closures of more than one block
- 13 - If the reimbursement for City services is projected to be \$1,000 or more.

14  
15 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Memorial  
16 Day, Independence Day and Labor Day parades and events are explicitly exempted from this  
17 resolution.  
18

19 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that during the  
20 moratorium, the City Council may approve a major special event at the City Dock where the City  
21 Council concludes that it would be singularly appropriate.  
22

23 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this resolution  
24 shall expire either in one year from the date of adoption or on the effective date should the City  
25 Council subsequently adopt legislation concerning special events.  
26

27  
28 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
29  
30

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

31  
32  
33 **EXPLANATION**

34 CAPITAL LETTERS indicate matter added to existing law.

35 [brackets] indicate matter stricken from existing law.

36 Underlining indicates amendments.  
37

## **Policy Report**

**R-14-12**

### **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

The proposed resolution would enact a moratorium on administrative approvals of major special events at City Dock but allow the City Council to approve a major special event at the City Dock should the City Council conclude that it would be singularly appropriate.

For the purposes of this proposed resolution, a special event shall be considered to be major for purposes of this resolution if it meets one or more of the following criteria:

- Occupancy of 10 or more on-street parking spaces
- Expected attendance of 1,000 or more participants per day of the event
- Road closures of more than one block
- If the reimbursement for City services is projected to be \$1,000 or more.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) and 410-263-1184.

## **Mayor Cohen's Amendment to R-14-12**

### **A Moratorium on Administrative Approvals for Special Events at City Dock**

#### **Amendment #1**

Page 2, Line 17: after "resolution," insert "Film production shall be exempt from this moratorium. Film production activity means the production of a film, video or digital project intended for distribution including, but not limited to, feature films, television projects, commercials, documentaries, and music videos. Film production not intended for distribution shall also be exempt, including but not limited to student productions associated with classwork. Film production activity does not include non commercial personal videos."

#### **Amendment #2**

Page 2, Line 27, insert: "Any special events with vendors in the historic district that the City Council has previously authorized are deemed approved by the City Council and exempt from this moratorium."

FISCAL IMPACT NOTE

**Legislation No:** R-14-12

**First Reader Date:** 4-9-12

**Note Date:** 4-18-12

**Legislation Title:** **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

**Description:** For the purpose of declaring a moratorium on administrative approvals of major special events at City Dock.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact for the City.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-29-11

4 Introduced by: Alderman Israel  
5  
6  
7

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/20/11			12/16/11
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/20/11		
Planning Commission	6/20/11		

8  
9 **A ORDINANCE** concerning

10 **The Length of Time for Filing an Administrative Decision to the Board of Appeals**

11 **FOR** the purpose of extending the length of time for filing an appeal of an administrative  
12 decision to the Board of Appeals from fifteen days to thirty days.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2010 Edition  
15 Section 21.30.020  
16

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

19 **CHAPTER 12.30 - APPEALS.**

20 21.30.020 - Procedures.

21 A. Appeal Procedures. An appeal may be taken within ~~fifteen~~ **thirty** days after the decision or  
22 the action complained of, by filing with the director from whom the appeal is taken a notice of  
23 appeal specifying the grounds of the appeal. The director from whom the appeal is taken shall,  
24 at the expense of the appellant, forthwith transmit to the Board of Appeals all of the papers  
25 constituting the record upon which the action appealed from was taken.

26 B. Review Procedures.

27 1. Notice and Hearing. The Board of Appeals shall select a reasonable time and place for the  
28 hearing of the appeal. Notice of the hearing must be given in accordance with the notice  
29 requirements set forth in Sections 21.10.020(B) and 21.10.020(C).

30 2. Decision. The board shall reach its decision within forty days from the date of the hearing.  
31 The Board of Appeals may affirm or reverse, wholly or in part, or may modify the order,  
32 requirement, decision or determination as ought to be made or the board may issue a new  
33 order, requirement, decision or determination. To that end, the board has all the powers of the  
34 officer from whom the appeal is taken.

35 3. Notice of Decision. At the appellant's expense, the Board of Appeals shall publish notice of  
36 the decision in a newspaper of general circulation in the City and mail notices of the decision to  
37 all persons owning property within two hundred feet of the subject property.

1 4. Record of Decisions. The Planning and Zoning Director and the Director of Neighborhood  
2 and Environmental Programs shall maintain records of all actions of the Board of Appeals  
3 relative to appeals taken from their actions pursuant to this section.  
4

5 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
6 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall retroactively take effect as of May 15,  
7 2011.  
8

9 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
10  
11

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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<p style="text-align: center;"><b>EXPLANATION:</b> Highlighting indicates matter added to existing law. <del>Strikeout indicates matter deleted from existing law.</del> <u>Underlining indicates amendments.</u></p>
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**Technical Amendment  
O-29-11**

**The Length of Time for Filing an Appeal of an Administrative Decision to  
the Board of Appeals**

**Amendment #1**

Page 1, Line 19: strike "12" and replace with "21"

## **Policy Report**

### **Ordinance O-29-11 and R-33-11**

#### **The Length of Time for Filing An Appeal of an Administrative Decision to the Board of Appeals and Reducing the FY 2011 Fee for Filing an Appeal of an Administrative Decision to the Board of Appeals**

The proposed ordinance would extend the length of time for filing an appeal of an administrative decision to the Board of Appeals from fifteen days to thirty days.

The proposed resolution would reduce the fee for fiscal year 2011 for filing an appeal of an administrative decision to the Board of Appeals from \$620.00 to \$150.00.

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

FISCAL IMPACT NOTE

**Legislation No:** O-29-11

**First Reader Date:** 06-20-11

**Note Date:** 01-29-12

**Legislation Title:** The Length of Time for Filing an Administrative Decision to the Board of Appeals

**Description:** 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.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 3/13/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-29-11 and  
has taken the following action:

Favorable

Favorable with amendments *strike "retroactively to May 13<sup>th</sup>"*

Unfavorable *"take effect on the date of adoption"*

No Action

Other

Comments:

Roll Call Vote:

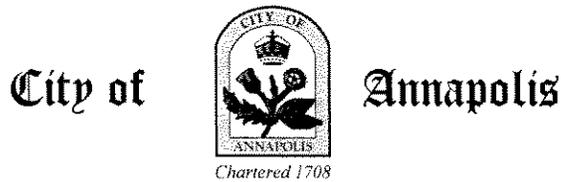
Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 3/13/12

Signature of Chair Richard Israel



## PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

December 15, 2011

**To:** Annapolis City Council  
**From:** Planning Commission  
**Re:** Findings - O-29 -11

### Summary

O-29 -11 proposes a modification to Chapter 21. to extend the length of time for filing an appeal of an administrative decision to the Board of Appeals from 15 days to 30 days.

### Staff Recommendation

As requested by a member of City Council, the staff prepared a report on the proposed change to the period allowed for filing an appeal to a decision of the Director of Planning. Staff reviewed the incidents of past requests for an extended time for filing for appeals and the potential impact of such extended time. Finding no record of complaint about the current time allowed and contemplated further delay for property owners potentially affected by an extended period of delay in their projects, staff did not find sufficient cause to recommend support of the text amendment.

### Public Hearing and Deliberation

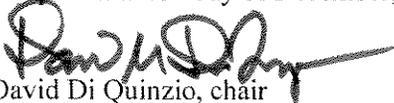
The Planning Commission received the staff report at a regularly scheduled meeting on Dec. 1, 2011. The chairman of the commission opened the floor to a public hearing following the staff report presentation. No one spoke.

The commissioners questioned staff about the history of appeals to the decisions of the planning director and sought evidence of negative impacts resulting from the current time limits. Neither staff nor commissioners were aware of such impacts. Further questions directed to staff dealt with impacts of an extension of the time to file appeals. Staff reported that in most instances, the planning director's administrative decisions effect residential or small scale projects already approved and underway. An observed situation reported by staff is the issuance of a stop-work order until the director completes the review and issues a determination. Extending the allowable period for appeal would, in the opinion of staff, add to the time of uncertainty for projects. This potentially adds costs and time to projects without benefit to the community.

### Recommendation

Lacking evidence of a current problem with the existing time limit of fifteen days for appeal and accepting the staff's observation of potential delay and expense for small projects, the commissioners voted 6-0 to recommended denial of the proposed text amendment.

Adopted this 15<sup>th</sup> day of December, 2011

  
David Di Quinzio, chair



Chartered 1708

*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

August 26, 2011

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason *JA*  
Planning Director

**Re:** Ordinance O-29-11—extending the appeal period from an administrative determination

Attachments: O-29-11  
Chapter 21.30 if the code

**Ordinance O-29-11**

The zoning code is written such that discretion is given to administrative staff in the interpretation of the code and in the application of various subjective standards. In instances where there are ambiguities in the code, the Director of Planning and Zoning is empowered to interpret the code in its application. Many times there can be disagreements as to how the director interpreted the code. The remedy for these disagreements is found in Chapter 21.30 wherein any person aggrieved by a decision of the Planning and Zoning Director may appeal that decision to the Board of Appeals. The same is true of subjective decisions made regarding, for example, site design review when discretion is used to enforce such design characteristics as ‘compatibility’ with nearby development. Aggrieved parties may also take these determinations to the Board of Appeals for adjudication.

Chapter 21 further states that when an appeal is filed all proceedings in the furtherance of the action appealed are stayed, or halted. This means that no further actions can be taken, e.g. building permits issued, during the pendency of the appeal to the Board of Appeals. In some instances stop work orders are issued when an appeal is filed. (This occurs when a property owner begins work during the fifteen day appeal period and the appeal is filed on the fourteenth or fifteenth day.)

Ordinance O-29-11 was introduced on June 20, 2011. The purpose is to extend the appeal period from administrative determinations to thirty days. Since 1970 the appeal period for determinations has been fifteen days. In that time, and in my tenure, numerous appeals have been filed. The threat of appeal or actual appeal can place a project in limbo during the appeal period, or the period of the actual appeal if filed, lengthening the appeal period to thirty days would add additional time between an approval and the ability to begin work. Two goals of the

permitting process is to maintain or enhance predictability and to try to stream line permit issuance and O-29 is contrary to both of these goals. A third important goal is to ensure that all persons in the city are not denied their due process rights to challenge a governmental action. The code addresses this right in Chapter 21.30 which details the appeal process. For forty years, fifteen days has been an effective period in which to file an appeal and few if any complaints have been made regarding this appeal period.

Staff finds no benefit from extending the appeal period, and feels that it adds additional uncertainty and time to the appeal process. Staff recommends that the appeal period remain at fifteen days.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-32-11**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/11/11			1/13/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't Planning Commission	7/11/11 7/11/11		

8  
9 **A ORDINANCE** concerning

10 **Outdoor Dining in the B1 and B2 Zoning Districts**

11 **FOR** the purpose of clarifying the contradiction in use standards related to outdoor dining in the  
12 B1 and B2 zoning districts in Chapters 21.64 and specific provisions in 21.42 of the Code of  
13 the City of Annapolis.

14 **BY** repealing and reenacting with amendments the following portions of the Code of the City of  
15 Annapolis, 2010 Edition  
16 Section 21.64.540

17  
18  
19 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
20 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

21 **21.64.540 - Restaurants, standard.**

22 Standard restaurants are subject to the general standards for food and beverage-related uses. The  
23 following additional standards apply:

- 24 A. Drive-through service is not permitted.  
25 B. Catering or delivery service may be permitted as an accessory use.  
26 C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following  
27 standards apply:

- 28 1. Where the use is permitted subject to standards:  
29 a. No more than fifty seats are permitted,  
30 b. Alcohol is permitted with the service of food,  
31 c. Hours of operation are limited to midnight seven days a week,  
32 d. Outdoor dining may be permitted, and  
33 e. No bar, dancing, or live entertainment is permitted, except in the PM district  
34 where indoor, live, non-amplified acoustical musical entertainment may be  
35 permitted.  
36 f. Recorded music shall be limited to background variety only.

37 2. In the B1 district, more than fifty seats may be permitted by special exception.

38 3. In the B1 and B2 districts, notwithstanding provisions in Section 21.42.020 D.2. and  
39 Section 21.42.030 D.1., outdoor dining may be permitted by special exception in  
40 accordance with Table 21.48.020.

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- 3 4. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
  - a. More than fifty seats, and
  - b. Bar, dancing, and live entertainment.
  - c. Hours of operation extending past midnight.
- D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:
  - 1. More than fifty seats,
  - 2. Outdoor dining, and
  - 3. Bar, dancing, and live entertainment.
- E. MX District. In the MX district:
  - 1. The following are permitted by right:
    - a. Any number of seats,
    - b. Alcohol with the service of food,
    - c. Outdoor dining, and
    - d. Accessory bars.
  - 2. Dancing and live entertainment may be permitted by special exception.
- F. WMC District. In the WMC district the following standards apply:
  - 1. The use may only be provided in combination with a principal permitted use.
  - 2. The use may occupy no more than thirty percent of the total gross floor area on the lot.
  - 3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020
- G. WMM District. In the WMM district the following standards apply:
  - 1. This use is permitted only in combination with one of the following:
    - a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
    - b. Seafood processing of at least nine thousand square feet,
    - c. On-land boat storage of at least twenty-five thousand square feet, or
    - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
  - 2. In structures in existence as of August 24, 1987 this use may not exceed thirty percent of the total gross floor area of development on the lot.

**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.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST: THE ANNAPOLIS CITY COUNCIL

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

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

## Rules Committee Amendments (from the Planning Commission) to O-32-11

### Outdoor Dining in the B1 and B2 Zoning Districts

#### 21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

A. Drive-through service is not permitted.

B. Catering or delivery service may be permitted as an accessory use.

C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:

1. Where the use is permitted subject to standards:

a. No more than fifty seats are permitted,

b. Alcohol is permitted with the service of food,

c. Hours of operation are limited to midnight seven days a week,

d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:, and

1. Alcoholic beverages shall be served only in conjunction with the service of food.

2. Hours of operation shall be limited to 10 p.m., seven days a week.

3. No speakers or public address system shall be allowed.

e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.

f. Recorded music shall be limited to background variety only indoors.

2. In the B1 district, more than fifty seats may be permitted by special exception.

3. In the B1 and B2 districts, notwithstanding provisions in Section 21.42.020 D.2. and Section 21.42.030 D.1., outdoor dining may be permitted by special exception in accordance with Table 21.48.020.

~~3-4~~ 3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:

a. More than fifty seats, and

b. Bar, dancing, and live entertainment indoors.

c. Hours of operation extending past midnight.

d. Rooftop dining, subject to the following:

1. Alcoholic beverages shall be served only in conjunction with the service of food.

2. Hours of operation shall be limited to 10 p.m., seven days a week.

3. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
4. No portion of a rooftop dining area may be located any closer than 100 feet from a residential zone, measured horizontally at grade.
5. The rooftop dining area may not exceed 25 percent of the floor area of the indoor restaurant area and may not have more than 25 percent of the number of seats in the indoor restaurant area.
6. Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
7. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
8. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d., and
3. Bar, dancing, and live entertainment,
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540 C.3.d.

E. MX District. In the MX district:

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d., and
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

F. WMC District. In the WMC district the following standards apply:

1. The use may only be provided in combination with a principal permitted use.
2. The use may occupy no more than thirty percent of the total gross floor area on the lot.

3. In conjunction with approval of this use the applicant shall construct and maintain a public pedestrian walkway in accordance with the standards set forth in Section 21.62.020

G. WMM District. In the WMM district the following standards apply:

1. This use is permitted only in combination with one of the following:
  - a. A working boatyard of at least twenty thousand square feet and a thirty-ton boat lift,
  - b. Seafood processing of at least nine thousand square feet,
  - c. On-land boat storage of at least twenty-five thousand square feet, or
  - d. Yacht and sailing clubs providing in-water and on-land boat storage to their members.
2. In structures in existence as of August 24, 1987 this use may not exceed thirty percent of the total gross floor area of development on the lot.

## **Policy Report**

### **Ordinance O-32-11**

#### **Outdoor Dining in the B1 and B2 Zoning Districts**

Proposed ordinance O-32-11 would allow outdoor dining in the B1 (Convenience Shopping District) and B2 (Community Shopping District) zones. The current zoning code provides that outdoor dining is allowed as either (1) a use subject to standards or (2) a special exception dependant on other parameters of the Standards for Uses Subject to Standards in Chapter 21.64 of the City Code. None of the commercial zones or mixed-use zones added to the zoning code in the 1980s or 1990s have a restriction on outdoor dining.

One of the provisions of both Section 21.42.020 and Section 21.42.030 which are the Base District Regulations for the B1, Convenience shopping District and the B2, Community Shopping District respectively is a restriction which states that “all business, servicing and processing...shall be conducted within a completely enclosed building.” This standard has been present in the zoning code since 1970, but until 2007 it had been interpreted to not include any restriction on outdoor dining. Many restaurants were approved over this lengthy time period with outdoor dining. The proposed legislation seeks to rectify this with regard to the B1 and B2 districts.

Prepared by Jacquelyn Rouse, Planning Administrator at [JMR@annapolis.gov](mailto:JMR@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov).

FISCAL IMPACT NOTE

**Legislation No:** O-32-11

**First Reader Date:** 07-11-11

**Note Date:** 12-09-11

**Legislation Title:** **Outdoor Dining in the B1 and B2 Zoning Districts.**

**Description:** 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.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 3/13/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed O-32-11 and  
has taken the following action:

Favorable

Favorable with amendments *Planning Commission amendments*

Unfavorable

No Action

Other

Comments:

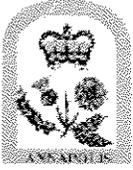
Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes Ald. Arnett yes

Meeting Date 3/13/12

Signature of Chair Richard Israel



City of Annapolis  
Committee Referral Action

**Date:** 11/18/11

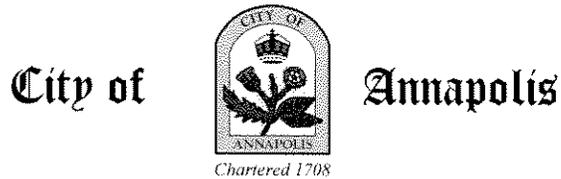
**To:** Jessica Cowles, Legislative & Policy Analyst

**From:** Jacquelyn Rouse, Planning Administrator *JR*

The Planning Commission has reviewed Ordinance O-32-11 and has taken the following action:

**FAVORABLE WITH AMENDMENTS**

**Meeting Date: 11/17/11**



## PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

November 17, 2011

To: Annapolis City Council  
From: Planning Commission  
Re: Findings – O-32-11: Outdoor Dining

### SUMMARY

O-32-11 proposes a modification to Chapter 21.64 Standards for Uses Subject to Standards to clarify that outdoor dining is allowed in the B1, Convenience Shopping, and B2, Community Shopping districts.

### STAFF RECOMMENDATION

At a regularly scheduled meeting on October 6, 2011, the Planning and Zoning staff presented their analysis and recommendation for the approval of the legislation in a staff report dated September 26, 2011 and a supplementary addendum dated October 3, 2011.

One of the provisions of Chapter 21.42.020 and Chapter 21.42.030 is a restriction which states that *“all business, servicing and processing...shall be conducted within a completely enclosed building.”* Staff explained that this standard has been present in the zoning code since its adoption in 1970, but until 2007 it had been interpreted not to include any restriction on outdoor dining. Over this period, many restaurants were approved with outdoor dining. Indeed, new legislation for sidewalk cafes was also approved. Then in 2007, as a result of a court case involving an appeal of the approval of a restaurant at 4 Dock Street, the court ruled that outdoor dining violated the above-referenced code restriction. This legislation seeks to rectify this anomaly with regard to the B1 and B2 districts. It, however, does not include the C2, Conservation Business District; C2A, Expanded Conservation Business District or the B3, General Commercial District. The C2 and C2A districts contain the same restrictive language cited above with regard to outdoor uses. The B3 allows an exception for drive-in facilities and outdoor display.

Staff recommended the inclusion of the B3 General Commercial District and an additional amendment created by the conflicting language in Chapter 21.42, Base District regulations. A restriction in section 21.42.020 D.2. (Which applies to the B1 District); section 21.42.030 D.1. (which applies to the B2 District) and section 21.42.030 D (which applies to the B3 District) states that all *“business, servicing or processing... shall be conducted within a completely enclosed building”*. This language

needs to be modified by adding “*with the exception of outdoor dining in accordance with the provisions of section 21.64.540.*”

#### PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on October 6, 2011 and the public was invited to comment on the proposed text amendment. Several persons from the public spoke on the legislation and discussed adding additional standards for outdoor dining and rooftop dining.

The Planning Commission entered into deliberations and after discussion, requested staff draft amendments identifying additional standards for outdoor and rooftop dining. At the October 20, 2011 meeting, the Planning Commission reviewed an addendum to the Staff Report dated October 19, 2011 that identified separate and additional standards and review processes for outdoor dining and rooftop dining. Rooftop dining is proposed as a special exception only in designated districts (B2, B3, B3CD, PM, BCE, BR, and MX) with new enumerated conditions. **All amendments recommended by Planning Commission are in bold typeface.**

#### 21.64.540 - Restaurants. standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
  1. Where the use is permitted subject to standards:
    - a. No more than fifty seats are permitted,
    - b. Alcohol is permitted with the service of food,
    - c. Hours of operation are limited to midnight seven days a week,
    - d. Outdoor dining **with the exception of rooftop dining** may be permitted **subject to the following:**
      1. **Alcoholic beverages shall be served only in conjunction with the service of food.**
      2. **Hours of operation shall be limited to 10 pm, seven days per week.**
      3. **No speakers or public address system shall be allowed.**
    - e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
    - f. Recorded music shall be limited to background variety only **indoors.**
  2. In the B1 district, more than fifty seats may be permitted by special exception.
  3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
    - a. More than fifty seats, and
    - b. Bar, dancing, and live entertainment **indoors**
    - c. Hours of operation extending past midnight.

d. Rooftop dining, subject to the following:

1. Alcoholic beverages shall be served only in conjunction with the service of food.
2. Hours of operation shall be limited to 10 pm, seven days per week.
3. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
4. No portion of a rooftop dining area may be located any closer than 100 feet from a residential zone, measured horizontally at grade.
5. The rooftop dining area may not exceed 25 percent of the floor area of the indoor restaurant area and may not have more than 25 percent of the number of seats of the indoor restaurant area.
6. Access to the rooftop dining area shall be thru the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
7. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
8. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in section 21.64.540. C. 1. d.
3. Bar, dancing, and live entertainment indoors
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in section 21.64.540 C 3 d.

E. MX District. In the MX district:

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in section 21.64.540. C. 1. d.
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to subject to the standards enumerated in section 21.64.540. C. 3. d.

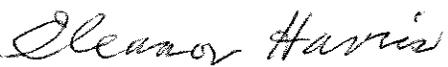
The Commission discussed the amendments and voted to approve the legislation with all of the above-amendments. After the October 20, 2011 meeting, a member of the public provided additional comments on the ordinance. At the November 3, 2011 meeting, the Commission acknowledged receiving the comments from the member of the public and it was the consensus of the Commission to not reopen the public hearing.

Annapolis City Council  
Findings: O-32-11  
November 17, 2011  
Page 4

RECOMMENDATION

By a vote of 5 - 0 the Planning Commission voted to recommend approval of O-32-11 to include all of the amendments identified in the above referenced reports of the planning staff to the Commission, dated September 26, 2011; October 3, 2011; and October 19, 2011.

Adopted this 17<sup>th</sup> day of November, 2011

  
Eleanor Harris  
Vice-Chair



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

October 19, 2011

**ADDENDUM TO STAFF REPORT**

**To: Planning Commission**  
**From: Jon Arason, AICP, Director of Planning and Zoning**  
**Re: O-32-11: Outdoor Dining in the BI and B2 Districts**

As a result of the Planning Commission public hearing and discussion regarding outdoor dining, staff has prepared the following additional standards to regulate outdoor dining. The code currently provides that outdoor dining is allowed as either a use subject to standards or a special exception depending on other parameters of the Standards for Uses Subject to Standards under chapter 21.64.

21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
  1. Where the use is permitted subject to standards:
    - a. No more than fifty seats are permitted,
    - b. Alcohol is permitted with the service of food,
    - c. Hours of operation are limited to midnight seven days a week,
    - d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:
      1. Alcoholic beverages shall be served only in conjunction with the service of food.
      2. Hours of operation shall be limited to 10 pm, seven days per week.
      3. No speakers or public address system shall be allowed.
    - e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
    - f. Recorded music shall be limited to background variety only indoors.
  2. In the B1 district, more than fifty seats may be permitted by special exception.
  3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
    - a. More than fifty seats, and
    - b. Bar, dancing, and live entertainment indoors
    - c. Hours of operation extending past midnight.
    - d. Rooftop dining, subject to the following:

1. Alcoholic beverages shall be served only in conjunction with the service of food.
2. Hours of operation shall be limited to 10 pm, seven days per week.
3. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
4. No portion of a rooftop dining area may be located any closer than 100 feet from a residential zone, measured horizontally at grade.
5. The rooftop dining area may not exceed 25 percent of the floor area of the indoor restaurant area and may not have more than 25 percent of the number of seats of the indoor restaurant area.
6. Access to the rooftop dining area shall be thru the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
7. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.
8. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

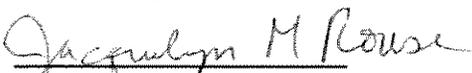
1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in section 21.64.540. C. 1. d.,
3. Bar, dancing, and live entertainment indoors
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in section 21.64.540 C 3 d.

E. MX District. In the MX district:

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in section 21.64.540. C. 1. d.
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to subject to the standards enumerated in section 21.64.540. C. 3. d.

Staff recommends that the legislation be amended as discussed above. With this modification, staff recommends O-32-11 be APPROVED.

Report Prepared by

  
Jacquelyn M. Rouse, AICP  
Planning Administrator



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Chartered 1708 Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

October 3, 2011

ADDENDUM TO STAFF REPORT

To: Planning Commission  
From: Jon Arason, AICP, Director of Planning and Zoning  
Re: O-32-11: Outdoor Dining in the BI and B2 Districts

The intent of O-32-11 as discussed in the staff report of September 26, 2011 was to allow outdoor dining in the B1, Convenience Shopping District and B2, Community Shopping District. Staff had also recommended including the B3, General Commercial District. The code currently provides that outdoor dining is allowed as either a use subject to standards or a special exception depending on other parameters of the Standards for Uses Subject to Standards under chapter 21.64.

The problem is created by the conflicting language in Chapter 21.42 which is the Base District regulations for the entire different zoning district in the City. A restriction in section 21.42.020 D.2. (Which applies to the B1 District); section 21.42.030 D.1. (which applies to the B2 District) and section 21.42.030 D (which applies to the B3 District) states that "all business, servicing or processing... shall be conducted within a completely enclosed building".

This language as it appears in the three referenced code sections needs to be modified by adding "with the exception of outdoor dining in accordance with the provisions of section 21.64.540."

The intent of the ordinance to allow outdoor dining as it was originally intended would then be insured. A standard restaurant with outdoor dining would be allowed as a use subject to standards if the total number of seats is limited to 50; alcohol is permitted with the service of food; hours of operation are limited to midnight seven days a week, no bar, dancing, or live entertainment is permitted and recorded music shall be limited to background variety only. Special exception approval would be required as it is now under 21.64.540 which states that in the B1 district, more than fifty seats may be permitted by special exception and in the B2 and B3 districts more than fifty seats, bar, dancing, and live entertainment and hours of operation extending past midnight are allowed by special exception.

Staff recommends that the legislation be amended as discussed above. With this modification, staff recommends O-32-11 be APPROVED.

Report Prepared by

*Jacquelyn M. Rouse*  
Jacquelyn M. Rouse, AICP  
Planning Administrator



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

Chartered 1708

JON ARASON, AICP  
DIRECTOR

September 26, 2011

MEMORANDUM

To: Planning Commission  
From: Jon Arason, <sup>JUA</sup>AICP, Director of Planning and Zoning  
Re: O-32-11: Outdoor Dining in the BI and B2 Districts  
Attachment: O-32-11

SUMMARY

O-32-11 proposes a modification to chapter 21.64 Standards for Uses Subject to Standards for a standard restaurant to clarify that outdoor dining is allowed in the B1 and B2 zoning districts notwithstanding any other provision of the zoning code.

BACKGROUND AND ANALYSIS

One of the provisions of both chapters 21.42.020 and chapter 21.42.030 which are the Base District Regulations for the B1, Convenience shopping District and the B2, Community Shopping District respectively is a restriction which states that "all business, servicing and processing...shall be conducted within a completely enclosed building."

This standard has been present in the zoning code since 1970, but until 2007 it had been interpreted to not include any restriction on outdoor dining. Many restaurants were approved over this lengthy time period with outdoor dining. New legislation for sidewalk cafes was also approved. Then in 2007, as a result of a court case involving an appeal of the approval of a restaurant at 4 Dock Street, the court ruled that outdoor dining violated the above-referenced code restriction.

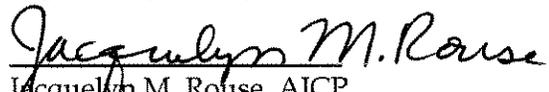
This legislation seeks to rectify this anomaly with regard to the B1 and B2 districts. It, however, does not include the C2, Conservation Business District; C2A, Expanded Conservation Business District or the B3, General Commercial District. The C2 and C2A districts contain the same restrictive language cited above with regard to outdoor uses. The B3 allows an exception for drive-in facilities and outdoor display. Of the thirteen commercial and mixed use districts in the City, these five are the only districts which contain this provision which requires all business to be conducted within a completely enclosed building. None of the commercial and mixed use zoning district added to the code during the 1980's and 1990's have any restriction on outdoor dining.

Staff is recommending that the B3 District be added to this legislation. The C2 and C2A Districts present special concerns and issues that need to be evaluated separately. The City Dock Advisory Committee has formulated guiding principle for development in the downtown area and will be working with a consultant to develop a master plan for the downtown. Staff does not recommend their inclusion at this time.

**RECOMMENDATION**

Staff recommends that the legislation be amended to include the B3 district. With this modification, staff recommends O-32-11 be APPROVED.

Report Prepared by

  
Jacquelyn M. Rotuse, AICP  
Planning Administrator

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-47-11**

**Introduced by: Mayor Cohen and Alderwoman Hoyle**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/25/11			N/A
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't Planning Commission	7/25/11 7/25/11		<b>Travels with O-38-11 and R-45-11</b>

**A RESOLUTION** concerning

**Annexation of Hayes Property**

**FOR** the purpose of annexing into the boundaries of the City of Annapolis 7.374 acres of property known as 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 (collectively, "Petitioners") submitted a Petition for Annexation to the City of Annapolis for 7.374 acres of property known as 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; and

**WHEREAS,** as required by § 19 (c) of Article 23A of the Annotated Code of Maryland, the consent to the annexation has been obtained by the Petitioners from not less than twenty-five percent (25%) of the persons who reside in the area to be annexed and who are registered as voters in Anne Arundel County elections, and from the owners of not less than twenty-five percent (25%) of the assessed valuation of the real property located in the area to be annexed; and

**WHEREAS,** on February 14, 2011, the Annapolis City Council conducted a preliminary review of the Petition for Annexation as required by Section 2.52.040 of the Code of the City of Annapolis and the Petition was referred to the Departments of Finance, Public Works, Planning and Zoning, and Neighborhood and Environmental Programs to provide the necessary information for proper consideration of the Petition; and

1 **WHEREAS,** on \_\_\_\_\_, 2011, the Annapolis City Council conducted a public hearing on the  
2 proposed annexation, at which time the Council heard a staff report presented by  
3 the Director of Planning and Zoning, received the Findings of Fact from the  
4 Planning Commission dated \_\_\_\_\_, 2011, and received the Memorandum from  
5 the Director of Planning and Zoning to the Planning Commission dated \_\_\_\_\_,  
6 2011, and during which public hearing testimony was taken from counsel  
7 appearing on Petitioners' behalf, and from members of the general public, who  
8 were afforded the opportunity to offer testimony and documentary evidence,  
9 which was submitted and received; and

10 **WHEREAS,** as required by § 19 (o) of Article 23A of the Annotated Code of Maryland, the  
11 annexation plan associated with the annexation of the Hayes Property, which  
12 annexation plan is being addressed by the City Council in Resolution No. R-45-  
13 11, was open to public review and discussion at the above-referenced public  
14 hearing held on \_\_\_\_\_, 2011 by the City Council, which annexation plan had been  
15 provided to Anne Arundel County and to the Maryland Department of Planning at  
16 least thirty (30) days prior to the public hearing; and

17 **WHEREAS,** the Hayes Property was included within Growth Area "A" in the 2009 Annapolis  
18 Comprehensive Plan, which designated the area as eligible for annexation and  
19 appropriate for establishing a logical boundary for the City's jurisdictional limits;  
20 and

21 **WHEREAS,** the Hayes Property is designated as suitable for "Residential – High Density" and  
22 "Residential – Low Density" uses, as illustrated in the Anne Arundel County  
23 General Development Plan, dated April 2009 and adopted by Anne Arundel  
24 County in Bill No. 64-09, and the Hayes Property is zoned R15 – Residential  
25 District and R2 – Residential District, as shown on the Zoning Map for the  
26 Second Assessment District; and

27 **WHEREAS,** Petitioners request that upon annexation the existing R15 portion of the Hayes  
28 Property be zoned within the R3 – General Residence District, and the existing  
29 R2 portion of the Hayes Property be zoned within the R1-B – Single-Family  
30 Residence District, which request is being addressed by the City Council in  
31 Ordinance No. O-38-11.

32 **NOW THEREFORE BE IT RESOLVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2011, by the Annapolis  
33 City Council that the hereinafter described property be, and it is hereby, annexed  
34 to the lands and properties heretofore included within the boundaries of the City  
35 of Annapolis, and it hereafter shall be generally subject to the provisions of the  
36 Charter and Code of the City of Annapolis said property being more particularly  
37 described as follows:

38  
39  
40  
41  
42  
43  
44 **METES AND BOUNDS DESCRIPTION**  
45 **TO ACCOMPANY THE**  
46 **HAYES PROPERTY ANNEXATION**  
47 **INTO THE CITY OF ANNAPOLIS**

48  
49 **DESCRIPTION OF 7.374 ACRES OF LAND TO BE ANNEXED**  
50 **INTO THE CITY OF ANNAPOLIS**  
51 **SECOND ASSESSMENT DISTRICT**

ANNE ARUNDEL COUNTY, MARYLAND

1  
2  
3 **Beginning** for the same at a point on the N53°37'20"W 1601.86' line of the City of  
4 Annapolis Boundary-Description, Dated October 23, 2003, said point being a distant  
5 N53°37'20"W 178.82' from monument no. 12258 found at the beginning of said line. Said point  
6 also being in the S33°36'16"W 16.70' line of Lot 2 of the plat entitled 'Hayes & Blackwell/Winn  
7 Properties', as recorded in plat book 279, page 44 of the land records of Anne Arundel County,  
8 Maryland. Thence from said point so fixed the following 19 courses and distances describing  
9 this Property to be annexed into the City of Annapolis, Maryland, with all bearings being related  
10 to Annapolis City Grid North. Leaving said Annapolis City Boundary line, and with said plat as  
11 now surveyed

- 12  
13 1) S35°56'09"W 12.92'  
14 2) S54°03'51"E 20.58'  
15 3) S38°16'56"W 227.41' to a point at the beginning of the first or S41°46'19"W 39.69' line of the  
16 deed dated June 14th, 2007, as conveyed by Winifred L. Miller, individually and as  
17 Personal Representative of the Estate of John W. Prann to Buckley W. Hayes as  
18 recorded in liber 19236, folio 247 of the land records of Anne Arundel County, Maryland,  
19 thence with said first line as now surveyed  
20 4) S42°11'17"W 39.69' to a point at the beginning of the S48°24'W 150.09' line of the deed  
21 dated January 16th, 2004, as conveyed by Mary Walker, by Robert S. Walker, Attorney  
22 in Fact, by Virtue of Power of Attorney, to Buckley William Hayes, as recorded in liber  
23 14475, folio 667 of the land records of Anne Arundel County, Maryland, thence with said  
24 line as now surveyed  
25 5) S40°31'40"W 150.12' to a point at the beginning of the S48°24'00"W 100.29' line of the deed  
26 dated September 2nd, 2004 as conveyed by Arundel Builders, Inc. to Buckley William  
27 Hayes, and being recorded in liber 15371, folio 179 of the land records of Anne Arundel  
28 County, Maryland, thence with said line as now surveyed  
29 6) S40°31'40"W 100.29', and continuing with said conveyance  
30 7) S21°00'46"W 124.76'  
31 8) N51°29'55"W 278.65' to a pipe found (passing over a pipe found 1.43' from the beginning of  
32 this line)  
33 9) N38°29'00"E 38.97' to a pipe found  
34 10) N51°31'00"W 4.52', thence with the first line of said conveyance and also with the eastern  
35 line of Lot 9 of the subdivision plat for William E. Dorsey, and recorded in liber 729, folio  
36 217 of the land records of Anne Arundel County, Maryland, thence with the same as now  
37 surveyed  
38 11) N38°26'23"E 150.00' to a point on the south side of Dorsey Drive, a 30' wide County right-  
39 of-way, thence crossing the end of the County portion of Dorsey Drive  
40 12) N38°26'23"E 30.13' to a point on the north side of Dorsey Drive being the point of beginning  
41 of the parcel of land conveyed by Saundra Brown, Personal Representative of the Estate  
42 of Virginia C. Hillary to Buckley William Hayes, by the deed dated October 21st, 2005,  
43 and being recorded in liber 17033, folio 189 of the land records of Anne Arundel County,  
44 Maryland, said point being a distant N51°31'30"W 100.04' from a pipe found at the  
45 beginning of the fourth line of said deed, thence leaving said conveyance and with the  
46 north side of said Dorsey Drive,  
47 13) N51°31'30"W 50.00', thence leaving said Dorsey Drive with the division line of lot 10 and lot  
48 11 of the above mentioned subdivision plat for William E. Dorsey,  
49 14) N38°26'23"E 150.04' to a point being a distant N51°35'04"W 50.00' from an iron pipe found  
50 at the northeast corner of Lot 10 of said plat, thence with the rear line of Lot 11 through

- 1 Lot 18 and Neal Street, and also with part of the northern outline of a parcel of land with  
2 unknown ownership,  
3 15) N51°35'04"W 502.12' to a point on the rear of Lot 1 of the plat entitled Property of Daniel  
4 Neal, and being recorded in plat book 7, page 16 of the land records of Anne Arundel  
5 County, Maryland, thence with part of the rear line of said Lot 1, and all of the rear line of  
6 Lot 2 through Lot 4,  
7 16) N35°45'27"E 231.43' (passing over a pipe found at 181.38' from the beginning of this line) to  
8 the southeast corner of Lot 4 as shown on said plat, thence continuing with Lot 4 and  
9 also with the southern line of a 30' right of way as shown on said plat,  
10 17) N54°19'51"W 199.79' (passing over a pipe found at 0.50' from the beginning of this line) to a  
11 pipe found on the eastern side of Dorsey Drive, a 30' wide County right-of-way, thence  
12 with the same  
13 18) N35°49'22"E 21.56' to intersect the City of Annapolis Boundary Line, thence leaving said  
14 Dorsey Drive and with the said City of Annapolis Boundary Line  
15 19) S53°37'20"E 999.88' to the point of beginning.

16  
17 **Containing** 321,227 square feet or 7.374 acres of land.

18  
19 **Being** all of that land conveyed by Christopher L. Beard, Trustee to Buckley W. Hayes  
20 by the deed dated June 26th, 2007 and being recorded in liber 19256, folio 682. All of that land  
21 conveyed by Arundel Builders, Inc. to Buckley William Hayes by the deed dated September  
22 2nd, 2004, and being recorded in liber 15371, folio 179 of the land records of Anne Arundel  
23 County, Maryland (Parcel 70). All of that land conveyed by Mary Walker, by Robert S. Walker,  
24 Attorney in Fact, by Virtue of Power of Attorney to Buckley William Hayes by the deed dated  
25 January 16th, 2004, and being recorded in liber 14475, folio 667 of the land records of Anne  
26 Arundel County, Maryland (Parcel 391). All of that land conveyed by Saundra Brown, Personal  
27 Representative of the Estate of Virginia C. Hillary, deceased, duly appointed in Estate No.  
28 14529 of the Orphans Court for Anne Arundel County, Maryland to Buckley William Hayes by  
29 the deed dated October 21st, 2005, and being recorded in liber 17033, folio 189 of the land  
30 records of Anne Arundel County, Maryland (Parcel 392). All of that land conveyed by Winifred L.  
31 Miller, individually and as Personal Representative of the Estate of John W. Prann to Buckley  
32 W. Hayes, by the deed dated June 14th, 2007 and being recorded in liber 19236, folio 243 of  
33 the land records of Anne Arundel County, Maryland (Parcel 60, Lot 10). All of that land  
34 conveyed by Winifred L. Miller, individually and as Personal Representative of the Estate of  
35 John W. Prann to Buckley W. Hayes, by the deed dated June 14th, 2007, as recorded in liber  
36 19236, folio 247 of the land records of Anne Arundel County, Maryland (Parcel 45). All of that  
37 land conveyed by Christopher L. Beard, Trustee, to James J. Blackwell and Roxanne Winn by  
38 the deed dated January 9th, 2007, and being recorded in liber 18714, folio 137 of the land  
39 records of Anne Arundel County, Maryland (Parcel 6). Part of that property conveyed by  
40 Christopher L. Beard, Trustee, to Buckley W. Hayes by the deed dated January 9th, 2007, and  
41 being recorded in liber 18714, folio 142 of the land records of Anne Arundel County, Maryland  
42 (Parcel 8).

43  
44 **CONTAINING** 7.374 acres within the bounds of this description, according to a survey and plat  
45 by Bay Engineering Inc., dated December, 2010.

46  
47 **AND BE IT FURTHER RESOLVED** this \_\_\_\_ day of \_\_\_\_\_, 2011, by the Annapolis City  
48 Council that the following metes and bounds description shall constitute the boundaries of the  
49 City of Annapolis after annexation:  
50  
51

Revised City of Annapolis Boundary Description

1  
2 ...Line of said conveyance and running along the southerly right-of-way line for Maryland Route  
3 665 as shown on SRC Plats #52195 and #50406, and referring to City of Annapolis Grid the  
4 following course and distance; North 01 degrees 56 minutes 52 seconds west 5.87 feet to a  
5 point on the 8th or South 02 degrees 16 minutes 55 seconds East, 30.84 feet line of that parcel  
6 of land described in the conveyance from Edith C. Daniels, widow, and Blanche Whitley,  
7 (formerly Blanche McFadden) to Arundel Land & Development Co., Inc. by deed dated March  
8 17, 1988 and recorded among the Land Records of Anne Arundel County, Maryland in Liber  
9 4567 at Folio 396; thence running along the 9th, 1st, 2nd, 3rd and part of the 4th lines of the  
10 above mentioned conveyance and referring to City of Annapolis Grid system, South 36 degrees  
11 13 minutes 55 seconds West, 272.91 feet; thence South 75 degrees 47 minutes 25 seconds  
12 West, 163.69 feet, thence North 77 degrees 15 minutes 25 seconds West, 156.01 feet; thence  
13 South 67 degrees 44 minutes 05 seconds West 210.09 feet; thence South 55 degrees 27  
14 minutes 05 seconds West, 141.23 feet to a point on the 5th line of that parcel of land described  
15 in the conveyance from Ruth Bryant and Albert Bryant, her husband to Alfred J. Daniels and  
16 Edith D. Daniels, his wife, and Blanche McFadden, widow, by deed dated August 8, 1960,  
17 recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1413 at Folio  
18 142; thence South 07 degrees 18 minutes 30 seconds West 16.52 feet; thence south 68  
19 degrees 16 minutes 20 seconds west 147.50 feet; thence north 88 degrees 56 minutes 40  
20 seconds west 127.00 feet; thence south 29 degrees 31 minutes 10 seconds west 168.64 feet;  
21 thence south 17 degrees 25 minutes 50 seconds east 227.10 feet; thence south 5 degrees 30  
22 minutes 10 seconds west 115.48 feet; thence north 89 degrees 44 minutes 10 seconds west  
23 568.38 feet; thence north 2 degrees 06 minutes 20 seconds west 1084.71 feet; thence north 87  
24 degrees 45 minutes 25 seconds east 200.06 feet to a concrete monument number 12229;  
25 thence north 2 degrees 34 minutes 30 seconds west 500 feet to a concrete monument number  
26 12231; thence continuing north 2 degrees 34 minutes 30 seconds west 222.64 feet to the site of  
27 a proposed concrete monument at coordinate point number 12258; thence Leaving Monument  
28 12258,  
29 N53°37'20"W 178.82'  
30 S35°56'09"W 12.92'  
31 S54°03'51"E 20.58'  
32 S38°16'56"W 227.41'  
33 S42°11'17"W 39.69'  
34 S40°31'40"W 150.12'  
35 S40°31'40"W 100.29'  
36 S21°00'46"W 124.76'  
37 N51°29'55"W 278.65' to a pipe found (passing over a pipe found 1.43' from the beginning of this  
38 line)  
39 N38°29'00"E 38.97' to a pipe found  
40 N51°31'00"W 4.52'  
41 N38°26'23"E 150.00' to a point on the south side of Dorsey Drive, a 30' wide County right-of-  
42 way, thence crossing the end of the County portion of Dorsey Drive  
43 N38°26'23"E 30.13', with the north side of said Dorsey Drive  
44 N51°31'30"W 50.00', thence leaving said Dorsey Drive  
45 N38°26'23"E 150.04'  
46 N51°35'04"W 502.12'  
47 N35°45'27"E 231.43' (passing over a pipe found at 181.38' from the beginning of this line)  
48 N54°19'51"W 199.79' (passing over a pipe found at 0.50' from the beginning of this line)  
49 to a pipe found on the eastern side of Dorsey Drive, a 30' wide County right-of-way, thence with  
50 the same

1 N35°49'22"E 21.56' to the City of Annapolis Boundary Line, thence with the said City of  
2 Annapolis Boundary Line  
3 N53°37'20"W 423.16' to proposed Monument 12259;  
4  
5 thence north 37 degrees 09 minutes 15 seconds east 576.24 feet to the intersection of the  
6 northwestern most side of Forest Drive with said boundary line; thence running with said side of  
7 Forest Drive and the interchange of Forest Drive with Maryland Route Number 2 shown on state  
8 roads commission Plat Number 9922 with a curve to the right having a radius of 102.00 feet on  
9 an arc of 149.16 feet; said arc having a chord of north 16 degrees 40 minutes 30 seconds west  
10 139.70 feet to the southeasternmost right-of-way line of Maryland Route Number 2; thence  
11 leaving said interchange and Forest Drive and running with said right-of-way north 26 degrees  
12 32 minutes 30 seconds east 120.94 feet to a concrete monument, south 61 degrees 05 minutes  
13 40 seconds east 39.70 feet to a concrete monument, north 26 degrees 35 minutes 50 seconds  
14 east 48.67 feet to a concrete monument, north 62 degrees 59 minutes 40 seconds west 39.86  
15 feet to a concrete monument, north 26 degrees 41 minutes 50 seconds east 100.33 feet to a  
16 concrete monument, south 62 degrees 59 minutes 40 seconds east 14.81 feet to a concrete  
17 monument, north 26 degrees 06 minutes 50 seconds east 48.35 feet to a concrete monument,  
18 north 60 degrees 06 minutes 40 seconds west 14.68 feet to a concrete monument, and north 26  
19 degrees 32 minutes 30 seconds east 388.53 feet, north 26 degrees 32 minutes 30 seconds  
20 East 50.13 feet to an iron pipe at the interchange of Route Number 2 with Somerville Road  
21 shown on Maryland State Roads Commission Plat Number 9921 revised September 24, 1952;  
22 thence running with said interchange north 56 degrees 32 minutes 30 seconds east 140.0 feet  
23 to an iron pipe set on the southwesternmost side of Somerville Road; thence leaving said  
24 Maryland Route Number 2 and running with said side of Somerville Road south 54 degrees 45  
25 minutes 20 seconds east 205.73 feet to intersect the north 37 degrees 09 minutes 15 seconds  
26 east 1897.77 feet Annapolis city boundary line; thence running with said line-crossing  
27 Somerville Road-north 37 degrees 09 minutes 15 seconds east 356.89 feet to Coordinate Point  
28 No. 12260, now occupied by an iron fence post at the southwest corner of the wire fence  
29 enclosure on land leased by the Chesapeake and Potomac Telephone Company; thence with  
30 the rear fence of said enclosure and continuing part of the easterly line of property belonging to  
31 Arthur M. Benchoff and wife, north 30 degrees 22 minutes 55 seconds east 494.65 feet to  
32 coordinate point number 12261 on the south side of the Defense Highway, thence crossing said  
33 highway north 60 degrees 14 minutes 10 seconds east 140.46 feet to the northwest corner of  
34 the Defense Highway and Hudson Street, being coordinate point number 12262; thence with the  
35 west side of Hudson Street north 17 degrees 32 minutes 55 seconds east 125 feet to the  
36 coordinate point number 12263; thence north 23 degrees 19 minutes 55 seconds east 171.0  
37 feet to the division line between lots 28 and 29, Plat No.2, "Loretta Heights" as recorded in the  
38 Land Records of Anne Arundel County in Plat Book 20, page 39; thence binding along said  
39 division North 66 degrees 40 minutes 05 seconds west -142.89 feet to the division line between  
40 lots 21-24 and 29-32; thence binding along said last mentioned division line North 23 degrees  
41 19 minutes 55 seconds east-300 feet to the division line between lots 32 and 33; thence binding  
42 along the last mentioned division line south 66 degrees 40 minutes 0'5 seconds east-142.89  
43 feet to the westerly side of said Hudson Street; thence binding along said westerly side south 23  
44 degrees 19 minutes 55 seconds west-225 feet to a coordinate point number 12264; thence  
45 leaving the west side of Hudson Street and running south 71 degrees 30 minutes 40 seconds  
46 east 30.11 feet to the east side of Hudson Street; thence with the east side of Hudson Street  
47 north 23 degrees 19 minutes 55 seconds east 62.19 feet to the northwesternmost corner of the  
48 conveyance from James Vouzikas and Ellen Vouzikas, his wife, to Alexander J. Vouzikas by  
49 deed dated December 14, 1972, and recorded among the land records of Anne Arundel County  
50 in Liber GTC 916, folio 33; thence running with the lines of said conveyance, as now surveyed,  
51 south 71 degrees 08 minutes 05 seconds east 168.46 feet; thence south 17 degrees 32 minutes

1 55 seconds west 60.87 feet to intersect the south 71 degrees 30 minutes 40 seconds east  
2 956.66 foot line of the Annapolis city boundary line; thence with part of said line south 71  
3 degrees 30 minutes 40 seconds east 136.75 feet to point in the common boundary of James A.  
4 and Ruth Day-2622/757, James A. Day-3659/859 and West Capital Associates Limited  
5 Partnership-3309/406; thence running with the common boundaries between West Capital  
6 Associates Limited Partnership and the combined properties of: James A. and Ruth Day, E. L.  
7 Gardner, Inc., Henry J. and Jewell P. Carl, Kent J. McNew, and John E. Wenger, North 38  
8 degrees 23 minutes 14 seconds East 1291.42 feet to the common corner between West Capital  
9 Associates Limited Partnership, West Hudson Street Limited Partnership and John E. Wenger,  
10 thence binding on the common boundary between John E. Wenger and West Hudson Street  
11 Limited Partnership; thence, North 25 degrees 16 minutes 51 seconds West 134.98 feet to the  
12 end thereof on the south side of Hudson Street, thence binding on the south side of said street,  
13 the following two, courses and distances, viz: 4.86 feet along the arc of a curve to the right  
14 having a radius of 1115.92 feet and a chord bearing North 58 degrees 47 minutes 00 seconds  
15 East 4.86 feet and, thence; North 58 degrees 54 minutes 29 seconds East 170.22 feet thence  
16 leaving Hudson Street and running with the common boundary between West Hudson Street  
17 Limited Partnership and Annapolis Business Plaza (recorded among the Plat Records of Anne  
18 Arundel County, Maryland in Plat Book 39 at Pages 8 and 9); South 42 degrees 33 minutes 16  
19 seconds East 645.35 feet to the southeast end thereof at the division line between City of  
20 Annapolis and Anne Arundel County as aforesaid;

21  
22 I hereby certify that the above metes and bounds description accurately reflects the boundaries  
23 of the property being contemplated for annexation.  
24

25  
26 \_\_\_\_\_  
27 David Jarrell, P.E.  
28 Director, Public Works  
29 City of Annapolis  
30

31 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Annapolis  
32 City Council has considered the standards for the approval of the annexation request as set  
33 forth in Sections 2.52.060 and 2.52.070 of the Code of the City of Annapolis and, based on the  
34 analyses contained in the Memorandum from the Director of Planning and Zoning to the  
35 Planning Commission dated \_\_\_\_, 2011 (copy attached), and the Fiscal Impact Note by the  
36 Director of Finance dated \_\_\_\_, 2011 (copy attached), finds as follows:

- 37  
38 1. The annexation will enhance and will not be detrimental to or endanger the public  
39 health, safety, morals, convenience or general welfare of the citizens of the area  
40 proposed to be annexed or of the surrounding areas of the City and of the County; and  
41  
42 2. The annexation will not be injurious to the use and enjoyment of other property in the  
43 immediate vicinity nor substantially diminish and impair property values within the  
44 neighborhood; and  
45  
46 3. The annexation is in conformance with the plans of general development of the City  
47 and of the County; and  
48  
49 4. Acceptable and reasonable steps are being or will be taken to provide adequate  
50 municipal services; and  
51

1 5. The annexation will not precipitate environmental degradation; and

2  
3 6. The annexation will generate revenue at least equal to the anticipated cost of  
4 providing municipal services.

5  
6 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the annexed  
7 property will be placed upon the tax rolls of the City of Annapolis immediately upon the effective  
8 date of this annexation, and the owner(s) thereof shall be liable for real estate taxes as provided  
9 by Maryland law levied for the fiscal year during which this Resolution is effective, prorated from  
10 the effective date.

11  
12 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the annexed  
13 property shall become part of Ward Three of the City of Annapolis.

14  
15 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the 2009  
16 Annapolis Comprehensive Plan shall be amended to reflect the annexation of the Hayes  
17 Property and the zoning classifications as designated by Ordinance No. O-38-11.

18  
19 **AND BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this Resolution  
20 shall become effective upon the forty-fifth (45<sup>th</sup>) day following the date of its passage, provided  
21 no Petition for Referendum has been properly filed according to law, and provided the Council  
22 adopts Resolution No. R-47-11.

23  
24  
25 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

26  
27  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

28  
29  
30 **EXPLANATION:**

31 Highlighting indicates matter added to existing law.  
32 ~~Strikeout indicates matter deleted from existing law.~~  
33 Underlining indicates amendments.  
34

## **Policy Report**

### **Resolution R-47-11**

#### **Zoning of Annexed Land – Hayes Property**

Pursuant to Article 23A §19 of the Maryland Code Annotated, which establishes the annexation process for the City of Annapolis and other Maryland municipal corporations, the proposed resolution R-47-11 would accomplish the annexation of the Hayes property into the City of Annapolis. The Hayes Property is contiguous to the existing boundary of the City and located south of the City's jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

In January 2011, K. Hovnanian Homes of Maryland, L.L.C., Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes (the "Petitioners") submitted a Petition for Annexation to the City of Annapolis for 7.374 acres of property known as the Hayes Property. In October 2011, K. Hovnanian Homes of Maryland, L.L.C. withdrew itself as a petitioner.

The proposed resolution would also assign the Hayes Annexation property into election Ward Three in the City of Annapolis.

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

City of Annapolis  
Hayes Property Annexation Analysis  
January 2012

ppd by: BTM

	<i>Fiscal Year 2010 Assessment &amp; Tax Rate Data</i>			<i>Fiscal Year 2013 Assessment &amp; Tax Rate Data</i>		
	Incremental Increase	Average Tax Bill	Average Assessment	Average Assessment@ 88%	Average Tax Bill	Total Tax Bill
	\$					
Based on 47 Townhouses						
<b><u>Long - Term Revenues</u></b>						
Total RE Taxes ( Land Only)	4,373.26					
RE Taxes; full value						
14 units @ 2,037 sq ft/	27,206.17	1,943.30	366,659.97	322,660.78	1,806.90	25,296.60
27 units @ 1,907 sq ft/	49,120.51	1,819.28	343,260.03	302,068.82	1,691.59	45,672.81
6 units @ Moderate Priced	7,314.00	1,219.00	230,000.00	202,400.00	1,133.44	6,800.64
	<u>83,640.68</u>					<u>77,770.05</u>
State Income						
Full Market (41) @ 450.69	18,478.29					18,478.29
MPDU (6) @ 300.46	1,802.76					1,802.76
	<u>20,281.05</u>					<u>20,281.05</u>
Cable TV Franchise Fees						
	2,100.36					2,100.36
Highway Taxes						
	319.24					319.24
Electricity, Gas, Telephone and Fuel Oil Taxes						
	1,242.92					1,242.92
Use of Money						
	0.00					0.00
	<u>3,662.52</u>					<u>3,662.52</u>
Total Additional Revenues	<u>107,584.25</u>					<u>101,713.62</u>
<b><u>Associated Incremental Expenses</u></b>						
Police	20,249.48					20,249.48
Fire Department	23,977.99					23,977.99
Parks and Recreation	5,957.25					5,957.25
Public Works						
Roads	6,382.60					6,382.60
Other Divisions	1,993.27					1,993.27
Snow and Ice	2,000.00					2,000.00
DNEP	2,881.10					2,881.10
Transportation	0.00					0.00
Mayor	3,149.47					3,149.47
Finance	6,622.30					6,622.30
Human Resources	1,556.17					1,556.17
Planning and Zoning	2,730.70					2,730.70
Central Services	3,524.06					3,524.06
Debt Service	13,643.63					13,643.63
Total Incremental Expenditures	<u>94,668.02</u>					<u>94,668.02</u>
Net: Positive <Negative> City Cash Flow	<u>12,916.23</u>					<u>7,045.60</u>

## FISCAL IMPACT NOTE

**Legislation No:** R-45-11

**First Reader Date:** 07-25-11

**Note Date:** 01-23-12

**Legislation Title:** Annexation Plan – Hayes Property

### **Description:**

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.

### **Analysis of Fiscal Impact:**

For your consideration, attached is the fiscal impact analysis for the proposed Hayes annexation. The data used to prepare this analysis is provided in, and follows, the detail provided by Westholm and Associates for the petitioners which is part of section J of the petition.

In general, the attached analysis uses the same assumptions, however when preparing the City analysis, several variances arise. The first is that total revenues do not agree. There is a revenue variance of approximately \$5,800, \$113.4K vs. 107.6K, the majority of which is a difference in the compilation of real estate taxes. The second difference is that the City analysis includes a separate line number totaling \$2K for snow and ice since this account is historically under budgeted. The last variance is that the petitioners' use a \$204.97 credit per household, totaling \$9,633.59, for indirect charges. However, this credit was excluded in the City analysis since it does not incorporate the full extent of direct / indirect charge backs and is not consistent with the allocation methodology currently used. Using this amount as presented would understate the cost of providing City services.

Based on the attached analysis, the City will benefit from a \$13,000 positive cash flow using constant dollars using the FY 2010 tax rate. However, pending the adopted tax rate for FY 2013, and recognizing an average 12% decline in property values, by using FY 2013 values and assumptions currently available, this will directly impact the outcomes outlined in this analysis. For example, when applying an average 12% decline in assessed values which may be greater for townhouses, and keeping all other factors equal, including the tax rate, there is an approximate \$6,000 decrease in tax revenues for this project, thereby bringing the cash flow benefit to \$7,000.

Finally, this analysis does not take into consideration the impact of the City's enterprise Funds. Arguably, enterprise funds should be self sufficient via the associated fee

schedules; however, consideration should be given to any additional capitalization costs that this project will have on providing City services. As this analysis reflects, the cash flow benefits to the city are essentially at a breakeven point, however, any additional capitalization cost specifically attributable to this project will impact the cash flow projections as presented.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/11/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed R-47-11 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair NO

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 4/11/12

Signature of Chair Rebecca Israel 

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-38-11**

**Introduced by: Mayor Cohen and Alderwoman Hoyle**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
7/25/11			N/A
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't Planning Commission	7/25/11 7/25/11		<b>Travels with R-45-11 and R-47-11</b>

8  
9 **A ORDINANCE** concerning

10  
11 **Zoning of Annexed Land – Hayes Property**

12 **FOR** the purpose of establishing zoning classifications of R3 – General Residence District and  
13 R1-B – Single-Family Residence District for 7.374 acres of property known as the Hayes  
14 Property, which property is contiguous to the existing boundary of the City and which  
15 property is generally located south of the City's jurisdictional boundary and to the east of  
16 Old Solomons Island Road and Dorsey Drive.

17  
18  
19 **WHEREAS,** on January 14, 2011, K. Hovnanian Homes of Maryland, L.L.C., Hogan Holding  
20 Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes  
21 (collectively, "Petitioners") submitted a Petition for Annexation to the City of  
22 Annapolis for 7.374 acres of property known as the Hayes Property, which  
23 property is contiguous to the existing boundary of the City and which property is  
24 generally located south of the City's jurisdictional boundary and to the east of Old  
25 Solomons Island Road and Dorsey Drive, which Petition is being addressed by  
26 the City Council in Resolution No. R-47-11; and

27  
28 **WHEREAS,** the Petitioners have proposed, should the Hayes Property be annexed into the  
29 City, that the existing R15 portion of the Hayes Property be zoned within the R3 –  
30 General Residence District, and that the existing R2 portion of the Hayes  
31 Property be zoned within the R1-B – Single-Family Residence District; and

32  
33 **WHEREAS,** on \_\_\_\_, 2011, the Annapolis City Council conducted a public hearing on the  
34 zoning classifications proposed in connection with the annexation, at which time  
35 the Council heard a staff report presented by the Director of Planning and  
36 Zoning, received the Findings of Fact from the Planning Commission dated \_\_\_\_,  
37 2011, and received the Memorandum from the Director of Planning and Zoning  
38 to the Planning Commission dated \_\_\_\_, 2011; and

1  
2 **WHEREAS,** having considered the annexation and the proposed zoning classifications, the  
3 testimony and evidence presented, and the report and recommendations of the  
4 Planning Commission and the Department of Planning and Zoning, and having  
5 weighed the evidence and judged the credibility of witnesses appearing before it,  
6 the City Council makes the following findings of fact:  
7

8 1. In conformance with the laws of the State of Maryland and the City of Annapolis, the  
9 Hayes Property was annexed into the City of Annapolis *via* Resolution No. R-47-11,  
10 adopted on \_\_\_\_\_, 2011. The Hayes Property is designated as suitable for "Residential –  
11 High Density" and "Residential – Low Density" uses, as illustrated in the Anne Arundel  
12 County General Development Plan, dated April 2009 and adopted by Anne Arundel  
13 County in Bill No. 64-09, and the Hayes Property is zoned R15 – Residential District and  
14 R2 – Residential District, as shown on the Zoning Map for the Second Assessment  
15 District; and  
16

17 2. Reclassification of the Hayes Property from Anne Arundel County Zoning Districts  
18 R15 and R2 to City of Annapolis Zoning Districts R3 – General Residence District and  
19 R1-B – Single-Family Residence District is in conformance with the provisions of § 9 (c)  
20 of Article 23A of the Annotated Code of Maryland, with Chapter 5 – Municipal Growth  
21 and Community Facilities of the 2009 Annapolis Comprehensive Plan, and with the  
22 surrounding uses and zoning districts. The City’s Department of Planning and Zoning  
23 and Planning Commission have recommended the zoning classifications of R3 and R1-B  
24 as being in the public interest.  
25  
26

27 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL**  
28 that the zoning requests contained within the Petition for Annexation for the Hayes Property,  
29 earlier annexed, be, and the same hereby are, approved and granted, such that the County-  
30 zoned R15 portion of the Hayes Property is classified within the City’s R3 – General Residence  
31 District, and such that the County-zoned R2 portion of the Hayes Property is classified within the  
32 City’s R1-B – Single-Family Residence District.  
33

34 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
35 **CITY COUNCIL** that the boundary lines for the R3 – General Residence District and the R1-B –  
36 Single-Family Residence District upon and within the Hayes Property, as illustrated on the  
37 "Zoning Site Plan", dated December, 2010, prepared by Bay Engineering Inc., and included as  
38 Exhibit "H" to the Petition for Annexation for the Hayes Property, which Zoning Site Plan is  
39 attached hereto, are adopted herewith.  
40

41 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
42 **CITY COUNCIL** that this Ordinance shall become effective upon the forty-fifth (45th) day  
43 following the passage of Resolution No. R-47-11, provided no Petition for Referendum  
44 regarding Resolution No. R-47-11 has been properly filed according to law.  
45

46 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
47

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_  
\_\_\_\_\_

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

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7

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

**Rules Committee Amendments to O-38-11  
Zoning of Annexed Land – Hayes Property**

**Amendment #1**

Page 1, Lines 12 and 29, strike “R3” and insert “R4”

**Amendment #2**

Page 2, Lines 18, 23, 30 and 35, strike “R3” and insert “R4”

## **Policy Report**

### **Ordinance O-38-11**

#### **Zoning of Annexed Land – Hayes Property**

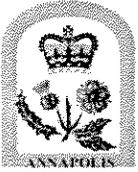
Pursuant to Article 23A §19 of the Maryland Code Annotated, which establishes the annexation process for the City of Annapolis and other Maryland municipal corporations, the proposed ordinance O-38-11 would establish a zoning classification of R3 – General Residence District and R1-B – Single-Family Residence District. This proposed ordinance is ready for an Annapolis City Council vote only upon adoption of R-47-11, Zoning of Annexed Land – Hayes Property.

The zoning classifications in O-38-11 were designated when the legislation was introduced in July, 2011 and do not reflect the zoning classifications of R3 and R4 included in the adoption of R-45-11, the Hayes Annexation plan. An amendment to O-38-11 when the Annapolis City Council considers it on second reader could be proposed to make the change in zoning classification from R3 and R1-B to R4 and R1-B.

In January 2011, K. Hovnanian Homes of Maryland, L.L.C., Hogan Holding Company, LC, James J. Blackwell, Roxanne Winn, and Buckley W. Hayes (the "Petitioners") submitted a Petition for Annexation to the City of Annapolis for 7.374 acres of property known as the Hayes Property. In October 2011, K. Hovnanian Homes of Maryland, L.L.C. withdrew itself as a petitioner.

The Hayes Property is contiguous to the existing boundary of the City and located south of the City's jurisdictional boundary and to the east of Old Solomons Island Road and Dorsey Drive.

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/11/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-38-11 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

*on the unnumbered first page  
Line 17 and 29 change "R3" to "R4"*

*on page 2 line 18, 23, 30 and  
line 35 change "R3" to "R4"*

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett NO

Meeting Date 4/11/12

Signature of Chair Richard Israel



City of Annapolis  
Committee Referral Action

**Date:** 12/15/11  
**To:** Gina Watkins-Eldridge, City Clerk  
**From:** Jacquelyn Rouse, Planning Administrator

The Planning Commission has reviewed R-45-11; R-47-11 and O-38-11 and has taken the following action:

**FAVORABLE WITH AMENDMENTS**

**Meeting Date:** 12/15/11

The recommendation is attached

City of



Annapolis

PLANNING COMMISSION  
(410) 263-7961  
MUNICIPAL BUILDING  
ANNAPOLIS, MARYLAND 21401

December 15, 2011

**MEMORANDUM**

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for the Hayes Property Annexation - Resolution R-45-11: Annexation Plan;  
R-47-11: Annexation Resolution of Approval and Ordinance O-38-11: Designation of  
Zoning**

**SUMMARY**

The property proposed for annexation is a 7.4 acre parcel of land. The property is located near the intersection of Forest drive and Old Solomons Island Road. It consists of 7 parcels accessed by a utility easement from Dorsey Drive; Neal Street, an unimproved right of way; and an unimproved extension of Dorsey Drive.

The impetus for annexation is the applicant's desire to develop the property. The petitioner has stated that public water and sewer are not available to the site from Anne Arundel County and that annexation would allow for the extension of these services from areas presently served by the City. No plans for the development of the property have been submitted to the City to date. A Concept Plan, required under state law as a component of the Annexation Plan has been submitted.

The applicant initially requested R3, General residence district zoning and subsequently revised the request to R4, General residence district zoning. Both allow the development of multi-family residential uses, including townhouses and apartments. The R4 zoning allows a greater number of dwelling units per acre and has less restrictive bulk requirements.

On November 17, 2011, the Planning Commission held its regularly scheduled meeting and heard the proposed petition for annexation, approval of an annexation plan and concept plan for the property and the designation of the zoning classification for the property after annexation, being properly advertised in accordance with the Annapolis City Code.

**STAFF RECOMMENDATION**

At the meeting referenced above, the Planning staff presented their analysis of the annexation petition, annexation plan and concept plan and designation of zoning classification with recommended conditions in a report dated November 9, 2011 and an addendum to the staff report dated November 17, 2011...

Staff presented a revised recommendation for an alternative concept plan and amendments to the Annexation Plan (R-45-11) as well as to the zoning designation (O-38-11). These amendments would

allow R4, General Residence District zoning of the portion of the property for which R3 zoning had been requested with the following additional restrictions:

- maximum lot coverage of 45% for structures and parking;
- maximum height of 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet;
- maximum number of 158 dwelling units for the R4 portion of the site.
- a conservation easement on the portion of the site with steep slopes with only the stormwater outfall, existing utilities and passive recreation uses, such as a walking path, allowed.

These recommendations were in addition to the revisions to R-45-11 identified in the staff report. The Department of Public Works recommended revisions to the Annexation Plan to address the following issues. The proposed development does not include any public roads, street lights, street maintenance, trash and snow removal – this will all be privately maintained through a homeowners’ association. The revisions clarify that the property owners are responsible for all costs associated with these improvements and that where applicable, all work shall be in accordance with the City of Annapolis Standard Specifications and Details; specify that 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; specify that if any intersection improvements are required in conjunction with the proposed development that they are the responsibility of the petitioner;

The annexation petition was evaluated by the appropriate reviewing agencies, including the Departments of Neighborhood and Environmental Programs, Fire, Police, Public Works, Transportation, Recreation and Parks whose comments are included in the analysis component of the staff report. The Finance department also reviewed the Fiscal Impact Analysis. Both Anne Arundel County and the Maryland Department of Planning were asked to comment on the annexation request. All comments received were included as an attachment to the staff report. The property to be annexed is largely undeveloped and currently has minimal impact on municipal services. However, development of the portion of the property that is not characterized by steep slopes is anticipated. The result of annexation is that land becomes incorporated into the City and, therefore, subject to the same opportunities and constraints as all other such incorporated land. Issues associated with the impact on services, such as school capacity, traffic impact, provision of fire, police and municipal services will be addressed through the development review process.

#### **APPLICANT’S PRESENTATION**

The applicant presented testimony with regard to the annexation’s compliance with applicable code requirements of city and State law. .

#### **PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed annexation. A number of residents of nearby communities spoke. They expressed concerns such as tax increases, traffic effects and related issues.

After the close of the public hearing on November 17, 2011, the Planning Commission asked questions of staff and the applicant and entered into deliberations. Much of the Commission’s deliberation centered on the steep slopes and environmental sensitivity of a large portion of the property. The Planning Commission requested that staff incorporate all of the above-referenced recommendations into a revised R-45-11 including a revised concept plan and tabled the application until the meeting of December 1, 2011.

At the December 1, 2001 meeting, the Planning Commission reviewed the revised R-45-11 and the revised Concept Plan. The Planning Commission determined that they concurred with the staff's recommendations with respect to the particular characteristics of the site. The revisions to the Concept plan would provide for some development on the buildable portion of the property and protection of the portion of the property that is environmentally sensitive.

### **RECOMMENDATION**

The Planning Commission is required by state law to evaluate the proposed zoning designations of annexed property and its compliance with the general development plan of the City.

The Hayes property was reviewed for compliance with the 2009 Annapolis Comprehensive Plan. The property is designated "Residential" on the City's Proposed Land Use Map and is located adjacent to the Outer West Street Opportunity Area and is also within a Municipal Growth Area.

As required by Article 23A, Section 9 of State law, annexation cannot permit development of the annexed land 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 the county applicable at the time of the annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located. The proposed zoning complies with this requirement.

In conjunction with the recommended zoning designation, the 2009 Annapolis Comprehensive Plan should be amended to reflect the inclusion of the properties in the City boundaries. Based on the above recommendations, it can be concluded that "the annexation is in conformance with the plans of the general development of the City and of the County".

The Planning Commission, by a vote of 4-0 with two abstentions, recommends approval of the petition, subject to:

- The revisions to R-45-11 recommended in the staff report. The revised version of R-45-11 and the Concept Plan are attachments to the addendum to the staff report dated November 23, 2011.
- Appropriate amendments to R-47-11 and O-38-11, including an amendment to the 2009 Annapolis Comprehensive Plan should also be made as determined necessary by the Office of Law in order to reflect the amendments to R-45-11.

Adopted this 15<sup>th</sup> day of December, 2011



David DiQuinzio, Chair



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

November 23, 2011

To: Planning Commission

From: Jon L. Arason, AICP  
JA  
Planning and Zoning Director

Re: Addendum to Staff Report: Hayes Property Annexation  
File No. ANX2011-001

SUMMARY

At the November 17, 2011 Planning Commission public hearing on the Hayes Property annexation, staff presented a revised recommendation for an alternative concept plan and amendments to the Annexation Plan (R-45-11) as well as to the zoning designation (O-38-11) These amendments would allow R4, General Residence District zoning of the portion of the property for which R3 zoning had been requested with the following additional restrictions:

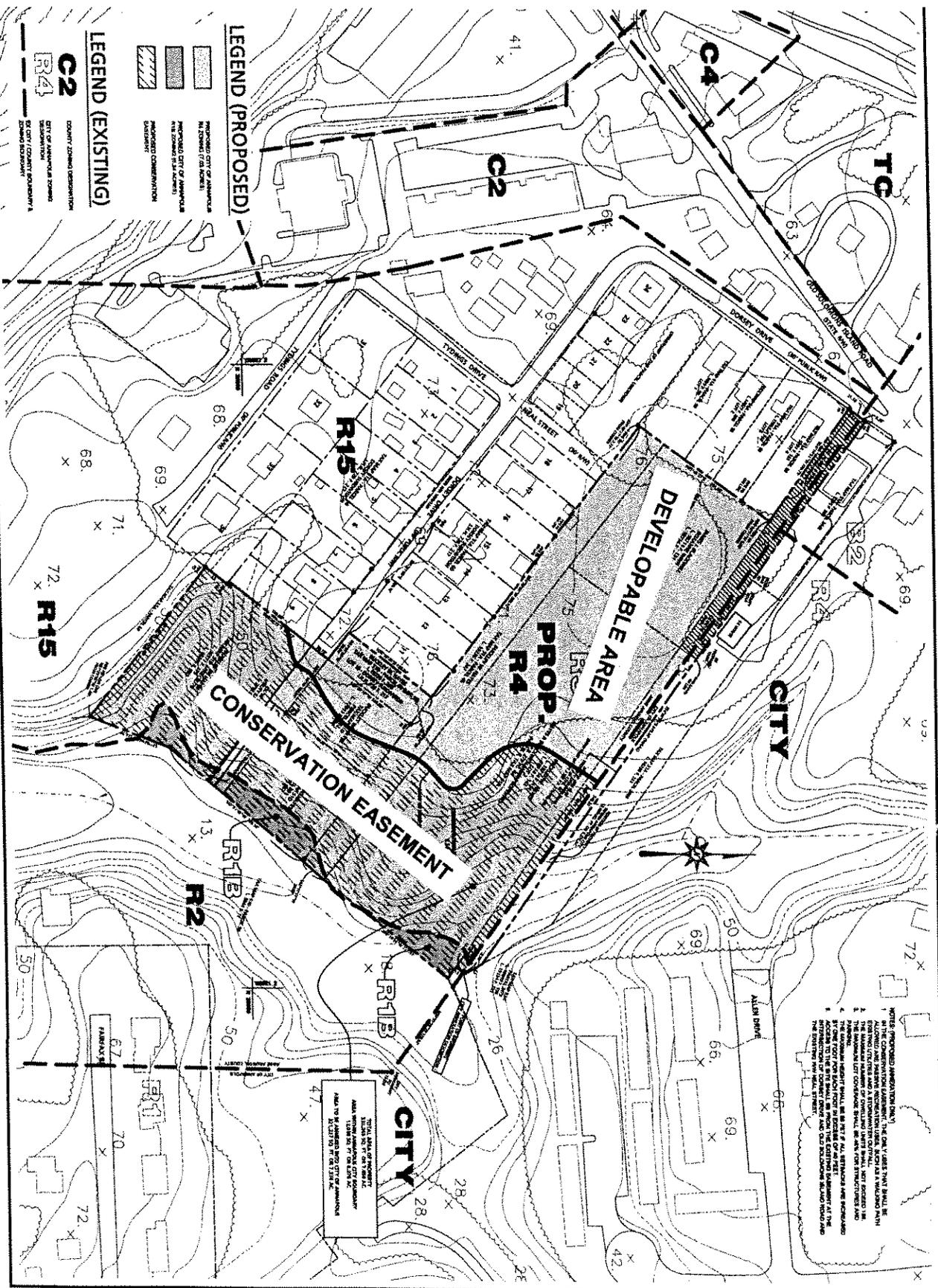
- maximum lot coverage of 45% for structures and parking;
- maximum height of 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet;
- maximum number of 158 dwelling units for the R4 portion of the site.
- a conservation easement on the portion of the site with steep slopes with only the stormwater outfall, existing utilities and passive recreation uses, such as a walking path, allowed.

These recommendations were in addition to the revisions to R-45-11 recommended in the staff report and requested by the Department of Public Works.

Planning Commission requested that staff incorporate all of the above-referenced recommendations into a revised R-45-11 including a revised concept plan. Attached are both an edited version of R-45-11 showing all the recommended revisions in Track Changes format and a version with Changes Accepted.

Report Prepared by

*Jacquelyn M. Rouse*  
Jacquelyn M. Rouse, AICP  
Planning Administrator



**LEGEND (EXISTING)**

**C2** COUNTY ZONING DISTRICT  
CITY OF ANNAPOLIS ZONING DISTRICT

**R4** COUNTY ZONING DISTRICT  
CITY OF ANNAPOLIS ZONING DISTRICT

**LEGEND (PROPOSED)**

PROPOSED CITY OF ANNAPOLIS ZONING DISTRICT (C2)

PROPOSED CITY OF ANNAPOLIS ZONING DISTRICT (R4)

PROPOSED COUNTY ZONING DISTRICT (R15)

PROPOSED COUNTY ZONING DISTRICT (R4)

PROPOSED COUNTY ZONING DISTRICT (R1B)

PROPOSED COUNTY ZONING DISTRICT (R2)

NOTES: PROPOSED ZONING DISTRICTS: THE CITY OF ANNAPOLIS SHALL BE ALLOWED TO REZONE THE PROPOSED DEVELOPABLE AREA AS A RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT (R4) AND THE PROPOSED CONSERVATION EASEMENT SHALL BE REZONED AS A RESIDENTIAL MEDIUM DENSITY ZONING DISTRICT (R4). THE PROPOSED ZONING DISTRICTS SHALL BE SUBJECT TO THE CITY OF ANNAPOLIS ZONING ORDINANCES AND THE ANNAPOLIS CITY ZONING BOARD. THE PROPOSED ZONING DISTRICTS SHALL BE SUBJECT TO THE CITY OF ANNAPOLIS ZONING ORDINANCES AND THE ANNAPOLIS CITY ZONING BOARD.

THE CITY OF ANNAPOLIS HAS REVIEWED THIS CONCEPTUAL SITE PLAN AND HAS DETERMINED THAT THE PROPOSED DEVELOPABLE AREA IS CONSISTENT WITH THE CITY OF ANNAPOLIS ZONING ORDINANCES AND THE ANNAPOLIS CITY ZONING BOARD.

CONCEPTUAL SITE PLAN

November, 2011

EXHIBIT A

<p>ZONING SITE PLAN</p> <p>SKETCH FOR THE</p> <p><b>HAYES PROPERTY</b></p> <p>TAX MAP 81A, BLOCK 24, PARCELS 6, 8 AND 45 TAX MAP 81B, BLOCK 10, PARCELS 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100</p> <p>SCENIC DRIVE AND THOMAS DRIVE ANNAPOLIS, MARYLAND 21401</p> <p>REGIONS: DISTRICT 1 NAME: ANNAPOLIS COUNTY ZONING: R15 / R4 (COUNTY)</p>		<p><b>Bay Engineering Inc.</b></p> <p>100 Annapolis Corporate Drive, Suite 170 Annapolis, Maryland 21401 410.447.8200 www.bayengineering.com</p>	<p>Revisions</p> <table border="1"> <thead> <tr> <th>Rev #</th> <th>By</th> <th>Date</th> <th>Description</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>TR</td> <td>3.26.11</td> <td>REVISE CITY ZONING BOUNDARY CITY SITE</td> </tr> </tbody> </table>	Rev #	By	Date	Description	1	TR	3.26.11	REVISE CITY ZONING BOUNDARY CITY SITE
Rev #	By	Date	Description								
1	TR	3.26.11	REVISE CITY ZONING BOUNDARY CITY SITE								

Drawn File: F:\110-3873-110\000\000\Hayes Property\Drawing Files\Exhibit\EXHIBIT-CONCEPT SITE PLAN.dwg



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**  
145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

November 17, 2011

To: Planning Commission

From: Jon L. Arason, AICP  
Planning and Zoning Director

Re: Addendum to Staff Report: Hayes Property Annexation  
File No. ANX2011-001

DISCUSSION

In 2006, when the Article 23A of the Annotated Code of Maryland was amended with regard to annexation, several significant changes were made to the annexation process:

- The language regarding development of the annexed land was changed to state that an annexation could not permit 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 the county applicable at the time of the annexation. prior to this the zoning designation was required to comply with the land use designation in the county master plan or area plan regardless of whether the county had enacted zoning in compliance with the master plan.
- A new requirement was added which required the City to adopt an annexation plan 30 days prior to approval of the annexation itself. The annexation plan must contain among other items, a description of the land use pattern proposed for the area to be annexed.

The Hayes Property is the first annexation moving forward thru the process that will meet these requirements. In the staff report, we identified several issues related to the concept plan submitted with the annexation petition - proposed development in an area of the site with steep slopes and large trees; connectivity to the adjacent residential community; inadequate on-street parking and the lack of provision of a usable common open space area. We recommended an alternative concept plan and amendments to the Annexation Plan.

Recent discussions with the petitioners regarding the development constraints have led us to re-think the overall concept plan. The petitioner asked if we would consider R4, General Residence District zoning which would allow significantly higher density -25 units per acre, but has no height limit and no lot coverage limitations.

The zoning designations initially requested were R3, General Residence District for the major portion of the site (7.03 acres) currently zoned R15, under the County zoning and R1B, Single-family Residence District for a narrow strip of land (.34 acres) at the bottom of the steep slopes currently zoned R2, under County zoning.

Staff reviewed that option as well as the County R15 zoning which is the existing zoning. Under the County regulations, R15 zoning allows a net density of 15 units per acre, but also requires maximum lot coverage of 45% for structures and parking and a maximum height of 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet. The City R4 zoning allows 25 units per acre (as opposed to the 12 units per acre allowed under R3), has no height or lot coverage limitations.

However, thru the Annexation Plan, the City can place additional stipulations on site development. Of paramount consideration is protection of the environmentally sensitive portion of the property which is actually approximately 5 acres leaving about 2.2 acres as developable. Staff is recommending that portion of the property be placed in a conservation easement with only the stormwater outfall, existing utilities and passive recreation uses, such as a walking path, allowed.

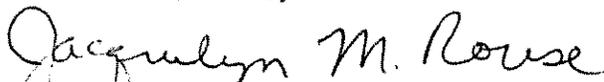
Secondly is the density discrepancy between the City under R4 zoning which would allow 180 units and the County R15 which allows 105 units. With the 50 percent density increase allowed by state law, a total of 158 units could be allowed. This issue would be addressed thru a restriction in the Annexation Agreement which limits the total number of units to be developed to 158.

In order to address the height and lot coverage issue, the Annexation Plan would also stipulate that a maximum lot coverage of 45% for structures and parking and a maximum height of 55 feet if all setbacks are increased by one foot for each foot of height in excess of 40 feet.

#### RECOMMENDATION

With these additional amendments to the Annexation Plan (R-45-11) requiring a conservation easement with only the stormwater outfall, existing utilities and passive recreation uses allowed; limiting height, lot coverage and total number of dwelling units, as specified above, and all necessary revisions to the concept plan, staff is recommending R4, General Residence District zoning for the 7.03 acre portion of the site for which R3 zoning had been requested under O-38-11. This would be in addition to all other recommendations for changes to the Annexation Plan as identified in the staff report dated November 9, 2011.

Report Prepared by



Jacquelyn M. Rouse, AICP  
Planning Administrator



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

November 9, 2011

To: Planning Commission  
From: Jon L. Arason, <sup>JA</sup>AICP  
Planning and Zoning Director  
Re: Hayes Property Annexation  
File No. ANX2011-001

Petitioners: Hogan Holding Company, LC; James J. Blackwell; Roxanne Winn; Buckley W. Hayes

Location: Located on the southeast side of Dorsey drive at near the intersection of Dorsey Drive and Old Solomons Island and identified as Anne Arundel County Tax Map 51A, Parcels 6, 8, 45, and Tax Map 51D, Parcels 60, 392, and 70 and a portion of Dorsey Drive ROW

Parcel Size: 7.374 acres, more or less

Existing Zoning: Anne Arundel County, R15, Residential District and R2, Residential District

Requested Zoning: City of Annapolis, R3, General Residence District and R1B, Single-Family Residence District

Existing Land Use: Undeveloped

Proposed Land Use: Townhouse Residential Development

Attachments: Vicinity Map

- R-45-11 Annexation Plan
- R-47-11 Annexation Resolution
- O-38-11 Zoning Designation
- Recommended Concept Plan
- Interagency Review Comments

**SITE DESCRIPTION AND BACKGROUND**

The property proposed for annexation is an approximately 7.4 acre parcel of land. The property consists of 7 parcels accessed by a utility easement from Dorsey Drive, a unimproved right of way, Neal street and an unimproved extension of Dorsey Drive.

The impetus for annexation is the petitioner's desire to redevelop the site. Public water and sewer are not available to the properties from the County. Annexation would allow for the extension of services. No plans for the development of the property have been submitted to the City to date. However, a Concept Site Plan has been submitted in conjunction with an Annexation Plan which would specify all terms of development of the site.

The petitioners are requesting high density residential zoning for the majority of the site with the section of a small strip of land along the southeast boundary of the property for which low density residential zoning is requested. The zoning designations are consistent with the existing zoning designations for this property in Anne Arundel County.

#### ANNEXATION PLAN

An Annexation Plan as required by Article 23A was submitted in conjunction with the Annexation Petition. Under state law, a municipal governing body must prepare, adopt and make available to the public a plan detailing (1) the proposed land use or uses in the area to be annexed, (2) available land that could be used for anticipated public facilities that may be needed, (3) a schedule for extending municipal services to the area to be annexed, and (4) anticipated means of financing the extension of services. The plan must be provided at least 30 days prior to holding the public hearing required by law for an annexation to the county in which the municipality is located as well as to the Maryland Department of Planning and any regional and state planning agencies having jurisdiction within the county. The Annexation Plan has been reviewed by the Office of Law for compliance with these requirements.

The annexation petition has also been reviewed by all City agencies, including the Departments of Public Works, Neighborhood and Environmental Programs, Fire, Police, Transportation, Recreation and Parks and Finance. Comments were also requested from Anne Arundel County and the Maryland Department of Planning. The agency review comments are attached.

During the agency review process, several issues were identified with regard to the Concept Site Plan submitted with the petition. These included proposed development in an area of the site with steep slopes and large trees; connectivity to the adjacent residential community; inadequate on-street parking and the lack of provision of a usable common open space area. Although this is a concept plan, all of these issues had been more adequately addressed in an earlier version of the concept plan reviewed by the City prior to the submittal of the petition. Staff is recommending that the this plan identified in the attachments as the Recommended Concept Plan Revised in Accordance with Agency Review Comments be utilized as the required concept plan exhibit in conjunction with the Annexation Plan - R-45-11.

With regard to the Annexation Plan, there are also a number of revisions to this recommended by the Department of Public Works. As part of the Interagency Review Comments attachment, an annotated version of R-45-11 is included with the Public Works comments. The proposed development does not include any public roads, street lights, street maintenance, trash and snow removal - this will all be privately maintained through a homeowners's association. The revisions clarify that the property owners are responsible for all costs associated with these improvements and that where applicable, all work shall be in accordance with the City of Annapolis Standard Specifications and Details; specify that 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; specify

that if any intersection improvements are required in conjunction with the proposed development that they are the responsibility of the petitioner;

R-45-11 should be amended in accordance with the annotated version included in the Interagency Review Comments attachment.

### ANNEXATION REQUIREMENTS

Annexation is a process whereby a land area adjacent to a municipality is incorporated into that municipality. This area, once annexed, is entitled to all benefits common to the annexing municipality including community identity, political representation and community services. In return, the annexed land is placed on the municipal tax roles and becomes subject to the regulations, policies and decision-making processes of the municipality. The State legislation governing annexation is found in Article 23A, Section 19 of the Code of Maryland. In order for a municipality to consider annexation, the property must meet the following criteria:

1. The property to be annexed must be contiguous and adjoining to the existing corporate area of the annexing municipality.
2. Annexation of property may not create any unincorporated area which is bounded on all sides by real property presently within, or as a result of the proposed annexation, the corporate limits of the municipality.
3. A petition for annexation shall have the support of at least twenty-five percent of eligible voters residing in the area to be annexed, and of the owners of at least twenty-five percent of the assessed valuation of real property located in the area to be annexed.

The annexation petition was submitted to the City on January 13, 2011, reviewed by the City Clerk and determined to be in compliance with the above referenced criteria. Subsequently, the annexation petition was scheduled by the City Clerk for a preliminary review before the City Council in order that they might review the petition and request additional information from the petitioners. A first reader was held on July 25, 2011 and the annexation petition, annexation plan and ordinance were referred by the City Council to the Planning Commission.

In addition to these basic requirements, the City of Annapolis has established policies and regulations governing the annexation of land. Chapter 2.52 of the City Code establishes findings that must be made in order for an annexation to be acted upon favorable.

These findings are:

- A. The annexation will enhance and will not be detrimental to or endanger the public health, safety, morals, convenience or general welfare of the citizens of the area proposed to be annexed or the surrounding areas of the City and of the County.
- B. The annexation will not be injurious to the use and enjoyment of other property in the immediate vicinity nor substantially diminish and impair property values within the neighborhood.

C. The annexation is in conformance with the plans of the general development of the City and of the County.

D. Acceptable and reasonable steps are being or will be taken to provide adequate municipal services.

E. The annexation will not precipitate environmental degradation.

The annexation will generate revenue at least equal to the anticipated cost of providing municipal services.

These findings have been addressed by the applicant in their annexation petition and evaluated by the appropriate reviewing agencies whose comments are included in the attachments. The city Council makes the determination as to compliance with the findings mandated under chapter 2.52 in accordance with the recommendations of the appropriate city and county agencies.

This property to be annexed is undeveloped and currently does not have any impact on services. However, development of the property is anticipated. The result of annexation is that land becomes incorporated into the City and, therefore, subject to the same opportunities and constraints as all other such incorporated land. Issues associated with the impact on services, such as school capacity, traffic impact, provision of fire, police and municipal services will be addressed through the development review process.

#### LAND USE AND ZONING

The Planning Commission is required by state law to evaluate the proposed zoning designations of annexed property and its compliance with the general development plan of the City.

The Hayes property was reviewed for compliance with the 2009 Annapolis Comprehensive Plan. The property is designated "Residential" on the City's Proposed Land Use Map and is located adjacent to the Outer West Street Opportunity Area. The purpose of the opportunity area designation is to encourage intensification of development and transformation to a more urban character in the event of redevelopment opportunities. Located adjacent to the opportunity area, the property should contribute to the successful transformation of the opportunity area as it redevelops over time. The applicant has requested R3 and R1B zoning and is proposing a multi-family residential project on the site. The land use proposed for the property is therefore consistent with the Comprehensive Plan.

This area is also within a Municipal Growth Area identified in the Comprehensive Plan as the 90 acre Growth Area A. Annexation of this property is therefore consistent with the Annapolis Comprehensive Plan, specifically policy 1.1 of the Municipal Growth Chapter:

The City will plan for the annexation of the two "Growth Areas" that are specifically recommended in this Chapter, subject to appropriate annexation procedures. The two growth areas are part of Annapolis' planned Opportunity Areas. The planned annexations promote this Plan's development goals and contribute to rationalizing the city-county boundary.

The development proposal associated with the annexation of the property anticipates constructing 40 townhouses and two single family dwellings. The entirety of Growth Area "A" is projected to absorb up to 270 residential units and 100,000 s.f. of commercial development, well above what is projected for this property.

As required by Article 23A, Section 9 of State law, annexation cannot permit development of the annexed land 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 the county applicable at the time of the annexation without the express approval of the board of county commissioners or county council of the county in which the municipality is located. The proposed zoning complies with this requirement.

In conjunction with the recommended zoning designation, the 2009 Annapolis Comprehensive Plan should be amended to reflect the inclusion of the properties in the City boundaries. Based on the above recommendations, it can be concluded that "the annexation is in conformance with the plans of the general development of the City and of the County".

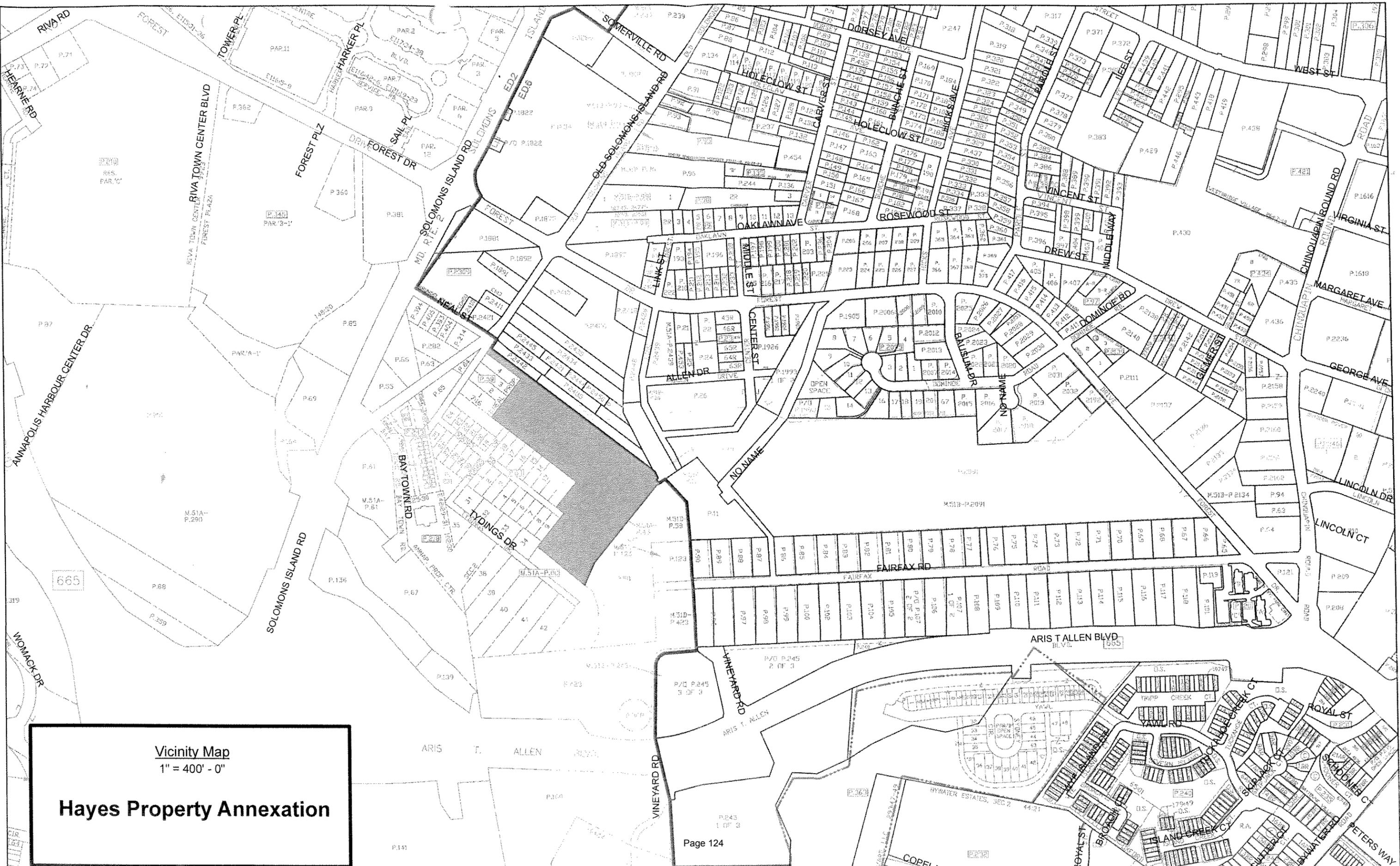
#### STATE PLANNING

The Maryland Department of Planning reviewed the annexation petition and noted that the parcel was eligible for inclusion in the PFA, Priority Funding Area. The PFA designation was created in 1997 as part of the implementation of the "Smart Growth" Areas Act. The City will need to apply for inclusion after the annexation is approved.

Report Prepared by

  
Jacquelyn M. Rouse, AICP  
Planning Administrator

# VICINITY MAP



Vicinity Map  
1" = 400' - 0"

# Hayes Property Annexation

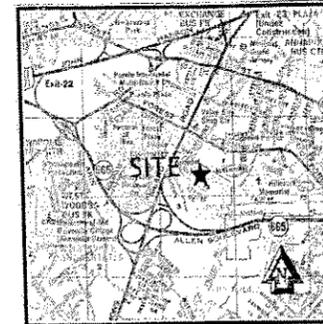
**RECOMMENDED  
CONCEPT PLAN**

**REVISED IN ACCORDANCE  
WITH  
AGENCY REVIEW COMMENTS**

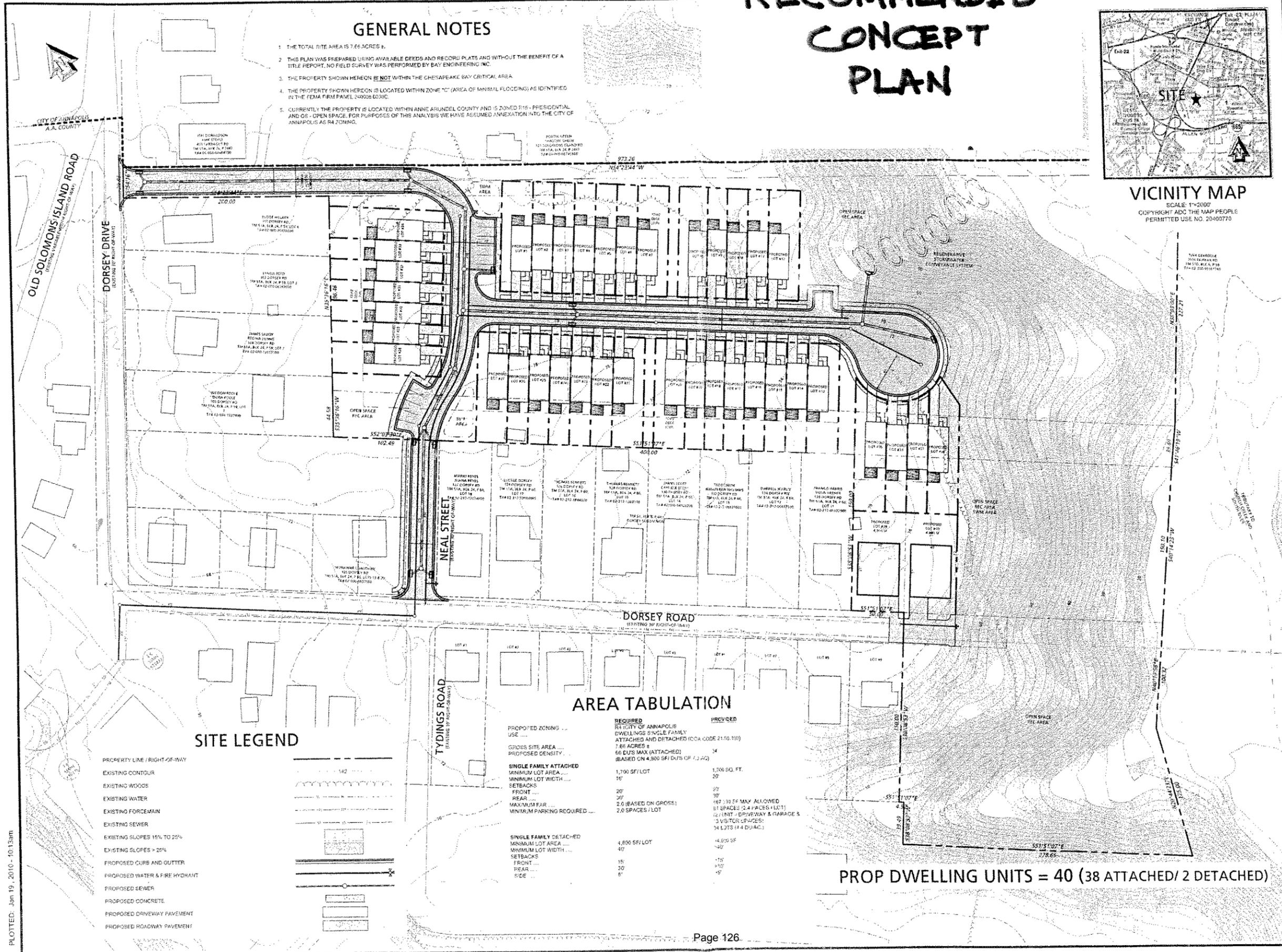
# RECOMMENDED CONCEPT PLAN

## GENERAL NOTES

1. THE TOTAL SITE AREA IS 7.66 ACRES ±.
2. THIS PLAN WAS PREPARED USING AVAILABLE DEEDS AND RECORD PLATS AND WITHOUT THE BENEFIT OF A TITLE REPORT. NO FIELD SURVEY WAS PERFORMED BY BAY ENGINEERING INC.
3. THE PROPERTY SHOWN HEREON IS NOT WITHIN THE CHESAPEAKE BAY CRITICAL AREA.
4. THE PROPERTY SHOWN HEREON IS LOCATED WITHIN ZONE "C" (AREA OF MINIMAL FLOODING) AS IDENTIFIED IN THE FEMA FIRM PANEL 240908 6038C.
5. CURRENTLY THE PROPERTY IS LOCATED WITHIN ANNE ARUNDEL COUNTY AND IS ZONED R1F - RESIDENTIAL AND OS - OPEN SPACE. FOR PURPOSES OF THIS ANALYSIS WE HAVE ASSUMED ANNEXATION INTO THE CITY OF ANNAPOLIS AS R4 ZONING.



VICINITY MAP  
SCALE: 1"=200'  
COPYRIGHT ADC THE MAP PEOPLE  
PERMITTED USE NO. 20400770



## SITE LEGEND

- PROPERTY LINE / RIGHT-OF-WAY
- EXISTING CONTOUR
- EXISTING WOODS
- EXISTING WATER
- EXISTING FORCEMAIN
- EXISTING SEWER
- EXISTING SLOPES 15% TO 25%
- EXISTING SLOPES > 25%
- PROPOSED CURB AND GUTTER
- PROPOSED WATER & FIRE HYDRANT
- PROPOSED SEWER
- PROPOSED CONCRETE
- PROPOSED DRIVEWAY PAVEMENT
- PROPOSED ROADWAY PAVEMENT

## AREA TABULATION

PROPOSED ZONING USE	REQUIRED	PROVIDED
GROSS SITE AREA	7.66 ACRES ±	34
PROPOSED DENSITY	60 DUS MAX (ATTACHED) (BASED ON 4,800 SF/DUS OF R4 ZONING)	34
<b>SINGLE FAMILY ATTACHED</b>		
MINIMUM LOT AREA	1,700 SF/LOT	1,700 SQ. FT.
MINIMUM LOT WIDTH	16'	20'
SETBACKS		
FRONT	20'	30'
REAR	30'	30'
MAXIMUM FUR	2.0 (BASED ON GROSS)	1.67 (30 SF MAX ALLOWED)
MINIMUM PARKING REQUIRED	2.0 SPACES /LOT	12 (1 UNIT = DRIVEWAY & GARAGE & 3 VISITOR SPACES; 24 LOTS @ 4 DUS/LOT)
<b>SINGLE FAMILY DETACHED</b>		
MINIMUM LOT AREA	4,800 SF/LOT	4,800 SF
MINIMUM LOT WIDTH	40'	40'
SETBACKS		
FRONT	15'	15'
REAR	30'	30'
SIDE	5'	5'

PROP DWELLING UNITS = 40 (38 ATTACHED/ 2 DETACHED)

**Revisions**

Rev. #	By	Date	Description

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Bay Engineering Inc.  
Annapolis, Maryland 21401  
410.807.0262  
www.bayengineering.com

**Bay Engineering Inc.**  
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www.bayengineering.com

Date: DECEMBER, 2009  
Job Number: 09-2005  
Scale: 1"=40'  
Drawn By: L.S.  
Approved By: T. SCHLAMAN

Folder Reference: KOCH HAYES PROPERTY, ANNAPOLIS, OLD SOLOMONS ISLAND ROAD

CONCEPTUAL SITE PLAN (22' WIDE TOWNHOMES)  
SKETCH FOR THE  
**HAYES PROPERTY**  
TAX MAP 51A, BLOCK 24, PARCELS 6, 8, AND 45  
TAX MAP 51D, BLOCK 10, PARCELS 60, LOT 10  
TAX MAP 51D, BLOCK 8, PARCELS 70, 381, AND 382  
SOUTH RIVER ROAD, DORSEY ROAD, TYDINGS DRIVE  
SECOND DISTRICT, ANNE ARUNDEL COUNTY, ZONED

Sheet No. 1 OF 1

# **INTERAGENCY REVIEW COMMENTS**



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Chartered 1708

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

August 2, 2011

**MEMORANDUM**

**To:** Bruce Miller, Director of Finance  
David Jarrell, Director of Public Works  
Maria Broadbent, Director of Neighborhood and Environmental Programs  
Chief David L. Stokes, Sr., Fire Department  
Chief Michael Pristoop, Police Department  
LeeAnn Plummer, Director of Recreation and Parks  
Richard Newell, Director of Transportation  
Larry Tom, Planning and Zoning Officer, Anne Arundel County  
Douglas L. Hart, Acting Health Officer, Anne Arundel County  
Richard Hall, Secretary of the Maryland Department of Planning  
Virginia Burke, Chief of Comprehensive Planning

**From:** Jacquelyn M. Rouse, Planning Administrator

**Re:** Hayes Property

**Location:** Old Solomons Island Road

Enclosed for your review is annexation request received for processing by the City of Annapolis. Copies of the legislation introduced by the City Council relative to the annexation are included in your review packet – they are R-47-11 for approval of the annexation. R-45-11 for the Annexation Plan (this replaces the Outline for Extension of Services and the Public Facilities Agreement) and O-38-11 which designates the zoning of the property.

The 7.34 +/- acre property consists of several parcels of land located off of Old Solomons Island Road near its intersection with Forest Drive. The proposed zoning is R3, General Residence District and R1B, Single-family Residence District.

The proposed development of the property is a multi-family residential project as is shown on the Conceptual Site Plan and discussed in the Fiscal Impact Analysis.

The Planning and Zoning Department requests any comments you may have pertaining to the annexation petition. For those agencies providing services to this area, please indicate, where applicable, what impacts, if any, this annexation and its proposed development will have on the provision of those services. (Please provide comments relative to Title 22, Adequate Public Facilities)

Please also indicate any additional requirements and or conditions you would recommend be placed upon the annexation relative to the provision of services to the annexed area or to the future development of the site.

I would appreciate your written comments no later than August 23, 2011. Should you have any questions or require any information or clarification, please call me at 410/263-7961 ext.7794 or email at [jmr@annapolis.gov](mailto:jmr@annapolis.gov).

## DEPARTMENT OF PUBLIC WORKS COMMENTS

Water and Sewer Comments for Alternate Plan titled "Conceptual Site Plan (22'Wide Townhomes) Sketch for the Hayes Property" dated December, 2009 are as follows:

1. Water and Sewer services from the County on Dorsey Road and Dorsey Drive through Neal Street (existing paper Right of Way) are not acceptable. Water and Sewer Service shall be from the City at the intersection of Old Solomon's Island Road, Neal Street (paved road) and Dorsey Drive.
2. Comments in 9/14/11 Attachment also apply to the Alternate Plan.



City of Annapolis  
DEPARTMENT OF PUBLIC WORKS

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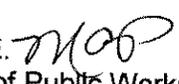
145 Gorman Street, 2<sup>nd</sup> Floor, Annapolis, Maryland 21401-2517  
pubworks@annapolis.gov • www.annapolis.gov  
Annapolis 410-263-7949 • FAX 410-263-3322

September 14, 2011

MEMORANDUM

TO: Jacquelyn Rouse  
Planning Administrator

VIA: David Jarrell, P.E.   
Director of Public Works

FROM: Marcia Patrick, P.E.   
Assistant Director of Public Works

RE: Hayes Annexation  
Public Works Comments

Thank you for the opportunity to provide additional comments on the proposed Hayes Annexation. These comments provide additional information and clarification to comments that have been previously submitted.

**Perimeter Roadway Improvements**

The development of this property may create unacceptable intersections with Dorsey Road, owned by Anne Arundel County, and Old Solomons Island Road, owned by the Maryland State Highway Administration. Prior to development, the Petitioner or his successor, must obtain permits from the appropriate agencies, who will determine if access will be permitted and what improvements shall be made to the intersections to permit access. The Petitioner, or his successor, shall make, at their sole expense, all improvements required by these agencies including acquiring the necessary rights of way, as may be necessary to make these improvements.

**Sewer**

It is in the best interest of both the developer and the City to have the site served with gravity sewer on Old Solomon's Island Road. The Department of Public Works' standards relative to preferred criteria used to determine the ability to provide gravity sewer service is as follows:

Preferred criteria	Allowable criteria (w/justification)
Min. sewer main slope - .005 ft/ft (1/2%)	Min. sewer main slope - .0045 ft/ft
Min. sewer main depth – 5 feet	Min. sewer main depth – 3 feet
Min. sewer lateral slope - .02 ft/ft (2%)	Min. sewer lateral slope - .01 ft/ft (1%)
Lateral depth at property line – 4 feet	Lateral depth at property line – 3 feet
Max. Sewer main/manhole depth – 10 feet	Max. Sewer manhole depth w/o int. platform – 15 feet
Min. sewer manhole depth – 5 feet	Min. sewer main depth – 3 feet

In order to meet Adequate Public Facilities (APF) approval, the developer is to design a gravity sewer system to the preferred criteria, above, or provide an alternatives analysis in the engineering report that demonstrates that the preferred criteria cannot be met and evaluates and presents alternative options.

Based on a preliminary review of Bay Engineering's Conceptual Site Plan #1, dated July, 2010, it appears that it is feasible to provide gravity sewer service to the first floor of all of the units. However, service to basements by gravity appears to be impossible, at least for some portion of the units. The APF engineering report will need to address these limitations.

**Water**

It is the best interest of both the developer and the City to have the site served with water having adequate static water pressure. After further review of industry criteria used to evaluate adequate static water pressure (Ten State Standards - minimum static pressure of 35 psi at the street), the Department of Public Works has modified its' preferred criteria used to assess adequate static water pressure as follows:

Preferred criteria
Max. Elev. @ street edge in front of property – El. 77

In order to meet APF approval, the developer must meet the preferred criteria as indicated above, or provide an alternatives analysis evaluating options in the engineering report that demonstrates that the preferred criteria cannot be met.

Based on a preliminary review of Bay Engineering's Conceptual Site Plan #1, dated July, 2010, it appears that it is feasible to provide adequate static water pressure to some portion of the development, but not others. The APF engineering report will need to address these limitations.

**Financial Analysis for Annexation with regard to Water and Sewer Utilities**

Included within the fiscal analysis for water and sewer, the petitioner will include an analysis of the operating, maintenance and Capital Reserve Costs (OM&C) for any mechanical and/or electrical systems required for the annex area, including, but not limited to, sewage pump stations and water booster pump stations.

Hayes Annexation  
Page 3 of 3

The fiscal analysis shall include, but not be limited to, the projected operating and maintenance costs based on the City of Annapolis, Department of Public Works current expenditure, that expenditure not to be obtained from the Budget but rather from figures provided by the Department of Public Works. Capital Reserve Costs will be based on pump and all other mechanical and electrical equipment replacement (exclusive of pipes and valves) every 20 years and complete replacement of the facility every 60 years.

With direction and guidance from the Department of Public Works, the petitioner shall calculate the revenue generated by the annex area into the Sewer and Water Enterprise Fund, and compare it to the total expenses (including mechanical and/or electrical systems OM&C) and determine if the revenue generated by the annex area is greater than the total OM&C expenses for the annex area.

DAJ/MAP/TKB/SMB



City of Annapolis

**Department of Neighborhood & Environmental Programs**

160 Duke of Gloucester Street  
Annapolis, MD 21401-2517

mbroadbent@annapolis.gov 410-263-7946 Fax 410-263-9158 TDD 410-263-7943 • [www.annapolis.gov](http://www.annapolis.gov)

DATE: September 16, 2011  
TO: Jacquelyn Rouse, Planning Administrator, Department of Planning and Zoning  
FROM: Maria Broadbent, Director, Neighborhood and Environmental Programs   
RE: Hayes Property

Following are the Department of Neighborhood & Environmental Programs preliminary review comments to the submittal package dated August 2, 2011.

**HAVE CONSULTANT TEAM PROVIDE WRITTEN RESPONSE TO THE FOLLOWING COMMENTS ON AN ITEM TO ITEM BASIS:**

- A. **Standard Comments - Note: Some comments may not be applicable to your project as it is now proposed.**
- A1. Contractor shall not start any construction work or equipment before 7:00 a.m. and must finish no later than dusk. No outside Sunday work.
  - A2. All damage to City property, Old Solomons Island Road and property of others, during construction shall be total responsibility of owner/developer for replacement and repair costs, NOT CITY.
  - A3. During site work and construction, contractors shall maintain roadways free of mud, dirt, debris, and shall broom clean at the end of each work day as required.
  - A4. Must provide traffic control details related to blocking of any streets or sidewalks, contact engineering at 410-263-7949.
  - A5. Burning and burying of materials on site is prohibited.
  - A6. Record plat will need to be fully executed and recorded prior to any permit issuance.
  - A7. All contractors, subcontractors, electrical, mechanical, gas, plumbing and utility contractors shall be Maryland State Licensed. Gas, electric, utility, and plumbing contractors shall also carry a City of Annapolis license.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
Page: 2

- A8. All work must meet building codes, fire codes, mechanical/electrical, structural, plumbing and energy codes, chemical pretreatment, Maryland safety glazing laws, disability codes and any and all City ordinances.
- A9. Separate permits will be required for building, street opening, signage, fuel tanks, curb cuts, fencing, and demolition. Do not submit for the building permit until you have received site plan, landscape and related approvals from Planning & Zoning.
- A10. Building permit submittal must consist of the following:
1. Building permit application.  
  
Six complete sets of Architectural, Mechanical, Electrical, Structural, Plumbing, and site plans. All drawings must be signed, sealed and dated.
- A11. Construction drawings must be signed, sealed and dated by a licensed Maryland architect. Structural, mechanical, electrical, gas, plumbing and site drawings must be signed, sealed, and dated by a licensed Maryland engineer.
- A12. All letters of credit or surety bonds (to City format) are required to be submitted to the Department of Public Works in full amount for the entire project, (not in phases) prior to issuance of any permit. Matt Sebastian, Stormwater Management Engineer, 410-263-7949 will determine the final dollar amount required prior to submittal.
- A13. Prior to the release of any surety at completion of construction, the Design Engineer shall provide reproducible certified Mylar AS-BUILTS of stormwater management facilities and public improvements. Also, PRIOR to surety release, the owner shall provide to the City of Annapolis reproducible Mylar drawings showing RECORDED Utility EASEMENTS and RIGHT OF WAY (R.O.W.).
- A14. All landscape drawings are to be reviewed and approved by the Department of Planning & Zoning. A letter of credit or surety bond may be required. Planning & Zoning will establish the dollar value and will administer the surety. Landscape bonds ONLY shall be coordinated with Thomas Smith, Department of Planning & Zoning, 410-263-7961.
- A15. Contact "Miss Utility" at 1-800-257-7777 at least five (5) days in advance of any excavation (if applicable)
- A16. Any re-location to existing power poles, above and underground wiring and utilities, fire hydrants, manholes, inlets, etc., shall be responsibility of owner/developer, NOT CITY. All new power lines, telephone lines and cable TV lines shall be underground. Any issues concerning overhead power lines shall be coordinated with Clint Pratt, 410-263-7946.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
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- A17. Coordinate any proposed transformers, generators and condensers with Clint Pratt, 410-263-7946.
- A18. All existing street lights, fire hydrants, water lines, sewer lines, storm lines, gas lines, meters, cleanouts shall be inspected, evaluated and refurbished as required to meet City Standards and applicable Codes. All sewer and storm lines shall be cleaned out as required and made operational. All costs are the responsibility of the applicant.
- A19. All costs to bring in water and sewer to the building shall be responsibility of others and NOT THE CITY.
- A20. The water meter, vault size and location shall be verified. All costs to upgrade water meters, related piping and appurtenances will be the responsibility of others and **not** the City. Coordinate connection fees with John Quigley, 410-263-7946. Coordinate meter, vault size and pressure with Public Works Utilities at 410-263-7967.
- A21. Fire hydrant location to meet City Standards. Coordinate with Mike Bunker at 410-263-7970. The amount of fire hydrants shall be determined by Chief Stokes at the Fire Department, 410-263-7975.
- A22. Where scheduled, all blow-offs shall be installed as fire hydrants. Coordinate with Mike Bunker, 410-263-7967.
- A23. Building drain and sanitary sewer piping below grade shall be cast iron bell and spigot service weight or greater, cast iron pipe with long term fittings (minimum service weight) or PVC schedule 40 pressure pipe with long term fittings (no cellular core piping). Water service piping below grade shall be ductile iron Class 52 for 4" or greater and copper "L" tubing for 3" and below. For stormwater piping, contact Matt Sebastian at 410-263-7949.
- A24. Show sizes and types of material for sanitary sewer piping and water lines.
- A25. Provide and show all sewer lateral and cleanouts. Cleanouts located in traffic areas shall have traffic bearing covers. Provide clean-out at property line.
- A26. Verify "sewer capacity" to serve the proposed building. Any sewer upgrading that may be required offsite shall be the responsibility of the owner, NOT CITY. Coordinate with Sam Brice, 410-263-7949.
- A27. Verify "water capacity" and pressure to serve the proposed building. Any water line upgrading that may be required offsite shall be the responsibility of the owner, NOT CITY. Booster pumps are NOT recommended. If for some reason they need to be installed, then the pumps are the responsibility of others, NOT CITY, for all repair, maintenance and replacement. Coordinate with Sam Brice, 410-263-7949.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
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- A28. If there any existing wells or septic systems on site, they must be abandoned per Anne Arundel County Health Department standards.
- A29. Clarify any existing utility easements and rights of ways.
- A30. No building construction may encroach upon any utility or landscape easements, any City, State and County Rights-of-Way, or the property of others.
- A31. Clarify any requirements for new above or below ground fuel tanks and removal of existing tanks with Steve Andrews, 410-263-7970. Provide certification from any Maryland Geo-Technical Engineer that on-site tests were made, and that there is no evidence of any existing fuel tank leakage or any underground/above ground soil contamination. Also, verify "fill" conditions or abandoned dumps. Complete and return site characterization checklist.
- A32. Provide handicap ramps at all roadway intersections at sidewalks and at all handicap parking spaces. Building shall be required to meet American's Disability Act (ADA) requirements for public and private use.
- A33. Assure that all curbs, gutters, roadway and sidewalk details meet City standards. Coordinate with Engineering & Construction, 410-263-7949.
- A34. All roadway and driveway entrances into project site and all curbs and gutters shall meet City standards. Show detail between new paving and existing paving. Coordinate with Rodger McAlister, 410-263-7949.
- A35. All sidewalks within entire project site and along all the roadways shall be responsibility of owners, NOT CITY, for repair/replacement and maintenance costs, including snow and ice removal.
- A36. If applicable, parking spaces for disabled shall be located at building entrance. Provide signs, curb ramps, logos, etc. The side-by-side spaces shall be minimum 8' wide, plus 5' access aisle, plus 8' wide. Single spaces shall be minimum 13' wide. Provide parking spaces for disabled at any elevator (if applicable).
- A37. Provide and show development roadway lights with engineered photometric analysis. Lights shall be black fiberglass 14' tall. Post top shall be of colonial or traditionaire style with 150 watt sodium vapor. Coordinate with DPW Engineering at 410-263-7949.
- A38. Coordinate any street signs, stop signs, etc. with Roger McAlister at Engineering & Construction, 410-263-7949. If required, they are to be furnished and installed by owner and meet City standards.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
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- A39. Stormwater Management comments by Matt Sebastian, 410-263-7949 to follow as drawings develop. Coordinate any requirements for a stormwater management maintenance agreement. Do not discharge stormwater onto abutting neighbor's properties. If there are any wet stormwater management ponds proposed for this site, they must be enclosed by a minimum 4' reinforced high fence with a locking gate. The pond and any stormwater management related appurtenances above and below ground, fencing and gate, shall be owned and maintained (including grass cutting) by the owners, NOT CITY. If there will be any wet stormwater management ponds or sediment traps during construction (even on a temporary basis), they shall be enclosed by a minimum 4' high fence (reinforced) similar to a snow fence or chain link. Provide signage to read: DANGER KEEP OUT on fence.
- A40. Do not discharge the rain leaders onto entrance sidewalks used by the public or at entrance doors. If applicable, discharge under the walks to face of curb. Show on drawings.
- A41. Each building shall have an address number that is visible from the fronting street. Lettering (numbers) shall not be less than 6 inches tall for commercial structures. All numbers shall be installed PRIOR TO FINAL BUILDING INSPECTION. Comply with Code Section 17.12.055. Street names and house numbers shall be coordinated with Shawn Wampler, 410-263-7945.
- A42. All tree conservation issues must be coordinated with Jan van Zutphen at 410-263-7946 and comply with State Forest Conservation Act. In addition, comply with any wildlife preservation requirements.
- A43. All trees, landscaping and green areas for the entire site, including any planting along all the roadways, sidewalks or landscape buffers shall be the responsibility of the owners, NOT CITY. There shall be no landscaping at any intersection that impacts vehicle sight visibility.
- A44. Critical areas review will be necessary within the 1000 foot Critical Area Boundary. Confirm on site plan and with Cynthia Gudenius of Planning and Zoning at 410-263-7961.
- A45. Any open space, critical area buffers, landscape buffers, conservation easements, access easements, stormwater management devices above and below ground, etc., shall be clearly delineated on the record plat and site plans indicating actual ownership, Maintenance responsibilities, level of any encroachment such as fences, sheds, etc. All ownership and maintenance shall be responsibility of others, NOT CITY.
- A46. Any fencing proposed shall be shown. This requires a separate permit and abutting owners sign-off if over 4' high. Barbed wire or similar materials are prohibited.
- A47. Comments to follow (if any) from Utilities Mike Bunker and PWS Bob Couchenour, 410-263-7967 and/or Fire Department.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
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**B. Building and Construction Comments. There are no construction drawings submitted. The following are general comments. Specific comments will follow after review by the Plans Reviewer, Barbara Norman.**

- B1. All construction must meet the International Building Code 2009 Edition, Green Building Standards Annapolis City Code 17.14, International Mechanical Code 2009 Edition, National Electrical Code 2008 Edition (NFPA 70), National Standard Plumbing Code Illustrated 2009 Edition, and International Fuel Gas Code 2009 Edition.
- B2. Provide grab bars at all water closets, tubs and showers and shall comply with ADA regulations for accessibility.
- B3. Provide gong alarms, flashing signals, etc., to comply with ADA laws, including the sight and hearing impaired.
- B4. Provide hardwired interconnected smoke detectors, all levels by code.
- B5. All sidewalks, handrails, base paving and roadway lights shall be installed prior to occupancy.
- B6. All toilet rooms, dryers and fuel fired appliances shall be exhausted to outside, NOT ATTIC.
- B7. If required, sprinklers will be at all levels and spaces, including appropriate water meter and back-flow preventer. Provide alarm gongs sounding upon water flow.
- B8. The mechanical systems shall be designed or evaluated for proper ventilated air to comply with 2009 International Mechanical Code for its intended use. All fuel fired appliance shall have combustion air and venting. Will there be any fuel fired appliances in the attic?
- B9. Sound testing will be required at the project completion for all exterior mounted generators and HVAC equipment to assure compliance with State requirements.
- B10. Provide and show minimum 15' wide easements for water, sewer mains and fire hydrants to be deeded over to the City. The stormwater management system shall be the responsibility of the owners.
- B11. Show location of installed water meters inside the sidewalks in front of building. Provide a back-flow preventer on the domestic water service at the meter yoke. Contact Mike Bunker for any questions at 410-263-7967. A backwater valve may be required. Coordinate with John Quigley at 410-263-7946. All costs associated with bringing water and sewer to the building is at the expense of the developers, not the city.

To: Jacquelyn M. Rouse  
Re: Hayes Property  
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B12. Industrial Pretreatment may be required. Contact Jeanna Beard at 410-263-7946 for conditions and specifications.

**C. Capital Facility Charges and Water and Sewer Connection Charges. Paid prior to the issuance of permit.**

A. Capital Facility Assessment.

1. Water: \$900 x 1 units = \$900
2. Sewer: \$1,800 x 1 units = \$1,800

B. Connection Charge for building (one time charge).

1. Water: Based on 2" = \$4,100 per connection
2. Sewer: Based 6 " or less = \$2,800 per connection

A. Sewer backwater valve will be required. Please contact the Plumbing Inspector John Quigley at 410-263-7946

3. Sprinkler line = \$110 per inch. Backflow preventer will be required.

C. Annual assessment charge:

1. Water at \$50 per unit per year = \$100
2. Sewer at \$50 per unit per year = \$100

**D. Contacts:**

Acting Chief Code Official		
& Plumbing Inspector:	John Quigley	410-263-7946
Electrical Inspector:	Clint Pratt	410-263-7946
Pretreatment Inspector:	Jeanna Beard	410-263-7946
Mechanical Inspector:	Joe Krasnodemski	410-263-7946
Tanks:	Steve Andrews	410-263-7946
Stormwater Management Engineer:	Matt Sebastian	410-263-7949
Paving, curb, gutter, sidewalk, some utilities and all sidewalk and road blocking permits, Public Works Inspector:	Roger McAlister	410-263-7949
Environmental/Trees:	Jan van Zutphen	410-263-7946
Public Works Utilities:	Mike Bunker	410-263-7970
Public Works Services:	Bob Couchenour	410-263-7967
Fire Marshal's Office:	Captain Bowes	410-263-7975
Critical Areas:	Cynthia Gudenius	410-263-7946

MTB:lmf

## **Department OF Neighborhood and Environmental Programs Comments**

Project must comply with Green Building Standards, City Code 17.14; minimize cut and fill on wooded slopes; include landscape buffers between new and existing development.

The Forest Conservation Act applies to this project.

A dense vegetative buffer needs to be created between the proposed houses and the adjacent residential properties.

I would recommend not building on the slope and keep the existing vegetation.



**City of Annapolis**  
Department of Neighborhood & Environmental Programs  
160 Duke of Gloucester Street  
Annapolis, MD 21401-2517

[DNEP@annapolis.gov](mailto:DNEP@annapolis.gov) • 410-263-7946 • Fax 410-263-9158 • TDD use MD Relay or 711 • [www.annapolis.gov](http://www.annapolis.gov)

August 16, 2011

To: Jacquelyn M. Rouse, Planning Administrator

From: Robert W. Savidge, Environmental Compliance Inspector

Re: Hayes Property

My comments on the Hayes Property annexation request are as follows:

1. The City has a goal to achieve a 50% forest canopy cover by 2030. All efforts should be made to preserve the existing tree canopy and to expand the total canopy. There are some very large canopy trees on the eastern side of the site at the top of the steep slope that should be preserved. One solution is to leave the trees, clear out the trash and invasive species, and make the area into a community park or open space area.
2. The coastal plain outfall (regenerative stormwater system) is a great addition; however, its impact should be kept out of the wetlands. In addition, explore ways of using a larger infiltration wetland at the top of the coastal plain outfall so that you can reduce the size and impact of the step pools on the steep slope.
3. Consider setting aside some of the existing land for use by the community. Some ideas might include general open space, a community center, a community garden/agriculture plot utilizing existing agricultural land (this could be leased out to residents or neighbors), a community park, a pool, or some other type of community asset.
4. It is recommended that you seek feedback from the surrounding community to determine what type of development they would prefer to take place on this piece of property.
5. Due to the large trees on the eastern side of the site, and to avoid the significant grading that would be required to install a retaining wall in the rear of these homes, I recommend removing homes C38 through C47 to allow space for a community park/open space. This would also serve to reduce the amount of stormwater runoff leaving the site. See environmental policy 2.1 in the Comprehensive Plan.
6. It is recommended that development be concentrated on the open fields rather than the forested areas.
7. It is recommended that the community be held responsible for managing invasive species that may take root at the forest edge along side the coastal plain outfall.
8. It is recommended that an invasive species management plan be submitted and implemented on the remaining surrounding forests (100' of the forested buffer) before the project is completed, per environmental policy 2.4 in the Comprehensive Plan.
9. A portion of the open space on the property should be turned over to the Annapolis Conservancy Board in the form of conservation easements, to be managed by the home owners association. All easements should be contiguous with existing forest stands and not fragmented.
10. Consider using permeable pavers or "grass pave" for any driveways and visitor/overflow parking spaces.



**ANNAPOLIS FIRE DEPARTMENT**  
**Fire Marshal's Office**

*1790 FOREST DRIVE  
ANNAPOLIS, MARYLAND 21401*



410-263-7975

FAX: 410-268-1846

October 11, 2011

To: Jacquelyn Rouse

From: B/C John Menassa

Subj: Hayes Annexation Project

The proposed buildings at the Hayes annexation project include single family homes in a town home configuration. These residential structures are required to have a fire sprinkler system installed during construction by city code section 17.12.010.

The adequate facilities section of the city code, 22.12.030 gives an exemption to proposed projects that include a sprinkler system.

The Hayes annexation project is deemed to have adequate facilities.

# POLICE DEPARTMENT



199 TAYLOR AVENUE  
ANNAPOLIS, MARYLAND 21401

To: Jacquelyn Rouse  
Planning Administrator

From: Michael M. Pristoop  
Chief of Police

Date: August 9, 2011

Subject: Annexation into the City of Annapolis 7.66 acres known as the Hayes Property

Adequate Public Facilities Review

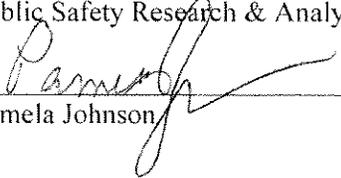
With respect to the above captioned matter, staff reviewed the proposal and made the following observations: There are no additional comments of conditions we would impose from a law enforcement perspective, with respect to this request under the APFO.

Staff reviewed the population in the immediate area and citywide to determine if our current staffing was adequate to provide police protection to this project. Based on our ratio of officers to the population we fall within acceptable range for staffing.

We are satisfied that response times to calls for service will fall into the acceptable range. There would be no significant increase in the population in and around the area, any increase would be transient, which should not adversely impact response times. The proposal is not anticipated to impact traffic congestion in the public streets.

Based on the above criteria, it was determined that staffing is adequate, police response times would reasonably fall into the norm for response times.

Public Safety Research & Analysis:

  
\_\_\_\_\_  
Pamela Johnson

Approved by:

  
\_\_\_\_\_  
Michael M. Pristoop  
Chief of Police



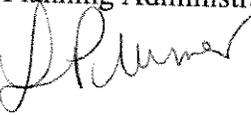
annapolis

recreation & parks

Healthy Living Starts Here.

LeeAnn Plumer, CPRP  
Recreation and Parks Director

410-263-7958 Phone  
410-626-9731 Fax

TO: Jacquelyn Rouse, Planning Administrator  
FROM: LeeAnn Plumer   
DATE: August 15, 2011  
RE: Annexation / APF Review for Hayes Property

The Department of Recreation and Parks has no comments pertaining to the annexation request of the Hayes Property.

With respect to the proposed development of this parcel, the multi-family units would require adequate public recreational facilities and open space for the 47 units. In accordance with Chapter 22, Section 06.020 of the Adequate Public Facilities ordinance pertaining to recreation and open space, the development would require a minimum of 23,700 sq feet of dedicated recreation or open space. No dedicated recreation amenities or open space is currently shown on the proposed drawings dated June 9, 2011. In lieu of this land requirement, a fee may be assessed in the amount of \$11,750 to support these additional multi-family units.

When more detailed site plans are submitted for further review, the Department of Recreation Parks would be interested in a second analysis to determine if these requirements have been met.



ANNE  
ARUNDEL  
COUNTY

M A R Y L A N D  
County Executive John R. Leopold

2664 RIVA ROAD, P.O. BOX 6675  
ANNAPOLIS, MARYLAND 21401  
OFFICE OF PLANNING AND ZONING

September 19, 2011

Ms. Jacquelyn Rouse  
Planning Administrator  
City of Annapolis  
Department of Planning and Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

RE: Dee Property Annexation

Dear Ms. Rouse:

Thank you for the opportunity to comment on the annexation request made to the City of Annapolis by the owners of the Hayes Property, located near Neal Street and Dorsey Drive.

While the City of Annapolis' 2009 Comprehensive Plan designates this property as part of the City's Municipal Growth Boundary, Anne Arundel County is opposed to this annexation. In these economic times, all governmental jurisdictions are striving to maintain its revenue sources. This annexation jeopardizes that by removing nearly eight acres from the Anne Arundel tax base. For this reason, we are opposed to this annexation request.

Please feel free to contact me if you would like to discuss this further.

Sincerely,

A handwritten signature in cursive script that reads "Larry R. Tom".

Larry R. Tom  
Planning and Zoning Officer



M A R Y L A N D

County Executive John R. Leopold

Department of Health  
J. Howard Beard Health Services Building  
3 Harry S. Truman Parkway  
Annapolis, MD 21401  
Phone 410-222-7193 Fax 410-222-7479  
Maryland Relay (TTY users): 1-800-735-2258  
www.aahealth.org

**Douglas L. Hart**  
Acting Health Officer

## MEMORANDUM

TO: Jacquelyn M. Rouse, Planning Administrator  
City of Annapolis Department of Planning and Zoning

THRU: Kerry Topovski, Director *KT.*  
Bureau of Environmental Health

FROM: Douglas L. Hart, Acting Health Officer *DH*  
Anne Arundel County Department of Health

DATE: August 18, 2011

RE: Hayes Property, Annexation to City of Annapolis

This office has reviewed the annexation request for the referenced property. The subject property will be served by public water and public sewer. The Department of Health has no objection to the annexation request to the City of Annapolis. If you have questions, please contact Bill Deck Sanitary Engineering Program Manager at 410-222-7359.



Maryland Department of Planning

Martin O'Malley  
Governor  
Anthony G. Brown  
Lt. Governor

Richard Eberhart Hall  
Secretary  
Matthew J. Power  
Deputy Secretary

September 6, 2011

Jacquelyn M. Rouse, Planner  
Annapolis Dept of Planning and Zoning  
145 Gorman Street  
Annapolis, MD 21401

Subject: Hayes Annexation

Dear Ms. Rouse: *Jacquelyn*

Thank you for providing the Maryland Department of Planning with information pertaining to the Hayes annexation. We reviewed this information from a state perspective and offer the following comments for your consideration.

Land annexed into the City does not automatically become a PFA, however the Finance and Procurement Article §5-7B-02 offers the opportunity for annexed land to become a Priority Funding Area. We recommend that the City look at this annexation and all future annexations in the context of the Finance and Procurement Article §5-7B-02 to determine eligibility for State funding of growth related projects.

As you are aware, Article 23A specifies that the new zoning for the annexed land cannot be substantially different from the land use recommended for the property in the County Comprehensive Plan, without the express consent of the County Commissioners. Therefore, we recommend that the City coordinate with the County Commissioners to determine if a waiver will be necessary.

Enclosed you will find important information concerning post annexation notification and participation in the census bureau's Boundary and Annexation Survey. Annapolis should follow the appropriate procedures so that the annexed property is legally established as part of the City.

In you have any questions or if we can be of further assistance, please contact me at (410) 767-4553, or our regional planner, Michael Paone, at (410) 767-4554.

Sincerely,

Peter Conrad  
Director, Local Government Assistance

Enclosure  
cc: Michael Paone, MDP



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

Chartered 1708

JON ARASON, AICP  
DIRECTOR

**MEMORANDUM**

**TO:** Jacquelyn Rouse, AICP, Planning Administrator

**FROM:** Virginia Burke, AICP, Chief of Comprehensive Planning  
Sally Nash, AICP, Senior Planner

**RE:** Hayes Property Annexation Request—Compliance with the Comprehensive Plan

**DATE:** August 23, 2011

---

Thank you for the opportunity to review the Hayes Property Annexation Request for compliance with the 2009 *Annapolis Comprehensive Plan*. The parcels that make up the “Hayes Property” are referred to here as “the property.”

Land Use: The property is designated “Residential” on the City’s Proposed Land Use Map and is located adjacent to the Outer West Street Opportunity Area. The purpose of the opportunity area designation is to encourage intensification of development and transformation to a more urban character in the event of redevelopment opportunities. Located adjacent to the opportunity area, the property should contribute to the successful transformation of the opportunity area as it redevelops over time. The applicant has requested R3 and R1B zoning and is proposing a multi-family residential project on the site. The land use proposed for the property is therefore consistent with the Comprehensive Plan.

Transportation: The development of this property should accommodate two transportation principles to the greatest extent possible. First, sidewalks should be constructed as a component of site development, acknowledging that walkways are an important part of the transportation mix. Second, the property should not be developed as an enclosed “pod”, but if possible should connect to adjacent streets, Dorsey Road in particular, to provide some measure of redundancy.

Municipal Growth: The 7.34 acre Hayes Property is located inside the 90-acre “Growth Area A.” The growth area is identified in the Comprehensive Plan as suitable for the expansion of municipal boundaries. Annexation of this property is therefore consistent with the *Annapolis Comprehensive Plan*, specifically policy 1.1 of the Municipal Growth Chapter:

*The City will plan for the annexation of the two “Growth Areas” that are specifically recommended in this Chapter, subject to appropriate annexation procedures. The two growth areas are part of Annapolis’ planned Opportunity Areas. The planned annexations promote this Plan’s development goals and contribute to rationalizing the*

*city-county boundary.*

The development proposal associated with the annexation of the property anticipates constructing 47 townhouses. The entirety of Growth Area "A" is projected to absorb up to 270 residential units and 100,000 s.f. of commercial development, well above what is projected for this property. Since the projection was completed in 2009, one other annexation was proposed within this growth area (the Dee Property), which would incorporate 36,770 s.f. of existing commercial space into the City. To date, the Dee Property annexation has not been approved.

Water Resources: The City has sufficient capacity in its water and wastewater systems to absorb the new demand for water and sewer service that this annexation will bring. The Department of Public Works review will provide the more detailed look at this topic.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-13-12**

**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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/9/12		
Economic Matters	4/9/12		

8  
9

**An ORDINANCE** concerning

10  
11

**Lease of Public Parking Lots to FRESHFARM Markets, Inc.**

12  
13

**FOR** the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

14  
15

**WHEREAS,** FRESHFARM Markets, Inc. ("Lessee"), desires to lease certain municipal property for the purpose of conducting an open-air farmers market; and

16  
17

**WHEREAS,** the Annapolis City Council finds that a farmers market would be a desired public mercantile use for City residents; and

18  
19

**WHEREAS,** a lease setting forth terms of the rental has been prepared and is considered satisfactory; and

20  
21

**WHEREAS,** the Annapolis City Council finds that the lease of the property is authorized by Section 7.28.010 of the Annapolis City Code; and

22  
23

**WHEREAS,** the Annapolis City Council finds that the lease of the property for a farmers market will better serve the public need for which the property was acquired; and

24  
25

**WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize the leasing of City-owned property.

26  
27

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the proposed Lease Agreement between the City of Annapolis and Lessee for the rental of certain municipal property located at 110 Compromise Street, also known as the Donner Lot and the Public Parking Lot between the Fleet Reserve and the site formerly known as Fawcett Boat Supplies, from May 6, 2012 to November 18, 2012, a copy of which is attached

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1 hereto and made a part hereof, is hereby approved, and the Mayor is authorized to execute the  
2 Lease Agreement on behalf of the City of Annapolis.

3  
4 **SECTION II: AND, BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that pursuant to Section 6.04.210D3 of the City Code, the  
6 Annapolis City Council hereby waives that portion of each monthly fee for permits and approvals  
7 in excess of \$50.00 associated with Lessee's use of City facilities and services in connection  
8 with the use of the property, except as otherwise specified in the Lease Agreement.

9  
10 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
11 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

12  
13  
14  
15 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

16  
17  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

18  
19 **EXPLANATION**

20 CAPITAL LETTERS indicate matter added to existing law.

21 [brackets] indicate matter stricken from existing law.

22 Underlining indicates amendments.

LEASE

This Lease is made this \_\_\_\_\_ day of \_\_\_\_\_, 2012, by and between the City of Annapolis, a municipal corporation of the State of Maryland ("Lessor") and Freshfarm Markets, Inc., a Washington, D. C. non-profit corporation ("Lessee").

Whereas, the Lessee is a regionally recognized nonprofit organization building a vibrant local food movement in the greater metro DC area that supports the region's farmers; and

Whereas, the Lessee's mission is to connect city dwellers with farmers and their locally-grown food, to educate the public about food and farming issues and to provide economic opportunities for farmers; and

Whereas, the parties desire to enter into a lease for that purpose and to set forth their respective responsibilities; and

Whereas, the City is authorized to lease land pursuant to Article III, Section 8, of the City Charter to better serve the public need for which the land was acquired.

Now, therefore, in consideration of these premises and the mutual terms and conditions of this Agreement, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

1. Premises and Term

a. The Lessor leases to the Lessee, and the Lessee leases from the Lessor, for the purpose of holding the Annapolis City Dock Fresh Farm Market, that land known as the Donner Parking Lot and Public Parking Lot between the Fleet Reserve and property owned by Chandler, LLC, as shown in Exhibit A attached to this Agreement ("Premises"), each and every Sunday from May 6, 2012 through November 18, 2012, from 6 am to 2 pm, except October 7, 2012 and October 14, 2012, when the Lessee shall not have access to the Premises during the Sundays of the United States Sailboat and Power Boat Shows.

2. 9 St. Mary's Street

a. The Lessee shall have access to the interior space of Lessor's property located at 9 St. Mary's Street for purposes related to this Lease.

3. Rent

a. Rent shall be Fifty Dollars (\$50.00) per month.

b. Pursuant to City Code, Section 6.04.210.D.3., the Lessor hereby waives any additional rent, including but not limited to fees for traffic control services if any are provided, parking meters authorized for use by Lessee, inspections, permit applications and rental beyond that stated above, except as provided herein.

4. Use of Premises

1 a. The Premises may be used by the Lessee for activities authorized by the Lessee  
2 and identified in this Lease.

3 b. This Lease in no way creates an obligation upon the Lessor to furnish any  
4 services, materials or equipment for the Lessee's farmer's market, except as specifically  
5 provided in this Lease.

6  
7 5. Exhibitors

8  
9 a. The Lessee shall provide to the Lessor, not later than May 1, 2012, a complete list  
10 of all exhibitors, vendors displays, activities, festivities, and operations associated with this  
11 Lease, which shall not be amended without the Lessor's written consent.

12  
13 b. The Lessee shall use its best efforts to contract with Annapolis/Anne Arundel  
14 County area farmers in all matters related to the farmers market.

15  
16 6. Licenses/Taxes

17  
18 a. Exhibitors or vendors who are permitted to sell any item at the farmers market  
19 shall obtain and produce to the Lessor upon request all required non-City licenses and pay all  
20 required Federal, State, County and City taxes and fees.

21  
22 b. The Lessee shall satisfy any of the Lessor's licensing requirements for such  
23 exhibitors or vendors.

24  
25 7. Transportation & Parking Plan

26  
27 a. The Lessee shall prepare and submit to the Lessor's Director of Transportation,  
28 no later than May 1, 2012, a transportation plan with a parking element, which shall address  
29 matters specified by the Director.

30  
31 b. Except for public ways within the Premises, the plan shall not provide for the  
32 closure of any street or restrict parking to those associated with the farmers market.

33  
34 c. Upon receipt of the plan, the Director shall make copies available to relevant  
35 agencies and to interested parties who have requested a copy and shall arrange for a meeting,  
36 if determined to be necessary by the Director, with relevant agencies and representatives of  
37 interested parties to review the plan.

38  
39 d. The Director shall approve the plan before this Lease commences.

40  
41 8. Pre-Market Inspection

42  
43 a. Before the farmers market opens to the public, the Lessee's representative shall  
44 meet with representatives of Lessor's Police Department, Fire Department, Emergency  
45 Management, Harbormaster, Department of Central Services, Department of Neighborhood and  
46 Environmental Programs and Department of Public Works to inspect the Premises and nearby  
47 areas to determine compliance with the Lessor's requirements.

1  
2           b. Written approval by all such representatives is required before the Lessee may  
3 open the farmers market to the public.  
4

5           c. The Lessor shall not unreasonably refuse permission to open the farmers market  
6 unless a threat to health or safety has been identified by the Lessor to the Lessee.  
7

8           d. Following the pre-market inspection, at all times during this Lease, the Lessee  
9 shall promptly comply with all reasonable directives of the Lessor which the Lessor determines  
10 in its sole discretion are necessary to bring the Lessee and activities on the Premises into  
11 compliance with this Lease, the City Code, and the Lessor's public safety requirements.  
12

13           9. Interior Construction.  
14

15           a. The Lessee shall have the right to construct, install or erect upon the Premises  
16 such seats, booths, tents, exhibits and any other apparatus or structure which the Lessee may  
17 deem necessary or desirable for purposes related to this Lease.  
18

19           b. The Lessee shall not enclose the Premises in such a manner as to limit entry onto  
20 the Premises or any part thereof.  
21

22           10. Permits  
23

24           a. The Lessee shall obtain any and all zoning permits, licenses and authorizations  
25 required to be obtained from the Lessor for the purpose of constructing or erecting temporary  
26 structures on the Premises and for operating the farmers market.  
27

28           b. All other Federal, State or County permits which may be required shall be the  
29 responsibility of Lessee.  
30

31           11. Alcohol  
32

33           a. There shall be no beer, wine or liquor consumption or other open containers of  
34 alcoholic beverages on the Premises.  
35

36           12. Food Sales  
37

38           a. The Lessee may offer traditional farmers market food, beverages and produce for  
39 sale during hours of operation.  
40

41           13. Music  
42

43           a. The Lessee may play non-amplified music during the hours of operation.  
44

45           14. Conduct of Operations  
46

47           a. The Lessee shall conduct its operations in an orderly and commercially  
48

1 reasonable manner so as not to annoy, disturb, whether by noise or otherwise, endanger or be  
2 offensive to others.

3  
4 b. The Lessee shall use and maintain the Premises in such manner so as to avoid  
5 the creation of any nuisance from obnoxious odors, smoke, noxious gases, vapors, dust, noise  
6 or otherwise, and shall not keep, store, display or use any explosives or explosive devices at the  
7 Premises.

8  
9 c. The Lessee shall maintain the Premises in a clean, orderly and safe condition so  
10 as to avoid injury to persons and property.

11  
12 d. If the Lessee fails to comply with the terms of this provision, the Lessor shall have  
13 the authority to require the Lessee to immediately cease and desist all activities and operations  
14 on the Premises and may immediately declare the Lessee in breach of this Lease and  
15 immediately terminate this Lease without prior notice to the Lessee.

16  
17 15. Trash and Recycling

18  
19 a. The Lessee, at its sole expense, shall provide the number of trash and recycling  
20 containers within the Premises as required by the Lessor's Director of Public Works in his sole  
21 discretion during this Lease and shall provide for the prompt removal of these containers by  
22 contractors approved by the Lessor.

23  
24 b. The Lessor, if necessary, shall aid the Lessee in obtaining trash and recycling  
25 containers.

26  
27 16. Cleanliness

28  
29 a. The Lessee, at its sole expense, shall be responsible for keeping the Premises  
30 free of trash and shall place all in trash containers.

31  
32 b. The Lessee shall at all times police the Premises for trash removal.

33  
34 17. Security Services

35  
36 a. The Lessee shall be solely responsible for security within the Premises during  
37 hours of operation.

38  
39 b. The Lessee shall establish a security liaison with the Lessor's Police Department  
40 and coordinate all Premises security with the Lessor's Police Department according to it  
41 requirements.

42  
43 c. In addition to such other requirements as the Lessor's Police Department may  
44 impose, the Lessee shall, at its sole expense, hire licensed professional security officers who  
45 shall provide security within the Premises during hours of operation at such staffing levels as the  
46 the Lessor's Police department may, in its sole discretion, require.

47

1 d. The Lessee shall produce to the Lessor at any time the Lessor requests all  
2 credentials of the security officers retained by the Lessee and may reject the hiring or retention  
3 of any security officer for reasonable cause.  
4

5 18. Fire Services  
6

7 a. Following the erection of all booths and other structures at the Premises, but  
8 before the farmers market opens to the public, the parties shall meet at the Premises to assure  
9 compliance with the Lessor's Fire Department regulations and accessibility of fire lanes and  
10 turning radius.  
11

12 19. Utility Services  
13

14 a. The Lessor shall make available to the Premises existing water and electricity  
15 facilities.  
16

17 b. The Lessee, at its own expense, shall install any temporary electrical equipment,  
18 lines and devices required to provide power to the Premises, in compliance with the City Code  
19 and the National Electric Code.  
20

21 c. The Lessee shall not operate any such equipment, lines or devices until inspected  
22 and approved by the Lessor's Department of Neighborhood and Environmental Programs.  
23

24 20. Other Services  
25

26 a. The parties, if necessary, shall coordinate other services in advance of the term of  
27 this Agreement.  
28

29 21. Removal of Lessee's Property  
30

31 a. No later than 1 p.m. of every market day, the Lessee shall remove all of its  
32 property from the Premises with the exception of such signs as approved by the Lessor's  
33 Historic Preservation Commission.  
34

35 b. If the Lessee fails to remove any of its property, either during or at the termination  
36 of this Lease, the Lessor reserves the right to remove and store it at the Lessee's sole expense  
37 or, as an alternative, to leave it at the Premises.  
38

39 c. In either case, the Lessor shall charge the Lessee a per diem rental for storage of  
40 its property at a rate generally charged by private storage companies in Anne Arundel County,  
41 Maryland.  
42

43 d. The Lessor shall bear no responsibility or liability for damage to or expense  
44 incurred as a result of property left, removed or stored under the provisions of this paragraph.  
45

46 e. The Lessee shall pay to the Lessor any expenses or charges under this paragraph  
47 within 30 days after delivery of any bill by the Lessor to the Lessee.

1 f. If any property is not claimed by the Lessee within 60 days after the termination of  
2 this Lease, the Lessor, in its sole discretion, may sell such property at private or public sale  
3 under such terms as the Lessor may deem appropriate and apply such proceeds as it may  
4 deem appropriate in its sole discretion.

5  
6 22. Liens  
7

8 a. The Lessee hereby consents to and the Lessor shall have a lien upon all goods,  
9 personal property and fixtures of the Lessee located upon the Premises for any and all unpaid  
10 rent or charges which arise under this Lease.

11  
12 b. The Lessee hereby consents to and the Lessor shall have the power to impound  
13 and retain possession of such goods, personal property and fixtures until all such rent and  
14 charges due under this Lease have been paid, in full, to the satisfaction of the Lessor.

15  
16 c. If such charges remain unpaid 30 days after the termination of the term of this  
17 Lease, the Lessor shall have the power to sell such property at public auction and apply the  
18 receipts from such auction to all such unpaid charges.

19  
20 23. Quiet Enjoyment  
21

22 a. As long as the Lessee is not in material breach of this Lease, the Lessee shall be  
23 entitled to peacefully hold and quietly enjoy the Premises in a manner consistent with and  
24 subject to this Lease without any disturbance or hindrance from the Lessor or from any other  
25 person claiming through the Lessor, except that the Lessor or others claiming through the  
26 Lessor may enter onto the Premises to effect necessary repairs to their own facilities for public  
27 safety and City Code compliance reasons.

28  
29 b. The Lessee shall cooperate with the Lessor to effect this access to the Premises.  
30

31 24. Payment  
32

33 a. The Lessee shall make all payments due under this Lease by check, payable to  
34 the City of Annapolis, and deliver the payments to the Lessor's Director of Finance, 160 Duke of  
35 Gloucester Street, Annapolis, Maryland, 21401.

36  
37 b. In addition to all other amounts due pursuant to this Lease, the Lessee shall pay  
38 the Lessor a monthly late fee of 1.5% (18% per annum) of any payment required that is more  
39 than 60 days past due, until paid.  
40

41 25. Remedies  
42

43 a. Any and all duties, liabilities and/or obligations imposed upon or assumed by the  
44 Lessee by this Lease shall be taken or construed as cumulative and not as a limitation or  
45 restriction upon any or all of the other duties, liabilities, or obligations imposed upon or assumed  
46 by Lessee under this Lease.

47 b. All remedies allowed by this Lease shall be construed to be cumulative and in  
48 addition to any other remedies provided in law or equity.

1  
2 c. The parties shall have the right to seek and obtain in any court of competent  
3 jurisdiction an injunction, without the necessity of posting a bond, to restrain a violation by the  
4 other party of any term of this Lease.

5  
6 d. In no case shall a waiver by either party of the right to seek a remedy under this  
7 paragraph constitute a waiver of any other or further such right.

8  
9 26. Venue, Waiver of Jury Trial and Governing Law

10  
11 a. Venue for all administrative and judicial proceedings which result from this Lease  
12 shall be the courts of Anne Arundel County, Maryland.

13  
14 b. The parties hereby expressly waive trial by jury in any such judicial proceeding.

15  
16 c. The laws of the State of Maryland shall govern all matters relating to this  
17 Agreement.

18  
19 27. Authority to Lease.

20  
21 a. If it is ever determined by a court of competent jurisdiction that the Lessor lacks  
22 the authority to lease any portion or all of the Premises, the Lessor shall not be liable for any  
23 losses or damages sustained by the Lessee as a result thereof.

24  
25 28. Impossibility of Performance

26  
27 a. If, for any reason, an unforeseen event not the act of the Lessor occurs, including  
28 but not limited to flood, severe weather, fire, casualty, act of God, labor strike or other  
29 unforeseen occurrence which renders use of the Premises impossible for any period of this  
30 Lease, the Lessee shall have no right to any claim for damages against the Lessor, but the  
31 Lessee shall not be liable for the payment of rent for the period that it cannot use the Premises.

32  
33 29. Insurance

34  
35 a. The Lessee shall, at its own expense, obtain and keep in full force and effect a  
36 policy of comprehensive commercial general liability insurance for all loss, costs, damages and  
37 expenses suffered by any person due to personal injury arising out of the activities permitted by  
38 this Lease in the amount of One Million Dollars (\$1,000,000.00) per person and Three Million  
39 Dollars (\$3,000,000.00) in the aggregate per occurrence, and One Million Dollars  
40 (\$1,000,000.00) for damage to any property, including the Premises and property owned by  
41 Lessor, due to or alleged to be due to (1) an act, omission or the negligence of the Lessee, its  
42 officers, agents, employees contractors, patrons, guests or invitees, or (2) to the use of the  
43 Premises or any part thereof by the Lessee, its officers, agents, employees, contractors,  
44 patrons, guests or invitees.

45  
46 b. The insurance policy shall specifically name the City of Annapolis, and in their  
47 capacity as such, the Mayor, council members, department directors, and all other officers,  
48 employees, contractors and agents of the City of Annapolis, as additional insureds.

1  
2 c. The insurer shall be authorized to write the required insurance, approved by the  
3 Insurance Commissioner of the State of Maryland, and subject to the reasonable approval of  
4 Lessor's City Attorney.

5  
6 d. The form and substance of the policy shall be subject to reasonable approval by  
7 Lessor's City Attorney and shall be submitted to the City Attorney for such approval not later  
8 than May 1, 2012.

9  
10 e. The policy or the Certificate for the policy shall contain a statement that the insurer  
11 shall not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or  
12 otherwise, whether at the request of the Lessee or for any other reason, except after 30  
13 calendar days advance written notice sent by the insurer to the City Attorney by certified mail,  
14 postage prepaid, with return receipt requested.

15  
16 f. If the policy is cancelled during the term of this Lease and the Lessee is unable to  
17 obtain an equivalent policy, the Lessor may immediately declare Lessee in breach of this Lease  
18 and immediately terminate this Lease without prior notice to Lessee.

19  
20 30. Vendor Insurance

21  
22 a. The Lessee shall provide documentation to the Lessor's City Attorney not later  
23 than May 1, 2011, that each participating vendor at the farmers market is adequately covered to  
24 the satisfaction of the City Attorney by general and product liability insurance.

25  
26 b. All terms that apply in paragraph 17 shall apply in this paragraph.

27  
28 c. For vendors added after May 1, 2012, the Lessee shall provide the same  
29 documentation at least one full calendar week prior to the commencement date of the vendor's  
30 participation in the farmers market and such vendors shall not be permitted to participate in the  
31 farmers market until the City Attorney approves the policy.

32  
33 31. Indemnification

34  
35 a. The Lessee shall forever indemnify, defend and hold the Lessor, its Mayor, council  
36 members, department directors, and all of its other officers, employees, contractors and agents  
37 harmless from and against any and all claims, suits, actions, judgments, and liability for loss,  
38 injury, damages and/or expenses suffered or alleged to have been suffered by any person or to  
39 the Premises or to any property due to or alleged to be due to (1) an act, omission or the  
40 negligence of the Lessee, its officers, agents, employees, contractors, patrons, guests or  
41 invitees, or (2) the use of the Premises or any part thereof by the Lessee, its officers, agents,  
42 employees, contractors, patrons, guests or invitees.

43  
44 b. The Lessee shall reimburse the Lessor, within 30 days after demand for such  
45 reimbursement, for any damage done to the Lessor's buildings, facilities, equipment or property  
46 caused by the negligence of the Lessee, its officers, agents, employees, contractors, patrons,  
47 guests or invitees during the Lessee's use and/or occupancy of the Premises or any part thereof  
48 or to any other property.

1  
2 c. Such indemnification does not limit any immunity to which the Lessor or its Mayor,  
3 council members, department directors and all of its other officers employees, contractors and  
4 agents, and includes all costs and expenses, including attorney's fees, whether or not related to  
5 administrative or judicial litigation.  
6

7 32. Immunities  
8

9 a. The Lessor reserves any and all immunities, partial or total, statutory or common  
10 law, in any proceeding related to this Lease, to the activities referred to in this Lease or to the  
11 use of the Premises or any part thereof before, during or after the term of this Lease. Such  
12 reservation of rights shall extend to any claim made by or through the Lessee and to any claim  
13 made by or through any third party  
14

15 33. Assignment  
16

17 a. The Lessee shall not assign or transfer its interest in or its rights or obligations  
18 pursuant to this Lease without the prior written consent of the Lessor.  
19

20 34. Non Agent  
21

22 a. The Lessee acknowledges it is an independent contracting party and not the  
23 agent or employee of Lessor.  
24

25 35. Compliance with All Laws  
26

27 a. The Lessee shall comply with all laws, ordinances and statutes applicable to the  
28 Premises, or any part thereof, and the use thereof, and to pay all taxes or charges imposed by  
29 law in connection with Lessee's use and occupancy of the Premises.  
30

31 36. Contact Persons  
32

33 a. For purposes of coordinating inspections, providing notices and other matters set  
34 forth under this Lease, except as otherwise provided, the parties designate the following contact  
35 persons:  
36

37 Lessor: Department of Neighborhood and  
38 Environmental Programs  
39 City of Annapolis  
40 160 Duke of Gloucester Street  
41 Annapolis, Maryland 21401  
42 Phone No. 410-263-7946  
43  
44 Lessee: FRESHFARM Markets Inc  
45 PO Box 15691  
46 Washington, DC 20003  
47 Attention; Ann Harvey Yonkers  
48 Phone No. 202-362-8889

1  
2           37. General Powers  
3

4           a. Nothing herein shall be construed to preclude the Lessor from exercising its  
5 general public safety powers as it deems appropriate to protect the public safety, interest and  
6 welfare.  
7

8           38. Termination for Breach or Violation  
9

10          a. The Lessor shall be entitled to immediately terminate this Lease for any breach or  
11 violation by the Lessee of this Lease.  
12

13          39. Termination for Other Reasons  
14

15          a. If the Lessor, in its sole discretion, determines that, for purposes and  
16 conveniences related to the public interest of the City of Annapolis, it is necessary to terminate  
17 this Lease before the end of its term, the Lessor shall provide 30 days written notice, by certified  
18 mail, postage prepaid, to the Lessee to vacate, and shall be entitled to take possession and  
19 control of the Premises immediately upon the 31<sup>st</sup> day after such notice.  
20

21          b. The Lessee shall comply with all terms of this Lease that otherwise relate to its  
22 vacating the Premises upon the expiration of the Lease.  
23

24          c. The Lessor shall make reasonable attempts to relocate the Lessee's farmers  
25 market to another location for the balance of the term of this Lease.  
26

27          d. If Lessee does not accept any relocation offered by the Lessor with 7 days of the  
28 date offered, this Lease shall terminate at such time.  
29

30          40. Condition of Premises At End of Lease  
31

32          a. At the end of this Lease, the Lessee, at its sole expense, shall return the Premises  
33 to the same or superior condition than received, natural wear and tear excepted.  
34

35          41. Time is of the Essence  
36

37          a. Time is of the essence in the performance of this Lease.  
38

39          b. Time for performance shall not be extended for any reason, except by mutual  
40 agreement of the parties.  
41

42          42. Modifications  
43

44          a. The parties may, at any time, in writing, mutually modify only the following terms  
45 of this Lease:  
46

47                  1. the location of the Premises to be leased, provided such modifications do not  
48 result in an increase or enlargement of the area of the Premises;

1  
2 2. the dates and hours during which the Premises will be used, provided such  
3 modifications do not result in an increase or enlargement of the dates or times set forth in  
4 paragraph 1a;

5  
6 3. the Lessee's obligations with regard to security on the Premises and the  
7 payment of fees for City inspections of the Premises.

8  
9 b. Following a request by either party for modification, pursuant to Article III, Section  
10 8 of the City Charter, the Lessor's Mayor may negotiate and agree to any modification which the  
11 Lessee may propose without the necessity of an additional ordinance approving the  
12 modification.

13  
14 c. Any modification shall be set forth in writing executed by the parties, but shall not  
15 take effect until the City Council has approved the modification.

16  
17 43. Binding Effect

18  
19 a. This Lease is binding upon the parties and their respective successors and  
20 assigns.

21  
22 44. Integration. This Lease constitutes the entire agreement between the parties  
23 regarding its subject matter. There are no other terms or understandings, oral or written,  
24 between the parties with respect thereto.

25  
26 Witness the signatures and seals of the parties.

27  
28 Freshfarm Markets, Inc.

29  
30  
31 \_\_\_\_\_ By: \_\_\_\_\_  
32 Witness Ann Harvey Yonkers, (Seal)  
33 Co- Executive Director

34  
35 State of Maryland, County of Anne Arundel, to wit:

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37 I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber,  
38 a Notary Public in and for the State and County aforesaid, personally appeared Ann Harvey  
39 Yonkers, known to me or satisfactorily proven to be the person who has signed this Agreement,  
40 and she has signed this Agreement in my presence and acknowledged that she is co-Director of  
41 Freshfarm Markets, Inc., and authorized to sign this Agreement on its behalf and to bind it  
42 thereby, and that this Agreement is her free and voluntary act and the free and voluntary act of  
43 Freshfarm Markets, Inc. made for the purposes set forth therein.

44  
45 Witness my signature and Notary Seal.

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47 \_\_\_\_\_  
48 Notary Public  
My Commission expires:

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\_\_\_\_\_  
Witness By: Bernadine Prince, (Seal)  
Co-Director

State of Maryland, County of Anne Arundel, to wit:

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Bernadine Prince, known to me or satisfactorily proven to be the person who has signed this Agreement, and she has signed this Agreement in my presence and acknowledged that she is co-Director of Freshfarm Markets, Inc., and authorized to sign this Agreement on its behalf and to bind it thereby, and that this Agreement is her free and voluntary act and the free and voluntary act of Freshfarm Markets, Inc. made for the purposes set forth therein.

Witness my signature and Notary Seal.

\_\_\_\_\_  
Notary Public  
My Commission expires:

ATTEST: City of Annapolis

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC By: Joshua J. Cohen, Mayor (Seal)  
City Clerk

State of Maryland, County of Anne Arundel, to wit:

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 2012, before me, the subscriber, a Notary Public in and for the State and County aforesaid, personally appeared Joshua J. Cohen, known to me or satisfactorily proven to be the person who has signed this Agreement, and he has signed this Agreement in my presence and acknowledged that he is the Mayor of the City of Annapolis and authorized to sign this Agreement on its behalf and to bind it thereby, and that this Agreement is his free and voluntary act and the free and voluntary act of the City of Annapolis made for the purposes set forth therein.

Witness my signature and Notary Seal.

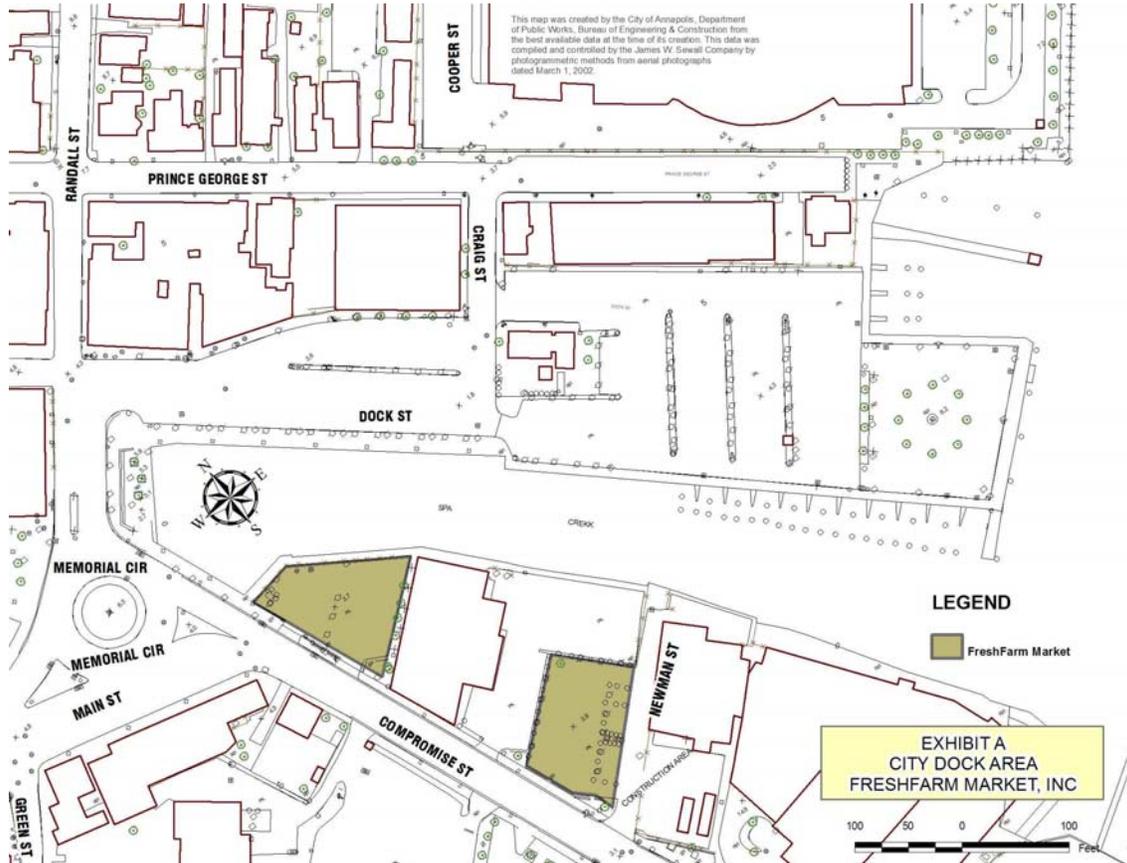
\_\_\_\_\_  
Notary Public  
My Commission expires:

Approved for form and legal sufficiency:

1  
2 \_\_\_\_\_  
3 Karen M. Hardwick, City Attorney  
4  
5  
6 Date:

### Lease of the Donner Lot to FRESHFARM Markets Inc.

#### Attachment A



**Policy Report**

**Ordinance O-13-12**

**Lease of Public Parking Lots to FRESHFARM Markets, Inc.**

O-13-12 authorizes a lease of municipal property located at 110 Compromise Street from May 6, 2012 through November 18, 2012 to FRESHFARM Markets, Inc. 110 Compromise Street is also known as the Donner Lot and the Public Parking Lot between the Fleet Reserve and the site formerly known at Fawcett Boat Supplies. FRESHFARM Markets, inc. desires to lease the property for the purpose of conducting an open-air farmers market.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law; JCCowles@annapolis.gov and 410-263-1184.

## FISCAL IMPACT NOTE

**Legislation No:** O-13-12

**First Reader Date:**

4-9-12

**Note Date:**

4-18-12

**Legislation Title:** Lease of Public Parking Lots to FRESHFARM Markets, Inc.

**Description:** For the purpose of authorizing a lease of municipal property located at 110 Compromise Street from May 6, 2012, through November 18, 2012, to FRESHFARM Markets, Inc.

### **Analysis of Fiscal Impact:**

There are approximately 50 parking metered spaces being leased under this legislation. The meters would be in operation for 6 hours of the 8 hour time frame being leased. The maximum amount of revenue that could be collected by these meters at \$1 per hour for 6 hours for the 50 meters would be \$300 per day or a total of \$8,100 for the 27 Sundays. The City does not track the meter collections for these lots specifically, but there is no assumption that the City collects maximum revenue and therefore the true fiscal impact would be considerably less especially on a Sunday morning. There is not expected to be any other costs associated with the leased property except the inspection services provided by DNEP and the Fire Department. These services are not expected to exceed \$500 in total.

The lease requires a rent of \$50 per month be paid to the City. For the seven months of the lease, the total rent would be \$350.

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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		

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**A RESOLUTION** concerning

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**First Sundays Festival 2012**

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**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.

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

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- Time of arts related activities: noon to 5 p.m.
- Amplified entertainment from: noon to 5 p.m. (no testing outside these hours is permitted).
- Festival is open to the public free of charge.
- Setup and breakdown time: 8:30 a.m. to 7:00 p.m. on the first Sunday of each month.
- Location: West Street between Church Circle and Cathedral and Calvert Streets; at Whitmore Park on Calvert St.
- Street closing: West Street between Church Circle and Calvert Street during First Sunday events on May 6, June 3, July 1, August 5, September 2, and October 7, 2012.
- Stage for First Sundays is to be located in the Stan and Joe's Saloon parking lot at 37 West Street for entertainment that consists of music, folklore, and literary readings. An additional stage may be located in the Whitmore Park on Calvert Street with permission of Anne Arundel County.
- The Inner West Street Business Association, 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;

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

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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.

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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.

## **Staff Report**

**R-3-12**

### **First Sundays Festival 2012**

The proposed resolution would permit the Inner West St. Business Association to hold its First Sundays Festival 2012 and to sell arts and crafts in the Historic District. The festival would take place on each of the six (6) first Sundays of the month from May to October and would be held on West Street between Church Circle and Calvert and Cathedral Streets and at Whitmore Park on Calvert St.

The Inner West St. Business Association has requested City Services as follows:

1. Permit to erect a stage in the Stan and Joe's parking lot for music.
2. Vendor permit each of six (6) days.
3. Posting of no-parking signs and reimbursement of lost parking fees for each of six (6) days.

Prepared by Michelle LeFurge, Special Events Coordinator at [mmlefurge@annapolis.gov](mailto:mmlefurge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

## FISCAL IMPACT NOTE

**Legislation No:** R-3-12

**First Reader Date:** 3-12-12

**Note Date:** 3-14-12

**Legislation Title:** **First Sundays Festival 2012**

**Description:** 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.

### **Analysis of Fiscal Impact:**

This legislation produces no fiscal impact.

The Inner West St. Business Association will pay all permitting fees which have been established to cover inspections and other related costs.

The loss of parking fees and posting no-parking signs is estimated at \$1,108 and will be reimbursed to the City by the event organizer.

There are no requirements for services of the Department of Public Works, and Police and EMS services will be provided within normal patrols and service. No alcohol will be served.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Finance Committee has reviewed R-3-12 and has taken the following action:

- Favorable
- Favorable with amendments
- Unfavorable
- No Action
- Other
- Comments:

Roll Call Vote:

Ald. Israel, Chair N/A

Ald. Arnett yes

Ald. Finlayson yes

Meeting Date 4/16/12

Signature of Chair Ross H. Arnett



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed R-3-12 and has taken the following action:

- Favorable
- Favorable with amendments
- Unfavorable
- No Action
- Other
- Comments:

Roll Call Vote:

Ald. Paone, Chair yes      Ald. Finlayson yes      Ald. Pfeiffer N/A

Meeting Date 4/16/12 Signature of Chair Jessica M. Paone

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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)...”

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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

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30 **EXPLANATION**

31 CAPITAL LETTERS indicate matter added to existing law.

32 [brackets] indicate matter stricken from existing law.

33 Underlining indicates amendments.

## **Staff Report**

**R-4-12**

### **Four Rivers Garden Club Flower Mart**

The proposed resolution would permit the Four Rivers Garden Club to hold its annual Flower Mart and to sell floral merchandise in the Historic District. The Flower Mart would take place on Monday, April 30, 2012 outside of the Market House on Hopkins Plaza.

The Four Rivers Garden Club has requested City Services as follows.

1. Vendor permit one day.

Prepared by Michelle LeFurge, Special Events Coordinator at [mmlefurge@annapolis.gov](mailto:mmlefurge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

FISCAL IMPACT NOTE

**Legislation No:** R-4-12

**First Reader Date:** 3-12-12

**Note Date:** 3-29-12

**Legislation Title:** **Four Rivers Garden Club Flower Mart**

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

**Analysis of Fiscal Impact:**

This legislation produces minimal fiscal impact.

The Four Rivers Garden Club, a 503(c) organization, is exempt per the City Code from vendor permitting fees which are typically \$20 per day per vendor.

There are no requirements for Department of Public Works, Police, or EMS services and no alcohol will be served. No reserved parking spaces have been requested.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Finance Committee has reviewed R-4-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair N/A

Ald. Arnett yes

Ald. Finlayson yes

Meeting Date 4/16/12

Signature of Chair Ross H. Arnett



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed R-4-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair yes

Ald. Finlayson yes

Ald. Pfeiffer N/A

Meeting Date 4/16/12 Signature of Chair Jessica M. Paone

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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
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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**Race Across America 2012**

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**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.

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

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- Date of activities: June 21- June 25.
- Event is open to the public free of charge.
- Setup and breakdown time: 4:00 a.m. on June 21 - to 10:00 p.m. on June 25.
- Location: Susan Campbell Park and City Dock.
- No street closing.
- 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.
- 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

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.  
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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.  
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29 **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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

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## **Staff Report**

**R-5-12**

### **Race Across America 2012**

The proposed resolution would permit Race Across America to hold its annual cross-country race finish at Susan Campbell Park and to sell race merchandise in the Historic District. The first race participants are expected to cross the finish line in Annapolis on Thursday, June 21, 2012 and would continue arriving at the finish line through Monday, June 25, 2012.

The Race Across America has requested City Services as follows.

1. Temporary structures permit.
2. Vendor permit, five (5) days.
3. Reserved parking, 17 spaces.

Prepared by Michelle LeFurge, Special Events Coordinator at [mmlefurge@annapolis.gov](mailto:mmlefurge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

FISCAL IMPACT NOTE

**Legislation No:** R-5-12

**First Reader Date:** 3-12-12

**Note Date:** 3-28-12

**Legislation Title:** **Race Across America 2012**

**Description:** 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.

**Analysis of Fiscal Impact:**

This legislation will produce no fiscal impact. The event organizer will pay \$80 for a temporary structures permit and a vendor permit at \$100 for five days. These fees were established to cover inspections and other related costs.

Seventeen parking spaces will be reserved for five days. No parking signs will be posted by the City and there will be lost parking revenue. The cost of posting the signs and lost parking revenue is estimated at \$900 and will be reimbursed by Race Across America, LLC.

There are no requirements for the services of the Department of Public Works, and Police, and EMS services will be provided within normal patrols and service. No alcohol will be served.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Finance Committee has reviewed R-5-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

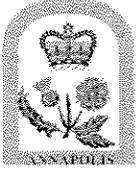
Ald. Israel, Chair N/A

Ald. Arnett yes

Ald. Finlayson yes

Meeting Date 4/16/12

Signature of Chair Ross H. Arnett



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed R-5-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair yes

Ald. Finlayson yes

Ald. Pfeiffer yes

Meeting Date 4/16/12 Signature of Chair Gregory M. Paone

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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  
8 removal, sanitary services, recycling, bulk pick-up, the provision of water,  
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.  
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31 **ADOPTED** this \_\_\_ day of \_\_\_\_, \_\_\_\_.  
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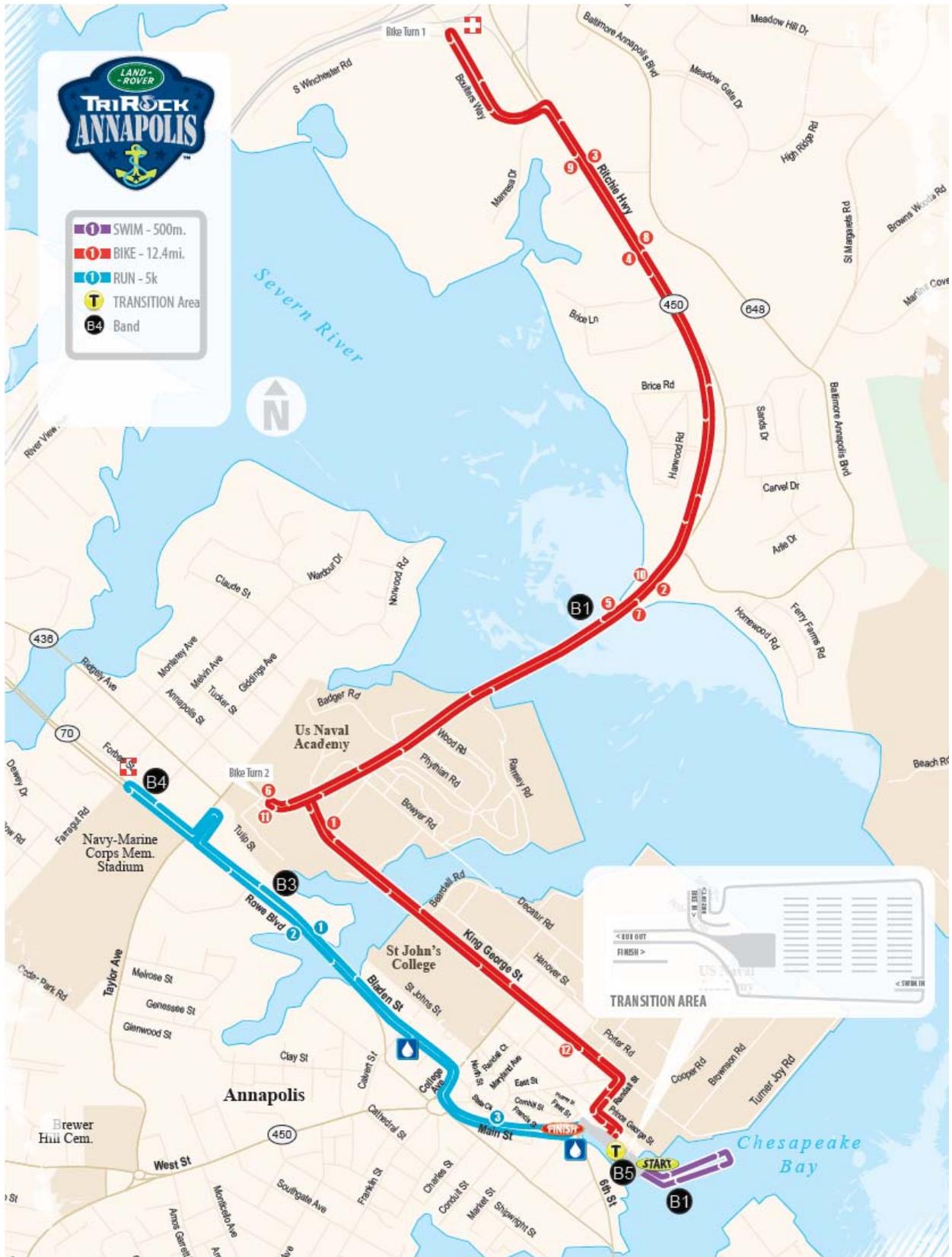
ATTEST: THE ANNAPOLIS CITY COUNCIL

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

BY \_\_\_\_\_  
Joshua J. Cohen, Mayor

34  
35 **EXPLANATION**  
36 CAPITAL LETTERS indicate matter added to existing law.  
37 [brackets] indicate matter stricken from existing law.  
38 Underlining indicates amendments.  
39

# TriRock Route Map



## Staff Report

R-6-12

### TriRock Annapolis

The proposed resolution would authorize vendors in the Historic District as part of the TriRock Triathlon sponsored by the Annapolis Tri Club and Competitor Group, Inc. ("TriRock"). The triathlon would be held Saturday, May 12, 2012. City Dock/Susan Campbell Park would be the site of the triathlon start and finish and the post-event party (see the Resolution's site map with use times).

**Parking at City Dock** north of the Harbormaster building will be affected. Parking south of the Harbormaster building will remain open, except for 27 spaces along Ego Alley that will be the route of the run portion of the triathlon and will be closed from 2 a.m.-10:45 a.m. the day of the triathlon.

**Music** will be played at three event locations: from the Watermark Harbor Queen in the Harbor and while moored at Susan Campbell Park; in front of the Maryland Archives, Rowe Blvd.; in front of the insurance building, Rowe Blvd. between Melvin and Taylor Ave. with hours from 7:00 a.m.-1:00 p.m.

**Parking** for volunteers will be at the Fawcett lot. Parking for triathlon participants will be in Gotts, Knighton and Park Place City garages; no event parking will be allowed in Hillman Garage.

Post-race bike storage will be provided by the organizers at Hopkins Plaza.

Business refuse left out Saturday morning, May 12, along City Dock and Main St. will be collected by the event organizers by a private company. All trash generated by the event will be collected and disposed of by the private company the event organizers hire.

**Notification of residents and businesses** will be conducted through meetings (for residents at 7 p.m. February 22; for businesses 12:00 p.m. February 22), flyer distribution, mailings, one-on-one discussions.

TriRock has requested City Services as follows, the full cost of which will be paid by TriRock itself.

1. Permits: Vendors permit for 1 event day; organizers to sell race merchandise only; ABC license; Temporary Structures permit.
2. Parking: Posting of no-parking signs and reimbursement of lost parking fees for multiple days and sites.
3. Police: Along the route during the race.
4. Fire: EMT service and command vehicle; fire boat

Prepared by Michelle LeFurge, Special Events Coordinator at [mmlefurge@annapolis.gov](mailto:mmlefurge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

## FISCAL IMPACT NOTE

**Legislation No:** R-6-12

**First Reader Date:** 3-12-12

**Note Date:** 3-28-12

**Legislation Title:** **TriRock Annapolis 2012**

**Description:** 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.

### **Analysis of Fiscal Impact:**

This legislation produces no fiscal impact.

The TriClub of Annapolis and the Competitor Group will pay all permitting fees and licensing fees which have been established to cover inspections and other related costs.

The Fire Department has estimated staffing requirements that will be \$3,715. This will be reimbursed by the event organizers.

The Police Department estimates its staffing requirements to cost \$5,200, which be reimbursed by the event organizers.

The Department of Transportation estimates \$2,004 for posting no parking signs and lost parking revenue. This will be reimbursed to the City.

The event organizers will provide for their own trash removal.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Finance Committee has reviewed R-6-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair NO

Ald. Arnett /

Ald. Finlayson yes

Meeting Date 4/16/12

Signature of Chair Ross H. Arnett, III



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 4/16/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed R-6-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair NO

Ald. Finlayson yes

Ald. Pfeiffer yes

Meeting Date 4/16/12 Signature of Chair Frederick M. Paone

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Resolution No. R-14-12

5 Introduced by: Alderman Arnett and Alderman Israel

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7 Co-Sponsored 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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/9/12		
Rules and City Gov't	4/9/12		

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11  
12 **A RESOLUTION** concerning

13 **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

14 **FOR** the purpose of declaring a moratorium on administrative approvals of major special  
15 events at City Dock.

16  
17 **WHEREAS,** City Dock has been defined as the area of public property bounded by Spa  
18 Creek, Prince George Street, Randall Street, Market Space and Compromise  
19 Street; and

20  
21 **WHEREAS,** City Dock has been declared the civic gathering place of the residents of  
22 Annapolis; and

23  
24 **WHEREAS,** City Dock is in the First Ward but is owned by residents in all eight wards; and

25  
26 **WHEREAS,** City Dock is an increasingly popular site for special events; and

27  
28 **WHEREAS,** high impact special events which pre-empt parking and/or require road closings  
29 have a disruptive effect on nearby residents and businesses; and

30  
31 **WHEREAS,** it is desirable to have a moratorium on administrative approvals for special  
32 events at City Dock to give the City Council the opportunity to enact legislation  
33 concerning special events.

34  
35 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that that there is  
36 hereby declared a moratorium on administrative approvals of major special events at City Dock.  
37

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that certain events  
2 shall be considered a major special event where the estimated size, scope or nature of the  
3 proposed event will likely have significant impacts on public services, has multiple permits or  
4 approvals required by the City, involves consultation with multiple city, county or state  
5 departments or agencies, or shall be best served by input from residents and businesses.  
6

7 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a special event  
8 shall be considered to be major for purposes of this resolution if it meets one or more of the  
9 following criteria:

- 10 - Occupancy of 10 or more on-street parking spaces
- 11 - Expected attendance of 1,000 or more participants per day of the event
- 12 - Road closures of more than one block
- 13 - If the reimbursement for City services is projected to be \$1,000 or more.

14  
15 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Memorial  
16 Day, Independence Day and Labor Day parades and events are explicitly exempted from this  
17 resolution.  
18

19 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that during the  
20 moratorium, the City Council may approve a major special event at the City Dock where the City  
21 Council concludes that it would be singularly appropriate.  
22

23 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this resolution  
24 shall expire either in one year from the date of adoption or on the effective date should the City  
25 Council subsequently adopt legislation concerning special events.  
26

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28 **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

31  
32  
33 **EXPLANATION**

34 CAPITAL LETTERS indicate matter added to existing law.

35 [brackets] indicate matter stricken from existing law.

36 Underlining indicates amendments.  
37

## **Policy Report**

**R-14-12**

### **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

The proposed resolution would enact a moratorium on administrative approvals of major special events at City Dock but allow the City Council to approve a major special event at the City Dock should the City Council conclude that it would be singularly appropriate.

For the purposes of this proposed resolution, a special event shall be considered to be major for purposes of this resolution if it meets one or more of the following criteria:

- Occupancy of 10 or more on-street parking spaces
- Expected attendance of 1,000 or more participants per day of the event
- Road closures of more than one block
- If the reimbursement for City services is projected to be \$1,000 or more.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) and 410-263-1184.

## **Mayor Cohen's Amendment to R-14-12**

### **A Moratorium on Administrative Approvals for Special Events at City Dock**

#### **Amendment #1**

Page 2, Line 17: after "resolution," insert "Film production shall be exempt from this moratorium. Film production activity means the production of a film, video or digital project intended for distribution including, but not limited to, feature films, television projects, commercials, documentaries, and music videos. Film production not intended for distribution shall also be exempt, including but not limited to student productions associated with classwork. Film production activity does not include non commercial personal videos."

#### **Amendment #2**

Page 2, Line 27, insert: "Any special events with vendors in the historic district that the City Council has previously authorized are deemed approved by the City Council and exempt from this moratorium."

FISCAL IMPACT NOTE

**Legislation No:** R-14-12

**First Reader Date:** 4-9-12

**Note Date:** 4-18-12

**Legislation Title:** **A Moratorium on Administrative Approvals of Major Special Events at City Dock**

**Description:** For the purpose of declaring a moratorium on administrative approvals of major special events at City Dock.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact for the City.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-15-12**

**Introduced by: Alderman Arnett and Alderwoman Finlayson**

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
4/9/12			7/9/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	4/9/12		
Economic Matters	4/9/12		

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10 **A RESOLUTION** concerning

11 **A Public Parking Garage and Retail Storefronts on Compromise Street**

12 **FOR** the purpose of expressing the sense of the Annapolis City Council regarding a parking  
13 garage and retail storefronts on Compromise Street.

14 **WHEREAS,** long-standing recommendations have been made by urban planners and City  
15 residents that valuable City Dock water front space should be transformed into a  
16 more pedestrian friendly public space; and  
17

18 **WHEREAS,** business owners, visitors and residents identify the shortage of adequate parking  
19 to be a major impediment to a healthy, sustainable downtown business  
20 environment; and  
21

22 **WHEREAS,** the construction of a moderately-sized parking structure in the downtown area  
23 will enable the relocation of some portion of the City Dock parking spaces to  
24 provide water-front public space; and  
25

26 **WHEREAS,** a downtown parking structure located within 2-3 blocks of downtown merchants  
27 is a critical first step in un-locking the entire City Dock area for a comprehensive  
28 revitalization plan; and  
29

30 **WHEREAS,** a downtown parking structure will provide alternative downtown parking in  
31 preparation for the Hillman Garage re-build; and  
32

33 **WHEREAS,** constructing first floor retail and upper floor offices along Compromise Street and  
34 Newman Street will provide attractive retail storefronts to increase the availability  
35 of downtown retail offerings and enable the city to compete more effectively with  
36 commercial malls located on the edges of the City; and  
37

1 **WHEREAS,** retail store fronts along Compromise Street will provided a more attractive  
2 gateway entrance for people crossing the bridge from Eastport; and  
3

4 **WHEREAS,** a timing opportunity exists to partner with Anne Arundel County Public School  
5 Board (AACPSB) while they carry out their construction during the two-year  
6 period the Green Street Elementary is closed for remodeling; and  
7

8 **WHEREAS,** construction of the facility would be of no capital expense to the City, no  
9 operating expense to the City, and no maintenance expense to the City; and  
10

11 **WHEREAS,** construction of the facility will generate additional property tax revenue to the City  
12 and sales tax revenue to the State; and  
13

14 **WHEREAS,** the AACPSB has received an unsolicited proposal from Compromise, LLC to  
15 build a structured parking garage fronted by first floor retail and upper floor  
16 offices to be built, managed and maintained by Compromise, LLC in  
17 consideration for payments to the AACPSB and the City; and  
18

19 **WHEREAS,** timing is of the essence to work within the AACPSB remodeling project such that  
20 the City and Compromise, LLC will begin immediately to negotiate the lease  
21 agreement to be concluded on or before May 1, 2012.  
22

23 **NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
24 consider the lease of City Parcels to Compromise LLC for the purpose of building and operating  
25 the parking and commercial facility.  
26

27  
28 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
29 negotiate, subject to review and approval by the City Council, a Memorandum of Understanding  
30 (MOU) with the AACPSB as soon as possible in order to meet the AACPSB's construction  
31 timing constraints. The MOU will add adjacent City property to increase the size of the proposed  
32 parking and commercial building and set forth all the financial, legal, and logistical conditions of  
33 the agreement between all parties (City, AACPSB, and Compromise, LLC) to be involved with  
34 the project.  
35

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37 **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

40  
41  
42 **EXPLANATION**

43 CAPITAL LETTERS indicate matter added to existing law.

44 [brackets] indicate matter stricken from existing law.

45 Underlining indicates amendments.

## **Policy Report**

### **Resolution R-15-12**

#### **A Public Parking Garage and Retail Storefronts on Compromise Street**

The proposed resolution expresses the sense of the City Council regarding a parking garage on Compromise Street.

The City's 2009 Comprehensive Plan calls for clearing City Dock of parking and providing an alternative site for the parking. The 2011 Phase One Report of the City Dock Advisory Committee identifies the Compromise Street corridor as “an important, if somewhat underrated, gateway” needing “mixed use and flexible uses that enhance downtown and the public enjoyment of City Dock.” Proposed resolution R-15-12 states that “the construction of a moderately-sized parking structure in the downtown area will enable the relocation of some portion of the City Dock parking spaces to provide waterfront public space.” The proposed resolution continues, “a downtown parking structure located within 2-3 blocks of downtown merchants is a critical first step in unlocking the entire City Dock area for a comprehensive revitalization plan.”

Compromise, LLC has submitted an unsolicited proposal to build a structured parking garage fronted by first floor retail and upper floor offices to be built, managed and maintained by Compromise, LLC in consideration for payments to the Anne Arundel County Public School Board (AACPSB) and the City. Pursuant to the proposal, construction of the facility would be of no capital expense to the City, no operating expense to the City, and no maintenance expense to the City. Timing is of the essence to work within the AACPSB remodeling project and the City and Compromise, LLC must begin immediately to negotiate the lease agreement.

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

## FISCAL IMPACT NOTE

**Legislation No:** R-15-12

**First Reader Date:** 04/09/12

**Note Date:** 04/13/12

**Legislation Title: A Public Parking Garage and Retail Storefronts on Compromise Street**

**Description:** For the purpose of expressing the sense of the Annapolis City Council regarding a parking garage and retail storefronts on Compromise Street.

**Analysis of Fiscal Impact:**

Based on the information currently available, this legislation can result in a positive fiscal impact, the value of which is unknown at this time.

The proposal from Compromise, LLC to the Anne Arundel County Public School Board includes payments to the School Board and to the City. The construction of a structured parking garage fronted by first floor retail and upper floor offices can be expected to generate additional property tax revenue to the City and contribute to the revitalization of Compromise Street and the downtown area.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-17-12**

**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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/23/12		
Finance	4/23/12		

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**A RESOLUTION** concerning

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**Position Classifications and Pay Plan**

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**FOR** the purpose of approving the FY 2013 position classification and pay plan effective July 1, 2012.

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**WHEREAS,** Section 3.12.020 A. of the City Code states that the City Council "In conjunction with the adoption of the annual operating budget and whenever deemed necessary, consider the recommendations of the Civil Service Board on requests for the creation of new positions, the abolishment of positions and the classification and reclassification of existing positions;" and

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**WHEREAS,** Section 3.12.020 B. of the City Code states that the City Council "Adopt, by resolution, a pay plan and subsequent revisions after consideration of the recommendations of the Civil Service Board;"

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**WHEREAS,** the FY 2013 pay classifications and pay plan, effective July 1, 2012 are attached to this resolution.

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**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the FY 2013 pay classifications and pay plan are adopted as attached.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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Regina C. Watkins-Eldridge, MMC, City Clerk

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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.

**FY 2013 Position Classification and Grade**

<u>Class</u>	<u>Classification Title</u>	<u>Grade</u>
1001	Office Associate I	A02
1002	Office Associate II	A04
1004	Police Records Specialist	A06
1005	Office Associate III	A06
1006	Office Associate IV	A07
1007	Executive Office Associate	A10
1008	Administrative Office Associate	A09
1009	Training Programs Administrator	A15
1010	Legal Assistant	A09
1011	Benefits Administrator	A15
1013	Permits Administrator	A10
1014	City Clerk	A16
1015	Deputy City Clerk	A10
1016	Public Works Communications Operator	A07
1017	Recruitment/Employee Relations Administrator	A15
1019	Legislative and Policy Analyst	A14
1023	Historic Preservation Assistant	A11
1024	Warrant Control Clerk	A05
1025	HR Associate I	A07
1026	HR Office Administrator	A10
1028	Permits Associate	A07
1030	Election/Board and Commission Administrator	A10
1101	Management Information Technology Analyst	A16
1103	Management Information Technology Manager	A18
1104	Management Information Technology Specialist	A12
1105	Management Information Technology Web Developer	A13
1106	Management Information Technology Network Engineer	A15
1201	Procurement Officer	A18
1203	Buyer	A09
1204	Senior Purchasing Clerk	A08
1205	Police Administrative Clerk	A09
1202	Senior Buyer	A10
1301	Finance Director	A20

1302	Assistant Finance Director	A18
1304	Senior Accountant	A15
1306	Accounting Associate I	A07
1307	Accounting Associate II	A08
1308	Accounting Associate III	A09
1309	Accountant	A13
1501	Human Resources Director	A20
1507	Marketing Specialist - Transportation	A13
1508	Community Services Specialist	A10
1509	Public Information Coordinator	A18
1511	Small/Minority Business Enterprise Coordinator	A14
1601	Director of Transportation	A20
1602	Transportation Grants/Parking Coordinator	A13
1603	Transportation Supervisor	A10
1604	Transportation Superintendent	A14
1605	Bus Driver II	A07
1606	Bus Driver I	A05
1607	Transportation Inspector	A10
1608	Transportation Specialist	A13
1610	Fleet Maintenance Specialist	A11
1611	Fleet Maintenance Technician I	A10
1612	Fleet Maintenance Technician II	A11
1613	Fleet Maintenance Supervisor	A12
1614	Lead Bus Driver	A08
2001	City Attorney	A20
2003	Paralegal	A10
4001	Police Chief	P20
4002	Police Major/ Deputy Chief	P18
4003	Police Captain	P17
4004	Police Lieutenant	P15
4005	Police Sergeant	P13
4006	Police Corporal	P12
4007	Police Officer 1/C	P11
4009	Police Officer	P10
4011	Parking Enforcement Officer I	A04
4012	Parking Enforcement Officer Supervisor	A06

4013	Police Communications Operator II	A11
4014	Police Communications Operator I	A09
4015	Police Records Validation Coordinator	A10
4016	Police Property Coordinator	A10
4017	Police Planning Analyst	A10
4019	Police Identification Specialist	A08
4020	Parking Meter Collector II	A08
4021	Parking Meter Collector I	A05
4022	Warrant Control/Records Supervisor	A10
4023	Information Systems Analyst	A14
4024	Domestic Preparedness Coordinator	A17
4025	Emergency Planner/Coordinator	A13
4026	Community Services Supervisor	A14
4027	Systems Support Specialist	A12
4101	Fire Chief	F20
4102	Deputy Fire Chief	F18
4103	Fire Battalion Chief	F17
4104	Fire Captain	F16
4105	Fire Lieutenant	F15
4108	Fire Apparatus Maintenance Specialist	A11
4110	Firefighter I	F10
4111	Firefighter II	F10
4112	Firefighter I/II - EMT or CRT	F11
4113	Firefighter II - Technician	F11
4114	Firefighter III	F11
4115	Firefighter I/II - EMT-P	F12
4116	Firefighter II - Fire Marshal Inspector	F12
4117	Firefighter II - Fire Marshal Investigator	F12
4118	Firefighter II - Instructor	F12
4119	Firefighter III - EMT-I or CRT	F12
4120	Firefighter III - Technician	F12
4121	Firefighter 1/C	F13
4122	Firefighter III - EMT-P	F13
4123	Firefighter III - Fire Marshal Inspector	F13
4124	Firefighter III - Fire Marshal Investigator	F13
4125	Firefighter III - Instructor	F13

4126	Firefighter 1/C - ALS	F14
4127	Firefighter 1/C - Fire Marshal Inspector	F14
4128	Firefighter 1/C - Fire Marshal Investigator	F14
4129	Firefighter 1/C - Instructor	F14
5001	Planning Director	A20
5002	Chief of Current Planning	A18
5003	Chief of Historic Preservation	A17
5004	Chief of Comprehensive Planning	A17
5005	Senior Planner	A15
5006	Zoning Enforcement Officer	A13
5007	Planner	A13
5008	Community Development Administrator	A17
5009	Community Development Specialist	A13
5010	Senior Comprehensive Planner	A15
5011	Senior Transportation Planner	A15
5012	Planning Office Administrator	A10
5101	Public Works Director	A20
5102	Assistant Director of Public Works	A18
5103	Public Works Bureau Chief - Engineering	A18
5105	Bureau Chief Environmental Programs	A17
5106	Computer Draftsperson	A11
5107	Engineering Technician III	A09
5108	Engineering Technician II	A08
5109	Engineering Technician IV	A10
5110	Civil Engineer II	A15
5111	Civil Engineer I	A13
5113	Traffic Engineer	A15
5114	Assistant to the Director - DNEP	A15
5115	Public Works Analyst	A15
5200	Director of Neighborhood & Environmental Programs	A20
5201	Bureau Chief Code Enforcement	A17
5202	Building Inspector	A10
5203	Senior Property Maintenance Inspector	A12
5204	Property Maintenance Inspector	A09
5205	Plumbing/Utility Inspector	A12

5206	Environmental Program Coordinator	A12
5207	Electrical Inspector	A12
5208	Architectural Plans Reviewer	A15
5209	Public Works Inspector	A10
5210	Environmentalist	A12
5211	Mechanical/Life Safety Inspector	A12
5212	Fire Safety Inspector	A09
5213	Combination Inspector	A13
5214	Stormwater Management Engineer	A15
5215	Environmental Compliance Inspector	A11
6001	Director of Recreation and Parks	A20
6002	Parks Administrator	A15
6003	Recreation Sports Supervisor	A12
6004	Recreation Leader I	A07
6005	Recreation Leader II	A08
6006	Recreation Program Supervisor	A14
6007	Horticulturist	A13
6008	Parks Turf Specialist	A08
6009	Recreation Office Administrator	A10
6010	Park Foreman	A10
6011	Parks Maintenance Worker I	A05
6012	Stanton Center Recreation Manager	A12
7001	PW Maintenance Worker I	A04
7002	PW Maintenance Worker II	A05
7003	Parks Maintenance Worker II	A06
7004	Mason I	A07
7005	Mason II	A08
7009	Senior Maintenance Technician	A10
7010	Public Works Supervisor	A11
7012	Crew Leader	A09
7014	Traffic Technician I	A06
7015	Traffic Technician II	A08
7016	Traffic Technician III	A10
7101	Facilities Maintenance Technician	A04
7104	Superintendent - PW Services	A16
7203	Automotive Technician	A09

7301	Equipment Operator I	A06
7302	Equipment Operator II	A07
7303	Equipment Operator III	A08
7402	Superintendent - PW Utilities	A16
7403	Water Plant Superintendent	A16
7404	Assistant Water Plant Superintendent	A14
7405	Utility Supervisor	A12
7406	Instrumentation Technician	A10
7407	Meter Technician I	A06
7408	Meter Technician II	A07
7409	Utility Mechanic II	A09
7410	Water Plant Mechanic	A09
7411	Underground Utility Locator /Equipment Operator II	A07
7412	Water Plant Technician I	A07
7413	Water Plant Technician II	A09
7414	Water Plant Technician III	A11
7417	Water Plant Operator IV	A11
7415	Utility Mechanic III	A10
8001	Harbormaster	A18
8002	Harbormaster Office Administrator	A10
8003	Assistant Harbormaster - Operations	A10

Pay Scale Effective 07/01/12	STEP(5.361%)									
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>
<b>GRADE (7.5%)</b>										
1	21,470	22,621	23,834	25,111	26,458	27,876	29,371	30,945	32,604	34,352
2	23,080	24,318	25,621	26,995	28,442	29,967	31,573	33,266	35,049	36,928
3	24,811	26,141	27,543	29,019	30,575	32,214	33,941	35,761	37,678	39,698
4	26,672	28,102	29,609	31,196	32,868	34,630	36,487	38,443	40,504	42,675
5	28,672	30,209	31,829	33,535	35,333	37,227	39,223	41,325	43,541	45,875
6	30,823	32,475	34,216	36,051	37,983	40,020	42,165	44,426	46,807	49,317
7	33,135	34,911	36,783	38,755	40,832	43,021	45,328	47,758	50,318	53,015
8	35,619	37,529	39,540	41,660	43,894	46,247	48,726	51,338	54,090	56,990
9	38,290	40,343	42,506	44,784	47,185	49,715	52,380	55,188	58,147	61,264
10	41,162	43,369	45,694	48,143	50,724	53,444	56,309	59,327	62,508	65,859
11	44,250	46,622	49,122	51,755	54,530	57,453	60,533	63,778	67,197	70,800
12	47,568	50,118	52,805	55,636	58,618	61,761	65,072	68,561	72,236	76,109
13	51,136	53,877	56,765	59,809	63,015	66,393	69,952	73,703	77,654	81,817
14	54,972	57,919	61,024	64,296	67,742	71,374	75,201	79,232	83,480	87,955
15	59,093	62,261	65,599	69,116	72,821	76,725	80,838	85,172	89,738	94,549

16	63,526	66,932	70,520	74,300	78,284	82,480	86,902	91,561	96,470	101,641
17	68,291	71,952	75,809	79,874	84,156	88,667	93,421	98,429	103,706	109,265
18	73,412	77,348	81,494	85,863	90,466	95,316	100,426	105,810	111,482	117,459
19	78,918	83,149	87,606	92,303	97,251	102,465	107,958	113,746	119,844	126,268
20	84,836	89,384	94,176	99,225	104,544	110,149	116,054	122,275	128,831	135,737

**City of Annapolis  
Fire Pay Scale  
Effective 07/01/12**

<u>Classification</u>	<u>GRADE</u> <u>(7.5%)</u>	<u>STEP(5.361%)</u>										
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
Firefighter I/II	10	37,837	39,865	42,003	44,254	46,627	49,127	51,760	54,535	57,459	60,539	63,785
Firefighter I/II - EMT-I OR CRT	11	40,676	42,857	45,154	47,575	50,125	52,813	55,644	58,627	61,770	65,081	68,570
Firefighter II - Technician												
Firefighter III												
Firefighter I/II EMT-P	12	43,727	46,071	48,541	51,143	53,885	56,774	59,817	63,024	66,403	69,963	73,713
FFII-Fire Marshal												
Investigator												
FFIII-EMT-I or CRT												
FFIII- Technician												
Firefighter 1/C	13	47,005	49,525	52,180	54,977	57,925	61,030	64,302	67,749	71,381	75,208	79,240
Firefighter III- EMT-P												
FFIII-Fire Marshal												
Inspector												
FFIII-Fire Marshal												
Investigator												
Firefighter 1/C - ALS	14	50,530	53,239	56,093	59,101	62,269	65,607	69,124	72,830	76,735	80,848	85,183

FF1/C-Fire  
Marshal  
Inspector  
FF1/C-Fire  
Marshal  
Investigator

Lieutenant	15	54,321	57,233	60,301	63,534	66,940	70,529	74,310	78,294	82,491	86,913	91,573
Captain	16	58,395	61,526	64,824	68,299	71,961	75,819	79,883	84,166	88,678	93,432	98,441
Battalion Chief	17	62,776	66,141	69,687	73,423	77,359	81,507	85,876	90,480	95,331	100,441	105,826
Deputy Chief	18	67,484	71,102	74,914	78,930	83,161	87,619	92,317	97,266	102,480	107,974	113,763
Chief	20	77,985	82,166	86,571	91,212	96,102	101,254	106,682	112,401	118,427	124,776	131,465

**City of Annapolis  
Police Pay Scale  
Effective 07/01/012**

<u>Classification</u>	<u>GRADE</u>	<u>STEP(5.361%)</u>									
		<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>
	-										
Police Officer	10	43,860	46,211	48,689	51,299	54,049	56,947	60,000	63,216	66,605	70,176
Police Officer 1/C	11	47,152	49,680	52,343	55,149	58,106	61,221	64,503	67,961	71,604	75,443
Corporal	12	50,687	53,404	56,267	59,284	62,462	65,811	69,339	73,056	76,973	81,099
Sergeant	13	54,488	57,409	60,487	63,730	67,146	70,746	74,538	78,534	82,745	87,181
Lieutenant	15	61,733	65,043	68,530	72,204	76,075	80,153	84,450	88,977	93,747	98,773
Captain	17	71,340	75,165	79,194	83,440	87,913	92,626	97,592	102,823	108,336	114,144
Major	18	76,691	80,802	85,134	89,698	94,507	99,574	104,912	110,536	116,462	122,705
Chief	20	88,625	93,376	98,382	103,656	109,213	115,068	121,237	127,737	134,585	141,800

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**July 15, 2005**

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MEMBERS PRESENT: James R. **RENFROE** - **Chairperson**  
Clifton **JOHNSON**  
Velma **McCULLOUGH**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Charles **Hendricks**, Presenter  
Kimla **Milburn**, Director of Human Resources  
Danielle **Matland**, Director of Transportation  
Paul **Rensted**, Recruitment Administrator  
Ald. Classie **Hoyle**

PRESENT AT LARGE: Willie **Charles**  
Jay **Tucker**  
Marcia **Patrick**

A quorum being present, the Chairperson called the meeting to order at 9:05 a.m.

**ISSUE BEFORE THE BOARD:** Creation of new Transportation Grants/Parking Coordinator position within The Department of Transportation.

Kimla Milburn presented a memorandum from the Director of Transportation, Danielle Matland, requesting to change the duties and reclassify a currently vacant position, Account Clerk III, to include responsibilities of grant writing, processing, implementing, record keeping and serving as parking ombudsman. Ms. Matland elaborated, explaining how the position has evolved due to an outsourcing of the Parking functions and increasing government regulations regarding grants. She explained that there would not be any cost impact due to the fact that the employee holding the current position has now retired and funding for that position had already been included in the approved FY 2006 budget. There was a concern raised about the salary grade being comparable to surrounding jurisdictions and Ms. Matland assured the Board that there was research on this issue and the new position was actually included for comparison in the recent Hendricks study.

The Board unanimously approved the change.

**ISSUE BEFORE THE BOARD:** Presentation of the 2005 Classification and Compensation Study.

Kimla Milburn introduced Mr. Charles Hendricks of Hendricks and Associates who gave a presentation of the 2005 Classification and Compensation Study. There was discussion about the cost of implementation of the recommendations. Mr. Hendricks stated that at the time of the study, he estimated the cost of implementation to be less than two million dollars. Given some recent changes in surrounding jurisdictions, some adjustments may be necessary to account for various increases in their salary schedules.

The discussion then turned toward the classification component of the study. Ald. Hoyle asked why all of the Directors were placed at grade 20 when their responsibilities are not all equivalent. Mr.

Hendricks explained that responsibilities of a position were only one area of comparison for each classification. Other factors were considered, including the number of employees supervised and the impact of that position within the department. Ald. Hoyle replied that too little weight was given to the physical and environmental aspects of a job, such as is endured by groups of employees in positions at lower grades. Ms. Yaniga then asked if any classifications had been lowered, to which Mr. Hendricks replied possibly one or two, but in those situations the employee in those positions would remain at their current grade, and only after a vacancy occurs would a new employee be placed at the lower grade. Ms. Milburn assured the Board that at no time is an employee penalized as a result of a classification study.

Mr. Rodowski asked if the study focused only on salary and duties as opposed to all aspects of the position including benefits and working conditions. Mr. Hendricks stated that all of these factors were considered in the comparisons.

Mr. Johnson asked how long it usually takes to implement such studies, and Mr. Hendricks replied that it is typically within the fiscal year, but can go out as far as three years. Mr. Johnson then stated that the study should have included a time line for implementation, with recommendations based on projected dates.

Ms. Patrick asked if backup data would be available for review during the process and Mr. Hendricks said he would be able to make some of the documentation available.

Mr. Tucker asked if the salary midpoints were determined by including the steps reserved for longevity, or simply those from merit based increases. Mr. Hendricks stated that the entire salary range, from steps one to ten were included, which does in fact embrace the longevity steps.

Chairman Renfroe concluded that there is a lot of work ahead for the Board that will require more input from Human Resources. He also said he would like to invite Mr. Hendricks back at some point in the future. He then adjourned the meeting at 10:25 a.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

Attachments

copy: Each Board Member  
Mayor and Alderman  
Transportation Director

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**August 26, 2005**

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
Marcia **Patrick**, Assistant to the Director of Public Works

PRESENT AT LARGE: Willie **Charles**, Public Works Utility Mechanic

A quorum being present, the Chairperson called the meeting to order at 9:03 a.m.

**ISSUE BEFORE THE BOARD:** Reclassification of Assistant Water Plant Superintendent in Public Works Department.

Kimla Milburn presented a memorandum from the Director of Public Works, Margaret Martin, requesting to upgrade the classification of a currently vacant position, Assistant Water Plant Superintendent, from a grade 13 to a grade 14. Although the 2005 Hendricks Classification and Compensation study proposed such an increase that will truly compensate for the level of responsibility of this position, the study has not yet been approved. Further, there is an immediate need to act on this specific classification due to the fact that this position has been vacant for approximately one year. Additionally, Marcia Patrick stated that the current Water Plant Superintendent is eligible to retire, but has agreed to continue working until this position is filled by a qualified applicant. No additional funds are needed to reclassify this position due to the long term vacancy and the fact that the salary has been budgeted for annually.

There were no objections and the Board unanimously approved the upgrade.

**ISSUE BEFORE THE BOARD:** Request by Willie Charles to speak to the Board regarding the 2005 Hendricks Classification and Compensation Study

Willie Charles spoke regarding the fairness and accuracy of the study. After concluding, he presented the Board with a written copy of his concerns. Mr. Renfroe assured Mr. Charles that the Board will consider this information when reviewing the Public Works positions.

**ISSUE BEFORE THE BOARD:** Distribution of proposed job classification manual

Board members were given a binder that included copies of the current job descriptions along with copies of the proposed job descriptions from the Hendricks study. After much discussion as to how to proceed, the Board agreed to a series of meetings with each department, to be scheduled immediately. Kimla Milburn agreed to make arrangements with all Directors and to notify the Board in advance so they may prepare for each session. At the Board's request, Ms. Milburn will obtain updated information from Mr. Charles Hendricks on the pay plan when the Board is ready to proceed on that issue.

The meeting adjourned at 10:15 a.m.

FOR THE BOARD:

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JAMES R. **RENFROE**, Esquire  
Chairperson

Attachments

copy: Each Board Member  
Mayor and Alderman  
Public Works Director

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

September 9, 2005

MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
Joseph **Johnson**, Chief of Police  
Barbara **Hopkins**, Police Captain  
Mike **Mallinoff**, Dir. of Dept. of Neighborhood and Environmental Programs  
Danielle **Matland**, Transportation Director  
Tim **Elliott**, Finance Director  
Shirley **Tripodi**, Assistant Director for Accounting  
Paul **Thorn**, MIT Manager  
Paul **Rensted**, Recruitment Administrator  
Teresa **Marshall**, HR Associate

A quorum being present, the Chairperson called the meeting to order at 1:25 p.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Police Department

Chairman Renfroe proposed reviewing the classification descriptions one at a time allowing for comments and approval on an individual basis. There were minor corrections for grammar and spelling, with discussion whenever content needed clarification. Specific concern was raised regarding the pay grade of the Parking Enforcement Officer positions. As a result of discussion, it was recommended that the PEO II be changed to PEO Supervisor and upgraded to grade 10 and the PEO I be upgraded to grade 6. It was agreed that the Department would submit back-up information for these requests, and this information would be forwarded to Mr. Hendricks for further consideration. There was also a request that a supervisor position be added in the Records section to oversee the Records clerks. Again the department was instructed to submit supporting documentation for further consideration at a later date. All other descriptions were approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Department of Neighborhood and Environmental Programs

Mr. Mallinoff was excused due to prior commitment and will return at a later date.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Transportation Department

Minor corrections for grammar and spelling were made to each job description. Thereafter ensued discussion regarding the difference between a Supervisor and a Superintendent as the descriptions appeared almost identical, but for a four grade difference in salary. It was agreed that there needs to be a rewrite of the Superintendent description to correctly reflect the duties and warrant the grade. It was also noted that there is no difference between the Bus Driver I, Bus Driver II, and Lead Bus Driver descriptions. Since it was intended at the beginning of the Hendricks study for the three positions to merge into a career ladder job, staff agreed to rewrite the descriptions and submit to the Board for approval. All other descriptions were approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Finance Department

The Finance Director discussed briefly with the Board his opinion regarding the study. Thereafter the Board along with Mr. Thorn, made recommendations for changes and/or corrections to language within the MIT job descriptions. Ms. Tripodi spoke to concerns regarding job descriptions within the Finance Department. The Board requested that the Finance Department work with Human Resources to make any requested changes to the job description language that were not requested and made during the study.

The meeting adjourned at 3:50 p.m.

FOR THE BOARD:

\_\_\_\_\_  
JAMES R. RENFROE, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Chief of Police  
Director of DNEP  
Transportation Director  
Finance Director

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**September 30, 2005**

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MEMBERS PRESENT: James R. **RENFROE** - **Chairperson**  
Clifton **JOHNSON**  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
Mike **Mallinoff**, Dir. of Dept. of Neighborhood and Environmental Programs  
Margaret **Martin**, Public Works Director  
Marcia **Patrick**, Assistant to Public Works Director  
Teresa **Marshall**, HR Associate

A quorum being present, the Chairperson called the meeting to order at 9:02 a.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Department of Neighborhood and Environmental Programs

Minor corrections for grammar and spelling were made to each job description. Required certification information was updated on several Inspector positions. The grade for the Environmentalist position was discussed and a request submitted to reconsider the assigned grade based on educational requirements as compared to other City positions. The Board took this request under advisement. All DNEP position descriptions were approved with amendments.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Public Works Department

The Public Works Director presented the Board with a 4 page memorandum outlining specific concerns with the Hendricks Classifications and Compensation Study. After allowing the Board time to review the memorandum, there was discussion about how to proceed. It was decided that the Public Works Director will outline specific issues and the Human Resources Director would ask Mr. Hendricks to address all issues point by point. It was suggested by the Chairman that Human Resources schedule a meeting with Mr. Hendricks, inviting all Department directors to be present to come up with a resolution to issues that have been raised regarding the study.

The meeting adjourned at approximately 11:30 a.m.

FOR THE BOARD:

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JAMES R. **RENFROE**, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Director of DNEP  
Public Works Director

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

October 28, 2005

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
LeeAnn **Plumer**, Recreation and Parks Director  
Ulrich **Dahlgren**, Harbormaster  
Mike **Miron**, Economic Development Coordinator  
Ruby **Blakeney**, Minority Business Enterprise Coordinator  
Shaém **Spencer**, City Attorney  
Jerome **Smith**, Acting Fire Chief  
Douglas **Remaley**, Fire Battalion Chief  
Jon **Arason**, Director of Planning and Zoning  
Paul **Rensted**, Recruitment Administrator  
Teresa **Marshall**, HR Associate

A quorum being present, the Chairperson called the meeting to order at 9:20 a.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Recreation and Parks Department

The Director of Recreation and Parks presented a packet of revised job descriptions that she stated more accurately reflects the current duties and responsibilities of classifications within the Recreation and Parks Department. Also included was a new description for Stanton Center Recreation Manager

Minor corrections for grammar and spelling were made to each job description. All job descriptions were then approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Harbormaster's Office

There was discussion between the Board and the Harbormaster regarding the significant upgrade of that position. The FLSA designation of the Harbormaster Office Administrator was also questioned. Ms. Milburn stated she would ask Mr. Hendricks to reevaluate the non-exempt designation for that position. After minor spelling and grammar corrections, all job descriptions were approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Economic Development Office

There was discussion between the Board and the Economic Development Coordinator regarding the significant upgrade of that position. There was also a request from that office to modify the title and description of the Minority Business Enterprise Coordinator to also reflect the duties dealing with small businesses. It was suggested that a new description be written and brought back before the Board.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Office of Law and City Clerk's Office

The City Attorney requested that the Assistant City Attorney job description be resurrected. There is currently a classification number assigned, but no job description exists or ever existed for this position. It was also noted that the current descriptions for Legal Assistant and Paralegal are the same and need to be rewritten to differentiate between the two classifications. Those position descriptions will be written and brought back to the Board. The classification numbers will also be changed to fit chronologically along with the City Attorney classification number. After minor corrections to grammar and spelling, all other descriptions were approved as written.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Fire Department

The Fire Chief presented a packet of revised job descriptions. He expressed his intent to create a "job ladder" for Firefighters. It was decided that there needs to be a review and comparison of these descriptions with those proposed by the Hendricks study, and then they can be brought back to the Board for discussion.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Planning and Zoning Department

The Director of Planning and Zoning stated that he was generally pleased with the overall study and proposed job descriptions as written. His only concern was to possibly create a career ladder for the Planner position, but he will address that issue outside the scope of the study and bring it back to the Board at a later date. After minor corrections to grammar and spelling, all descriptions were approved as written.

The meeting adjourned at approximately 12:00 p.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Director of Recreation and Parks  
Harbormaster  
Economic Development Coordinator  
City Attorney  
Fire Chief  
Director of Planning and Zoning

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**October 28, 2005**

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
LeeAnn **Plumer**, Recreation and Parks Director  
Ulrich **Dahlgren**, Harbormaster  
Mike **Miron**, Economic Development Coordinator  
Ruby **Blakeney**, Minority Business Enterprise Coordinator  
Shaem **Spencer**, City Attorney  
Jerome **Smith**, Acting Fire Chief  
Douglas **Remaley**, Fire Battalion Chief  
Jon **Arason**, Director of Planning and Zoning  
Paul **Rensted**, Recruitment Administrator  
Teresa **Marshall**, HR Associate

A quorum being present, the Chairperson called the meeting to order at 9:20 a.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Recreation and Parks Department

The Director of Recreation and Parks presented a packet of revised job descriptions that she stated more accurately reflects the current duties and responsibilities of classifications within the Recreation and Parks Department. Also included was a new description for Stanton Center Recreation Manager

Minor corrections for grammar and spelling were made to each job description. All job descriptions were then approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Harbormaster's Office

There was discussion between the Board and the Harbormaster regarding the significant upgrade of that position. The FLSA designation of the Harbormaster Office Administrator was also questioned. Ms. Milburn stated she would ask Mr. Hendricks to reevaluate the non-exempt designation for that position. After minor spelling and grammar corrections, all job descriptions were approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Economic Development Office

There was discussion between the Board and the Economic Development Coordinator regarding the significant upgrade of that position. There was also a request from that office to modify the title and description of the Minority Business Enterprise Coordinator to also reflect the duties dealing with small businesses. It was suggested that a new description be written and brought back before the Board.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Office of Law and City Clerk's Office

The City Attorney requested that the Assistant City Attorney job description be resurrected. There is currently a classification number assigned, but no job description exists or ever existed for this position. It was also noted that the current descriptions for Legal Assistant and Paralegal are the same and need to be rewritten to differentiate between the two classifications. Those position descriptions will be written and brought back to the Board. The classification numbers will also be changed to fit chronologically along with the City Attorney classification number. After minor corrections to grammar and spelling, all other descriptions were approved as written.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Fire Department

The Fire Chief presented a packet of revised job descriptions. He expressed his intent to create a "job ladder" for Firefighters. It was decided that there needs to be a review and comparison of these descriptions with those proposed by the Hendricks study, and then they can be brought back to the Board for discussion.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Planning and Zoning Department

The Director of Planning and Zoning stated that he was generally pleased with the overall study and proposed job descriptions as written. His only concern was to possibly create a career ladder for the Planner position, but he will address that issue outside the scope of the study and bring it back to the Board at a later date. After minor corrections to grammar and spelling, all descriptions were approved as written.

The meeting adjourned at approximately 12:00 p.m.

FOR THE BOARD:

\_\_\_\_\_  
JAMES R. RENFROE, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Director of Recreation and Parks  
Harbormaster  
Economic Development Coordinator  
City Attorney  
Fire Chief  
Director of Planning and Zoning

THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES

November 4, 2005

MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Kimla **Milburn**, Director of Human Resources  
Emory **Harrison**, Director of Central Services  
Margaret **Martin**, Public Works Director  
Marcia **Patrick**, Assistant to Public Works Director  
Teresa **Marshall**, HR Associate

A quorum being present, the Chairperson called the meeting to order at 12:50 p.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Human Resources Department

The Human Resources Director presented revised job descriptions that she stated more accurately reflects the current duties and responsibilities of classifications within the Human Resources Department. Minor corrections were made to each job description, and were then approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within Central Services Department

After brief discussion and minor corrections, all job descriptions were approved. The Central Services Director then raised concern with the Police Department classification title of Senior Purchasing Clerk as it compares to the Purchasing Clerk within Central Services. The recommendation was that the Police position simply be considered as a clerk. An issue was also raised disputing the proposed upgrade of the Harbormaster classification, stating classifications of comparable grade carry more responsibilities. The Board agreed to take these issues under advisement. They also requested that Mr. Hendricks provide justification for any classification for which the study has proposed at least a two grade increase.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for remaining positions within the Mayor's Office

There was brief discussion about the proposed upgrade of the Executive Office Administrator and Public Information Coordinator positions. Again, the Board requested justification for the proposed upgrades. The descriptions were approved for content.

**ISSUE BEFORE THE BOARD:** Review of Classification and Compensation recommendations as proposed by the Public Works Director for positions within the Public Works Department

The Director and Assistant Director of Public Works presented a binder of revised job descriptions that they stated more accurately reflects the current duties and responsibilities of classifications within their Department. The Board preceeded any discussion by reminding the department representatives that the purpose of the Board is to address the job descriptions, not the pay grades, and to equalize the descriptions within the City. It was agreed that the Board would consider the information presented, based on the content of the descriptions only. The Board also stated that the burden of proof will be on the department to verify the duties outlined on those descriptions presented. After minor corrections to grammar and spelling, the descriptions were approved as written. The remaining classifications will be presented at the next scheduled meeting.

The meeting adjourned at approximately 4:00 p.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Director of Central Services  
Director of Human Resources  
Director of Public Works

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**November 18, 2005**

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**MEMBERS PRESENT:** James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**

**STAFF PRESENT:** Tim **Elliott**, Finance Director  
Shirley **Tripodi**, Asst. Director for Accounting  
Jerome **Smith**, Acting Fire Chief  
Douglas **Remaley**, Fire Battalion Chief  
Margaret **Martin**, Public Works Director  
Marcia **Patrick**, Assistant to Public Works Director  
Bob **Couchenour**, Supt. Public Works Services  
Kimla **Milburn**, Director of Human Resources  
Paul **Rensted**, Recruitment/EEO Administrator  
Teresa **Marshall**, HR Associate

**PRESENT AT LARGE:** LeeAnn **Plumer**  
Jay **Tucker**  
Willie **Charles**

A quorum being present, the Chairperson called the meeting to order at 1:05 p.m.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Finance Department

The Finance Director presented a packet of revised job descriptions that he stated more accurately reflects the current duties and responsibilities of classifications within the Finance Department. Most classifications had proposed grade increases. The Board explained that their purpose was strictly to consider the job description clarity of content, grammatical and typographical errors. The Director also proposed that a new Accountant Associate IV classification be created from one of the Accountant II positions. The Board approved the new descriptions, but noted that at the Hendricks' proposed grades, that new position would have to be a grade 10 to maintain the "ladder". Minor corrections were made to each job description, and were then approved for content only.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for positions within the Fire Department

The Fire Chief presented a packet of revised job descriptions with updated language. After brief discussion and minor corrections, all were approved.

**ISSUE BEFORE THE BOARD:** Review of Hendricks Classification and Compensation study recommendations for remaining positions within the Department of Public Works

The Public Works Director presented the remaining job descriptions. The Board reiterated their standing that they are reviewing descriptions for content only. Specific requests from the Public Works Director were for the revised Custodian description to be resubmitted to Mr. Hendricks; for creation a City-wide career ladder for maintenance workers to include Recreation Department positions, and for creation of a career ladder for Fleet Maintenance personnel to include Transportation Department, and maintain parity between departments. It was noted that this is a proposal, and is a work in progress. Minor corrections were made to each job description, and were then approved for content only.

The meeting adjourned at approximately 4:10 p.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman  
Finance Director  
Fire Chief  
Director of Public Works

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**December 16, 2005**

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **MCCULLOUGH**  
Joseph F. **RODOWSKY**  
Sherry **YANIGA**

STAFF PRESENT: Kimla **MILBURN**, Director of Human Resources

GUEST PRESENT: Charles **HENDRICKS**, Hendricks and Associates

A quorum being present, the Chairperson called the meeting to order at 1:05 p.m.

**ISSUE BEFORE THE BOARD:** Response from Hendricks and Associates on inquiries from the Board.

Mr. Hendricks presented to the Board, by way of a letter dated December 7, 2005, requested information concerning upgrades recommended in his study of the City's classification and compensation system. Mr. Hendricks discussed the contents of the letter and answered questions from Board members.

In addition, the Board discussed with Mr. Hendricks in detail, the issue of benefits of City employees as compared with benefits of area jurisdictions. It was noted by Mr. Hendricks that in 2000, his study reflected an analysis of the City's benefits as compared with area jurisdictions and that the City was on par with area jurisdictions in the type and value of benefits offered to City employees. While the current 2005 study did not involve a detailed study of area benefits as compared to City benefits, Mr. Hendricks however, reviewed his data and conducted a review of the benefits in area jurisdictions at the request of the Board. He reported that his findings concluded that the City now offers retiree health insurance, which is a change from the 2000 study. Nevertheless, the City's benefits are still comparable to the benefit packages within area jurisdictions.

Finally, the Board requested Mr. Hendricks to address the issue of the recommended pay plan adjustments and whether the recommendations are still correct for 2006, since the study was completed a year ago, in 2005. Mr. Hendricks responded that in comparison to area jurisdictions, the City was approximately one (1) percentage point off of the 2005 recommendation. Since a cost of living equal to 3% was implemented on July 1, 2005, the City would only need to add approximately 1% to the recommended pay plan adjustments to keep up with the changes in the market in 2005. Accordingly, the recommendations to adjust the Civil Service pay plan would increase from 10% to 11%, the Police pay plan from 5% to 6%, and the Fire pay plan from 4% to 5%.

The Board discussed and made preparations to draft the final report to the City Council and complete all necessary review of the 2005 Hendricks report by mid January 2006.

The Board adjourned at approximately 2:10 p.m.

FOR THE BOARD:

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JAMES R. **RENFROE**, Esquire  
Chairperson

copy: Each Board Member  
Mayor and Alderman

**CITY OF ANNAPOLIS CIVIL SERVICE BOARD**  
**RE: 2005 HENDRICKS CLASSIFICATION AND COMPENSATION STUDY**  
**JANUARY 13, 2006**

**INTRODUCTION**

On June 13, 2005, the members of the Annapolis City Council forwarded to the Civil Service Board, the complete report of the most recent City of Annapolis classification and compensation study conducted by Charles Hendricks of Hendricks and Associates for review, consideration, and recommendation. The Board began hearings on the Study in September of 2005, holding approximately 3 meetings each month, for a period of four hours or longer at each meeting. The hearings concluded on December 16, 2005, representing a total of four months of a complete and thorough review of the 2004 Hendricks report.

The attached report represents the four months of a detailed review followed by recommendations by the members of the Civil Service Board on the 2005 Hendricks Study.

**BACKGROUND**

The current membership of the Civil Service Board ("The Board") consists of the following Annapolis City residents:

James R. Renfroe, Esquire, Chairman and member of the Board since 1990

Clifton Johnson, member of the Board since 1988

Sherry Yaniga, member of the Board since 1991

Joseph S. Rodowsky, member of the Board since 1993

Velma McCullough, member of the Board since 1995

All of the current Board members have been active on this Board for 10 years or more. As a result, this Board entered the review process of the current 2005 Hendricks Study with experience reviewing and implementing two previous City classification and compensation studies for the City of Annapolis (Yarger II, 1994-1995, and Hendricks 2000).

In 1999, the City submitted a request for proposal ("RFP") to conduct the 2000 classification and compensation study for the City of Annapolis. Numerous companies submitted request, which were reviewed by a panel consisting of the City's Purchasing Agent, Finance Director, Human Resources Director, and Chairman of the Civil Service Board. Upon a detailed review of all responses to the RFP, Hendricks and Associates was selected based on their comprehensive response to the RFP and their demonstrated years of experience conducting public sector classification and compensation studies within the Washington, D.C./Baltimore corridor, their comprehensive methodology in conducting such studies, as well as their extensive database of classification and compensation information for comparable jurisdictions. At the conclusion of the Study, a majority of the recommendations from Hendricks were submitted for consideration to the City Council and were fully implemented by the City administration and City Council in fiscal year 2001.

In 2004, the City submitted another RFP for bids for a second, follow up classification and compensation study due to the massive changes in the market within the past four years. Once again, Hendricks and Associates were selected based upon their response to the criteria listed in this second RFP. Based upon the documentation provided in the response, Hendricks was the most capable company to handle the City's request for a classification and compensation review. In fact, several area municipalities hired Hendricks between the completion of our study in 2000 and 2004, which enhanced their access to current and accurate data needed for an analysis of the City's classification and pay systems in 2004-2005.

The Board spent numerous hours outside of Board meetings, reviewing the written report from Mr. Hendricks, as well as over 160 individual job descriptions for the City's classification system. In addition, the Board attended 8 meetings with the City's Human Resources Department and spent hours reviewing all of the job descriptions with each Department Director and/or their designated staff. As the attached minutes of the 8 meetings will reflect, some of the departments returned to the Board a second or even a third time, to ensure a review of every job description. Each department director and/or their designated staff, had the opportunity to speak before the Board and provide any comments and make any requests regarding the outcome and/or implementation of the Hendricks 2005 study ("The Hendricks Study"). All meetings were open and Employees were also given an opportunity to address the Board regarding any issue associated with the results or implementation of the Hendricks Study.

City Employees and Department Directors were invited and encouraged from the very beginning of the process to get involved and be an integral part of this 2005 Hendricks Study by fully participating and completing either the Position Analysis questionnaire or modifying the current job description as outlined in a memorandum dated November 22, 2004. In addition, two meetings were held with each department director and Mr. Hendricks to discuss the concerns and goals of each department with respect to the study. One meeting was held prior to the completion of the

questionnaires/revised job description in December of 2004, and a second meeting was held in February of 2005 to go over the results of Mr. Hendricks' findings.

During the review process by the Board, commencing in September of 2005, many job descriptions were modified, language added or deleted to ensure that the written description accurately reflected the job duties of each classification as assigned. The Board spent a great deal of time streamlining the language, to avoid repetitiveness and ensure accuracy of language within each job description. Appropriate federal, state, and City of Annapolis rules and regulations were also considered and discussed during the review process, in order to verify that the language within each description adhered to all relevant laws. For example, the Board examined bona fide occupational qualifications, fair labor standards act requirements, the federal Americans with Disabilities Act and Equal Employment Opportunity Act issues, to ensure that the job description language was compliant with these designated laws. Other legal documents such as current collective bargaining agreements, City of Annapolis Code, City of Annapolis rules and regulations, departmental rules and regulations, and individual industry and certification standards for particular job classifications were also reviewed and considered for compliance within revised job descriptions.

Aside from the classification issues raised, the Board undertook testimony from department directors and employees regarding compensation issues such as salary and grade increases for individual job classification. Many directors and certain employees that came before the board provided statements regarding their reasoning for higher grades and higher salaries for certain classifications. The Board listened very carefully to each and every presentation, and deliberated on concerns raised. The Board also reviewed the process of the classification and compensation study to determine if these issues were raised or could have been raised, and if they were adequately considered during the study.

Mr. Hendricks' report recommended as of March 2005, a 10% increase to the overall civil service pay scale, a 5% increase in the Police pay scale, and a 4% increase in the Fire Department pay scale. In addition, the report recommended several grade increases to certain job classifications, some of which increased by two or more steps. The Board queried Mr. Hendricks regarding the individual grade increases and the process he used to determine the amount of grade increase for particular job descriptions. Mr. Hendricks provided a complete explanation to this inquiry in person at the December 16, 2005, meeting and in writing (see letter attached dated December 7, 2005.)

During Mr. Hendricks' appearances before the Board, questions also arose regarding market changes since March of 2005 and whether these changes affect the initial recommendation for pay plan increases. Mr. Hendricks responded that the market had changed from the time he issued his report to the City in March of 2005, and as a result, he adjusted the percentage increase by an additional 4%. These changes are significant in our consideration because many jurisdictions, like Annapolis, begin their fiscal year on July 1 of each year, and many salary changes (including cost of living adjustments) occur during transition from one fiscal year to the next.

Mr. Hendricks confirmed the 4% market adjustment in his final meeting with the Board on December 16, 2005, stating that since the City implemented a 3% COLA on July 1, 2005, the recommendations for each pay plan (Civil Service, Police, and Fire) would only increase by 1% from the March 2005 recommendation. Accordingly, he recommended an overall Civil Service pay plan increase of 11%, a Police pay plan increase of 6%, and a Fire pay plan increase of 5%.

Based upon the complete review of the Hendricks 2005 report, documentation, statements before the board, and correspondence provided by department directors and City employees as outlined above, the Board provides to the City Council the recommendations noted below.

### **RECOMMENDATIONS**

The Board has sufficient documentation to support the fact that each and every employee and department director/manager had a full opportunity to participate in this Hendricks 2005 classification study. Whether the findings and recommendations from Mr. Hendricks or this Board is in agreement or contrary to the opinion or desire of a department director or employee does not negate the fact that all had a full voice in this process.

The Board is of the opinion that it is vital that this process be conducted objectively. That is, personal opinions and desires must remain absent when evaluating the classification and compensation of job descriptions within City government. This goal is sometimes difficult to achieve, particularly when the process is conducted internally. Therefore, the Board commends the City in its decision to hire an outside specialist when performing this type of study. Objectivity is most closely achieved when the person rendering the decision has no personal stake in the outcome of where a particular job is placed in the grade scale. The only possible concern of the external specialist in this type of study is that the process be conducted objectively so that decisions can be supported and defended through the data collected and analyzed.

In review of the 2005 Hendricks Study, the Board attempted to undertake an inclusive philosophy. In giving every stakeholder a voice in the process, it prohibits allegations of exclusion and subjectivity with respect to the outcome of the study. We support the fact that by taking our time reviewing all documentation and allowing anyone who chose to speak before the board to do so, supports this inclusive philosophy.

As a result of the review, many job descriptions were modified in language at the request of department directors and employees (either before the Board or through their respective department leadership). Additional language changes within job descriptions were initiated and implemented by members of the Board. The final job descriptions that are attached to this report reflect all of the changes to each and every job classification within the City's civil service system as proposed by the Hendricks study, with the input

of Department Directors, employees, the Human Resources Department, and the Civil Service Board. The revised job descriptions reflect the most detailed and thorough review to date within the City's classification system.

Accordingly, the Board's first recommendation to the City Council is the adoption, by resolution, of the attached job description binder representing job descriptions for all classified personnel within the City of Annapolis government.

The Board also considered the compensation recommendations rendered by Mr. Hendricks in his 2005 report. There was much controversy over the compensation recommendations, particularly regarding those who felt either their grade was classified too low or that other classifications held by others were graded too high. The Board spent time going through Mr. Hendricks' report on compensation issues and following up with him on a series of questions regarding his reasoning behind compensation assignments. At the request of the Board, Mr. Hendricks addressed in writing, his reasoning behind some of the classifications that were challenged. The Board refers the Council to his letter dated December 15, 2005, and accepts Mr. Hendricks' recommendations with regard to compensation assignments as noted in his report.

The Board feels strongly that it will be difficult to please every employee in the City with respect to grade assignments. The Board looks to the process of how each grade assignment was given and whether the process was completed fairly and objectively. Once again, every department and employee had the opportunity prior to the review by this Board, to provide documentation to Hendricks and Associates, to support a grade increase. Mr. Hendricks is the one person that is capable of assessing, objectively, the justification for a grade increase for any of the City's classifications. He obtained all of the information from area jurisdictions regarding comparable salaries; he was able to look at each classification from a global perspective (area jurisdictions) and from an internal perspective, assessing how each position compared with the internal (City) universe and the external universe. The Board feels that it must rely on his objective data and analysis rather than input from a particular department that excludes this external data. Furthermore, we can accurately assume that the departments provided or had the opportunity to provide the same data to Mr. Hendricks for an objective consideration.

For the Board to step in at this time and change an individual compensation level at the request of a particular employee or department, without the opportunity to conduct a full and thorough investigation as done so by Mr. Hendricks would be unfair to the entire process and other classified employees. Moreover, by making changes to compensation levels of certain classifications based upon partial information would clearly disrupt the entire city-wide compensation system as proposed by Mr. Hendricks in his March 2005 report. The Board would simply be making a change in a compensation level without any support from external sources, jurisdictional comparisons, or the ability to analyze the requested change through the point factor system, as done so and explained in Mr. Hendricks' 2005 report.

It is therefore, the Board's recommendation that all compensation levels, including pay scale adjustments and upgrades, as recommended by Mr. Hendricks in his March 2005 report, be approved by the City Council through a resolution and/or ordinance, where necessary. These upgrades include the individual grade reclassifications noted in the report and on the affected job description, and the recommendation to increase the overall civil service pay scale by eleven percent (11%), increase the police pay scale by six percent (6%), and increase the fire pay scale by five percent (5%.)

The Board would like to note that each and every employee has the opportunity, pursuant to the City's personnel rules and regulations, to appeal the final decision of any classification or compensation change to the Human Resources Department. In the past, this process has been outsourced to a third party to objectively review such appeals to continue the internal philosophy of fairness and equity in these matters. We have been told by the Human Resources Department that this process will in fact occur for this study. The Board is convinced that this process is fair and equitable, and has had such a process demonstrated to be so in the past during the 2000 Hendricks Study. The Board is of the opinion that if they, or any other entity, begin to change City job descriptions without a documented, equitable process in place, everyone will appeal their classification with the hopes of a subjective increase in salary. Once again, the Board understands that everyone cannot be pleased in this process, but that the Board can insure that the process is fair. Objective consideration of salary changes to individual job classification is the only way the Board has found any study to end fairly and successfully.

Finally, the Board would like to strongly recommend to the Mayor and City Council to seriously evaluate the cost of living adjustment (COLA) for employees during each budget cycle to ensure that a comparable COLA is budgeted for all employees each fiscal year. By ensuring that the COLA awarded each year to all employees is comparable to the cost price index and/or COLA's awarded by area employers/competitors, the City can avoid having to conduct classification and compensation studies so frequently and thus avoid constant pay scale and classification adjustments. This recommendation is given based upon the past experience of all Board members in evaluating and rendering opinions regarding such studies over the last 10 or more years. The Board has found that if COLA's are implemented according to the market each year, the adjustments to pay scales and/or classifications occur less frequently, and on a case by case basis, depending upon market changes not related to cost of living adjustments (such as union negotiated changes, supply and demand of certain skills/professions, and significant changes in job duties/responsibilities.)

Accordingly, the City of Annapolis Civil Service Board renders its findings and recommendations as noted herein to the City Council for consideration and further action in accordance with the terms and conditions of the City Charter and Code, as well as any other resolutions/ordinances adopted.

Respectfully submitted,

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James R. Renfroe, Esquire  
Chairman  
Annapolis Civil Service Board

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Joseph Rodowsky  
Civil Service Board Member

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Velma Mc Cullough  
Civil Service Board Member

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Clifton Johnson  
Civil Service Board Member

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Sherry Yaniga  
Civil Service Board Member

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

August 25, 2006

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Joseph F. **RODOWSKY**

STAFF PRESENT: Kimla **MILBURN**, Director of Human Resources  
Teresa **MARSHALL**, Human Resources Department  
Barbara **HOPKINS**, Captain, Police Department  
Jeanne **COUGHLIN**, Chairperson, Employee Recognition Committee  
Linda **KLINE**, Employee Recognition Committee  
Mike **MIRON**, Economic Development  
Ruby **BLAKENEY**, Economic Development  
Danielle **MATLAND**, Director of Transportation

A quorum being present, the Chairperson called the meeting to order at 9:10 a.m.

**ISSUE BEFORE THE BOARD:** Create new position of Warrant Control/Records Supervisor in the Police Department

Ms. Milburn presented a copy of the proposed job description along with a written request from Chief Joseph Johnson that had been approved by Mayor Mayer, requesting that a civil service position of Warrant Control/Records Supervisor be added to the City classification table. She explained that the duties were previously performed by a sworn police officer that had recently retired. After discussion about the salary range, making minor spelling and grammatical changes to the job description, and receiving assurance that a vacancy announcement for the new position would be posted, the Board approved creation of the position.

**ISSUE BEFORE THE BOARD:** Changes to Employee Recognition Manual

The Board was presented with a printed excerpt from the current Employee Recognition and Reward Manual concerning longevity awards for City employees. A proposal was made, on behalf of the Employee Recognition Committee, that employees be granted an extra day of annual leave for each 5-year milestone, after 20 years of service and above, instead of receiving tangible awards such as plaques, etc. The Board approved the change to the manual, to take effect January 1, 2007.

**ISSUE BEFORE THE BOARD:** Job Description and Civil Service Status of Small/Minority Business Enterprise Coordinator in Economic Development

Ms. Milburn provided the Board with a copy of a page from the City's FY2007 budget whereby the position of Minority Business Enterprise Coordinator was funded as a full-time position. Ms. Milburn explained that the City Council had approved this funding and the Board was being asked to approve the job description provided, as well as its inclusion as a civil service position. After further discussion, the Board approved the description for the classification of Small/Minority Business Enterprise Coordinator with minor grammatical changes.

**ISSUE BEFORE THE BOARD:** Changes to the Annapolis Transit Drug and Alcohol Testing Policy

Ms. Matland spoke to the Board regarding the proposed changes to this policy. She explained that the revisions requested were the result of a recent audit by the Federal Transportation Authority, over and above those approved by the Board after a previous Maryland Transit Authority audit. The Board agreed that they could not contradict Federal regulations and therefore approved the revision. However, they did

suggest that the effective revision date be added as part of the document.

After all agenda items had been addressed, Mr. Renfroe asked Ms. Milburn about the status of the 2005 Hendricks study that the Board had approved at the end of 2005. He spoke for other members by stating that they were concerned, and anxious to know that their months of work on the Hendricks Study were not in vain. They would like to know if the Council intends to confirm or deny the results, and stated they would like to see further action with the study by the City Council.

The Board adjourned at approximately 10:10 a.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

copy: Board Members  
Mayor and Aldermen  
Affected Department Directors

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**March 28, 2008**

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **McCOLLOUGH**  
Joseph F. **RODOWSKY**

STAFF PRESENT: Kimla **MILBURN**, Director of Human Resources  
Marcia **PATRICK**, Assistant to the Director of Public Works  
James **FITZGERALD**, Water Plant Superintendent

A quorum being present, the Chairperson called the meeting to order at 9:05 a.m.

**ISSUE BEFORE THE BOARD:** New Job Description - Instrumentation Technician in the Department of Public Works

Ms. Milburn presented to the Board the draft of the new job description of Instrumentation Technician for review and approval. This new position will replace within the Civil Service System, the current job description of Lab Technician in the Public Works Department. As explained in Ms. Patrick's memorandum to Human Resources, the new job description is needed within the Water Plant in order to obtain a permanent employee to perform the needed repair and maintenance work on equipment. The current Lab Technician position is vacant and has been so for several months. Ms. Patrick confirmed that the Department will be able to save money by hiring a contractual employee to perform the duties of a Lab Technician, when needed. Ms. Patrick also confirmed that the funding for the new Instrumentation Technician is available in the current Public Works Budget.

After consideration and discussion of this request, the Board unanimously approved the placement of the Instrumentation Technician job description into the Civil Service system, to replace the Lab Technician position at a pay grade of 10. Further, the Board directed the posting and advertising of the new Instrumentation Technician position upon approval.

**ISSUE BEFORE THE BOARD:** Revised Rules and Regulations

Ms. Milburn reported that the final amendments to the revised City of Annapolis Rules and Regulations are being made to the draft and will be distributed to the Board for final approval this week.

The business meeting adjourned at approximately 9:15 a.m.

FOR THE BOARD:

\_\_\_\_\_  
JAMES R. RENFROE, Esquire  
Chairperson

copy: Board Members  
Mayor and Aldermen  
Public Works Director

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

August 18, 2008

**MEMBERS PRESENT:** Clifton A. **JOHNSON**, Acting Chairperson  
Anthony F. **CHRISTHILF**  
Roberto **VELOSO**  
Sherry **YANGIA**

**STAFF PRESENT:** Kimla **MILBURN**, Director of Human Resources  
Danielle **MATLAND**, Director of Transportation  
LeeAnn **PLUMER**, Director of Recreation & Parks  
Shaem **SPENCER**, City Attorney  
Lt. Brian **DELLA**, Police Department  
Rose Mary **BLOUIN**, Human Resources

A quorum being present, the Acting Chairperson called the meeting to order at 8:05 a.m.

Ms. Milburn introduced and welcomed the new members of the Civil Service Board, Mr. Anthony F. Christhif, Esquire and Mr. Roberto Veloso, Esquire.

**ISSUE BEFORE THE BOARD:** Request to Reclassify Transportation Parking/Grants Coordinator to Transportation Grants Specialist.

Ms. Milburn presented a memorandum from the Director of Transportation, Ms. Danielle Matland, requesting the separation of Parking and Grant duties within the department. The Grants Specialist is responsible for coordinating, preparing, submitting and following through to completion, grant applications. The Grants Specialist position will remain a full time Civil Service position while the Parking Coordinator position will revert to a contractual position. Funding is available for both positions in the fiscal year 2009 budget.

The Board unanimously approved this change with minor corrections to the job description.

**ISSUE BEFORE THE BOARD:** Request to place into Civil Service the position of Election/Boards and Commissions Administrator.

Ms. Milburn presented a memorandum from the City Attorney, Shaem Spencer, requesting the placement into the Civil Service, the position of Election/Boards and Commissions Administrator.

Mr. Spencer stated that this position has existed since the 1980's as a contractual Elections Administrator and that over time, as election laws and processes have been modified, this position has expanded in duties and responsibilities, requiring the need for more continuity and permanency. Also, the demands of the City's various Boards and Commissions require the need for additional administrative assistance. This position has been funded as a full time permanent position in the FY09 budget.

The Board unanimously approved this change with minor corrections to the job description.

**ISSUE BEFORE THE BOARD:** Status on Review by Office of Law on Revised Rules and Regulations.

With the departure of Mr. Spencer, he stated that the Assistant City Attorney, Ms. Williams will review and submit any recommendations to the Board in a timely fashion.

**ISSUE BEFORE THE BOARD:** Request to replace the vacant Recreation Leader I position at the Stanton Center with the new Civil Service position of Recreation Manager.

Ms. Milburn presented a memorandum from the Director of Recreation and Parks, LeeAnn Plumer, requesting the elimination of a vacant Recreation Leader I position at the Staton Community Center and to move the Recreation Manager position from contractual to Civil Service classification. The contractual salary is equivalent to a Grade 12 and the Civil Service classification would keep the Recreation Manager position the same salary grade.

The Board unanimously approved this change with minor corrections on the job description.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the position of Dance and Fitness Coordinator.

Ms. Plumer stated that this position has existed since 1981 and as the demand for dance and fitness programming continues to grow, without a permanent employee, the Department risks losing revenue for a well-respected program. The current contractual salary is \$29,000 per year and the proposed pay for this classification would remain at less than \$30,000 per year.

The Board unanimously approved this change with minor corrections on the job description.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the current contractual position of Hispanic Community Liaison.

Ms. Milburn presented a memorandum from Police Chief, Michael Pristoop, requesting the placement of Hispanic Community Liaison position into the Civil Service.

Lt. Della (on behalf of the Police Department) stated that this position interacts with the Hispanic community and the Police Department. This position is currently funded by a grant and will be submitted for full funding in FY10 with the proposed budget.

The Board unanimously approved this change with minor corrections to language in the job description.

The Board also recommended that a Hispanic Liaison-type position be created in the Human Resources Department for recruitment and staffing. This position would also conduct formal and informal educational programs for employees and the community; provide translation services to employees and the community; and would be available to all City departments.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the position of External Affairs Officer.

Ms. Milburn presented a memorandum from Police Chief, Michael Pristoop, requesting the need for a liaison between the Police Department and public at large. Lt. Della stated that this position would be responsible for planning, researching, preparation and dissemination of public information, news releases, public service announcements, and promotional and educational materials.

The Board unanimously approved this position with minor corrections to the job description.

**ISSUE BEFORE THE BOARD:** Request to remove the rank of Police Major and Police Captain from Civil Service status.

Ms. Milburn presented a letter from Police Chief, Michael Pristoop, requesting the removal of the rank of Police Major and Police Captain from the Civil Service

system.

Lt. Della stated that the Major position is currently filled by a contractual employee and that as of September 1, 2008, the last Captain will retire with no eligibility list for the Captain positions in place. Removing these positions from Civil Service status would enable the Police Chief to appoint Major or Captains from within or outside the agency.

As stated in Chief Pristoop's letter, modern, professional police departments generally structure top command positions in exempt status. Reclassification to Exempt status for Police Major and Police Captain will ensure greater accountability for performance.

After discussion, the Board unanimously approved these changes.

The meeting adjourned approximately at 9:43 am.

FOR THE BOARD:

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Clifton A. Johnson  
Acting Chairperson

cc: D. Matland  
L. Plumer  
S. Spencer  
M. Pristoop  
Board Members  
Mayor  
Aldermen

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

October 20, 2008

**MEMBERS PRESENT:** Clifton A. **JOHNSON**, Acting **Chairperson**  
Anthony F. **CHRISTHILF**  
Roberto **VELOSO**  
Sherry **YANGIA**

**STAFF PRESENT:** Paul **RENSTED**, Recruitment/Employee Relations  
Administrator, Human Resources  
Tira **KIMBO**, Training Administrator, Human Resources  
Lt. Brian **DELLA**, Police Department  
Michael **MALLINOFF**, Director, DNEP  
Marcia **PATRICK**, Assistant to PW Director  
Rose Mary **BLOUIN**, Human Resources

A quorum being present, the Acting Chairperson called the meeting to order at 8:03 a.m.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the position of Grants Coordinator – Police Department.

Lt. Brian Della stated that writing, managing and administering grants is currently assigned to various personnel throughout the Police Department. It is currently a contractual position with an annual salary of approximately \$62,000 which the Police Department would like placed in the Civil Service. After reviewing the job description, the Board recommended the job description be sent back to APD for some corrections and clarification to examples of work. They also would like a fiscal impact statement as well as a formal recommendation from the Human Resources Director. The position and supporting documentation should be re-submitted to the Board at the November 17, 2008 meeting.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the position of Sediment, Erosion and Sustainability Inspector.

Mr. Mallinoff stated that currently there are two positions; a contractual building inspector and a sustainability inspector. He wants to combine the two into one full time position with more emphasis on sustainability. The Board wants examples of work re-worded on the job description and replace the ADA section. The Board also wants recommendations from Finance and Human Resources. Resubmit at November meeting.

**ISSUE BEFORE THE BOARD:** Request to reclassify the position of Senior Property Maintenance Inspector.

Mr. Mallinoff stated that the scope and amount of work has increased. This position now enforces the International Property Maintenance Code which has been incorporated in the City Code and supervises four inspectors. The Board would like #3 under examples of work re-written, documentation that job grade is where it is suppose to be.

The Board approved this position with minor corrections to the job description.

Ms. Yaniga stated that she would have preferred to wait in order to ensure that the placement in grade was in the appropriate place based on Hendricks Study.

**ISSUE BEFORE THE BOARD:** Request to reclassify the position of Storm Water Management Engineer.

Mr. Mallinoff stated that during the Hendricks Study this position was contractual and was not reviewed by Hendricks. He also said that this was originally a function of Public Works and that positions with equivalent requirements in Public Works are at Grade 15. He stated that the Mayor and Finance Director support this change.

The Board approved this position with minor corrections to the job description.

**ISSUE BEFORE THE BOARD:** Request to adopt minor revisions to the job description for Public Works Maintenance Worker II position.

Ms. Patrick stated that minor revisions to the job description were needed. In order to have examples of work no longer include items that require a commercial drivers license, since such a requirement was not a part of the job description.

The Board unanimously approved the minor corrections to the job description.

**ISSUE BEFORE THE BOARD:** Immediate amendment to the City of Annapolis Personnel Rules and Regulations, Section 6-2 "Sick Leave", pursuant to recently enacted Maryland Law.

Mr. Rensted presented a memo from Kimla Milburn, Director of Human Resources explaining The Flexible Leave Act that became law in Maryland on October 1, 2008. As a result of this law, the current City policy must be modified to allow City employees to use any form of paid leave for the illness of an immediate family.

The Board wants wording for any leave category that the legislation may cover placed in the appropriate places in the Personnel Rules and Regulations. These categories would include annual leave, sick leave, and personal leave.

The Board requested that updated draft language be submitted for its review at the November meeting.

**ISSUE BEFORE THE BOARD:** Update on Samuel Cyrus matter.

Mr. Rensted stated that no court date has been set for his appeal.

**ISSUE BEFORE THE BOARD:** Update on Personnel Rules and Regulations.

Mr. Rensted stated that the Rules and Regulations have been forwarded by former Acting City Attorney Andreeze Williams to the new Acting City Attorney Steve Kling for his review. Mr. Kling indicated that he planned on presenting his feedback at the November meeting.

**ISSUE BEFORE THE BOARD:** Suggestions for Procedures on Establishing New Positions or Reclassify an Existing Position.

The Board presented suggestions for formal procedures for departments to follow when establishing a new position or reclassifying an existing position. The Board suggested having a conference call with Ms. Milburn to review these guidelines prior to the next meeting.

The meeting adjourned approximately at 9:35 a.m.

FOR THE BOARD:

\_\_\_\_\_  
Clifton A. Johnson  
Acting Chairperson

cc: Board Members  
Mayor  
Aldermen

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

December 15, 2008

**MEMBERS PRESENT:** Robert R. PENALOZA, Chairperson  
Anthony F. CHRISTHILF  
Roberto VELOSO  
Sherry YANGIA

**STAFF PRESENT:** Kimla MILBURN, Director of Human Resources  
Michael MALLINOFF, Director, DNEP  
Frank BIBA, Bureau Chief, Environmental Programs  
Rose Mary BLOUIN, Human Resources

A quorum being present, the Chairperson called the meeting to order at 8:15 a.m.

**ISSUE BEFORE THE BOARD:** Minutes of October 20, 2008 meeting were approved as amended.

**ISSUE BEFORE THE BOARD:** Request to place into the Civil Service the position of Environmental Compliance Inspector.

Mr. Mallinoff stated that the primary job responsibility is sediment and erosion control with construction background and education in a science-related field. He also stated that this job is funded in the current 2009 budget.

After consultation with Mr. Hendricks, Ms. Milburn stated that Mr. Hendricks is in agreement with pay grade and language of job description.

The Board approved this position.

**ISSUE BEFORE THE BOARD:** Request to reclassify the position of Senior Property Maintenance Inspector.

The Board accepted minor changes in the job description. Mr. Mallinoff and Ms. Milburn will consult with Mr. Hendricks regarding this position and update the Board at the next meeting.

**ISSUE BEFORE THE BOARD:** Update on the Rules and Regulations.

Ms. Milburn stated that the Rules and Regulations are still in the Office of Law for review. Mr. Kling will outsource if review can not be completed by January meeting.

**ISSUE BEFORE THE BOARD:** Placement of positions into Civil Service: Dance and Fitness Coordinator, Hispanic Community Liaison, External Affairs Officer, and Grants Coordinator.

Ms. Milburn stated that she met with the City Council in closed session regarding these positions. These positions will be presented to the City Council at their next meeting but the Grants Coordinator position will remain contractual.

**ISSUE BEFORE THE BOARD:** Amendment to the City of Annapolis Personnel Rules and Regulations regarding Flexible Leave Act.

After discussion, the Board agreed that a separate section for Flexible Leave be created, with the ability to add, define and/or clarify the language in the future.

**ISSUE BEFORE THE BOARD:** Update on Samuel Cyrus matter.

No court date has been set in Circuit Court for Anne Arundel County.

**ISSUE BEFORE THE BOARD:** Procedures on Establishing New Positions or Reclassifying an Existing Position.

Discussion continued regarding the need for procedures when establishing or reclassifying positions. Ms. Milburn suggested reviewing jobs once a year in conjunction with the budget process, and working with Mr. Hendricks to assist with compensation and classification issues.

There needs to be a written Policy and Procedure for Classifications. A form (Request for Authorizations to Establish or Reclassify a Position) should be attached to Policy and Procedures for Classifications. The Board would also like job descriptions to be more concise.

Ms. Milburn will provide to the Board a draft written Policy & Procedure along with a form for changes.

**ISSUE BEFORE THE BOARD:** Update on Bowen.

Ms. Milburn provided the Board with an update on the status of the Bowen case.

**ISSUE BEFORE THE BOARD:** Selection of Chairperson for the Board.

Members present unanimously selected Robert Penaloza as the new Chairperson for the Civil Service Board.

**ISSUE BEFORE THE BOARD:** The next meeting of the Civil Service Board is scheduled for Monday, January 26, 2009 at 8:00 a.m. in the Council Chambers.

The meeting adjourned approximately at 10:05 a.m.

FOR THE BOARD:

\_\_\_\_\_  
Robert R. Penaloza  
Chairperson

cc: Board Members  
Mayor  
Aldermen

**THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES**

**January 28, 2008**

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **McCULLOUGH**

STAFF PRESENT: Paul **RENSTED**, Recruitment/Employee Relations Administrator  
Michael **MIRON**, Economic Development Director  
Rose Mary **BLOUIN**, Human Resources Department  
Shaem C. **SPENCER**, City Attorney  
Anndreeze **WILLIAMS**, Assistant City Attorney  
Jerome W. **SMITH**, Fire Chief  
Douglas M. **REMALEY**, Deputy Fire Chief  
Richard **BUTLER**, Battalion Chief  
Mark M. **TULLY**, Fire Captain  
Richard H. **DU DEN**, Attorney

A quorum being present, the Chairperson called the meeting to order at 9:00 a.m.

**ISSUE BEFORE THE BOARD:** Reclassification of Economic Development Director to Economic Affairs Director.

Mr. Rensted stated that the position of Economic Affairs Director replaces Economic Development Director position. This position adds additional duties, to include working with the Economic Affairs Commission, which were mandated by City Council Ordinance No. 0-11-07 Revised C. Job class and pay grade would remain the same. After discussion, the new job description was approved.

**ISSUE BEFORE THE BOARD:** Appeal Hearing - Captain Mark Tully

Mr. Tully filed a complaint seeking the Board to review his "unsatisfactory" performance evaluation.

Mr. Spencer presented a Motion to Dismiss stating that there is no right of appeal to the Board for unsatisfactory performance reviews and accordingly this matter must be dismissed.

Mr. Duden, attorney for Captain Tully, presented his opposition to this Motion stating intolerable working conditions and disparate treatment.

A preliminary ruling by the Board agreed with the City, consistent with arguments, that the Board does not have jurisdiction to hear the merits of the case, and to dismiss this matter at this juncture.

The meeting adjourned at approximately 9:26 a.m.

FOR THE BOARD:

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JAMES R. RENFROE, Esquire  
Chairperson

cc: Board Members  
Mayor and Aldermen  
Department Directors

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

October 19, 2007

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MEMBERS PRESENT: James R. **RENFROE** - Chairperson  
Clifton **JOHNSON**  
Velma **McCOLLOUGH**  
Joseph F. **RODOWSKY**

STAFF PRESENT: Kimla **MILBURN**, Director of Human Resources  
Frank **BIBA**, Bureau Chief of Environmental  
Michael **MALLINOFF**, Director of DNEP  
Marcia **PATRICK**, Assistant to PW Director  
Rose Mary **BLOUIN**, Human Resources Department

A quorum being present, the Chairperson called the meeting to order at 9:05 a.m.

**ISSUE BEFORE THE BOARD:** Reclassification of Pre-Treatment Inspector to Environmental Program Coordinator, in the Department of Neighborhood and Environmental Programs

Mr. Mallinoff stated that the Pre-Treatment Inspector is an existing position in DNEP Department and he is requesting a change in the job description which needs to be amended to reflect current duties. DNEP intends to assign additional duties to the position: public education activities related to the City of Annapolis Recycling Program and oversight of the City's Energy Efficiency Initiatives which were mandated by City Council Resolution R-38-06. Job class and pay grade would remain the same. After discussion, the new job description was unanimously approved.

**ISSUE BEFORE THE BOARD:** Creation of new position, Public Works Analyst, in the Public Works Department.

Ms. Patrick spoke on this position and stated that position was approved as an enhancement for the FY08 budget. After discussion, the new position was unanimously approved with only grammatical changes to the description.

**ISSUE BEFORE THE BOARD:** Reclassification of Water Plant Technician I, II, III, in the Public Works Department (replaces Water Plant Journeyman 7413).

Ms. Patrick stated that this position was approved by the Civil Service Board during FY07. The Department of Public Works is requesting that a few modifications to the position description be reviewed and approved. These changes reflect both typographical errors and deviations from existing requirements. After discussion, the Civil Service Board unanimously approved the job description.

**ISSUE BEFORE THE BOARD:** Hendricks Study

The Board requested an update on the implementation of the Hendricks II Study. Ms. Milburn stated that the reclassifications from Hendricks II Study are in the final phase of implementation.

**ISSUE BEFORE THE BOARD:** Rules and Regulations of the Personnel System

The Board requested an update on the Rules and Regulations. Ms. Milburn stated that progress has been made on the edits and that two sections remain for additional work. The final version will be submitted to the Board at the next meeting.

The meeting adjourned at approximately 10:10 a.m.

FOR THE BOARD:

\_\_\_\_\_  
JAMES R. RENFROE, Esquire  
Chairperson

cc: Board Members  
Mayor and Aldermen  
Department Directors

# THE CITY OF ANNAPOLIS, MARYLAND CIVIL SERVICE BOARD MINUTES

August 17, 2009

**MEMBERS PRESENT:** Robert R. PENALOZA, Chairperson  
Anthony F. CHRISTHILF  
Clifton A. JOHNSON  
Roberto VELOSO  
Sherry YANGIA

**STAFF PRESENT:** Kimla MILBURN, Director of Human Resources  
Rose Mary BLOUIN, Human Resources  
Jerome Smith, Chief, Annapolis Fire Department

A quorum being present, the Chairperson, Mr. Penaloza, called the meeting to order at 8:04 a.m.

**ISSUE BEFORE THE BOARD:** New Position – Fire Administrative Specialist

Mrs. Milburn presented documentation from the Annapolis Fire Department regarding the reclassification of Administrative Office Associate. A report from Hendricks & Associates, Inc. recommended that a new position entitled Fire Administrative Specialist be established at Grade A12. After discussion, the Board unanimously approved the new position and job description.

**ISSUE BEFORE THE BOARD:** Update on Rules and Regulations of the Personnel System.

Mrs. Milburn stated that Resolution R-52-09 went before the City Council and was referred to the Rules Committee. Questions from the committee will be answered by the next committee meeting in September. Update at next meeting.

**ISSUE BEFORE THE BOARD:** Update Resolution R-22-09 – Section 6 (Flexible Leave)

Mrs. Milburn stated that the Resolution was approved by the City Council on May 22, 2009.

**ISSUE BEFORE THE BOARD:** Update on Reclassification of Senior Planner in Planning and Zoning Department.

Mrs. Milburn stated that the position has been filled. Mr. Arason, Department Director, will wait and perhaps request a change to the job description at a later date.

**ISSUE BEFORE THE BOARD:** Update on Classification Policy

Mrs. Milburn presented the final draft of the Classification Policy. After discussion and with minor changes to the Position Analysis Questionnaire (PAQ), the Board unanimously approved the policy.

**ISSUE BEFORE THE BOARD:** Update on Samuel Cyrus matter.

The City has received a written opinion from Circuit Court for Anne Arundel County on this matter. The Office of Law will appeal the Court's decision to the Court of Special Appeals.

**ISSUE BEFORE THE BOARD:** Update on Bowen matter.

Ms. Milburn stated that the first phase of the Bowen case is complete. Human Resources is now awaiting releases for phase two (retired police and fire who did not participate in the first phase).

The next meeting of the Civil Service Board will be scheduled as needed.

The meeting adjourned approximately at 9:40 a.m.

FOR THE BOARD:

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Robert R. Penaloza  
Chairperson

copy: Board Members  
Mayor  
Aldermen

THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES

April 18, 2011

**MEMBERS PRESENT:** Robert R. **PENALOZA**, Chair  
Anthony F. **CHRISTHILF**  
Roberto L. **VELOSO**

**EXCUSED:** Clifton A. **JOHNSON**  
Sherry M. **YANIGA**

**STAFF PRESENT:** Paul M. **RENSTED**, Acting Director of Human Resources  
**Tira R. KIMBO**, Human Resources  
Rose Mary **BLOUIN**, Human Resources  
Phill **MC GOWAN**, Mayor's Office  
Gail **SMITH**, Mayor's Office  
Paul **THORN**, MIT  
David **JARRELL**, Public Works  
LeeAnn **PLUMER**, Recreation and Parks

A quorum being present, the Chairperson, Mr. Penaloza, called the meeting to order at 8:00 a.m.

**ISSUE BEFORE THE BOARD:** Job Descriptions

After discussion with Department Directors and a review from Hendricks and Associates, Inc. regarding grade placement, the following positions were unanimously approved:

Digital Media & Marketing Administrator – Contractual to Civil Service  
GIS Coordinator – Contractual to Civil Service  
GIS Technician – Contractual to Civil Service  
MIT Support Analyst – Contractual to Civil Service  
Facilities Maintenance Engineer I and II – New Classification (Series of 2)  
(one: existing CS: one: contractual)  
Fleet Maintenance/Asset Forfeiture – New Classification  
Mobility & Parking Specialist – Contractual to Civil Service  
Community Health/Aquatics Supervisor – Contractual to Civil Service  
Facility Supervisor – Contractual to Civil Service  
Front Desk Supervisor – Contractual to Civil Service  
Marketing/Membership Coordinator – Contractual to Civil Service  
Harbormaster – Re-classification  
Harbormaster Administrative Coordinator – Re-Classification

**ISSUE BEFORE THE BOARD:** Policy for Contractual Employees

The Board reviewed the proposed changes from the City Council. After a discussion, the Board approved the policy with one change.

After approval by the City Council, this would be a standard policy within the Human Resources Department.

The next meeting of the Civil Service Board is scheduled for Monday, May 16, 2011 at 8:00 am in the Council Chambers.

The meeting adjourned approximately at 9:15 am.

FOR THE BOARD:

\_\_\_\_\_  
Robert R. Penaloza  
Chairperson

cc: Board Members  
Mayor  
Aldermen

THE CITY OF ANNAPOLIS, MARYLAND  
CIVIL SERVICE BOARD MINUTES

May 23, 2011

**MEMBERS PRESENT:** Anthony F. **CHRISTHILF**, Acting Chair  
Roberto L. **VELOSO**  
Sherry M. **YANIGA**

**EXCUSED:** Clifton A. **JOHNSON**  
Robert R. **PENALOZA**

**STAFF PRESENT:** Paul M. **RENSTED**, Acting Director of Human Resources  
Tira R. **KIMBO**, Human Resources  
Gary **ELSON**, Assistant City Attorney  
Debra **TUBAYA**, Parking Enforcement Officer Supervisor  
Roberta **POOLE**, Transportation Supervisor  
Richard **NEWELL**, Transportation Director  
Shelly **PARKER**, Transportation Specialist  
Tom **RAYMOND**, AFSCME, Local 3162

A quorum being present, the Acting Chairperson, Mr. Christhif, called the meeting to order at 9:00 a.m.

**ISSUE BEFORE THE BOARD:** Update on Policy for Contractual Employees

Mr. Rensted stated that the Policy for Contractual Employees (R-8-11 Amended) was approved by the City Council on May 9, 2011. A copy is attached.

**ISSUE BEFORE THE BOARD:** Job Description

Mr. Rensted presented requested language changes to the position description for Accountant – Finance Department. After minor changes, the Board unanimously approved the job description.

**ISSUE BEFORE THE BOARD:** Appeal Hearing – Sharon Y. Carter

For reasons stated in the accompanying Decision by Transcript, the appeal for dismissal of the three (3) day suspension is ordered and reduced to a two (2) work day suspension in consideration of the withdrawal of a portion of the original disciplinary action.

The meeting adjourned approximately at 11:45 a.m.

The next meeting of the Civil Service Board is scheduled for Monday, June 20, 2011 at 8:00 am in the Council Chambers.

FOR THE BOARD:

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Anthony F. Christhif  
Acting Chairperson

cc: Board Members  
Mayor  
Aldermen

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-13-12**

**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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	4/23/12		

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10 **A RESOLUTION** concerning

11 **Re-Organization of City Government: Merger of the Department of Neighborhood and**  
12 **Environmental Programs and the Department of Planning and Zoning**

13 **FOR** the purpose of expressing the sense of the Annapolis City Council regarding the merger  
14 of the Department of Neighborhood and Environmental Programs and the Department of  
15 Planning and Zoning into the new Department of Planning, Environment and Permitting  
16 (PEP).

17 **WHEREAS,** the Mayor's proposed operating budget for Fiscal Year 2013 proposes to  
18 merge the Department of Neighborhood and Environmental Programs and the  
19 Department of Planning and Zoning into the new Department of Planning,  
20 Environment and Permits (PEP); and

21  
22 **WHEREAS,** the creation of PEP would consolidate and improve internal coordination and  
23 accountability while elevating Environment as an equal to Planning and  
24 Permits; and

25  
26 **WHEREAS,** it is an acceptable practice in public sector management for a City Manager or  
27 his or her designee to serve as an interim Department Head for Departments  
28 that are part of a transition; and

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30 **WHEREAS,** the proposed organizational chart on Page 2 illustrates the conceptual idea for  
31 an organizational framework.

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# Proposed PEP Organization Chart



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**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Annapolis City Council supports the proposed merger of the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning into the new Department of Planning, Environment and Permitting (PEP).

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

Regina C. Watkins-Eldridge, MMC, City Clerk

Joshua J. Cohen, Mayor

### EXPLANATION

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

## **Policy Report**

### **R-13-12**

#### **Re-Organization of City Government: Merger of the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning**

The proposed resolution would express the sense of the Annapolis City Council regarding the merger of the Department of Neighborhood and Environmental Programs and the Department of Planning and Zoning into the new Department of Planning, Environment and Permitting (PEP).

Prepared by Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) and 410-263-1184.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-14-12**

**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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		
Public Safety	4/23/12		

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**AN ORDINANCE** concerning

**The Department of Emergency Preparedness and Risk Management**

**FOR** the purpose of establishing the Office of Emergency Preparedness and Risk Management in the Annapolis City Code; authorizing the Mayor to declare and terminate a local state of emergency; defining the powers granted to the Mayor and City Council during a local state of emergency; classifying violations as a misdemeanor punishable by fine and imprisonment; and, codifying the duties of the Office of Emergency Preparedness and Risk Management.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition  
Section 2.48.210  
Section 11.40.010  
Section 15.04.040

**BY** adding new the following portion to the Code of the City of Annapolis, 2011 Edition:  
Chapter 11.48

**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:

**Chapter 2.48 – BOARDS, COMMISSIONS AND COMMITTEES  
Article VII – Risk Management Committee**

**2.48.200 - Established.**

There is established a committee on safety, productivity and risk management, the official designation of which shall be the Risk Management Committee.

1 **2.48.210 - Composition.**

2 The Risk Management Committee shall consist of [the following members: the director of  
3 human resources, who shall be the chair; the Director of Finance, who shall be the vice chair;  
4 the Director of Public Works or the director's designated representative; the Chief of Police or  
5 the chief's designated representative; the Fire Chief or the chief's designated representative; the  
6 director of transportation or the director's designated representative, and other members as the  
7 Mayor, from time to time, designates.] BOTH AN OPERATIONS GROUP AND A POLICY  
8 GROUP THAT WORK IN TANDEM TO CREATE A CULTURE OF TRANSPARENCY BY  
9 MAKING INFORMATION AVAILABLE TO ALL EMPLOYEES AND ACCOUNTABILITY BY  
10 REPORTING COMPLETELY AND ACCURATELY. THE DIRECTOR OF THE OFFICE OF  
11 EMERGENCY PREPAREDNESS AND RISK MANAGEMENT SHALL LEAD THE  
12 OPERATIONS GROUP AND POLICY GROUP.

13 **2.48.220 - Duties.**

14 The Risk Management Committee shall:

15 A. Establish policy relating to the safety of City employees while on duty and the  
16 preservation and protection of City-owned property;

17 B. Review, evaluate and make recommendations pertaining to departmental personnel  
18 and property safety regulations, procedures and activities;

19 C. Report to the City Council by means of committee minutes the activities of the  
20 committee. These minutes shall include, but not necessarily be limited to, reports of injury  
21 to City employees while on duty, damage to or loss of City-owned equipment and property,  
22 and damage or loss claims filed against the City by other persons as a result of accident or  
23 injury;

24 D. Perform other duties as may be assigned to it by the City Council.  
25

26 **Chapter 11.40 - CURFEW.**

27 **11.40.010 - Proclamation by Mayor.**

28  
29 Whenever the Mayor determines that a public emergency exists within the City [because of war,  
30 threatened riot, fire, disease, civil disorder or threatened civil disorder, crime] PURSUANT TO  
31 THE DEFINITION OF PUBLIC EMERGENCY IN CHAPTER 11.48 OF THIS CODE or FOR  
32 other reasons necessitating the imposition of a curfew, the Mayor shall proclaim publicly a  
33 curfew and shall proclaim the hours and days during which the curfew shall be effective. During  
34 a curfew, a person may not be or remain upon any street, alley, park, playground, wharf, dock  
35 or other public ground, public place or public building. Any person found guilty of a violation of  
36 this section is subject to a fine, or imprisonment, or both as established by resolution of the City  
37 Council.  
38

39 **Chapter 15.04 - MANAGEMENT OF CITY WATERS**

40 **15.04.010 - Jurisdiction over vessels and persons aboard vessels.**

41 A. Every vessel located in or on City waters and the people aboard each vessel are subject to

1 City Code, Title 15.

2 B. Every person in or on City waters shall obey lawful orders of the Harbor[ ]Master in his  
3 enforcement of City Code, Title 15, including, but not limited to, orders to provide identification,  
4 evidence of citizenship, and documentation regarding the vessel, voyage, and identity of owner  
5 and crew; to pay for municipal slips and moorings; and to register with the Harbor[ ]Master.  
6 Refusal to comply with any lawful order of the Harbor[ ]Master, or failure to provide correct and  
7 current information, is a municipal infraction and is cause for the revocation of mooring or  
8 docking privileges, as well as the imposition of other sanctions prescribed by this title.

9

10 **15.04.020 - Jurisdiction over structures in City waters.**

11 The Harbor[ ]Master shall have the authority to enforce Title 15 as it relates to every structure,  
12 mooring and other device found anywhere in City waters.

13

14 **15.04.030 - Authority to issue orders affecting vessels.**

15 A. To provide for the orderly management of City waters, the Harbor[ ]Master may order the  
16 relocation of any vessel stored, anchored, berthed or moored in City waters if relocation is  
17 required to ensure public safety, to prepare the harbor for scheduled events or to facilitate and  
18 protect harbor operations. Upon a determination that it is necessary to relocate a vessel, the  
19 Harbor[ ]Master shall order the owner or operator to relocate the vessel, if the owner or operator  
20 is aboard the vessel, or in the immediate vicinity of the vessel. If a person fails to relocate a  
21 vessel as ordered by the Harbor[ ]Master, or if the owner or operator is not found in the  
22 immediate vicinity of the vessel, the Harbor[ ]Master or someone at his or her request may  
23 remove the vessel to a boat storage facility, or have the vessel relocated to a safe place of  
24 storage. If so removed, the Harbor Master shall notify the owner of the vessel of the new  
25 location of the vessel. The owner of the vessel is responsible for all costs and expenses  
26 associated with the towing and storage of a vessel.

27 B. A person who fails to comply with an order of the Harbor[ ]Master to relocate a vessel  
28 pursuant to this section is guilty of a municipal infraction.

29

30 **15.04.040 - Compliance with Harbor[ ]Master during a declared public emergency.**

31 A. During any public emergency declared by a City Public Safety Official, including, but not  
32 limited to Homeland Security Advisory [Condition Orange or Red], weather emergencies, fire  
33 emergencies, pollution incidents or threat conditions connected with the safety of any person,  
34 the Harbor[ ]Master may refuse any and all vessels entry into City waters, refuse or revoke  
35 docking, anchoring or mooring privileges, order the relocation of vessels, and carry out any  
36 instructions issued by the Director of THE OFFICE OF Emergency [Services] PREPAREDNESS  
37 AND RISK MANAGEMENT. As used herein, "public safety official" includes the Mayor, Fire  
38 Chief, Police Chief and Director of THE OFFICE OF Emergency [Management]  
39 PREPAREDNESS AND RISK MANAGEMENT.

40 B. It is unlawful for a person to fail to comply with an order of the Harbor[ ]Master made  
41 pursuant to this section. A violation of this section is a misdemeanor punishable by a fine or by  
42 imprisonment, or by both as established by resolution of the City Council.

43

1 **15.04.050 - Delegation of authority.**

2 During a period of absence, the Harbor[ ]Master may delegate his authority to another member  
3 of the Harbor[ ]Master's staff.

4  
5 **15.04.060 - Authority of Police to enforce laws in this title.**

6 A. A member of the Annapolis Police Department, and any duly appointed police officer of  
7 Anne Arundel County and the State of Maryland who have jurisdiction in the City of Annapolis  
8 by virtue of a memorandum of understanding or agreement, shall have authority to enforce Title  
9 15, including the power to arrest and issue citations for violations of Title 15.

10 B. The Department of Public Works may enforce the provisions of Title 15 which relate to  
11 permits issued by the Department of Public Works.

12 C. The Department of Neighborhood and Environmental Programs may enforce the  
13 provisions of Title 15 which relate to permits issued by the Department of Neighborhood and  
14 Environmental Programs.

15  
16 **15.04.070 - Appeal to the Board of Port Wardens.**

17 A person aggrieved by a final decision of the Harbor[ ]Master may appeal that decision to the  
18 Board of Port Wardens. An appeal shall be presented to the Board of Port Wardens in writing  
19 and be received by the board within ten days of the date of the Harbor Master's decision. This  
20 right to appeal does not apply to a municipal infraction citation.  
21

22 **SECTION II: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
23 **COUNCIL** that the Code of the City of Annapolis shall read as follows:

24  
25 **Chapter 11.48 EMERGENCY PREPAREDNESS AND RISK MANAGEMENT**

26  
27 **11.48.010 DEFINITIONS.**

28  
29 A. "CONTINUITY OF GOVERNMENT" OR "COG" IS THE PRESERVATION, MAINTENANCE,  
30 OR RECONSTITUTION OF THE GOVERNMENT'S ABILITY TO CARRY OUT ITS  
31 CONSTITUTIONAL AND STATUTORY RESPONSIBILITIES UNDER ALL CIRCUMSTANCES  
32 THAT MAY DISRUPT NORMAL OPERATIONS.

33 B. "CONTINUITY OF OPERATIONS" OR "COOP" PLANNING IS AN EFFORT TO ASSURE  
34 THAT THE CAPABILITY EXISTS TO CONTINUE ESSENTIAL AGENCY FUNCTIONS  
35 ACROSS A WIDE RANGE OF POTENTIAL EMERGENCIES.

36 C. "DIRECTOR OF THE OFFICE OF EMERGENCY PREPAREDNESS AND RISK  
37 MANAGEMENT" MEANS THE CITY OF ANNAPOLIS DIRECTOR OF THE OFFICE OF  
38 EMERGENCY PREPAREDNESS AND RISK MANAGEMENT. THE DIRECTOR OF THE  
39 OFFICE OF EMERGENCY AND RISK MANAGEMENT SHALL HAVE RESPONSIBILITY FOR  
40 THE DUTIES IN SECTION 2.48.290 OF THE CITY CODE – RISK MANAGEMENT  
41 RESPONSIBILITIES.

42 D. "EMERGENCY" MEANS THE THREAT OR OCCURRENCE OF:

43 1. A DROUGHT, FIRE, EARTHQUAKE, EXPLOSION, FLOOD, HIGH WATER, HURRICANE,  
44 LANDSLIDE, MUDSLIDE, SNOWSTORM, STORM, TIDAL WAVE, TORNADO, WIND-DRIVEN

- 1 WATER, OR ANY OTHER DISASTER IN ANY PART OF THE CITY THAT REQUIRES PUBLIC  
2 SERVICES IN ORDER TO SAVE LIVES OR PROTECT PUBLIC HEALTH, SAFETY OR  
3 WELFARE; OR  
4 2. AN ENEMY ATTACK, ACT OF TERRORISM, OR PUBLIC HEALTH CATASTROPHE.  
5 E. "EMERGENCY PREPAREDNESS" MEANS THE PREPARATION FOR AND CARRYING  
6 OUT OF PUBLIC SERVICES IN ORDER TO SAVE LIVES AND TO MINIMIZE AND REPAIR  
7 INJURY AND DAMAGE THAT RESULT OR MAY RESULT FROM EMERGENCIES.  
8 F. "LOCAL STATE OF EMERGENCY" MEANS A DECLARATION BY THE MAYOR MADE  
9 PURSUANT TO SECTION 11.48.030 OF THIS CODE.  
10 G. "MEMA ACT" MEANS THE MARYLAND EMERGENCY MANAGEMENT AGENCY ACT,  
11 SECTION 14-101 ET SEQ. OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND  
12 ANNOTATED CODE.  
13 H. "PUBLIC EMERGENCY" IS (1) A SITUATION IN WHICH THREE OR MORE INDIVIDUALS  
14 ARE AT THE SAME TIME AND IN THE SAME PLACE ENGAGED IN TUMULTUOUS  
15 CONDUCT THAT LEADS TO THE COMMISSION OF UNLAWFUL ACTS THAT DISTURB THE  
16 PUBLIC PEACE OR CAUSE THE UNLAWFUL DESTRUCTION OR DAMAGE OF PRIVATE  
17 OR PUBLIC PROPERTY; (2) A FIRE, CRISIS, DISASTER, RIOT, OR CATASTROPHE; (3) A  
18 CATASTROPHIC HEALTH EMERGENCY; OR, (3) AN ENERGY EMERGENCY.  
19 I. "CATASTROPHIC HEALTH EMERGENCY" MEANS A SITUATION IN WHICH EXTENSIVE  
20 LOSS OF LIFE OR SERIOUS DISABILITY IS THREATENED IMMINENTLY BECAUSE OF  
21 EXPOSURE TO A DEADLY AGENT AS DEFINED BY SECTION 14-3A-01 ET SEQ. OF THE  
22 PUBLIC SAFETY ARTICLE OF THE MARYLAND ANNOTATED CODE.  
23 J. "ENERGY EMERGENCY" IS A SITUATION IN WHICH THE HEALTH, SAFETY, OR  
24 WELFARE OF THE PUBLIC IS THREATENED BY AN ACTUAL OR IMPENDING ACUTE  
25 SHORTAGE IN ENERGY RESOURCES.  
26

27 **11.48.020 EMERGENCY PREPAREDNESS POWERS — MAYOR AND CITY COUNCIL.**  
28

- 29 A. IN THE AREA OF EMERGENCY PREPAREDNESS, THE MAYOR, OR ONE ACTING AS  
30 MAYOR, HAS THE POWER TO:  
31 1. APPOINT A DIRECTOR OF THE OFFICE OF EMERGENCY PREPAREDNESS AND RISK  
32 MANAGEMENT FOR THE CITY;  
33 2. ADOPT AND REVISE AN EMERGENCY OPERATIONS PLAN AND RELATED PROGRAMS  
34 AND PLANS TO RESPOND TO EMERGENCIES AFFECTING THE CITY;  
35 3. DECLARE A LOCAL STATE OF EMERGENCY PURSUANT TO SECTION 11.48.030 OF  
36 THIS CODE;  
37 4. AUTHORIZE CITY DEPARTMENTS TO RENDER MUTUAL AID TO AND REQUEST  
38 MUTUAL AID FROM OTHER JURISDICTIONS; AND  
39 5. EXERCISE OTHER POWERS NOT PRECLUDED BY LAW.  
40 B. THE CITY COUNCIL SHALL HAVE THE POWER TO RENEW A LOCAL STATE OF  
41 EMERGENCY, PURSUANT TO SECTION 11.48.030 OF THIS CODE, AND, IN ADDITION,  
42 SHALL HAVE THOSE EMERGENCY MANAGEMENT POWERS DELEGATED TO THE CITY  
43 COUNCIL BY THE GOVERNOR AND LEGISLATURE OF THE STATE OF MARYLAND.  
44 C. THE MAYOR, ONE ACTING AS MAYOR, OR THE CITY COUNCIL MAY REQUEST THE  
45 GOVERNOR TO PROVIDE THE MILITIA TO HELP BRING UNDER CONTROL CONDITIONS  
46 EXISTING WITHIN THE CITY THAT, IN THE JUDGMENT OF THE MAYOR, ONE ACTING AS  
47 MAYOR OR THE CITY COUNCIL RESPECTIVELY, THE CITY'S LAW ENFORCEMENT  
48 AGENCIES CANNOT CONTROL WITHOUT ADDITIONAL PERSONNEL AS PURSUANT TO  
49 SECTION 14-306 OF THE PUBLIC SAFETY ARTICLE OF THE MARYLAND ANNOTATED  
50 CODE.

1 D. THE MAYOR, OR ONE ACTING AS MAYOR, AND THE CITY COUNCIL, AFTER SEEKING  
2 ADVICE FROM THE ANNE ARUNDEL COUNTY HEALTH OFFICER, MAY ESTABLISH  
3 QUARANTINE REGULATIONS, AUTHORIZE THE REMOVAL OR CONFINEMENT OF  
4 PERSONS HAVING INFECTIOUS OR CONTAGIOUS DISEASES; AND PREVENT THE  
5 INTRODUCTION OF CONTAGIOUS DISEASES INTO THE CITY AS PURSUANT TO  
6 ARTICLE 23A, SUBTITLE 2(B)(15) OF THE MARYLAND ANNOTATED CODE.  
7

8 **11.48.030 STATE OF EMERGENCY — DECLARATION BY MAYOR.**  
9

10 A. WHEN THE MAYOR, OR ONE ACTING AS MAYOR, DETERMINES THAT AN  
11 EMERGENCY HAS DEVELOPED OR IS IMPENDING DUE TO ANY CAUSE, THE MAYOR,  
12 OR ONE ACTING AS MAYOR, MAY DECLARE BY WRITTEN ORDER THAT A LOCAL STATE  
13 OF EMERGENCY EXISTS IN THE CITY OF ANNAPOLIS.

14 B. THE LOCAL STATE OF EMERGENCY SHALL CONTINUE UNTIL THE MAYOR, OR ONE  
15 ACTING AS MAYOR, DECLARES BY WRITTEN ORDER THAT THE EMERGENCY NO  
16 LONGER EXISTS PROVIDED HOWEVER THAT THE LOCAL STATE OF EMERGENCY  
17 SHALL NOT CONTINUE OR BE RENEWED FOR LONGER THAN SEVEN (7) DAYS  
18 WITHOUT THE CONSENT OF THE CITY COUNCIL.

19 C. ORDERS DECLARING, EXTENDING AND TERMINATING A LOCAL STATE OF  
20 EMERGENCY SHALL BE GIVEN PROMPT AND GENERAL PUBLICITY AND FILED WITH  
21 THE CITY CLERK.  
22

23 **11.48.040 DECLARATION OF A STATE OF EMERGENCY — EFFECT.**  
24

25 A. THE DECLARATION OF A LOCAL STATE OF EMERGENCY ACTIVATES ALL  
26 APPLICABLE PROVISIONS OF THE CITY'S EMERGENCY OPERATIONS PLAN AND  
27 AUTHORIZES THE PROVISION OF AID AND ASSISTANCE UNDER THE EMERGENCY  
28 OPERATIONS PLAN.

29 B. DURING A DECLARED LOCAL STATE OF EMERGENCY, THE MAYOR, OR ONE ACTING  
30 AS MAYOR, IF HE OR SHE FINDS IT NECESSARY TO PROTECT THE PUBLIC HEALTH,  
31 WELFARE, OR SAFETY, MAY:

32 1. APPOINT AN INCIDENT COMMANDER.

33 2. IMPLEMENT ALL OR PART OF THE CITY'S CONTINUITY OF GOVERNMENT PLAN,  
34 CONTINUITY OF OPERATIONS PLAN, OR OTHER RELATED PROGRAMS AND PLANS;

35 3. DECLARE A CURFEW IN ALL OR ANY PART OF THE CITY PURSUANT TO SECTION  
36 11.40.010 OF THIS CODE;

37 4. AUTHORIZE THE USE OF CITY-OWNED PROPERTY BY ANY OTHER GOVERNMENTAL  
38 AGENCY OR PERSON DURING THE STATE OF EMERGENCY;

39 5. DIRECT THE HARBOR MASTER TO LIMIT ACCESS TO CITY WATERS OR ANY OTHER  
40 ACTION PROVIDED IN SECTION 15.04.040 OF THIS CODE; AND

41 6. TAKE SUCH OTHER AND FURTHER ACTIONS NEEDED TO PROTECT THE PUBLIC  
42 HEALTH, SAFETY AND WELFARE.

43 C. DURING A DECLARED LOCAL STATE OF EMERGENCY, THE DIRECTOR OF THE  
44 OFFICE OF EMERGENCY PREPAREDNESS AND RISK MANAGEMENT SHALL

45 1. COORDINATE THE ACTIVITIES OF CITY DEPARTMENTS IN ALL ACTIONS THAT SERVE  
46 TO PREVENT OR ALLEVIATE THE ILL EFFECTS OF THE IMMINENT OR ACTUAL  
47 EMERGENCY; AND

48 2. COORDINATE RECEIPT OF AID, SUCH AS RESPONSE PERSONNEL, EQUIPMENT, OR  
49 FACILITIES PROVIDED BY NEIGHBORING JURISDICTIONS TO CITY DEPARTMENTS, AS  
50 NEEDED.  
51

1 **11.48.050 PENALTIES.**  
2

3 A. IT IS UNLAWFUL TO VIOLATE ANY ORDER, RULE OR REGULATION ISSUED BY THE  
4 CITY OR BY ANY CITY OFFICER OR EMPLOYEE PURSUANT TO THE AUTHORITY OF THE  
5 MEMA ACT. A VIOLATION IS SUBJECT TO THE PENALTIES SET FORTH IN THE MEMA  
6 ACT.

7 B. IT IS UNLAWFUL TO VIOLATE ANY ORDER, RULE OR REGULATION BY THE CITY OR  
8 BY ANY CITY OFFICER OR EMPLOYEE ISSUED PURSUANT TO THE AUTHORITY OF THIS  
9 CHAPTER. A VIOLATION IS A MISDEMEANOR PUNISHABLE BY A FINE OR BY  
10 IMPRISONMENT, OR BY BOTH, AS ESTABLISHED BY RESOLUTION OF THE CITY  
11 COUNCIL.  
12

13 **11.48.060 EMERGENCY PREPAREDNESS DUTIES — LOCAL GOVERNMENT.**  
14

15 A. THE MAYOR, OR ONE ACTING AS MAYOR, IS RESPONSIBLE FOR PROVIDING  
16 STRATEGIC GUIDANCE AND RESOURCES DURING PREPAREDNESS, RESPONSE, AND  
17 RECOVERY EFFORTS. SPECIFICALLY, THE MAYOR, OR ONE ACTING AS MAYOR, IS  
18 RESPONSIBLE FOR:

19 1. ESTABLISHING STRONG WORKING RELATIONSHIPS WITH NEIGHBORING  
20 JURISDICTIONS' LEADERS, REGIONAL EMERGENCY MANAGEMENT GROUPS, CORE  
21 PRIVATE-SECTOR ORGANIZATIONS, VOLUNTARY AGENCIES, AND COMMUNITY  
22 PARTNERS IN ORDER TO COORDINATE WITH AND TRAIN WITH LOCAL PARTNERS IN  
23 ADVANCE OF AN INCIDENT AND TO DEVELOP MUTUAL AID OR ASSISTANCE  
24 AGREEMENTS FOR SUPPORT IN RESPONSE TO AN INCIDENT;

25 2. LEADING AND ENCOURAGING LOCAL LEADERS TO FOCUS ON PREPAREDNESS BY  
26 PARTICIPATING IN PLANNING, TRAINING, AND EXERCISES;

27 3. SUPPORTING PARTICIPATION OF THE OFFICE OF EMERGENCY PREPAREDNESS  
28 AND RISK MANAGEMENT, OTHER CITY DEPARTMENTS, AND THE PRIVATE-SECTOR IN  
29 LOCAL MITIGATION EFFORTS WITHIN THE JURISDICTION;

30 4. UNDERSTANDING AND IMPLEMENTING LAWS AND REGULATIONS THAT SUPPORT  
31 EMERGENCY PREPAREDNESS AND RESPONSE;

32 5. ENSURING THAT LOCAL EMERGENCY PLANS TAKE INTO ACCOUNT THE NEEDS OF  
33 THE JURISDICTION, INCLUDING PERSONS, THOSE PERSONS WITH SPECIAL NEEDS,  
34 PROPERTY, ECONOMIC ACTIVITIES;

35 6. ENCOURAGING RESIDENTS TO PARTICIPATE IN VOLUNTEER ORGANIZATIONS AND  
36 TRAINING COURSES; AND

37 7. WORKING CLOSELY WITH OTHER LEVELS OF GOVERNMENT IN MARYLAND AND THE  
38 UNITED STATES DURING LOCAL STATES OF EMERGENCY AND ON AN ONGOING BASIS  
39 REGARDING LOCAL PREPAREDNESS CAPABILITIES AND NEEDS.

40 B. THE MAYOR, OR ONE ACTING AS MAYOR, AND CITY COUNCIL ARE RESPONSIBLE  
41 FOR ENSURING THAT EMERGENCY PREPAREDNESS PROGRAMS ARE  
42 APPROPRIATELY RESOURCED AND THAT RESPONSIBLE AND EFFECTIVE LEADERS  
43 AND MANAGERS ARE APPOINTED OR HIRED TO DIRECT THOSE PROGRAMS.

44 C. THE DIRECTOR OF THE OFFICE OF EMERGENCY PREPAREDNESS AND RISK  
45 MANAGEMENT IS DIRECTLY RESPONSIBLE FOR THE ORGANIZATION,  
46 ADMINISTRATION, AND OPERATION OF THE OFFICE OF EMERGENCY PREPAREDNESS  
47 AND RISK MANAGEMENT. THE DIRECTOR SHALL ALSO HAVE THOSE EMERGENCY  
48 PREPAREDNESS POWERS DELEGATED TO THE DIRECTOR BY THE MAYOR OF THE  
49 CITY OF ANNAPOLIS AND/OR BY THE GOVERNOR OF THE STATE OF MARYLAND. THE  
50 DIRECTOR'S DUTIES INCLUDE GUIDING THE OFFICE OF EMERGENCY PREPAREDNESS  
51 AND RISK MANAGEMENT IN:

- 1 1. COORDINATING ALL COMPONENTS OF THE LOCAL EMERGENCY MANAGEMENT
- 2 PROGRAM, TO INCLUDE ASSESSING THE AVAILABILITY AND READINESS OF LOCAL
- 3 RESOURCES MOST LIKELY REQUIRED DURING AN INCIDENT AND IDENTIFYING AND
- 4 CORRECTING ANY SHORTFALLS;
- 5 2. COORDINATING THE EMERGENCY PLANNING PROCESS AND WORKING
- 6 COOPERATIVELY WITH OTHER LOCAL AGENCIES AND PRIVATE-SECTOR
- 7 ORGANIZATIONS;
- 8 3. COORDINATING DAMAGE ASSESSMENTS DURING AN INCIDENT;
- 9 4. COORDINATE THE PROVISION OF AID, SUCH AS RESPONSE PERSONNEL,
- 10 EQUIPMENT, OR FACILITIES TO NEIGHBORING JURISDICTIONS, AS NEEDED;
- 11 5. ADVISING AND INFORMING LOCAL OFFICIALS ABOUT EMERGENCY MANAGEMENT
- 12 ACTIVITIES DURING AN INCIDENT;
- 13 6. DEVELOPING AND EXECUTING PUBLIC AWARENESS AND EDUCATION PROGRAMS;
- 14 7. CONDUCTING EXERCISES TO TEST PLANS AND SYSTEMS AND OBTAIN LESSONS
- 15 LEARNED;
- 16 8. DEVELOPING MUTUAL AID AND ASSISTANCE AGREEMENTS; AND
- 17 9. INVOLVING THE PRIVATE SECTOR AND NONGOVERNMENTAL ORGANIZATIONS IN
- 18 PLANNING, TRAINING, AND EXERCISES.
- 19 D. CITY DEPARTMENT DIRECTORS SHALL COLLABORATE WITH THE DIRECTOR OF
- 20 THE OFFICE OF EMERGENCY PREPAREDNESS AND RISK MANAGEMENT IN THE
- 21 DEVELOPMENT AND IMPLEMENTATION OF LOCAL EMERGENCY PLANS AND THE
- 22 PROVISION OF KEY RESPONSE RESOURCES.
- 23 1. CITY DEPARTMENT DIRECTORS AND THEIR STAFF ARE RESPONSIBLE FOR
- 24 DEVELOPING PLANS AND TRAINING THEIR STAFF ABOUT INTERNAL EMERGENCY
- 25 POLICIES AND PROCEDURES TO MEET THEIR DEPARTMENT'S RESPONSE,
- 26 CONTINUITY AND RECOVERY NEEDS SAFELY.
- 27 2. DURING A LOCAL STATE OF EMERGENCY, CITY DEPARTMENT DIRECTORS SHALL
- 28 PROVIDE KEY RESPONSE AND CONTINUITY RESOURCES TO THE CITY AS REQUIRED
- 29 BY THE MAYOR AND THE DIRECTOR OF OFFICE OF EMERGENCY PREPAREDNESS
- 30 AND RISK MANAGEMENT.
- 31 3. CITY DEPARTMENT DIRECTORS SHALL PARTICIPATE IN INTERAGENCY TRAINING
- 32 AND EXERCISES TO DEVELOP AND MAINTAIN THE NECESSARY EMERGENCY
- 33 RESPONSE AND PREPAREDNESS CAPABILITIES.
- 34

35 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
 36 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

37 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

38 ATTEST: THE ANNAPOLIS CITY COUNCIL

39 BY \_\_\_\_\_  
 40 Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

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

## **Department Report**

**O-14-12**

### **The Department of Emergency Preparedness and Risk Management**

The proposed ordinance serves to clarify the emergency powers and duties of City officials by authorizing the Mayor to declare and terminate a local state of emergency and defining the powers granted to the Mayor and City Council during a local state of emergency, as well as codifying the duties and operations of the Office of Emergency Preparedness and Risk Management. In addition, O-14-12 stipulates that a violation of the ordinance's provisions is a misdemeanor, punishable by fine and/or term of imprisonment.

The proposed legislation updates and clarifies the emergency powers and duties of City officials, including the emergency preparedness duties of the Director of the Office of Emergency Preparedness and Risk Management (EPARM). The provisions of the legislation are drawn largely from Maryland State law (Public Safety Article, Maryland Annotated Code) and Federal guidelines (National Response Framework).

The proposed ordinance would also authorize the Director of the Office of Emergency Preparedness and Risk Management as the Chair of the Risk Management Committee defined in Section 2.48.200 of the Annapolis City Code.

Prepared by the City of Annapolis Office of Emergency Preparedness and Risk Management.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-16-12**

**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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		
Public Safety	4/23/12		

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**A RESOLUTION** concerning

**Amending Fines Schedule for Emergency Preparedness Violations**

**FOR** the purpose of revising the fines schedule for emergency preparedness violations.

**WHEREAS,** proposed ordinance O-14-12 amends the Code of the City of Annapolis by defining the powers granted to the Mayor and City Council during a local state of emergency; and

**WHEREAS,** O-14-12 directs the City Council to establish the fine and term of imprisonment for violation of the ordinance.

**NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the FY 2012 Fines Schedule is hereby amended as follows:

Section in Code	Section Name	Fine for Initial Offense	Fine for Repeat or Continuous Violations
11.48.050	EMERGENCY PREPAREDNESS VIOLATIONS	NOT TO EXCEED \$1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH	NOT TO EXCEED \$1,000 OR IMPRISONMENT NOT EXCEEDING 90 DAYS OR BOTH

23  
24  
25  
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29

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that this amendment shall take effect on the date of adoption of this resolution.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

1

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.

## **Department Report**

**R-16-12**

### **Amending Fines Schedule for Emergency Preparedness Violations**

The proposed resolution would revise the fines schedule to include emergency preparedness violations.

Prepared by the City of Annapolis Office of Emergency Preparedness and Risk Management.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-15-12**

**Introduced by: Alderman Israel and Alderman Arnett**

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	4/23/12		
Economic Matters	4/23/12		

8  
9 **A ORDINANCE** concerning

10 **Establishing Chapter 14.18 of the City Code on Special Events**

11 **FOR** the purpose of establishing Chapter 14.18 of the City Code on special events.

12 **BY** adding to the following portions of the Code of the City of Annapolis, 2011 Edition  
13 Chapter 14.18  
14

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

17 **CHAPTER 14.18 – SPECIAL EVENTS.**

18  
19 **14.18.010 - PURPOSE**

20 THE PURPOSE AND INTENT OF THIS CHAPTER IS TO ALLOW, BUT LIMIT, SPECIAL  
21 EVENTS IN THE CITY OF ANNAPOLIS, ESPECIALLY IN REGARD TO THE KIND AND  
22 NUMBER OF EVENTS IN THE AREA OF CITY DOCK.

23  
24 IT IS THE POLICY OF THE CITY OF ANNAPOLIS, AS IMPLEMENTED THROUGH RELATED  
25 ADOPTED POLICIES AND PROCEDURES AS ESTABLISHED HEREIN, TO RECOGNIZE  
26 THAT COMMUNITY BENEFITS MAY RESULT FROM SPECIAL EVENTS. SUCH SPECIAL  
27 EVENTS MAY PROVIDE CULTURAL ENRICHMENT, PROMOTE ECONOMIC VITALITY,  
28 ENHANCE COMMUNITY IDENTITY AND PRIDE, AND MAY PROVIDE OPPORTUNITIES  
29 FOR FUNDRAISING IN THE COMMUNITY. THE CITY ALSO RECOGNIZES THAT AN OVER-  
30 SATURATION OF SPECIAL EVENTS IN A SINGLE LOCATION CAN DISRUPT REGULAR  
31 BUSINESS, DISTURB LOCAL RESIDENTS, AND WORK AGAINST LONG RANGE  
32 ECONOMIC INTERESTS OF THE COMMUNITY.

33  
34  
35 **14.18.020 - DEFINITIONS**

- 1 A. CITY DOCK: CITY DOCK IS THE PUBLIC PROPERTY BETWEEN THE WATER IN THE  
2 HARBOR UP TO AND INCLUDING THE MARKET HOUSE. THE 2009  
3 COMPREHENSIVE PLAN DECLARES THIS PROPERTY TO BE THE CIVIC GATHERING  
4 PLACE FOR THE RESIDENTS OF ANNAPOLIS.  
5
- 6 B. HIGH IMPACT SPECIAL EVENT: A SPECIAL EVENT WHICH INVOLVES THE CLOSING  
7 OF ROAD(S), THE DISPLACEMENT OF PARKING, SALES BY VENDORS WHO  
8 COMPETE WITH NEARBY BUSINESSES AND/OR AMPLIFIED SOUND IS  
9 CONSIDERED A HIGH IMPACT SPECIAL EVENT.  
10
- 11 C. MEDIUM IMPACT SPECIAL EVENT: A SPECIAL EVENT WHICH DOES NOT INVOLVE  
12 THE CLOSING OF ROAD(S) OR THE DISPLACEMENT OF PARKING BUT DOES  
13 INVOLVE SALES BY VENDORS WHO COMPETE WITH NEARBY BUSINESSES  
14 AND/OR AMPLIFIED SOUND IS CONSIDERED A MEDIUM IMPACT EVENT.  
15
- 16 D. LOW IMPACT SPECIAL EVENT: A SPECIAL EVENT WHICH DOES NOT INVOLVE THE  
17 CLOSING OF ROAD(S), THE DISPLACEMENT OF PARKING, SALES BY VENDORS  
18 WHO COMPETE WITH NEARBY BUSINESSES AND/OR AMPLIFIED SOUND AND IS  
19 EXPECTED TO ATTRACT LESS THAN 200 INDIVIDUALS IS CONSIDERED A LOW  
20 IMPACT SPECIAL EVENT.  
21
- 22 E. SPECIAL EVENT: A SPECIAL EVENT IS A GATHERING ON CITY PROPERTY OR  
23 PROPERTY SUBJECT TO THE CITY'S CONTROL WHICH CAN REASONABLY BE  
24 EXPECTED TO ATTRACT AT LEAST 50 SPECTATORS AND/OR PARTICIPANTS. A  
25 SPECIAL EVENT INCLUDES A GATHERING WHICH IS NOT ON CITY PROPERTY OR  
26 PROPERTY SUBJECT TO THE CITY'S CONTROL BUT WHICH REQUIRES THE  
27 SERVICES OF POLICE OFFICERS OR OTHER CITY PERSONNEL.  
28
- 29 F. SPECIAL EVENTS COORDINATOR: THE SPECIAL EVENTS COORDINATOR IS A CITY  
30 EMPLOYEE WHO HAS BEEN DESIGNATED BY THE CITY MANAGER TO SERVE AS  
31 SPECIAL EVENTS COORDINATOR. THE SPECIAL EVENTS COORDINATOR HAS THE  
32 AUTHORITY TO ADMINISTER THIS CHAPTER. IN THE COURSE OF ADMINISTERING  
33 THIS CHAPTER, THE SPECIAL EVENTS COORDINATOR MAY PROMULGATE  
34 REGULATIONS WHICH TAKE EFFECT AFTER THEY HAVE BEEN ADOPTED BY THE  
35 CITY COUNCIL. UPON ADOPTION, SUCH REGULATIONS HAVE THE FORCE OF LAW.  
36  
37

38 **14.18.030 - SPACING AND SIZE OF EVENTS BY SIZE OF IMPACT**

- 39 A. LOW IMPACT SPECIAL EVENTS MAY OCCUR NO MORE FREQUENTLY THAN ONCE  
40 EVERY OTHER WEEK IN EACH WARD.  
41
- 42 B. MEDIUM IMPACT SPECIAL EVENTS MAY OCCUR NO MORE FREQUENTLY THAN  
43 ONCE A MONTH IN EACH WARD, WITH THE EXCEPTION OF WARD ONE. IN WARD  
44 ONE, A MEDIUM IMPACT SPECIAL EVENT MAY OCCUR NO MORE FREQUENTLY  
45 THAN ONCE A MONTH IN EACH BUSINESS DISTRICT EXCEPT FOR CITY DOCK AREA  
46 WHERE SUCH EVENTS ARE LIMITED APRIL THROUGH SEPTEMBER TO NO MORE  
47 THAN ONE WEEKEND EVERY OTHER MONTH. THIS ALLOWS FOR THE FIRST  
48 SUNDAY MONTHLY EVENTS ON WEST STREET AND ALLOWS FOR MARYLAND  
49 AVENUE AND WEST ANNAPOLIS TO DO MORE IF THEY SO CHOOSE. IT ALSO  
50 ALLOWS FOR WEEK-DAY MEDIUM IMPACT SPECIAL EVENTS.  
51

- 1 C. HIGH IMPACT SPECIAL EVENTS ARE LIMITED TO SIX (6) PER YEAR WITH NO MORE  
2 THAN THREE (3) AT CITY DOCK, AND NO MORE THAN ONE WEEKEND EVERY  
3 OTHER MONTH APRIL THROUGH SEPTEMBER.  
4

5  
6 **14.18.040 - EVENT PREFERENCE**

- 7 A. EVENTS THAT ARE REFLECTIVE OF ANNAPOLIS HISTORY, HERITAGE, AND  
8 CULTURE ARE FAVORED OVER OTHER TYPES OF EVENTS.  
9

- 10 B. EVENTS THAT REQUIRE FEW VENDORS OR USE LOCAL VENDORS ARE FAVORED  
11 OVER OTHER TYPES OF EVENTS.  
12

- 13 C. EVENTS THAT CAN OR DO REQUEST TO OCCUR IN AREAS OTHER THAN CITY  
14 DOCK ARE FAVORED.  
15

- 16 D. EVENTS THAT ARE NOT FOR PROFIT OR THAT CONTRIBUTE ALL EVENT  
17 PROCEEDS TO LOCAL CHARITIES OR ORGANIZATIONS ARE FAVORED.  
18  
19

20 **14.18.050 - PERMIT REQUIRED**

- 21 A SPECIAL EVENT MAY NOT BE HELD UNLESS THE SPECIAL EVENTS COORDINATOR  
22 HAS ISSUED A PERMIT FOR THE EVENT.  
23  
24

25 **14.18.060 - APPLICATION FOR PERMIT**

- 26 A. AN APPLICATION FOR A PERMIT SHALL BE SUBMITTED TO THE SPECIAL EVENTS  
27 COORDINATOR ON A FORM PRESCRIBED BY THE COORDINATOR.  
28

- 29 B. AN APPLICATION SHALL BE SUBMITTED:  
30

- 31 1. BEFORE THE END OF THE PRECEDING YEAR IN THE CASE OF A SPECIAL  
32 EVENT AT THE CITY DOCK.  
33 2. SIX (6) MONTHS BEFORE THE EVENT IN THE CASE OF A HIGH IMPACT  
34 SPECIAL EVENT AT A LOCATION OTHER THAN CITY DOCK.  
35 3. THREE (3) MONTHS BEFORE THE EVENT IN THE CASE OF A MEDIUM  
36 IMPACT SPECIAL EVENT AT A LOCATION OTHER THAN CITY DOCK.  
37 4. A MONTH BEFORE THE EVENT IN THE CASE OF A LOW IMPACT SPECIAL  
38 EVENT AT A LOCATION OTHER THAN CITY DOCK.  
39

- 40 C. THE APPLICATION SHALL INCLUDE, BUT NOT BE LIMITED TO, QUESTIONS  
41 CONCERNING:

- 42 1. THE NAME OF THE SPONSORING ORGANIZATION.  
43 I. LOCAL ADDRESS AND TELEPHONE NUMBER.  
44 II. NAME OF REPRESENTATIVE; TELEPHONE NUMBER AND E-MAIL  
45 ADDRESS OF THIS PERSON.  
46 III. IS THE ORGANIZATION INCORPORATED?  
47 IV. IS THE ORGANIZATION NOT FOR PROFIT OR FOR PROFIT?  
48 2. ON WHAT DATES, DAYS OF THE WEEK, AND HOURS WOULD THE  
49 SPECIAL EVENT OCCUR?  
50 3. WHAT IS THE PROPOSED LOCATION? IS THERE AN ALTERNATIVE  
51 LOCATION?

- 1 4. WHAT IS PURPOSE OF THE EVENT?
- 2 5. WOULD THERE BE ROAD CLOSURES? WHAT ROADS? HOW LONG?
- 3 6. WOULD PARKING SPACES BE PRE-EMPTED? IF SO, HOW MANY?
- 4 7. WOULD THERE BE AMPLIFIED SOUND?
- 5 8. WOULD THERE BE VENDORS? WHAT WOULD THEY SELL?
- 6 9. IF PERMITTED BY THE ALCOHOLIC BEVERAGE CONTROL BOARD WOULD
- 7 ALCOHOLIC BEVERAGES BE SOLD? SPECIFY BEER, WINE, AND/OR
- 8 LIQUOR.
- 9 10. WOULD THE PREMISES BE FENCED?
- 10 11. WOULD AN ADMISSION FEE BE CHARGED?
- 11 12. WOULD TEMPORARY STRUCTURES SUCH AS TENTS OR A STAGE BE
- 12 ERECTED?
- 13 13. DESCRIBE THE NOTICE OF THE EVENT TO BE GIVEN TO IMPACTED
- 14 RESIDENTS, BUSINESSES, AND EDUCATIONAL AND RELIGIOUS
- 15 INSTITUTIONS.
- 16 14. WOULD THERE BE PORTABLE TOILETS?
- 17
- 18

19 **14.18.070 - FEE**

20 A NON-REFUNDABLE APPLICATION FEE TO COVER THE EXPENSE OF PROCESSING  
21 THE SPECIAL EVENT APPLICATION SHALL BE SET BY RESOLUTION OF THE CITY  
22 COUNCIL.

23  
24  
25 **14.18.080 - PREFERENCES IN EVALUATING AN APPLICATION**

- 26 A. IN EVALUATING AN APPLICATION, PREFERENCE SHALL BE GIVEN TO EVENTS  
27 WHICH:
- 28 1. ARE SPONSORED BY LOCAL, NOT FOR PROFIT ORGANIZATIONS.
  - 29 2. DO NOT CHARGE AN ADMISSION FEE.
  - 30 3. ARE INTENDED TO ATTRACT RESIDENTS OF ANNAPOLIS AND ITS
  - 31 ENVIRONS AS WELL AS VISITORS.
  - 32 4. ENCOURAGE LOCAL TALENT, PERFORMERS, AND PARTICIPANTS.
  - 33 5. HAVE THE FINANCIAL RESOURCES TO REIMBURSE THE CITY FOR
  - 34 SERVICES RENDERED.
  - 35 6. ARE LIKELY TO HAVE THE LEAST DISRUPTIVE EFFECT ON RESIDENTS
  - 36 AND BUSINESSES.
  - 37
- 38 B. BY REGULATION, THE SPECIAL EVENTS COORDINATOR MAY ADOPT ADDITIONAL  
39 CRITERIA FOR EVALUATING AN APPLICATION. THE COORDINATOR MAY ALSO  
40 IMPOSE CONDITIONS IN ISSUING A PERMIT. SUCH CONDITIONS INCLUDE, BUT ARE  
41 NOT LIMITED TO, GIVING NOTICE OF THE EVENT TO AFFECTED RESIDENTS AND  
42 BUSINESSES, LIMITING THE HOURS DURING WHICH AMPLIFIED MUSIC MAY BE  
43 PLAYED, AND A PARKING PLAN IF PARKING SPACES ARE TO BE PRE-EMPTED.

44  
45  
46 **14.18.090 - SPECIAL EVENTS AT CITY DOCK**

- 47 A. FROM APRIL THROUGH SEPTEMBER, PERMITS MAY BE ISSUED FOR SPECIAL  
48 EVENTS AT CITY DOCK.
- 49 B. IN THE CASE OF HIGH IMPACT SPECIAL EVENTS AT CITY DOCK:
- 50 1. THE NUMBER OF SUCH PERMITS SHALL NOT EXCEED ONE PER MONTH.
  - 51 2. PERMITS SHALL NOT BE ISSUED FOR SUCCESSIVE WEEKENDS.

3. THE APPLICANT MUST DEMONSTRATE A UNIQUE CONNECTION TO THE CITY DOCK SO THAT IT IS SINGULARLY APPROPRIATE THAT THE EVENT BE HELD AT THIS SITE.

**14.18.100 - REVOCATION OF PERMIT**

AFTER DUE NOTICE AND A HEARING, THE SPECIAL EVENTS COORDINATOR MAY REVOKE A PERMIT FOR FAILURE TO ABIDE BY ONE OR MORE OF ITS CONDITIONS.

**14.18.110 - EXCEPTIONS**

THIS CHAPTER HAS NO APPLICATION TO PATRIOTIC AND CELEBRATORY EVENTS SPONSORED BY THE CITY, PARADES OF EDUCATIONAL INSTITUTIONS, AND THE ANNUAL BOAT SHOWS.

**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.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Policy Report**

**O-15-12**

### **Establishing Chapter 14.18 of the City Code on Special Events**

The proposed ordinance would establish a new Chapter of the City Code pertaining to special events. The proposed ordinance defines several categories of special events and creates numerical limits based on geography and impact. The proposed ordinance also outlines the information to be contained in the special event application permit and preferences for evaluation of special event application permits.

The proposed ordinance would exempt those applications for patriotic and celebratory events sponsored by the City, parades of educational institutions, and the annual boat shows.

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

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-16-12

4 Introduced by: Mayor Cohen  
5  
6  
7

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12		

8  
9 **AN ORDINANCE** concerning

10 **Distribution of Unsolicited Materials**

11 **FOR** the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis  
12 regarding the distribution of unsolicited materials.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 11.36.010

16  
17 **BY** adding to the following portions of the Code of the City of Annapolis, 2011 Edition  
18 Section 11.36.025  
19

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

22 **CHAPTER 11.36 – OFFENSES AGAINST PROPERTY.**

23 **11.36.010 - Advertising—Distribution in streets.**

24 No person shall distribute, or cause to be distributed, any pamphlets, dodgers, papers or other  
25 advertising matter upon or about the streets or alleys, or fasten, or cause to be fastened, the  
26 advertising matter to poles, or place, or cause them to be placed in or on automobiles. [This  
27 section does not restrict the distribution of advertising matter from house to house; provided,  
28 that it is so distributed that it will not be blown or cast into the street.]  
29

30 **11.36.025 – LITTERING – UNSOLICITED MATERIALS.**

31 NO PERSON SHALL DISTRIBUTE, OR CAUSE TO BE DISTRIBUTED, ANY UNSOLICITED  
32 MATERIALS UPON OR ABOUT THE STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL  
33 PROPERTY, OR PUBLIC RIGHTS OF WAY. THIS SECTION DOES NOT RESTRICT THE  
34 DISTRIBUTION OF UNSOLICITED MATERIALS (A) DELIVERED THROUGH THE U.S.  
35 POSTAL SERVICE, (B) DEPOSITED ON RESIDENTIAL OR COMMERCIAL DOOR STEPS,  
36 PORCHES, STOOPS OR (C) SECURED OR FASTENED THROUGH THE USE OF A DOOR

1 HANGER SO THAT THE MATERIALS WILL NOT BE BLOWN OR CAST INTO THE STREETS,  
2 ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY.  
3

4 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
6

7 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
8  
9

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

10  
11  
12  
13  
14  
15  
16

## **Policy Report**

**O-16-12**

### **Distribution of Unsolicited Materials**

The proposed ordinance would prohibit the distribution of unsolicited materials upon or about the streets, alleys, residential or commercial property, or public rights of way. The proposed ordinance would not restrict the distribution of unsolicited materials (a) delivered through the U.S. Postal Service, (b) deposited on residential or commercial door steps, porches, stoops or (c) secured or fastened through the use of a door hanger so that the materials will not be blown or cast into the streets, alleys, residential or commercial property, or public rights of way.

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

## HOUSING AND COMMUNITY DEVELOPMENT COMMITTEE

### RECOMMENDATION FOR ACTION

**March 19, 2012**

The Housing and Community Development Committee hereby submits to the City Council the following matter for the action indicated:

Allocation of FY 2013 Community Development Block Grant funding for Capital and Public Service Projects

The estimated total amount available to fund the City's Community Development Block Grant projects for FY 2013 is \$280,110. Of that amount, \$212,110 is the city's FY 2013 estimated entitlement grant from HUD and \$68,000 is from a canceled project. Proposals for capital and community service projects were presented to the Housing and Community Development Committee at a public hearing on February 6, 2012 (proposals are summarized in the attached). At special meeting of the Committee on March 12, 2012, the **Committee voted to recommend the allocation of funds as shown on the attached worksheet.**

**RECOMMENDATION: Approve the Housing and Community Development Committee's allocations of CDBG funds to capital and service projects as voted on March 12, 2012.**

CITY OF ANNAPOLIS  
DEPARTMENT OF PLANNING AND ZONING

Community Development Division  
CDBG APPLICATIONS FY 2013  
March 29, 2012

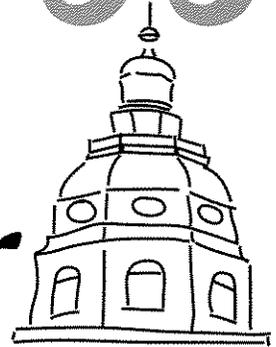
Scenario 2

Allocation	\$212,110
Program Income	\$0
Canceled Projects	\$68,000
<b>Total</b>	<b>\$280,110</b>

ORGANIZATION	DESCRIPTION	REQUESTED	RECOMMENDED
<b>PUBLIC SERVICE PROJECTS</b>			
Light House Shelter	Case Management	\$10,000	\$3,550
AA Co Community Action Agency	Housing Counseling	\$10,000	\$4,000
AA Co Community Action Agency	Annapolis Youth Services Bureau	\$10,000	\$2,200
ARC	Family Support	\$5,000	\$0
Center of Help/ Newtowne CDC	Referral and Information Microenterprise	\$15,000 \$35,000	\$6,000 \$0
OHLA	Referral and Information	\$5,000	\$1,650
OIC	Job Preparation Training	\$20,000	\$9,000
Restoration Community Dev. Corp.	Reconnecting Youth	\$20,000	\$9,000
Volunteer Center	Mentoring Coordination	\$20,725	\$7,000
		<hr/>	
		\$150,725	\$42,400
<b>CAPITAL PROJECTS</b>			
ARC	Facility Rehab	\$13,780	\$13,780
Community Health Center	Health Facility Rehb	\$70,000	\$70,000
Arundel Lodge	Facility Rehab	\$20,385	\$20,385
Housing Rehabilitation	Owner Occupied Rehab.	\$200,000	\$133,545
	Subtotal	<hr/>	
		\$304,165	\$237,710
	<b>GRAND TOTAL</b>	<b>\$454,890</b>	<b>\$280,110</b>

*Celebrating who we are and what we do*

FIRST ANNUAL  
**Annapolis**  
**CITY FAIR**



**ANNAPOLIS CITY DOCK**

*A fun-filled weekend for all*

**SATURDAY, MAY 5 10 – 6 PM**  
**SUNDAY, MAY 6 NOON – 6 PM**



Children's Activities • Classic Boats and NOAA Research Vessel • Local Performers •  
Fire Department • City Services • Social Service Organizations • Schools •  
Cultural Institutions • Neighborhood Associations • Environmental Groups



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